

Chapter 18.38

LF AIRPORT LANDING FIELD DISTRICT, OVERLAY, AND FAR PART 77 SURFACES

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18.38.010 Purpose.

The provisions of this chapter apply to lands located within the LF Airport Landing Field Zoning District, Airport Zoning Overlay, and Federal Aviation Administration (FAA) Federal Regulation Title 14 Part 77 Imaginary Surfaces (FAR Part 77 Surfaces) and other Surfaces. The airport overlay and the FAR Part 77 Surfaces and other surfaces are supplemental to the existing zoning districts and may be more restrictive than the underlying zoning designation. The restrictions, performance standards, and requirements of the airport overlay shall be in addition to those of the underlying zone and, where explicitly noted, supersede the underlying zoning. If implementation of this chapter conflicts with other provisions of the City Code, State, or federal law, the more restrictive requirement applies.

18.38.010020 Intent.

The intent of this chapter is to provide for the operation and management of the Auburn Municipal Airport. This chapter seeks to apply the City's Comprehensive Plan and to implement certain land use and zoning development standards to reduce or avoid potential for airport related hazards. It is found that an airport hazard endangers the lives and property of users of the municipal airport and of occupants of land or property in its vicinity, and also, if of the obstruction type, in effect reduces the size of the area available for the landing, taking off, and maneuvering of aircraft, thus tending to destroy or impair the utility of the municipal airport and the public investment therein. Accordingly, it is declared that:

- A. The creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the municipal airport;
- B. It is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and
- C. The prevention of these airport hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation. It is further declared that both the prevention or the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation

or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire land or interests in land. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

D. For the purpose of this chapter structure means any object constructed or installed by a human being, including, but not limited to buildings, signs, fences, towers, devices, and overhead transmission lines, and tree means any object of natural growth.

18.38.02030 — LF Airport Landing Field District ~~Permitted uses~~ Uses.

A. Permitted Uses. Hereafter the effective date of this ordinance all buildings, structures, or parcels of land shall only be used for the following, unless otherwise provided for in this title:

1A. Landing, taking off, taxiing, and flying of aircraft, excluding ultralights as defined by ACC—
8.36.010;

2B. Aviation related business, manufacturing, service-related uses including B businesses incidental to and necessary or convenient for airport operations, including offices, eating establishments, restrooms, hangars, shops for light repairs, gasoline and oil sales and accessory structures; and

3C. Other uses as determined by the Planning Director in consultation with the Airport Manager as defined in Chapter 12.56 ACC hearing examiner to be related to operation and use of the airport.
(Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.030 — Restricted uses.~~

Restricted uses shall be as follows: no use may be made of land within any airport zone in such a manner as to create electrical interference with radio communication between the airport and aircraft, making it difficult for fliers using the airport, impair visibility in the vicinity thereof, or otherwise endanger the landing, taking off or maneuvering of aircraft. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.040 LF Airport Landing Field District Zoning Development Standards.

Table 18.38.040 Development Standards

<u>A</u>	<u>Minimum lot area (square feet)</u>	<u>None</u>
<u>B</u>	<u>Minimum lot width</u>	<u>None</u>

<u>C</u>	<u>Minimum lot depth</u>	<u>None</u>
<u>D</u>	<u>Minimum lot coverage</u>	<u>None</u>
<u>E</u>	<u>Maximum structure height</u>	<u>45 ft^{1 3}</u>
<u>F</u>	<u>Minimum front setback (feet)</u>	<u>None²</u>
<u>G</u>	<u>Minimum interior side setback (feet)</u>	<u>None</u>
<u>H</u>	<u>Minimum street side setback (feet)</u>	<u>None²</u>
<u>I</u>	<u>Minimum rear setback (feet)</u>	<u>None²</u>
<u>J</u>	<u>Fences</u>	<u>See ACC <u>18.31.020</u>³</u>
<u>K</u>	<u>Landscaping</u>	<u>See Chapter <u>18.50</u> ACC³</u>
<u>L</u>	<u>Parking</u>	<u>See Chapter <u>18.52</u> ACC</u>
<u>M</u>	<u>Signs</u>	<u>See Chapter <u>18.56</u> ACC³</u>
<u>N</u>	<u>Outdoor lighting</u>	<u>See Chapter <u>18.55</u> ACC³</u>

1 Buildings and/or structures necessary for airport operations are exempt from the height requirements of this title when approved by the Airport Manager.

