ORDINANCE NO. 6 2 4 5

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING CHAPTERS 18.02 AND 18.04, OF THE AUBURN CITY CODE; ADOPTING NEW CHAPTERS 18.00, 18.07, 18.09, 18.21, 18.25, AND, 18.31 OF THE AUBURN CITY CODE; AND REPEALING CHAPTERS 18.06, 18.08, 18.10, 18.12, 18.14, 18.16, 18.18, 18.20, 18.45, 18.45A, 18.48, AND 18.58 OF THE AUBURN CITY CODE; ALL RELATING TO ZONING

WHEREAS, by means of City of Auburn Ordinance Nos. 6182, 6184, 6185, 6186 and 6187, the Auburn City Council has amended the Auburn City Code ("ACC") to require all appeals of City land use decisions to be heard by the City's hearing examiner and by the superior court, rather than the City Council; and

WHEREAS, the City Council determined that a review of the City's zoning code, ACC Title 18, was appropriate in light of the Council's changed role; and

WHEREAS, the City of Auburn formed a volunteer code advisory group, which met five times on October 29, 2008, January 22, 2009, February 23, 2009, April 16, 2009 and April 27, 2009; and

WHEREAS, working with the code advisory group, City staff prepared draft revisions to Title 17; and

WHEREAS, a public open house on the code update project was held on January 28, 2009, with notice provided on the City's web site, with additional notice provided by mail and by a display ad published in the January 23, 2009 edition of the Auburn Reporter; and

WHEREAS, the Planning and Community Development Committee of the Auburn City Council conducted six duly noticed special meetings outside of its regular bi-monthly meeting schedule on issues and ideas pertaining to the code update project, which were held on January 13, 2009, February 26, 2009, March 5, 2009, March 26, 2009, March 30, 2009 and May 12, 2009; and

WHEREAS, the City of Auburn Planning Commission conducted a duly noticed work study session at its regularly scheduled March 3, 2009 meeting to review and discuss with staff potential amendment issues and ideas inclusive of the potential amendments; and

WHEREAS, the Planning and Community Development Committee and the Planning Commission conducted three duly noticed joint special public meetings on April 14, 2009, April 23, 2009 and April 27, 2009 at which the proposed amendments to Title 17 were reviewed and discussed; and

WHEREAS, the City of Auburn Planning Commission held a duly noticed public hearing on the proposed amendments on May 5, 2009, which was continued to May 7 for additional testimony on the proposed amendments; and

WHEREAS, the Planning Commission voted on May 7, 2009 to recommend adoption of the proposed amendments to the Auburn City Council; and

WHEREAS, the City transmitted written notice of its intent to amend ACC Title 18 to the Washington State Office of Community, Trade, and Economic Development (CTED) pursuant to the requirements of RCW 36.70A.106, on March 30, 2009, and did receive a receipt and acknowledgment letter from CTED

(Material ID # 14223) on March 31, 2009 indicating that the procedural requirement of RCW 36.70A.106 for state agency notification had been complied with; and

WHEREAS, No comments regarding the proposed amendments have been received from CTED or other state agencies; and

WHEREAS, after the required comment period, the City issued a Final Determination of Non-Significance SEP09-0012 for the amendments to Title 18; and

WHEREAS, the City Council finds that the proposed amendments improve the readability and ease of use of the City Code, updates the technical aspects of the code, and improves the City's development review process.

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

Section 1. **Adoption of new chapter of City Code.** That a new Chapter 18.00, User Guide, of the Auburn City Code be and the same hereby is adopted to read as follows:

Chapter 18.00
User Guide

What is the purpose of the zoning code?

The zoning code provides information on land use regulations, dimensional standards, and certain other development standards that apply to property within the City (i.e., landscaping standards, parking standards, sign standards, etc.). The information in the zoning code is presented by zone and land use type, so it is important to consult the City's official zoning map to determine what zone applies to a given property.

The zoning code constitutes Title 18 of the Auburn City Code (ACC), and is organized as a series of chapters. General zoning code provisions are presented in Chapter 18.02. This section contains the basic rules of interpretation for the zoning code, and includes a complete list of the City's zones. This section is a resource for users who may be unfamiliar with zoning codes and are unsure of how a particular regulation applies to them. Procedural sections of the code and decision criteria are addressed in Chapters 18.60 through 18.72.

I am unclear on some of the terms used in the code. Where can I find definitions?

Chapter 18.04 provides definitions for terms used throughout this title. Where appropriate, sketches and other graphic illustrations have been used to help explain terms and concepts. While every effort has been made to define terms consistent with common usage, users should consult this section to familiarize themselves and reduce the potential for misunderstandings. This section also contains explanations and illustrations of complex concepts that may not be familiar to all users.

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. Regulations for overlays, such as those established for Lea Hill, West Hill, and designated Urban Separator areas, are contained in Chapter 18.21.

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.

Where do I find information about landscaping, signs, and parking requirements?

In order to make the individual zone chapters easier to read, supplementary regulations or specialized topics applied more broadly than at a specific zone

level, such as landscaping, parking, signage, and nonconforming uses, are discussed separately. Zoning Code chapters 18.50 through 18.56 provide detailed information on these and similarly broad topics. While the relevant portions of these sections will be referenced by the zone-specific chapters, these chapters are also a good place to look for information on existing or proposed land uses not explicitly listed elsewhere in the code.

Section 2. Amendment to City Code. That Chapter 18.02, General Provisions, of the Auburn City Code be and the same hereby is amended to read as follows:

Chapter 18.02
General Provisions

Sections:

18.02.010 Short title.
18.02.020 Authority to adopt code.
18.02.030 Purpose.
18.02.0~~3~~40 Applicability ~~Scope~~.
18.02.04~~5~~0 Minimum requirements.
18.02.060 Rules for ~~A~~administrative interpretations.
18.02.065 Methods of calculating density.
18.02.070 Establishment of zones.
18.02.080 Zoning map.
18.02.090 Zone boundary interpretations.
18.02.100~~050~~ Zoning for annexed land.
18.02.110~~060~~ Zoning for property influenced by Auburn ~~City~~Municipal Airport.
18.02.120 Permitted land uses established.
18.02.130 Neighborhood review meeting.

18.02.010 Short title.
This title shall be known as "the comprehensive zoning ordinance" of the city which shall constitute Title 18 of the Auburn City Code and shall hereafter be referred to as this title. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.02.020 Authority to Adopt Code.
The City of Auburn Comprehensive Zoning Ordinance is adopted by City of Auburn ordinance, pursuant to Article XI, Section 11 of the Washington State Constitution, the State Growth Management Act, Title 35A RCW Optional Municipal Code, and Chapter 36.70B RCW.

18.02.0~~2~~30 Purpose.

A. The purpose of this title is to implement the city's comprehensive plan. This title will be used to further the growth and development of the city consistent with the adopted comprehensive plan and its implementing elements. This title will also further the purpose of promoting the health, safety, morals, convenience, comfort, prosperity, and general welfare of the city's population and to prevent and abate public nuisances.

B. The specific zones and regulations set out in this title are designed to ~~facilitate~~:

1. Provide adequate ~~provisions of~~ public facilities and services, including utilities, roads, schools, and parks~~ and~~, in conjunction with development; ~~and~~

2. Provide housing with essential light, air, privacy, and open space; ~~to~~

3. ~~lessen congestion on streets and facilitate~~Facilitate the safe and efficient movement of traffic ~~thereon; to~~on the City's streets; ~~to~~

4. ~~stabilize~~Stabilize and enhance property values;~~ to prevent the overcrowding of land; to~~

5. ~~facilitate~~Facilitate adequate provisions for doing public and private business and thereby safeguard the community's economic structure upon which the prosperity and welfare of all depends; and

6. ~~through~~Through such achievements help ensure the safety and security of home life, foster good citizenship, create and preserve a more healthful, serviceable and attractive municipality and environment in which to live.

C. To most effectively accomplish these purposes, this title divides the city into zones wherein the location, height and use of buildings, the use of land, the size of ~~yards~~setback areas and other open space, and the provision of off-street parking and loading are regulated and restricted in accordance with the comprehensive plan for the city. These zones and regulations are deemed necessary and are made with reasonable consideration, among other things, as to the character of each zone and its particular suitability for specific uses, the need for such uses, the common rights and interests of all within the zone as well as those of the general public, and with the view of conserving and encouraging the most appropriate use of land throughout the city and to prevent and abate public nuisances. (Ord. 5026 § 1, 1997; Ord. 4773 § 1, 1995; Ord. 4229 § 2, 1987.)

18.02.040~~030~~ ~~Scope.~~Applicability.

A. The provisions of this title shall apply to both public and private use of land within the corporate limits of the city.

B. Hereafter, no use shall be conducted, and no building, structure and appurtenance shall be erected, relocated, remodeled, reconstructed, altered or enlarged unless in compliance with the provisions of this title, and then only after securing all permits and approvals required hereby. It shall be unlawful to build or use any building or structure or to use premises in the city for any purpose or use other than the uses listed as being permitted in the ~~district~~zone in which such building, land, or premises are located.

C. Any building, structure or use lawfully existing at the time of passage of this title, although not in compliance therewith, may continue as provided in Chapter 18.54 ACC.

