City of Auburn

Draft Zoning Update

August 2017

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Chapter 305: Zoning Ordinance

HISTORY.

Adopted by the City Council of the City of Auburn 12-30-1992. Amendments noted where applicable.

GENERAL REFERENCES.

Building Construction and Fire Prevention – *see Chapter 125.*

Business Improvement Districts – *see Chapter 129.*

Flood Damage Prevention – *see Chapter 169.*

Historic Preservation – *see Chapter 178.*

Planning and Subdivision – *see Chapter 225.*

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Article 1 | General Provisions

§ 305-1 Short Title

This Chapter shall be known and cited as the "City of Auburn Zoning Ordinance."

§ 305-2 Purpose

This Chapter is adopted in accordance with a Comprehensive Plan which is designed to promote public health, safety and welfare, and to accomplish such purposes this Chapter is enacted to implement:

A. Building Regulations.

These regulations limit the height, bulk and location of buildings hereafter erected, standardize the area of yards, courts and other open spaces, and determine the density of population in any given area and for said purposes to divide the City into districts. Such regulations shall be uniform for each class of buildings throughout any district, but the regulations in one or more districts may differ from those in other districts. Such regulations shall be designed to secure safety from fire, flood and other dangers and to promote the public health and welfare, including, so far as conditions may permit, provision for adequate light, air, convenience of access, and the accommodation of solar energy systems and equipment and access to sunlight necessary therefor, and shall be made with reasonable regard to the character of buildings erected in each district, the value of land and the use to which it may be put, to the end that such regulations may promote public health, safety and welfare and the most desirable use for which the land of each district may

be adapted and may tend to conserve the value of buildings and enhance the value of land throughout the City.

B. Land Use Regulations.

Regulate and restrict the location of trades and industries and the location of buildings designed for specified uses and for said purposes to divide the City into districts and to prescribe for each such district the trades and industries that shall be excluded or subjected to special regulation and the uses for which buildings may not be erected or altered. Such regulations shall be designed to promote the public health, safety and general welfare and shall be made with reasonable consideration, among other things, of the character of the district, its suitability for particular uses, the conservation of property values and the direction of building development, in accord with a well-considered plan.

§ 305-3 Applicability and Scope

A. Territorial Applicability.

This Chapter shall apply to all lands, structures, and uses within the corporate limits of the City of Auburn.

B. General Applicability.

All buildings and structures hereafter erected or placed, and all uses of land or buildings or structures hereafter established, all structural alterations or relocations of existing buildings or structures and all enlargements or relocations of existing uses shall be subject to the regulations of this Chapter. Existing buildings, structures, and uses which do not comply with the regulations of this Chapter shall be allowed to continue subject to the provisions of this Chapter relating to nonconformities*. [1]*

[1]: Editor's Note: See Article 7 | Nonconformities.

C. General Prohibition.

No building or structure, no use of any building, structure or land, and no lot now or hereafter existing shall hereafter be established, altered, moved, divided, or maintained in any manner except as authorized by the provisions of this Chapter.

D. Exceptions.

Routine maintenance of existing structures and the following essential utility uses are exempt from the provisions of this Chapter: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves or any other similar equipment, but not including substations located on or above the surface of the ground, for the distribution to consumers of telephone, cable television or other communications, electricity, gas or water or for the collection of sewage or surface water.

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E. Private Agreements.

This Chapter is not intended to abrogate, annul or otherwise interfere with any easement, covenant or other private agreement or legal relationship; provided, however, that where the regulations of this Chapter are more restrictive or impose a higher standard than such easements, covenants, or other private agreements or legal relationships, the regulations of this Chapter shall govern.

§ 305-4 Misrepresentations

Any permit or approval granted under this Ordinance based upon or granted in reliance upon any material misrepresentation, or failure to make a material fact or circumstance known, by or on behalf of an applicant, shall be void. This Section shall not be construed to affect all the other remedies available to the City under this Ordinance.

§ 305-5 Complaints of Violations

Whenever a violation of this Ordinance is alleged to have occurred, any person may file a written complaint in regard thereto. All such complaints shall be filed with the Planning Department. The Planning Department shall investigate such complaints and report the results of the investigation and any prosecution of violations to the City Council.

§ 305-6 Repealer

Chapter 305 of the Code of the City of Auburn as adopted on March 28, 1991, and as amended thereafter prior to the adoption of this comprehensive revision be and it is hereby repealed in its entirety.

§ 305-7 Severability

The several provisions of this Chapter shall be separate, and if any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid such judgment shall not affect any other provision of this Chapter. Furthermore, if any court of competent jurisdiction shall adjudge the application of any provision of this Chapter to a particular property such judgment shall not affect the application of said provision to any other property.

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Article 2 | Definitions

§ 305-8 Applicability

A. Interpretation.

When interpreting this Chapter, the following definitions shall apply:

1. Words defined by the New York State Uniform Fire Prevention and Building Code, as enforced by the City of Auburn by the authority of *Chapter 125* of the Municipal Code, shall have the same meaning and interpretation when used in this Chapter.

2. Words not defined within the text of this Chapter or the New York State Uniform Fire Prevention and Building Code shall be assumed to have a meaning of standard usage.

3. Words defined below.

§ 305-9 Definitions

ABANDONED

The lawful use of any structure or land having ceased for a period of twelve (12) consecutive months or longer shall be termed abandoned.

ACCESSORY DWELLING UNIT

A dwelling unit that is permitted with limitations in conjunction with a principal permitted use.

ACCESSORY STRUCTURE

A structure customarily incidental and subordinate to the principal structure on the property and is physically detached from the principal building. Including: play structures, garages, sheds etc.

ACCESSORY USE

A use customarily incidental and subordinate to the principal use on the property and is physically detached from the principal building.

ADULT USE BUSINESSES

Any establishment or business involved in the dissemination of material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, including by not limited to adult bookstores, adult motion-picture theaters, adult entertainment cabarets and adult mini-motion-picture theaters. Furthermore, for purposes of this Ordinance an adult massage parlor, private modeling establishment and steam bath establishment shall be considered to be an “ADULT USE BUSINESS” covered by this Ordinance.

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AGRICULTURE

The use of land, buildings, structures, equipment, manure processing and handling facilities, and farming practices which contribute to the production, preparation and marketing of crops, livestock and livestock products as a commercial enterprise or a hobby, and including commercial horse boarding operations as defined in the *Agriculture and Markets Law Article (AML) 25-AA, Section 301*. This includes, but is not limited to the following: orchards and vineyards, vegetable crops, hops, greenhouse/nursery production of horticultural and floriculture crops, greenhouse vegetable production, harvested agronomic crops (corn, soybeans, small grains), hay and pasture, livestock and poultry raised for food and fiber, and animals raised for recreation or sale (e.g. horses, alpaca/llama), beekeeping, aquaculture (fish production), silviculture (timber, firewood), agroforestry (forest farming) including maple, energy production including energy from manure or biomass crops.

AGRICULTURAL PROCESSING PLANT

A building, facility, area, open or enclosed, or any location for the refinement, treatment, or conversation or agricultural products where physical, chemical, or similar change of an agricultural product occurs. Examples of agricultural processing include but are not limited to packing houses, cold storage houses, fruit dehydrators, hulling operations, and the sorting, cleaning, packing and storing of agricultural products preparatory to sale and/or shipment in their natural form, including all uses customarily incidental thereto. Agricultural processing shall not include wineries or commercial manufacturing of secondary products using agricultural products, such as kitchens, bakeries, breweries, woodworking and wood processing plants, or biofuel processing.

ALLEY

A narrow service street or passage less than twenty-two (22) feet between properties or buildings.

ALTERATION

Any change, rearrangement or addition to or any relocation or a building or structure; any modification in construction or equipment.

ANIMAL HOSPITAL

A facility providing animal medical care and crematorium services, run by a licensed Doctor of Veterinary Medicine (DVM). Animal hospitals may allow overnight animal patients, but are not boarding facilities.

ANTENNA

A system of electrical conductors that transmit or receive radio frequency waves. Such waves shall include but not be limited to radio navigation, radio, television and microwave communication. The frequency of these waves generally range from ten (10) hertz to 300,000 megahertz.

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APARTMENT BUILDING

A purposefully designed and built structure containing two or more apartments. Such structure may be the result of adaptive reuse and complete rehabilitation of a non-residential building.

APARTMENT COMPLEX

More than one (1) apartment building, divided into three (3) or more apartments, designed or used solely for residential purposes, detached from one another and grouped together on a single parcel.

ARTERIAL STREETS AND HIGHWAYS

Those ways used primarily for fast or heavy traffic generally having a right-of-way width of 80 to 120 feet.

ARTIST STUDIO

A place where artists, artisans, craftsmen and skilled tradespeople produce custom-made art or craft products, where they teach such skills, and/or where they sell such art or products.

AUTO WRECKING

The dismantling or disassembling of used motor vehicles or trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

AUTO WRECKING YARD

A facility including buildings and land area where auto wrecking occurs.

AWNING

An ornamental roof-life protective cover over a door, entrance, window or sidewalk dining area that projects from the face of a structure and is constructed of durable materials, including but not limited to fabrics and/or plastics.

BAKERY, COMMERCIAL / WHOLESALE

An establishment engaged in the preparation and production of baked goods for transport and sale off site. The limited retail sale of baked goods may occur as an incidental or accessory use.

BAKERY, RETAIL

A commercial establishment engaged in the preparation and production of baked goods for direct sale to the general public.

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BAR

An establishment primarily engaged in the sale and service of alcoholic beverages for on-premises consumption during any period of the day as permitted by law. Such an establishment is subject to the regulatory authority of the New York State Liquor Authority. The incidental sale or provision of food or snacks shall not entitle such as a use to be considered a restaurant under other provision of this Ordinance.

BED-AND-BREAKFAST

A bed-and-breakfast is an accessory use of an owner-occupied dwelling used for providing overnight accommodations and a morning meal to not more than ten (10) transient lodgers, and containing not more than five (5) bedrooms for such lodgers.

BERM

An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.

BREW PUB

A brew pub allows for the brewing of beer on-premises, as well as on-premises sale of liquor, wine, and beer. A brew pub license holder must have a bonafide restaurant, and may have up to five separate locations. In accordance with New York State's Alcoholic Beverage Control (ABC) Law, brew pub license holders may produce up to 5,000 barrels of beer per location per year, not to exceed an annual total of 20,000 barrels across all locations. (Barrel: 31 US gallons.)

BREWERY

A commercial establishment for the manufacturing of malt liquors, such as beer and ale. When located on a single site, this definition shall include all activities associated with the preparation of raw materials, the manufacture of product, and its packaging and distribution.

BUFFER

A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other and/or to protect wildlife habitats, wetlands, stream corridors and other significant environmental features.

BUILDING COVERAGE

The maximum ratio obtained by dividing the ground floor area of all principal and accessory buildings on a lot by the total area of the lot upon which the buildings are located (including covered porches, carports and breezeways but excluding open patios).

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BUILDING HEIGHT

The vertical distance of a building measured from the curb level to the ceiling of the uppermost story. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard (a roof with a double pitch on all sides) roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING PERMIT

A building permit issued by the City based upon plans that comply with all applicable codes, statutes, laws, rules, regulations and necessary approvals.

BUILDING SITE

That portion of the lot or parcel of land upon which a building and appurtenances are to be placed or are already existing, including adequate areas for yards, setbacks, sewage disposal, clearances, proper drainage, appropriate easements, and, if applicable, the requirements of other Chapters of the City of Auburn Zoning Ordinance.

BUILDING, ACCESSORY

A subordinate Structure, the use of which is customarily incidental to that of the Principal Building, and located on the same Lot as the Principal Building.

BUILDING, MIXED-USE

Refer to MIXED-USE BUILDING.

BUILDING, PRINCIPAL

A building in which is conducted the main use of the lot on which said building is located.

BUILDING, OFFICE

Refer to OFFICE BUILDING.

CANOPY

A multi-sided overhead structure or architectural projection supported by attachment to a building on one or more sides.

CEMETERY

Land used or intended to be used for the burial of deceased human beings and dedicated for such purpose, including crematories, mausoleums or mortuaries when operated within its boundaries.

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CERTIFICATE OF APPROPRIATENESS

An approval of any plans for alteration, construction, removal or demolition of a historic structure of site within a historic district.

CERTIFICATE OF COMPLIANCE

Official certification from the Code Enforcement Officer acknowledging an acceptable use of land or structure in accordance with this Ordinance.

CERTIFICATE OF OCCUPANCY

Official certification that a premises conforms to the provision of the Zoning Ordinance, Building Code, and other applicable regulations, and may be used or occupied.

COMMERCIAL KITCHEN

An establishment where space is leased or otherwise shared by individuals for short periods of time to process, typically only in small quantities and only periodically, the food that they grow or produce, primarily for purposes of selling or distributing off –site. The facility shall satisfy the requirements of the Cayuga County Health Department for the preparation of food that will be sold or distributed to the public.

COMMERCIAL MESSAGE or COMMERCIAL SPEECH

Any wording, logo or other visual representation that draws the public's attention to a particular product to promote the product's advertisement and/or sale. For the purpose of this Article, the presence of an economic motivation by the speaker shall be non-determinative evidence that the expression constitutes commercial speech.

CONFERENCE / CONVENTION CENTER

A large building designed to accommodate the gathering of individuals and groups to promote and share a common interest. These uses typically offer sufficient floor area to accommodate several hundred or thousands of attendees, and may offer separate spaces such as concert halls, lecture halls, meeting and conference rooms.

CONTRACTOR'S YARD

An enclosed parcel of land, structure(s) or a combination thereof used for the storage of machinery, equipment and non-hazardous materials required for construction.

CONVERSION

A change in residential occupancy of a building, generally by alteration or by other reorganization as to increase the number of families or dwelling units in a structure.

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CULTURAL USE FACILITY/MUSEUM

Any building, room or area designed or utilized primarily for the presentation to the general public of cinema, lectures, exhibits of various art forms or exhibits of cultural, historic, academic or scientific material.

CURB CUT

A point of ingress or egress that links a parcel of land with a public right-of-way, and is an improved pavement with defined limits pursuant to the design requirements of the entity claiming jurisdiction of said right-of-way.

DAYCARE CENTER/DAYCARE FACILITY

A place other than an occupied residence providing or designed to provide daycare for five or more persons on a regularly scheduled basis for more than three but less than twenty-four (24) hours per day. *Also see §390, 1(c) of the Social Services Law of the State of New York.*

DAYCARE, FAMILY HOME

An occupied family residence providing day care for three (3) to six (6) children for more than three (3) hours per day. *See §390 of the Social Services Law of the State of New York.*

DECK

A constructed platform other than a patio or terrace that may be attached to a building and/or ground and is located in the side or rear yard. A deck does not have a roof and is not enclosed. Decks are considered a structure and shall conform to required lot setback and coverage requirements, and conform to the New York State Building Code and the New York State Residential Code.

DEED OR TRACT RESTRICTIONS

Legal language recorded in an instrument in the chain of title for a lot, which describes specifically limitations or restrictions on the use of the property.

DEMOLITION

The act or process of wrecking, completely destroying or removing an existing structure from a site.

DENSITY

The required land area for each dwelling unit (DU) within a given parcel of land, such as a minimum density of square feet of land area for each dwelling unit.

DENSITY OF DEVELOPMENT

The number of dwelling units per acre.

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DESIGN REVIEW COMMITTEE

The Design Review Committee is responsible for reviewing site plans for completeness, code compliance, issues of public health, safety and welfare, and for developing recommendations regarding the project proposal. The Design Review Committee shall be comprised of representatives from City departments including Code Enforcement, Corporation Council, Engineering, Fire, Planning and Economic Development, Municipal Utilities and Police.

DESIGN STANDARDS

The compulsory standards as prescribed within this Chapter pertaining to the design and implementation of building and property development within the City of Auburn.

DISTILLERY

A facility for the distillation of grains and fruits into alcohol. This includes the manufacturing, bottling, and sale to a wholesaler. The on-site sale of products is permitted.

DISTRIBUTION CENTER

A building or structure used primarily for the storage and sale of goods which are intended for subsequent shipment to retail or other commercial outlets.

DOG KENNEL

Refer to KENNEL.

DEAD-END STREET

A street or portion of a street with only one vehicular traffic outlet.

DRIVE AISLE

The primary access route connecting Access Drives and individual parking spaces. Access Lanes are a component of internal site circulation owned and maintained by private interests and are not a public right-of-way.

DRIVE-THROUGH ESTABLISHMENT

An establishment which by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product which may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile.

DRIVEWAY, RESIDENTIAL

A driveway is a private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure. *See Article 4 |§ 305-30, Driveways, Residential.*

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DRIVEWAY, SHARED

An area or areas on one or more private residential properties providing access from a public or private road where the usage of said access route is provided to three or less lots through an easement agreement. Shared or common driveway access for greater than three residential lots is defined as a road.

DRY-CLEANING FACILITY

An establishment used to clean articles or goods of fabric to be subjected to the process of dry cleaning, dyeing or stain removal. A dry-cleaning facility includes the cleaning of fabric on site using the dry-cleaning process.

DRY-CLEANING OUTLET

An establishment used to collect and distribute articles or goods of fabric to be subjected to the process of dry cleaning, dyeing or stain removal, at an off-site dry cleaning facility location.

DWELLING

Any building or structure, or part thereof, used and occupied for human habitation, or intended to be so used, and includes any appurtenances belonging thereto.

DWELLING, MULTIPLE-FAMILY, 3-4 UNITS

A building or portion thereof containing three (3) to four (4) dwelling units and designed or used for occupancy by three (3) to four (4) families living independently of each other.

DWELLING, MULTIPLE-FAMILY, 5+ UNITS

A building or portion thereof containing five (5) dwelling units and designed or used for occupancy by five (5) families living independently of each other.

DWELLING, SINGLE-FAMILY

A dwelling unit designed for or occupied exclusively by one (1) or more persons living as a single, nonprofit housekeeping unit. The dwelling can consist of a modular home, or a lumber-constructed home on a permanent foundation, cellar or basement.

DWELLING, SINGLE-FAMILY SEMIDETACHED

Two single-family dwelling units attached side to side, each situated on a separate subdivision lot, sharing a party wall and capable of individual sale and sharing common walls with the other.

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DWELLING, TOWNHOUSE

A structure of single family dwelling units, which may consist of one (1) or more buildings sharing party walls, wherein the real property title and ownership are vested in an owner having an undivided interest with others in the common usage areas and facilities which serve the project. Administration and maintenance of common usage areas and facilities must be provided. Although units share party walls, each unit is situated on a different parcel of land.

DWELLING, TWO-FAMILY

A dwelling designed for and occupied by not more than two families in separate dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall.

DWELLING UNIT

Any room or group of rooms located within a dwelling forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating and sanitation by one family.

EASEMENT

The authorization by property owner for use by another, for a specified purpose, of any designated part of such property by legally recorded instrument.

EQUIPMENT SALES, REPAIR OR RENTALS

The sale, repair and rental of supplies and equipment primarily intended for homeowner use and minor residential gardening and construction projects (e.g., lawnmowers, snow blowers, medium-duty construction equipment such as rubber-tired backhoes, smaller dozers, and aerial lifts), including the sale, installation and servicing of related equipment and parts. This use classification does not include the rental, storage or maintenance of large construction equipment, which is included in the broader use classifications of vehicle and equipment sales, repair and rentals.

EVERGREEN

A plant with foliage that persists and remains green year round.

EXTERIOR ENTRANCE

A direct entrance from a public way to a habitable or tenantable space.

FAMILY

A household constituting a single housekeeping unit occupied by one or more persons.

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FARMER'S MARKET, PERMANENT

An indoor market at a fixed location and structure open to the public, operated by a governmental agency, a nonprofit corporation, or one or more producers, at which:

A. at least 75 percent of the products sold are Farm Products, Value added Farm Products or Hand-Made goods and products; and

B. at least 75 percent of the vendors regularly participating during the market's hours of operation are Producers, or family members or employees of Producers.

FARMER'S MARKET, TEMPORARY

Primarily outdoors at a temporary location, a recurring event on designated days and times consisting primarily of agricultural producers, at which:

A. at least 75 percent of the products sold are Farm Products, Value added Farm Products, or Hand-Made goods and products; and

B. at least 75 percent of the vendors regularly participating during the market's hours of operation are Producers, or family members or employees of Producers.

FARM PRODUCTS

Products that include fruits, vegetables, mushrooms, herbs, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, cheese and other dairy products), and fish.

FARM PRODUCT, VALUE-ADDED

Any product processed by a Producer from a Farm Product, such as baked goods, jams, and jellies.

FENCE

A structure bounding an area of land designed to either limit access to the area or to screen such area from view, or both. The term "fence" shall not include tennis court enclosures, backstops, and similar structures.

FLAG

Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity, or for decorative purposes.

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FLEA MARKET

A building, portion of a building, or open-air market area where individual market stalls or spaces are provided (rented or leased) for persons on a daily or other basis, to display, buy, sell, exchange, or deal in new or used goods, inside the building or in a designated open-air market area. A flea market shall not include such activities when conducted by a church, school or other similar public service organization, nor shall it include an antique store, junk store, auction house or other similar business established on a permanent basis, nor shall it include garage sales, yard sales, rummage sales or occasional craft fairs and benefit sales.

FLOOR AREA

The sum of the gross horizontal areas of the several floors of a building, measured from the interior face of exterior walls or interior face of common walls.

FLOOR AREA RATIO

The ratio between total floor areas permitted in any district and the total site area. The floor area of the building considered for the computation of floor area ratio shall be restricted to those levels above the surface of the ground and shall not include any basement or garage spaces under the surface. Garage facilities above the surface shall be included in the computations. Where the ground level changes a full story height or more along a building facade, the floor area of such story shall be prorated in proportion to the average story height above grade. Total site area shall be the entire site within the property lines of any development.

FOOD CART

An unpowered vehicle which can be pushed or pulled down a sidewalk, street or highway, on which food is prepared, processed or converted, or which is used in selling and dispensing food to the ultimate consumer. This definition shall include Push Carts.

FOOD TRUCK

A motorized vehicle, registered and able to be operated on the public streets of New York State, in which ready-to-eat food is cooked, wrapped, packaged, processed or portioned for sale or distribution. Food trucks shall not exceed 28 feet in length.

FRONTAGE

That side of the lot nearest the street. A corner lot shall be considered to have two (2) such "frontages".

FUNERAL HOME

A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

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GARAGE SALE

The sale of personal property conducted in or near a residence, under cover or partially under cover or completely outside of any building, in the open. The term shall include garage sales, lawn sales, porch sales, patio sales, rummage sales or other similar sales which are advertised by a sign or other means, for the public to attend.

GARAGE, DETACHED RESIDENTIAL

A building or indoor space in which to park or keep a motor vehicle which is disconnected from the primary structure and surrounded completely or partially by open space. Refer to Building, Accessory.

GARDEN CENTER

Establishments or places of business primarily engaged in retail sales from the premises to the general public including trees, shrubs, seeds, fertilizers, pesticides, plants and plant materials. Such establishments typically sell products purchased from others, but may sell material which they grow themselves.

GLARE

The illumination at all points one foot distant from a uniform point source of one candle power. (Footcandle: a unit of illumination.)

GRADE, ESTABLISHED STREET

The permanently established elevation of the center line of a street in front of the midpoint of the lot.

GRADE, FINISHED

The elevation at which the finished surface of the surrounding lot intersects the walls and supports of a structure.

GREENHOUSE, COMMERCIAL

Establishments that raise nursery stock for sale to retail nurseries or other businesses.

GREENHOUSE, PERSONAL

A structure, primarily of glass, in which temperature and humidity can be controlled for the cultivation or protection of plants, fruits or vegetables which is accessory to the main use of the property. Personal Greenhouses are considered an accessory use and not to exceed 100 square feet in area, or fifteen percent (15%) of the parcel, whichever is lesser.

DRAFT

GREENSPACE

Any permeable vegetated surface.

GROSS FLOOR AREA (GFA)

The gross size of the total floor area of the outside dimensions of a building. These dimensions shall include the length, width and number of stories of the facility.

GROSS LEASABLE AREA (GLA)

The gross size of the floor area of a commercial/retail facility which is leased.

HABITABLE FLOOR AREA

Floor area in a habitable space shall have a clear floor to ceiling height of not less than 7 1/2 feet over an area having no horizontal dimension of less than seven feet, except that, in one- and two- family dwellings having sloping roofs, the minimum ceiling height shall be 7 1/2 feet for at least 50% of the habitable floor area. Any area where the height is less than five feet shall not be considered habitable floor area.

HEALTH CLUB

An indoor facility provided for individual or group exercise and recreational activities including aerobics, workout equipment, calisthenics, weight training, running, swimming and court games, and providing shower facilities and changing areas and may include spas, gymnasiums, and incidental uses such as childcare facilities, food service, and pro shops oriented to customers during their use of the facility.

HEALTHCARE FACILITY, OUTPATIENT

A facility providing medical care, treatment and minor surgical procedures for non-life-threatening injuries. Such facilities typically operate for extended hours throughout the day and are utilized as an alternative to traditional emergency departments at hospitals. These facilities are not coincident with primary medical care providers and are not considered medical offices.

HISTORIC DISTRICT

An area containing buildings or places in which notable historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the area, of such significance as to warrant conservation and preservation.

HISTORICALLY OR ARCHITECTURALLY SIGNIFICANT AREA, SITE OR STRUCTURE

An area, site or structure designated as an historic district or landmark by *Chapter 178, Historic Preservation* of the Municipal Code or an area, site or structure having the characteristics of areas, sites, or structures so designated that could itself be so designated.

DRAFT

HOME OCCUPATION

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

HOMELESS SHELTER

An establishment primarily engaged in providing temporary or transitional residential care, room, board supervision, information and/or referrals to homeless persons voluntarily seeking such service.

HOSPITAL

An institution providing health services and medical or surgical care, primarily for temporary inpatients, to persons suffering from illness, disease, injury, deformity or other abnormal physical or mental condition, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities or training facilities.

HOTEL / MOTEL

A commercial establishment providing transient lodging, meals, and other guest services. A hotel or motel establishment must have a minimum of fifteen (15) individual guest rooms, which must have attached (en suite) private bathroom facilities. A hotel/motel may or may not provide internal hallway access to all guestrooms.

IMPERVIOUS SURFACE

Any roofed or other solid building structure or material covering the ground through which water does not readily penetrate, including but not limited to concrete, oil and stone, tar or asphalt pavement, or compacted gravel. Regardless of the construction materials, any area which is used for driveway or parking purposes, including disturbed grass, ground cover or dirt shall be considered impermeable.

IMPERVIOUS SURFACE COVERAGE

The ratio between impermeable surface and total land area of a lot expressed as the percentage of land covered by impermeable surfaces.

INDUSTRY, HEAVY

A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

DRAFT

INDUSTRY, LIGHT

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

INN

A commercial facility for the housing and feeding of transient occupants, containing more than five (5) rooms and less than fifteen (15) rooms. The facility may have an ancillary use such as a restaurant or bar.

JUNK

Any and all secondhand and used machinery and scrap iron, including automobiles, tools, implements or parts or portions thereof, and any and all secondhand and used furniture or other personal property, other than livestock, or parts or portions thereof.

JUNKYARD

A place where junk, waste, discarded, or salvaged materials are bought, sold, exchanged, sorted, stored, baled, packed, disassembled, handled, or abandoned; but not including pawnshops or establishments for the sale, purchase, or storage of used furniture, household equipment, clothing, used motor vehicles capable of being registered, or machinery to be reused for the purpose for which originally manufactured.

KENNEL

An establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling animals is conducted as a business.

LANDSCAPED AREA

The area required or permitted to be devoted to landscaping and environmental improvement, which may include existing and new vegetation.

LAUNDRY, SELF-SERVE

A business that cleans clothing or which is equipped with individual clothes washing and drying and/or cleaning machines for the principal use of retail customers. Refer to *Chapter 195* of the City of Auburn Municipal Code.

LOGO

Any picture, shape or drawing, with or without letters or words, used to identify a product, service, business or organization.

DRAFT

LOT

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as are required by this Chapter, and having frontage on a public street.

LOT AREA

The computed area contained within the lot lines.

LOT, CORNER

A lot situated at and abutting the intersection of two streets having an interior angle of intersection not greater than 135°.

LOT DEPTH

The mean horizontal distance between the front and the rear lot lines.

LOT, INTERIOR

A lot other than a corner lot.

LOT, FLAG

Lots that the City has approved with less frontage in a public street than is normal. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normal street frontage.

LOT LINES

The property lines bounding the lot.

LOT LINE, FRONT

The line separating the lot from a street right-of-way.

LOT LINE, REAR

The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE

Any lot line other than a front or rear lot line. A side lot line separating a lot from a street right-of-way is called a side street lot line.

LOT WIDTH

The width of the lot between side lot lines at the front building line as prescribed by the front yard regulations.

DRAFT

LOT, THROUGH

A lot, other than a corner lot, having access on two streets.

LOT OF RECORD

Any lot with an area, width or other dimension which is less than prescribed for a lot in the district in which such lot is situated if such lot is (i) under one ownership of record since the effective date of the original City of Auburn Zoning Ordinance, or (ii) under one ownership of record since the time of any amendment to the original City of Auburn Zoning Ordinance which amendment changed the area, width or other dimension requirements with respect to lots in such district and which lot, except for such amendment, would have been in all respects in conformance with the requirements of such original Zoning Ordinance, or (iii) any lot shown on an approved subdivision plat filed with the Cayuga County Clerk and not combined with any other lot or parcel for the purposes of real property assessment at any time following such filing.

MAKERSPACE

An indoor facility intended to be used by artists as studio and retail space. Makerspaces often combine production, equipment, community, and education for the purposes of enabling participating individuals to design, prototype, and create works that said individuals would have difficulty producing if working alone due to a lack of resources, tools, and/or space. Makerspaces may also include common space such as galleries, meeting rooms, retail space, and open space that encourages resident engagement and community involvement.

MASSING

The sense of bulk, size, and shape of a structure, usually perceived by reference to the surrounding space and nearby structures and natural features such as trees.

MICRO-BREWERY / CRAFT BREWERY

An establishment where beer and malt beverages are made on the premises and then sold or distributed, either to others with liquor licenses or to the general public, if in possession of a brewer's retail permit. May have a restaurant or an accessory tasting room in or adjacent to the brewery, on whose premises sale of beer would require an on-premises retail license. In accordance with New York State's Alcoholic Beverage Control (ABC) Law, micro-brewery license holders may produce or brew up to 60,000 barrels of beer per year. (Barrel: 31 US gallons.)

MICRO-DISTILLERY

A facility for the production and packaging of alcoholic beverages in quantities not to exceed 12,000 gallons per year and may include an accessory tasting room or other uses such as a restaurant, bar, or live entertainment only as permitted in the zoning district, subject to the use standards of *0 Zoning Districts Established* and parking standards in *Article 4 | Supplemental Regulations*.

DRAFT

MIXED-USE BUILDING

A development or redevelopment that allows for multiple uses in a single structure or on a lot including, but not limited to residential, commercial, and industrial. A typical mixed-use structure would have retail or offices on the first floor and offices, residences, and/or studios on the upper floors.

MOBILE HOME

A structure, transportable in one or more sections, which, in traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained herein.

MODULAR HOME

Any home constructed of pre-made parts and unit modules that are transported on a flatbed truck from the factory to the building site where they are permanently anchored onto a foundation. Modular homes are subject to the local building codes where they are constructed. Modular homes are subject to the regulations of whichever style of home they are designed to be, i.e. single-family home, multi-family home, etc.

MOTOR VEHICLE REPAIR STATION

A lot, including structures thereon or parts thereof, that is used for engine repair, body work, frame straightening, painting, upholstering, steam cleaning, electric work, tune-ups and all other vehicle repair services not specifically listed in the definition of MOTOR VEHICLE SERVICE STATION.

MOTOR VEHICLE SALESROOM/RENTALS

Any building, land area or other premises used for the display or sale of new or used automobiles, motorcycles, trucks, trailers or boats, but not including any repair work other than warranty and other repair service conducted as an accessory use on such premises. Also includes facilities which provide for the storage and rental of vehicles on a regular basis by the general public, including automobiles, vans, and motorcycles. Typical uses include automotive dealership and auto rental agencies. No fuel sales shall be part of such an establishment.

MOTOR VEHICLE SERVICE STATION

A lot, including structures thereon or parts thereof, that is used for the sale of motor fuels dispensed from pumps and motor vehicle accessories and supplies. Permitted accessory uses may include facilities for washing vehicles and/or the retail sale of convenience items, including but not limited to snacks and beverages, provided such accessory uses are located indoors. Motor vehicle body work, major structural repair or painting by any means are not to be considered permitted accessory uses.

DRAFT

MOTOR VEHICLE WASH

Any building or premises, or portion thereof, the use of which is devoted to the business of washing automobiles for a fee, whether by automated cleaning devices or otherwise.

MOVIE THEATER

A building containing one or more screens on which motion pictures are projected for recreation purposes. A “movie theater” does not include theaters that show pornographic or other adult-oriented motion pictures.

MURALS

A hand-painted, hand-tiled, or digitally printed image which:

A. Is on the exterior wall of a building located on private property;

B. Is visible from a City park, sidewalk, street or other right-of-way;

C. Does not contain any commercial message; and

D. Does not fit within the purview of the City’s sign regulations as described in *Article 4 |§ 305-55 Sign Regulations*.

MUSEUM

Refer to CULTURAL FACILITY/MUSEUM.

NIGHTCLUB

Any room, space, or premises operated as a commercial establishment in which eating and/or drinking takes place, where alcoholic beverages are served subject to the regulatory authority of the New York State Liquor Authority, and where the provision of entertainment is the primary activity. Entertainment includes music by a live musician or musicians, or any mechanical, electronic, or other means such as records, laserdiscs, audio, video, or other audio or audio-visual means, including operation as a motion-picture theater; acting, play performances, theater performances, dinner theater, revue pantomime, scene, dance, act, or song-and-dance act participated in by one or more employees, guests, customers, or other person or persons; or dancing by guests, customers, or any other person or persons. Background music, provided in accord with the City's Noise regulations shall not be considered as a form of entertainment.

DRAFT

NONCONFORMING BUILDING OR STRUCTURE

Any building or structure, other than a sign, lawfully existing on the effective date of this Chapter, or any amendment to it rendering such building or structure nonconforming, which:

A. Does not comply with all of the regulations of this Chapter, or any amendment hereto, governing parking or space and bulk requirements for the zoning district in which such building or structure is located;

B. Is located on a lot which does not or is so located on a lot as not to comply with the yard requirements for the zoning district in which such building or structure is located; or

C. Both *Subsection A and B*, except any building containing more than one dwelling unit in addition to the number permitted by the district regulations in the district where it is located shall be deemed to be a nonconforming use rather than a nonconforming building.

NONCONFORMING LOT OF RECORD

A lot of record which does not comply with the lot requirements for any permitted use in the district in which it is located.

NONCONFORMING USE

Any use lawfully being made of any land, building or structure, other than a sign, on the effective date of this Chapter, or any amendment to it rendering such use nonconforming, which does not comply with all the regulations of this Chapter, or any amendment hereto, governing use for the zoning district in which such land, building or structure is located.

NOXIOUS USE

Any use which is continuously or regularly offensive or injurious by reason of the emission of excessive amounts of dust, smoke, refuse matter, odor, gas, fumes, noise or vibration.

OFFICE BUILDING

A building that is divided into offices, either single or suites, for the transaction of business other than for mercantile or manufacturing purposes where merchandise is on display and offered for sale. Offices used for a professional or medical business, in part or in whole will be classed as an office building.

ON-SITE INFORMATIONAL SIGN

A sign commonly associated with, and limited to, information and directions necessary or convenient for persons coming on the property, including signs and symbols of handicapped accessibility, as required by *Part 1100, Section 1100.9*, of the New York State Uniform Fire Prevention and Building Code, and signs marking entrances and exits, parking areas, one-way drives, rest rooms, pickup and delivery areas and the like.

DRAFT

OPEN SPACE

An area or areas of a lot, including required yards, which are:

A. Open and unobstructed from ground to sky, except by facilities specifically designed, arranged and intended for use in conjunction with passive or active outdoor recreation or relaxation.

B. Landscaped, maintained or otherwise treated to create a setting appropriate to recreation or relaxation.

C. Accessible and usable by the general public, business patrons or residents of all dwellings or stores it is intended or required to serve.

OPEN SPACE, COMMON

An area of land and/or water within a site designed and intended for the use of enjoyment of residents of a planned development. Common open space may contain such accessory improvements as are necessary and incidental to the use of the common open space by the residents of the planned development.

OUTDOOR STORAGE

Commercial and industrial storage outside the confines of an enclosed Structure of any equipment or materials in usable condition which are not being specifically displayed as merchandise or offered for sale. Outdoor Storage shall not be construed as a Self-Service Storage Facility.

OUTDOOR SEATING

A removable extension of an established retail shop or small food shop such as bakeries and coffee shops, consisting of movable tables, chairs and benches that are arranged directly upon the sidewalk paving. All sales and service shall take place inside the establishment retail business or restaurant.

OVERLAY DISTRICT

A zoning district not independently mapped on the Zoning Map but that exists in conjunction with and provides alternative or additional regulations applicable to the primary underlying zoning district shown on the Zoning Map. An overlay district's boundaries shall be described within the text of the provisions of this Article or any amendment to this Article establishing the same.

PARABOLIC or DISH-TYPE ANTENNA

Any concave, circular or dish-shaped device designed for receiving communication or television signals.

PARCEL

Refer to LOT.

DRAFT

PARKING AREA or LOT

Any place, lot, parcel, or yard used in whole or in part of storing or parking four (4) or more motor vehicles under the provision of this Ordinance.