2 Must meet sight distance provisions of the engineering design standards.

3 Except as restricted elsewhere by this chapter.

18.38.050 Airport Overlay Intent and Boundaries.

The purpose of the airport overlay, as identified on the City of Auburn Comprehensive Zoning Map, is to protect the utility and viability of Auburn Airport by discouraging incompatible land uses and requiring the evaluation and consideration of potential safety impacts when siting certain land uses in proximity to the airport. The airport overlay is supplemental to the established zoning districts and may be more restrictive than the underlying zoning district. The overlay is composed of six zones based on use and proximity to the airport runway. The zones were modeled after the WSDOT Aviation Airport Compatibility Zones 1-6, and the Airport's published traffic pattern.

A. Zone 1 - Runway Overlay Zone. Zone 1 is a rectangular area that encompasses the trapezoidal runway protection zone (RPZ) at each end of the runway as shown in the "Auburn Municipal Airport Master Plan," dated May 2015, as may be amended. The purpose of Zone 1 is to maintain areas that are generally free of obstructions and significant concentrations of people. Zone 1 extends one thousand (1,000) feet in length from the ends of the future configuration of Runway 34/16 and is seven hundred and fifty (750) feet in width.

B. Zone 2 - Inner Safety Zone. Zone 2 is a rectangular area that extends beyond Zone 1 along the extension of the runway centerline. Next to the Zone 1 it represents the area where the risk of aircraft accidents is the greatest. This zone extends one thousand five hundred (1,500) feet from Zone 1 and is seven hundred and fifty feet (750) in width.

C. Zone 3 – Inner Turning Zone. Zone 3 is defined by a triangular shaped area that is positioned along each side of Zones 1 and 2. When operating visually, departing aircraft may begin turning over this area to fly toward their destination or to remain in the traffic pattern. Arriving aircraft often overfly this area as well. This zone extends three thousand (3,000) feet from the Zone 3 vertex offsets (a point that is on the runway centerline) and inward within a thirty degree sector towards the extended runway centerline.

D. Zone 4 - Outer Safety Zone. Zone 4 is a rectangular area that lies beyond Zone 3 along the extended runway centerline. Aircraft flying straight out or in, overfly this area at low altitude. This zone is particularly significant on runways where airport operations use instrument procedures and at busy airports where elongated traffic patterns are common. This zone extends two thousand five hundred (2,500) feet beyond Zone 3 and is five hundred (500) feet in width.

E. Zone 5 - Sideline Safety Zone. Zone 5 consists of narrow bands along each side of the runway and encompasses the Object Free Area (OFA), as defined by the Airport Master Plan, dated 2015, as may be amended}. This zone is defined by a five hundred (500) foot centerline offset on each side of the runway. Aircraft do not normally fly over the sideline zone. The principal risk is from aircraft that lose directional control while landing or just after take-off.

F. Zone 6 – Airport Operations Zone. Zone 6 contains the remainder of the airport environment where aircraft fly as they approach and depart the airport. This zone extends six thousand five hundred (6,500) feet in length from the Zone 3 vertex offsets and six thousand (6,000) feet in width from the runway centerline.

ircraft

18.38.060 Airport Overlay Restrictions and Standards.

A. Zones 1 and 2. The following regulations shall apply within the boundaries of Zones 1 and 2:

1. The following new uses established hereafter the effective date of this ordinance are prohibited in Zones 1 and 2:

- a. Multiple-family dwellings, stand-alone;
- b. Mixed-Use development;
- c. Nursing home;
- d. Assisted living facility;
- e. Supportive housing;
- f. Hospitals;
- g. Senior housing;
- h. Schools, elementary, middle/junior high, and secondary or high school;
- i. Daycare center and nursery schools/preschools;
- j. Detached single-family dwellings, except caretakers quarters; and
- k. Other uses, similar to those above, or activities determined by the Planning Director in consultation with the Airport Manager to be incompatible with aviation, aviation safety, or any activity that has the potential to interfere with the airport, airport traffic patterns, and aircraft operations.

2. The following standards apply in Zones 1 and 2:

- a. All property owners seeking permit(s) for grading (excluding minor grading permits), building (exceed 50 percent of the value of the building or structure), extension or replacement of public utilities, subdivision, or development activity that triggers public improvements per Chapter 12.64A ACC, shall dedicate an aviation easement to the City of Auburn over the affected portion of their property prior to issuance of said permit(s). The language of the easement shall be provided by the City.
- b. No use may create an electrical interference with navigational signals or radio communications at the airport, or with radio or electronic communications between the airport and aircraft, or aircraft to aircraft.