D. No division of land shall occur unless in compliance with the provisions of this title, and Title 17, Land Adjustments and Divisions.

E. This title is not intended to regulate the erection, construction, or reconstruction of public streets, power poles, street lights, utility ~~lift stations~~facilities, utility conveyance or storage systems, transmission lines, or other public uses necessary to support the general public welfare, carried on by the city, or agents of the city working under the appropriate contract or franchise. (Ord. 5026 § 1, 1997; Ord. 4773 § 1, 1995; Ord. 4229 § 2, 1987.)

18.02.050 Minimum Requirements.

A. In interpretation and application, the requirements set forth in this title shall be considered the minimum requirements necessary to accomplish the purpose of this title.

B. It is not the intent of this title to interfere with, abrogate or annul any easements, covenants or other agreements between private parties. However, where this title imposes a greater restriction upon the use of land and/or buildings or in general requires higher standards than other ordinances, rules, or private agreements, the provisions of this title shall govern.

18.02.060~~040~~ Rules for ~~A~~administrative interpretations.

A. The planning director shall be authorized to interpret the meaning of words, phrases and sentences which relate to the determining of uses permitted in the various ~~districts~~zones, approval or disapproval of development plans, or other related zoning actions. Any interpretations regarding implementation of

this title shall be made in accordance with the intent or purpose statement of the specific regulation and the Comprehensive Plan. Life, safety and public health regulations are assumed to prevail over other regulations.

B. The planning director may ~~permit other~~ authorize uses in a zone other than those which are listed, if the planning director determines the use is consistent with the intent of the zone and is of the same general character of the uses permitted within the zone. Further guidance on administrative interpretations of land uses can be found in Section 18.02.120.C ACC.

C. Administrative interpretations may be appealed to the hearing examiner as prescribed in Chapter 18.70 ACC. (Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

D. Administrative interpretations made by the planning director shall be documented, made available for public review, and docketed for inclusion to Title 18, when consistent with the title format and level of detail, shall incorporate administrative interpretations upon approval of the legislative authority.

18.02.065 Methods of calculating density.

The permitted number of dwelling units or lots shall be determined as follows:

A. Net Site Area. The area of a site used to calculate the allowed number of dwelling units or lots shall exclude those areas designated for public rights-of-way, except for the designation of additional right of way along an arterial, private streets, vehicle access easements, and on-site public or home owner association maintained recreation space if required.

Further, the net site area and shall be subject to the following adjustments and limitations for critical areas:

1. Net site areas shall exclude streams, wetlands, fish and wildlife habitat areas, and high landslide hazards; and

Net site area shall include any required critical area buffer, seismic hazards, and flood hazard areas when calculating base density, unless critical areas identified in (A)(1) above are present; provided that net site area shall not include required critical area buffers when calculating minimum density. The allowed number of dwelling units or lots for a site shall be computed by multiplying the net site area of the lot as calculated in this section by the applicable residential base density number found in the development standards for each zone.

B. Base density refers to the maximum number of dwelling units or lots allowed for a specific zone without application of the bonus density provisions of ACC 18.25 or ACC 18.49, expressed as units per net acre. Base densities for residential zones are specified in Section 18. 07.030.

C. Base units refers to the number of allowable dwelling units for a site, as determined by multiplying the base density of the zone in which the site is located by the net site area.

For example, the R-5 zone has a base density of 5 units per acre, therefore the maximum number of base units allowed on a lot with 0.6 acres of net site area in the R-5 zone is 3 units.

D. Bonus density, where applicable, shall be computed by adding the bonus units authorized by Chapter 18.25 ACC or Chapter 18.49 ACC to the base units computed under this section.

E. When calculations result in a fraction, the fraction shall be rounded to the nearest whole number as follows:

1. Fractions of 0.50 or above shall be rounded up; and

2. Fractions below 0.50 shall be rounded down.

18.02.070 Establishment of Zones.

A. The city is divided into the following classes of zones:

1. RC, residential conservancy zone (1 dwelling unit per 4 acres);

2. R-1, residential zone (1 dwelling unit per acre);

3. R-5, residential zone (5 dwelling units per acre);

4. R-7, residential zone (7 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.

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. (Ord. 6071 § 1, 2007; Ord. 6036 § 1, 2006; Ord. 5354 § 2, 2000; Ord. 4229 § 2, 1987.)

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.

18.02.080 Zoning map.

A. "Zoning map," as used in this title, is that certain map, three copies of which are on file in the office of the city clerk, labeled "Comprehensive Zoning Map of the City of Auburn, Washington," dated June 1, 1987, and adopted by Ordinance No. 4230 and signed by the Mayor and City Clerk, along with all amendments thereto. Two types of amendments to the zoning map may occur. The map may be either amended on an areawide basis initiated by the planning commission, city council, or planning and community development committee of the city council, or a specific parcel amended by the rezone process as outlined in Chapter 18.68 ACC.

B. Current copies of the zoning map are available for examination and/or purchase at the Planning, Building, and Community Department. The zoning

map is adopted and made a part of the comprehensive zoning ordinance, with the most current amended copy as being the official zoning map. (Ord. 4229 § 2, 1987.)

18.02.090 Zone boundary interpretation.

Where uncertainty exists as to the boundaries of zones as shown on the official zoning map, the following rules shall apply:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such lines;

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

C. Boundaries indicated as approximately following city limits shall be construed as following city limits;

D. Boundaries indicated as following railroad lines shall be construed as to be midway between the main tracks;

E. Boundaries indicated as parallel to or extensions of features indicated in subsections A through D of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map;

F. Where physical or cultural features existing on the ground are at a variance with those shown on the official zoning map, or in other circumstances not covered by subsections A through E of this section, the planning director shall interpret the zone boundaries;

G. When the city vacates a street or alley, the vacated property will be zoned consistent with the adjacent property it is being vacated to. (Ord. 4229 § 2, 1987.)

18.02.100~~050~~ Zoning for annexed land.

Prior to any parcel of land being annexed to the city, the property may be zoned consistent with the rezone requirements of this title~~Auburn zoning districts~~ and the comprehensive plan may be amended if necessary.

Application for the rezone and any necessary comprehensive plan amendment may be done simultaneously with the request for annexation.

For property that is not assigned a zone~~d~~ classification by the city of Auburn at ~~prior to~~ annexation, the property shall assume the UNC - Unclassified Use designation upon annexation. ~~For those properties lying within the Lea Hill area~~

~~and not zoned by the city prior to annexation, the property shall assume the LHR1 designation upon annexation.~~

~~If applicable,~~ In such case, the planning director ~~may be empowered to~~ shall initiate an ~~rezone~~ application to rezone from the ~~R-1~~UNC, Unclassified Use designation to a zone compatible with the comprehensive plan ~~. This rezone process shall occur~~ within six months of the date of annexation. (Ord. 5354 § 2, 2000; Ord. 5026 § 1, 1997; Ord. 4229 § 2, 1987.)

18.02.110~~060~~ Zoning for property influenced by Auburn Municipal ~~City~~ Airport.

Refer to Chapter 18.38 ACC to determine if ~~your~~ property will be required to comply with additional regulations that are associated with the ~~a~~Airport. (Ord. 5026 § 1, 1997.)

18.02.120 Permitted Land Uses Established.

A. Categories of uses established.

Chapters 18.07 through 18.44 ACC establish permitted, conditional, and prohibited uses, by zone, for all properties within the Auburn city limits. All principal uses in a given zone are one of three types:

1. Permitted Use: (see ACC 18.04.691);
2. Conditional Use: (see ACC 18.04.260);
3. Prohibited Use: (see ACC 18.04.751);

Uses which are incidental and customary to a principal use may be considered an accessory use as defined in ACC 18.04.020.

Uses not specifically identified as principal uses, or determined to be an accessory use shall be classified utilizing the procedures outlined in ACC 18.02.120C.6.

B. Zoning Use Tables Established for Residential Zones. The zone use tables in Subsection .020 of Chapters 18. 07 and 18.09 ACC establish whether a specific use is permitted in a zone and whether the use is allowed as “permitted”, “conditional,” or “prohibited” use. The zone is located on the horizontal row and the specific use is located on the vertical column of these tables.

C. Interpretation of Zone Use Tables.

1. Legend: The following letters have the following meanings when they appear in the box at the intersection of the column and the row on the zone use tables:

Symbol	**Description**
P	Permitted Use
C	Conditional Use
X	Prohibited Use

2. Other Requirements Applicable: The above uses are subject to the other application requirements, citywide property development standards, and applicable overlay district regulations specified in the zoning code, the project review procedures specified in Title 14, the building and construction standards of Title 15, the environmental review procedures and regulations specified in Title 16, and the regulations for the division of land in Title 17.

3. Additional Use-Related Conditions: If a number also appears at the intersection of the column and the row, the use is also subject to the additional requirements as listed in the corresponding endnote immediately following the use table in Subsection C of the specified code chapter. All applicable requirements shall govern a use whether specifically identified in the zone chapter or not.

4. Accessory use interpretation. The planning director may determine if a use that is not specifically described as accessory, is permitted as an accessory to a principal use in a zone. Upon inquiry by an applicant, an administrative interpretation shall be made by the planning director to determine if a proposed use is allowed as an accessory use within the zone utilizing the purpose and intent of the zone, comprehensive plan policy guidance, and the definition of accessory use contained in ACC Chapter 18.04.