PARKING FACILITY

Any use of land as a stand-alone operation of in conjunction with another permitted use for the commercial parking of vehicles. The term 'vehicle' includes all passenger vehicles, highway recreational vehicles and non-highway recreational vehicles. Motor vehicle parking facilities differ from outdoor storage facility in that, the time period for use is typically twenty-four (24) hours or less.

PARKING SPACE

An off-street space available for parking one vehicle and which dimensions are 9 feet wide and 20 feet long, not including maneuvering area and access drives, but with Board approval in Site Plan Review or Special Use Permit review may be approved to be modified to target specific vehicles such as compact cars and motorcycles.

PARKING, SHARED

A legally binding agreement between two or more property owners to provide for the shared utilization of an aggregate number of parking spaces that collectively meets the parking needs of each party.

PATIO / TERRACE

An improved or graded area located on the ground with no structural/supports other than subsurface base material and retaining walls. The concrete or other paved areas around a swimming pool which is the pool apron is considered a terrace/patio. A patio or terrace shall be flush to the ground with no air spaces beneath.

A "patio" structure below or at grade is not deemed to be a deck or porch and shall not require a building permit. Any other "patio" or similar structure constructed above natural grade also requires a building permit.

PAWN SHOP

A business licensed through Cayuga County and in conformance with the current version of *New York General Business Law Article 5, Section 40 and 41* for Collateral Loan Brokers that lends money based upon the security of pledged goods left in pawn, or is in the business of purchasing tangible personal property to be left in pawn on the condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

DRAFT

PEDESTRIAN CONNECTION or ACCOMMODATION

An improved pathway at least five (5) feet in width devoid of obstructions or hazards and intended for use by pedestrians to commute between destinations, including but not limited to buildings, structures, parks and open spaces, parking areas, the sidewalk system or other walkways.

PERMEABLE SURFACE

A surface which prevents sheet flow or ponding of surface waters and allows for the transmission of surface water flows through the substance into underlying material.

PERMITTED USE

Any use permitted under the provisions of the district in which the land, building or structure is located.

PLACE OF WORSHIP

A building and, where applicable, its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.

PLAT

A map, drawing, or rendering of a subdivision that usually contains narrative elements.

PLAT or PLAN, FINAL

A drawing, in final form containing all information or details required by law and by these regulations to be presented to the Planning Board for approval and which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk, with a signed copy provide to the office of the City Clerk.

PLAT or PLAN, PRELIMINARY

A drawing or drawings, clearly marked “preliminary plat” or “preliminary plan”, showing the significant features of a proposed subdivision, as specified in *Article 6 | Site Plan Review* of this Chapter, submitted to the Planning Board for the purposes of consideration prior to submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

PLAY STRUCTURE

A recreational structure such as a treehouse, playhouse, or prefabricated play equipment, located at grade or elevated, not intended for habitation and without amenities such as electricity or plumbing.

DRAFT

PORCH

A porch is a roofed open space open along two or more sides serving to shelter an entrance and provide a private outdoor space to a residence. Porches are attached to a building and located in the front, side or rear of the structure.

PRINCIPAL BUILDING OR USE

Refer to BUILDING, PRINCIPLE.

PROHIBITED USE

Any use which is not listed as a permitted, special, or accessory use in the Schedule of Use Regulations shall be considered a "prohibited use."

PRIVATE CLUB

A nonprofit social organization whose premises are restricted to its members and their guests.

PUB

Refer to BAR.

PUBLIC REALM

All areas legally open to public use, such as public streets, sidewalks, roadways, highways, parkways, alleys and parks, as well as the interior and areas surrounding public buildings.

PUBLIC REALM AMENITY

Structures or improvements open to the general public and intended to strengthen the urban fabric and enhance the pedestrian experience, such as, but not limited to, sidewalks, landscaped open spaces, public seating, public art, gathering spaces and crossing aids.

PUBLIC SEWER and/or WATER FACILITIES

A sewage disposal system or water supply and distribution system operated by a municipality; a sewage disposal system or water supply and distribution system authorized for public use, whether for a residential subdivision, or for commercial, industrial or manufacturing Buildings, and approved by the New York State and/or the City of Auburn Department of Municipal Utilities, Cayuga County Departments of Health, the Department of Environmental Conservation, and any other governmental agency having jurisdiction thereof.

PUBLIC UTILITY

Infrastructure and services that supply an everyday necessity to the public at large, such as Public Water and/or Public Sewer Facilities, electricity, natural gas, and telecommunications. A Public Utility may be owned and operated by a municipality or a private entity, or a combination thereof.

DRAFT

PUBLIC WAY

All areas legally open to public use, such as public streets, sidewalks, roadways, right-of-way, highways, parkways, alleys, and parks, as well as the interior and areas surrounding public buildings.

PUBLIC/SEMIPUBLIC USE

Any one or more of the following uses, including grounds and accessory buildings necessary for their use:

A. Governmental buildings.

B. Religious institutions.

C. Public parks, playgrounds and recreational areas when authorized or operated by a governmental authority.

D. Schools.

E. Public libraries.

F. Not-for-profit fire, ambulance and public safety buildings.

RECREATION, INDOOR COMMERCIAL

A commercial recreational use conducted entirely within a building for activities such as an arcade, arena, bowling alley, gymnasium, skating rink, swimming pool, or raquette ball and tennis court.

RECREATION, OUTDOOR COMMERCIAL

A recreational use conducted outside of a building including athletic fields, miniature golf, skateboard park, swimming, bathing, wading and other therapeutic facilities, splash pads and spray parks, tennis, handball, basketball courts, batting cages, and trampoline facilities.

RESEARCH AND DEVELOPMENT

Refer to INDUSTRY, LIGHT.

RESIDENTIAL CARE FACILITY

A building or portion thereof wherein the owner and/or proprietor is compensated for furnishing long-term lodging and varying amounts of custodial care for four (4) or more persons by reason of them being elderly, handicapped, bedfast, chronically ill, impaired, convalescing and/or needing such care, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury and/or providing surgical and obstetrical services or asylums for the insane. This term includes boarding and rooming houses for aged people, nursing homes, homes for adults (rest homes), homes for the aged and handicapped, convalescent homes for children, homes for the elderly, homes for prenatal care and the like.

DRAFT

RESIDENTIAL PROPERTY

Any lot that currently contains only residential uses, regardless of zoning district.

RESTAURANT

As defined by the New York State Liquor Authority under *ABCL §3(27)*, "Restaurant" shall mean a place which is regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods, which may be required for ordinary meals, the kitchen of which must, at all times, be in charge of a chef with the necessary help, and kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health.

RESTAURANT, DRIVE- THROUGH

Refer to DRIVE-THROUGH ESTABLISHMENT.

RESTAURANT, FAST FOOD

A specific type of restaurant without a drive through, characterized both by its cuisine and minimal table service. Food is offered from a limited menu; is cooked in bulk in advance and kept hot; is finished and packaged to order; and is usually available ready to take away.

RETAIL, BIG BOX

A single large retail establishment covering over 35,000 square feet that draws customers from a large area and is typically surrounded by parking lots.

RETAIL, GOODS AND SERVICES

Any building or structure in which one or more articles of merchandise, commerce or services are provided, including, but not limited to, department stores, banks, book stores, day spas, salons, insurance sales, clothing and accessory stores, grocery stores, pharmacies, and boutique/gift shops.

RIGHT-OF-WAY

A strip of land, either public or private, occupied or intended to be occupied by a street, sidewalk, trail, railroad, electrical transmission line, oil or gas pipeline, water main, sanitary or storm sewer or other similar use.

ROADSIDE STAND

A temporary or permanent accessory structure, wagon or trailer up to two hundred and forty (240) square feet in size located on private property which shall be limited to the sale of farm, garden, or other products built or created on-site.

DRAFT

ROOF

The exterior covering on the uppermost part of a building, with the primary purpose to protect the building and its contents from the effects of weather.

SATELLITE DISH

A structure attached to the ground or any other structure built or intended for the purpose of the reception of any microwave transmission transmitted or relayed from an earth satellite. The term "ground dish" as used in this Chapter is synonymous with satellite dish.

SCHOOL, PRIVATE

A school established by a non-governmental organization supported by private funds for the purposes of providing education.

SCHOOL, PUBLIC

Any elementary or secondary school supported by public funds and providing free education for children of a community or district.

SCRAP METAL PROCESSING

Refer to INDUSTRY, HEAVY.

SCREEN

A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

SEATS

For the purpose of determining off-street parking requirements, the seating capacity of a particular room or a hall in a building, as determined by the specifications and plans, whether fixed or removable seating; in the event that individual seats are not provided, each twenty (20) inches of benches, bleachers, pews or similar seating accommodations shall be considered as one seat for the purpose of this Chapter.

SELF-SERVICE STORAGE FACILITY

A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, controlled access stalls or lockers for the storage of customers' goods or wares.

DRAFT

SHORT-TERM RENTAL

An accommodation for transient guests where, in exchange for compensation, a residential dwelling is rented for lodging for a period of time not to exceed 30 consecutive days. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all housing types and shall not include motels, hotels, bed and breakfasts, or group living uses.

SETBACK, FRONT

The least required horizontal distance between the front lot line, or in instances where sidewalks are present or required from the interior sidewalk edge, and the principal building measured at the shortest point. On waterfront lots which border water on one or more lot lines, the lot line on the road front is considered the principal front lot line.

SETBACK, REAR YARD

The least required horizontal distance between the rear lot line and the principal building measured at the closest point.

SETBACK, SIDE YARD

The least required horizontal distance between the side lot line and the principal building measured at the closest point.

SHED

Refer to ACCESSORY STRUCTURE.

SIDEWALK DINING

An area designated of public sidewalk where patrons may sit at tables while consuming food and beverages ordered from and served by wait staff.

SIDEWALK RETAIL

Retail displays located on sidewalks in the public right-of-way that are clearly accessory to, or a promotion of, the use located in the abutting building.

SIGN

Any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any other structure or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on any structure or surface, but not including signs placed or erected by the City of Auburn, Cayuga County, the State of New York or the United States of America for public purposes.

SIGN, A-FRAME

Refer to SIGN, SIDEWALK.

DRAFT

SIGN AREA or SIGN SURFACE AREA

The entire area within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed.

SIGN, AWNING

A sign on which graphics or symbols are painted, sewn, or otherwise attached to the awning material as an integrated part of the awning itself.

SIGN, BILLBOARD

Any sign, in excess of 100 square feet, advertising a person, place, event, product, business or other matter which is remote from the site or property upon which the sign is erected or displayed.

SIGN, CANOPY

A sign affixed to the face, on top, or below the surface of an attached canopy.

SIGN, DIRECTIONAL

Any sign indicating the location of or direction to a person, place, event, product, business or other matter which is remote from the site or property upon which the sign is erected or displayed.

SIGN, ELECTRONIC MESSAGE

Any sign, or portion of a sign, that uses changing lights to form a sign message or messages where the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

SIGN, FREESTANDING BRACKET

Freestanding blade sign, not considered a pole sign, that hangs from a bracket permanently affixed to a post that is separate from a building.

SIGN, HANGING

Refer to SIGN, PROJECTING.

SIGN, HOLIDAY DECORATION

Temporary signs, in the nature of decorations, clearly incidental to and customarily and commonly associated with any national, local or religious holiday.

SIGN, ILLUMINATED (DIRECTLY)

A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.

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SIGN, ILLUMINATED (INDIRECTLY)

A sign illuminated with a light so shielded that no direct rays therefrom are visible elsewhere on the lot where said illumination occurs.

SIGN, MARQUEE

Any permanent architectural canopy projecting over the entrance to an establishment, and any signage or message display thereon.

SIGN, MOBILE

Refer to PORTABLE SIGN.

SIGN, MONUMENT

A sign attached to the ground along its entire length upon a continuous pedestal.

SIGN, NON-CONFORMING

Any lawfully pre-existing sign that does not meet the requirements of this Article.

SIGN, PERMIT

No sign shall be hereafter erected, placed or maintained at any place in the City of Auburn except as provided *Article 4 |§ 305-55 Sign Regulations* and only after a permit therefore has been obtained in compliance with the provisions of *Article 4 |§ 305-55 Sign Regulations*, unless stated otherwise.

SIGN, PLAZA DIRECTORY

A sign listing the tenants or occupants of a commercial plaza and that may indicate their respective professions or business activities.

SIGN, POLE

A sign that is mounted on a freestanding pole or other supports so that the top edge of the sign face is more than six (6) feet above grade.

SIGN, PORTABLE

A sign that is not permanently affixed to a building, a structure or the ground, but not including identification lettering on vehicles and advertising on buses.

SIGN, POLITICAL

A temporary sign announcing or supporting political candidates or issues in connection with any national, state or local election or caucus.

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SIGN, PROJECTING

Any sign that is attached to the building façade at a ninety (90) degree angle, extending more than twelve (12) inches from the wall. It may hang for a bracket and it may be two (2) or three (3) dimensional.

SIGN, ROOF

Any sign erected on or affixed to a building or structure which extends, in whole or in part, above the roof line.

SIGN, SIDEWALK

A moveable sign not attached to the ground or building with two or more steeply angled sides.

SIGN, SUBDIVISION IDENTIFICATION

Any sign erected or displayed for the purpose of identifying or advertising a residential development or subdivision.

SIGN, TEMPORARY

A sign erected for a limited time and not permanently affixed to the ground, a building or other fixed object or surface. Temporary signs include, but are not limited to, contractor's signs, realty sales or rental signs, special event signs, banners for charitable events or residential event signs.

SIGN, TENANT / SHOPPING CENTER IDENTIFICATION SIGN

A sign which serves as a common or collective identification for two or more commercial, business or industrial uses sharing an office, plaza, shopping center, industrial park or the like and which is located on such premises.

SIGN, VEHICLE

Signs displayed on licensed and registered motor vehicles which are used in conjunction with a business.

SIGN, WALL

A sign placed against a building and attached to the exterior wall, so that the display surface is parallel with the plane of the wall.

SIGN, WINDOW

A sign affixed to the inside of a window or door—or a sign placed inside a building within twelve (12) inches of such window or door and is visible and legible through a window or door.

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SHADE TREE

Usually a deciduous tree, rarely an evergreen, planted primarily for its high crown of foliage or overhead canopy.

SHORT-TERM RENTAL

An accommodation for transient guests where, in exchange for compensation, a residential dwelling is rented for lodging for a period of time not to exceed thirty (30) consecutive days. Such use may or may not include an on-site manager. For the purposes of this definition, a residential dwelling shall include all housing types and shall not include hotel/motels, bed-and-breakfasts, or inns.

SHRUB

A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground. It may be deciduous or evergreen.

SITE PLAN

A rendering, drawing, or sketch prepared to specifications and containing necessary elements, as set forth in this Ordinance, which shows the arrangement, layout and design of the proposed use of a single parcel of land as shown on said plan.

SPECIAL USE

A use which is deemed desirable for the public welfare within a given district or districts, which is potentially incompatible with other uses provided therein. The use shall be therefore subject to approval by the City Planning Board and to conditions set forth for such use as well as the other applicable provisions of this Ordinance.

SPECIAL USE PERMIT

A permit provided by the City Planning Board for a use requiring review, for uses that are not permitted expressly in a district but are listed as requiring a special use permit.

SPECIMEN TREE

A particularly impressive or unusual example of a species due to its size, shape, age, or any other trait that epitomizes the character of the species.

STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA)

The State Environmental Quality Review Act found in *Environmental Conservation Law Article 8* and the implementing regulations found in *6 NYCRR Part 617.*

DRAFT

STOOP

An exterior stair or landing area that may be covered or uncovered and is less than eighteen (18) inches in height, four (4) feet in width, and three (3) feet in depth provided from the street front to an elevated first story. An area that exceeds any of these dimensions shall be considered a porch or deck.

STORY

The portion of a building which is between one floor level and the next higher floor level or the roof.

STORY, HALF

A story with at least two opposite exterior sides meeting a sloping roof not more than four feet above the floor of such story.

STREET, MAJOR

A street that serves or is designed to serve heavy flows of traffic and which is used primarily as a route for traffic between communities and/or other heavy traffic-generating areas.

STREET, MINOR

A street intended to serve primary access to abutting properties.

STRUCTURE

Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of vegetation, boundary walls, fences, mailboxes, lampposts, bird houses, or similar construction. The term includes but is not limited to structures temporarily or permanently located, such as decks, satellite dishes, communications systems, pools, ponds, etc.

SWIMMING POOL, PRIVATE

Any structure above or below ground, outside of a building with the designed capacity of more than eighteen (18) inches of water depth which is intended for recreational purposes, and including all appurtenant decks, walks and equipment constructed, installed and maintained in or above the ground outside of the principal structure to which the pool is accessory.

SWIMMING POOL, PUBLIC

Any structure above or below ground designed for capacity of more than eighteen (18) inches of water depth. The structure may be publicly or privately owned pool and open to the general public, or on a membership basis and having appropriate dressing room facilities, recreation facilities and off-street parking area.

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TASTING ROOM

A commercial establishment allowing beer/wine tasting with on-site and off-site retail sales directly to the public (or shipped). The tasting room facility must be directly affiliated with a minimum of one brewery/winery and meeting the requirements of the Alcoholic Beverage Control (ABC) appropriate license type. The Tasting Room may be operated within a brewery, brew pub, micro-brewery, micro-distillery, winery, or distillery facility or as a stand-alone retail use. A tasting room shall be subject to the use and parking standards of a bar.

TAVERN

Refer to BAR.

TAXI DISPATCH STAND

An office establishment where taxi cabs are temporarily in que during operation and from which they are dispatched. Taxi cab body work, major structural repair, vehicle painting, and the overnight storage of any taxi cab vehicle shall be considered outdoor storage and permitted only in industrial districts.

TELECOMMUNICATION ANTENNAS, PRIVATE

Antennas intended for customer-end applications designed to receive direct broadcast satellite service, to receive or transmit fixed wireless signals, to receive video programming services via broadband radio service, to receive local television or radio broadcast signals.

TELECOMMUNICATION TOWER

Refer to WIRELESS TELECOMMUNICATION FACILITIES.

TELECOMMUNICATIONS

The transmission and reception of audio, video, data and other information by wire, radio, light and other electronic or electromagnetic systems.

TELECOMMUTE

Performing job-related requirements using telecommunications to transmit data and textual messages to the central organizational office without being physically present.

TEMPORARY OUTSIDE SALES

Selling of retail items outdoors for a limited amount of time for events such as sidewalk sales, open markets, art displays, and festivals.

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TEMPORARY PORTABLE STORAGE UNITS

Any container, storage unit, box-like container or portable structure which resembles and functions in the same way as a traditional shipping container is a temporary portable storage unit and not a structure even when affixed to a permanent foundation.

TENANT

An occupant who temporarily holds or occupies land, a building or other property owned by another.

TEMPORARY USE

One established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

TINY HOUSE

A principal residential dwelling that has a square footage of between 384 square feet and 700 square feet. Each tiny house shall meet the New York State Building Code and must include basic functional areas that support normal daily routines (such as cooking, sleeping, and toiletry).

TINY HOUSE CLUSTERS

An area of land that has four (4) to twelve (12) tiny houses. Each tiny house cluster must also have a centralized common area no less than four hundred (400) square feet per tiny house.

TOW TRUCK OPERATION

A facility that dispatches tow trucks for hire with no automotive storage area for impounded vehicles.

TOWING AND IMPOUNDMENT YARD

The temporary storage of vehicles that have been towed, carried, hauled, or pushed from public or private property for impoundment in a public or private impoundment yard. This use does not include Motor Vehicle Repair or Motor Vehicle Service Station, Outdoor Storage, or Auto Wrecking Yard.

TRANSPARENCY

Transparency is the minimum percent of windows and doors that must cover a building façade. The ground story is measured between two (2) and twelve (12) feet above the sidewalk. Applies to Primary and Side streets only. Windows cannot be opaque.

TREE

A large, woody plant having one or several self-supporting stems or trunks and numerous branches. It may be classified as deciduous or evergreen.

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URBAN AGRICULTURE

The use of a lot for the cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture, and/or hydroponics, as well as related agricultural products. Such use may not include the accessory keeping of farm animals as prohibited by *§104-5* of the City of Auburn Ordinance .

URBAN FARM

A ground-level area less than one (1) acre that is used as an accessory to commercial purposes, whether for profit or non-profit.

VARIANCE

A modification of the use and/or area and bulk regulations of this Chapter in an individual case where, due to specific facts and conditions peculiar to a particular property, literal application and strict enforcement would result in undue and unnecessary hardship or practical difficulty that would deprive the owner of reasonable use of the land or structures. Such unnecessary hardship or practical difficulty shall not be construed to include mere inconvenience or a desire to make more money.

AREA VARIANCE

The authorization by the Zoning Board of Appeals for the use of land in a manner which is not allowed by the dimensional or physical requirements of the applicable zoning regulations.

USE VARIANCE

The authorization by the Zoning Board of Appeals for the use of land for a purpose which is otherwise not allowed or is prohibited by the applicable zoning regulations.

VENDOR

Any individual, including an employee or agent of a group of individuals, partnership or corporation, who sells or offers to sell food, beverages, goods or merchandise on any public way from a pushcart, stand, motor vehicle, or from his or her person.

WATERWAY

Any water area providing access from one place to another, primarily a water area providing a regular route for water traffic.

WINERY

The commercial processing of grapes or other fruit products to produce wine or similar spirits or the refermenting of still wine into sparkling wine. Processing consists of controlled fermentation combined with any of the following: crushing, blending, barrel aging, and bottling. Storage of case goods shall only occur in conjunction with processing.

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WIRELESS TELECOMMUNICATIONS FACILITY

Includes a structure, facility or location designed or intended to be used as, or used to support, antennas or other transmitting or receiving devices. Refer to Code of the City of Auburn Chapter 300: Wireless Telecommunication Facilities

WHOLESALE ESTABLISHMENT

A business engaged in the sale of commodities in quantity, usually for resale or business use, chiefly to retailers, other businesses, industries and institutions.

YARD

An open space, as may be required by this Chapter, on the same lot with a building or a group of buildings, which open space lies between the principal building or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward except as specified elsewhere in this Chapter.

YARD, FRONT

An open space extending the full width of the lot between a building and the front lot line.

YARD, REAR

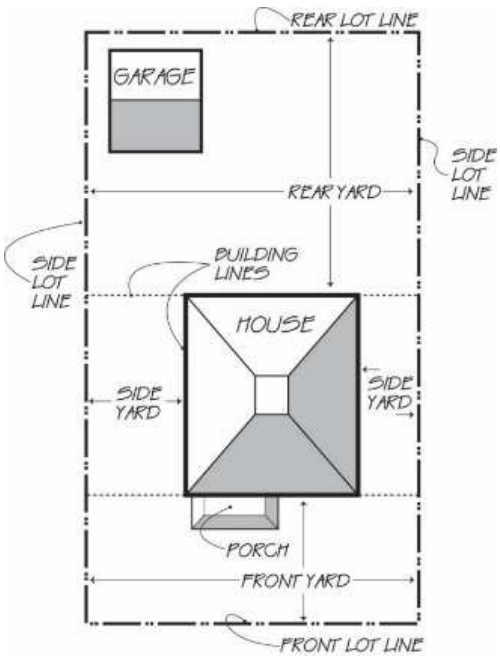
An open space extending the full width of the lot between a building and the rear lot line.

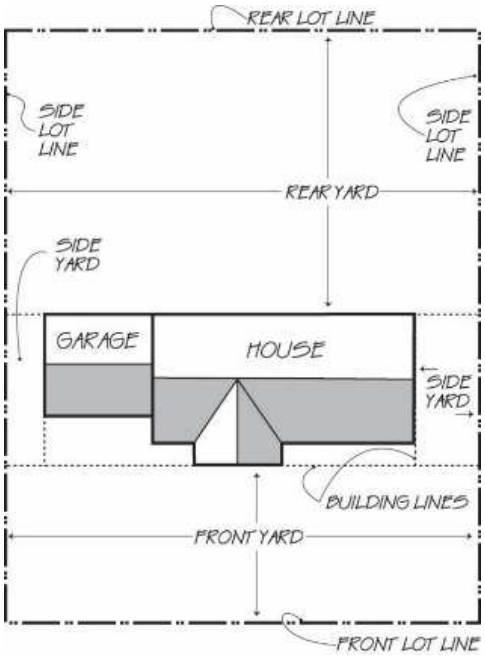
YARD, SECONDARY FRONT

Any lot having frontage on more than one street, the orientation of the front or main door of the principal structure, as determined by the address assigned by the city, shall establish a primary front yard and all other front yards shall be considered secondary front yards.

YARD, SIDE

An open space extending from the front yard to the rear yard between a building and the nearest side lot line.





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ZONING BOARD OF APPEALS

The Zoning Board of Appeals of the City of Auburn as provided for in *Article 5-A | § 81* of the General City Law. The board consists of seven (7) members appointed by the Mayor.

ZONING DISTRICT

The classification of lands as established in this Chapter and by the zoning map.

ZONING MAP

The map delineating the boundaries of the zoning districts which, along with the zoning text, comprises this Ordinance.

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Article 3 | Zoning Districts Established

§ 305-10 Establishment of Districts

The City of Auburn is hereby divided into the following zoning districts:

A. R-1, Single-Family Residential

B. R-2, Single, Two- and Multi-Family Residential

C. CC, Central Corridor

D. C, General Commercial

E. NC, Neighborhood Commercial

F. HC, Highway Commercial

G. I, General Industrial

H. I-2, Resource Recovery

I. DD, Downtown

§ 305-11 Zoning Map

A. Description.

The aforesaid districts are bounded as shown on a map entitled "City of Auburn Zoning District Map," which accompanies and, with all explanatory matter thereon, is hereby made a part of this Chapter.

1. As evidence of the authenticity of the Zoning District Map, said map and amendments thereto shall be duly certified by the City Clerk.

B. Interpretation of District Boundaries.

District boundary lines are intended to follow property lines, center lines of streets, highways, alleys or railroads, extensions of such property lines or center lines or other lines located on the map by appropriate reference.

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§ 305-12 Uses Table

	Downtown District (DD)	Central Corridor (CC)	Single Family (R-1)	Multi-Family (R-2)	General Com. (C)	Neigh. Com. (NC)	General Indust. (I)	Highway Com. (HC)	Resource Rec. (I-2)
Residential									
Apartment Building	P			S	P				
Apartment Complex				S	P				
Bed-and-Breakfast	P		S	P	P	P			
Dwelling, Multiple Family, 3-4 units	P			P	P	P		P	
Dwelling, Multiple Family, 5+ units	S				P	S		P	
Dwelling, Single-Family			P	P					
Dwelling, Single-Family Semidetached			P	P		P			
Dwelling, Townhouse	P		S	P	P	P		P	
Dwelling, Two-Family				P	P	P			
Garage, Residential	A		A	A	A	A		A	
Residential Care Facility			S	P	P			P	
Swimming Pool, Private	A	A	A	A	A	A			
Tiny House Clusters					P				
Institutional									
Cemetery			P	P	P			P	
Conference/Convention Center	P	P			P				
Cultural Use Facility/ Museum	P	P				P			
Daycare Center/Daycare Facility	P				P	P		P	
Daycare, Family Home	P		P	P		P		P	
Healthcare Facility, Outpatient	P				P	P		P	
Social Service Agencies	P				P	P		P	
Hospitals					P			P	
Homeless Shelter								P	
Performing Art Venue	P	P				P			
Place of Worship	P	P	P	P	P	P		P	
Public/Semipublic Use	P	P	P	P	P	P			
Commercial									
Adult Use Business							S		S
Animal Grooming	P					P		P	
Animal Hospital					P			P	
Artist Studio	P	P				P		P	
Bakery, Commercial / Wholesale		P			P				
Bakery, Retail	P	P				P		P	
Bar	P							P	
Brewery		P			P				
Brew Pub	P	P						P	

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	Downtown District (DD)	Central Corridor (CC)	Single Family (R-1)	Multi-Family (R-2)	General Com. (C)	Neigh. Com. (NC)	General Indust. (I)	Highway Com. (HC)	Resource Rec. (I-2)
Commercial									
Commercial Kitchen	S	P						P	
Distillery		P			P				
Drive-Through Establishment								P	
Dry-Cleaning Facility					P		P	P	
Dry-Cleaning Outlet	P				P	P		P	
Equipment Sales, repair or rentals					P			P	
Farmers Market, Permanent	P	P			P				
Farmers Market, Temporary	P	P			P			P	
Flea Market	S	P			P			P	
Funeral Home	P				P			P	
Garden Center		P			P			P	
Greenhouse, Commercial		P			P			P	
Greenhouse, Personal	A	A	A	A	A				
Health Club	P					P		P	
Home Occupation	P		S	S		P		P	
Hotel/Motel	P	P						P	
Inn	P	P			P	P			
Kennel							P		
Laundry, Self-serve	P							P	
Makerspace	P	P				P			
Micro-Brewery	P	P			P	P			
Micro-Distillery	P	P			P				
Mixed Use Building	P	P			P				
Motor Vehicle Repair Station					P			P	
Motor Vehicle Salesroom/Rentals					P			P	
Motor Vehicle Service Station					P			P	
Motor Vehicle Wash					P		P	P	
Movie Theater	P	P			P			P	
Nightclub	P							P	
Pawn Shop								P	
Office Building	P				P			P	
Recreation, Indoor Commercial	P	P			P			P	
Recreation, Outdoor Commercial	P	P			P			P	
Restaurant	P	P			P	P		P	
Restaurant, Fast Food	P							P	
Retail, Big Box								P	
Retail, Goods and Services	P	P			P	P		P	
Self-Service Storage Facility								P	
Tasting Room	P	P			P				
Taxi Dispatch Stand	P	P			P			P	

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	Downtown District (DD)	Central Corridor (CC)	Single Family (R-1)	Multi-Family (R-2)	General Com. (C)	Neigh. Com. (NC)	General Indust. (I)	Highway Com. (HC)	Resource Rec. (I-2)
Commercial									
Tow Truck Operation					P		P		P
Urban Agriculture	S	P							
Urban Farm	S	P							
Winery		P			P				
Wireless Telecommunications Facility	S	S	S	S	S	S	S	S	S
Industrial									
Agricultural Processing Plant		P			P		P		
Auto Wrecking Yard									P
Contractor's Yard							P		P
Distribution Center		P			P		P		
Industry, Heavy							P		
Industry, Light					P		P		
Junkyard							P		P
Outdoor Storage							P		P
Scrap Metal Processing									P
Towing and Impoundment Yard							P		P

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§ 305-13 R-1 Single Family Residential District

A. Purpose and Intent.

The purpose of the Single-Family Residential District (R-1) is to promote owner occupied residential buildings and to provide for areas within the City of Auburn that encourage lower-density residential property developments. It is the intent of the R-1 district to encourage development and continuous use of lands for residential development that maintains the character of the existing neighborhoods within this district.

B. Permitted Uses.

The following uses are permitted within the R-1 District:

1. Cemetery
2. Daycare, Family Home
3. Dwelling, Single-Family
4. Dwelling, Single-Family Semidetached
5. Place of Worship
6. Public/Semipublic Use

C. Accessory Uses.

The following uses are permitted accessory uses within the R-1 District:

1. Garage, Residential
2. Greenhouse, Personal
3. Swimming Pool, Private

D. Special Use Permits.

Certain uses require a special use permit from the Planning Commission, subject to the requirements of *Article 8 |§ 305-89, Special Use Permits*. The following uses are allowed as special permit uses within the R-1 District:

1. Bed-and-Breakfast
2. Dwelling, Townhouse
3. Home Occupation
4. Residential Care Facility
5. Wireless Telecommunications Facility

E. Prohibited Uses.

Uses that are not expressly permitted in this Section are prohibited.

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F. Off-Street Parking Requirements.

Uses not listed in the Bulk and Use Table are not subject to off-street parking requirements. In addition, all uses permitted in this district are subject to the additional parking and loading requirements set forth in *Article 4 |§ 305-43, Off-Street Parking and Loading* of this Chapter.

G. Signs.

All signage is required to conform to regulations set forth in *Article 4 |§ 305-55 Sign Regulations* of this Ordinance.

H. Supplemental Regulations.

Uses are subject to the requirements specified elsewhere in these regulations or other Chapters of the City's Code of Ordinances, including, but not limited to, Supplemental Regulations in accordance with *Article 4 | Supplemental Regulations*.

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I. Bulk and Use Table: R-1 Single Family Residential District

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)			Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
			Front	Side	Rear			
Permitted								
Cemetery	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Daycare, Family Home	6,000	50	20	7	25	50	35	1 per each six children enrolled
Dwelling, Single-Family	6,000	50	20	7	25	50	35	1 per dwelling unit
Dwelling, Single-Family Semidetached	6,000	50	20	Only one side yard at least 5 feet wide	25	50	35	1 per dwelling unit
Place of Worship	15,000	50	10	10	25	70	35	1 per each 4 seats
Public/Semipublic Use	10,000	50	20	10	25	50	35	1 per 1,000 sf
Accessory								
Garage, Residential	N/A	N/A	*See Article 4 |§ 305-23*	5	25	N/A	20	N/A
Greenhouse, Personal	N/A	N/A	60	7	10	N/A	15	N/A
Swimming Pool, Private	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Special Use Permit								
Bed-and-Breakfast	8,000	50	20	7	25	50	35	1 per guest room + 1 for resident
Dwelling, Townhouse	3,000	30	20	7	25	50	35	1 per dwelling unit
Home Occupation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1 per employee reporting on a daily basis, excluding owner
Residential Care Facility	10,000	50	20	15	30	50	35	1 per each 4 residents + 1 per 1,000 sf of administrator space
Wireless Telecommunications Facility	20,000	100	40	15	30	35	N/A	N/A

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§ 305-14 R-2 Single, Two- and Multi-Family Residential District

A. Purpose and Intent.

The purpose of the Single, Two- and Multi-Family District (R-2) is to promote owner occupied residential buildings and to provide for areas within the City of Auburn that encourage lower-density residential property developments.

B. Permitted Uses.

The following uses are permitted within the R-2 District:

1. Bed-and Breakfast
2. Cemetery
3. Daycare, Family Home
4. Dwelling, Multiple Family 3-4 units
5. Dwelling, Single-Family
6. Dwelling, Single-Family Semidetached
7. Dwelling, Townhouse
8. Dwelling, Two-Family
9. Place of Worship
10. Public/Semipublic Use
11. Residential Care Facility

C. Accessory Uses.

The following uses are permitted accessory uses within the R-2 District:

1. Garage, Residential
2. Greenhouse, Personal
3. Swimming Pool, Private

D. Special Use Permits.

Certain uses require a special use permit from the Planning Commission, subject to the requirements of *Article 8 |§ 305-89, Special Use Permits*. The following uses are allowed as special permit uses within the R-2 District:

1. Apartment Building
2. Apartment Complex
3. Home Occupation
4. Wireless Telecommunications Facility

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E. Prohibited Uses.

Uses that are not expressly permitted in this Section are prohibited.

F. Off-Street Parking Requirements.

Uses not listed in the Bulk and Use Table are not subject to off-street parking requirements. In addition, all uses permitted in this district are subject to the additional parking and loading requirements set forth in *Article 4 |§ 305-43, Off-Street Parking and Loading* of this Chapter.

G. Signs.

All signage is required to conform to regulations set forth in *Article 4 |§ 305-55 Sign Regulations* of this Ordinance.

H. Supplemental Regulations.

Uses are subject to the requirements specified elsewhere in these regulations or other Chapters of the City's Code of Ordinances, including, but not limited to, Supplemental Regulations in accordance with *Article 4 | Supplemental Regulations*.

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I. Bulk and Use Table: R-2 Single, Two- and Multi-Family Residential District

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)			Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
			Front	Side	Rear			
Permitted								
Bed-and-Breakfast	5,000	40	15	10	20	65	35	1 per guest room + 1 for resident
Cemetery	10,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Daycare, Family Home	6,000	25	15	10	20	65	35	1 per dwelling unit + 1 per employee
Dwelling, Multiple Family, 3-4 units	7,500	40	15	10	20	65	35	1 per dwelling unit
Dwelling, Single-Family	5,000	40	15	7	20	65	35	1 per dwelling unit
Dwelling, Single-Family Semidetached	5,000	40	15	Only one side yard at least 7 feet wide	20	65	35	1 per dwelling unit
Dwelling, Townhouse	One townhouse unit per 3,000 SF of land	40	15	7	20	65	35	1 per dwelling unit
Dwelling, Two-Family	5,000	40	15	10	20	65	35	2 per dwelling unit
Place of Worship	15,000	50	10	10	25	70	35	1 per each 4 seats
Public/Semipublic Use	10,000	50	15	10	20	65	35	1 per 1,000 sf
Residential Care Facility	10,000	50	20	10	30	50	35	1 per each 4 residents + 1 per 1,000 sf of administrator space
Accessory								
Garage, Residential	N/A	N/A	*See Article 4 |§ 305-23*	10	20	N/A	20	N/A
Greenhouse, Personal	N/A	N/A	15	10	20	N/A	20	N/A
Swimming Pool, Private	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

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Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)			Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
			Front	Side	Rear			
Special Use Permit								
Apartment Building	20,000	60	15	10	20	65	35	1 per dwelling unit
Apartment Complex	40,000	80	30	20	30	65	50	1 per dwelling unit
Home Occupation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1 per employee reporting on a daily basis, excluding owner
Wireless Telecommunications Facility	20,000	100	40	15	30	35	N/A	N/A

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§ 305-15 CC Central Corridor District

A. Purpose and Intent.

The purpose of the Central Corridor District (CC) is to promote well-designed small-scale commercial development and accommodate a mixture of uses compatible with surrounding neighborhoods.