~~18.38.030 Restricted uses.~~

- c. ~~Restricted uses shall be as follows:~~No structure or tree shall be placed, erected, or allowed to grow ~~no use may be made of land within any airport zone in such a manner as to create electrical interference with radio communication between the airport and aircraft, that makesing it difficult for fliers usingpilots the airport~~ to distinguish between airport lights and other lights, results in glare to pilots, impairs visibility in the vicinity thereof, or otherwise endanger the landing, taking off or maneuvering of aircraft. (~~Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.~~)
- b.d. No use or structure shall emit emissions of fly ash, dust, vapor, gases, steam, or other forms of emissions that may conflict with any operations of the airport.
- e. No use or activity shall be permitted that would foster an increase in bird population and thereby increase the likelihood of aircraft and bird impact, as determined by the Planning Director in consultation with the Airport Manager.
- f. In order to deter the congregation of wildlife, stormwater facilities must meet or exceed recommendations found in Appendix I-H, Airport Operations of the SWMM, as defined in ACC 12.04.010(B).

B. Zone 3. The following regulations shall apply within the boundary of Zone 3:

1. The new uses contained in (A)(1) are prohibited in Zone 3.
2. The standards of (A)(2)(a) through (d) apply.

C. Zone 4. The following regulations shall apply with the boundary of Zone 4:

1. The standards of (A)(2)(a) through (d) apply.

D. Zone 5. The following regulations shall apply within the boundary of Zone 5:

1. The standards of (A)(2)(a) through (f) apply.

E. Zone 6. The following regulations shall apply within the boundary of Zone 6:

1. The standards of (A)(2)(b) and (c) apply.

2. All property owners within 1,000 feet of properties zoned LF, Landing Field District seeking permit(s) for grading (excluding minor grading permits), building (exceed 50 percent of the value of the building or structure), extension or replacement of public utilities, subdivision, or development activity that triggers public improvements per Chapter 12.64A ACC, shall record aviation disclosure notice with the King County Recorder's Office notifying, in writing, to future owners and tenants prior to signing a lease or sale, of the possible affects from aviation activities. The language of the notice shall be provided by the City.

18.38.040070 Federal Aviation Regulations (FAR) Part 77 Surfaces and Other Surfaces. Zones established generally.

A. In order to carry out the provisions purpose and intent of this chapter, there are created and established certain— zones—surfaces, including: which include all of the land lying within the primary surface, non-instrument approach surfacezone, transition surfacezone, horizontal surfacezone, conical surfacezone, as well as the Terminal Instrument Procedures (TERPS) airspace surfaces. —and obstacle— free areasThese. Such areas and zones surfaces, with exception of the TERPS, are shown on the “City of Auburn Municipal Airport Master Plan Update, 1993-2013, dated February 1995, and the Federal Air Regulations (FAR) Part 77 drawing, as amended, which is on file in the city clerk's office. Other surfaces not provided for here, are included in the “Auburn Municipal Airport Layout Plan”, dated May 2015, as may be amended. The surfaces defined for the runway summarized below are consistent with the currently adopted airport layout plan (ALP) and FAR Part 77 Airspace Plan drawings for the airport. — The various zones are established and defined as follows in ACC 18.38.050 through 18.38.085. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

1. Primary surface.

The primary surface, is centered on top of the runway and extends two hundred feet beyond each end. The primary surface is longitudinally centered on the runway with a width of two hundred and fifty (250) feet and extends two hundred (200) feet beyond each end of the runway. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.) (250)(1,000) —

18.38.0502. —Approach zone—surface.

A non-instrument approach surface is established at each end of all non-instrument runways for landings and takeoffs. The inner width of the approach surface is two hundred and fifty (250) feet

at a distance of two hundred (200) feet beyond the physical end of the runway, and it expands uniformly to a width of one thousand, and two hundred and fifty (1,250) feet. This approach surface extends for a horizontal distance of five thousand (5,000) feet at a slope of twenty to one (20:1). The elevation of the inner width of the approach surface is the same as the elevation of the nearest point on the runway centerline. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.0603.~~ Transitional zone surface.