5. Prohibited Uses: If an "X" appears in the box at the intersection of the column and the row, the use is prohibited in that zone. Similarly, if a use is listed in one zone use table but not another zone use table, it shall be considered prohibited in the zone use table in which it is not listed. For example a use listed in the Industrial zone use table of ACC 18.16, but is not listed in the Residential zone use table of ACC 18.07 shall be

considered prohibited in the residential zones listed in ACC 18.07, even though the land use does not appear with an "X" in the use table.

6. Unclassified Uses: Upon inquiry by an applicant, an administrative interpretation shall be made by the planning director to determine if a proposed use not specifically listed in any zone use table is allowed within a specific zone utilizing the criteria in Subsection C.6 of this section. Should an interpretation be made that a proposed, unlisted use not be allowed in a specific zone, the planning director shall indicate which zones, if any, do permit the use.

   a. Criteria for Unclassified Uses: In order to make a determination that an unclassified use is permitted, conditionally permitted, or accessory, the planning director must find that the use is:

      i. In keeping with the intent of the zone, and consistent with Auburn Comprehensive Plan policies; and

      ii. Similar in nature to, and no more intense than, specifically listed permitted, conditional or accessory uses; and

      iii. Consistent with subsection C.4 of this section, if determined to be permissible as an accessory use.

18.02.130 Neighborhood Review Meeting.

A. Purpose.

The purpose of the Neighborhood Review Meeting is for a developer/applicant of a proposed project to hold a meeting with surrounding and adjacent neighboring residents, property owners, homeowners associations, residents and businesses (hereinafter collectively referred to as "neighbors") prior to submitting an application to the City. The neighbors would have an early opportunity to become familiar with either a residential subdivision, multi-family or mixed development proposal of a certain size and scale early in the development review process and to identify any associated issues. The Neighborhood Review Meeting is intended to assist in producing applications that are responsive to neighborhood concerns, and to reduce the likelihood of delays and appeals. The City expects an applicant to take into consideration the reasonable concerns and recommendations of the neighbors and other interested persons when preparing an application.

B. Applicability.

A Neighborhood Review Meeting shall be required for the following types of new land use application in any applicable zoning district within the City:

1. A residential subdivision project comprising forty (40) or more lots or units; or

2. A multi-family residential project comprising forty (40) or more units; or

3. A mixed-use development project comprising forty (40) or more units.

C. Timeframes.

1. Prior to submittal of an application an applicant shall provide an opportunity to meet with neighboring residents, property owners, homeowners associations, residents and businesses (hereinafter collectively referred to as "neighbors") within the City specified notice radius to review the proposal.

2. The applicant shall not be required to hold more than one Neighborhood Review Meeting.

D. Procedures.

1. The applicant shall select the meeting time and place. The starting time selected shall be limited to a weekday evening after 6:00 p.m. or a weekend at any reasonable time and shall not occur on a federally recognized holiday. The meeting shall be held at a location open to the public and in compliance with the Americans with Disabilities Act. The public meeting shall be held within the Auburn city limits, at a location no further than two miles from the project site, unless an alternate meeting location is approved by the planning director. A sign at least 22" x 28" in size with minimum 2" lettering shall be placed at the main entrance of the building where the meeting will take place at least one hour prior to the meeting. Such sign will announce the meeting purpose, that the meeting is open to the public and that interested persons are invited to attend. This sign shall be removed upon conclusion of the meeting by the applicant.

2. The applicant shall send by regular mail a written notice announcing the Neighborhood Review Meeting to the Director of the City of Auburn Planning, Building and Community Department and property owners within 300 feet of the property(ies) involved in the development review application. The notice shall include the date, time and location of the meeting and briefly discuss the nature and location of the proposal. The notice shall be mailed not less than 20 calendar days prior to the meeting date. The mailing list shall be obtained by the applicant and based on the

most recent property tax assessment rolls of the King County Department of Assessments or the Pierce County Assessor-Treasurer's Office, whichever is applicable.

3. Not less than 20 calendar days prior to the Neighborhood Review Meeting, the applicant shall post a notice on the property which is subject of the proposed application. The notice shall be posted at the property in a visible and accessible location. The notice shall state that the site may be subject to a proposed development and shall set forth the name of the applicant and a telephone number where the applicant or applicant's contact person can be reached for additional information. The site shall remain posted until the conclusion of the Neighborhood Review Meeting. The City will not be responsible for posting of any signs.

4. The sign at the building entrance under subsection 1, the notices sent by mail under subsection 2 and the site posting under subsection 3, shall each contain the following statement:

   "The intent of this meeting is to facilitate an early informal discussion between the project developer and the neighbors regarding the project. While required by the City of Auburn, this meeting is not conducted by the City of Auburn and is in addition to any future hearings or public comment opportunities available under city development review processes."

5. At the Neighborhood Review Meeting, the applicant shall describe the proposed application to persons in attendance. The attendees may identify any issues that they believe should be addressed in the application and recommend that those issues be submitted for City consideration and analysis.

6. The applicant shall prepare and make available the following materials for review and discussion at the public meeting:

   a. Total number of dwelling units/lots expected to be built;

   b. Conceptual site plan/plat layout showing buildings, road layout, landscape, parking, topography and open space areas, and adjacent properties; and

   c. Aerial photograph showing the subject property and adjacent properties.

7. At the Neighborhood Review Meeting, a sign-in sheet shall be distributed to all meeting attendees that specifies the date, time and location of the

Neighborhood Review Meeting and asks for the name, address, phone number and electronic mail address of each meeting attendee.

8. At the Neighborhood Review Meeting, the applicant shall take notes of the discussion on the proposed application for eventual submittal to the City.

E. Submittal Requirements.

The applicant shall submit the following information with the submittal of a development application:

1. A copy of the notice provided to surrounding property owners within 300 feet of the proposed development site.
2. A copy of the mailing list used to send out meeting notices.
3. A written statement containing the information posted on the property.
4. An affidavit of mailing and posting notices.
5. A copy of the meeting sign-in sheet.
6. Copies of written materials and 8.5" x 11" size plans presented at the Neighborhood Review Meeting.
7. Notes of the meeting including a summary of oral and written comments received.
8. If responses to the meeting notice were not received by the applicant and no one attended the Neighborhood Review Meeting or persons in attendance made no comments, the applicant shall submit evidence as indicated above, with the notes reflecting the absence of comment, attendance, or both.

F. Notice.

1. All property owners who receive notice of the Neighborhood Review Meeting shall be eligible to receive a copy of the written City decision for the development proposal.
2. All neighbors receiving notice of or attending the Neighborhood Review Meeting shall be eligible to receive a copy of the written City decision for the development proposal through a request made to the city.

G. Consideration.

The City shall consider as part of the development review process the concerns and issues raised by the neighbors and applicant at the

Neighborhood Review Meeting, including any agreed upon solutions or resolutions to outstanding issues or areas of contentions. The City, however, shall not be bound in its decision-making by any agreements or understandings made between the neighbors and applicants. Nothing in this section shall be construed to delegate design or project review decision-making authority to the participants in the public meeting.

H. City Involvement.

The Neighborhood Review Meeting is intended to be a developer-neighborhood interaction. City staff are not required to attend and/or participate in Neighborhood Review Meetings. There will be other official opportunities for residents and neighbors to make comment during the development review process that would follow the Neighborhood Review Meeting. The Director of the Planning, Building and Community Department or designee shall be notified a minimum of seven (7) calendar days prior to the scheduled date of the Neighborhood Review Meeting. Any City staff attendance at a Neighborhood Review Meeting is for informational purposes only, does not represent the City's position on the merits of the development proposal and does not constitute an approval or denial of an application, now or submitted in the future.

Section 3. **Amendment to City Code.** That Chapter 18.04, Definitions, of the Auburn City Code be and the same hereby is amended to read as follows:

Chapter 18.04
Definitions

Sections:

18.04.010 General definitions.

18.04.018 Accessory dwelling unit.

18.04.020 Accessory use.

18.04.021 Accessory use, manufactured home community.

18.04.022 *Repealed.*

18.04.023 Accessory use, residential.

18.04.024 *Repealed*.

18.04.027 *Repealed*.

18.04.030 *Repealed*.

18.04.031 Adult family home.

18.04.032 *Repealed*.

18.04.040 Airport, heliport or aircraft landing field.

18.04.050 Airport elevation.

18.04.060 Airport hazard.

18.04.070 Airport landing area.

18.04.080 Airport reference point.

18.04.090 Alley.

18.04.100 Amusement device, mechanical.

18.04.110 Apartment.

18.04.120 Arcade.

18.04.125 Assisted living facility.

18.04.130 Automobile repair.

18.04.140 Automobile service station.

18.04.150 Automobile wrecking.

18.04.160 Automobile wrecking yard.

18.04.170 Automobile, trailer, equipment sales area.

18.04.175 Bed and Breakfast.

18.04.180 Boardinghouse.

18.04.185 Brew pub.

18.04.190 Building.

18.04.200 Building height.

18.04.210 Building, main.

18.04.220 ~~Building official.~~ *Repealed.*

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18.04.245 Commercial vehicle.