B. Permitted Uses.

The following uses are permitted within the CC District:

1. Agricultural Processing Plant
2. Artist Studio
3. Bakery, Commercial/Wholesale
4. Bakery, Retail
5. Brewery
6. Brew Pub
7. Commercial Kitchen
8. Conference/Convention Center
9. Cultural Use Facility/Museum
10. Distillery
11. Distribution Center
12. Famers' Market, Permanent
13. Famers' Market, Temporary
14. Flea Market
15. Garden Center
16. Greenhouse, Commercial
17. Hotel/Motel
18. Inn
19. Makerspace
20. Micro-Brewery
21. Micro-Distillery
22. Mixed Use Building
23. Movie Theater
24. Performing Art Venue
25. Place of Worship
26. Public/Semipublic Use
27. Recreation, Indoor Commercial
28. Recreation, Outdoor Commercial
29. Restaurant
30. Retail, Goods and Services
31. Tasting Room
32. Taxi Dispatch Stand
33. Urban Agriculture
34. Urban Farm
35. Winery

C. Accessory Uses.

The following uses are permitted accessory uses within the CC District:

1. Greenhouse, Personal
2. Swimming Pool, Private

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D. Special Use Permits.

Certain uses require a special use permit from the Planning Commission, subject to the requirements of *Article 8 |§ 305-89, Special Use Permits*. The following uses are allowed as special permit uses within the CC District:

1. Wireless Telecommunications Facility

E. Prohibited Uses.

Uses that are not expressly permitted in this Section are prohibited.

F. Off-Street Parking Requirements.

Uses not listed in the Bulk and Use Table are not subject to off-street parking requirements. In addition, all uses permitted in this district are subject to the additional parking and loading requirements set forth in *Article 4 |§ 305-43, Off-Street Parking and Loading* of this Chapter.

G. Signs.

All signage is required to conform to regulations set forth in *Article 4 |§ 305-55 Sign Regulations* of this Ordinance.

H. Supplemental Regulations.

Uses are subject to the requirements specified elsewhere in these regulations or other Chapters of the City's Code of Ordinances, including, but not limited to, Supplemental Regulations in accordance with *Article 4 | Supplemental Regulations*.

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I. Bulk and Use Table: CC Central Corridor District

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)			Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
			Front	Side	Rear			
Permitted								
Agricultural Processing Plant	20,000	75	10	10	10	80	35	1 per 1,000 sf
Artist Studio	6,000	20	10	5	10	80	35	1 per 2,000 sf
Bakery, Commercial / Wholesale	10,000	50	10	10	10	80	35	1 per 2,000 sf
Bakery, Retail	6,000	20	10	5	10	80	35	1 per 2,000 sf
Brew Pub*	15,000	75	10	10	10	80	35	8 per 1,000 sf
Brewery*	15,000	75	10	10	10	80	35	1 per 1,000 sf
Commercial Kitchen	10,000	50	10	5	10	80	45	1 per 1,000 sf
Conference/Convention Center	20,000	75	20	10	10	80	45	1 per 1,000 sf
Cultural Use Facility / Museum	10,000	75	20	10	10	80	45	2.5 per 1,000 sf
Distillery	20,000	75	10	10	10	80	35	1 per 1,000 sf
Distribution Center	20,000	75	10	10	10	80	35	1 per 1,000 sf
Farmers' Market, Permanent	10,000	75	10	10	10	80	35	1 per 1,000 sf
Farmers' Market, Temporary	10,000	N/A	N/A	N/A	N/A	N/A	N/A	1 per vendor
Flea Market	20,000	75	10	10	10	80	35	2 per vendor
Garden Center	30,000	75	10	10	10	80	35	1 per 2,000 sf
Greenhouse, Commercial	20,000	75	10	10	10	80	35	1 per 1,000 sf

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Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)			Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
			Front	Side	Rear			
Permitted								
Hotel/Motel	30,000	75	10	10	10	80	50	1 per room
Inn	15,000	75	10	10	10	80	35	1 per room
Makerspace	10,000	20	10	10	10	80	35	1 per 2,000 sf
Micro-Brewery*	15,000	75	10	10	10	80	35	3 per 1,000 sf
Micro-Distillery*	15,000	75	10	10	10	80	35	3 per 1,000 sf
Mixed Use Building	10,000	50	10	10	10	80	45	1 per dwelling unit + 1 per 2,000 sf
Movie Theater	20,000	75	10	10	10	80	75	1 for every 1,000 sf
Performing Art Venue	20,000	75	20	15	10	80	45	1 per each 5 seats
Place of Worship	15,000	50	10	10	25	80	35	1 per each 4 seats
Public/Semipublic Use	10,000	50	15	10	20	65	35	1 per 1,000 sf
Recreation, Indoor Commercial	20,000	50	10	10	10	80	50	1 per each 4 persons of design capacity
Recreation, Outdoor Commercial	10,000	50	10	5	10	80	50	1 per each 4 persons of design capacity
Restaurant	10,000	50	10	10	10	80	35	16 per 1,000 sf
Retail, Goods and Services	10,000	50	10	5	10	80	35	1 per 1,000 sf

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Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)			Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
			Front	Side	Rear			
Permitted								
Tasting Room	10,000	50	10	10	10	80	35	1 per 1,000 sf
Taxi Dispatch Stand	10,000	25	10	10	10	60	35	1 per 3,000 sf
Urban Agriculture*	20,000	75	10	10	10	80	N/A	1 per 1,000 sf
Urban Farm*	40,000	N/A	N/A	N/A	N/A	N/A	N/A	1 per 1,000 sf
Winery*	20,000	75	50	10	10	80	45	3 per 1,000 sf
Accessory Use								
Greenhouse, Personal								
Swimming Pool, Private	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Special Use Permit								
Wireless Telecommunications Facility	20,000	100	40	15	30	35	N/A	N/A
*Brewer and agricultural silos located on the exterior of a building are not to exceed 40 feet in height.								

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§ 305-16 C General Commercial District

A. Purpose and Intent.

The purpose of the General Commercial District (C) is to promote a variety of commercial uses and services which are well designed and contribute to the character and economic vitality of the City of Auburn.

B. Permitted Uses.

The following uses are permitted within the C District:

1. Agricultural Processing Plant
2. Animal Hospital
3. Apartment Building
4. Apartment Complex
5. Bakery, Commercial/Wholesale
6. Bed-and-Breakfast
7. Brewery
8. Cemetery
9. Conference/Convention Center
10. Daycare Center/ Daycare Facility
11. Distillery
12. Distribution Center
13. Dry-Cleaning Facility
14. Dry-Cleaning Outlet
15. Dwelling, Multiple Family, 3-4 units
16. Dwelling, Multiple Family, 5+ units
17. Dwelling, Townhouse
18. Dwelling, Two-Family
19. Equipment Sales, Repair, or Rental
20. Farmers' Market, Permanent
21. Farmers' Market, Temporary
22. Flea Market
23. Funeral Home
24. Garden Center
25. Greenhouse, Commercial
26. Healthcare Facility, Outpatient
27. Hospital
28. Industry, Light
29. Inn
30. Micro-Brewery
31. Micro-Distillery
32. Mixed Use Building
33. Motor Vehicle Repair Station
34. Motor Vehicle Salesroom/Rentals
35. Motor Vehicle Service Station
36. Motor Vehicle Wash
37. Movie Theater
38. Office Building
39. Place of Worship
40. Public/Semipublic Use
41. Recreation, Indoor Commercial
42. Recreation, Outdoor Commercial
43. Residential Care Facility
44. Restaurant
45. Retail, Goods and Services
46. Social Service Agencies
47. Tasting Room
48. Taxi Dispatch Stand
49. Tiny House Clusters
50. Tow Truck Operation
51. Winery

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C. Accessory Uses.

The following uses are permitted accessory uses within the C District:

1. Garage, Residential
2. Greenhouse, Personal
3. Swimming Pool, Private

D. Special Use Permits.

Certain uses require a special use permit from the Planning Commission, subject to the requirements of *Article 8 |§ 305-89, Special Use Permits*. The following uses are allowed as special permit uses within the C District:

1. Wireless Telecommunications Facility

E. Prohibited Uses.

Uses that are not expressly permitted in this Section are prohibited.

F. Off-Street Parking Requirements.

Uses not listed in the Bulk and Use Table are not subject to off-street parking requirements. In addition, all uses permitted in this district are subject to the additional parking and loading requirements set forth in *Article 4 |§ 305-43, Off-Street Parking and Loading* of this Chapter.

G. Signs.

All signage is required to conform to regulations set forth in *Article 4 |§ 305-55 Sign Regulations* of this Ordinance.

H. Supplemental Regulations.

Uses are subject to the requirements specified elsewhere in these regulations or other Chapters of the City's Code of Ordinances, including, but not limited to, Supplemental Regulations in accordance with *Article 4 | Supplemental Regulations*.

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I. Bulk and Use Table: C General Commercial District

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)			Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
			Front	Side	Rear			
Permitted								
Agricultural Processing Plant	40,000	75	50	20	20	65	45	1 per 1,000 sf
Animal Hospital	10,000	50	10	10	10	65	35	1 per 1,000 sf
Apartment Building								
Apartment Complex	40,000	75	10	10	10	65	35	1 per dwelling unit
Bakery, Commercial / Wholesale	10,000	50	10	10	10	80	35	1 per 2,000 sf
Bed-and-Breakfast	6,000	20	10	7	10	80	35	1 per guest room + 1 for resident
Brewery	20,000	75	10	10	10	65	35	1 per 1,000 sf
Cemetery	10,000	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Conference/Convention Center	20,000	75	20	10	10	65	45	2 per 1,000 sf
Daycare Center / Daycare Facility	6,000	20	10	10	10	80	35	1 per dwelling unit + 1 per employee
Distillery	20,000	75	10	10	10	65	35	1 per 1,000 sf
Distribution Center	40,000	75	50	20	20	65	45	1 per 1,000 sf
Dry-Cleaning Facility	20,000	50	10	10	10	65	35	1 per 1,000 sf
Dry-Cleaning Outlet	10,000	50	10	10	10	80	35	1 per 2,000 sf

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Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)			Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
			Front	Side	Rear			
Permitted								
Dwelling, Multiple Family, 3-4 units	10,000	50	20	7	10	80	35	1 per dwelling unit
Dwelling, Multiple Family, 5+ units	20,000	50	20	7	10	80	35	1 per dwelling unit
Dwelling, Townhouse	One townhouse unit per 3,000 SF of land	50	10	7	10	80	35	1 per dwelling unit
Dwelling, Two-Family	6,000	20	10	7	10	80	35	1 per dwelling unit
Equipment Sales, Repair, or Rental	10,000	50	20	10	10	80	35	1 per 1,000 sf
Farmers' Market, Permanent	10,000	50	10	10	10	80	35	1 per 1,000 sf
Farmers' Market, Temporary	6,000	N/A	N/A	N/A	N/A	N/A	N/A	1 space per vendor
Flea Market	20,000	75	10	10	10	80	35	1 space per vendor
Funeral Home	10,000	50	10	10	10	80	35	2 per 1,000 sf
Garden Center	30,000	75	10	10	10	80	35	1 per 2,000 sf
Greenhouse, Commercial	20,000	50	10	10	10	80	35	1 per 1,000 sf
Healthcare Facility, Outpatient	20,000	75	20	10	10	80	35	2 per 1,000 sf
Hospital	20,000	100	20	10	20	65	35	3 per 1,000 sf
Industry, Light	20,000	75	50	20	20	65	45	1 per 1,000 sf
Inn								

DP

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)			Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
			Front	Side	Rear			
Permitted								
Micro-Brewery	20,000	75	10	10	10	65	35	1 per 1,000 sf
Micro-Distillery	20,000	75	10	10	10	65	35	1 per 1,000 sf
Mixed Use Building	10,000	50	10	10	10	80	35	1 per dwelling unit + 1 per 2,000 sf
Motor Vehicle Repair Station	10,000	75	20	10	10	65	35	1 per 1,000 sf
Motor Vehicle Salesroom/Rentals	20,000	75	20	10	10	80	35	1 per 1,000 sf
Motor Vehicle Service Station	20,000	100	20	20	20	65	35	1 per 1,000 sf
Motor Vehicle Wash								
Movie Theater	20,000	100	10	10	10	65	75	2 per 1,000 sf
Office Building	10,000	50	10	10	10	65	35	3 per 1,000 sf
Place of Worship	15,000	50	10	10	25	80	35	1 per each 4 seats
Public / Semipublic Use	10,000	50	20	10	20	65	35	1 per 1,000 sf
Recreation, Indoor Commercial	20,000	50	10	10	10	80	50	1 per each 4 persons of design capacity
Recreation, Outdoor Commercial	10,000	50	10	5	10	80	50	1 per each 4 persons of design capacity
Residential Care Facility	10,000	50	20	10	20	50	35	1 per each 4 residents + 1 per 1,000 sf of administrator space
Restaurant	10,000	50	10	10	10	80	35	16 per 1,000 sf
Retail, Goods and Services	10,000	50	10	10	10	80	35	1 per 1,000 sf

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)			Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
			Front	Side	Rear			
Permitted								
Social Service Agencies	10,000	50	10	10	10	80	35	1 per 1,000 sf
Tasting Room	10,000	50	10	10	10	80	35	1 per 1,000 sf
Taxi Dispatch Stand	10,000	20	10	10	10	65	35	1 per 3,000 sf
Tiny House Clusters	3,000	50	15	15	15	30	24	N/A
Tow Truck Operation	20,000	75	20	20	20	65	35	1 per 1,000 sf
Winery	20,000	75	20	10	10	80	45	3 per 1,000 sf
Accessory Use								
Garage, Residential								
Greenhouse, Personal								
Swimming Pool, Private	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Special Use Permit								
Wireless Telecommunications Facility	20,000	75	20	10	20	35	N/A	N/A

§ 305-17 NC Neighborhood Commercial District

A. Purpose and Intent.

The purpose of the Neighborhood Commercial District (NC) is to promote well-designed medium- and small-scale commercial development compatible with surrounding neighborhoods.

B. Permitted Uses.

The following uses are permitted within the NC District:

1. Animal Grooming
2. Artist Studio
3. Bakery, Retail
4. Bed-and-Breakfast
5. Cultural Use Facility/ Museum
6. Daycare Center/ Daycare Facility
7. Daycare, Family Home
8. Dry-Cleaning Outlet
9. Dwelling, Multiple Family, 3-4 units
10. Dwelling, Single-Family Semidetached
11. Dwelling, Townhouse
12. Dwelling, Two Family
13. Healthcare Facility, Outpatient
14. Health Club
15. Home Occupation
16. Inn
17. Makerspace
18. Micro-Brewery
19. Performing Art Venue
20. Place of Worship
21. Public/Semipublic Use
22. Restaurant
23. Retail, Goods and Services
24. Social Service Agencies

C. Accessory Uses.

The following uses are permitted accessory uses within the NC District:

1. Garage, Residential
2. Swimming Pool, Private

D. Special Use Permits.

Certain uses require a special use permit from the Planning Commission, subject to the requirements of *Article 8 |§ 305-89, Special Use Permits*. The following uses are allowed as special permit uses within the NC District:

1. Dwelling, Multiple Family, 5+ units
2. Wireless Telecommunications Facility

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E. Prohibited Uses.

Uses that are not expressly permitted in this Section are prohibited.

F. Off-Street Parking Requirements.

Uses not listed in the Bulk and Use Table are not subject to off-street parking requirements. In addition, all uses permitted in this district are subject to the additional parking and loading requirements set forth in *Article 4 |§ 305-43, Off-Street Parking and Loading* of this Chapter.

G. Signs.

All signage is required to conform to regulations set forth in *Article 4 |§ 305-55 Sign Regulations* of this Ordinance.

H. Supplemental Regulations.

Uses are subject to the requirements specified elsewhere in these regulations or other Chapters of the City's Code of Ordinances, including, but not limited to, Supplemental Regulations in accordance with *Article 4 | Supplemental Regulations*.

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I. Bulk and Use Table: NC Neighborhood Commercial District

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)			Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
			Front	Side	Rear			
Permitted								
Animal Grooming	6,000	50	20	7	25	80	35	1 per 1,000 sf
Artist Studio								
Bakery, Retail	6,000	50	20	10	25	80	35	1 per 1,000 sf
Bed-and-Breakfast	8,000	50	20	7	25	80	35	1 per guest room + 1 for resident
Cultural Use Facility / Museum	20,000	75	20	10	35	65	45	2.5 per 1,000 sf
Daycare Center / Daycare Facility	10,000	50	20	7	25	80	35	2 per 1,000 sf
Daycare, Family Home	6,000	50	20	7	25	80	35	1 per 1,000 sf
Dry-Cleaning Outlet	6,000	50	20	10	25	80	35	1 per 1,000 sf
Dwelling, Multiple Family, 3-4 units	10,000	50	20	7	25	80	35	1 per dwelling unit
Dwelling, Single-Family Semidetached	6,000	50	20	Only one side yard at least 5 feet wide	25	80	35	1 per dwelling unit
Dwelling, Townhouse	3,000	50	20	7	25	80	35	1 per dwelling unit
Dwelling, Two-Family	6,000	50	20	7	25	80	35	1 per dwelling unit
Healthcare Facility, Outpatient	10,000	50	20	7	25	65	35	1 per 1,000 sf
Health Club	20,000	75	20	10	25	80	35	1 per 1,000 sf

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)			Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
			Front	Side	Rear			
Permitted								
Home Occupation	N/A	N/A	N/A	N/A	N/A	N/A	N/A	1 per employee reporting on a daily basis, excluding owner
Inn								
Makerspace								
Micro-Brewery	20,000	75	10	10	10	65	35	1 per 1,000 sf
Performing Art Venue	20,000	75	20	10	35	65	45	1 per each 4 seats
Place of Worship	15,000	50	20	10	25	80	35	1 per each 4 seats
Public/Semipublic Use	10,000	50	20	10	25	65	35	1 per 1,000 sf
Restaurant	10,000	50	10	10	10	80	35	16 per 1,000 sf
Retail, Goods and Services	10,000	50	10	10	10	80	35	1 per 1,000 sf
Social Service Agencies	10,000	50	20	7	25	65	35	1 per 1,000 sf
Accessory Use								
Garage, Residential								
Swimming Pool, Private	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Special Use Permit								
Dwelling, Multiple Family, 5+ units	20,000	50	20	7	10	80	35	1 per dwelling unit
Wireless Telecommunications Facility	20,000	75	20	10	20	35	N/A	N/A

§ 305-18 HC Highway Commercial District

A. Purpose and Intent.

The purpose of the Highway Commercial District (HC) is to promote well-designed commercial development that is accessible and compatible with the district as a major vehicular corridor.

B. Permitted Uses.

The following uses are permitted within the HC District:

1. Animal Grooming
2. Animal Hospital
3. Artist Studio
4. Bakery, Retail
5. Bar
6. Brew Pub
7. Cemetery
8. Commercial Kitchen
9. Daycare Center/Daycare Facility
10. Daycare, Family Home
11. Drive-Through Establishment
12. Dry-Cleaning Facility
13. Dry-Cleaning Outlet
14. Dwelling, Multiple Family, 3-4 units
15. Dwelling, Multiple Family, 5+ units
16. Dwelling, Townhouse
17. Equipment Sales, repair or rentals
18. Farmers Market, Temporary
19. Flea Market
20. Funeral Home
21. Garden Center
22. Greenhouse, Commercial
23. Health Club
24. Healthcare Facility, Outpatient
25. Home Occupation
26. Homeless Shelter
27. Hospitals
28. Hotel/Motel
29. Laundry, Self-serve
30. Motor Vehicle Repair Station
31. Motor Vehicle Salesroom/Rentals
32. Motor Vehicle Service Station
33. Motor Vehicle Wash
34. Movie Theater
35. Nightclub
36. Pawn Shop
37. Place of Worship
38. Office Building
39. Recreation, Indoor Commercial
40. Recreation, Outdoor Commercial
41. Residential Care Facility
42. Restaurant
43. Restaurant, Fast Food
44. Retail, Big Box
45. Retail, Goods and Services
46. Self-Service Storage Facility
47. Social Service Agencies
48. Taxi Dispatch Stand

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C. Accessory Uses.

The following uses are permitted accessory uses within the HC District:

1. Garage, Residential

D. Special Use Permits.

Certain uses require a special use permit from the Planning Commission, subject to the requirements of *Article 8 |§ 305-89, Special Use Permits*. The following uses are allowed as special permit uses within the HC District:

1. Wireless Telecommunications Facility

E. Prohibited Uses.

Uses that are not expressly permitted in this Section are prohibited.

F. Off-Street Parking Requirements.

Uses not listed in the Bulk and Use Table are not subject to off-street parking requirements. In addition, all uses permitted in this district are subject to the additional parking and loading requirements set forth in *Article 4 |§ 305-43, Off-Street Parking and Loading* of this Chapter.

G. Signs.

All signage is required to conform to regulations set forth in *Article 4 |§ 305-55 Sign Regulations* of this Ordinance.

H. Supplemental Regulations.

Uses are subject to the requirements specified elsewhere in these regulations or other Chapters of the City's Code of Ordinances, including, but not limited to, Supplemental Regulations in accordance with *Article 4 | Supplemental Regulations*.

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I. Bulk and Use Table: HC Highway Commercial District

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)			Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
			Front	Side	Rear			
Permitted								
Animal Grooming								
Animal Hospital								
Artist Studio								
Bakery, Retail								
Bar								
Brew Pub								
Cemetery								
Commercial Kitchen								
Daycare Center/Daycare Facility								
Daycare, Family Home								
Drive-Through Establishment								
Dry-Cleaning Facility								
Dry-Cleaning Outlet								
Dwelling, Multiple Family, 3-4 units								
Dwelling, Multiple Family, 5+ units								
Dwelling, Townhouse								

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)			Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
			Front	Side	Rear			
Permitted								
Equipment Sales, repair or rentals								
Farmers Market, Temporary								
Flea Market								
Funeral Home								
Garden Center								
Greenhouse, Commercial								
Health Club								
Healthcare Facility, Outpatient								
Home Occupation								
Homeless Shelter								
Hospitals								
Hotel/Motel								
Laundry, Self-serve								
Motor Vehicle Repair Station								
Motor Vehicle Salesroom/Rentals								
Motor Vehicle Service Station								
Motor Vehicle Wash								

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)			Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
			Front	Side	Rear			
Permitted								
Movie Theater								
Nightclub								
Pawn Shop								
Place of Worship								
Office Building								
Recreation, Indoor Commercial								
Recreation, Outdoor Commercial								
Residential Care Facility								
Restaurant								
Restaurant, Fast Food								
Retail, Big Box								
Retail, Goods and Services								
Self-Service Storage Facility								
Social Service Agencies								
Taxi Dispatch Stand								

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)			Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
			Front	Side	Rear			
Accessory Uses								
Garage, Residential								
Special Use Permit								
Wireless Telecommunications Facility								

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§ 305-19 I General Industrial District

A. Purpose and Intent.

The general purpose of the General Industrial District (I) is to provide for areas in the City to facilitate and encourage business growth and job creation where industrial uses have primarily been concentrated. Industrial uses must respect adjacent transitional areas through the incorporation of buffers, design guidelines, and compliance with performance standards as set forth elsewhere in this Chapter.

B. Permitted Uses.

The following uses are permitted within the I District:

1. Agricultural Processing Plant
2. Contractor's Yard
3. Distribution Center
4. Dry-Cleaning Facility
5. Industry, Heavy
6. Industry, Light
7. Junkyard
8. Kennel
9. Motor Vehicle Wash
10. Outdoor Storage
11. Tow Truck Operation
12. Towing and Impoundment Yard

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C. Accessory Uses.

There are no accessory uses permitted in the I District.

D. Special Use Permits.

Certain uses require a special use permit from the Planning Commission, subject to the requirements of *Article 8 |§ 305-89, Special Use Permits*. The following uses are allowed as special permit uses within the I District:

1. Adult Use Business
2. Wireless Telecommunications Facility

E. Prohibited Uses.

Uses that are not expressly permitted in this Section are prohibited.

F. Off-Street Parking Requirements.

Uses not listed in the Bulk and Use Table are not subject to off-street parking requirements. In addition, all uses permitted in this district are subject to the additional parking and loading requirements set forth in *Article 4 |§ 305-43, Off-Street Parking and Loading* of this Chapter.

G. Signs.

All signage is required to conform to regulations set forth in *Article 4 |§ 305-55 Sign Regulations* of this Ordinance.

H. Supplemental Regulations.

Uses are subject to the requirements specified elsewhere in these regulations or other Chapters of the City's Code of Ordinances, including, but not limited to, Supplemental Regulations in accordance with *Article 4 | Supplemental Regulations*.

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I. Bulk and Use Table: I General Industrial District

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)			Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
			Front	Side	Rear			
Permitted								
Agricultural Processing Plant								
Contractor's Yard								
Distribution Center								
Dry-Cleaning Facility								
Industry, Heavy								
Industry, Light								
Junkyard								
Kennel								
Motor Vehicle Wash								
Outdoor Storage								
Tow Truck Operation								
Towing and Impoundment Yard								
Special Use Permit								
Adult Use Business								
Wireless Telecommunications Facility								

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§ 305-20 I-2 Resource Recovery District

A. Purpose and Intent.

The general purpose of the Resource Recovery District (I-2) is to provide for targeted locations in the City for businesses that may have more substantive impact on surrounding land uses. These uses are important to the overall economic health of the City but due to their impacts should be located in specified locations where their impacts can be minimized.

B. Permitted Uses.

The following uses are permitted within the I-2 District:

1. Auto Wrecking Yard
2. Contractor's Yard
3. Junkyard
4. Outdoor Storage
5. Scrap Metal Processing
6. Tow Truck Operation
7. Towing and Impoundment Yard

C. Accessory Uses.

There are no accessory uses permitted in the I-2 District.

D. Special Use Permits.

Certain uses require a special use permit from the Planning Commission, subject to the requirements of *Article 8 |§ 305-89, Special Use Permits*. The following uses are allowed as special permit uses within the I-2 District:

1. Adult Use Business
2. Wireless Telecommunications Facility

E. Prohibited Uses.

Uses that are not expressly permitted in this Section are prohibited.

F. Off-Street Parking Requirements.

Uses not listed in the Bulk and Use Table are not subject to off-street parking requirements. In addition, all uses permitted in this district are subject to the additional parking and loading requirements set forth in *Article 4 |§ 305-43, Off-Street Parking and Loading* of this Chapter.

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G. Signs.

All signage is required to conform to regulations set forth in *Article 4 |§ 305-55 Sign Regulations* of this Ordinance.

H. Supplemental Regulations.

Uses are subject to the requirements specified elsewhere in these regulations or other Chapters of the City's Code of Ordinances, including, but not limited to, Supplemental Regulations in accordance with *Article 4 | Supplemental Regulations*.

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I. Bulk and Use Table: I-2 Resource Recovery District

Uses	Min. Lot Size (square feet)	Min. Lot Width (feet)	Min. Setback (feet)			Max. Allowable Impervious Surface Coverage (%)	Max. Building Height (feet)	Parking
			Front	Side	Rear			
Permitted								
Auto Wrecking Yard								
Contractor's Yard								
Junkyard								
Outdoor Storage								
Scrap Metal Processing								
Tow Truck Operation								
Towing and Impoundment Yard								
Special Use Permit								
Adult Use Business								
Wireless Telecommunications Facility								

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§ 305-21 DD Downtown District

A. Purpose and Intent.

The purpose of this Section is to provide regulatory standards governing building form and related urban design principles for new development and redevelopment projects in Downtown Auburn. These standards are intended to ensure that proposed development is consistent with the vision, goals and objectives of Building a Sustainable Future, The City of Auburn Comprehensive Plan and other City planning and development initiatives. Downtown is the City's financial, entertainment, governmental and institutional center for public services, social activity and employment. As such, the intent of this Section is to maintain the distinctive character of Downtown and enhance relationships between buildings and streets and other public spaces by considering their visual compatibility with surrounding areas.

B. Guiding Principles.

These standards are based upon a number of guiding principles including to:

1. Implement the City of Auburn Comprehensive Plan;
2. Protect and reinforce the unique and historic character of Downtown neighborhoods;
3. Encourage adaptive reuse and desirable forms of development at infill locations and underutilized properties;
4. Re-establish walkability and strengthen the historic circulation patterns of walkable areas;
5. Encourage reinvestment and revitalization by promoting mixed-use development;
6. Discourage less compatible suburban styles of development in the Downtown;
7. Enhance the visual character and quality of the public realm and improve pedestrian comfort; and
8. Promote diversity and compatibility in the design and use of urban buildings and public spaces.

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C. Applicability and Use.

This Section applies to all buildings and the interface of buildings with the public realm and public realm amenities within the boundaries of the Downtown District. The provisions of this Ordinance are implemented by use of the words "shall" when meeting such provisions are required; "should" when the actions are recommended; and "may" when actions are considered optional.

Action	Applicable Subsection								
	Article 3 |§ 305-21J	Article 3 |§ 305-21G.1	Article 3 |§ 305-21J	Article 3 |§ 305-21M	Article 3 |§ 305-21G.6	Article 3 |§ 305-21H.6	Article 3 |§ 305-21H.9	Article 3 |§ 305-21H.5	Article 5 |§ 305-61
	Sites	Placement	Height	Façade	Encroachments	Parking	Landscaping & Screening	Lighting	Signs
New Development	X	X	X	X	X	X	X	X	X
Expansion of building up to 25% of gross building square footage				X	X			X	X
Expansion of building over 50%	X	X	X	X	X	X	X	X	X
Exterior remodel (change or addition of façade materials) of existing non-residential or multi-family building of more than 50% of the façade** Exterior remodel (change or addition of façade materials) of existing non-residential or multi-family building between 20% and 50% of the façade**				X	X			X	X
Exterior remodel (change or addition of façade materials) of existing non-residential or multi-family building of more than 50% of the façade**				X	X	X	X	X	
Expansion or replacement of existing surface parking lot of more than 10 new spaces						X	X		
Installation of parking lot lighting								X	
Installation of a new sign									X
Modifications to an existing sign									X

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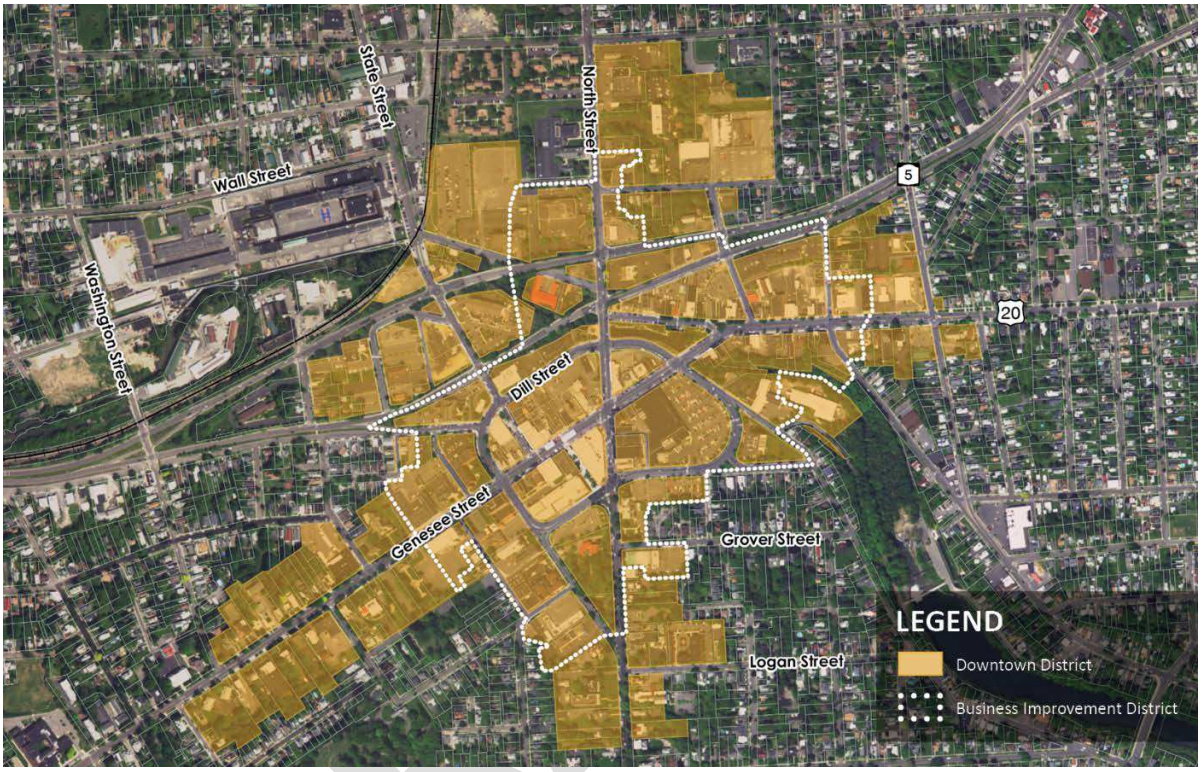
D. Downtown District Boundaries Map.

The Downtown District is identified as comprising all those buildings, structures, parcels, uses, corridors and natural features within the boundaries as shown on the most recent version of the City of Auburn Zoning Map, which may be amended from time to time by the City Council.



E. Downtown Core and Gateway Areas.

The Downtown District has a mixed-use core and gateway areas as discussed in this Ordinance. Both are evolving over time in terms of development scale, density, type and intensity of use. The Downtown Core is the centralized mixed-use business area of the City with a concentrated mix of land uses at higher densities of building development and vertical scale than other areas of the City. The core is an area of high development interest often focused at or near the crossroads of major thoroughfares. The core contains some of the most important landmarks, civic places and historic sites in Auburn.

The Downtown Gateway areas are generally those neighboring peripheral areas that transition from the higher intensities of use and the more traditional urban forms found in the core to somewhat lower densities, less variability in land use and noticeable changes in visual character. The gateways are generally along thoroughfares leading into Downtown adjacent to neighboring zoning districts where land use transitions to residential neighborhoods and non-residential uses that begin to exhibit characteristics of urban/suburban areas with obvious changes in building types, architectural styles, lot sizes and pedestrian activity along mostly commercial corridors.

F. Organization of Building Types.

This Ordinance is organized by Building Types found within the Downtown District. In the Downtown District, eight (8) building types have been identified (*see Table F-1*). Building type should not be confused with building use or architectural style. Each building type is associated with information specific to that type including its general size, height and similar form and design characteristics.

This Ordinance includes dimensional and building form standards. Dimensional standards include lot size and setback requirements. Building form standards relate to the overall size and shape of buildings including massing and scale relative to their surroundings. This Ordinance provides standards applicable to all building types as well as standards that only apply to a specific building type. *Table F-1* identifies where each type is permitted within the Downtown Core and each of the four Downtown Gateway areas.

Table F-1 Downtown Building Types

Downtown District Building Types	*Downtown Mixed Use Core*	*Northern Gateway*	*Southern Gateway*	*Eastern Gateway*	*Western Gateway*
Civic & Institutional	P	P	S	S	S
Multi-story Commercial/Office	P	P	S	--	S
Main Street Mixed-Use	P	P	S	P	P
Mid-Rise/High-Rise	P	S	--	--	--
Small Shopfront/Storefront	P	P	P	P	P
One-Story Commercial/Franchise	S	P	S	P	P
Attached Multi Residence	P	P	P	P	P
Detached House	S	P	P	P	P

P Permitted
S Requires Special Permit
-- Not Permitted / Not Applicable

A details list of permitted uses is provided in *Article 3 |§ 305-12 Uses Table.* In cases where specific uses and their associated building types are assigned two different levels of permissibility (e.g., where a commercial office use may be permitted, and the Multi-Story Commercial/Office building type requires a special permit), the more restrictive review process prevails.

G. Standards Applicable to All Building Types.

1. Building and Architectural Standards

[a] Building Placement and Orientation: Massing and traditional proportions of building height, width to height ratios, and rooflines, shall be maintained and be compatible with the context of surrounding buildings that meet the intent of this Ordinance. With regard to proposed new buildings, additions and/or alterations of existing buildings, the height and scale of other buildings on the block shall be maintained so that the front façade of the new or altered building does not exceed the average width of principal buildings within approximately 200 feet of the proposed new or altered building by more than 20%.

[b] In the Downtown Core, the height of new buildings shall not exceed the average height of principal buildings within approximately 200 feet by more than one (1) story or 12 feet, whichever is less. In Downtown Gateway areas, the height of new buildings shall not exceed the average height of principal buildings within approximately 400 feet by more than one (1) story or 12 feet, whichever is less.

[c] The building's front façade shall be oriented to the primary street.

[d] Building height limits shall not apply to structural elements such as, but not limited to domes, flag poles, masts, clock towers, chimneys, belfries, mechanical areas and elevator enclosures.

[e] The proposed new or altered building shall also maintain the pattern of building fronts and setbacks from both primary and secondary streets within approximately 200 feet so that the building setback is within five (5) feet of the average setback of buildings on the block, provided those buildings presently meet the setbacks established by this Ordinance.

[f] In the case of adjacent buildings that do not conform to the traditional heights and rooflines of the block, the traditional height shall take precedent. Some slight variation (up to a maximum of plus or minus 4 feet) in the height of a building's primary façade roofline is allowed to avoid visual monotony.

[g] The primary façade may step back a maximum of 2 feet from the required setback to allow for building articulation for its total length.

[h] Block corners shall be reserved for buildings oriented to face both streets. Buildings shall be placed at the corner created by the intersection of the front and side setback lines. The void created by the difference between the total lot width and the minimum permitted width of the building shall not be located at this corner.

[i] Buildings at corners shall be considered to have two primary façades facing the adjacent streets. References in this Ordinance to primary façade treatment shall apply to both façades.

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2. Building Components

[a] Flat roof forms are most appropriate for medium and large-scale buildings in the Downtown District. This includes most building types that are two stories or more in height.