The transitional surface extends outward and upward at right angles to the runway centerline and the runway centerline extends at a slope of seven to one (7:1) from a line one hundred and twenty five (125) feet from the runway centerline or runway end and from the sides of the approach surfaces. The elevation of the line one hundred and twenty five (125) feet from the runway centerline or runway centerline extended for two hundred (200) feet beyond each runway end is the same as the elevation of the nearest point on the runway centerline. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.0704.~~ Horizontal zone surface.

A horizontal surface is established above the airport. This horizontal surface is a plane one hundred and fifty (150) feet above the established airport elevation, the perimeter of which is constructed by ~~swinging arcs which~~ swing five thousand (5,000) feet in a radius from the center of each end of the primary surface of the runway and connecting the adjacent arcs by lines tangent to those arcs. ~~The primary surface is longitudinally centered on the runway with a width of 250 feet and extends 200 feet beyond each end of the runway.~~ (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.0805. ———Conical zone surface.~~

A conical surface is established which extends outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand [4,000] feet.

~~(Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

6. Terminal Instrument Procedures (TERPS) Surfaces.

Airspace surfaces associated with instrument approach and departure of aircraft to and from the
airport as determined by the Airport Manager.

~~18.38.085 —Obstacle free area.~~

An area extending 250 feet either side of the runway and 600 feet off either end of the runway. The ~~obstacle free area (OFA) must be kept clear of any structures, fencing, landscaping, parking, or vehicular circulation not directly related to aircraft operations at the Auburn Municipal Airport.~~

~~(Ord. 5026 § 1, 1997.)~~

~~18.38.090B. —Height limitations – Established Generally.~~

Except as otherwise provided in this chapter, no structure or tree shall be permitted, approved, erected, altered, allowed to grow, or maintained in any zone surface created in this chapter to have a height in excess of the height limits established in ACC ~~18.38.100~~ through ~~18.38.130~~ for such zone below.

~~(Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

~~18.38.1001. ———Height limitations – Noninstrument approach zone~~Approach Surface (Non-
instrument).

The height limitations for non-instrument approach surfaces begin at a point two hundred (200) feet from and at the centerline elevation of the end of the runway and extend for a horizontal distance of five thousand (5,000) feet at a slope of twenty to one (20:1). (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.1102. ———Height limitations – Transition zones.~~Transition surface.

The height limitations for transition zones shall be as follows: One foot in height for each seven feet in horizontal distance beginning at any point one hundred and twenty five (125) feet normal to and at the elevation of the centerline of non-instrument runways, extending two hundred (200) feet beyond each end thereof, extending to a height of one hundred and fifty (150) feet above the airport elevation which is sixty three (63)~~59~~ feet above mean sea level. In addition to the foregoing, there are established height limits of one foot vertical height for each seven feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.1203.~~ ~~Height limitations – Horizontal zones~~ Horizontal surface.

The height limitation for a horizontal zone shall be as follows: one hundred and fifty (150) feet above the airport elevation or a height of two hundred and thirteen (213)~~209~~ feet above mean sea level. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

~~18.38.1304.~~ ~~Height limitations – Conical zones~~ Conical surface.

The conical surface involves a slope of twenty to one (20:1) for a horizontal distance of four thousand (4,000) feet. The relative difference in elevation between the inner and outer edge of the conical surface is two hundred (200) feet. The elevation of the outer edge of the conical surface is three hundred and fifty (350) ~~300~~ feet above the established airport elevation. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

C. Height limitations – Compliance. Where the height of any new structure or tree, has the potential to exceed the surfaces established in ACC 18.38.070(A), applicants must demonstrate compliance with the height limitation. Except as specifically provided in subsections A, B and C of this section, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone created by this chapter unless a permit has been applied for and granted by the building department of the city. Each application for a permit shall indicate the purpose for which the permit is desired, with contain sufficient information to permit it to be determined whether the resulting use, structure or tree would conform to the regulations therein prescribed. If such determination is in the affirmative, the permit shall be granted

1. The Planning Director in consultation with the Airport Manager may require one or all of the following documentation to demonstrate compliance with the surfaces established in ACC 18.38.070(A):

- a. A certificate from a Washington state licensed professional, engineer, or land surveyor, stating that no airspace obstruction will result from the proposed structure or tree being constructed or installed.
- b. The maximum elevation of proposed structures based on the established airport elevation.
- c. Prepare and submit FAA Form 7460 "Notice of Proposed Construction or Alteration".
- d. Other documentation as determined by the Airport Manager.