18.04.250 Comprehensive plan.

18.04.260 Conditional use.

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18.04.270 Conforming use.

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18.04.660 Nursing home.

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18.04.696 Permitted use.

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18.04.792 Religious institution.

18.04.794 Renting of rooms.

18.04.800 Residence.

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18.04.820 Shopping center.

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18.04.824 Social and service organization.

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18.04.828 Sponsoring agency.

18.04.830 *Repealed.*

18.04.835 Special needs housing.

18.04.840 *Repealed*.

18.04.850 ~~Spot zoning~~ *Repealed.*

18.04.860 Story.

18.04.870 Street, private.

18.04.880 Street, public.

18.04.890 Structure.

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18.04.895 Tavern.

18.04.896 Transmitting tower.

18.04.897 Unclassified use.

18.04.900 Use.

18.04.901 Utility facilities and substations.

18.04.910 Variance.

18.04.912 Wireless communications.

18.04.914 Work release facility.

18.04.920 Yard.

18.04.930 Yard, front.

18.04.940 Yard, rear.

18.04.950 Yard, side.

18.04.960 Zone.

18.04.010 General definitions.

Except where specifically defined in this chapter, all words used in this title shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular the word “he” or “his” shall also refer to “she” or “her,” the word “shall” is always mandatory, the word “may” denotes a use of discretion in making a decision, the words “used” or “occupied” shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied.” (Ord. 4229 § 2, 1987.)

18.04.018 Accessory dwelling unit.

An “accessory dwelling unit” is a self-contained residential unit that is accessory to a single-family home. An accessory dwelling unit ~~cannot be a separate freestanding structure but must be part of the single family home or an accessory structure otherwise allowed by the applicable zoning district. An accessory dwelling unit~~ has its own bathroom, kitchen facilities, living and sleeping areas, though it can share other features with the single-family home including the yard, parking, storage or laundry facilities. An accessory dwelling unit excludes accessory residential uses as defined in ACC 18.04.023. (Ord. 5399 § 1, 2000.)

18.04.020 Accessory use.

“Accessory use” means a use, a building or structure, part of a building or other structure, which is subordinate to and the use of which is incidental to that of the main building, structure or use on the same lot, including a residential garage. If

an accessory building is attached to the main building by a common wall or roof, such accessory building shall be considered a part of the main building. Parking areas will not be considered an accessory use under this definition. See related definitions for Accessory use, manufactured home community, and Accessory use, residential. (Ord. 4229 § 2, 1987.)

18.04.021 Accessory use, manufactured home community.

Accessory use, manufactured home community" is a subordinate use which supports the principal manufactured home community use without displacing it. Manufactured home community accessory uses include but are not limited to recreation facilities, clubhouse, park office, and utility rooms to serve the residents of the park only.

18.04.022 Adult book and video establishment.

Repealed by Ord. 5835. (Ord. 4469 § 1, 1990.)

18.04.023 Accessory use, residential.

"Accessory use, residential" means a subordinate use which supports the principal residential use without displacing it. The accessory residential use is typically located on the same lot occupied by ~~*Ord. 5835*. (Ord. 4469 § 1, 1990.)~~the principal residential use. Residential accessory uses include residential garage, guest cottage, recreation room, tool shed, swimming pool, noncommercial greenhouse, private stable, barn, pen, coop, or similar structure. This use excludes Accessory dwelling units as defined in ACC 18.04.018, and "Accessory use, manufactured home community.

18.04.024 Adult entertainment establishment.

Repealed by Ord. 5835. (Ord. 4885 § 2, 1996; Ord. 4469 § 1, 1990.)

18.04.027 Adult entertainment.

Repealed by Ord. 5835. (Ord. 4885 § 1, 1996.)

18.04.030 Adult motion picture theater.

Repealed by Ord. 5835. (Ord. 4469 § 1, 1990; Ord. 4229 § 2, 1987.)

18.04.031 Adult family home.

"Adult family home" means a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services

18.04.032 Adult uses.

Repealed by Ord. 5835. (Ord. 4885 § 3, 1996; Ord. 4469 § 1, 1990.)

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. (Ord. 4229 § 2, 1987.)

18.04.050 Airport elevation.

"Airport elevation" means the established elevation of the highest point on the usable landing area. (Ord. 4229 § 2, 1987.)

18.04.060 Airport hazard.

"Airport hazard" means any structure, tree or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking off at the airport. (Ord. 4229 § 2, 1987.)

18.04.070 Airport landing area.

"Airport landing area" means the area of the airport used for the landing, taking off or taxiing of aircraft. (Ord. 4229 § 2, 1987.)

18.04.080 Airport reference point.

"Airport reference point" means the point established as the approximate geographic center of the airport landing area and so designated. (Ord. 4229 § 2, 1987.)

18.04.090 Alley.

"Alley" means a public travel way or other public right-of-way ~~which affords a secondary public means of vehicular access to abutting property~~under the jurisdiction and ~~which is~~control of the city and not ~~intended~~designated for general ~~traffic circulation.~~travel and used primarily as a means of access to the rear of residential and/or business establishments. (Ord. 4229 § 2, 1987.)

18.04.100 Amusement device, mechanical.

"Mechanical amusement device" means any machine which, upon the insertion of a coin, slug, token, plate ~~or~~ , disk, monetary bill, or credit card may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score. It includes such devices as marble machines, pinball machines, skill ball, mechanical grab machines, video games and all games, operations or transactions similar thereto under whatever name they may be indicated to specify. "Mechanical amusement device" does not include pool tables. (Ord. 4229 § 2, 1987.)

18.04.110 Apartment.

"Apartment" means a dwelling unit in a multifamily building with three or more dwelling units; such units are typically owned by a single entity and may be used for rental housing. (Ord. 4229 § 2, 1987.)

18.04.120 Arcade.

"Arcade" includes any place of business having in excess of four mechanical amusement devices as defined in ACC 18.04.100. (Ord. 4229 § 2, 1987.)

18.04.125 Assisted living facility.

"Assisted living facility" means a combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living. An establishment with a central or private kitchen, dining, recreational, and other facilities, with separate bedrooms or living quarters, where the emphasis of the facility remains residential. (Ord. 6140 § 1, 2007.)

18.04.130 Automobile repair.

"Automobile repair" includes fixing, incidental body or fender work, painting, and upholstering, engine tune-up, adjusting lights, installation/repair of electrical or electronic components, brakes, supplying and installing replacement parts to passenger vehicles and trucks. (Ord. 4229 § 2, 1987.)

18.04.140 Automobile service station.

"Automobile service station" means a place of business ~~having~~where the primary business is the fueling of vehicles. Automobile service stations have pumps and/or storage tanks from which liquid fuel and/or lubricants are dispensed. Sales and installation of auto accessories, washing, polishing, inspections and cleaning, but not steam cleaning, may be carried on incidental to the sale of such fuel and lubricants. Retail sales of food and grocery related items may also be considered an incidental use. (Ord. 4229 § 2, 1987.)

18.04.150 Automobile wrecking.

"Automobile wrecking" means the dismantling or disassembling of used motor vehicles or trailers, the storage, sale or dumping of dismantled, obsolete, or wrecked vehicles or their parts, and the towing of such vehicles or parts in connection with such activity. (Ord. 4229 § 2, 1987.)

18.04.160 Automobile wrecking yard.

"Automobile wrecking yard" means any premises devoted to automobile wrecking. (Ord. 4229 § 2, 1987.)

18.04.170 Automobile, trailer, equipment sales area.

"Automobile, trailer and equipment sales area" means an open area, other than a street or alley, used for the display, sale or rental of new or used automobiles, trucks, trailers or other equipment. (Ord. 4229 § 2, 1987.)

18.04.175 Bed and Breakfast.

"Bed and Breakfast" means a residential home, maintained by an on-premise owner that provides no more than 6 guest rooms which are used, rented, or hired out to guests to be occupied for sleeping purposes, and which may also offer communal dining services. 18.04.180 Boardinghouse.

18.04.180 Boardinghouse.

"Boardinghouse" means any dwelling in which ~~more than~~ three or more persons, either individually or as families, are housed or lodged for hire with or without meals. A roominghouse or a furnished-room house is a boardinghouse. (Ord. 4229 § 2, 1987.)