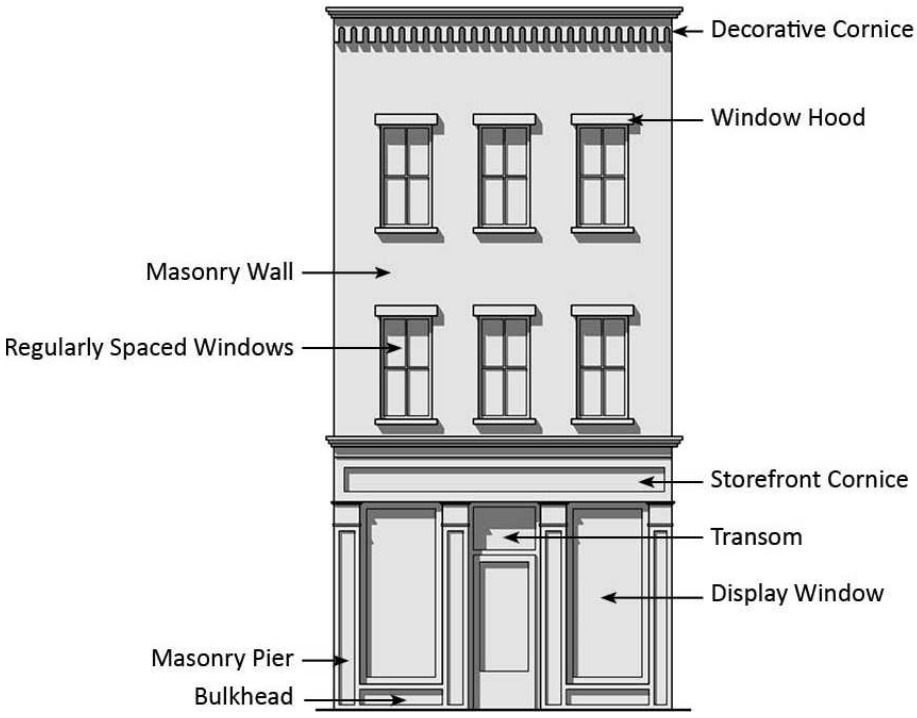
[b] Flat roofs and roofs with a pitch less than 4:12 shall include parapet walls along each side of the building of at least 18 inches in height.

[c] Sloping and pitched roofs (greater than 4:12 pitch) may be appropriate for small and medium scale buildings for consistency within the context of their surroundings, particularly for one story buildings in gateway areas of Downtown adjacent to residential neighborhoods.

[d] Decorative cornices are required on flat roofed buildings and shall be a minimum of 24 inches in height. Cornices may extend a maximum of 24 inches from the exterior face of the building into the front or side setback.

[e] Existing original and traditional roofline features and details such as eaves, cornices, pediments and medallions shall be maintained and not removed, destroyed or covered. Missing, damaged or previously removed architectural features, such as, but not limited to cornices, special roofline decorative details, masonry piers, and bulkheads shall be repaired and/or replaced with acceptable traditional designs and materials.

Typical Mixed-Use Building Components



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3. Frontage Types

Frontage types are components of a building extending beyond the façade into the transition area on private property between the building and the public realm, which includes sidewalks and streets. Frontage types are important structural elements within the private realm that contribute to social interaction and character of a neighborhood. The following frontage types are appropriate to the Downtown District according to building types identified in this Ordinance.

[a] Arcade. An arcade is a passage located along the exterior wall of a building and structurally covered, typically by the building's upper stories.

[b] Awning. An awning is a wall-mounted, pitched cover extending from a building to provide protection from the weather.

[c] Balcony. A balcony is a projecting platform, or recessed within, the upper floors of a building façade.

[d] Canopy. A canopy is a horizontal roofed cover extending outward from a building typically with structural supports attached to the building or ground plane extending to provide protection from the weather.

[e] Common Yard. A relatively large planted lawn, setback from the frontage line typically associated with detached houses providing a buffer from local thoroughfares. A common yard remains unfenced and is visually continuous with adjacent yards forming a common landscape.

[f] Forecourt. A forecourt is a semi-public space, open to the sky and formed by the recess in the central portion of the building façade, enclosed by the building façade on three sides. The space could be used as an entry court, shared garden space for apartments, restaurant seating area or outdoor retail space.

[g] Plaza. A plaza is an outdoor public space formed by a building setback from the street that is open above and designed specifically for public gathering.

[h] Porch. A porch is a raised, roofed platform attached to a building forming a projected or recessed entryway as a semi-private space. A projecting porch is typically open on three sides behind the setback line. An engaged porch appears recessed and has one or two adjacent sides attached to the building and one or two sides open. Minimum width is typically 8 feet across the front façade with a minimum depth of 4 feet. Partial walls or railings are not more than 4 feet high.

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[i] Stoop. A stoop is a raised unenclosed platform to a building entrance that is elevated relative to and adjacent to the sidewalk. Stairs or ramps lead directly to the sidewalk. A stoop is most appropriate to residences with small front setbacks, or to façades that must accommodate a grade change. Typically, a stoop has a maximum width and depth of 6 feet.

[j] Storefront/Shopfront. The storefront/shopfront is along the main façade of the building at or near the front setback line with an at-grade entrance along the public sidewalk. This frontage type is typically intended for retail use. This may be used along with other frontage types such as a front awning over a window.

4. Façade Design, Materials, and Maintenance

[a] Original façade materials and design details, including transparency created by windows and doors, shall be maintained and/or restored to the greatest extent practicable, if it is determined in consultation with the City that such existing façade treatment is feasible and necessary to be consistent with the intent of this Ordinance.

[b] Durable and low maintenance traditional building façade materials, such as brick, stone and concrete, as exists throughout the Downtown area, shall be used as much as possible. Metal siding, corrugated metals, wood and vinyl siding materials shall be avoided unless approved by the City. Lightweight synthetic wall cladding and mirrored or reflective surfaces shall be avoided.

[c] Façade materials shall consist of classic colors found elsewhere within the Downtown District. Accent colors shall complement and contrast appropriately with primary building materials. Dramatic contrast in colors should be avoided unless it is considered important and integral to the architectural design, historic context and/or style of the building.

[d] The side façade and entryways of corner buildings along side streets shall be consistent with the treatment of the primary front façade in terms of the quality and appearance of building materials, windows and doors, colors and landscaping treatment.

5. Doors, Windows, and Trim

[a] Primary entry doors shall face the street and transparency shall vary with building type. For redevelopment projects, original building entrances shall be retained and original entranceway details shall be restored to the greatest extent practicable or replaced with traditional looking substitutes.

[b] Angled entranceways are permitted for corner buildings.

[c] Windows and doors shall be regularly spaced on the front façade and other façades visible from the public realm.

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[d] Windows at ground level shall provide clear views from the building to the street and from the public realm into the building. Dark, tinted, textured or highly reflective glass is not permitted along the ground level façade.

[e] For redevelopment projects, windows shall be maintained to their original size and overall proportions. Lintels, caps, and sills shall be retained to the greatest extent practicable or appropriately replaced with traditional looking substitutes.

[f] On masonry building façades, window elements shall include a header or hood and sill. On façades other than masonry, window elements shall include wood or similar looking trim on all four sides of each window.

[g] Trim shall be compatible in style, materials and colors with the exterior of the building. Accent colors shall complement and contrast appropriately with primary building materials. Dramatic contrast in colors should be avoided unless it is considered important and integral to the architectural design, style and/or historic context of the building.

6. Awnings and Canopies

[a] The use of awnings or canopies above storefront glass windows, particularly on mixed-use and commercial buildings, shall be allowed along the full linear extent of the primary façade to promote pedestrian interest in ground floor areas.

[b] Awnings that are located on a primary façade or visible from the primary street shall use non-vinyl and non-plastic matte finish materials, such as commercial grade fabric or canvas that is durable for local weather conditions.

[c] Asphalt or composition shingle, or other materials with a synthetic or plastic appearance are not allowed.

[d] Colors shall complement the exterior design of the building and be compatible with the context of surrounding areas and buildings.

[e] Information contained on the awning or canopy shall not be interpreted as a substitute for allowed signage (*see Article 4 |§ 305-55Sign Regulations*).

[f] Awnings and canopies shall have a minimum clearance of 10 feet above the top of sidewalk and project a minimum of 5 feet from the building, subject to any and all other regulations restricting structural encroachments within the public right of way.

[g] Convex, bullnose, quarter round, or “waterfall”-style curved awnings are discouraged.

[h] Awnings and canopies should be integrated into the front façade by being placed within, rather than overlapping, the vertical elements of a building façade, for example, a façade that is divided into distinct structural bays.

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H. Public Realm Standards.

1. Public Realm

[a] Concrete sidewalks and granite curbs shall be provided along both sides of the public right-of-way of primary municipal streets upon approval of the City to safely separate areas of high volumes of vehicular traffic from pedestrian activity.

[b] The ground plane that abuts the inside back of the curb between the curb and sidewalk shall be paved with concrete, concrete pavers, brick, stone, or other high quality, durable and low maintenance hardscape material acceptable to the City. The use of asphalt and loose gravel or granular materials is prohibited.

2. Streetscapes and Pedestrian Amenities

[a] Where streetscaping and pedestrian amenities are provided by the property owner or developer within or immediately adjacent to the public right-of-way, the materials shall be high quality, durable elements determined acceptable by the City. These amenities may include, but not be limited to pavement surfaces, seating areas and walls, benches, lighting, street trees, fences and railings.

3. Screening Walls, Fences, and Gates

[a] Screening walls, fences, railings and gates along primary streets shall be constructed of durable, high quality, low maintenance materials including, but not limited to brick, stone, and metal (steel, aluminum, wrought iron). Plastic, vinyl, chain link and wooden fences, railings and gates shall be prohibited in the Downtown District unless approved by the City.

[1] The appearance of security fencing from the public realm shall be enhanced by landscaping along the fence line with appropriately sized evergreen and deciduous plant materials.

[2] The use of chain link fencing along primary and secondary streets, with or without vinyl slats, for use as visual buffers and/or screens is prohibited in the Downtown District unless approved by the City.

4. Loading Zones, Berths, and Docks

[a] Off-Street parking and Loading shall be per *Article 4 |§ 305-43, Off-Street Parking and Loading.*

[b] Loading zones, berths, docks, and overhead doors shall face the rear lot line of the primary building or an alley where practicable. Delivery and service areas shall be visually screened from the public realm and from primary and secondary thoroughfares, adjacent residential areas and other pedestrian activity and public gathering areas.

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5. Lighting, Fixtures, and Illumination

[a] Area lighting shall be *0, Lighting*.

[b] Pedestrian scale street lights shall meet City engineering and placement standards.

[c] Lighting shall not conflict with pedestrian circulation and street trees.

[d] Exterior building lights, if provided, shall be mounted on the primary street's front façade, between 8 feet and 12 feet above adjacent sidewalk grade. All buildings with alleyways shall have sufficient lighting fixtures along the alleyway for pedestrian safety where it will not conflict with vehicle access and circulation.

[e] Exterior building lights shall not cause glare onto adjacent lots or buildings. Floodlights or directional lights may be used to illuminate alleys, parking areas, garages and maintenance areas, but shielded in such a way as to not shine into other lots or the street.

[f] All light fixtures, for general area lighting, shall be full cut-off type fixtures, which do not produce any light above 90 degrees from the nadir (nadir being the angle pointing directly downward from the luminaire or fixture), and equipped with flat lenses; and with fixed, non-adjustable, mounting arms or brackets. Light fixtures for landscaping lighting and decorative building lighting may allow light above 90 degrees from the nadir.

[g] Light poles and light fixtures shall maintain the same style, height, and color and intensity of illumination throughout the surrounding area. Poles and fixtures shall be made of durable and vandal-resistant materials. Variation in styles of light poles and fixtures are permitted if it is demonstrated that the styles contribute to an overall design theme for the area.

[h] Illumination shall be consistent with neighborhood ambient light levels and accepted industry standards, such as those of the Illuminating Engineering Society of North America (IESNA).

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6. Parking

   [a] Off-Street parking and loading shall be per *Article 4 |§ 305-43, Off-Street Parking and Loading.*

   [b] For buildings that are located at or near the public sidewalk edge, for example, with a zero setback line, parking shall be located to the rear or side of the building and/or with shared parking at interior parts of the block.

   [c] Off-street parking shall not be located in front of the building along primary streets.

   [d] New stand-alone parking structures that front along a primary thoroughfare shall incorporate mixed-use liner buildings and decorative exterior façade materials appropriate to the context of its surroundings to visually screen interior parking levels from the public realm and minimize the appearance of parked vehicles.

7. Site Access, Driveways, and Vehicular Circulation

   [a] Vehicular circulation, where provided shall include shared narrow drive lanes between parcels and/or buildings as off-street connections to interior parts of the block to limit curb cuts.

   [b] Driveways shall be paved with asphalt or concrete per City engineering standards.

8. Pedestrian Movement

   [a] Buildings shall be connected to the street and to adjacent public transit stops via concrete sidewalks.

   [b] Sidewalks or landscaped walkways shall connect buildings to off-street parking areas.

   [c] Convenient pedestrian access shall be provided to adjacent development. All sites must provide for safe and direct pedestrian connections between detached buildings where practicable.

   [d] Paving materials and landscaping shall differentiate and delineate pedestrian walkways from parking spaces, automobile travel lanes and driveways.

   [e] Outdoor seating areas and cafes on private property shall not interfere with pedestrian flow and circulation along the public sidewalk and at building entryways.

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9. Landscaping Standards

[a] Materials and Maintenance:

[1] Landscaping shall be per *Article 4 |§ 305-38, Landscaping*.

[2] The design emphasis for landscaping shall focus on enhancing the visual quality and safe functioning of the public realm by incorporating pedestrian amenities such as linear planting beds, seat walls, street furniture, public art, lighting, and other streetscape materials. These features shall be architecturally compatible with the styles, materials and colors of the principal building on the lot, and the landscaping design and context desired by the City in the immediate area.

[3] Context appropriate landscaping shall be provided at the front façade along the primary street where space allows. Appropriate landscaping will depend on factors such as the setbacks, shape, size, frontage elements and orientation of the building.

[4] The selection of landscaping materials shall consider their visual quality, seasonal use, durability, and maintainability. Recycled and sustainable materials shall be acceptable if they meet these conditions.

[5] The developer, its successor and/or subsequent owners and their agents, shall maintain landscaping on the property on a continuing basis for the life of the development. Plant materials which exhibit evidence of insect pests, disease and/or damage shall be appropriately treated. Dead plants shall be promptly removed and replaced within the next planting season after removal.

[b] Use of Native Species:

Plant species shall be selected based on compatibility with conditions in an urban environment. Native, non-invasive plant materials shall be considered over non-native species. Ease of maintenance, plant litter, disease resistance, irrigation needs and growth habits, including the potential for tree canopies, branches, and root systems to damage sidewalks, pavements and utilities shall also be considered.

[c] Tree Placement and Protection:

Plant species shall be selected based on compatibility with conditions in an urban environment. Native, non-invasive plant materials shall be considered over non-native species. Ease of maintenance, plant litter, disease resistance, irrigation needs and growth habits, including the potential for tree canopies, branches, and root systems to damage sidewalks, pavements and utilities shall also be considered.

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[d] Visual Screening:

[1] Mechanical equipment for all new installations or relocation of existing equipment in commercial and mixed-use building development shall be screened from public view and from primary thoroughfares to the greatest extent practicable whether on the roof, ground or along building walls.

[2] Building roof parapets or other architectural screening techniques shall be used in screening roof-mounted equipment. For existing buildings that have no or low parapets, mechanicals shall be surrounded by an opaque screening wall at a height as high as the equipment, provided the operation and functioning of the mechanicals is not jeopardized. The wall shall be architecturally consistent and compatible with the building's design, colors and material finishes.

[3] Ground-mounted or wall-mounted equipment shall not be located between the building's front façade and the primary street(s) or other side or rear façades in clear view by the public. Screening devices shall be at a height as high as the equipment to the greatest extent practicable, provided the operation and functioning of the mechanicals is not jeopardized. Ground-mounted or wall-mounted equipment and screening devices shall meet rear and side yard setbacks.

[4] Utilities, service areas, and waste disposal areas shall be located and screened to avoid public view to the greatest extent practicable using screening walls, decorative fencing and/or plant materials. Screening materials shall be durable and of a quality that can easily and routinely be maintained in proper condition by the property owner.

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I. Standards Applicable to Individual Building Types.

1. Civic and Institutional Buildings

[a] Description:

Civic and institutional buildings are typically unique in building form and architectural style, often providing visually distinct public gathering places that are highly visible from the public realm, particularly primary thoroughfares. In Auburn, the most prominent civic buildings are government office buildings and courthouses. Institutional buildings may be operated by private or public institutions and not-for-profit organizations. These buildings may be dedicated to a single purpose such as public safety, social services, cultural activities and education. In some cases, transit-related facilities, such as public parking structures, are considered civic buildings. As prominent features in the urban landscape, the design of civic and institutional buildings is critical to enhancing community character in the Downtown district.

[b] Intent:

It is the intent of the design standards for civic and institutional buildings to be used on a case by case basis to create functional and visually memorable civic and institutional buildings with design features that help establish a sense of place in Downtown Auburn. It is important that these buildings are consistent with the visual characteristics and the context of surrounding neighborhoods and nearby buildings without sacrificing the uniqueness of their design.

[c] Additional Standards Applicable to this Building Type:

[1] Building alignment and setback shall vary with building location, lot size, and intended use, but shall not exceed 1.5 times the average of the setbacks of immediately adjacent buildings.

[2] The placement of the building on the property shall highlight its visual character and intended use.

[3] Where civic buildings are located that terminate a vista, such as along the centerline of a thoroughfare, the primary façade(s) shall be designed to include a significant architectural building and/or open space feature along the axis of the vista

[4] Pedestrian areas and circulation on the grounds shall be well-landscaped and visually distinct from vehicular areas. Parking and vehicular circulation shall not dominate views from the public realm in the front of the building or from major streets nearby.

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2. Multi-Story Commercial/Office Buildings

[a] Description:

Within the City of Auburn, multi-story commercial/office buildings are typically large structures generally consisting of two to six stories, with vertical mixed uses that may include ground floor retail, office or commercial services, and upper floor office or residential use. These buildings are on large lots and may visually dominate a downtown block and one or more corners. They may be owned by one or more entities and can be divided into separate uses. These buildings are often an important center of employment and substantially contribute to the urban streetwall and pedestrian activity. Parking may be incorporated into the structure.

[b] Intent:

It is the intent of the design standards for Multi-story Commercial/Office Buildings that because of their relatively large size, reuse potential and adaptability to a variety of uses, this building type exhibits a traditional urban rectangular form and an almost timeless or classic appearance in architectural style, colors and materials.

3. Main Street Mixed-Use Buildings

[a] Description:

"Main street" mixed-use buildings are generally small to medium size in scale, typically two to four stories with ground floor retail, services or other commercial uses and upper floor residential or office space. In their more traditional form, these buildings are frequently attached to one another (or other structures) by a common wall, helping to define a highly unified streetscape. Detached buildings may be a remnant of past similar uses on the block and may provide opportunities for infill development. The ground floor emphasizes transparency and is comprised of larger, storefront-type windows and doors, with smaller windows in upper floors. These buildings may include a corner shopfront. There is a distinct rhythm to window patterns and these buildings typically exhibit a compatible variety of building materials, colors and textures.

[b] Intent:

It is the intent of the design standards to protect and preserve Auburn's existing stock of pedestrian-scaled mixed-use buildings that define most of the rich visual character of Downtown. These buildings are highly adaptable to a variety of uses over time and promote a healthy pedestrian environment consistent with a walkable city. Emphasis shall be placed on their adaptive reuse, redevelopment, infill development opportunities and preservation over new forms of development on the same site.

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4. Mid-Rise/High-Rise Buildings

[a] Description:

Mid-Rise to High-Rise buildings are medium to large scale, high density structures on large lots comprised of multiple stories generally dedicated to a single purpose (such as residential use) or mixed-use consisting of ground level retail, personal services, and office use with upper floor residential units. Surface and/or structure parking may be provided. Mid-rise buildings are typically 4 to 8 stories and high-rise buildings are 9 to 12 stories or more in height.

[b] Intent:

It is the intent of the design standards for this building type to permit their development in suitable locations that are visually compatible with the surrounding neighborhood, particularly with regard to their scale, height and massing. Dwelling units in these structures are intended to provide residents with opportunities to walk to nearby neighborhood services to meet daily and personal needs.

[c] Additional Standards Applicable to this Building Type:

[1] Roofs on most mid-rise and high-rise buildings are typically flat due to their overall height and massing. The top floor at the roofline of the primary and side façades may include decorative elements such as changes in materials or color to highlight the structure.

[2] Side and rear façades shall receive the same treatments in terms of building materials, windows, and colors as the primary façade. Entries to ground floor uses and dwelling units may be accessed from the sides or rear of the building.

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5. Small Shopfront/Residence Buildings

[a] Description:

Shopfront buildings are generally small attached or detached buildings having one owner and typically set on relatively small lots. The ground floor is flexible space able to adapt to a variety of shopfront uses and may contain retail or commercial services with a rear or upper floor residence or office. These buildings may function as "live/work" buildings, and are typically located in medium or moderate density areas. The building's main entrance typically faces the primary street and there may be a separate entry for the upper floor.

[b] Intent:

It is the intent of the design standards for the shopfront/residence building type to protect and preserve their unique architectural styles and ability to adapt to the space requirements of small businesses and neighborhood uses.

[c] Additional Standards Applicable to this Building Type:

[1] The building shall be aligned with adjacent building fronts on primary streets, typically with a very narrow (or zero) setback and build-to lines along side streets.

[2] Buildings shall be brought forward to the property lines of adjacent streets. Storefronts and primary entryway to the ground floor is along the primary street. Upper floor entries may be along the primary and/or side streets.

[3] Rooflines may include trim and color accents.

6. Commercial Franchise and Branch Office Buildings:

[a] Description:

Commercial franchise & branch office buildings are typically small to medium size, on correspondingly sized lots that allow for surface parking. These buildings tend to be more auto-oriented than others in the Downtown district, and their placement on a lot typically emphasizes maximum visibility. Building design and colors may exhibit identifiable logos and commercial brand characteristics; to the extent that non-traditional, branded colors are featured in the building design, these should not be a primary element of the façade. Buildings are typically 1 to 2 stories in height and principal uses generally confined to the ground floor. Off-street parking is typically provided on the property. These buildings may contain office space and are well-suited to daily or personal care services and may include uses such as: banks; restaurants; specialty retail; and office Buildings.

[b] Intent:

It is the intent of the design standards for Commercial Franchise & Branch Office Buildings to encourage compatible development with adjoining buildings and nearby residential neighborhood uses, particularly in transitional areas beyond the core of Downtown Auburn.

[c] Additional Standards Applicable to this Building Type:

[1] Pedestrian circulation on the grounds shall be well-landscaped and visually distinct from vehicular areas. Parking and vehicular circulation shall not dominate views from the public realm in the front of the building or from major streets nearby.

[2] Pitched roofs may be most appropriate in transitional edge areas adjacent to residential neighborhoods with similar rooflines and features.

[3] Bright, neon and non-traditional colors shall be used sparingly in identifying franchise logos and/or brand names, but not as building elements, façade treatments, frontage elements, window or door design accents, and/or trim without City approval.

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7. Attached Multiple Residence Buildings (duplex, rowhouse, townhouse)

[a] Description:

Attached multiple residence buildings contain more than one dwelling unit and may be constructed to house multiple units in a variety of ways, vertically and/or horizontally. These buildings are generally dedicated to a single use as residential buildings.

[b] Intent:

It is the intent of the design standards for Attached Multiple Residence Buildings to encourage compatible, well-designed and maintained residential development with nearby residential neighborhood uses, particularly in transitional areas beyond the core of Downtown Auburn.

8. Detached House

[a] Description:

Detached houses, particularly large older homes, come in various shapes and sizes with flexible design characteristics that often, but not always allow for the conversion of their interior space to other than residential uses. Although detached houses may remain as single-family residences, conversion to other residential and non-residential uses in Downtown Auburn may include apartments, home occupations, office buildings, and small retail shops. These buildings typically remain dedicated to a single use even after conversion occurs. Conversion, if it occurs typically happens in areas where development is transitioning from urban single-family residential neighborhoods to other forms of land use. These buildings typically have setbacks for a front yard, rear yard and two side yards. Many detached houses have accessory structures, including garages.

[b] Intent:

It is the intent of these design standards for detached houses to encourage compatible, well-designed and maintained residential development with nearby residential neighborhoods and other non-residential uses, particularly in transitional areas of downtown.

J. Dimensional Standards.

DIMENSIONAL STANDARDS									
	Key	Civic & Institutional	Multi-Story Commercial/Office	Main Street Mixed-Use	Mid-Rise/ High-Rise	Small Shopfront/ Storefront	Commercial Franchise & Branch Office	Attached Multi-Residence	Detached House
Lot Size									
Lot width	E	N/A	N/A	40' min.	N/A	20' min., 40' max.	25' min	N/A	50' min.
Lot depth	F	N/A	N/A	100' min.	N/A	N/A	100' min.	N/A	100' min.
Setback									
Primary street (front setback)	A	See Section 3.1.3	10' max.	5' max.	10' max.[3]	5' max.	5' max.	10' max.	10' max.
Side	B	See Section 3.1.3	0' or 5'	0' or 5'	10' max.[3]	0' or 5'	0' or 10'	10' max.	10' max.
Rear[4]	D	See Section 3.1.3	N/A	N/A	N/A[3]	N/A	N/A	N/A	N/A
Building Size & Massing									
Main building height[1]	K	2 stories or 25’ min.	2 stories min., 75’ max.	2 stories min., 50’ max.	4 stories min.[3]	1 story min., 25' max.	2 story max.	2 stories min., 3 stories max.	3 stories
Main building width[2]	G	N/A	N/A	N/A	N/A	18' min.	N/A	N/A	N/A
Main building depth	H	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Ancillary building height		2 stories or 25’ max.	2 stories or 25’ max.	2 stories or 25’ max.	2 stories or 25’ max.	1 story or 15' max.	1 story or 15' max.	1 story or 15' max.	1 story or 15' max.
Finish ground floor elev.	L	8” max above sidewalk	8” max above sidewalk	18” max above sidewalk	8” max above sidewalk	18” max above sidewalk	8” max above sidewalk	N/A	N/A
First floor ceiling height	M	10’ min. – 14’ max.	10’ min. – 14’ max.	10’ min. – 14’ max.	10’ min. – 14’ max.	10’ min. – 12’ max.	10’ min. – 14’ max.	N/A	N/A
Upper floor(s) ceiling height	N	9’ min.	8’ min. – 10’ max.	8’ min. – 10’ max.	8’ min. – 10’ max.	8’ min. – 10’ max.	8’ min. – 10’ max.	N/A	N/A

[1] Buildings that are more than four stories high shall step back the fifth and upper floors thereafter, a minimum of one foot for each foot in height above the fourth floor to reduce the scale and massing effect of the structure.

[2] Where parcels are wider than 100 feet on the primary street axis, the building width along the primary street shall be at least 75% of the width of the parcel. In all cases, individual buildings wider than 40 feet shall be designed with bays or other features to articulate the primary facade.

[3] Where building façade is built less than 10 ft from the property line, the maximum building height is 6 stories. The building height maximum may be increased by 10 feet or one story for each additional 10 feet provided for front, rear, and combined side yards, to a maximum height of 150 feet or 12 stories.

[4] Where new buildings in the Downtown district abut residential districts, rear setback shall be equal to or greater than the rear setback of adjacent residential property.

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K. Building Form.

BUILDING FORM									
	Key	Civic & Institutional	Multi-Story Commercial/Office	Main Street Mixed-Use	Mid-Rise/ High-Rise	Small Shopfront/ Storefront	Commercial Franchise & Branch Office	Attached Multi-Residence	Detached House
Frontage Elements[1]									
Arcade		x							
Awning		x	x	x	x	x	x		
Balcony		x		x	x	x			
Canopy		x	x	x	x	x	x		
Common yard		x			x		x	x	x
Forecourt		x	x		x	x			
Plaza		x	x		x				
Porch							x	x	x
Stoop				x				x	x
Storefront			x	x					
Roof Type and Features[2]									
Flat		x	x	x	x	x	x	x	
Pitched[3]		x	x	x		x	x	x	x
Gabled				x		x	x	x	x
Hip							x	x	x
Mansard								x	
Transparency									
Primary façade- ground floor		40% min.	60% min.	60% min.	60% min.	40% min.	50% min.	N/A	N/A
Secondary façade- ground floor		30% min.	30% min.	30% min.	30% min.	30% min.	30% min.	N/A	N/A
Upper floor(s)		30% min.	30% min.	30% min.	30% min.	30% min.	30% min.	N/A	N/A

x = Permitted element or feature

[1] Pitched roof height maximum 1 story

[2] Roof type and features shall be compatible with adjacent and nearby buildings and emphasize the use of traditional cornices and façade treatments to the extent practicable.

[3] Front façade and storefronts shall be oriented parallel to the primary street. Vertical and horizontal articulation shall be considered as a method of breaking up the scale of the building and differentiate the ground floor from upper floors by the use of bays, recesses or other structural or decorative elements.

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L. Building Use.

	BUILDING USES[1]								
	Key	Civic & Institutional	Multi-Story Commercial/Office	Main Street Mixed-Use	Mid-Rise/ High-Rise	Small Shopfront/ Storefront	Commercial Franchise & Branch Office	Attached Multi-Residence	Detached House
Ground Floor									
Education		x		x					
Professional service		x	x	x	x	x	x	x[2]	x[2]
Public Assembly		x		x					
Commercial/ Office			x				x		
Food service			x	x		x	x		
Recreation				x					
Residential						x		x	x
Retail			x	x	x	x	x		
Upper Floors									
Education									
Professional service		x	x	x	x	x	x	x[2]	x[2]
Public Assembly									
Commercial/ Office		x	x	x	x	x	x		
Food service									
Residential				x	x	x		x	x
Retail			x						

[1] See *Article 3 |§ 305-12, Uses Table* for specific uses permitted in the Downtown District

[2] Adaptive re-use only

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M. Façade Materials.

FAÇADE MATERIALS										
	Key	Civic & Institutional	Multi-Story Commercial/Office	Main Street Mixed-Use	Mid-Rise/ High-Rise	Small Shopfront/ Storefront	Commercial Franchise & Branch Office	Attached Multi-Residence	Apartment Building	Detached House
Brick and mortar		x	x	x	x	x	x	x		x
Brick panels		x	x	x	x	x	x			
Glazed brick		x	x	x	x	x	x	x		x
Stone, natural and cast		x	x	x	x	x	x	x		x
Stone masonry units				x	x	x	x	x		
Concrete, precast and cast-in-place		x	x	x	x	x	x			
Architectural concrete block				x	x	x	x			
Metal composite panels				x	x	x	x			
Exterior insulation finishing systems (EIFS)[1]					x					
Granite and marble		x	x	x	x					
Steel		x	x	x	x					
Glass		x	x	x	x					
Stucco						x		x		x
Wood siding						x	x	x		x
Vinyl siding							x	x		x

[1] Where permitted, EIFS is to be used on upper floors only. Use of EIFS as a primary façade material is strongly discouraged.

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Article 4 | Supplemental Regulations

§ 305-22 Accessory Dwelling Units

A. Standards.

1. Principal Use. The principal use of the structure must be that of a single-family dwelling or an accessory structure that primarily serves the needs of the single-family dwelling.

2. Required Occupancy. The owner of the property upon which the accessory dwelling unit is located shall occupy the principal or accessory dwelling unit on the premises as their primary residence.

3. Maximum Occupancy. The accessory dwelling unit shall be limited in occupancy as a single-family dwelling.

4. Number of Accessory Dwelling Units. Only one accessory dwelling unit shall be permitted on any lot.

   [a] If the portion of the structure is attached for the use of a garage or carport, and is more than one story in height, that portion not used for the shelter or storage of vehicles shall be designed and used as an integral part of the principal residence or approved habitable use such as guest living quarters.

   [b] If an accessory dwelling unit is attached, the entire structure must comply with all requirements of the Zoning Ordinance for the primary structure.

5. Minimum Lot Dimensions. The lot on which the accessory dwelling unit is to be located shall contain at least the minimum lot area and lot width required by the Bulk and Use Table for the primary one-family dwelling unit plus a minimum of an additional 2,000 square feet of lot area and an additional 10 feet or lot width for the accessory dwelling unit.

   [a] Maximum Size. An accessory dwelling unit shall be subordinate in area to the single-family dwelling not to exceed 800 square feet.

   [b] Setbacks. If the accessory dwelling unit is within a detached accessory structure, said structure must meet the required yard setbacks.

   [c] Access. An external located entrance, separate from that of the single-family dwelling shall be located on the side or rear of the single-family dwelling, or in the front only if the entrance is on a separate, perpendicular plane from that of the front entrance of the single-family dwelling.

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[d] Outside stairways. Any outside stairways and/or fire escapes shall be at the rear or side of the structure.

[e] Exterior Appearance. If an accessory dwelling unit is located in a detached single-family dwelling, to the degree reasonably feasible, the exterior appearance of the structure shall remain that of a single-family dwelling.

[f] Utilities. Unless the dwelling is serviced by a public water or sewer system, approval of the Cayuga County Health Department shall be obtained prior to issuance of a building permit, certificate of occupancy and/or certificate of compliance.

[g] Maintenance and Continued Compliance. An accessory dwelling unit shall be permitted and continued only when all structures on the lot are in compliance with applicable codes, rules, regulations, statutes and local laws and ordinances.

[h] Parking. Off-street parking shall be provided in accordance with *Article 4 |§ 305-43, Off-Street Parking and Loading* of this Ordinance.

6. Application. An application for an accessory dwelling unit must contain sufficient information to demonstrate compliance with each of the standards set forth in this Section, including but not limited to the following information:

[a] A floor plan of each habitable floor of the structure, with all interior dimensions, including windows and doors, including types of rooms.

[b] Plans shall be prepared in sufficient size and detail to enable the Planning and Economic Development Department to determine compliance with the requirements for an accessory dwelling unit.

§ 305-23 Accessory Uses and Structures

A. Permit Required.

1. An accessory use or structure shall only be established or constructed following issuance of a permit unless otherwise noted in this Chapter.

2. Particular permitted accessory structures and uses.

[a] Accessory structures and uses include, but are not limited to, the following list of examples; provided, however, that each structure or use shall comply with the standards and requirements of *Subsection 1* above.

[1] Private residential garages, portable garages, pole barns and carports. Attached or unattached private residential garages and carports shall not exceed 784 square feet.

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[2] Private customer and employee garages and parking lots and parking areas, together with related circulation elements.

[3] Storage Shed. A structure used for storage incidental to a permitted use, including garden and storage sheds, private greenhouses, and nurseries shall not exceed 144 square feet.

[4] Play Structure. Play structures are allowed in the rear yard, or in the side yard behind the midpoint of the lot depth, and shall maintain a minimum side and rear yard of setback of three feet, inclusive of any roof overhang, and shall not exceed 100 square feet.

[5] Recreation Facilities. Tennis courts or other recreational facility accessory to a residential building and limited to use by the occupants thereof and their guests.

[6] Portable Garages, Pole Barns and Carports. No more than one portable garage, pole barn or carport will be allowed on a lot regardless of zone or size unless as Special Use Permit that will comply with *Article 8 |§ 305-89, Special Use Permits*, is obtained. The side yard requirements for a portable garage, pole barn or carport will be a minimum of 5 feet and shall always be located in the area defined as the rear yard with a three (3) foot minimum rear setback.

[7] The removal of soil, sand, gravel, sod, stone or other natural material from a site in connection with construction of a building or structure shall be deemed to be part of the construction process and permitted only upon issuance of a building permit in conjunction therewith. Such removal shall otherwise be prohibited, except when undertaken as a permitted principal use under the terms of this Chapter.

[8] The disposal of refuse, garbage, or other types of solid waste is permitted only in accordance with applicable regulations of the City of Auburn and shall not require a permit under the provisions of this Chapter except when undertaken as a principal use under the Chapter.

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§ 305-24 Adult Use Businesses

A. Purpose.

1. It is recognized that for some uses which, because of their nature, have serious objectionable operational characteristics when several of them are concentrated under certain circumstances, which produce a deleterious effect upon adjacent areas, special regulation is necessary to ensure that adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhoods. The primary reason for regulation is to prevent concentration of these uses in any one area which could create adverse neighborhood affects.

2. It is further declared that the location of these uses in regard to areas where youth may regularly assemble and the general atmosphere encompassing their operation is of great concern to the City of Auburn. In order to promote the health, safety and general welfare of

the residents of the City of Auburn, County of Cayuga and State of New York, it is necessary to establish reasonable and uniform regulations for Adult Use Businesses within the City of Auburn. The regulation of Adult Use Businesses is necessary to prevent deterioration and degradation of the vitality of the City of Auburn, New York, before a problem develops, rather than in response to an existing problem.

3. These special regulations are itemized in this Section to accomplish the primary purpose of preventing a concentration of these uses in any one area and restricting their accessibility to minors. It is not the intent or purpose of this Article to restrict or deny access by adults to sexually oriented adult materials protected by the First Amendment to the Constitution of the United States or to deny access by distributors and exhibitors of adult entertainment to their intended market, nor is it the intent or effect of this Article to condone or legitimize the distribution of obscene materials.

B. Districts where permitted; restrictions on location.

1. Sexually oriented businesses shall be permitted in the General Commercial District (C), the General Industrial District (I) and the Resource Recovery District (I-2), subject to a special permit in accordance with of this Chapter and subject to site plan review in accordance with this Chapter.

2. Adult Use Businesses shall be further subject to the following requirements in addition to any other requirements of this Chapter. Adult Use Businesses shall not be located within:

   [a] A radius of 500 feet of any area zoned residential.

   [b] A radius of 500 feet of any other Adult Use Business.