D. Height limitations – Mitigation and Maintenance. Where the height of any new structure or tree, exceeds the surfaces established in ACC 18.38.070(A), applicants will be responsible for the following mitigation and ongoing maintenance activities:

- 1. The Airport Manager may require the installation of markers and lights or markers as a warning to aircraft. The markers and lights shall meet FAA specifications, be installed, operated, and maintained at the expense of the owner of the structure. A public maintenance easement granting city access to the markers and lights shall be required.
- 2. Trees shall be maintained such that they do not penetrate the airspace.
- 3. Exceptions may include the following:
 - a. Because of natural terrain, land contour, or topographic features, a structure or object would extend above the height limits of each surface.
 - b. Structures necessary and incidental to airport operations.

18.38.08140 Nonconforming structures, trees, and uses. ~~structures and trees~~ — Continuation allowed when.

A. Applicability. This section describes the circumstances in which a structure, tree, or use is considered nonconforming and when nonconforming provisions apply. Any structure or tree that legally existed prior to the regulations as of March 22, 1969 is considered nonconforming. Any use in ACC 18.38.030 that legally existed prior to the effective date of this ordinance is considered nonconforming. Any use in ACC 18.38.060 that legally existed prior to the effective date of this ordinance is not considered nonconforming. Nonconforming structures, trees, and uses are generally exempt from this chapter

except as may be compelled by state or federal regulations or if it loses its nonconforming status pursuant to the regulations contained in this section. ~~The regulations prescribed by this chapter shall not be construed to require the removal, lowering or other change or alteration of any structure or tree not conforming to the regulations as of March 22, 1969, or otherwise interfere with the continuance of any nonconforming use. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

~~18.38.150~~ ~~Nonconforming structures and trees~~ — B. Marking and lighting.

Notwithstanding the provisions of ACC ~~18.38.070(A)~~ ~~18.38.140~~, the owner of any nonconforming structure or tree is required to permit the installation, operation, and maintenance thereon of such markers and lights as are deemed necessary by the Airport Manager to indicate to the operators of aircraft in the vicinity of the airport the presence of such aircraft hazards. Such markers and lights shall meet FAA specifications, —be installed at City cost to the City, and operated and maintained by the city. A public maintenance easement agreement granting city access shall be required. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

C. Alteration. Alteration of nonconforming structures, trees, and uses are subject to the following regulations.

1. Nonconforming structures may be maintained, repaired, restored, added onto, enlarged, or relocated in accordance with the provisions of ACC 18.54.060. A nonconforming structure that is restored or repaired at a valuation exceeding 50 percent of the assessed valuation of such structure as established by the most current county assessor's tax roll, relocated, enlarged, or added onto must conform to ACC 18.38.070.
2. Nonconforming uses may continue subject to the provisions of Chapter 18.54 ACC.
3. Nonconforming signs shall be subject to the nonconforming provisions of Chapter 18.56 ACC. A nonconforming sign that is enlarged, made taller, relocated, or loses its nonconforming status per ACC 18.56.030(J), must conform to ACC 18.38.070.
4. Alteration of a nonconforming tree, including replacement, replanting and trimming, must conform to ACC 18.38.070.
5. Notwithstanding the provisions of ACC 18.38.080(C)(1) through (4), —No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become higher, or become a greater hazard to air navigation, —than it was on March 22, 1969, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

D. Abatement. Nonconforming structures and uses shall be abated according to the provisions of ACC 18.54.070. Any tree that is diseased, decayed, dead, or dying must be removed, and if required, replaced with tree that conforms to ACC 18.38.070.

~~18.38.160 — Structure and use permits.~~

~~Except as specifically provided in subsections A, B and C of this section, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone created by this chapter unless a permit has been applied for and granted by the building department of the city. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient information to permit it to be determined whether the resulting use, structure or tree would conform to the regulations therein prescribed. If such determination is in the affirmative, the permit shall be granted.~~

~~A. In the area lying within the limits of the horizontal zone and the conical zone, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when because of terrain, land contour or topographic features such tree or structure would extend above the height limits prescribed for such zone.~~

~~B. In the area lying within the limits of the noninstrument approach surface but at a horizontal distance of not less than 5,000 feet from a point 200 feet from each end of the runway, no permit shall be required for any tree or structure less than 75 feet of vertical height above the ground, except when such trees or structures would extend above the height limit prescribed for such noninstrument approach zone.~~

~~C. The transitional surface does not extend beyond the perimeter of the horizontal surface. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

~~18.38.170 — Nonconforming structures or trees — Alteration.~~

~~A. Before any nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher or replanted, a permit must be secured from the airport manager and, if applicable, the building official.~~

~~B. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher, or become a greater hazard to air navigation, than it was on March 22, 1969, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

~~18.38.180 — Nonconforming structures or trees — Abandoned or destroyed — Permit prohibited.~~

~~Whenever the airport manager determines that a nonconforming structure or tree has been abandoned or more than 80 percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

~~18.38.190~~090 Variances. Requirements for variances.