18.04.185 Brew pub.

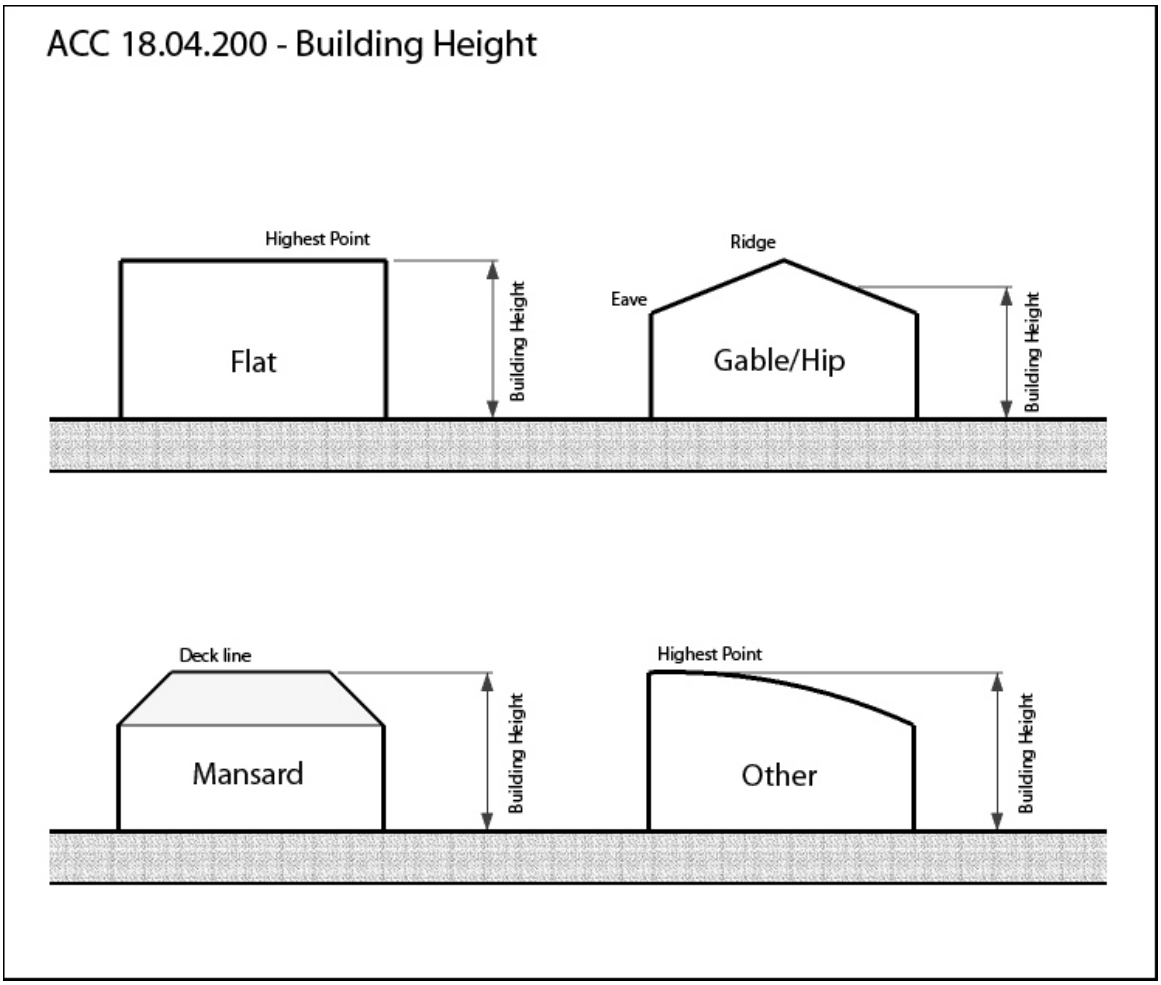
"Brew pub," also known as a "microbrewery," means an eating and drinking establishment which includes the brewing of beer, ale or malt beverage as an accessory use to a full-service restaurant. The amount of beverage produced on the premises cannot be less than 240 barrels or exceed 2,400 barrels in any calendar year. No more than 30 percent of the product brewed may be sold off-premises in either bottles or kegs. A loading and unloading area must then be provided for. A full-service restaurant as defined by ACC 18.04.805 must occupy at least 51 percent of the gross floor area of the brew pub and restaurant, combined. Any brew pub that does not meet the requirements of this definition will be considered a tavern as defined by ACC 18.04.895. (Ord. 5382 § 1, 2000.)

18.04.190 Building.

"Building" means any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals or property of any kind. (Ord. 4229 § 2, 1987.)

18.04.200 Building height.

"Height of building" means the vertical distance measured from the finished grade to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs. If a structure has none of the above features then the height shall be measured from the finished grade to the highest portion of the structure. See illustration below. (Ord. 4229 § 2, 1987.)



18.04.210 Building, main.

"Main building" means the principal building or buildings on a lot or building site designed or used to accommodate the primary use to which the premises are devoted. (Ord. 4229 § 2, 1987.)

18.04.220 ~~Building official.~~

Repealed. ~~"Building official" means the city employee or designee charged with the enforcement of this title. (Ord. 4229 § 2, 1987.)~~

18.04.230 Building site.

"Building site" means a parcel of land assigned to a use, to a main building, or to a main building and its accessory buildings, together with all yards and open spaces required by this title. (Ord. 4229 § 2, 1987.)

18.04.235 Built green.

"Built green" means an environmental building program locally administered by the Master Builders Association of King and Snohomish Counties which provides rating systems which quantify environmentally friendly building practices for remodeling and new residential construction. The construction must qualify for a minimum number of points in order to be certified as "built green." Each building receives a one to five star rating based on the builder's ability to meet the sustainable design standards. (Ord. 6036 § 5, 2006.)

18.04.240 Commercial use.

"Commercial use" shall mean any activity or use of land which involves the buying, selling, processing or improving of things not produced on the land and having financial gain as the primary aim of the activity or use; whether or not such activity or use be for hire or on account of the buyer, seller, processor, or improver. (Ord. 4229 § 2, 1987.)

18.04.245 Commercial vehicle.

~~For the purposes hereof, "commercial~~ "Commercial vehicle" means semi-truck tractors and/or semi-trailers (over 26,001 pounds gross vehicle weight rating) used in any commercial enterprise. (Ord. 6019 § 1, 2006.)

18.04.250 Comprehensive plan.

"Comprehensive plan" means the comprehensive plan for the Auburn planning area, as now constituted, or hereafter amended, or its successor. (Ord. 4229 § 2, 1987.)

18.04.260 Conditional use.

"Conditional use" means a use permitted in a ~~zoning district~~zone only after review and approval by the hearing examiner. Conditional uses are such that they may be compatible only on certain conditions in specific locations in a ~~zoning district~~zone, or if the site is regulated in a certain manner in order to achieve the purposes of this title. (Ord. 6185 § 1, 2008; Ord. 4229 § 2, 1987.)

18.04.265 Condominium.

"Condominium" means a form of ownership in which individuals purchase and own individual units in a multi-unit complex and jointly own and share financial responsibility for certain common areas. Residential condominiums in multifamily buildings differ from apartments in that each unit is individually owned, and any land in the project is owned in common by all householders.

18.04.270 Conforming use.

"Conforming use" means an activity the nature and type of which is permitted in the zone in which the property on which it is established is located. (Ord. 4229 § 2, 1987.)

18.04.280 ~~Contract rezone~~.

Repealed ~~"Contract rezone" means an agreement between the city and a property owner which implements a rezone by outlining conditions and other obligations. A contract rezone must demonstrate a general public benefit, must run with the land and be binding upon the owner and his heirs, assigns and successors. A contract rezone cannot be inconsistent with the comprehensive plan. (Ord. 4229 § 2, 1987.)~~

18.04.285 Dangerous waste.

"Dangerous waste" means those solid wastes designated in WAC 173-303-070 through 173-303-103 as dangerous waste. (Ord. 4294 § 2, 1988.)

18.04.290 Daycare center, nursery school, preschool.

"Daycare center," "nursery school," "preschool" means any type of group daycare programs, for children or adults, including nursery schools for children under minimum age for education in public schools, parent cooperative nursery schools, playgroups for preschool children, covering afterschool care for school children, and programs which provide organized learning and education experiences, provided such establishments are licensed by the state and conducted in accordance with state requirements. For the purpose of this title the following shall also apply to daycare center, nursery schools or preschools:

A. “Babysitting care” means a dwelling which provides occasional custodial care to children, for periods of less than 24 hours, who do not reside within the residence of the person providing the care. Babysitting care is not necessarily provided in exchange for compensation.

B. “Home based daycare” means a licensed daycare that regularly provides daycare for not more than 12 children or adults in the provider’s home in the family living quarters, for periods of less than 24 hours. ~~Home based daycare is allowed in any home regardless of its zoning classification.~~

C. “Mini daycare center” means a place, other than the home of the provider, which provides regular custodial care for one to 12 children, for periods of less than 24 hours.

D. “Daycare center” means a place, other than the home of the provider, which provides regular custodial care for 12 or more children, for periods of less than 24 hours.

E. “Preschool/nursery school” means a place, other than the home of the provider, which provides regular custodial care and/or organized learning and educational experiences for children. (Ord. 4705 § 2, 1994; Ord. 4229 § 2, 1987.)

18.04.295 Designated facility zone.

“Designated facility zone” means a ~~zoning district~~zone in which hazardous waste treatment and storage facilities are allowed uses, subject to the state siting criteria designated in Chapter 70.105 RCW. (Ord. 4294 § 2, 1988.)

18.04.300 Density.

“Density” is a measure of population, housing units, or building area related to land area, and expressed as a ratio, i.e., one dwelling unit per acre. See ACC 18.02.065 for features that are deducted from site area in the City of Auburn’s calculation of density. ~~means the number of units within a specified area calculated by dividing the total number of square feet of the area by the number of dwelling units in the area.~~ (Ord. 4229 § 2, 1987.)