   [c] A radius of 500 feet (consider increasing radius to 1000 feet) of any area where youth may regularly assemble, including, but not limited to, a school, nursery school, day-care facility, library, church or other place of religious worship, community center, park, playground or recreational area or playing field.

   [d] Five hundred feet of any residential dwelling defined as "bed-and-breakfast," "dwelling," "dwelling, semidetached," "dwelling, multiple-family," "dwelling, single-family detached," "dwelling, single-family semidetached," and "dwelling, two-family" in *Article 2 | Definitions* of this Chapter.

   [e] Five hundred feet of any property located in the Historic Resources Protection District, property listed on the National Register of Historic Places and property designated as National Historic Landmarks.

   [f] Five hundred feet of an establishment where alcohol is sold, served or consumed.

   The distance provided hereinabove shall be measured by a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the Adult Use

Business is to be located to the nearest point of the parcel of property or the land use district boundary line from which the Adult Use Business is to be separated. All separation requirements shall be maintained from established uses, whether inside or outside City of Auburn boundaries.

3. Additional Regulations.

   [a] The sale, serving or consumption of alcohol shall be prohibited within or from any Adult Use Business establishment.

   [b] No Adult Use Business establishment shall operate after 2:00 a.m.

   [c] No more than one Adult Use Business as defined in this Section shall be located on any parcel.

   [d] Exterior windows on Adult Use Business establishments may be opaque but not blackened or boarded.

   [e] Any and all booths, cubicles, studios and rooms for the private viewing of adult motion pictures and/or live performances or areas shall be open to public view from the common area of the adult use establishment. There shall not be any doors, curtains, blinds or other structures or devices that shall impede observation of the entire area of such private viewing areas from the common area of the Adult Use Business establishment.

   [f] Private viewing areas must be well lit and readily accessible at all time and shall continually be open to view.

   [g] Lighting throughout an Adult Use Business establishment shall be sufficient to illuminate every place to which patrons are permitted access.

   [h] The exterior appearance of Adult Use Business establishments shall be regulated by the Planning Board during the Site Plan Review process in accordance with *Article 6 | Site Plan Review* of this Chapter.

§ 305-25 Bed-and-Breakfast

A. Requirements.

1. In addition to parking required for the principle use, one (1) off-street parking space per bedroom shall be provided for the Bed-and breakfast home. Further, said parking spaces shall not be established or permitted in the front yard of the site and shall be located or screened from view so as to provide no variation from the residential character of the site.

2. Exterior signage shall comply with the requirements for the subject zoning district as set forth in *Article 4 |§ 305-55 Sign Regulation*s of this Chapter.

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3. The owner of the bed-and-breakfast home must reside in and continue to reside in the dwelling as his/her/their principal residence.

4. No guest shall stay for a period of time in excess of thirty (30) consecutive days.

5. Each bed-and-breakfast home shall be established, maintained, and operated so as to preserve and compliment the character and integrity of the surrounding neighborhood.

6. The Bed-and-breakfast home shall be maintained and operated at all times so as to comply with the New York State Uniform Fire Prevention and Building Code and the rules and regulations promulgated thereunder, as amended.

7. Specific exemptions, supersessions, and conditions applicable to Bed-and-breakfast homes established within residential zoning districts:

B. Permission.

Bed-and-breakfast homes shall be permitted only upon issuance of a Special Use Permit by the Planning Board.

C. Transient Lodging.

The Bed-and-breakfast home shall contain no more than three bedrooms for transient lodgers.

1. The Bed-and-breakfast home may employ no more than one nonresident employee.

2. A single identification sign, not to exceed two square feet in area, may be attached to the structure.

3. The Planning Board shall have the right to impose and include much other and additional conditions as it may deem necessary to effectuate the purpose of this Chapter.

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§ 305-26 Buffer Areas

A. Purpose.

1. Provide a visual barrier.

2. Block the glare of lights.

3. Reduce noise produced on the site to a level on higher than that produced on conforming residential sites in the adjacent residential neighborhood.

4. Serve as a protective barrier by blocking physical passage to the site, unless specific points of passage are desired.

5. Prevent the passage of air pollution, dust and litter produced on the site.

6. Screen the activities on site and block views of the site which are not in harmony with the residential character of the adjacent neighborhood.

7. Be maintained throughout the continuance of the use of the lot.

8. All dumpsters shall be hidden from view from adjacent properties by closed fencing and vegetation. The screening of materials stored outdoors may be required by the City Planning Commission.

B. Design.

1. Buffers shall be composed of fencing, plantings, walls, landscaping, planters, trellises, etc. or any combination of such.

2. Buffer design shall include all details required for an appraisal of the design, including but not limited to location, species, and size of individual trees and shrubs and detailed design of all structures and other landscaping treatments.

3. A screen planting of dense evergreen material not less than five (5) feet in height shall be required where lights from vehicles or overhead illumination located within the off-street parking area may shine directly into windows of adjacent residential buildings. A solid fencing may be provided not less than four (4) feet nor more than six (6) feet in height alongside the rear lot lines, and subject to the approval of the Code Enforcement Officer, may increase the height requirements of the fence of evergreen screening.

4. Buffer designs shall be submitted by the applicant and reviewed in conjunction with the building permit application review procedure.

5. Construction of required buffers may be delayed for up to eighteen (18) months upon approval by the Code Enforcement Officer when the need for the buffer is unclear.

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§ 305-27 Conversions

A. Purpose.

1. Conversion of existing buildings to increase the number of dwelling units contained therein presents problems not encountered when new buildings are designed and constructed for the same number of units. Such conversions can adversely affect the safety and comfort of persons who occupy such converted buildings and can adversely affect a neighborhood originally designed for low-density development through overcrowding and its concomitant problems of inadequate recreational space, inadequate parking and overtaxed municipal services. These in turn may contribute to the physical decline and deterioration of the surrounding area. The intent of this Section is to establish standards to prevent the overcrowding of dwelling units and overly dense development of neighborhoods and to ensure satisfactory amenities in neighborhoods as conversions take place.

2. Dwelling unit conversions which do not meet the standards established in this Section may be permitted only upon the granting of an area variance by the Zoning Board of Appeals, pursuant to *Article 8 |§ 305-81, Zoning Board of Appeals* of this Chapter.

B. Required Site Plan Review.

No dwelling unit conversion shall be undertaken unless all requirements for Site Plan Review have been met in accordance with *Article 6 | Site Plan Review*.

C. Increase in Number of Dwelling Units.

1. No dwelling unit conversion to create more dwelling units in any building than can be accommodated in compliance with all of the following standards shall be permitted in any district.

2. Minimum Unit Size. No dwelling unit conversion shall be permitted which results in any dwelling unit having less than the minimum habitable floor area required by the following:

Number of Bedrooms	Required Area of Habitable Space(square feet)
Studio	500
1	650
2	800
3	1,000
4	1,100
5	1,250

3. Minimum Building Size. No dwelling unit conversion of any building having less than 1,500 square feet of habitable floor area shall be permitted.

4. Minimum Lot Size.

Dwelling Unit	**Required Minimum Lot Size (square feet)**
Two-family	7,500
Multi-family	11,250

5. Parking regulations. No dwelling unit conversion shall be permitted unless the dwelling shall, following such conversion, comply with the applicable off-street parking and loading regulations provided in *Article 4 |§ 305-43, Off-Street Parking and Loading.*

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§ 305-28 Corner and Through Lots

A. Through Lots.

Where a single lot under individual ownership extends from one street to another parallel or nearly parallel street or alley, the Planning Board shall decide which street will be considered as the front street. No principal structure shall be erected on the rear of the lot, except as specified in *Subsections B and C* of this Section.

B. Side yard of a corner lot.

The side yard of a corner lot which abuts a street shall be equal to at least 1/2 the required front yard for that street.

C. Corner lots; visibility restrictions.

No obstruction to vision exceeding 30 inches in height shall be erected, planted or maintained on any lot within the triangle formed by the street intersection created by the right-of-way line of each street extended to a point and a line drawn between two points on the right-of-way line of each street, each located 40 feet from the street intersection, unless a determination is made by the Building Inspector that no obstruction to vision exists or will exist through maintenance or placement of the object. *[Amended 7-2-1998 by Ord. No. 9-1998.]*

§ 305-29 Drive-Through Establishments

A. Permit Required.

All drive-through establishments are required to obtain a Special Use Permit in accordance with *Article 8 |§ 305-89, Special Use Permits.*

B. General Regulations.

In all districts, the Code Enforcement Officer shall not issue such a permit unless the drive-through establishment conforms to the following:

1. All vehicle stacking areas shall be clearly identified through the use of pavement markings, signs and/or curbing and landscaping features and shall be design so they do not interfere with safe pedestrian and vehicle circulation on the site and along the public right-of-way.

    [a] Each stacking space shall be no less than ten (10) feet in width and twenty (20) feet in length. Each drive-through facility shall provide a minimum of six (6) stacking spaces. Each drive-through facility shall additional provide a bypass lane of at least ten (10) feet in width.

2. Additional stacking or queuing space may be required by the *Article 6 | Site Plan Review*, to ensure the safety of pedestrians and motorists.

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[a] All drive-through establishment vehicle stacking areas shall be located a minimum of thirty (30) feet from any lot line adjoining a residential property.

[b] Any speaker system installed as part of the drive-through establishment shall be located a minimum of fifty (50) feet from any property line adjoining a residential property, and not exceed 60dBA.

[c] Drive-through establishments shall be sited and designed in such a way to reinforce the walkable, historic characteristic of the city and shall pay special attention to the relationship between the building and the public street.

[d] The capacity of the drive-through stacking lanes should not interfere with the overall traffic flow within the parking lot.

[e] Each parcel with a drive-through facility shall be limited to one point of shared ingress and egress. Where possible, cross access to the closest shared drive shall be provided.

[f] Menu boards shall be a maximum of twenty (20) square feet with a maximum height of five (5) feet and shall be shielded from any public street and residential properties with decorative treatments and landscaping.

[g] Landscaping along exterior lot lines shall include a five (5) to ten (10) foot wide vegetative buffer of deciduous trees and shrubs or a six (6) foot fence screening, constructed of low maintenance natural materials, including brick, stone or wood with a vegetative buffer of two (2) to five (5) feet from the exterior lot lines.

[h] Luminaries or lighting fixtures shall not exceed sixteen (16) feet in height in vehicular areas and ten (10) feet in height in pedestrian areas.

[i] Flood and area lighting shall be prohibited.

[j] No outdoor lighting shall have an intensity greater than one half (½) foot candle at the development property line.

§ 305-30 Driveway, Residential

A. Application.

1. No parking of vehicles shall be permitted nor any driveway or parking area established in the front yard of a residential building or front yard.

2. The allowed hardscaping is limited to a driveway leading directly from a public street or alley to a garage or other required parking area and pedestrian pathways.

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§ 305-31 Farmers' Market

A. Limitations.

Temporary and permanent farmers' markets are subject to the following regulations:

1. All farmers' markets and their vendors comply with all Federal, state and local laws relating to the operation, use and enjoyment of the market premises.

2. All farmers' markets and their vendors receive all required operating and health permits and these permits (or copies) shall be in the possession of the farmers' market operator or the vendor, as applicable, on the site of the farmers' market during all hours of operation.

3. All farmers' markets have a representative of the operator authorized to direct the operations of all vendors participating in the market on the site of the market during all hours of operation.

4. There shall be no offensive odors or dust and there shall be no permanent outdoor storage or equipment.

5. All farmers' markets shall provide for composting, recycling, and waste removal in accordance with all applicable city codes. The farmers' market manager is responsible for ensuring that the site is compliance with these regulations.

6. Farmers' markets may not contain market vendors of the following types:

   [a] Market vendors selling any entity's non-food product as an agent, franchisee, distributor, or licensee; or on consignment; or by any other third-party arrangement.

   [b] Market vendors selling non-food items such as "vintage," "found," "reclaimed" or "recycled" objects, or any other objects not originally manufactured by the market vendor unless those objects have been substantially transformed by the market vendor into objects of dissimilar form or function from the original.

§ 305-32 Food Carts

Refer to *Chapter 221: Peddling and Soliciting* in the City of Auburn's Municipal Code.

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§ 305-33 Food Trucks

A. General Regulations.

1. Food Trucks are permitted to operate in HC, I, I-2 Districts.

2. No food truck shall operate within the public rights-of-way within the City without first having obtained a valid Peddling and Soliciting license as prescribed in this Section.

3. No food truck shall operate within any public right-of-way within 100 feet of any property zoned Single-Family Residential (R-1) and Multiple-Family Residential (R-2).

4. Each food truck must at all times carry on the vehicle a measuring device with a measuring capacity of no less than 500 feet as a condition of its licensure. The failure of any food truck to carry such a measuring device or to abide by the proximity distance restrictions included in this Section shall constitute a violation of this Section.

5. All food trucks must abide by all parking and vehicle and traffic laws, ordinances, rules and regulations at all times, including but not limited to any durational requirements in force and effect at that time and location.

6. No food truck or food trailer shall operate within 100 feet of an approved vending cart location.

7. No food truck or food trailer shall operate in a location that has the effect of obstructing access to or egress from any structure or the free flow of vehicular and pedestrian traffic.

8. No vendor shall chain or otherwise attach any signs, goods, merchandise, chairs, stools or food cart or other equipment used in vending to any tree, parking meter, hydrant, sign or post, light pole, telephone pole or other street appurtenance or leave any such items unattended on a public street, sidewalk or place. Items left in violation of this Subsection shall be seized by the police.

B. Permitting.

1. A private vendor must obtain annual Peddling and Soliciting permit for the vending use of the vehicle on particular properties from the City. The permit applications must include the property owners' signatures. Fees for these permits shall be as established in the City’s yearly fee schedule.

2. A Peddling and Soliciting permit, operating license, proof of insurance, and county health permit must be displayed during the food truck's hours of operation.

3. Before any license authorized herein shall be issued, the applicant shall file with the City proof of insurance, issued by an insurance company licensed to do business in the State of New York, which insurance must be kept continuously in force during the term of the license. At the time

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of application, applicants shall provide proof of insurance that extends for the entire license period. The insurance shall be not less than $1,000,000 comprehensive/general liability insurance. Such insurance shall not expire, nor be canceled, altered or amended except on 10 days' written notice to the City Treasurer served personally or by certified mail. Municipal operations, employees and property shall not be excluded from coverage. The insurance must name the City as an additional insured party.

4. The Peddling and Soliciting permit issued for the food truck vending (the annual permit held by the vendor) may be revoked if the City determines that the mobile prepared food vendor's operations are causing parking, traffic congestion, or litter problems either on or off the property where the use is located or that such use is otherwise creating a danger to the public health or safety.

5. If the food truck is proposed to operate after dark, the food truck vendor shall provide a lighting plan which meets the lighting standards in *0, Lighting*.

§ 305-34 Fences, Walls, and Other Structural Screening Elements

A. Maximum Height Requirements.

Location	Height (feet)
Residential uses	
Front yard	4
Side and rear yards adjacent to residential uses, except that this limitation shall not apply to living hedges	6
Side and rear yards adjacent to nonresidential uses and arterials, except that this limitation shall not apply to living hedges	8
On corner lots within the triangle formed by the street intersection, created by the right-of-way line of each street extended to a point and a line drawn between two points on the right-of-way line of each street, each located 40 feet from the street intersection	4
Nonresidential uses	8

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B. Design Elements.

1. Fences in the front yard and on corner lots within the triangle formed by the street intersection shall be of a material such as post or rail or other similar material which does not interfere, impede or obstruct visually any private driveway or public highway; the determination as to whether the fence material does not interfere, obstruct or impede visually any private driveway or public highway shall be made by the Building Inspector.

2. Fence surfaces are regulated as follows:

   [a] In residential districts, fences not more than sixty-percent solid may be located in any front yard.

   [b] All solid fences shall be installed so that the finished side shall face outward; all bracing shall be on the inside of the fence, and the outward-facing side shall be of similar materials and colors as the inward-facing side.

   [c] No chain-link fencing shall be permitted in the front yard of a residential structure or a property located in a residential district unless an administrative adjustment is approved by the Building Inspector.

   [d] All required fences and walls shall be maintained and, when necessary, repaired or replaced.

§ 305-35 Garage Sales

A. Number of Sales; Duration; Hours.

1. No person or nonprofit corporation shall operate, conduct, manage or present a garage sale upon his/her/its premises or other property under its control more often than three (3) times per calendar year: Said sale shall not be continuous for a period of time of more than three (3) consecutive days.

2. No sale shall be conducted before 8:00am or after 7:00pm.

B. Persons and Sales Expected.

1. The provisions of this Section shall not apply to or affect the following persons or sales:

   [a] Persons selling goods pursuant to an order of a court of competent jurisdiction.

   [b] Persons acting in accordance with their powers and duties as public officials.

   [c] Any sale that is part of a city-sanctioned event, such as a city-wide garage sale.

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§ 305-36 Home Occupations

A. Purpose.

In order to protect residential areas from adverse impacts associated with home occupations while allowing residents a choice in the use of their home as a place of livelihood, the following standards have been developed to maintain the peace and quiet of residential neighborhoods and guarantee residents freedom from excessive noise, traffic or other adverse effects of commercial and business uses conducted in residential areas.

B. Applicability.

1. To be deemed a home occupation, the use must be clearly incidental, accessory, and secondary to the residential use of the property.

2. The occupation or profession shall be carried on within the principal building, unless the Planning Board grants a Special Use Permit to allow the home occupation in an accessory building.

3. A home occupation may employ no more than three (3) persons who report to the dwelling on a daily basis.

4. Such use shall not include the confinement of any person under care or treatment.

5. There shall be no exterior display, other than a sign, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.

6. No offensive odor, noise, vibration, smoke, dust, heat or glare shall be produced, nor will the storage or handling of hazardous material be allowed.

7. No more than forty percent (40%) of the floor area of the residence will be allowed for the use of the home occupation.

8. Parking requirements in compliance with *Article 4 |§ 305-43, Off-Street Parking and Loading.*

C. Process

1. All home occupations not permitted as set forth herein shall be permitted only by Special Use Permit. In addition to the general standards set forth herein and applicable to special permits, the Planning Board may impose additional conditions for home occupations considered to be exceptional or for home occupations in unique locations.

2. If all criteria are not met, the home occupation is subject to a variance per *Article 8 |§ 305-90, Use and Area Variances.*

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3. A home occupation permit may be revoked by the City of Auburn Codes Office for violating any of the standards set forth in paragraphs B(1) through (8) and a revocation may be imposed for a period not to exceed twenty-four months from the date of revocation. In the event that a home occupation permit is revoked, the aggrieved party may appeal the revocation to the Planning Board and will be afforded an administrative hearing. The Planning Board shall have the authority to sustain or overturn the revocation.

§ 305-37 Kennels

A. Purpose.

The purpose of animal boarding regulations is to ensure that operations are compatible with and do not disrupt the surrounding neighborhood as well as provide, a safe and adequate property for the animals being boarded. All kennel establishments are subject to *§104-20* in the City of Auburn Municipal Code.

§ 305-38 Landscaping

A. Purpose.

This Section is intended to establish the minimum standards for the preservation, installation and maintenance of landscaping materials in order to:

1. Protect property values;
2. Provide privacy from view, light, glare, dirt, and noise;
3. Buffer incompatible land uses;
4. Prevent the erosion of soil;
5. Provide shade;
6. Improve the environment; and
7. Enhance the appearance of properties in the City.

B. General Requirements.

The following shall apply to all landscape plans:

1. All development subject to the provisions of this Section shall provide for a landscaped or natural area, which is not less than twenty-five percent (25%) of the property area.
2. Landscape treatments shall be designed as an integral part of the entire development and shall be distributed throughout the development site.

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3. Vegetation shall be compatible with soil conditions on the development site and with the regional climate. Existing vegetation may remain on site, provided such species are approved by the Planning Board when granting approval of the landscape plan.

4. Each planting area shall be of adequate size for the landscaping approved. The interior dimensions of any landscaped area or median shall be a minimum of seven (7) feet wide to ensure proper growth of vegetation planted therein.

5. All landscaped areas shall have adequate irrigation and drainage for that landscaping to ensure proper growth of vegetation.

6. Landscaped areas in or near parking areas or roadways shall be bordered with approved concrete curbing or swales.

7. All landscaped areas shall contain clean, friable, weed-free topsoil to depths necessary to sustain growth for trees, shrubs and groundcover. In addition, all landscaped areas shall contain two (2) inches of wood mulch. Permeable interlocking pavers or decomposed granite may also be utilized in heavily trafficked areas.

8. Trees are the preferred form of vegetation and every effort shall be made to preserve existing site trees, particularly existing trees with a caliper larger than ten (10) inches. Each landscape plan must contain at least one (1) tree per 1,000 square feet of landscaped area.

9. Trees planted in a tree well or planter strip shall be provided with a minimum seven-foot (7) by seven-foot (7) planting area. Trees planted in an island planter shall be provided with a minimum four-foot by eight-foot planting area. Planter dimensions are measured from the interior side of the curb. Trees must be planted behind the curb at a distance no less than one half (½) the minimum planter width.

10. Each landscape plan shall contain the following varieties of trees:

    [a] Forty percent to sixty percent (40% - 60%) large deciduous trees.

    [b] Twenty percent to thirty percent (20% - 30%) evergreen trees.

    [c] Twenty percent to thirty percent (20% - 30%) small or flowering trees.

11. A landscaped area at least ten (10) feet in depth shall be provided along all exterior lot lines of parking areas unless a greater landscaped area is required according to the provisions of the given zoning district.

12. All nonresidential development located adjacent to residential districts shall provide screening and/or buffering using landscaping. Such screening and/or buffering shall be designed so that a person standing on the adjacent residential parcel on the minimum setback line, five feet above the finished grade, would not be able to observe any uses, activities or automobile lights originating from said nonresidential areas. This standard may be met by using various

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techniques such as plant materials, earthen berms or combinations thereof as approved by the Planning Board. Vegetation shall be the preferred screening device. Such techniques can be applied within the required side and rear yards.

13. Landscaping shall provide privacy and screening for adjacent land uses, and shall take into account visual, noise and air quality factors. More stringent standards may be required by the Planning Board, particularly for industrial development, to ensure adjacent properties are provided adequate visual and noise screening.

14. The location and dimensions of proposed buffers, screening and fence areas specifying materials and vegetation; including existing vegetative cover and proposed areas of lawn and groundcover.

15. A general landscaping plan and planting schedule specifying types and size of vegetation. The size of vegetation at installation and upon maturity shall be noted on the plans.

16. The landscape plan shall be drawn to scale, including dimensions and distances, and shall clearly delineate existing and proposed structures, uses, parking areas, access aisles, drainage pattern and the location, size and description of all landscape materials existing and proposed, including but not limited to all trees and shrubs, and shall include those existing plant materials that are to be removed and such other information as may be required by the Building Inspector and the Planning Board.

17. The landscape plan shall clearly show all existing and anticipated changes to vegetation and natural features, including but not limited to streams, state wetlands and federal wetlands. Natural features shall be preserved and incorporated in the landscaped area wherever possible.

18. Landscape plans shall be prepared and certified by a New York State licensed professional.

19. In the event that wetlands exist on site, a copy of the letter of notification sent to the New York State Department of Environmental Conservation and/or the United States Army Corps of Engineers must accompany the landscape plan.

C. Landscaping Specifications

1. Tree and shrub size and variety shall be outlined on the landscape plan, and shall be large enough to establish an aesthetically pleasing effect.

2. Specific species of all vegetation shall be outlined on the landscape plan and approved by the Planning Board.

3. Native vegetation is preferred and shall be used for plantings whenever possible.

4. Nonliving materials shall not be substituted for the required landscaping.

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5. For tree planting requirements, exclusive of those within rights-of-way, a minimum of thirty percent (30%) species native to Northeastern United States shall be required. The Planning Board shall have the discretion to modify tree shading requirements under power lines and other obstructions which prohibit strict compliance with shading requirements.

6. New development shall be required to have landscaping in place and completed prior to final certificate of occupancy. In the event that seasonal conditions prevent completion of the required landscaping until the following planting season, the Planning Board shall set a completion date, and the property owner or developer shall post a certified check in the amount of fifty percent (50%) of the cost of the landscaping as verified in writing by the landscape architect or by the licensed professional that sealed the landscape plan. Said certified check shall be made payable to the City of Auburn and shall be redeemable after completion and approval of said landscaping work by the stated completion date. In the event that the landscaping plan is not completed by the prescribed date, the owner or developer shall forfeit the deposited amount, and the City shall find the site in violation of this Ordinance until landscaping is completed as originally approved.

7. Prior to final approval of the site plan, the property owner or developer shall enter into an agreement with the City of Auburn to assure completed plantings. An irrevocable letter of credit, bond, or other surety shall be required to guarantee maintenance of approved landscaping for a period of three years from planting. If the approved landscape plan is not followed during this time, the surety or bond shall be forfeited and shall be used to complete the landscape plan as approved. Prior to the release of the bond and upon notification by the property owner or developer of completion, the site shall be inspected by the Code Enforcement Officer.

8. All landscaped areas required and/or permitted by this Section shall be maintained and preserved according to the landscape plan as originally approved or as amended by the City Planning Board. The property owner shall be responsible for the continued proper maintenance of all landscape materials and shall keep them in a proper neat and orderly appearance, free from refuse and debris at all times. Proper maintenance shall include at a minimum: watering, weeding, mowing, mulching, fertilizing and pruning. All unhealthy or dead plant material shall be replaced within six (6) months or by the next planting season.

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§ 305-39 Lighting

A. Purpose.

To minimize light pollution and light trespass for the enjoyment and use of property and the night environment and to conserve energy while increasing nighttime visibility, security and productivity.

B. Requirements.

The following requirements shall apply to all outdoor lighting devices used for illumination or advertisement:

1. Except as otherwise provided in this Section, all lighting devices or fixtures shall be shielded in such a manner that light rays emitted by the device or fixture, whether directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

2. Requirements for lighting device or fixture heights, shielding, placement and aiming to minimize light trespass and direct glare emitted by a lighting system shall be as follows:

   [a] The maximum allowable height of wall-mounted lighting devices or fixtures shall be equal to the horizontal distance of the fixture to the property line with a maximum height of fifteen (15) feet.

   [b] Direct illumination from lighting devices or fixtures shall not be visible from six (6) feet above grade at the property line.

   [c] No use shall produce glare as to cause illumination beyond the property on which it is located in excess of 0.5 footcandles.

   [d] Light fixtures shall be designed to prevent light pollution by shielding the light source and directing light downwards, away from the night sky.

   [e] Recessed lighting is encouraged, where appropriate, to prevent light pollution and shielding neighboring properties from unnecessary glare.

3. The use of flashing, rotating or pulsating lights in/on any outdoors sign or other lighting device is prohibited per *Article 4 |§ 305-55 Sign Regulations*. This provision shall not apply to flashing, rotating or pulsating lights intended to warn of hazards and danger.

4. The operation of searchlights for advertising purposes is prohibited.

5. Off-street lighting shall be shielded and/or directed in such manner that it only illuminates the user's premises and does not spill over into neighboring areas or interfere with use of residential properties.

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C. Exemptions.

The provisions of this Section do not apply to:

1. Incandescent lamps of 150 watts or less; glass tubes filled with neon, argon or krypton; outdoor advertising signs constructed of translucent material and wholly illuminated from within and fossil fuel light sources.

2. The illumination of outdoor recreational facilities, public or private, shall be shielded such that the glare or beam does not emit beyond property lines, and no such facility shall be illuminated after 11:00 p.m. except to conclude a specific sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena or similar facility in progress prior to 11:00 p.m.

3. Seasonal holiday display lighting.

4. Lighting that illuminates the American flag.

5. The Planning Board may grant a special exemption upon a written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that would suffice.

§ 305-40 Micro-Brewery/Craft Brewery and Brew Pubs

A. Micro-Brewery/Craft Brewery.

1. The brewing operation shall not include the production of any other alcoholic beverage.

2. The brewery shall not produce more than 15,000 barrels or 460,000 gallons of beer or ale per year.

   [a] No brewing equipment or storage is permitted on the exterior of the building.

B. Brew Pubs.

1. A brew pub license holder must have a bonafide restaurant.

2. The brew pub license holder may have up to five separate locations, and may produce 5,000 barrels of beer per location, not to exceed 20,000 barrels.

3. No brewing equipment or storage is permitted on the exterior of the building.

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§ 305-41 Motor Vehicle Repair Stations

A. Applicability.

This Chapter applies to all new motor vehicle service station and a new motor vehicle service station that is reconstructed by more than 50 percent of its assessed value.

B. Locations.

1. Motor vehicle service stations shall be established no closer than five hundred feet (500') from any other motor vehicle service station in the city. Said distance shall be measured in a straight line from the nearest property line of the sites on which each such motor vehicle service station use is located.

2. Notwithstanding the immediately preceding sentence, a motor vehicle service station proposed to be located on a corner lot adjoining an intersection may be located within five hundred feet (500') of another motor vehicle service station located on a corner lot adjoining the same intersection, however, no more than two (2) motor vehicle service stations may be located on corner lots adjoining anyone intersection.

C. Facility Requirements.

1. No part of any building used as a motor vehicle service station shall be erected within twenty-five (25) feet of any boundary lines of any residential district.

2. Any repair of motor vehicles shall be performed in a fully enclosed building, and no motor vehicle shall be offered for sale on the site, except in accordance with an approved site plan.

3. No motor vehicle parts or partially dismantled motor vehicle shall be stored outside of an enclosed building.

4. Up to five (5) unlicensed motor vehicles may be temporarily stored for a period not to exceed two (2) months, at a motor vehicle repair station if adequate off-street parking spaces are available.

D. Access and Circulation.

1. Ingress and egress points shall be located a minimum of forty (40) feet from the intersection of right-of-way lines of any streets.

2. No gasoline or oil pump, no oiling or greasing mechanism and no other service appliance shall be installed in connection with any filling station or public garage within ten (10) feet of any street line.

3. The entire area of the site traveled by motor vehicle shall be paved/hard surfaced.

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§ 305-42 Motor Vehicle Service Stations

A. Applicability.

The standards outlined in this Chapter applies to all new and any existing motor vehicle service station that is reconstructed by more than 50 percent of its assessed value.

B. Permitted Activities.

1. The retail sale of motor fuels and related petroleum products.
2. Car washing services including hand-washing and drive-thru stations.
3. The sale of perishable items and soft drinks associated with a convenience store.

C. Prohibited Activities.

1. No vehicle shall be parked on the site of a gas station other than those of customers and employees.
2. No storage of vehicles shall be permitted.
3. No vehicle shall be parked at or near a street intersection so as to obstruct the vision of motorists.
4. No vehicle may be offered for sale on the premises.
5. Hydraulic hoists and pits, and the repair of any equipment.

D. Location Requirements.

1. Gasoline stations shall be established no closer than five hundred feet (500') from any other gasoline station in the city. Said distance shall be measured in a straight line from the nearest property line of the sites on which each such gasoline station is located.
2. Notwithstanding the immediately preceding sentence, gasoline station proposed to be located on a corner lot adjoining an intersection may be located within five hundred feet (500') of another gasoline station located on a corner lot adjoining the same intersection, however, no more than two (2) gasoline stations may be located on corner lots adjoining anyone intersection.

E. Facility Requirements.

1. Products for sale, lease, and/or rental. No display of items for sale, lease, or rental shall be permitted, except within a building. Trailers may be displayed and rented within the industrial zoning districts if authorized by the project Conditional Use Permit.

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2. Building material. A proposed gas station, and a station that is reconstructed by more than 50 percent of its assessed valuation shall use exterior finish materials that are determined by the Design Review Committee to be compatible with the surrounding neighborhood.

3. Restroom entrance screening. Each rest room entrance shall be from within a building, or screened from the view of adjacent properties and street rights-of-way by solid decorative screening.

4. Storm drainage. If drainage is to a street, storm water shall be carried under the sidewalk in an approved manner.

5. Trash area. An outdoor trash collection and storage areas shall be enclosed on all sides by a wall with a minimum height of five feet. The trash area shall be located on the site so that adequate vehicular access is provided.

F. Access and Circulation.

These requirements shall apply to all new gas stations, and a station that is reconstructed by more than 50 percent of its replacement cost, as determined by the Code Enforcement Officer.

1. A gas station site shall not have more than two vehicle access points (i.e., driveways) on any street.

2. The Planning Board may prescribe the exact location, dimension and use of driveways as necessary to reduce potential traffic hazards.

3. No flat portion of a driveway shall be allowed to encroach nearer than five feet to the beginning of the curve of a street corner, or be located closer than five feet to a property line abutting a residential zoning district.

4. No driveway shall exceed a width of 30 feet.

5. There shall be a minimum distance of 22 feet of full height curb between curb cuts along any street.

6. Ingress and egress points shall be located at a minimum of forty (40) feet from the intersection of right-of-way lines of any street.

7. No part of any building used as a gas station, and no filling pump or other service appliance shall be erected within twenty-five (25) feet of any boundary lines of any residential district.

8. The entire area of the site traveled by motor vehicles shall be paved/hard surfaced.

9. All construction, reconstruction and repairs to the curb, gutter, sidewalk and approaches and public right-of-way dedications and curb returns, shall be subject to City Engineer approval.

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G. Pedestrian Access.

1. A minimum of one continuous four foot (4') wide internal pedestrian walkway shall be provided from the perimeter public sidewalk of each abutting street to the nearest entrance to the gasoline station convenience market.

2. Internal pedestrian walkways shall be distinguished from driving surfaces through the use of raised sidewalks, special pavers, bricks, or scored/stamped concrete.

H. Landscaping Requirements.

A new gas station, and a station that is reconstructed by more than 50 percent of its assessed valuation shall comply with the requirements in *Article 4 |§ 305-38, Landscaping*.

I. Application Requirements.

A Special Use Permit application for a gasoline station shall include all information and materials normally required for a Special Use Permit in accordance with *Article 8 |§ 305-89, Special Use Permits* and a photo-simulation showing the gas station in place on the project site, together with its relationship to existing surrounding land uses.

J. Required Findings for Approval.

The Planning Board shall not grant a Special Use Permit for a Gasoline Station, unless it first makes all of the following findings, in addition to those required by *Article 8 |§ 305-89, Special Use Permits.*

1. The proposed use will not substantially increase vehicular traffic on any street within a residential zoning district;

2. The proposed use will not, by virtue of curb cuts and vehicular access, impair the suitability of nearby commercially zoned property for commercial use; and

3. The proposed use will not substantially increase traffic hazards to pedestrians when located near a school, religious facility, auditorium, theater, or other place of assembly.

§ 305-43 Off-Street Parking and Loading

A. Applicability.

Off-street parking and loading requirements pertain to all parking as required in the district Bulk and Use tables.

B. Restrictions and Other Uses.

All areas designated as off-street parking space shall be unobstructed and free of other uses, except off-street loading.

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C. General Regulations.

1. Location.

   [a] Except for access to a garage or permitted parking area, establishment of a parking area in the front yard of the following residential uses is prohibited:

      [1] Dwelling, Multiple Family 3-4 units,

      [2] Dwelling, Multiple Family 5-6 units,

      [3] Dwelling, Single-Family,

      [4] Dwelling, Single-Family Semidetached,

      [5] Dwelling, Townhouse, and

      [6] Dwelling, Two-Family

   [b] Except for parking in an establish driveway directly in front of a garage or side yard, parking in a front yard of the following residential uses is prohibited:

      [1] Dwelling, Multiple Family 3-4 units,

      [2] Dwelling, Multiple Family 5-6 units,

      [3] Dwelling, Single-Family,

      [4] Dwelling, Single-Family Semidetached,

      [5] Dwelling, Townhouse, and

      [6] Dwelling, Two-Family

   [c] Preferred location of parking areas in the Neighborhood Commercial district is within side and rear yards.

2. Surfacing.

   Open off-street parking areas shall be surfaced with a dustless, all-weather material including concrete, asphalt, pervious asphalt, pervious concrete, modular pavers designed to funnel water between blocks, lattice or honeycomb shaped concrete grids, or comparable material, and shall be so graded and drained as to dispose of all surface water accumulation, as approved by the Code Enforcement Officer.

3. Pervious and Porous Materials.

   [a] Where feasible and appropriate, the use of pervious pavement or porous materials in the construction of parking facilities is encouraged, including the use of pervious asphalt, pervious concrete, modular pavers designed to funnel water between blocks, lattice or honeycomb shaped concrete grids with turf grass or gravel filled voids to funnel water, plastic geocells with turf grass or gravel, reinforced turf grass or gravel with overlaid or embedded meshes, or comparable structured and durable systems.

   [b] The porous or pervious surfaces can cover the entire lot, or certain areas, such as parking stalls.

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[c] All materials shall be installed per industry standards. Appropriate soils and site conditions shall exist for the pervious pavement or pervious pavement system to function. Documentation that verifies appropriate soils and site conditions shall be provided by the property owner prior to installation.

4. Number of Spaces.

   No parking facility shall provide more than 120 percent (120%) of the minimum number of parking spaces required by this Section unless approved by the Planning Board.

5. Drainage.

   Parking areas 2000 Sq. Ft. or larger, including provisions for vehicular shall be properly sloped for drainage as approved by the Code Enforcement Officer. On-site retention and filtration of stormwater shall be provided where practical. Water from the parking areas shall not drain across a public walkway.

6. Lighting.

   Any illumination of off-street parking areas shall be so arranged as to direct the light away from the street and away from adjoining premises in such a way to comply with the performance standards of *Article 4 |§ 305-39, Lighting*.

7. Marking of Parking Spaces.

   All parking areas containing five (5) or more parking spaces or containing angled parking shall have the parking spaces and aisles clearly marked on the pavement, using paint or other marking devices approved by the Code Enforcement Officer. Such markings shall conform to the approved parking plan and shall be maintained in a clearly legible condition.

8. Curbs.

   Parking lots 2000 Sq. Ft. or larger shall be designed with discontinuous concrete or granite curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch continuous concrete or granite curb.

