

ORDINANCE NO. 6 6 7 7

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING SECTIONS 18.02.070, 18.35.020, 18.35.030, 18.35.040, OF THE AUBURN CITY CODE AND THE CITY ZONING MAP, CREATING A NEW OPEN SPACE ZONING DISTRICT

WHEREAS, by Ordinance No. 6584, on December 14, 2015 the City of Auburn adopted a new Comprehensive Plan that establishes a new land use map designation of "Open Space" by map and text; and

WHEREAS, under the existing comprehensive plan document structure, each Comprehensive Plan land use designation is implemented by at least one zoning district (zone) that addresses the allowed uses and the zoning development standards. Currently, there is no implementing Open Space zoning district in the Auburn City Code; and

WHEREAS, the purpose of this amendment to the City zoning code and zoning map is to create a zoning district that implements the Open Space Land Use Designation of the Comprehensive Plan Map; and

WHEREAS, pursuant to RCW 36.70A the proposed code language was transmitted to the Washington State Department of Commerce on April 20, 2017. The transmittal initiated the 60-day state agency review period. The 60-day state agency comment period expired on June 19, 2017. The City did not receive any state agency comments.

WHEREAS, the code amendment was subject to environmental review process under the Washington State Environmental Policy Act (SEPA). A Determination of Non-

Significance (DNS) was issued June 13, 2017 and the City observed a fifteen-day public comment period; and

WHEREAS, the Planning Commission reviewed the code and map amendment and duly deliberated the effect of the text and map amendment on public and private property owners at its December 6, 2016, January 4, 2017, March 7, 2017, and April 4, 2017 Planning Commission meetings; and

WHEREAS, the City received three public comment letters in response to notice of the public hearing, and one additional notice prior to the Planning Commission public hearing; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments at the July 5, 2017 Planning Commission meeting, and requested that staff conduct additional noticing efforts to Andrew and Elena Cherny and coordination with the Muckleshoot Indian Tribe (MIT); and

WHEREAS, at the continued public hearing on August 8, 2017, after the close the public hearing the Planning Commission forwarded a recommendation for approval to the City Council; and

WHEREAS, Ordinance No. 6667, pertaining to the 2017 annual Comprehensive Plan amendments, modified the land use designation of numerous parcels that were included in the proposed "open space zoning district map amendment. Thus, prompting their removal from the proposed open space zoning map amendment; and

WHEREAS, per Auburn City Code Section 18.01.050, adopted under Ordinance No. 6667 (on December 18, 2017) the City of Auburn recognizes and acknowledges that

the Muckleshoot Indian Tribe has jurisdiction and land use control over "Indian Lands". The designation of city zoning and land use regulations that might appear to affect any Indian Lands does not, and is not intended to, usurp or exercise land use control over such lands. Any such city regulations are intended to identify what zoning or land-use provisions would apply to such lands were they not under Indian jurisdiction, or were the land to change in ownership or jurisdictional character. Until those circumstances change for such lands, the city regulations shall be for informational purposes only; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. That Section 18.02.070 of the Auburn City Code be and the same hereby is amended to read as follows:

- 18.02.070 Establishment of zones.
- A. The city is divided into the following classes of zones:
 1. RC, residential conservancy zone (one dwelling unit per four acres);
 2. R-1, residential zone (one dwelling unit per acre);
 3. R-5, residential zone (five dwelling units per acre);
 4. R-7, residential zone (seven dwelling units per acre);
 5. R-10, residential zone (10 dwelling units per acre);
 6. R-16, residential zone (16 dwelling units per acre);
 7. R-20, residential zone (20 dwelling units per acre);
 8. RMHC, manufactured/mobile home community zone;
 9. RO, residential office zone and RO-H, residential office-hospital zone;
 10. C-N, neighborhood shopping zone;
 11. C-1, light commercial zone;
 12. C-2, central business zone;
 13. C-3, heavy commercial zone;
 14. M-1, light industrial zone;
 15. M-2, heavy industrial zone;
 16. BP, business park zone;
 17. LF, airport landing field zone;
 18. P-1, public use zone;
 19. UNC, unclassified use zone;

- 20. I, institutional use zone;
- 21. EP, environmental park zone;
- 22. DUC, downtown urban center zone;
- 23. OS, open space zone.

B. The zones set out in Subsection A of this Section are established as the designations, locations, and boundaries thereof as set forth and indicated on the zoning map.

C. The intent statement for each zone set forth in this title shall be used to guide the application of the zones to all lands in the City of Auburn. The intent statements shall guide interpretation and application of land use regulations within the zones, and any change to the range of allowed uses within each zone through amendment to this title. (Ord. 6245 § 2, 2009.)

Section 2. Amendment to City Code. That Section 18.35.020 of the Auburn

City Code is amended to read as follows:

18.35.020 Intent of special purpose zones.

A. General. This section describes the intent for each of the city's special purpose zones. These intent statements may be used to guide the interpretation of the regulations associated with each zone.