~~A. Requirements. If the applicant seeks a variance to erect or increase the height of any structure, or permit the growth of any tree, or use their property, not in accordance with the regulations prescribed in this chapter, the variance shall be subject to the criteria contained in ACC 18.70.010 and processed according to the applicable provisions of Chapter 18.70 ACC. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use their property, not in accordance with the regulations prescribed in this chapter, may apply to the hearing examiner for a variance from such regulation. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulation should result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this chapter. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

~~18.38.200 — Variance — Grant conditions.~~

~~B. Approval conditions. Any variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and is reasonable in the circumstances, be so conditioned as to require the~~

owner of the structure or tree requesting a variance to install, operate and maintain at their own expense such markers and lights as determined by the Airport Manager ~~may be necessary~~ to indicate to aircraft operators ~~fliers~~ the presence of an airport hazard. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.210 Decision appeals – Generally.

Any person aggrieved, or any property owner ~~taxpayer~~ affected, by any decision of the city made in its administration of this chapter may appeal to the hearing examiner. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.220 Conflicting regulations.

Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.230 Enforcement.

It shall be the duty of the ~~airport manager and building official~~ Department of Public Works and the Department of Community Development to administer and enforce the regulations prescribed in this chapter. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.240 Violation – Penalty.

Each violation of this chapter or of any regulation, order or ruling promulgated under this chapter constitutes a misdemeanor and is punishable as provided in ACC [1.24.010](#). Each day a violation continues to exist constitutes a separate offense. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.38.250 — Development standards.

~~Development standards in a LF district are as follows:~~

- ~~A. Minimum lot area: none required;~~
- ~~B. Minimum lot width: none required;~~
- ~~C. Minimum lot depth: none required;~~
- ~~D. Maximum lot coverage: none required;~~

- ~~E. Maximum building height: 45 feet, except as restricted elsewhere by this chapter;~~
- ~~F. Minimum yard setbacks:~~
 - ~~1. Front: 20 feet,~~
 - ~~2. Side, interior: none required,~~
 - ~~3. Side, street: 15 feet,~~
 - ~~4. Rear: none required;~~
- ~~G. Fences and hedges: see Chapter 18.31 ACC;~~
- ~~H. Parking: see Chapter 18.52 ACC;~~
- ~~I. Landscaping: see Chapter 18.50 ACC;~~
- ~~J. Signs: see Chapter 18.56 ACC. (Ord. 5777 § 1, 2003; Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)~~

Chapter 18.01 USER GUIDE

18.01.030 How do I determine what uses are allowed on a particular property?

The first step in determining allowed uses is verifying the zoning on the property, which can be done by speaking with city of Auburn planning department staff or by consulting the city's official zoning map.

When verifying a property's zoning, it is also important to note any overlays that may be marked on the zoning map. Overlays may have additional requirements or otherwise modify the allowed uses and development standards for a zone. The overlay R regulations for overlays, such as those established for Lea Hill, West Hill, and designated urban separator areas, are contained in Chapter 18.21 ACC, and for the airport are contained in Chapter 18.38 ACC.-

The sections devoted to particular zones described on the zoning map form the framework of the zoning code. Each of these sections contains the intent statement for the particular zone, a table of allowed uses, as well as tables for dimensional standards (building height, setbacks, and lot coverage) and cross-references to other standards such as landscaping and parking requirements. It is important to note that each section contains only regulations that apply specifically to that zone, and development standards that apply to all zones are addressed through cross-references to other chapters of the zoning code. (Ord. 6245 § 1, 2009.)

Chapter 18.04

DEFINITIONS

18.04.039 Aircraft Operations.

The movement of aircraft operating in the airport traffic pattern or within sight of the airport. A landing or takeoff is one operation. An aircraft that takes off and then lands creates two aircraft operations.

18.04.072 Airport Manager.

See definition in Chapter 12.56 ACC.