9. Signs.

   Signs accessory to parking areas shall be regulated by *Article 4 |§ 305-55, Sign Regulations*.

10. Accessible Parking.

    Accessible parking spaces shall be provided as required by the Americans with Disabilities Act (ADA) and the New York State Uniform Fire Prevention and Building Code.

11. Snow Storage.

    All parking garages and parking areas 2000 Sq. Ft. or larger shall provide a storage area for snow which will not displace any required parking or access thereto or provide documentation acceptable to the reviewing agency as to an alternative disposal method.

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D. Access to Parking and Loading.

Plans for any use requiring movement of vehicles across public walks or access through a public alley or street shall be reviewed through Site Plan Review before any permits are issued. The following factors will be considered when determining whether to approve the proposed plan:

1. The consolidation of curb cuts shall be encouraged, and new curb cuts shall be discouraged whenever appropriate, considering safe traffic flow, the objectives of this Ordinance, and access points needed for the proper functioning of the use.

2. Where a residential use is served by an alley, direct access to the street through a curb cut shall be discouraged, except where such curb extends into a corner side yard.

3. The use shall not substantially increase congestion of the public streets or impede pedestrian traffic.

4. The space allocated to the use shall be adequate to keep vehicles clear of sidewalks, alleys and similar areas.

5. The location of driveways relative to other existing uses is such that street traffic shall not be seriously disrupted and no unnecessary hazards shall be established for pedestrians. In no instance shall a driveway be allowed on a limited access roadway ramp or combined limited access roadway ramp frontage road.

E. Design Standards

1. Minimum Setbacks.

   [a] In all districts, parking garages shall be governed by the setback requirements applicable in the relevant district to principal or accessory buildings, whichever is appropriate.

   [b] Parking areas set back from lot lines and streets. In all districts, no part of any parking area, other than driveways for ingress and egress, shall be located closer to a street or lot line than the minimum setback required for a one-story principal building in the relevant district or by the buffer and landscaping requirements of *Article 4 |§ 305-26, Buffers Areas* and *§ 305-38, Landscaping*, whichever is less.

2. Parking Dimensions.

   [a] Each off-street parking space shall have the following minimum dimensions, in feet:

	Parallel Parking		**Perpendicular Parking**	
	Width	**Length**	**Width**	**Length**
Standard	9	24	9	18

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3. Ingress and Egress Dimensions.

   [a] All parking areas serving non-residential use shall have clearly defined driveway(s) not wider than 30'. Such driveways shall be defined with the use of curbing along the street and an appropriate tree lawn between the sidewalk and street.

   [b] All parking areas serving residential uses shall have a clearly defined driveway not wider than 20' for single- and two-family residences or clearly defined driveway(s) not wider than 24' for other residential uses. Such driveways shall be defined with the use of curbing along the street and an appropriate tree lawn between the sidewalk and street, or other means approved by the Code Enforcement Officer.

F. Shared Parking.

In the case of two or more different uses located on the same lot, the sum of the space required for all uses individually may be reduced to an amount no less than 50 percent of the largest number of spaces required by any single use, upon a determination by the Planning Board that such a reduced amount of parking spaces will be adequate to serve all uses on the lot due to their different character and hours of operation.

G. Landscape Standards.

1. Not less than five percent (5%) of the interior of a parking area designed for eleven (11) to twenty-five (25) cars shall be devoted to landscaped areas. Not less than ten percent (10%) of the interior of a parking area designed for twenty-six (26) cars or more shall be devoted to landscaped areas. Interior parking lot landscaping shall be considered as part of the twenty-five percent (25%) minimum landscaping requirement.

2. Landscaped islands shall be located at the ends of each parking bay which contains eleven (11) or more parking spaces, separating adjacent rows of parking spaces at least every second parking bay and elsewhere as determined appropriate by the Planning Board in order to direct vehicle movement, provide for plant growth and vehicle overhang, provide for pedestrian circulation and otherwise help assure proper traffic circulation, pedestrian safety, and aesthetics.

3. Unless modified by the Planning Board, the minimum width of landscaped islands shall be seven (7) feet when located at the ends of parking bays and ten (10) feet where separating opposing rows of parking spaces or adjacent to circulation aisles. All corners shall be rounded with a curb radius of not less than three (3) feet unless otherwise required by the Planning Board.

4. The landscaping of off-street parking areas shall include at least one shade tree of not less than three inches caliper for each six (6) parking spaces. Main traffic circulation aisles shall be emphasized with such shade trees. Other landscaped islands may be planted with flowering trees and/or other plantings, as appropriate. The shade trees are in addition to ground cover, shrubs and hedges which are to be provided where required per *§ 305-38, Landscaping*, and to

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serve their intended function while not interfering with safe sight distance for pedestrians and vehicles.

5. The Planning Board may also permit non-landscaped islands, if appropriate, for purposes such as pedestrian circulation and snow storage. Such islands shall not be less than seven (7) feet in width.

6. In addition to the buffer requirements of *Article 4 |§ 305-26, Buffers Areas*, all off-street parking and loading facilities shall be landscaped along their periphery.

7. The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard that may include architectural features such as benches, kiosks or bicycle parking.

§ 305-44 Outdoor Seating

A. Purpose.

The purpose of this Chapter is to allow for outdoor seating including patio tables, chairs, and benches that are incidental in nature to the primary use of the property.

B. General Regulations.

1. No more than 25% of the total on-site seating may be provided outdoors.

2. The outdoor eating area must be directly accessible to the interior eating area. Areas that must be accessed via public sidewalks or property not controlled by the applicant or property owner are not considered directly accessible

3. No such areas shall be permitted within the public right-of-way, except as permitted by *Chapter 248, Sidewalk Cafes* of the City of Auburn Municipal Code.

4. All such areas are subject to Minor Site Plan approval from the Design Review Committee when added incidental to an approved primary use. All such plans shall indicate the maximum size of the area, the maximum number of seats and tables, and the general layout of seating areas and aisles.

5. A minimum of one trash receptacle for each four tables or 12 seats must be provided. At least one is to be located at the exit area into the public right-of-way or the interior restaurant.

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§ 305-45 Outdoor Storage of Materials and Equipment

A. Storage of Materials.

1. No construction or landscaping material of any kind shall be stored outdoors in any zoning district, except in one- or two-family lots, unless:

2. Allowed as part of an approved site plan;

   [a] Used in the construction or alteration of a structure on the same lot or in the same development and stored for not more than thirty (30) days after completion of construction; or

   [b] Such outdoor storage is limited to machinery, equipment or supplies essential to the operation of storage of any products grown on the premises of a farm or nursery.

3. No front yard or driveway shall be used for any open storage, living, sleeping or housekeeping purposes, or other storage of equipment such as motor homes, camping trailers or vehicles, or boats.

4. All enclosed storage shall be within structures, which meet the requirements of the New York State Code, Rules and Regulations. Storage in mobile homes not connected to public utilities or tractor trailer bodies are not allowed in any district.

5. No outdoor storage shall occur within hundred (100) feet of a residential district. Outdoor storage shall provide a combination of distance and appropriately dense plantings or setbacks from residential districts.

6. Upon written approval by the Building Inspector, the temporary outdoor display of plants, trees and landscaping materials may be permitted for a period not to exceed six (6) months per year. Such displays shall be maintained to provide a neat, orderly appearance at all times.

B. Storage of Automotive Vehicles.

1. Automotive vehicles of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

2. Automotive vehicles of any kind or type shall not be parked on any residentially zoned property in a required front yard, exclusive of a dedicated driveway.

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§ 305-46 Projections into Yards

A. General Regulations.

1. Projections permitted in front, rear, and side yards:

   [a] The ordinary projection of window sills, belt courses, cornices and other ornamental features not to exceed four (4) inches.

   [b] Balconies, bay windows, chimneys and roof projections not to exceed two (2) feet.

   [c] Retaining wall of any necessary height.

   [d] In no case shall a carport project into a required side or front yard.

   [e] Unenclosed steps not extending above the floor level of the first story, provided that such steps are at least five (5) feet from any lot line.

   [f] Subject to height limitations established in *§ 305-34 Fences, Walls, and Other Structural Screening Elements*, fences or walls along property lines, provided that such fence or wall shall be at least two (2) feet distant from any existing or future street line.

2. Decks, patios and terraces are allowed provided that they are located three (3) or more feet from any side or rear lot line. Decks, patios and terraces are prohibited in the front yard.

3. Porches may project into any front, rear or side yard provided that they are located ten (10) or more feet from the property line.

4. Stoops are permitted in the front, side or rear yard and may be covered or uncovered provided they are located ten (10) or more feet from the property line.

   [a] Stoops shall be less than eighteen (18) inches in height, four (4) feet in width, and three (3) feet in depth and connected to the street front or driveway by a sidewalk or pathway that lead to an elevated first story. The sidewalk or pathway shall not exceed 6’ in width. An area that exceeds any of these dimensions shall be considered a porch or deck.

§ 305-47 Public Buildings, Public Services, and Public Utilities

The provisions of this Ordinance shall not be so construed as to limit or interfere with the development or use of public buildings used for governmental purposes or with the construction, installation, operation and maintenance for public utility purposes of water and gas pipes, mains and conduits, electric light and electric power transmission and distribution lines, telephone lines, sewers and sewer mains and incidental appurtenances or with any highway or railroad right-of-way existing or hereafter authorized by the City of Auburn or the State of New York. The above provision shall not be construed to permit yards, garages or other buildings for service or storage by said public utilities, except as otherwise permitted by this Ordinance.

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§ 305-48 Short-Term Rentals

A. Purpose.

The purpose of this Article is to allow the homeowners of the City of Auburn to provide short-term rental units, simultaneously protecting the public interest and preserving the residential character of the community.

B. Permitting.

1. Short-Term Rentals are not permitted in any Single-Family Residential District (R-1).

2. Applications for a permit to operate a short-term rental unit shall be available from the Code Enforcement Officer. Applications shall include the following information:

   [a] Parking. Off street parking shall be provided to accommodate the occupancy of the structure, one parking space for each bedroom in the dwelling plus other parking as required by *Article 4 |§ 305-43, Off-Street Parking and Loading* of this Ordinance. Vehicles shall not be parked on front lawns.

   [b] Occupancy. Occupancy is limited to no more than two persons per bedroom plus one additional person, with a maximum of nine (9) persons per dwelling unit unless further restricted by fire and safety codes.

   [c] Garbage removal. Property owners shall indicate the means by which garbage is removed from the property. If there is a dumpster located on the property, the location of the dumpster shall be depicted on the plat submitted with the application.

   [d] Maintenance. The applicant shall indicate the manner in which lawn maintenance, snow removal, and repairs to the dwelling unit shall be maintained during the permit period.

   [e] House rules. The applicant shall submit a copy of the house rules.

   [f] Insurance and Bed Tax. Applicant shall provide proof of insurance coverage and bed tax number.

3. Upon receipt of the application and fee, the Code Enforcement Officer shall determine if the applicant has complied with all of the requirements of this Ordinance. If the applicant has fully complied, then the Code Enforcement Officer shall issue the property owner a short-term transient rental permit.

4. If an applicant is required to obtain any other permits required by the City of Auburn, Cayuga County or State of New York in order to rent or lease their dwelling unit on a short-term basis, then the Code Enforcement Officer shall not issue the applicant a permit under this Article without sufficient proof that such other requirements imposed by the City of Auburn, Cayuga County or State of New York have been satisfied.

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5. The Code Enforcement Officer shall have forty-five (45) days to determine whether the applicant has complied with the requirements of this Ordinance. Failure of the Code Enforcement Officer to act within forty-five (45) days shall constitute an approval unless the applicant and the Code Enforcement Officer mutually agree to extend this time limit.

§ 305-49 Sidewalk Cafes

A. General Regulations.

Sidewalk cafes shall be permitted upon application to the City Manager in compliance with *Chapter 248* of the City of Auburn Municipal Code.

1. Sidewalk cafes shall operate in connection with the operation of a restaurant on the first floor of the adjoining premises, which fronts or empties onto the street at the approximate location where the sidewalk café license is requested.

2. Adequate pedestrian access must be provided, which is considered to be eight (8) feet of unobstructed access between chair/table and curb edge or street furniture. Access may be less under certain circumstances, but cannot be less than five (5) feet of unobstructed access. A seating location diagram must be provided to verify adequate access.

3. Hours of operation may be required to be limited depending upon location.

4. All sidewalk cafes must comply with all New York State Alcohol and Beverage Control laws and public health regulations.

§ 305-50 Swimming Pools

A. General Regulations.

A private swimming pool and bathhouse accessory to a residential building and limited to use by the occupants thereof and their guests, subject to the following conditions and issuance of a permit:

1. Only a single private outdoor swimming pool per dwelling unit is permitted as an accessory use to a residential structure.

2. All outdoor swimming pools shall meet the New York State Building Code.

3. All outdoor swimming pools hereafter constructed and all existing pools which have a minimum depth of 24 inches of water are subject to the following:

   [a] The edge of the pool shall not be located closer than ten (10) feet to any property line nor in the front yard nor occupy more than 10% of the lot area.

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[b] Every outdoor swimming pool shall be completely surrounded by a fence or wall not less than four feet (4) in height which shall be so constructed as not to have openings, holes or gaps larger than four inches in any dimension, except for doors and gates, and, if a picket fence is erected or maintained, the horizontal dimension shall not exceed four inches. A dwelling, house or accessory building may be used as part of such enclosure.

[c] All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when the pool is not in actual use. Such door must be locked. The door of any dwelling which forms a part of the enclosure need not be so equipped.

[d] No person in possession of land within the City, either as owner, purchaser, lessee, tenant or a licensee, upon which is situated a swimming pool having a minimum depth of 24 inches shall fail to provide and maintain such fence as herein provided.

§ 305-51 Telecommunication Antennas, Private

A. General Regulations.

Telecommunication antennas accessory to a principal use, including dish antennas, are permitted provided:

1. No part of such accessory shall be located in a front yard;
2. Antennas shall not be attached to the front of the primary structure;
3. Antennas shall not exceed 1 meter in diameter or diagonal measurement;
4. Height of the antenna, including any supporting structure, shall not exceed the Max. Building Height for the principal use as defined in the Bulk and Use Tables.

§ 305-52 Temporary Structures/Temporary Storage Units

Temporary structures may be permitted in any district for uses incidental to construction work for a period of time not to exceed six (6) months, provided that such buildings shall be removed forthwith upon the completion or abandonment of the construction work.

Permits for any other temporary structures or for any extension of the six (6) month time limit shall be issued only upon authorization of the Common Council.

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§ 305-53 Temporary Uses

A. Summary of Uses Addressed.

This Article addresses the establishment and operation of activities that are temporary in nature. Such uses are generally permitted in any zoning district. Where such a use is limited to a particular district or districts such limitation will be noted herein.

B. Permitted Temporary Uses.

Subject to the specific regulations and time limits which follow, and to the other applicable regulations of the district in which the use is permitted, the following temporary uses of land are permitted as herein specified:

1. A mobile home in any district as a temporary residence placed by public or private emergency services in response to the loss of shelter as a result of natural or man-made disaster. Such use shall be limited to the period of permanent shelter reconstruction and in any event no longer than 12 months following loss of shelter. No such use shall be undertaken unless such mobile home shall have first been properly connected to City water and sewer lines and to all required public utilities.

2. Indoor and outdoor arts and craft shows, exhibits and sales in any commercial or industrial district and, subject to proper approval of the park authorities, in any public park in a residential district. Such use shall be limited to a period not to exceed five (5) days.

3. Christmas tree sales in any commercial or industrial district and in any residential district on property owned by any not-for-profit group or organization when conducted by such group or organization and when approved by the Code Enforcement Officer on the basis of the adequacy of the parcel size, parking provisions and traffic access and the absence of undue adverse impact on other properties in the residential district. Such use shall be limited to a period not to exceed 60 days. Display of Christmas trees need not comply with the yard and setback requirements of this Chapter, except that no tree shall be displayed within 30 feet of the intersection of the curblines of any two streets.

4. Contractors' offices and equipment sheds containing no sleeping or cooking accommodations in any district when accessory to a construction project. Such use shall be limited to a period not to exceed the duration of such project as determined through the Site Plan approval process.

5. Real estate offices containing no sleeping or cooking accommodations, unless located in a model dwelling unit, in any district when accessory to a new housing development. Such use shall be limited to the period of the active selling or leasing of dwelling units in such development as determined through the Site Plan approval process.

6. A carnival or circus on property owned by any not-for-profit group or organization and when approved by the Code Enforcement Officer on the basis of the adequacy of the parcel size, parking provisions and traffic access and the absence of undue adverse impact on surrounding

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properties in the residential district. Such use shall be limited to a period not to exceed 21 days. Such use need not comply with the front yard requirements of this Chapter, except that structures or equipment which might block the view of operators of motor vehicles on the public streets shall not be located within 30 feet of the intersection of the curblines of any two streets. Such use need not comply with the maximum height requirements of this Chapter.

7. Other temporary uses found by the Code Enforcement officer to comply with the provisions of this Section.

C. Limitations.

1. Except as expressly provided otherwise in *Article 4 |§ 305-53B, Permitted Temporary Uses* above, temporary uses shall comply with the yard, space, and bulk regulations applicable in the district in which such temporary use is located.

2. Before approving any temporary use, the Code Enforcement Officer shall make an assessment of the total number of off-street parking spaces which will be reasonably required for the use on the basis of the particular use, its intensity and the availability of other parking facilities in the area and shall approve such temporary use only if such off-street parking is provided.

3. No temporary use shall be operated during any hours or on any days of the week except such as are designated by the Code Enforcement Officer on the basis of the nature of the temporary use and the character of the surrounding uses.

4. Any restrictions deemed appropriate by the Code Enforcement Officer under the provisions of this Chapter shall be noted upon the permit issued for the temporary use.

D. Conflicts with Other Laws.

Where other laws, ordinances, or regulations of the City of Auburn require issuance of a license, permit or other instrumentality for a use regulated by this Article, such other laws, ordinances, or regulations shall supersede this Article.

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§ 305-54 Tiny Houses and Tiny House Clusters

A. General Requirements

1. Tiny houses are not permitted as individual dwelling units on parcels within the City of Auburn.

2. All tiny houses must be part of a Tiny House Cluster development.

3. A minimum of four (4) tiny houses and a maximum of twelve (12) tiny houses are permitted per Tiny House Cluster.

4. Architectural Details.

   [a] All tiny houses must have a minimum of one and one-half (1 ½) stories.

   [b] All tiny houses must have permanent foundations.

   [c] First floor facades must have enough window coverage to be at least thirty (30) percent transparent.

5. All Tiny Houses must have front porches.

   [a] Porches shall be oriented towards common open space or street.

   [b] Porches shall be a maximum of sixty (60) square feet and a minimum of six (6) feet deep on the common open space side of the building.

   [c] The square footage of porches may be reduced to forty (40) square feet on units less than three hundred fifty (350) total gross square feet.

6. Centralized Common Area

   [a] All Tiny House Clusters must meet the minimum requirements for open space and common areas as set forth.

   [b] The common open space area shall include useable public spaces, such as lawn, gardens, patios, plaza or scenic viewing areas. Common tables, chairs and benches are encouraged, with all house having access to it.

   [c] Four hundred (400) square feet of common open space is required per unit.

   [d] Fifty (50) percent of units must have their main entry on the common open space.

   [e] All units must be within five (5) feet of each common open space(s). Setbacks cannot be counted towards the common open space calculation.

   [f] Passive trails are allowed and may count towards the common open space requirement.

   [g] Common open space shall be located outside of stromwater/detention ponds, wetlands, streams, lakes, and critical area buffers, and cannot be located on slopes greater than ten (10) percent.

7. Tiny house clusters must be part of a condominium or homeowners association to oversee maintenance of the common areas.

B. Permitting.

All Tiny House Clusters are subject to major site plan review, as described in *Article 6 | Site Plan Review* of this Zoning Ordinance.

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C. Maintenance of Common Areas.

Maintenance of open space and utilities: before approval is granted, the applicant shall submit covenants, deeds and homeowner association bylaws and other documents guaranteeing maintenance and common fee ownership of public open space, community facilities, private roads, driveways, and all other commonly owned and operated property. These documents shall be reviewed and accompanied by a certificate from an attorney that the site complies with the requirements of this Chapter prior to approval.

§ 305-55 Wireless Telecommunications Facility

In addition to requirements set forth in district Bulk and Use Tables, Wireless Telecommunications Facility shall be regulated by the Code of the City of Auburn *Chapter 300: Wireless Telecommunication Facilities*.

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Article 5 | Sign Regulations

§ 305-56 Intent

A. Purpose.

The purpose of this Article is to promote and protect the public health, safety, and welfare by providing comprehensive time, place, and manner restrictions on signage which shall include controls on height, quantity, location, spacing, shape, scale, lighting, motion, design, maintenance, and appearance. Regulations apply to the physical aspects of the sign, and not the content or message.

1. The provisions of this Article are intended to ensure that all signs and advertising features:

   [a] Are functional and compatible with the aesthetic appearance of the property and/or building on which they are located, the surrounding neighborhoods, and the long-term vision of the City as outlined in the Comprehensive Plan;

   [b] Serve to protect and enhance community appearance;

   [c] Protect the safety of motorists, pedestrians, and cyclists by reducing the frequency and magnitude of hazards caused by obstructions and distractions;

   [d] Preserve and create more attractive business and residential environments; and

   [e] Are harmonious in color, size, and material with the building to which they relate, thereby preserving the existing character of the community and providing visual continuity across districts.

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§ 305-57 General Regulations

A. Purpose.

All signs must be constructed in accordance with New York State Uniform Fire Prevention and Building Code, shall be maintained in good condition, shall be kept free of defects or hazards and shall not be allowed to become dilapidated or deteriorated.

1. When signs are required as part of the Site Plan Review, the Planning Board and the Director of Community and Economic Development shall consider the compatibility of the sign's general character in context to its location, color(s), lettering, size and overall design.

2. Except as otherwise provided, no person shall erect, substantially modify, relocate or substantially reconstruct any sign without first obtaining a sign permit from the Code Enforcement Office.

3. Existing, non-conforming signs may be replaced in-kind if completed within thirty (30) days from the removal of the original sign.

4. For the purposes of this Article, substantial modification shall mean any change in the configuration, orientation, illumination, or purpose of the sign. Substantial reconstruction shall mean the removal and replacement of more than fifty-one (51) percent of the existing signage surface area or structural elements.

5. No sign permit shall be required for the repainting or repair of a sign in conformance with this Chapter.

6. All signs shall be sited so as not to interfere with a clear view of intersecting streets and shall be located at least twelve and one half (12.5) feet from any property line.

7. No sign shall impair or cause confusion of vehicular or pedestrian traffic in its design, color or placement.

8. Every principal building or structure shall have street identification numbers subject to *§505* of the Fire Code of New York State.

9. The Code Enforcement Officer shall require the proper maintenance of all signs, and such signs, together with their supports, shall be kept in good repair. The display surfaces shall be kept neatly painted at all times. The Code Enforcement Officer may order the removal of any sign that is not maintained in accordance with the provisions of this Chapter.

10. All signs shall be advertising the business on the property.

11. No off-premise advertising is permitted.

12. Any signage not expressly permitted in this Section is prohibited in the City of Auburn.

13. All applicants proposing signs that encroach into the public right-of-way must provide an indemnify agreement, in a form acceptable to the City, holding harmless and indemnifying the City, its officers and employees from and against any and all claims and liability resulting from encroachment into the public right of way. Applicants must also provide proof of insurance acceptable to the City and naming the City as an additional insured on a primary, non-contributory basis.

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§ 305-58 Design Standards for All Districts

A. Sign Area Calculations for All Districts.

1. The signable area does not include the sign's supporting frame or structure, if any, provided that such frame or structure is not designed to display text or graphics.

2. Single-faced. For a sign composed of one sign face, the sign area shall be determined based on the outer dimensions of the frame surrounding the sign face, but excluding the sign structure supporting the sign unless it is part of the communication of the sign or used to differentiate it. In the case of a freestanding sign that includes blank spaces with the intention of adding wording in the future, the blank spaces shall be included in measuring the sign area.

3. Individual Letters or Figures. For a sign composed of individual letters, logos, or figures, the sign area is measured by that of the smallest rectangle or other geometric shape that encompasses all the letters, logos, or symbols, including any open areas within the sign face or faces individually.

4. Double-Faced. The area for a sign with more than one face is computed by adding together the area of all sign faces, except where the angle at which the two sign faces are placed exceeds 45 degrees.

   [graphic placeholder]

B. Three-Dimensional Signs.

The sign area of a three-dimensional sign is calculated as total area of the smallest rectangle, circle, or square that fully encloses the largest profile of the three-dimensional sign.

[graphic placeholder]

C. Sign Height for All Districts.

The total height of a ground or bracket sign is measured from the highest point of the sign or supporting structure to the top of the adjacent curb, or to the crown of the road where no curb exists.

D. Signage Lighting.

1. Freestanding or ground signs may be illuminated via ground mounted fixtures or sign mounted fixtures.

2. External illumination fixtures must be shielded and directed such that a minimum of light pollution is created.

3. Signage accent lighting shall be of a lesser intensity than the illumination for the sign panel itself.

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4. Permitted signage lighting fixtures include lanterns, goose-necks, and shielded, architectural-grade spot lights.

5. Illumination of directly/internally-illuminated signs shall be of the diffused lighting type.

6. All additional lighting must be in conformance with *0, Lighting*.

E. Signage Materials.

1. All signage shall be of professional quality and constructed of robust, durable, and weather-resistant materials.

2. All wood signage components must be sealed and protected from the elements. Unpainted or unfinished treated and untreated lumber shall not be permitted.

3. Signage materials shall be like or complementary color, character, type, and quality to those found on the related principal structure.

4. Segmental block and/or non-mortared stone is permitted for signage base materials only if like materials are in use throughout the principal structure.

5. All sign posts and brackets shall be constructed of robust, durable, and weather-resistant materials.

§ 305-59 Regulated Permanent Signs

A. Purpose.

The following regulated permanent signage types are considered permitted signs in the City of Auburn which contribute to the total maximum permitted square footage of sign area, unless otherwise noted in this Article:

B. Wall Sign.

1. No portion of a wall sign may project above the roof line or above the parapet wall of a building with a flat roof.

2. A wall sign may not cover windows or architectural details.

3. Wall signs may be internally or externally illuminated.

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4. Signage area calculation:

C. Awning Sign.

1. Awning signs may not extend outside the awning.
2. Signs are allowed on ground floor awnings only.
3. Awning signs may be externally illuminated only.
4. Signage area calculation:

D. Canopy Sign.

1. Canopy signs may not extend outside the canopy.
2. Signs are allowed on ground floor canopies only.
3. Canopy signs may be externally illuminated only.
4. Canopy signs shall not exceed one and a half (1.5) feet in height or the height of vertical thickness of the canopy, whichever is greater.
5. Canopy signs attached below the canopy must have a minimum clearance of 10 feet.

6. The sign area of a canopy sign shall be counted toward the total allowable wall sign area of the parallel face to which the marquee is attached.

7. Signage area calculation:

[graphic placeholder]

E. Window Sign.

1. Window signs shall not be considered temporary signage if they are not intended to be changed or replaced within a calendar year from date of installation, or text exceeds six (6) inches in height.

2. Signs hanging from a ceiling or post that are not affixed to the glass of the window but within twelve (12) inches of the window shall be considered as a window sign.

3. Signage area calculation:

F. Projecting/Perpendicular Sign.

1. No portion of a projecting sign may be higher than the top of the building.

2. No portion of a projecting sign may be located higher than the second floor of the building.

3. Any part of a sign extending over pedestrian areas must have a minimum height clearance of ten (10) feet.

4. The projecting sign may not project more than three (3) feet from the building line and shall not be nearer than four (4) feet to the curb line of the street.

5. The sign post or bracket is not included in the signage calculation.

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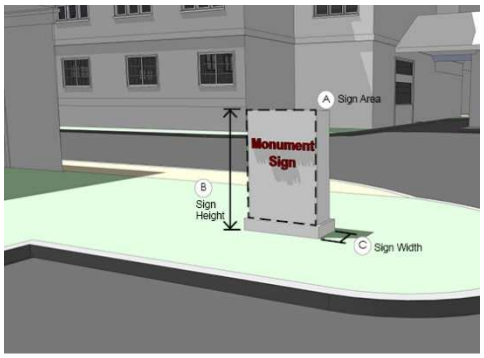
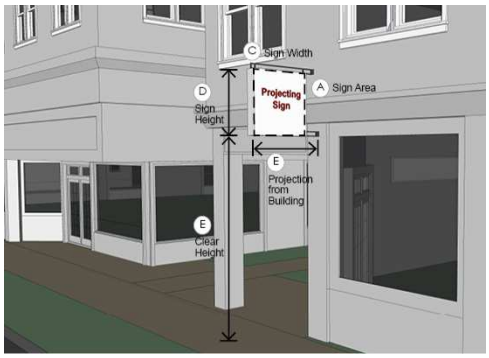
6. Signage area calculation:





G. Freestanding Bracket Sign.

1. A freestanding bracket sign may be located only on a site frontage adjoining a public street.

2. The sign post shall have a maximum height of six (6) feet.

3. The sign shall be mounted on one or more posts not to exceed a diameter greater than eight (8) inches.

4. The sign post or bracket is not included in the signage calculation.

5. Signage area calculation:

[graphic placeholder]

H. Monument Sign (single and multi-tenant).

1. One (1) monument sign allowed for each frontage along a Primary or Secondary Street.

2. Must be set back at least twelve and one-half (12.5) feet from the front property line and in no case may interfere with safe vehicle and pedestrian traffic.

3. May nor be closer than one hundred (100) feet from any other monument sign located on the neighboring lots on the same frontage.

4. A monument sign may be used as a multi-tenant directory sign indicating the name of the occupants of a building or multiple buildings. Each business may have no more than one sign within the multi- tenant monument sign.

5. Monument signs may be externally illuminated only.

6. Signage area calculation:

[graphic placeholder]

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I. Sidewalk/A-Frame Sign.

1. A sidewalk sign must be located at least ten (10) feet from any other sidewalk sign.

2. Sidewalk signs must be placed indoors at the close of each business day.

3. Sidewalks cannot obstruct vehicular or pedestrian traffic and must comply with ADA clearance and accessibility requirements.

4. Sidewalk signs may not be illuminated.

5. Signage area calculation:

J. Subdivision Entry or Other Identification Sign.

1. One (1) sign identifying the name of a project located at the entrance to a development that has:

   [a] Greater than ten (10) single-family detached or single-family attached, twenty (20) townhouses, or twenty (20) multi-family housing units

   [b] One (1) such sign shall be permitted for each entrance on a different street or highway.

K. Signs in Shopping Centers, Malls, and Plazas.

1. Each shopping center or mall may have one (1) double-faced monument sign no more than the maximum area prescribed by this Article on each side, except that if the sign is single-faced, the area of the sign shall not exceed than the maximum sign area prescribed by this Article.

2. Tenants.

   [a] Each tenant of a shopping center or mall shall be allowed a sign, however, such sign shall not exceed 5% of the portion of the shopping center leased by the tenant and shall not exceed than the maximum sign area prescribed by this Article.

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[b] Tenant signs shall be more than three (3) feet off the ground and shall not exceed the height of the façade.

[c] All façade signs shall be of a uniform, harmonious design as prescribed by this Article and shall be affixed to the façade of the building.

§ 305-60 District Regulations

A. Maximum Sign Area by District.

1. Each property shall be permitted a maximum square footage of sign area based on the zoning district in which it is located.

2. Regulations per district are subject to the maximum square footage as defined below. In no instance, exclusive of a variance granted by the Zoning Board of Appeals per *Article 8 | Administration and Enforcement,* no business or organization may exceed the maximum square footage as follows:

[a] R-1 District: 10 SF
[b] R-2 District: 20 SF
[c] CC District: 100 SF
[d] C District: 60 SF
[e] NC District: 40 SF
[f] HC District: 200 SF
[g] I District: 200 SF
[h] I-2 District: 200 SF
[i] DD District: 100 SF

B. Permitted Signage by District.

	R-1	R-2	CC	C	NC	HC	I	I-2	DD
Wall Sign			P	P	P	P	P	P	P
Awning Sign			P	P	P	P			P
Canopy Sign			P	P	P	P	P	P	P
Window Sign	P*	P*	P	P	P	P	P	P	P
Projecting Sign			P	P	P	P			P
Freestanding Bracket Sign			P		P	P			P
Monument Sign			P	P		P	P	P	
Sidewalk Sign					P				P
Subdivision Sign	P	P	P	P	P				
Signs in Shopping Center / Mall Sign						P			

* Window signs are permitted in the R-1 and R-2 districts for commercial businesses only including a home occupation, residential care facility, and family home daycare.

The following signs are permitted in each district as defined below.

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C. Maximum Number of Signs Based on the Zoning District in which it is Located.

Each district is permitted a maximum number of sign type per the following regulations. The maximum sign area may be split among permitted sign types, with a maximum of three (3) signs regardless of the district.

	R-1	R-2	CC	C	NC	HC	I	I-2	DD
Wall Sign			1 per facade	1 per facade	1 per facade	1 per facade	1 per facade	1 per facade	1 per facade
Awning Sign			1 per facade	1 per facade	1 per facade	1 per facade	1 per facade	1 per facade	1 per facade
Canopy Sign			1 per facade	1 per facade	1 per facade	1 per facade	1 per facade	1 per facade	1 per facade
Window Sign	1	1	1	1	1	1	1	1	1
Projecting Sign			1 per building	1 per building	1 per building	1 per building			1 per building
Freestanding Bracket Sign			1 per lot		1 per lot	1 per lot			1 per lot
Monument Sign			1 per lot	1 per lot		1 per lot	1 per lot	1 per lot	
Sidewalk Sign					1 per building				1 per building
Subdivision Sign	1 per subdivision	1 per subdivision	1 per subdivision	1 per subdivision	1 per subdivision				
Signs in Shopping Center / Mall Sign						1 per shopping center or mall			

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D. Maximum Square Footage.

Each property shall be permitted a maximum square footage of total sign area based on the zoning district in which it is located. The maximum sign area may be split among permitted sign types, not to exceed the allowed maximum of three (3) signs.

	R-1	R-2	CC	C	NC	HC	I	I-2	DD
Wall Sign			1.5 sf per 1ft of building length	1.5 sf per 1ft of building length	1.5 sf per 1ft of building length	1.5 sf per 1ft of building length	1.5 sf per 1ft of building length	1.5 sf per 1ft of building length	1.5 sf per 1ft of building length
Awning Sign			30% of awning area	30 % of awning area	30 % of awning area	30 % of awning area	30 % of awning area	30 % of awning area	30 % of awning area
Canopy Sign			30% of canopy area	30% of canopy area	30% of canopy area	30% of canopy area	30% of canopy area	30% of canopy area	30% of canopy area
Window Sign	2 sf	2 sf	30% of window area	30% of window area	30% of window area	30% of window area	30% of window area	30% of window area	25% of window area
Projecting Sign			16 sf	16 sf	16 sf	16 sf			6 sf
Freestanding Bracket Sign			6 sf		8 sf	8 sf			4 sf
Monument Sign			50 sf	50 sf		80 sf	100 sf	100 sf	
Sidewalk Sign					9 sf				9 sf
Subdivision Sign	10 sf	15 sf	15 sf	15 sf	15 sf				
Signs in Shopping Center / Mall Sign						80 sf			

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§ 305-61 Supplemental Standards for the Downtown District

In addition to other standards as set forth in the preceding sections of this Article, permitted signs in the Downtown District are subject to the following design standards.

	Permitted Sub-areas	Width	Height	Depth/Projection	Letter Height
Awning sign	Downtown Mixed-Use Core; Gateways	75% of awning width max	18 in max	n/a	5 in min; 10 in max
Wall sign	Downtown Mixed-Use Core; Gateways	50% of façade width max	2 ft max	6 in max	18 in max
Projecting sign	Downtown Mixed-Use Core; Gateways	4 ft max	4 ft max	4 ft max	8 in max
Window sign	Downtown Mixed-Use Core; Gateways	50% of window width max	Varies	n/a	8 in max
Freestanding Bracket sign	Gateways	3 ft max (exc. post)	2 ft max (exc. post); post 6 ft max	n/a	8 in max
Monument sign	Gateways		5 ft max	18 in max	18 in max
Sidewalk sign	Downtown Mixed-Use Core; Gateways	24 in max	42 in max	n/a	n/a
Marquee sign	Downtown Mixed-Use Core	Entrance width plus 2 ft each side	Max 50% story height	4 ft min; 10 ft max	n/a
Outdoor display case	Downtown Mixed-Use Core; Gateways	3.5 ft max	3.5 ft max	5 in max	n/a

§ 305-62 Permitted Signs Not Requiring a Permit

A. Signs Permitted in any Approved District without a Permit.
All other signs require a permit, subject to the requirements of *Article 5 |§ 305-65, Permitting*:

1. Flags of any nation, state, municipality, or political subdivision, flags officially designated as a national, state, or local symbol, or flags of fraternal, religious, and civic organizations.

2. Flags may be freestanding or wall-mounted.

   [a] Poles for freestanding flags are limited to the maximum height of the district or thirty (35) feet, whichever is less.

   [b] Poles for freestanding flags must be setback a minimum of ten (10) feet from any lot line.

   [c] Wall-mounted flags may not extend over the public right-of-way.

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[d] There is no limit on the number of such flags per lot.

[e] External illumination of flags is permitted but must be focused on the flagpole and flag.

3. Historical markers, tablets and statues, memorial signs and plaques; names of buildings and dates of erection when cut into any masonry surface or when constructed of bronze, stainless steel or similar material; and emblems installed by governmental agencies, religious or nonprofit organizations.