B. RO and RO-H Residential Office and Residential Office-Hospital Zone. The RO and RO-H is intended primarily to accommodate small-scale business and professional offices, medical and dental clinics, and banks and similar financial institutions at locations where they are compatible with residential uses. Some retail and personal services may be permitted if supplemental to the other uses allowed in the zone. This zone is intended for those areas that are in transition from residential to commercial uses along arterials or near the hospital. Conversion of residential uses to commercial uses is geared towards encouraging adaptive re-use of existing single-family structures that continue to appear in accord with the single-family residential character. The RO-H designation is to be used exclusively for the hospital area, located in the vicinity of 2nd Street NE and Auburn Avenue, and is intended to be used for medical and related uses and those uses compatible with the medical community

C. P-1 Public Use Zone. The P-1 zone is intended to provide for the appropriate location and development of public uses that serve the cultural, educational, recreational, and public service needs of the community.

D. I Institutional Zone. The I zone is intended to provide an area wherein educational, governmental, theological, recreational, cultural and other public and quasi-public uses may be allowed to develop. It is further intended these areas be significant in scope which will allow a combination of uses which may not be permitted outright within other zones. This district is not intended to include those smaller or singular public uses which are consistent with and permitted in other zones.

E. OS Open Space Zone. The OS zone is intended to provide for land uses that tend to be managed in a largely undeveloped character, including passive parks.

watersheds, natural and urban conservancy shoreline areas, significant wildlife habitats, large stormwater detention ponds or floodplain ponds, utility corridors with public access, and areas with significant development restrictions. Park lands included in the Open Space zone tends to be predominately passive in character and with relatively fewer developed facilities than parks included in the Institutional zone. Private sites containing critical areas or shorelines may be included. (Ord. 6434 § 1, 2012.)

Section 3. Amendment to City Code. That Section 18.35.030 of the Auburn City

Code be and the same hereby is amended to read as follows:

18.35.030 Uses.

Table 18.35.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	<u>OS</u>	

PUBLIC

Animal shelter, public	X	X	P	X	<u>X</u>	
Government facilities, this excludes offices and related uses that are permitted outright	A	A	P	P	<u>C</u>	
Municipal parks and playgrounds	P	P	P	P	<u>P</u>	

RECREATION, EDUCATION AND PUBLIC ASSEMBLY

Campgrounds and recreational vehicle parks, private	X	X	X	P	<u>P</u>	
<u>Recreational vehicle parks, private</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	
Cemetery, public	X	X	P	A	<u>X</u>	
Cemetery, private	X	X	X	A	<u>X</u>	

Table 18.35.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	<u>OS</u>	
College, university, public	X	X	A	A	<u>X</u>	
Commercial recreation facility – Indoor	X	X	X	P	<u>X</u>	
Commercial recreation facility – Outdoor	X	X	X	A	<u>C</u>	ACC 18.57.025(A)
Conference/convention facility	X	X	X	A	<u>X</u>	
Library, museum	X	X	P	P	<u>A</u>	
Meeting facility, public or private	A	A	P	P	<u>A</u>	
Private school – specialized education/training (for profit)	P	P	X	P	<u>X</u>	
Public schools (K-12) and related facilities	X	X	P	P	<u>X</u>	
Religious institutions, lot size less than one acre	A	P	X	P	<u>X</u>	
Religious institutions, lot size more than one acre	C	A	X	P	<u>X</u>	
Studio – Art, dance, martial arts, music, etc.	P	X	X	X	<u>X</u>	

RESIDENTIAL

Duplex	P (1)	X	X	A	<u>X</u>	
Home occupation	P	P	X	P	<u>P</u>	Chapter 18.60 ACC

Table 18.35.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	<u>OS</u>	
Live/work, work/live unit	A	P	X	A	<u>X</u>	
Multiple-family dwellings, stand-alone	P (2)	A (3)	X	A	<u>X</u>	
One detached single-family dwelling	P	X	X	X	<u>P (5)</u>	
Nursing home, assisted living facility	A	A	X	P	<u>X</u>	
Senior housing	A	A	X	A	<u>X</u>	

RETAIL

Restaurant, cafe, coffee shop, excluding drive-through facilities	A	A	P	A	<u>X</u>	
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SERVICES

Banking and related financial institutions, excluding drive-through facilities (4)	P	P	X	X	<u>X</u>	
Daycare, including mini daycare, daycare center, preschools or nursery schools	A	P	X	P	<u>A</u>	
Home-based daycare	P	P	X	P	<u>P</u>	
Medical services – Clinic or urgent care (4)	P	P	X	X	<u>X</u>	
Mortuary, funeral home, crematorium	X	P	X	X	<u>X</u>	
Professional offices	P	P	X	A	<u>A</u>	

Table 18.35.030 Permitted, Administrative, Conditional and Prohibited Uses by Zone