18.04.301 Density, base.

“Base density” refers to the greatest number of dwelling units allowed without application of bonus density provisions of ACC 18.25 or ACC 18.49 per land area in a specific zone expressed as a ratio. For example, in a zone with a maximum density of 4 units per acre, the maximum number of housing units allowed on 0.25-acre-lot is one unit.

18.04.302 Density bonus.

"Density bonus" refers to residential units allowed in excess of the base density of a particular zone. Density bonuses may be granted to residential developers in exchange for recognized public benefits pursuant to ACC 18.25 or ACC 18.49.

18.04.302 Density, minimum.

"Minimum density" refers to the least number of dwelling units allowed per land area in a specific zone, expressed as a ratio. For example, in a zone with a minimum density of 12 units per acre, development of a 2-acre lot would require a minimum of 24 units.

18.04.310 Development standards.

"Development standards" means regulations pertaining to setbacks, landscaping, height, site coverage, signs, building layout, site design and related features of land use. (Ord. 4229 § 2, 1987.)

18.04.320 ~~District.~~

Repealed. ~~"District" means a portion of the territory of the city within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this title. (Ord. 4229 § 2, 1987.)~~

18.04.330 Dwelling.

"Dwelling" means a building designed exclusively for residential purposes ~~,~~ ~~including~~ for occupancy by a person or family with one or more rooms for living and sleeping purposes, containing kitchen facilities and rooms with internal accessibility, including single-family, two-family and multiple-family dwellings, but not including hotels or motel units without kitchens. (Ord. 4229 § 2, 1987.)

18.04.340 Dwellings, types of.

"Types of dwellings" means:

A. Dwelling, ~~One~~Single-Family. "~~One~~Single-family dwelling" means a detached building designed exclusively for occupancy by one family and containing one dwelling unit that is permanently attached to the ground. A manufactured home may be considered a ~~one~~single-family dwelling if sited per ACC 18.~~48~~31.050.

B. Dwelling, Two-Family (Duplex). "Two-family dwelling" or "duplex" means a building designed exclusively for occupancy by two families living independently of each other, and containing two dwelling units.

C. Dwelling, Multiple-Family. "Multiple-family dwelling" means a building designed ~~exclusively~~ for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

D. Dwelling, Townhouse. "Townhouse dwelling" means a building designed exclusively for occupancy by one family~~ and containing one dwelling unit~~, occupying space from the ground to the roof and not lying vertically under or over adjacent units, and attached to one or more other dwelling units by common walls. (Ord. 6162 § 1, 2008; Ord. 4229 § 2, 1987.)

18.04.350 Dwelling unit.

"Dwelling unit" means one or more rooms designed for or occupied by one family for living or sleeping purposes and containing kitchen facilities for use solely by one family. All rooms comprising a dwelling unit shall have access through an interior door to other parts of the dwelling unit. An efficiency apartment, also known as a studio apartment, constitutes a dwelling unit within the meaning of this title. (Ord. 4229 § 2, 1987.)

18.04.355 Extremely hazardous waste.

"Extremely hazardous waste" means those solid wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous waste. (Ord. 4294 § 2, 1988.)

18.04.360 Family.

"Family" means a person living alone, ~~or~~ two or more persons related by blood or marriage, or a group of eight or fewer residents, who are not related by blood or marriage,customarily living together as a single housekeeping unit and using common cooking facilities, as distinguished from a group occupying a hotel, club, boardinghouse or lodginghouse. For purposes of this definition, minors living with parent shall not be counted as part of the maximum number of residents. (Ord. 4229 § 2, 1987.)

18.04.370 Fence.

"Fence" means a masonry wall or a barrier composed of posts connected by boards, rails, panels, or wire for the purpose of enclosing space or separating parcels of land. The term "fence" does not include retaining walls. (Ord. 4229 § 2, 1987.)

18.04.372 Fence, screened.

"Screened fence" means a fence providing a high degree of visual buffering between two areas that meets the requirements of ACC 18.31 and 18.50.

18.04.374 Fence, 100 percent sight-obscuring.

"100 percent sight-obscuring fence" means a fence that completely obstructs view between two areas and/or completely obstructs view between two adjoining uses, and meets the requirements of ACC 18.31 and 18.50.

18.04.380 Floor area.

"Floor area" means a total floor area within the walls of all buildings on a lot or building site, except for the spaces therein devoted to vents, shafts and light courts and except for the area devoted exclusively to loading and unloading facilities and to parking of motor vehicles. (Ord. 4229 § 2, 1987.)

18.04.390 Foster care home.

"Foster care home" means a home which provides regular care for up to four developmentally disabled adults, or up to four adults who are recipients of state or federal financial assistance services, or up to four foster children under the age of 18, or up to three expectant mothers in a residential structure of the person or persons under whose direct care and supervision the people are placed. (Ord. 4229 § 2, 1987.)

18.04.400 Garage or carport, residential.

"Residential garage or carport" means a building or a portion of a building principally used for vehicular equipment such as automobiles, boats, etc., in which only motor vehicles used by the tenants of the building or buildings on the premises are stored or kept. (Ord. 4304 § 1(1), 1988; Ord. 4229 § 2, 1987.)

18.04.410 Garage, commercial.

"Commercial garage" means any garage not a residential garage, and which is used for storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles. (Ord. 4229 § 2, 1987.)

18.04.411 Golf course.

See ACC 18.04.746 Private country club and golf courses.

18.04.412 Governmental facilities.

Facilities of any unit of city, county, state, federal, or special district government. Types of facilities include community centers, vehicle and drivers licensing offices, public works maintenance and operations facilities, courts of law, school support facilities, and other types of city, county, state, school district, special district, or federal facilities. This definition excludes jails, municipal parks, transit facilities, sewage treatment plants, schools, municipally owned airports, libraries, and utility facilities and substations as defined in this chapter.

18.04.420 Grade.

"Grade" means the average of the finished ground level at the center of all exterior walls of a building. In case walls are within five feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way. (Ord. 4229 § 2, 1987.)

18.04.425 Green building practices.

"Green building practices" (as defined by the U.S. Green Building Council, Leadership in Energy and Environmental Design [LEED] Program) means practices that conserve resources, use recycled content materials, maximize energy efficiency, and otherwise consider environmental, economic, and social benefits in the design and construction of a building project. See ACC 18.04.525 for more information on LEED. (Ord. 6036 § 6, 2006.)

18.04.430 Gross floor area.

"Gross floor area" includes all floor area within the exterior walls of the building including area in halls, storage, and partitions, but excluding furnace and similar utility space used solely to maintain the building for occupancy. (Ord. 4229 § 2, 1987.)

18.04.440 Group residence facility.

"Group residence facility" means a facility licensed by the state and operated with full-time supervision for housing resident persons who, by reasons of their mental or physical disability, addiction to drugs or alcohol, or family and social adjustment problems, require a transitional nonmedical treatment program for rehabilitation and social readjustment. For the purposes of this title, a nonmedical treatment program consists of counseling, vocational guidance, training, group therapy and other similar rehabilitative services but does not include drug and/or alcohol detoxification. Monitoring the taking of prescription medication shall be permitted. The use of medication by any resident shall be incidental to that person's residence in the facility and shall not be a criterion for residence in the facility. This definition does not include residential dwellings which meet all other requirements of this title, that provide programs related to this definition or which provide services of a nursing home as defined by ACC 18.04.660. (Ord. 4590 § 2 (Exh. A), 1992; Ord. 4304 § 1(2), 1988; Ord. 4229 § 2, 1987.)

18.04.450 Guest cottage.

"Guest cottage" means an accessory, detached ~~dwelling~~building with bathroom, living and sleeping areas without any kitchen facilities designed for and used to house transient visitors or nonpaying guests of the occupants of the main ~~building~~dwelling. (Ord. 4229 § 2, 1987.)

18.04.452 Hazardous material.

"Hazardous material" means a substance or materials in a quantity or form that may pose an unreasonable risk to health, safety or property when stored, transported or used in commerce. For specific definitions of hazardous materials see Code of Federal Regulations, Title 49, as amended; the ~~Uniform~~International Fire Code, as amended; and the ~~Auburn~~Valley Regional Fire ~~Department~~Authority General Hazardous Materials Guidelines, as amended. (Ord. 4294 § 2, 1988; Ord. 4229 § 2, 1987.)

18.04.453 Hazardous substance.

"Hazardous substance" means any liquid, solid, gas or sludge, including any material, substance, product, commodity or waste, regardless of quantity that exhibits any of the characteristics or criteria of hazardous waste as defined by Chapter 713-303 WAC. (Ord. 4294 § 2, 1988.)

18.04.454 Hazardous substance processing or handling.

"Hazardous waste processing or handling" means the use, storage, manufacture, production or other land use activity involving hazardous substances. Hazardous substances processing and handling activities do not include individually packaged household consumer products or quantities of hazardous substances of less than five gallons in volume per container. (Ord. 4294 § 2, 1988.)

18.04.455 Hazardous waste.

"Hazardous waste" means and includes all dangerous (see ACC 18.04.285) and extremely hazardous waste (see ACC 18.04.355). (Ord. 4294 § 2, 1988.)

18.04.456 Hazardous waste storage.

"Hazardous waste storage" means the holding of hazardous waste for a temporary period. Accumulation of waste on the site of generation is not storage as long as the storage complies with applicable requirements of Chapter 173-303 WAC. (Ord. 4294 § 2, 1988.)