4. Non-illuminated warning, private drive, posted or no trespassing signs, not exceeding two (2) square feet per face.

5. Number and name plates identifying residences, mounted on house, apartment or mailbox, not exceeding one (1) square foot in area.

6. Lawn signs identifying residences, not exceeding one (1) square foot per face. Such signs are to be non-illuminated except by a light which is an integral part of a lamppost if used as a support, with no advertising message thereon.

7. Integral graphics or attached price signs on gasoline pumps at automotive service stations.

8. Seasonal and holiday decorations, including lighting, are exempt from the provisions of this Chapter and may be displayed in any district without a permit.

9. Decals, logos, emblems, or price signs that identify the name of a business under sixty-four (64) square inches.

10. Signs incidental to places of worship, libraries, museums, schools, private clubs or societies, and other public or semi-public uses which shall not exceed sixteen (16) square feet in area, and shall be located on the premises of such institution provided that signs are located not closer than ten feet to any property line. One sign permitted per lot.

11. One home occupation sign shall be permitted for an approved home occupation, wherever such uses are permitted. Such sign shall be no larger than two (2) square feet and shall not be closer than ten (10) feet from any property line; and, if a freestanding bracket sign, shall not exceed six (6) feet in height above the natural grade which the sign is located. Home occupation signs in the R-1 and R-2 district are only permitted 1 window sign not exceed 20% of the window area.

12. Murals or similar designs, images, or expressions on the exterior of a building, generally for the purpose of decoration or artistic expression, including, but not limited to paintings, markings, and etchings and does not include any on or off-site advertisement for a commercial, industrial, or other non-municipal entity, person, or corporation.

13. Light Pole Banner.

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14. Light pole banners on private property are allowed as follows:

    [a] Light pole banners are permitted for light poles in private parking lots and must be mounted so that they are held taut between support posts.

    [b] Light pole banners are limited to a maximum area of six (6) square feet per banner.

    [c] Light pole banners must be mounted to project perpendicular from light poles.

    [d] Light pole banners must not be used as a temporary off-premise sign.

15. Directional Signs:

    [a] Directional Signs used to identify circulation paths and provide operational information are permitted for any parking lot, whether a principal or ancillary use.

    [b] Directional signs are permitted for each entrance/exit, driveway intersection, drive-through lane, and other circulation points.

    [c] Directional signs are limited to eight (8) square feet in area.

    [d] Directional signs may be internally or externally illuminated.

    [e] Directional signs that provide information on the operation of a parking lot, such as "Unauthorized Users May Be Towed," are permitted as needed for any parking lot, whether a principal or ancillary use.

    [f] Directional freestanding signs are limited to four (4) square feet in area and must be five (5) feet from any lot line that abuts a street.

B. Temporary Signs.

Temporary commercial signs, which shall not exceed six (6) square feet in area unless otherwise stated in this Section, provided that such sign is erected or displayed not less than five (5) feet from the property line.

1. One sign is permitted per lot, except that on a corner lot two signs, one facing each street, shall be permitted. Such signs shall not be posted more than two weeks prior to the event and no longer than one week after the event.

2. In addition to temporary signs, signs authorized below are permitted within the City of Auburn, and are authorized only under the circumstances and limitations described.

    [a] Special Events.

        [1] A temporary banner or portable sign on wheels promoting a special event at a commercial establishment may be erected for a period not to exceed fourteen (14) days.

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[2] The size of the banner shall not exceed six (6) square feet.

[3] Temporary sidewalk signs are allowed in accordance with *Article 5 |§ 305-59I, Sidewalk/A-Frame Sign*.

[4] Such signs must be located on or adjacent to the commercial establishment's property, must not interfere with normal pedestrian traffic and must be kept in an attractive and safe condition.

[5] Directional signs are not permitted.

[b] Residential Events.

[1] For residences, signs announcing special events, garage or rummage sales, auctions or birthdays may be displayed on the premises not more than two (2) times a year for each of the types of events described above.

[2] For each particular event, one (1) sign not to exceed twelve (12) square feet on either side may be displayed on the premises for a period not to exceed seven (7) days.

[3] In addition, up to a maximum of two (2) directional signs may be displayed during the hours of the event.

[4] All such signs must be kept in an attractive and safe condition.

[5] No sign is authorized on City property or in the public right-of-way.

[c] Banners for Charitable Events.

[1] A charitable, service, educational, religious or not-for-profit organization may erect a street banner announcing a coming event.

[2] The banner may be placed for a period not to exceed fourteen (14) days.

[3] The banner must be made of canvas or other material of equal or better durability and must be kept in an attractive and safe condition.

[4] The banner may not exceed fifteen (15)square feet, and may not include advertisements for commercial products or services.

[5] The banner must be removed no later than two (2) business days after the event terminates.

[d] Realty Sales or Rental Property.

[1] When a property is for sale or rent, one (1) sign per realtor announcing the sale or rental is permitted at that residence, except in the case of corner lots where one (1) sign per street frontage will be allowed.

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[2] The sign may not exceed nine (9) square feet on either side. When a commercial property is for sale or rent, one sign per realtor announcing the sale or rental is permitted at that property.

[3] In the case of all realty sales or rental signs, signs must be kept in an attractive and safe condition and must be removed within seven (7) days of completion of transaction.

[4] No sign is authorized on City property or in the public right-of-way, and no directional signs are authorized.

[e] Contractors' Signs.

[1] One (1) temporary sign per contractor performing services may be displayed on the premises where such services are being performed and only during the performance of such services.

[2] The sign shall not exceed nine (9) square feet on either side and shall be removed within two (2) days of completion or cessation of the work.

[3] The sign must be kept in an attractive and safe condition and may not be placed on City property or on the public right-of-way.

[f] Temporary Inflatable Signs.

[1] Only cold-air inflatable signs are permitted.

[2] A temporary sign permit is required for any inflatable sign.

[3] A temporary inflatable sign is permitted only in the Highway Commercial District or for special events sponsored or co-sponsored by the City.

[4] The sign cannot extend into the required setbacks or into the public right-of-way.

[5] Only one (1) temporary inflatable sign permit may be granted for a single location at one (1) time. A temporary inflatable sign permit may be granted up to three (3) times in any calendar year.

[6] Each temporary inflatable sign permit may be granted for a period of no more than thirty (30) consecutive days.

[7] Lettering or advertising on the inflatable sign cannot exceed an aggregate of one hundred and fifty (150) square feet. The width and height of the inflatable cannot exceed twenty-five (25) feet.

[g] Political Posters.

[1] There shall be no limit on the number of political signs per lot.

[2] Political signs may be placed up to the right-of-way line, but shall not be placed in public rights-of-way or on public land for any reason.

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[3] Political signs may not be placed more than thirty (30) days before the election and must be taken down twenty-four (24) hours after the election has been completed.

§ 305-63 Murals on Private Property

The City of Auburn finds that non-commercial murals that are located on private non-residential property and are visible to the public, directly affect the public health, safety, and welfare of the City.

A. Purpose and Intent.

1. To encourage the installation of murals on private property as a vital part of Auburn's urban landscape.

2. To ascertain that private property murals do not create unsafe distractions to drivers and jeopardize public safety.

3. To ascertain that murals on private property are not commercial.

4. To maintain for the city's residents, workers and visitors an aesthetically attractive environment and to advance the aesthetic and cultural interests of the City.

5. To preserve the value of property located adjacent to the property where a private property mural is erected.

6. To effectively balance legitimate efforts of property owners to display murals with the public safety needs and aesthetic interests of the City.

7. To protect free speech rights provided by the Constitution of the State Georgia and the United States Constitution.

8. To inform and answer questions of the residents and business located in the neighborhood where a private property mural may be installed with the goal of developing neighborhood pride regarding the mural.

9. To encourage artistic expression.

B. Applicability.

A mural that has been approved as set forth in this Article shall not be considered a sign that is subject to the limitations set forth in *Article 4 |§ 305-55 Sign Regulations*.

C. Guidelines for Murals.

1. A mural may be installed on private, non-residential property only after the issuance of a permit in accord with this Article. The requirements of this Article shall not apply to residential property as defined in *Article 2 | Definitions*.

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2. All commercial messages shall be regulated by *Article 4 |§ 305-55 Sign Regulations.* In addition, *Article 4 |§ 305-55 Sign Regulations* shall regulate all displays of non-commercial messages which qualify under *Article 4 |§ 305-55 Sign Regulations* as a substitute for a commercial message display.

3. Where a proposed mural has mixed commercial and noncommercial messages, the mural shall be deemed commercial, the Application (as defined in *Article 5 |§ 305-63D, Permit Application* below) shall be denied, and the limitations of *Article 4 |§ 305-55 Sign Regulations* shall apply to the entire display and not just to the portion that contains a commercial message.

4. The name of the artist creating the permitted mural and the name of a sponsor may be displayed on an adjacent plaque or similar display that is no more than two (2) square feet in area and less than six (6) inches in height and twelve (12) inches in length provided that such plaque or adjacent display is made a part of the mural application.

5. Refer to *Article 5 |§ 305-65, Permitting* for Permit Procedures.

D. Permit Application.

1. Before a mural may be installed, an Application for Mural Installation (the "Application") shall be submitted to the City of Auburn's Code Enforcement Officer.

2. The Application form shall require that the following information:

   [a] The property address and parcel identification number where the proposed mural will be located;

   [b] A site plan setting forth in detail where the mural is to be located on the property, its overall dimensions, the materials to be used and the location of any plaque identifying the artist and/or the sponsor;

   [c] The artist's statement describing the proposed mural;

   [d] A photograph or detailed reasonably accurate graphic of the proposed mural;

   [e] A notarized statement signed by all property owners of record that they: 1) have reviewed the Application including the photograph or detailed reasonably accurate graphic of the proposed mural; 2) agree to the installation of the proposed mural on their property pursuant to the details set forth on the Application; and 3) approve the submission of the Application;

   [f] The resume of the proposed mural's artist and, if attribution is to be made on the permitted plaque, the text of such attribution; and

   [g] The name of any sponsor of the mural if the sponsor is to be identified on the permitted plaque.

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3. The Code Enforcement Officer shall forward a copy of a completed Application to the Design Review Committee for consideration of two certifications.

   [a] Non-commercial message verification. The Design Review Committee shall determine whether the proposed mural is commercial speech or contains a commercial message as defined in this Article.

      [1] A finding that the proposed mural is not commercial speech and does not contain a commercial message shall be certified by the Design Review Committee.

      [2] The display of the name of the artist or the sponsor on the plaque permitted by this Article shall not cause the mural to be deemed commercial speech.

      [3] The determination that a display contains commercial speech shall result in denial of the application.

      [4] A final decision by the Design Review Committee that the proposed mural is commercial speech or contains a commercial message shall be transmitted to the applicant within 14 days of the Design Review Committees decision.

      [5] Where an applicant disagrees with the final decision of the Design Review Committee that the proposed mural is commercial speech or contains a commercial message, and does not wish to amend the Application or obtain a sign permit, the applicant may appeal the determination within thirty (30) days of the date that the final decision is transmitted to the applicant in writing.

   [b] Traffic hazard determination. The Design Review Committee shall determine whether the proposed mural may result in a distraction or hazard to drivers.

      [1] Within thirty (30) days of the receipt of an Application, the Design Review Committee shall make a determination of whether the proposed mural is a traffic hazard or will create an undue and dangerous distraction to motorists.

      [2] The Design Review Committee shall provide written comments and a recommendation for approval or denial to the Code Enforcement Officer within 10 days of review of their review meeting.

      [3] Where an applicant disagrees with the final decision of the Code Enforcement Officer that the proposed mural creates a traffic hazard or an undue and dangerous distraction to motorists and does not wish to amend the Application, the applicant may appeal the administrative determination by filing an appeal of the administrative decision within thirty (30) days of the date that the final decision is transmitted to the applicant in writing, or by invoking another appropriate remedy in a court of competent jurisdiction.

4. The Design Review Committee shall provide written comments and a recommendation for approval or denial of the Mural Installation permit to the Code Enforcement Officer within 10 days of the meeting in which the review of the complete Mural Installation Application occurs.

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5. If recommended for approval by the Design Review Committee, the Code Enforcement Officer may issue the permit for Mural Installation.

6. If not recommended by the Design Review Committee, no permit shall be issued until requested modifications are made to the application and re-submitted or the applicant moves forward with a Sign Permit application.

§ 305-64 Maintenance and Enforcement

A. Maintenance.

1. The painted parts of signs and any supports of the sign, unless such parts are galvanized or otherwise treated to prevent rust, must be painted at least once every three (3) years.

2. Any sign found to be broken, damaged, or unsafe upon inspection by the Code Enforcement Officer must be repaired or made secure by the applicant, sign owner, or property owner. The Code Enforcement Officer will give notice by registered or certified mail, return receipt requested, to any of the above-named persons to repair or remove the unsafe sign within five (5) days of receipt of said notice. If the sign is not repaired, made secure, or removed within thirty (30) days, or within any additional time the Building Inspector and/or Code Enforcement Officer will revoke the sign permit and remove the sign.

3. If a sign is found to be a source of imminent peril to persons or property, the Code Enforcement Officer will remove the sign or otherwise secure the sign without notice to the applicant, sign owner, or property owner.

B. Enforcement.

1. Whenever the Code Enforcement Officer determines that there has been a violation of this Article, written notice will be served upon the applicant, sign owner, or property owner by registered or certified mail, return receipt requested, at the person's last known address. The notice will specify the alleged violation, provide a reasonable time frame within which the violation is to be corrected, state what legal remedies will be imposed upon failure to correct the violation, and inform the individuals of their right to appeal to the Zoning Board of Appeals. The notice of violation will automatically become a final order if the violation is not corrected within the time allowed or I fan application for appeal is not submitted to the Code Enforcement Officer within seven (7) days from receipt of the notice.

2. If at any time the Building Inspector determines a sign is in disrepair, the owner/tenant of the property shall repair or remove said sign within fifteen (15) days of notice to the owner/tenant by the Code Enforcement Officer. Failure to do so shall result in removal by the Code Enforcement Office. The cost of this removal shall be charged to the owner of the property.

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§ 305-65 Permitting

A. General Procedures.

In cases where a single sign permit is required for any given property or structure, the following procedure shall be adhered to:

1. No sign shall be erected, enlarged, expended, altered, or relocated unless a zoning permit evidencing the compliance of such work with the provisions of this Chapter and other applicable provisions of this Chapter shall have first been issued.

2. Routine maintenance, changing or parts designed to be changed or changing the content of a sign in any manner which does not change the functional classification of the sign shall not, standing alone, be considered an alteration of the sign requiring the issuance of a zoning permit.

3. Sign Permit Application. In addition to the general information and documents required of every application for a zoning permit, an application for a sign permit shall be made in writing to the Code Enforcement Officer upon forms prescribed by and provided by the Code Enforcement Office, and shall contain the following information:

   [a] The name, address and telephone number of the applicant.

   [b] Location of buildings, structures or land to which, or upon which, the sign is to be attached or associated.

   [c] A detailed drawing or blueprint showing a description of the construction details of the sign and showing the colors, lettering and/or pictorial matter composing the sign; position of lighting and other extraneous devices, and a location plan showing the position of the sign on any building or land and its positioning in relation to nearby buildings, structures or existing signs and to any private or public streets or highway.

   [d] Written consent of the owner of the building, structure or land to which or upon which the sign is to be erected in the event that the applicant is not the owner thereof.

   [e] A copy of any required or necessary electrical permit issued for said sign or a copy of the application thereof.

4. Review of Permit. The Code Enforcement Officer shall carefully consider the application for compliance with this Article and either issue or deny a sign permit. The Code Enforcement Officer may defer the authority to approve or deny a sign site permit to the Planning Board at his/her discretion.

5. Appeals. Should an applicant choose to appeal a decision by the Building Inspector and/or the Code Enforcement Officer to deny issuance of a sign permit, an application for an appeal shall

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be filled out and submitted along with supporting documents to the Zoning Board of Appeals for action.

6. Whenever an activity requires Site Plan Review pursuant to *Article 6 | Site Plan Review* prior to approval and that activity will include signage as part of its operation, the review of such signage shall be a part of the Site Plan Review process.

B. Sign Site Plan Approval.

In cases where a single property or structure requires more than one (1) sign permit, a sign site plan will be required. All applications for sign site plan approval are to be submitted to the Code Enforcement Officer on forms provided. The Code Enforcement Officer shall process all complete applications in accordance with the following procedures:

1. All sign site plan approval applications to be heard by the Code Enforcement Officer are hereby classified as "unlisted actions," under Part 617 of the State Environmental Quality Review (SEQR) regulations. All applications for sign site plan approval must be accompanied by a completed short form environmental assessment form for unlisted actions.

2. Upon receipt of a complete application, the Code Enforcement Officer, within sixty (60) days, approve, modify or deny any application for a sign site plan. Any modification or denial of a sign site plan shall be accompanied by a brief statement of the reason for such modification or denial.

3. The Code Enforcement Officer may modify a sign site plan application, provided that such modification does not result in the need for any variances from these regulations. All sign site plan modifications must directly relate to the statements of purpose and intent set forth in this Ordinance.

4. The Code Enforcement Officer may defer the authority to approve or deny a sign site plan to the Planning Board at its discretion.

5. Once an application has been approved, the Code Enforcement Officer shall issue a sign permit. Said permit shall be valid for a period of one hundred and twenty (120) days from the date of issuance. The permit may be extended one (1) time, for a period of sixty (60) days, upon approval of the Code Enforcement Officer and upon payment of an additional fee, prior to the expiration of the initial one hundred and twenty (120) day period. If a certificate of compliance is not issued within the one hundred and twenty (120) day period, or if applicable, the renewal period for the sign permit, said sign permit shall expire.

6. Within seven (7) business days after the placement of the approved sign, the Code Enforcement Officer shall verify the sign is installed correctly and to the specifications approved. Upon presentation of the evidence of erection of the sign in compliance with this Ordinance and a sign permit, the Code Enforcement Officer shall issue a certificate of compliance.

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7. Should the Code Enforcement Officer, upon inspection, find the sign not in compliance with the sign permit, the applicant shall be so notified by certified mail within ten (10) business days of the inspection. The applicant shall have up to thirty (30) business days from the date of the receipt of the certified mail notification letter to correct the cited deficiencies and to notify the Code Enforcement Officer of said change(s). In no event shall said additional thirty (30) day period extend the validation period for the sign permit.

8. The Code Enforcement Officer or other designated local official shall issue a permit number for each sign, which shall be kept on file in the Code Enforcement Office.

C. Fees.

The fees to be paid to the City of Auburn for the erection of each sign and for each of the conforming signs erected shall be consistent with *Chapter 164* of the City of Auburn Code.

§ 305-66 Removal of Signs

Any sign, existing on or after the effective date of this Chapter, which no longer advertises an existing business conducted or product sold on the premises upon which the sign is located, shall be removed within thirty (30) days of the discontinuance of the business.

§ 305-67 Prohibited Signs

A. Any signage not expressly permitted in this Chapter is prohibited in the City of Auburn.

B. Banners, ribbons, streamers, spinners, balloons, or other similar moving, fluttering, revolving, flashing, smoke-generating or visual signal generating or animated devices that contain a message or content used for the purpose of advertising are prohibited.

C. Any sign that advertise an activity, business, product, or service no longer conducted or available on the premises on which the sign is located.

D. Digital or electronic signs which display constantly moving or flashing content.

E. Roof signs which are designed and erected on and supported by the roof of the building or structure.

F. Portable signs on wheels, except pursuant to *Article 5 |§ 305-62B, Temporary Signs*.

G. Signs that constitute a traffic hazard include those that:

1. Interfere with, obstruct the view of, or may be confused with any authorized traffic sign, signal, or device because of its position, shape, or color, including signs illuminated in red, green, or amber color to resemble a traffic signal.

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2. Make use of the words STOP, LOOK, DETOUR, DANGER, CAUTION, WARNING, or any other word, phrase, symbol, or character in a manner that misleads, interferes with, or confuses traffic.

H. Billboards.

I. Notices, placards, bills, posters, cards, stickers, banners, signs, advertisings, or other devices designed to attract the attention of the public that are posted or otherwise affixed upon any street, street furniture, right-of-way, public sidewalk, crosswalk, curb, lamppost, hydrant, tree, alley, telephone pole, public telephone, or lighting system, or other public alarm or communication system.

§ 305-68 Non-Conforming Sign

A. Upon the adoption of this Chapter, any sign or advertising device which does not conform to the provisions of this Ordinance in terms of location, area, illumination, type, or height shall be considered a non-conforming sign. In addition, no non-conforming sign may be relocated, enlarged, replaced, redesigned, or altered in any way that increases its non-conformity.

B. Upon the adoption of this Chapter, all non-conforming signs, except those granted a variance, shall cease and desist at the time when there is any one or more of the following:

1. A change in ownership of the home or business to which the sign applies; such change must involve a change in the actual persons owning the home or business, rather than a mere change in their corporate status.

2. A change in use.

3. Destruction, damage, or disrepair of said sign to the extent that 51 percent of its replacement cost must be expended in its repair.

4. Creation of a hazard or disturbance to the health, safety and welfare of the general public as determined by the Building Inspector and/or Code Enforcement Officer.

5. Nonconforming signs must be properly maintained, but may not be changed to another nonconforming sign, either due to a change in text, cosmetically, or structurally.

6. Nonconforming signs may not be structurally or electrically expanded or altered unless such alteration brings the sign into conformance with the provisions of this Section.

7. Nonconforming signs may not be relocated to another site on the same property.

8. Nonconforming signs may not be re- established after discontinuance for thirty (30) consecutive days.

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§ 305-69 Amortization of Non-Conforming Signs

A. Nonconforming signs shall be removed or converted to a permitted sign within three (3) year of official notification of a nonconforming status by the Building Inspector and/or Code Enforcement Officer.

B. Such notice must be recorded with the City Clerk and mailed to the property owner. If the property owner fails to alter or remove the structure to comply with the regulations set forth in this Section within ten (10) days following the final date of the amortization period, such sign may be removed or altered by the City at the expense of the owner or sign applicant.

§ 305-70 Abandoned Signs

A. Any sign located on property unoccupied for a period of sixty (60) days or more shall be deemed abandoned.

B. Failure to remove an abandoned sign shall result in removal by the Code Enforcement Office. The cost of this removal, plus XX for inspection of the premises, shall be charged to the owner of the property. The City Assessor shall assess this amount upon the real property. Said total amount shall constitute a lien and charge on the real property on which it is levied until paid or otherwise satisfied or discharged. The amount shall be collected by the City Treasurer in the manner provided by law for the collection of taxes or delinquent taxes.

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Article 6 | Site Plan Review

§ 305-71 General Guidelines

A. Purpose.

The purpose of this Article is to provide the specifications and necessary elements to be included in a Minor and Major Site Plan for those uses which are subject to Site Plan Review including, but not limited to, proposed parking, access, screening, signs, landscaping, architectural features, location and dimensions of buildings, adjacent land uses and physical features meant to protect adjacent land uses.

B. Applicability.

This Article applies to all land use activities requiring minor and major site plan approval.

1. Minor Site Plans include the following types of development:

Multi-Family Residential Uses
1. New multifamily units or conversions up to 4 units.
2. Expansion of existing structures by more than 10% but less than 25% or more of current square footage.
Non-residential Uses
1. Non-residential or mixed-use development of less than 4,000 square feet and more than 250 feet from a residential use or district boundary.
2. Expansion of less than 25% of the current gross square footage.
Parking Lots, Parking Structures, Loading and Stacking Area
1. Any new parking lot or parking structure with 10 or less spaces.
1. Expansion of a parking lot, parking structure, loading or stacking area by less than 25% of total area. Changes to parking lots, parking structures, loading or stacking areas may require a major site plan review at the discretion of the Design Review Committee.

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2. Major Site Plans include the following types of development:

Multi-Family Residential Uses
1. New multifamily units or conversions for 5 or more units.
2. Expansion of existing structures by 25% or more of current square footage.
Non-residential Uses
1. Non-residential or mixed-use development located within 250 feet of residential uses or zoning district boundary.
2. Non-residential or mixed-use development greater than 4,000 square feet of gross floor area.
3. Proposed addition of 25% or more of the current gross square footage.
Parking Lots, Parking Structures, Loading and Stacking Area
1. Any new parking lot or parking structure for more than 10 spaces.
2. Expansion of existing parking lots, parking structures, loading or stacking areas by more than 25% of current square footage.
Overlay Districts
1. All new, or changes to, uses within the South Street Historic Resources Protection District and Logan Street Residential and Mixed-Use Overlay District (districts TBD).
Special Use Permit
1. All uses requiring a Special Use Permit.

3. Exclusions. The following activities are excluded from the requirement for site plan review:

[a] Construction of one- or two-family dwellings and ordinary related accessory structures and related land use activities;

[b] Expansion of existing single- and two-family residential structures and related land use activities;

[c] Landscaping and grading which is not intended to be used in connection with a land use reviewable under the provisions of the definition above;

[d] Ordinary repair or maintenance or interior alterations of existing structures or uses;

[e] Non-structural agricultural or gardening uses.

4. A major site plan may be required if the Design Review Committee determines that:

[a] A proposed adjustment to a previously approved minor site plan is not consistent with the intent and objectives of the original site plan approval.

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[b] If the Design Review Committee determines the impacts of an application for Minor Site Plan review have the potential to create significant detrimental impacts to the character, safety, etc.

C. Jurisdiction.

1. The Design Review Committee and Planning Board are hereby authorized to review and act on site plans submitted in accordance with this Chapter, Special Use Permit applications submitted in accordance with *Article 8 |§ 305-89, Special Use Permits*, and amendments proposed to this Chapter and to act as lead agency for all matters requiring review under the New York State Environmental Quality Review Act (SEQRA) that may arise as a result of the requirements of this Chapter.

2. The Planning Board shall also conduct an annual review of this Chapter and issue a report in April of each year advising the City Council of any sections or provisions, if any, of this Chapter which should be amended.

D. Minor Site Plan Filing Approval and Procedures.

1. A minor site plan requires Design Review Committee approval. The Design Review Committee shall have authority in determining the compliance of a minor site plan with the provisions of this Ordinance.

2. Application. The following application requirements must be met and information provided before an application for Minor Site Plan Approval will be approved.

[a] A pre-submittal meeting with the Planning Department is required prior to filing an application for minor site plan approval.

[b] Application fee paid in full in compliance with *Chapter 164* of the City of Auburn code.

[c] Minor site plan containing the following items:

[1] A statement and scaled drawing showing the locations and dimensions of principal and accessory structures, parking areas, access signs (with descriptions), existing and proposed vegetation, and other planned features;

[2] Anticipated changes in the existing topography and natural features; and, where applicable, measures and features to comply with flood hazard and flood insurance regulations;

[3] Map of the area which clearly shows the location of the site with respect to nearby streets, rights-of-way, properties, easements and other pertinent features;

[4] A topographic or contour map of adequate scale and detail to show site topography;

[5] Compliance with the City's Design Standards (as applicable).

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[d] If not the owner of the land under consideration, provide written approval from the owner to submit the sketch plan.

[e] Application form as provided by the Planning Department with all required supporting documents outlined on the Site Plan Review application.

3. Approval Procedures.

[a] Upon submission, Planning Department staff will notify the applicant within 5 business days of receipt if an application is complete.

[b] In the event the Planning Department deems an application incomplete or otherwise not properly filed, the applicant will be notified in writing and given the opportunity within a specified period of time (not less than seven (7) days after the date of the notice) to bring the application into compliance. An application which is the subject of such notice, but is not brought into compliance within the period specified in such notice, shall be denied for failure to comply with these rules.

[c] Within 3 business days of a notification of a completed application, the Planning Department will forward the application to the Design Review Committee.

[d] The Design Review Committee's review of the site plan shall include, but is not limited to, the following considerations:

[1] Location, arrangement, size, design and general site compatibility of buildings, lighting and signs;

[2] Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls;

[3] Location, arrangement, appearance and sufficiency of off-street parking and loading;

[4] Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience;

[5] Adequacy of stormwater and drainage facilities;

[6] Adequacy of water supply and sewage disposal facilities;

[7] Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's land and adjoining lands, including the maximum retention of existing vegetation;

[8] Adequacy of fire lanes and other emergency zones and the provision of fire hydrants;

[9] Special attention to the adequacy of and impact on structures, roadways and landscaping in areas with susceptibility to ponding, flooding, or erosion.

[10] Conformance with the City's Design Standards to the maximum extent possible.

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[e] Within 30 days of receipt of a completed application, the Design Review Committee shall approve, approve with modifications, or deny the minor site plan. Where a site plan does not meet the requirements of this Ordinance, the Design Review Committee may refer said site plan to the Planning Board for their review.

[f] The Design Review Committee may grant minor site plan approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into complete compliance with applicable regulations or where additional conditions have been agreed to by the petitioner. If the proposed minor site plan is determined to be consistent with all applicable regulations, the Design Review Committee shall approve the minor site plan.

[g] The date the Design Review Committee, Planning Director or designee signs the approved minor site plan shall establish the date of approval for a minor site plan.

E. Major Site Plan Filing Approval and Procedures

1. A major site plan requires Planning Board approval. The Planning Board shall have authority in determining the compliance of a major site plan with the provisions of this Ordinance.

2. Application. The following application requirements must be met and information provided before an application for major site plan will be approved.

[a] A pre-submittal meeting with the Planning Department is required prior to filing an application for major site plan approval.

[b] Application fee paid in full in compliance with *Chapter 164* of the City of Auburn Code.

[c] Major site plan containing the following items:

[1] Title of drawing, including name and address of applicant and person responsible for preparation of such drawing;

[2] North arrow, scale and date;

[3] Boundaries of the property plotted to scale;

[4] Existing watercourses and wetlands;

[5] Grading and drainage plan showing existing and proposed contours;

[6] Location, design, type of construction, proposed use and exterior dimensions of all buildings;

[7] Location, design and type of construction of all parking and truck loading areas showing access and egress;

[8] Provisions for pedestrian access including sidewalks along public highways. Pedestrian facilities shall be ADA (Americans with Disabilities Act) compliant. Sidewalks must be constructed continuously across all driveways;

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[9] Provisions for bicycle parking, such as bicycle racks or bicycle lockers, as appropriate.

[10] Location of outdoor storage, if any, and location, design and specific arrangements for storage and access to refuse collection containers;

[11] Location, design and construction materials of all existing and proposed site improvements, including drains, culverts, retaining walls and fences;

[12] Description of the method of sewage disposal and location, design and construction materials of such facilities;

[13] Description of the method of securing public water and location, design and construction materials of such facilities;

[14] Location of fire and other emergency zones, including the location of fire hydrants, access routes for emergency vehicles, location of fire hydrants, location of wires, cable and conduits for electric, telephone, cable television and similar services, and location of any easements;

[15] Location, design and construction of materials of all energy distribution facilities, including electrical, gas and solar energy;

[16] Location, height, size, materials and design and type of construction of all proposed signage;

[17] Location and proposed design of all buffer areas, including existing vegetative cover;

[18] Location and design of outdoor lighting facilities;

[19] Identification of the location and amount of building area proposed for retail sales or similar commercial activity;

[20] Landscaping plan and planting schedule;

[21] Estimated project construction schedule;

[22] Record of application for and approval status of all necessary permits from state and county officials;

[23] Other elements integral to the proposed development as considered necessary by the Planning Board.

[24] Short Environmental Assessment Form (EAF), Full Environmental Assessment Form or draft Environmental Impact Statement as determined by the Design Review Committee or Planning Board. The EAF should be completed to the extent possible using the New York State Department of Environmental Conservation Environmental Resource Mapper.

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F. Completed Application.

1. Upon submission, Planning Department staff will notify the applicant within 5 business days of receipt if an application is complete.

2. In the event the Planning Department deems an application incomplete or otherwise not properly filed, the applicant will be notified in writing and given the opportunity within a specified period of time (not less than seven (7) days after the date of the notice) to bring the application into compliance. An application which is the subject of such notice, but is not brought into compliance within the period specified in such notice, shall be denied for failure to comply with these rules.

3. Within 3 business days of a completed application, the Planning Department will forward the application to the Design Review Committee.

4. Within 15 business days of receipt of a completed application, the Design Review Committee shall forward recommendations to the Planning Board for the first Planning Board meeting that project is scheduled to be reviewed. The Design Review Committee may request additional time to review the application and supporting materials upon consent of the applicant.

5. The Planning Department will mail one (1) notice to all owners of record of properties within 200 feet of the subject property. The notice will include the date and time of the first Planning Board meeting which the project is on the agenda, and address and description of the proposed project.

6. A notification sign will be posted at the address of the proposed project under review.

    [a] The notification sign shall be posted in the front of the property 10 days prior to the Planning Board's review, and shall remain visibly on the property until the meeting concludes.

G. Planning Board Action.

Site inspections. The Board, and any such persons as they may designate, may conduct such examinations, tests and other inspections of the site deemed necessary and appropriate.

H. Public Hearing.

1. The Planning Board may hold a public hearing.

2. In determining whether a public hearing is necessary, the Planning Board shall be guided by the expected level of public interest in the project.

3. Applicants may request a public hearing. When an applicant requests a public hearing, no Site Plan may be disapproved without such a hearing.

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4. When the Planning Board requires a public hearing, a notice shall be published at least once, of not less than 10 days in advance of such meeting, in a newspaper of general circulation of the City.

   [a] A notice shall be mailed to the applicant.

   [b] A notice shall be delivered to the Mayor, members of the City Council, Zoning Board of Appeals, and to the City Manager.

   [c] A notice shall be mailed to every association of residents of the City and any other interested party who or which shall have registered their names and addresses for this purpose with the Planning Board.

   [d] A notice shall be mailed to the owners of record of properties sharing a common boundary with the subject property and properties within 200 feet of the center line of the subject property's boundary line with said street.

   [e] The notice required shall be posted upon instructions from the Planning Board and shall state the location of the building or lot in question and the general nature of the question involved.

5. The Planning Board's review of the site plan shall include, as appropriate, but not be limited to, the following considerations:

   [a] Location, arrangement, size, design and general site compatibility of buildings, lighting and signs;

   [b] Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, pavement surfaces, dividers and traffic controls;

   [c] Location, arrangement, appearance and sufficiency of off-street parking and loading;

   [d] Adequacy and arrangement of pedestrian traffic access and circulation, walkway structures, control of intersections with vehicular traffic and overall pedestrian convenience;

   [e] Adequacy of stormwater and drainage facilities;

   [f] Adequacy of water supply and sewage disposal facilities;

   [g] Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise buffer between the applicant's land and adjoining lands, including the maximum retention of existing vegetation;

   [h] Adequacy of fire lanes and other emergency zones and the provision of fire hydrants;

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[i] Special attention to the adequacy of and impact on structures, roadways and landscaping in areas with susceptibility to ponding, flooding, or erosion.

[j] Conformance with the City's Design Standards to the maximum extent possible.

[1] No approval or approval with conditions shall be granted until the Planning Board determines that the applicant is in compliance with all other provisions of this and other ordinances.

[2] Within 60 days of the receipt of a completed application for site plan approval, the Planning Board shall render a decision of approve, approve with modifications, or deny the site plan. The time within which a decision must be rendered may be extended by mutual consent of the applicant and Planning Board.

[i] Site plans requiring modifications shall be submitted to the Planning Department for final approval within a time period determined by the Planning Board. The Planning Department may forward the modified site plan to the Planning Board at their discretion.

[ii] If a Site Plan is denied, an applicant may submit an appeal within 30 days from the date of the decision to the Zoning Board of Appeals requesting relief from the Planning Board action.

[k] Upon approval of the site plan, the date the Planning Board Chair signs the approved major site plan shall establish the date of approval for a major site plan. A final copy of the approved major site plan will be filed by the Planning Department with the City Clerk.

[l] Costs incurred by the Planning Board for consultation fees or other extraordinary expenses in connection with the review of a proposed site plan shall be charged to the applicant, not to exceed a level set out in the fee schedule established by the City Manager.

I. Changes in Site Plan.

1. At any time within 30 days following the initial site plan submission to the Planning Department, the applicant may submit to the Planning Department site plan modifications which do not materially affect the fundamental character of a proposed site plan, and the time periods state in this Section shall continue to apply.

2. If, subsequent to the approval of a site plan by the Planning Board, the applicant proposes any modification (other than to correct minor or technical omissions or inaccuracies) of the site plan, the procedures set forth in *Article 6 |§ 305-71E.2, Application* above shall be applicable to such modification, except that the materials submitted to the Planning Department shall relate only to such modification.

3. Minor modifications to the site plan may be approved by the Planning Department. Minor modifications include:

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[a] Error correction that does not alter the site plan;

[b] Modifications that are not in violation of this Ordinance;

[c] Changes that do not affect overall site layout or properties outside of the site; and

[d] Location of dumpster containers and other refuse containers, including enclosures.

J. Subdivision Review.

Site plan review under the provisions of this Ordinance may occur simultaneously with subdivision plat review, where required. A single public hearing for approval of the site plan and its associated plat shall be permitted, as determined by the Planning Department.

K. Compliance.

1. No certificate of occupancy shall be issued until all improvements shown on the approved minor or major site plan are installed or a sufficient performance guarantee has been posted for improvements not yet completed. The sufficiency of such performance guarantee shall be determined by the Planning Board, after consultation with other appropriate agencies.

2. The enforcement officer shall be responsible for the overall inspection of site improvements, including coordination with the Planning Board and other officials and agencies, as appropriate.

3. Whenever the particular circumstances of proposed development require compliance with other requirements of the City of Auburn, the Planning Board shall attempt to integrate, as appropriate, site plan review as required by this Section with the procedural and submission requirements for such other compliance.

L. Period of Validity.

1. If construction of the approved development has not commenced within two (2) years from the time of minor or major site plan approval, that approval shall be deemed revoked.