Permitted, Administrative, Conditional and Prohibited Uses by Zone						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designations					Standards for Specific Land Uses
	RO	RO-H	P-1	I	OS	
Personal service shops	P	P	X	X	X	
Pharmacies	X	P	X	X	X	
<u>TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE</u>						
Utility facilities, substations, utility transmission or distribution line	X	X	X	X	A	See ACC 18.02.040(E)
<u>OTHER USES THAT ARE NOT LISTED</u>						
Other uses may be permitted by the planning director or designee if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted.	P	P	P	P	P	

Notes:

1. Duplexes, 3,600 square feet of lot area per dwelling unit is required.
2. Multifamily dwellings; provided, that 2,400 square feet of lot area is provided for each dwelling unit.
3. Multifamily dwellings; provided 1,200 square feet of lot area is provided for each dwelling unit.
4. Permitted within a public college or university as an amenity or service provided to students. A stand-alone bank or medical services/clinic is not permitted.
5. One single-family detached dwelling unit per existing legal lot. No residential subdivisions permitted in the open space zone.

(Ord. 6642 § 11, 2017; Ord. 6434 § 1, 2012.)

Section 4. Amendment to City Code. That Section 18.35.040 of the Auburn

City Code be and the same hereby is amended to read as follows:

18.35.040 Development standards.

Table 18.35.040 RO, RO-H, P-1, I Zone Development Standards

Development Feature	Requirement by Zones				
	RO Residential I Office	RO-H Residential Office-Hospital	P-1 Public Use	I Institutional	OS <u>Open Space</u>
Minimum lot area	7,200 sf	None	None	6,000 sf	<u>None</u>
Minimum lot width, depth	50 ft, 80 ft	None	None	60 ft, 80 ft	<u>None</u>
Maximum lot coverage	55 percent (1)	None	None	35 percent	<u>5 percent</u>
Maximum impervious area	NA	NA	NA	NA	<u>20 percent (7)</u>
Setbacks	<i>Minimum setbacks required for primary structures. See ACC 18.31.070 for exceptions to these requirements.</i>				
Front	20 ft (2)	10 ft	20 ft	20 ft	<u>20 ft</u>
Side – Interior	5 ft	None	5 ft (4)	5 ft	<u>5 ft</u>
Side – Corner	10 ft	10 ft	10 ft	10 ft	<u>10 ft</u>
Rear	25 ft (3)	None	25 ft	25 ft	<u>25 ft</u>
Accessory structure(s)	See note (5) below	NA	NA	See note (5) below	
Height limit	<i>Maximum allowable height of structures. See ACC 18.31.030 (Height limitations – Exceptions) for height limit exceptions.</i>				
Maximum height	35 ft	65 ft	45 ft	45 ft (6)	<u>35 ft</u>
Fences and hedges	See Chapter 18.31 ACC				

Table 18.35.040 RO, RO-H, P-1, I Zone Development Standards

Development Feature	Requirement by Zones				
	RO Residential I Office	RO-H Residential Office-Hospital	P-1 Public Use	I Institutional	OS <u>Open Space</u>
Landscaping	See Chapter 18.50 ACC				
Parking	See Chapter 18.52 ACC				
Signs	See Chapter 18.56 ACC				
Lighting	See Chapter 18.55 ACC				
Nonconforming structures, land and uses	See Chapter 18.54 ACC				

Notes:

1. New single-family residential or conversions of single-family residences to commercial uses with additions greater than a total or cumulative area of 200 square feet on the property since the adoption of Ordinance No. 6231, then the maximum lot coverage is 35 percent.
2. New single-family residential or conversions of single-family residences to commercial uses with additions of 200 square feet or less, then the front yard setback is 10 feet.
3. New single-family residential or conversions of single-family residences to commercial uses with additions of 200 square feet or less, then the rear yard setback is 15 feet.
4. A 25-foot setback is required when adjacent to a residential zone.
5. Accessory structures shall meet all the required setbacks of the zone with the exception that the rear yard setback may be reduced to five feet; provided, that any structure with a vehicle entrance from a street (public or private) or public alley shall be set back a minimum of 20 feet.
6. Maximum building height for residential dwellings: 30 feet. Accessory buildings to residential dwellings: 16 feet.
7. Maximum impervious area includes all hard surfaces per Auburn City Code 13.48.010(J).
(Ord. 6434 § 1, 2012.)

Section 5. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 6. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 7. Effective Date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

Introduced: _____

Passed: _____

Approved: _____

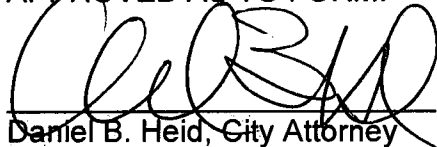
CITY OF AUBURN

NANCY BACKUS, MAYOR

ATTEST:

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

PUBLISHED: _____