18.04.457 Hazardous waste treatment.

"Hazardous waste treatment" means the physical, chemical or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, or amenable for energy or material resource recovery. (Ord. 4294 § 2, 1988.)

18.04.458 Hazardous waste treatment and storage facility, off-site.

"Off-site hazardous waste treatment and storage facility" means the treatment and storage of hazardous wastes from generators on properties other than that on which the off-site facility is located. (Ord. 4294 § 2, 1988.)

18.04.459 Hazardous waste treatment and storage facility, on-site.

"On-site hazardous waste treatment and storage facility" means the treatment and storage of hazardous wastes generated on the same site. (Ord. 4294 § 2, 1988.)

18.04.460 Home occupation.

"Home occupation" means any activity undertaken for gain or profit and carried on in a dwelling, or building accessory to a dwelling. (Ord. 4229 § 2, 1987.)

18.04.465 Homeless encampment.

"Homeless encampment" means an emergency homeless encampment hosted by a church or other organization, which provides temporary housing to homeless persons. (Ord. 6014 § 2, 2006.)

18.04.466 Horse riding, commercial.

"Horse riding, commercial" means a land use established for the purpose of providing equestrian trails or other facilities for riding and keeping horses for a fee. This use includes bridle trails.

18.04.470 Hospital.

"Hospital" means an institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to human patients and which is licensed by state law to provide facilities, including overnight accommodations and services in surgery, obstetrics and general medical practice. This definition does not include small animal hospital or clinics, or veterinary clinics as defined in 18.04.480. (Ord. 4229 § 2, 1987.)

18.04.480 Hospital or clinic, small animal.

"Small animal hospital or clinic" means an establishment in which veterinary medical services and/or clipping, bathing and similar services are rendered to dogs, cats and other small animals and domestic pets, not including kennels. This definition does not include hospitals as defined in 18.04.470. (Ord. 4304 § 1(3), 1988; Ord. 4229 § 2, 1987.)

18.04.485 Host agency.

"Host agency" means the owner of the property, being a religious institution or other organization, that joins a sponsoring agency in an application for a

temporary use permit for providing basic services and support to homeless encampment residents, such as hot meals, coordination of other needed donations and services, etc. (Ord. 6014 § 3, 2006.)

18.04.490 Hotel.

"Hotel" means any building containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests~~.~~ and includes additional amenities such as banquet halls and meeting facilities . Hotels include but are not limited to motels and extended stay hotel accommodations. Hotels do not include renting of rooms, boardinghouse, or bed and breakfast accommodations. (Ord. 4229 § 2, 1987.)

18.04.495 Household pet.

"Household pet" means a domesticated animal of ordinary species that lives, or is commonly known to be capable of living, within the confines of a residence. Animals considered to be common household pets include but are not necessarily limited to the following: dogs, cats, rabbits, indoor birds, small rodents, and fish. Animals not considered to be common household pets include but are not necessarily limited to the following: horses, cows, goats, sheep, swine, donkeys, chickens, endangered or exotic species and any similar species~~.~~ (Ord. 5777 § 1, 2003; Ord. 4229 § 2, 1987. Formerly 18.04.720.) Animal control is governed by King County code Title 11, Animal Care and Control.

18.04.496 Housing rehabilitation.

"Housing rehabilitation" means the renovation of an existing housing unit for the purpose of preserving existing housing stock, often as a means to provide affordable housing within an established residential neighborhood. See ACC 18.49.

18.04.497 Impervious surface.

"Impervious surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development.

18.04.498 Incidental.

"Incidental" means reasonably related, as determined by the planning director. One use is incidental to another when it is reasonably related to another (i.e., a garage is incidental to the single-family dwelling unit).

18.04.499 Intensity.

"Intensity" refers to the level of development or activity on a site, in terms of both the nature of uses and the concentration of those uses as indicated by residential density (dwelling units per acre), or floor area ratio. For example, a site with a mixed-use complex with a commercial retail component and a high density multi-family residential component would display a higher level of intensity than the same sized property with a low-density, single-family residential development.

18.04.500 Junkyard.

"Junkyard" includes automobile wrecking yards and salvage yards or any premises devoted wholly or in part to the storage, buying or selling of, or otherwise handling or dealing in, old rags, sacks, bottles, cans, papers, metal, rubber or other articles commonly known as junk. (Ord. 4229 § 2, 1987.)

18.04.510 Kennel.

"Kennel" means a place where four or more adult dogs or cats or any combination thereof are kept, whether by owners of the dogs or cats or by persons providing facilities and care, whether or not for compensation, but not including a small animal hospital or clinic. An adult dog or cat is one of either sex, altered or unaltered, that has reached the age of four months. (Ord. 4229 § 2, 1987.)

18.04.515 Kitchen.

"Kitchen" means any room or portion of a room designed to be used for cooking or the preparation of food, having a kitchen-type sink and provisions available for ~~apermanent~~an installed gas or electric stove or range. (Ord. 4304 § 1(4), 1988.)

18.04.520 Landscaping.

"Landscaping" means vegetative cover including shrubs, trees, flowers, seeded lawn or sod, ivy and other similar plant material. (Ord. 4229 § 2, 1987.)

18.04.522 ~~Lea Hill area~~Reserved.

~~"Lea Hill area" means that area that lies east of the Green River and is within the city's potential annexation area (PAA) as illustrated in the city's comprehensive plan and may either be unincorporated King County or within the corporate boundaries of the city of Auburn. (Ord. 5354 § 2, 2000.)~~

18.04.525 Leadership in energy and environmental design (LEED).

"Leadership in energy and environmental design (LEED)" means a national standard for developing high-performance, sustainable buildings. (Ord. 6036 § 7, 2006.)

18.04.530 Lot.

~~"Lot" means a parcel of land. "Lot" also means a legal lot for building purposes which shall be of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are required in this title. Such lot shall have access to an improved public street, or to an approved private street, and may consist of:~~

~~A. A single lot of record;~~

~~B. A portion of a lot of record;~~

~~C. A combination of complete lots of record, and portions of lots of record, if more than one lot is used for a building site then a lot line adjustment shall be processed to remove the interior lot lines;~~

~~D. A parcel of land described by metes and bounds; provided, that in no case shall the division or combination of any residual lot or parcel be created which does not meet the requirements of this code. Lots created by the county assessor's office shall not be considered as building lots or lots that can be further subdivided unless in accordance with this title and land division ordinance. (Ord. 5170 § 1, 1998; Ord. 4229 § 2, 1987.)~~

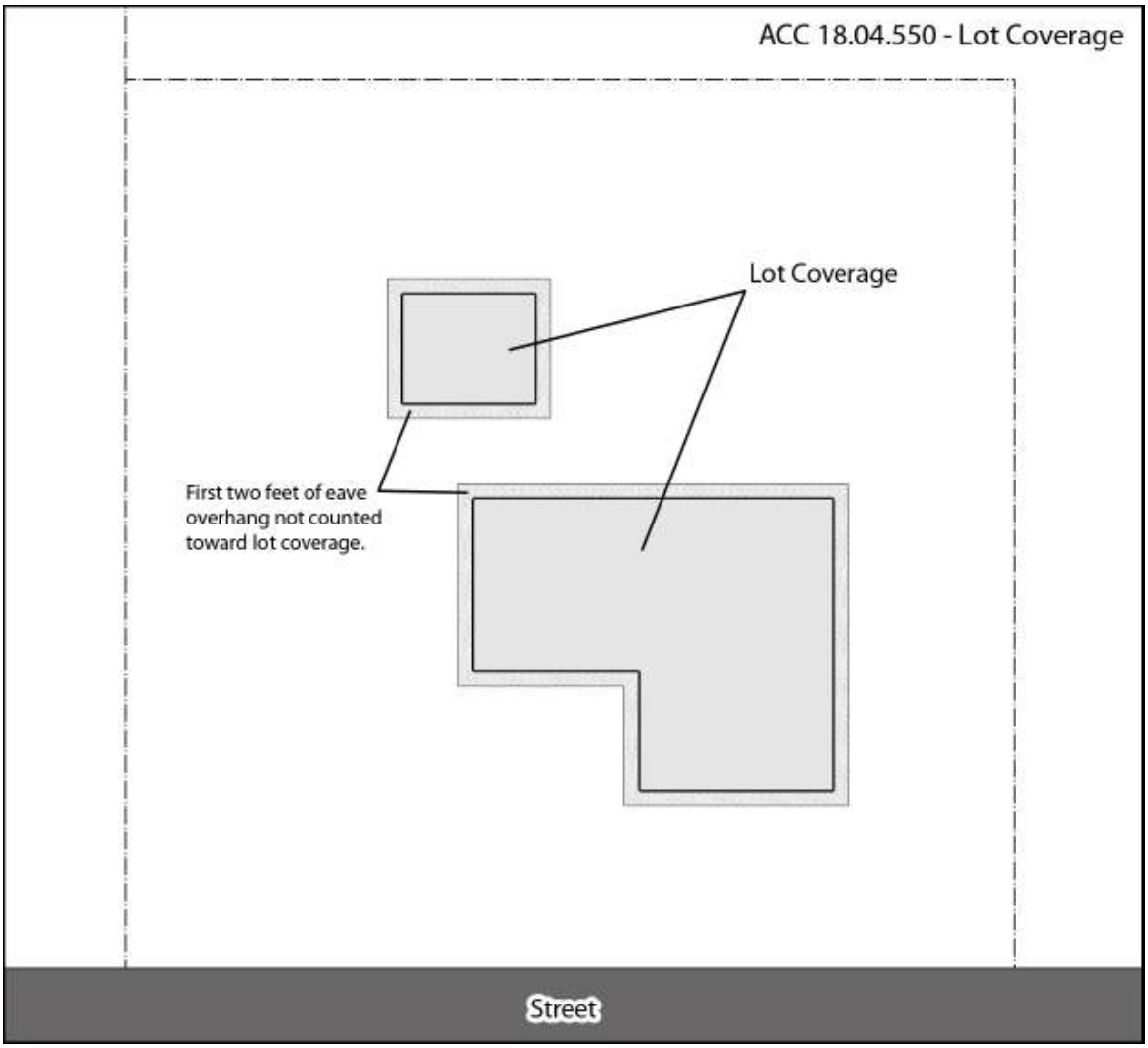
"Lot" is defined in ACC 17.04.200.