2. Extensions not to exceed two (2) years may be granted by the Planning Department or Design Review Committee.

3. Multiple extensions may be granted at the discretion of the Design Review Committee.

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Article 7 | Nonconformities

§ 305-72 General Guidelines

A. Purpose.

This Article regulates and limits the continued existence of uses, structures, lots and established prior to the effective date of this Chapter which do not conform to the regulations of this Chapter applicable in the zoning districts in which such nonconformities are located.

§ 305-73 Nonconforming Use

A. Continuance.

Except as provided in this Article, any lawfully existing nonconforming use located in a structure designed for a use permitted in the district in which it is located or not involving the use of a structure or involving only a structure which is accessory to a nonconforming use of land may be continued so long as it remains otherwise lawful, subject to the regulations contained herein.

B. Extension or Enlargement.

1. A nonconforming use existing at the date of adoption of this Ordinance may not be extended or enlarged except by Special Use Permit.

2. A nonconforming Structure or use may not be extended or enlarged to other structures or land acquired subsequent to the date of adoption of this Ordinance.

3. No Special Use Permit allowing the extension or enlargement of a nonconforming use shall be granted by the Planning Board unless the regulations of this Ordinance, other than allowed uses for the district in which said nonconforming use is located, can be complied with. The Planning Board may impose such reasonable conditions and restrictions as are directly related to an incidental to the proposed conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such proposed conditions shall be consistent with the spirit and intent of this Ordinance and shall be imposed for the purpose of minimizing any adverse impact such approval may have on the neighborhood of the property.

C. Changes.

1. No structure designed for a permitted use and devoted in whole or in part to a nonconforming use shall be structurally altered unless the use thereof shall thereafter conform to the use regulations of the zoning district in which it is located. No such alteration shall create any new parking, yard or space and bulk nonconformity nor increase the degree of any existing parking, yard or space and bulk nonconformity of such structure.

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2. A nonconforming use of land not involving a structure or involving only a structure which is accessory to the nonconforming use of land, or a nonconforming use in a structure designed for a use permitted in the district in which it is located, shall not be changed to any use other than a use permitted in the zoning district in which the structure is located.

   [a] When such a nonconforming use has been changed to a permitted use, it shall not thereafter be changed back to any nonpermitted use. For purposes of this Subsection, a use shall be deemed to have been so changed when an existing nonconforming use shall have been terminated and a permitted use shall have commenced and continued for a period of seven days. Any change of use in violation of this Subsection shall be deemed to be an abandonment of the lawfully existing nonconforming use.

D. Discontinuance.

1. When a nonconforming use has been discontinued for a period of 6 consecutive months (from a date determined by the Planning and Economic Development Department or Code Enforcement Officer), such a nonconforming use shall not be re-established and any subsequent use of such structure or land shall be in conformity with the provisions of this Ordinance for the district in which such structure or land is located.

2. Any period of such discontinuance caused by government action, strikes, material shortages or acts of God, and without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance for purposes of this Section.

E. Repair and Restoration.

1. Normal maintenance and incidental repair or replacement, and installation or relocation of nonbearing walls, nonbearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is designed for a permitted use but devoted in whole or in part to a nonconforming use; provided, however, that this Subsection shall not be deemed to authorize any violation of this Section.

2. In the event that any structure designed for a permitted use and devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means, to the extent of more than 50% of the cost of replacement of the structure new, such structure shall not be restored unless the use of such structure shall thereafter conform to the use regulations of the zoning district in which it is located and unless such restoration is accomplished without creating any new parking, yard or space and bulk nonconformity or increasing the degree of any parking, yard or space and bulk nonconformity existing prior to such damage or destruction.

3. Where any such structure is damaged or destroyed by any means not within the control of the owner thereof to the extent of 50% or less of the cost of replacement of the structure new, repair or restoration of such structure may be made; provided, however, that no repairs or restorations shall be made which would create any new parking, yard or space and bulk nonconformity or increase the degree of any parking, yard or space and bulk nonconformity

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existing prior to such damage or destruction, nor shall any repairs or restoration except in conformity with the applicable zoning district regulations be made unless a building permit is obtained and restoration is actually begun within one year after the date of such partial damage or destruction and is diligently pursued to completion.

4. In no event shall any damage or destruction to such a structure by means within the control of the owner be repaired or restored except in accordance with *Article 7 |§ 305-73E, Repair and Restoration*.

§ 305-74 Nonconforming Structures

A. Continuance.

Any nonconforming structure which is devoted to a use which is permitted in the zoning district in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions in *Subsections B through D* of this Section and *Article 7 |§ 305-77, Certificate of Nonconformity*.

B. Expansion.

Any nonconforming structure may be enlarged, maintained, repaired or altered; provided, however, that no such enlargement, maintenance, repair or alteration shall either create any additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure.

C. Additions, Alterations, Maintenance, and Repairs.

1. A nonconforming structure shall not be extended or enlarged by Special Use Permit in accordance with *Article 8 |§ 305-89, Special Use Permits.*

2. Should a nonconforming Structure be moved for any reason, its placement or use shall thereafter conform to the regulations for the district into which it is relocated.

3. A nonconforming Structure is required to be maintained in accordance with all applicable laws, ordinances, rules and regulations.

D. Damage or Destruction.

1. In the event that any part of a nonconforming structure which contributed to its nonconformity is damaged or destroyed, by any means, to the extent of more than 75% of the cost of replacement of said part new, such part shall not be restored unless it shall thereafter conform to the regulations of the zoning district in which it is located.

2. When such a part of a nonconforming structure is damaged or destroyed, by any means, to the extent of 75% or less of the cost of replacement of such part new, no repairs or restoration except in conformity with the applicable zoning district regulations shall be made unless a

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building permit is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion. Moving. No nonconforming structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

E. Discontinuance.

1. A nonconforming Structure, or portion thereof, shall be deemed discontinued if the structure is vacant for six (6) consecutive months or sooner if there is a clear manifestation of the intent on the part of the owner to abandon the nonconforming structure.

2. If deemed discontinued, such nonconforming structure shall not be reestablished, and any subsequent use shall conform with the provisions of the district in which such structure is located.

§ 305-75 Nonconforming Lots of Record

A. General Regulations.

A Lot of Record may be considered as complying with the minimum requirements of this Ordinance provided that such lot does not adjoin other land held by the same owner, part of which such other land could be combined with the nonconforming lot of record to create a conforming lot without thereby creating a new nonconforming Lot.

§ 305-76 Exception for Repairs Pursuant to Public Order

A. Purpose.

Nothing in this Article shall be deemed to prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of a public official who is charged with protecting the public safety and who declares such structure to be unsafe and orders its restoration to a safe condition, provided that such restoration is not otherwise in violation of the various provisions of this Article prohibiting the repair or restoration of partially damaged or destroyed structures or signs.

§ 305-77 Certificate of Nonconformity

A. Burden of Owner to Establish Legality of Nonconformity.

1. The burden of establishing that any nonconformity is lawfully existing under the provisions of this Article shall, in all cases, be upon the owner of such nonconformity and not upon the City.

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2. The owner of any nonconformity may at any time apply to the Code Enforcement Officer for a certificate of nonconformity to establish the legality of nonconformity as of a specified date. Such application shall contain such information as may be required by the Code Enforcement Officer as necessary to establish the legality of a particular nonconformity.

3. If, upon reviewing an application for a certificate of nonconformity, the Code Enforcement Officer shall determine that the use, structure or sign in question was lawfully existing at the time of the adoption of the provision creating the nonconformity in question and remains lawfully existing subject only to such nonconformity at the time of such application, and that any required affidavit is in order, he/she shall issue a certificate evidencing such facts and setting forth the nature and extent of the nonconformity and the date, if any, upon which such nonconformity is required to be terminated; otherwise he/she shall decline to issue such certificate and shall declare such building, structure or sign to be in violation of this Chapter.

§ 305-78 General Nuisances

A. General Regulations.

Upon a complaint registered with the Code Enforcement Officer by 50% of the property owners within 200 feet of a nonconforming use and which is considered to be a general nuisance or a hazard to the health, safety, welfare and morals or to the uses or structures adjoining such nonconforming use or uses, the Board of Appeals shall hold a public hearing and make a finding with respect to the nuisance or hazardous condition which exists and shall determine the necessity of terminating such nonconforming use. Such uses shall be terminated within such reasonable time as shall be determined by the Board of Appeals as related to the reasonable amortization of the capital investment in such uses.

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Article 8 | Administration and Enforcement

§ 305-79 Code Enforcement Officer

A. Operational Considerations.

The Code Enforcement Officer is hereby designated as the enforcement officer and is given the duty, power and authority to enforce the provisions of this Chapter.

B. Jurisdiction and Authority.

1. The Code Enforcement Officer shall receive and examine all applications for all permits and certificates of occupancy under this Chapter and *Chapter 125, Building Construction and Fire Prevention*, of this Municipal Code.

2. If the application conforms to all applicable codes, laws, rules and regulations, and ordinances, the Code Enforcement Officer shall issue a building permit as provided in *Chapter 125*, unless approval must be obtained from any other official, board, agency or the City Council, then the Code Enforcement Officer shall refer such application to the appropriate review authority or authorities and shall issue a building permit only upon direction of the review authority or authorities.

3. The Code Enforcement Officer shall issue a written notice of violation to any person, firm or corporation violating any provisions of this Chapter in the manner provided in *Chapter 125* of this Municipal Code. The Code Enforcement Officer shall, to the extent possible, integrate the procedures and duties established by this Chapter with those established by *Chapter 125* of this Municipal Code, and the jurisdiction and authority herein granted shall be in addition to such granted by said *Chapter 125*.

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§ 305-80 Planning Board

A. Establishment.

Pursuant to the provisions of *Article 12-A* of the General Municipal Law, a Planning Board is hereby established in and for the City of Auburn.

B. Appointment.

The Planning Board shall consist of minimum of five (5) members serving for a minimum of three years. The members of the Planning Board shall be appointed by the Mayor. The terms of the initial appointees shall be for one, two and three years and thereafter for three years each. Appointments upon the retirement of the initial terms shall be for three years each.

C. Minimum Meeting and Hearing Attendance Requirements.

Members of the Planning Board are expected to attend all regularly scheduled and specially scheduled meetings of the board. In the event that a member of the Board is absent from three (3) consecutive meetings, or in the event a member of the Board is absent from three (3) meetings within any one (1) calendar year, then such member may be removed from the Board as provided in E(1) below.

D. Training and Attendance Requirements.

1. Each member of the Planning Board shall complete, at a minimum, four (4) hours of training each year designed to enable such members to effectively carry out their duties.

2. Training may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity.

3. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.

4. To be eligible for reappointment to the Planning Board, such member shall have completed required training pursuant to this Section.

5. The training required by this Subsection may be waived or modified by the City Council when, in the judgment of the City Council, it is in the best interest of the City to do so.

6. No decision of the Planning Board shall be voided or declared invalid because of a failure to comply with this Section.

E. Removal Procedure.

1. Failure to Meet Attendance Requirements.

   [a] In the event a member of the Planning Board has failed to meet the minimum attendance requirements set forth in this Chapter, then the Planning Board Chair may remove such member from the Planning Board as herein provided:

      [1] Such member shall be mailed a written notice specifying the nature of the failure of such member to meet the minimum attendance and training requirements of *Subsections C and D* above. A copy of such decision shall be filed with the City.

      [2] If the Planning Board Chair finds that the reasons for failing to meet the minimum attendance requirements are excusable because of illness, injury, or other sufficient cause, the Planning Board Chair may elect to take no action.

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2. Removal for Cause.

[a] Nothing contained herein shall be deemed to limit or restrict the City Council's authority to remove a member from the Planning Board for cause including conflict of interest or failure to abide by the rules and procedures outlined in this Chapter.

[b] Action by the City Council.

[1] Upon a finding that such member is in conflict with the provisions established in this Ordinance, the City Council may remove such member from the Planning Board as herein provided:

[i] Such member shall be mailed a written notice specifying the nature of the removal. A copy of such decision shall be filed with the City.

F. Powers and Duties.

1. In addition to those other powers and duties assigned to the Board by law, the City Planning Board is hereby empowered to perform the following functions:

[a] Approval or disapproval of site plans, special use permits, and subdivisions.

[1] Attach conditions and restrictions to an approved site plan that are reasonable, directly related and incidental to the site plan.

[b] Submittal of an advisory opinion to the Zoning Board of Appeals for use and area variances.

[c] Submittal of an advisory opinion to the City Council for proposed amendments to this Chapter.

[d] Review and submit advisory opinions to the City Council on land use plans, design standards, Municipal Code changes and any other decisions by the City Council that are referred to the Planning Board. Advisory opinions shall be transmitted within thirty (30) days of the option to the City Council for consideration.

2. Votes Necessary for Decision.

The concurring vote of a majority of the members of the Planning Board shall be required to act on a matter before the City Council. In the event all members or alternate members constituting the full Planning Board are not present but a quorum of three (3) eligible members or alternate members are present, a majority of the quorum shall be required to act on a matter before the City Council.

3. SEQRA Compliance.

The Planning Board shall comply with the provisions of the State Environmental Quality Review Act (SEQRA) under *Article 8* of the Environmental Conservation Law and regulation

promulgated thereunder, codified in *Title 6, Part 617*, of the New York Codes, Rules and Regulations.

4. Filing of Decisions and Notice.

   The decision of the Planning Board on an application shall be filed in the office of the City Clerk within five (5) business days after the date such decision is rendered and a copy thereof mailed to the applicant.

G. General Procedures.

1. The Planning Board shall act in strict accordance with the procedures specified in this Chapter.

2. Every decision of the Planning Board shall contain a full record of findings in the case. The Planning Board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its proceedings and other official actions.

3. The concurring vote of a majority of the members of the Planning Board shall be necessary to approve site plans, special use permits and subdivisions.

4. The Planning Board may provide advisory opinions in the form of a positive recommendation or a negative recommendation, and shall provide to the Zoning Board of Appeals or City Council a reasonable explanation contained within the resolution in support of the Planning Board's opinion.

§ 305-81 Zoning Board of Appeals

A. Establishment.

Pursuant to the provisions of *Article 5-A | § 81* of the General City Law, a Board of Appeals is hereby established in and for the City of Auburn.

B. Appointment.

The Board of Appeals shall consist of seven members of which no more than four shall be of the same political party. The members of the Board of Appeals shall be appointed by the Mayor. The terms of the initial appointees shall be for one, two and three years and thereafter for three years each. Appointments upon the retirement of the initial terms shall be for three years each.

C. Vacancies.

Appointments to fill vacancies shall be for the unexpired term of the member or members whose term or terms become vacant. Such appointments to fill such vacancies shall be made in the same manner as the original appointment.

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D. General Grant of Power.

The Board of Appeals shall perform all the duties and have all the powers prescribed by the laws of the State of New York and as herein provided.

E. Rules of Procedure.

The Board of Appeals shall perform and adopt rules in accordance with the provisions of this Chapter and any others not inconsistent herewith or with the laws of the State of New York.

F. Votes Necessary for a Decision.

The concurring votes of four members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Code Enforcement Officer or to decide in favor of the appellant any matter upon which the Board of Appeals is required to pass under the terms of this Chapter or to effect variation in this Chapter. If four members of the Board of Appeals are present this shall constitute a legal quorum.

G. Minimum Meeting and Hearing Attendance Requirements.

Members of the Board of Appeals are expected to attend all regularly scheduled and specially scheduled meetings of the board. In the event that a member of the Board is absent from three (3) consecutive meetings, or in the event a member of the Board is absent from three (3) meetings within any one (1) calendar year, then such member may be removed from the Board as provided in *Subsection I* below.

H. Training and Attendance Requirements.

1. Each member of the Board of Appeals shall complete, at a minimum, four (4) hours of training each year designed to enable such members to more effectively carry out their duties.

2. Training may include, but not be limited to, training provided by a municipality, regional or county planning office or commission, county planning federation, state agency, statewide municipal association, college or other similar entity.

3. Training may be provided in a variety of formats, including but not limited to, electronic media, video, distance learning and traditional classroom training.

4. To be eligible for reappointment to the Board of Appeals, such member shall have completed the training promoted by the City pursuant to this Section.

5. The training required by this Subsection may be waived or modified by the City Council when, in the judgment of the City Council, it is in the best interest of the City to do so.

6. No decision of the Board of Appeals shall be voided or declared invalid because of a failure to comply with this Section.

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I. Removal Procedure.

1. Failure to Meet Attendance Requirements.

   [a] In the event a member of the Zoning Board of Appeals has failed to meet the minimum attendance requirements set forth in this Chapter, then the Zoning Board of Appeals Chair may remove such member from the Zoning Board of Appeals as herein provided:

      [1] Such member shall be mailed a written notice specifying the nature of the failure of such member to meet the minimum attendance and training requirements of *Subsections G and H* above. A copy of such decision shall be filed with the City.

      [2] If the Zoning Board of Appeals Chair finds that the reasons for failing to meet the minimum attendance requirements are excusable because of illness, injury, or other sufficient cause, the Zoning Board of Appeals Chair may elect to take no action.

2. Removal for Cause.

   [a] Nothing contained herein shall be deemed to limit or restrict the City Council's authority to remove a member from the Zoning Board of Appeals for cause including conflict of interest or failure to abide by the rules and procedures outlined in this Chapter.

   [b] Action by the City Council.

      [1] Upon a finding that such member is in conflict with the provisions established in this Ordinance, the City Council may remove such member from the Zoning Board of Appeals as herein provided:

         [i] Such member shall be mailed a written notice specifying the nature of the removal. A copy of such decision shall be filed with the City.

J. Powers and Duties.

The Board of Appeals shall have all the power and duties prescribed by law and by this Ordinance, which are more particularly specified as follows:

1. Interpretation. Upon appeal from a decision by an administrative official, to decide any question involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

2. The Board of Appeals, on appeal from the decision or determination of the administrative official charged with the enforcement of this Chapter, shall have the power to grant use and area variances, as defined herein.

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K. Hearing Appeals

The jurisdiction of the Board of Appeals shall be appellate only and shall be limited to hearing and deciding appeals from and reviewing any order, requirement, decision, interpretation, or determination made by the administrative official charged with the enforcement of the Zoning Ordinance. Such appeal may be taken by any person aggrieved, or by an officer, department, board or bureau of the City.

1. Procedure.

   [a] Any person, firm or corporation who or which deems himself or itself aggrieved by any order, requirement, decision shall have the right to file a written appeal to the Board of Appeals within twenty (20) days of the issuance of such order, requirement, decision or determination.

   [b] The Board of Appeals shall decide each appeal within sixty (60) days after the final hearing and shall give notice to all parties in interest.

   [c] The decision of the Board of Appeals shall be immediately filed in its office and be a public record.

2. Public hearings.

   [a] Upon filing with the Board of Appeals of an appeal as required by the terms of this Chapter, the Board of Appeals shall fix a time and place for a public hearing in accordance with *Article 8 |§ 305-90D, Public Hearings*.

3. Fees for appeals. Upon filing an appeal a fee as established by the City Manager in the fee schedule shall be paid.

§ 305-82 Historic Resources Review Board

A. Jurisdiction and Appointment.

1. The membership, means of appointment, means of removal, terms, vacancies, and similar considerations shall be in accordance with *Chapter 178, Historic Preservation*, of the Municipal Code of the City of Auburn.

2. Any activity proposed under this Chapter which would take place within an historic district or at an historic landmark as defined in *Chapter 178* of the Municipal Code or within the Historic Resources Protection District established by this Chapter shall be reviewed by the Historic Resources Review Board prior to action by any other agency.

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3. The Historic Resources Review Board shall forward a recommendation to such other agency regarding the proposal within 30 days of the receipt of a request for the same. This recommendation shall be in accordance with the intent and regulations set forth in *Chapter 178, Historic Preservation*.

4. The following historic landmarks have been established to date:

   [a] Willard Mansion (Cayuga Museum), 203 Genesee Street.

   [b] Willard Memorial Chapel and Welch Memorial Building, 17 Nelson Street.

   [c] Case Memorial Building (Seymour Library), 176 Genesee Street.

   [d] Harriet Tubman Home for the Aged, 180 South Street.

§ 305-83 Design Review Committee

A. Jurisdiction and Authority.

The Design Review Committee is hereby assigned the responsibility of reviewing all proposed projects subject to minor and major site plan review.

B. Membership.

The Design Review Committee shall be comprised of representatives from the following City departments:

1. Code Enforcement
2. Planning & Economic Development
3. Corporate Council
4. Engineering Services
5. Police
6. Fire
7. Municipal Utilities

C. Duties and Responsibilities.

The Design Review Committee will review and approve minor site plan applications, and review and provide recommendations to the Planning Board for major site plan applications. All minor and major site plan applications will be reviewed for the completeness, code compliance, and issues of public health, safety and welfare.

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§ 305-84 Engineering Services Division

A. Jurisdiction and Authority.

1. The Engineering Services Division is hereby assigned the responsibility of advising other agencies administering aspects of this Chapter regarding matters which are within the technical and professional competence of the Division and with approving plans for civil engineering elements of particular projects prior to the issuance of zoning or other permits for the establishment of such projects.

2. The Engineering Services Division shall review and approve the issuance of all permits for construction of and siting of public works to insure that such activity is being undertaken in conformance with sound engineering principles and the laws and regulations of the City of Auburn.

3. The Engineering Services Division shall review and advise the Planning Board prior to its consideration of a site plan, special permit, planned development district, or zoning amendment as to the conformance of said proposal with sound engineering principles and the laws and regulations of the City of Auburn regarding public works and the siting thereof.

4. The Engineering Services Division shall review and advise the Zoning Board of Appeals prior to its consideration of a use or area variance as to the conformance of said proposal with sound engineering principles and the laws and regulations of the City of Auburn regarding public works and the siting thereof.

5. In advising the Planning Board or Zoning Board of Appeals or in reviewing a permit application, the Engineering Services Division shall at least address the adequacy of proposed utility design and location and highway access, after a consultation with the Director of Municipal Utilities and Director of Streets, respectively.

§ 305-85 Corporation Counsel

A. Jurisdiction and Authority.

1. The Corporation Counsel is hereby assigned the responsibility of providing legal advice and representation to other agencies administering aspects of this Chapter.

2. Attend all hearings of the Board of Appeals and the Planning Board and shall normally attend any meeting of any such body and act as the legal advisor to the body holding such hearing or meeting.

3. Provide all appropriate advice and aid to the Code Enforcement Officer in the enforcement of this Chapter and shall, where appropriate, initiate such legal actions as may be necessary to the proper enforcement of this Chapter.

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4. Review and give his or her opinion concerning the legal sufficiency of any Charter provision, code, ordinance, rule or regulation, or amendments thereto, relating to land use development and regulation presently in force or proposed for adoption by any official, department, bureau, board, commission or agency of the City.

5. Be available, on reasonable request, for consultation with the Code Enforcement Officer, the Director of Planning, the Board of Appeals, and the Planning Board concerning matters properly subject to their jurisdiction and authority.

§ 305-86 New Building Permits

A. Procedures and Requirements for Permits.

All persons desiring to undertake any new construction, structural alteration or changes in the use of a building or lot shall apply to the Code Enforcement Officer for a building permit which shall be issued only in accordance with all applicable requirements and procedures specified in all applicable laws, codes, rules or regulations, ordinances and this Chapter and this Municipal Code.

1. No application for a permit, special permit, site plan, variance, zoning change, or other procedure required under this Chapter shall be processed which is incomplete.

   [a] Permitted uses. A building permit for a permitted use may be issued by the Code Enforcement Officer on his or her own authority, subject to *Article 8 |§ 305-79, Code Enforcement Officer*.

   [b] Uses permitted by special permit or requiring minor or major site plan approval.

   [c] Uses permitted after an appeal or request for variance. A building permit may be issued by the Code Enforcement Officer upon order of the Board of Appeals and after a public hearing held by the Board of Appeals for the purpose of deciding upon the appeal or a request for a variance.

2. After the building permit and any other applicable permit(s) have been issued to the applicant, he or she may proceed to perform the work permitted by the permit(s) and, upon the completion of the work, shall apply to the Code Enforcement Officer for a certificate of occupancy to be issued in accordance with *Chapter 125* of this Municipal Code.

3. If the Code Enforcement Officer finds that the work has been performed in accordance with the building permit and any other applicable permit(s), he or she shall issue a certificate of occupancy allowing the premises to be occupied in accordance with *Chapter 125* of this Municipal Code.

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4. Revocation of Building Permit.

   [a] The Code Enforcement Officer or the Board of Appeals may revoke a building permit at any time if it appears that the application is in any material respect false or misleading or that work being performed upon the premises differs materially from that specified in the application or that a permit has been issued in error and conditions are such that a permit should not have been issued. The Code Enforcement Officer shall follow the procedures set forth in *Chapter 125* of this Municipal Code. *[Amended 9-19-1996 by Ord. No. 32-1996.]*

§ 305-87 Existing Building Permits

Nothing in this Chapter shall be deemed to require any change in the plans, construction or designated use of any structure or prevent issuance of a certificate of occupancy in the event that:

A. A building permit for the same was lawfully issued prior to the effective date of this Chapter or any amendment thereof;

B. Such permit had not by its own terms expired prior to such effective date;

C. The holder of such permit has taken substantial action, made substantial expenditures or incurred substantial obligations in reliance on such permit; and

D. Construction pursuant to such permit is commenced prior to the expiration of such permit and within 90 days of such effective date and is thereafter diligently pursued to completion.

§ 305-88 Certificate of Occupancy

A. Procedures and Requirements for Certificate of Occupancy.

1. The purpose of a certificate of occupancy is to certify that the premises comply with the provisions of this Chapter and other applicable laws, rules and regulations, ordinances and this Municipal Code and that the premises may be used for the purposes set forth in the certificate of occupancy.

2. Prior to the use or occupancy of any building for which a building permit or other permit (s) is required, or for any change of use of any existing building or for any change of use of land, a certificate of occupancy shall be obtained from the Code Enforcement Officer in accordance with the procedure provided in *Chapter 125* of this Municipal Code.

B. Procedures and Requirements for Certificate of Nonconforming Use.

The owner of the premises occupied by a lawful nonconforming use or building may secure a certificate of nonconforming use from the Code Enforcement Officer. Such certificate shall be

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authorized by the Board of Appeals and shall be for the purpose of insuring to the owner the right to continue such nonconforming use.

§ 305-89 Special Use Permits

A. Procedures and Requirements.

1. Application for a special permit shall be made in writing upon forms supplied by the Code Enforcement Officer and such forms shall be deemed to be complete prior to action by the Planning Board.

2. Upon receipt of a complete application for a special permit from the Code Enforcement Officer the Planning Board shall schedule a public hearing to consider the same.

3. Public hearings regarding special permits.

   [a] Upon filing with the Planning Board of a special permit request as required by the terms of this Chapter, the Planning Board shall fix a time and place for a public hearing thereof as follows Public notice. By publishing a notice at least once, of not less than 10 days in advance of such hearing, in a newspaper of general circulation of the City.

   [b] Notice to applicant. By mailing a notice thereof by registered or certified mail to the applicant. Notice to local officials. By delivering a notice to the Mayor, to the members of the City Council, to the Zoning Board of Appeals, and to the City Manager.

   [c] Notice to interested parties. By mailing a notice thereof to every association of residents of the City and any other interested party who or which shall have registered their names and addresses for this purpose with the Planning Board. Notice shall also be mailed to the owners of record of properties sharing a common boundary with the subject property and properties within 400 feet of the center line of the subject property's boundary line with said street.

   [d] Nature of notice and posting. The notice required shall be posted upon instructions from the Planning Board and shall state the location of the building or lot in question and the general nature of the question involved.

   [e] At said public hearing the Planning Board will receive testimony and technical reports regarding the compatibility of the proposed activity with the neighborhood where it will be established. Compatibility will be determined based upon the following standards:

      [1] The proposed use will not generate traffic beyond the capacity of the road serving the site or contribute to traffic congestion or pose a hazard to pedestrians.

      [2] Noise, smoke, dust, noxious matter, heat, glare, or vibration emanating from the proposed use will not exceed that customarily associated with the neighborhood.

      [3] Storage and waste material will be screened from general public view.

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[4] The general appearance of the use will be compatible with the predominant scale and physical character of the neighborhood.

[5] All requirements of this Chapter applicable to the proposal are being met.

4. Only upon determination of neighborhood compatibility and compliance with the terms of this Chapter may the Board grant a special permit.

5. Fees for special permits shall be set by the City Manager.

§ 305-90 Use and Area Variances

A. Jurisdiction and Authority.

Use and area variances require Zoning Board of Appeals approval. The Zoning Board of Appeals shall have authority in determining whether an application for a Use or Area Variance is complete or incomplete, and unnecessary hardship in context of the provisions of this Ordinance.

B. Application.

1. All variance applications to the Zoning Board of Appeals shall be in writing on forms prescribed by the Zoning Board of Appeals. Every appeal shall include the following:

[a] The name and address of the applicant.

[b] The name and address of the owner of the district lot to be affected by such proposed variance.

[c] A brief description and location of the district lot to be affected by such proposed variance.

[d] A statement of the present zoning classification of the district lot in question, the improvements thereon and the present use thereof.

[e] A statement of this Section or part thereof of this Chapter under which the variance is made and the reasons why it should be granted.

[f] A reasonably accurate description of the present improvements and the additions or changes intended to be made under this application, indicating the size of such proposed improvements, material, and general construction thereof. In addition, there shall be attached a plot plan of the real property to be affected indicating the location and size of the lot and size of improvements thereon.

2. Upon filing a variance application a fee as established by the City Council in the fee schedule shall be paid.

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3. Complete application.

   [a] Upon filing a variance application a fee as established by the City Council in the fee schedule shall be paid The Planning Department will mail one (1) notice to all owners of record of properties within 200 feet of the subject property. The notice will include the date and time of the first Planning Board meeting which the project is on the agenda, and address and description of the proposed project.

   [b] A notification sign will be posted at the address of the proposed project under review.

      [1] The notification sign shall be posted in the front of the property 10 days prior to the Zoning Board's review, and shall remain visibly on the property until the meeting concludes.

C. Approval Procedures.

1. Upon receiving an application, the Zoning Board of Appeals will determine if the application is complete.

2. In the event the Zoning Board of Appeals deems an application incomplete or otherwise not properly filed, the applicant will be notified in writing and given the opportunity within a specified period of time (not less than seven (7) days after the date of the notice) to bring the application into compliance. An application which is the subject of such notice, but is not brought into compliance within the period specified in such notice, shall be denied for failure to comply with these rules

D. Public Hearings.

1. Once the Zoning Board of Appeals deems an application complete for a variance request, the Zoning Board of Appeals shall fix a time and place for a public hearing thereof as follows:

   [a] Public notice. By publishing a notice at least once, of not less than ten (10) days in advance of such hearing, in a newspaper of general circulation of the City.

   [b] Notice to applicant. By mailing a notice thereof by registered or certified mail to the applicant.

   [c] Notice to local officials. By delivering a notice to the Mayor, to members of the City Council, to the Planning Board, and to the City Manager.

   [d] Notice to interested parties.

      [1] By mailing a notice thereof to every association of residents of the City and any other interested party who or which shall have registered their names and addresses for this purpose with the Board of Appeals.

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[2] Notice shall also be mailed to the owners of record of properties sharing a common boundary with the subject property and properties across the street and within 400 feet of the center line of the subject property's boundary line with said street when the application is for a use variance and within 100 feet of the center line of the subject property's boundary line with said street when the application is for an area variance in a residential zone. *[Amended 7-2-1996 by Ord. No. 21-1996.]*

[e] Nature of notice and posting. The notice required shall be posted upon instructions from the Board of Appeals and shall state the location of the building or lot in question and the general nature of the question involved.

E. Use Variances.

1. No such use variance shall be granted by the Board of Appeals without a showing by the applicant that applicable zoning regulations and restrictions have caused unnecessary hardship. In order to prove such unnecessary hardship, the applicant shall demonstrate to the Board of Appeals that for each and every permitted use under the zoning regulations for the particular district where the property is located:

   [a] The applicant cannot realize a reasonable return, provided that lack of return is substantial, as demonstrated by competent financial evidence;

   [b] The alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood;

   [c] The requested use variance, if granted, will not alter the essential character of the neighborhood; and

   [d] The alleged hardship has not been self-created.

2. The Board of Appeals, in the granting of use variances, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

F. Area Variances.

1. In making its determination, the Zoning Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider:

   [a] Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;

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[b] Whether the benefit sought by the applicant can be achieved by some method feasible for the applicant to pursue other than an area variance;

[c] Whether the requested area variance is substantial;

[d] Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and

[e] Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the area variance.

2. The Board of Appeals, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

G. Impositions of Conditions.

1. The Board of Appeals shall, in the granting of both use variances and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of this Chapter and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community. *[Amended 6-27-1996 by Ord. No. 20-1996.]*

2. The Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, interpretation or determination appealed from and shall make such order, requirement, decision, interpretation or determination as in its opinion ought to have been made in the matter by the administrative official charged with the enforcement of this Chapter and to that end shall have all the powers of the administrative official from whose order, requirement, decision, interpretation or determination the appeal is taken. *[Amended 6-27-1996 by Ord. No. 20-1996.]*

3. Pursuant to *§ 81* of the General City Law, the Board of Appeals shall have the power to vary or modify the application of any of the regulations or provisions of this Chapter relating to the use, construction, structural changes in, equipment or alteration of buildings or structures, or the use of the land, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Chapter, so that the spirit of this Chapter shall be observed, public safety and welfare secured and substantial justice done.

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H. Lapse.

Unless otherwise specified by the Board of Appeals, a decision shall expire if the applicant fails to obtain any necessary building permit or comply with the conditions of such permit within six (6) months from the date of authorization thereof.

1. Should the six-month period elapse, the Code Enforcement Officer shall be empowered to extend the variance for one additional six-month period upon making a determination that no building permit has been issued or requested that have or would result in a substantial change in the character of the neighborhood.

2. When such permits have been requested or issued, the officer shall report the same to the Zoning Board of Appeals and refer the matter of extension to the Zoning Board of Appeals for consideration and disposition.

§ 305-91 Pending Applications

This Chapter and any amendment thereof shall apply to all applications pending and not yet finally decided by the authorized personnel or Board on the effective date thereof, except, however, where a public hearing has been held with respect to such pending application prior to such effective date. Where such circumstances exist the regulations in effect at the time of the hearing shall be the basis for action on such pending application.

§ 305-92 Procedure and Requirements for Amendments

A. Purpose.

Amendments may be initiated by the City Council, Zoning Board of Appeals, Planning Board, the owner of or other person having contractual interest in property to be impacted by the amendment, or the owners of 50% or more of the frontage of property to be impacted by the proposed amendment.

B. Procedures.

1. Amendments initiated by the City Council or Zoning Board of Appeals shall be transmitted to the Planning Board for consideration in accordance with this Section.

2. Amendments initiated by property owners shall be addressed to the City Council and submitted to the Planning Board along with the fee required by the duly enacted fee schedule and the following information:

   [a] The applicant's name and address and his interest in the subject property.

   [b] The owner's name and address, if different than the applicant, and the owner's signed consent to the filing of the application.

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[c] The name, residence and the nature and extent of the interest, as defined by *§ 809* of the General Municipal Law of New York, of any state officer or any officer or employee of the City of Auburn or the County of Cayuga in the subject property if known to the applicant.

[d] The precise wording of any proposed amendment to the text of this Chapter.

[e] A statement of the need and justification for the proposed amendment.

[f] A statement as to the conformity of the proposed amendment to the Comprehensive Plan and the reason for any deviation from such plan.

[g] In the event that the proposed amendment would change the zoning classification of any property:

[1] A street address or legal description of the property proposed to be reclassified.

[2] The names and addresses of all owners of property located on the same frontage or frontages as the front or side lot line of the property proposed to be reclassified or on a frontage immediately across from any such frontage or on a corner diagonally across from a corner on which the property proposed to be reclassified is located or within 50 feet of the rear lot line of the property proposed to be reclassified, as shown in the records of the office of the City Assessor.

[3] The present zoning classification and existing uses of the property proposed to be reclassified.

[4] The area of the property proposed to be reclassified, stated in square feet or acres, or fraction thereof.

[5] A map, drawn to scale, clearly showing and locating the property proposed to be reclassified and its present zoning classification and existing uses and all existing uses and zoning classifications within 200 feet of such property.

[6] Where site plan approval is required by this Chapter, a site plan as defined by *Article 6 | Site Plan Review* shall be supplied.

[7] Such other information or documentation as the Planning Board may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

C. Public Hearings.

Upon filing with the Planning Board of an amendment request as required by the terms of this Chapter, the Planning Board shall fix a time and place in accordance with *Article 8 |§ 305-90D, Public Hearings* and *Article 6 | Site Plan Review.*

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§ 305-93 Fees

Fees authorized by this Chapter shall be set by the City Manager in accordance with the procedures established in *Chapter 164, Fees* of the City of Auburn Code.

§ 305-94 Penalties for Offenses

A. Fines and Imprisonment.

1. General. Any person, firm or corporation violating any provision of this Chapter, other than those charged with illegal conversions, shall be punished by a fine not to exceed $250 or imprisonment not exceeding 15 days, or by both such fine and imprisonment.

2. Conversions. Any person, firm or corporation who or which illegally converts any residential property in the City of Auburn in violation of the terms and conditions of this Chapter shall be subject to a fine not less than $500 nor more than $1,000 or imprisonment not exceeding 15 days, or to both such fine and imprisonment.

3. Other. Each day that a violation is continued shall constitute a separate offense.

B. Injunctive Relief.

Injunctive relief. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of this Chapter, or of any rule or regulation made under authority conferred hereby, the City Manager or, with his/her approval, the Code Enforcement Officer or other proper official, in addition to other remedies, may institute any appropriate action or proceedings to prevent or remove such unlawful erection, maintenance or use or to prevent any illegal act, conduct, business or use in or about such premises.

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