18.04.040 Airport, heliport or aircraft landing field.

“Airport,” “heliport,” or “aircraft landing field” means any runway, landing area or other facility whether publicly or privately owned or operated, and which is designed, used or intended to be used either by public carriers or by private aircraft for landing and taking off of aircraft, ~~including ultralights as defined by ACC 8.36.010.~~ This definition includes all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces. This definition does not include manufacturing, servicing or testing facilities located in the vicinity of any landing area associated with the manufacturing or testing of commercial or military aircraft or activities associated therewith

18.04.365 FAR Part 77 Surfaces.

The Federal Aviation Administration’s Federal Aviation Regulations (FAR) Part 77 Surfaces are the imaginary airspace surfaces established with any relation to each runway of an airport. There are five types of surfaces: (1) primary, (2) approach, (3) transitional, (4) horizontal, and (5) conical. These surfaces are above and around airports and require protection from potential obstructions that might interfere with airport traffic and potentially create a safety risk to aircraft occupants and persons on the ground. An object or structure with an elevation higher than the FAR Part 77 surface elevation is considered to penetrate the FAR Part 77 Surfaces and constitute an obstruction to navigable airspace. Navigable airspace is defined by the FAA pursuant to Title 14 Code of Federal Regulations Part 77, Imaginary Surfaces.

18.04.676.1 Overlay Zone. “Overlay zone” is supplemental to the underlying zoning district and may establish additional or stricter standards and criteria for properties in addition to those of the underlying zoning district.

Chapter 18.23

COMMERCIAL AND INDUSTRIAL ZONES

18.23.030 Uses.

A. *General Permit Requirements.* Table 18.23.030 identifies the uses of land allowed in each commercial and industrial zone and the land use approval process required to establish each use.

B. *Requirements for Certain Specific Land Uses.* Where the last column in Table 18.23.030 (“Standards for Specific Land Uses”) includes a reference to a code section number, the referenced section determines other requirements and standards applicable to the use regardless of whether it is permitted outright or requires an administrative or conditional use permit.

C. *Uses Affected by the Airport Overlay.* Refer to Chapter 18.38 ACC to determine whether uses are separately prohibited by that chapter or will be required to comply with additional regulations that are associated with the airport overlay.

Table 18.23.030. Permitted, Administrative, Conditional and Prohibited Uses by Zone, Commercial and Industrial Zones

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING									
Building contractor, light	X	X	X	P	X	P	X	P	
Building contractor, heavy	X	X	X	X	X	A	X	P	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Manufacturing, assembling and packaging – Light intensity	X	X	X	P	X	P	P	P	ACC 18.31.180
Manufacturing, assembling and packaging – Medium intensity	X	X	X	A	X	P	A	P	ACC 18.31.180
Manufacturing, assembling and packaging – Heavy intensity	X	X	X	X	X	X	X	A	ACC 18.31.180
Marijuana processor	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Marijuana producer	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Marijuana researcher	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Marijuana retailer	X	X	X	C	X	C	C	C	Chapter 18.59 ACC
Marijuana transporter business	X	X	X	X	X	C	C	C	Chapter 18.59 ACC
Outdoor storage, incidental to principal permitted use on property	X	X	X	P	X	P	P	P	ACC 18.57.020(A)
Storage – Personal household storage facility (mini-storage)	X	P	X	P	X	P	X	P	ACC 18.57.020(B)

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Warehousing and distribution	X	X	X	X	X	P	P	C	ACC 18.57.020(C)
Warehousing and distribution, bonded and located within a designated foreign trade zone	X	X	X	P	X	P	P	P	
Wholesaling with on-site retail as an incidental use (coffee, bakery, e.g.)	X	X	X	P	X	P	P	P	
RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES									
Commercial recreation facility, indoor	X	P	P	P	P	P	P	A	
Commercial recreation facility, outdoor	X	X	X	A	A	P	A	A	ACC 18.57.025(A)
Conference/convention facility	X	X	A	A	X	A	X	X	
Library, museum	X	A	A	A	X	A	P	X	
Meeting facility, public or private	A	P	P	P	X	A	P	A	
Movie theater, except drive-in	X	P	P	P	P	X	X	X	
Private school – Specialized education/training (for profit)	A	A	P	P	P	P	P	P	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Religious institutions, lot size less than one acre	A	P	P	P	A	A	A	A	
Religious institutions, lot size more than one acre	C	P	P	P	A	A	A	A	
Sexually oriented businesses	X	X	X	P	X	P	X	P	Chapter 18.74 ACC
Sports and entertainment assembly facility	X	X	A	A	X	A	X	A	
Studio – Art, dance, martial arts, music, etc.	P	P	P	P	P	P	A	A	
RESIDENTIAL									
Caretaker apartment	X	P	P	P	X	P	P	P	
Live/work unit	X	X	P	P	P	P	P	X	
Work/live unit	X	P	P	P	P	P	P	X	
Marijuana cooperative	X	X	X	X	X	X	X	X	
Multiple-family dwellings as part of a mixed-use development ²	X	X	P	P	P	P	P	X	ACC 18.57.030
Multiple-family dwellings, stand-alone	X	X	X	X	X	X	X	X	
Nursing home, assisted living facility	X	P	P	P	C	X	X	X	
Senior housing ²	X	X	A	A	X	X	X	X	

[illegible]

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Community retail establishment	A	P	P	P	P	P	X	P	
Neighborhood retail establishment	P	P	P	P	P	P	X	P	
Regional retail establishment	X	X	X	P	P	P	X	A	
Tasting room	P	P	P	P	P	P	P	P	
Tavern	P	P	X	P	P	P	X	A	
Wine production facility, small craft distillery, small craft brewery	A	P	P	P	P	P	P	P	
SERVICES									
Animal daycare (excluding kennels and animal boarding)	A	A	A	P	A	P	X	P	ACC 18.57.040(A)
Animal sales and services (excluding kennels and veterinary clinics)	P	P	P	P	P	P	X	P	ACC 18.57.040(B)
Banking and related financial institutions, excluding drive-through facilities	P	P	P	P	P	P	P	P	
Catering service	P	P	P	P	A	P	A	P	
Daycare, including mini daycare, daycare center,	A	P	P	P	P	P	P	X	

[illegible]

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Repair service – Equipment, appliances	X	A	P	P	P	P	X	P	ACC 18.57.040(D)
Veterinary clinic, animal hospital	A	P	P	P	P	P	X	X	
Youth community support facility	X	P	X	X	X	X	X	X	ACC 18.57.040(E)
TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE									
Ambulance, taxi, and specialized transportation facility	X	X	X	A	X	P	X	P	
Broadcasting studio	X	P	X	P	X	P	X	P	
Heliport	X	X	X	C	X	C	X	C	
Motor freight terminal ¹	X	X	X	X	X	X	X	X	See Footnote No. 1
Parking facility, public or commercial, surface	X	P	P	P	P	P	P	X	
Parking facility, public or commercial, structured	X	P	P	P	P	P	P	X	
Towing storage yard	X	X	X	X	X	A	X	P	ACC 18.57.045(A)
Utility transmission or distribution line or substation	A	A	A	A	A	A	A	A	
Wireless communications facility (WCF) (See ACC 18.04.912(W))	*	*	*	*	*	*	*	*	*See ACC 18.31.100 for use regulations and zoning development standards.

[illegible]

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE									P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation								Standards for Specific Land Uses
	C-N	C-1	C-2	C-3	C-4	M-1	EP	M-2	
Monday – Saturday: 7:00 a.m. to 10:00 p.m.									
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. See ACC 18.02.120(C)(6) , Unclassified Uses.	P	P	P	P	P	P	P	P	

1 Any motor freight terminal, as defined by ACC [18.04.635](#), in existence as of the effective date of the ordinance codified in this section, is an outright permitted use in the M-1 and M-2 zones. Any maintenance, alterations and additions to an existing motor freight terminal which are consistent with ACC [18.23.040](#), Development standards, are allowed.

2 Any mixed-use development or senior housing project vested prior to Resolution No. 5187 (December 7, 2015) is an outright permitted use in the C-1 zone. Subsequently, if a nonresidential use within a vested mixed-use development changes, then the nonresidential use shall maintain a minimum of 10 percent of the cumulative building ground floor square footage consisting of the uses permitted outright, administratively, or conditionally, listed under “Recreation, Education, and Public Assembly,” “Retail,” or “Services” of the C-1 zone.

(Ord. 6799 § 6 (Exh. F), 2020; Ord. 6728 § 3 (Exh. C), 2019; Ord. 6688 § 1 (Exh. 1), 2018; Ord. 6644 § 2, 2017; Ord. 6642 § 9, 2017; Ord. 6508 § 1, 2014; Ord. 6433 § 26, 2012.)