18.04.540 Lot area.

"Lot area" means the total horizontal area within the boundary lines of a lot, however, the area contained in access easements, tracts, or panhandles shall not be included in the lot area or any other lot size computation. (Ord. 4229 § 2, 1987.)

18.04.550 Lot coverage.

"Lot coverage" means that percentage of the plot or lot area covered by all buildings including accessory buildings and uses. Coverage is determined by measuring ~~from~~along a horizontal plane from the outermost edge of eaves, cornices, overhangs, or areas covered by a weathertight roof. The first two feet of an eave overhang will, however, not be used in the lot coverage calculation. See Lot coverage illustration below. (Ord. 4705 § 2, 1994; Ord. 4229 § 2, 1987.)



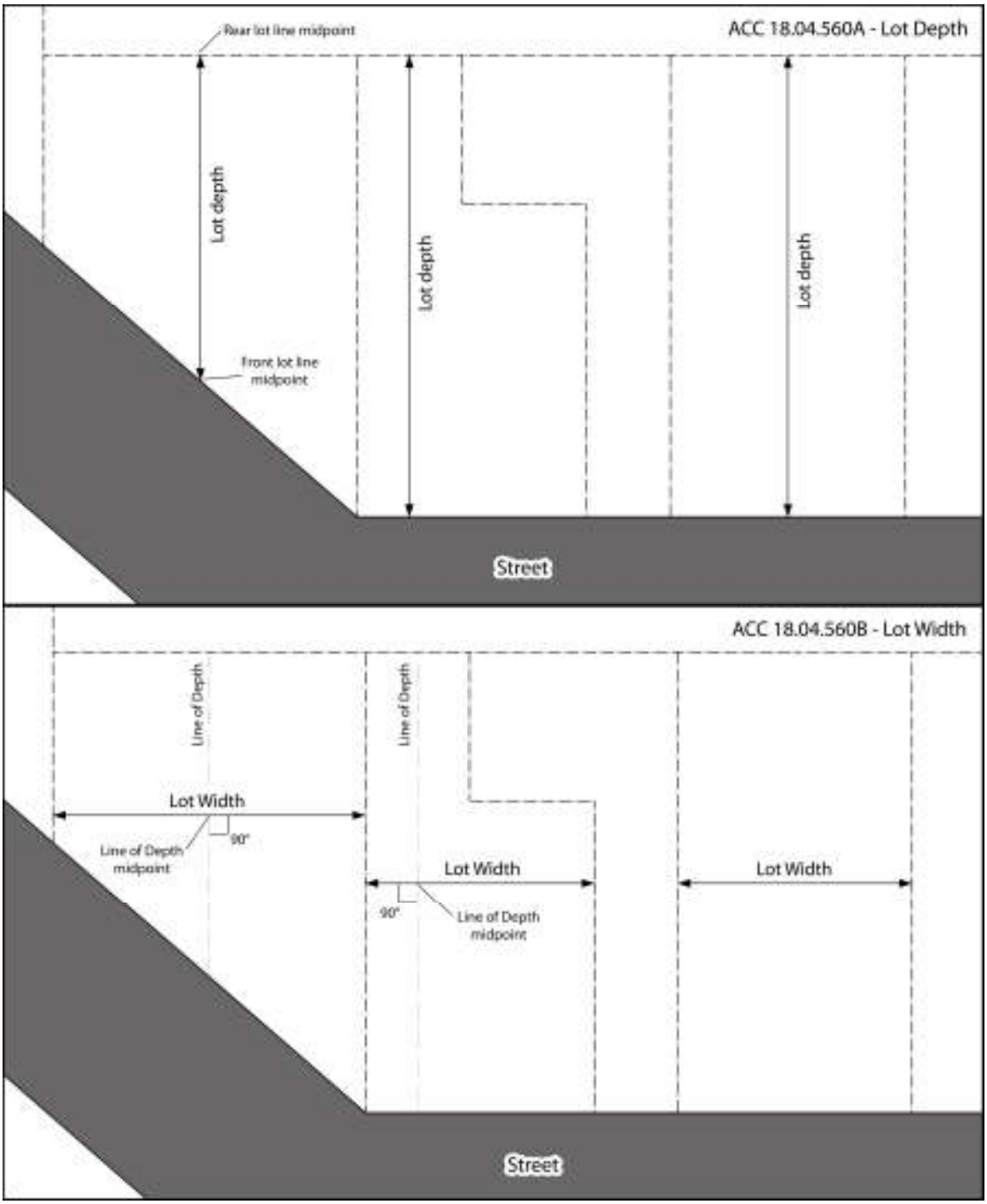
18.04.560 Lot dimensions.

A. "Lot depth" means:

1. If the front and rear lines are parallel, the shortest distance between such lines;

2. If the front and rear lines are not parallel, the distance between the midpoint of the front lot line and the midpoint of the rear lot line. See Lot depth illustration below.

B. "Lot width" means the horizontal distance between the lot side lines measured at right angles to the line comprising the depth of the lot at a point midway between the lot front line and the lot rear line. See Lot width illustration below. (Ord. 4229 § 2, 1987.)



18.04.570 Lot lines.

"Lot lines" means the lines bounding the lot. For purposes of establishing a setback line for a lot, "lot lines" shall also mean the limits of a private street, when such a street is located on the lot. See Lot line illustrations below.

A. Front lot line:

1. For an interior lot, the front lot line shall be that lot line which abuts the street right-of-way.

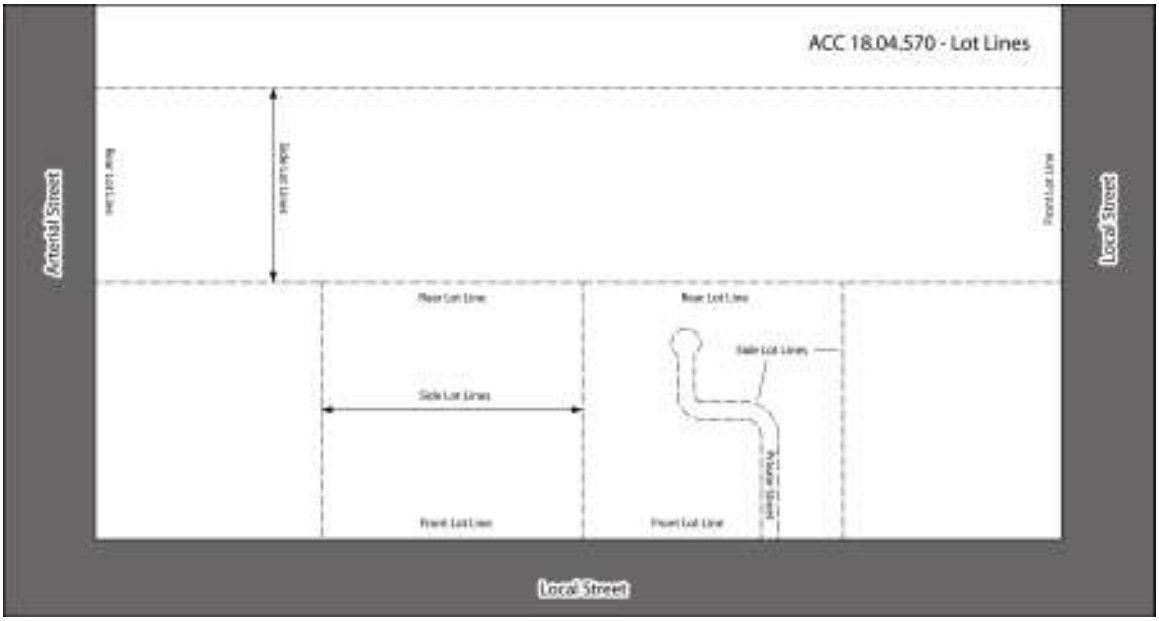
2. For a corner lot, the front lot line shall be that lot line which abuts a street right-of-way and bests conforms to the pattern of existing site development and/or the pattern of adjacent development, as determined by the planning director.

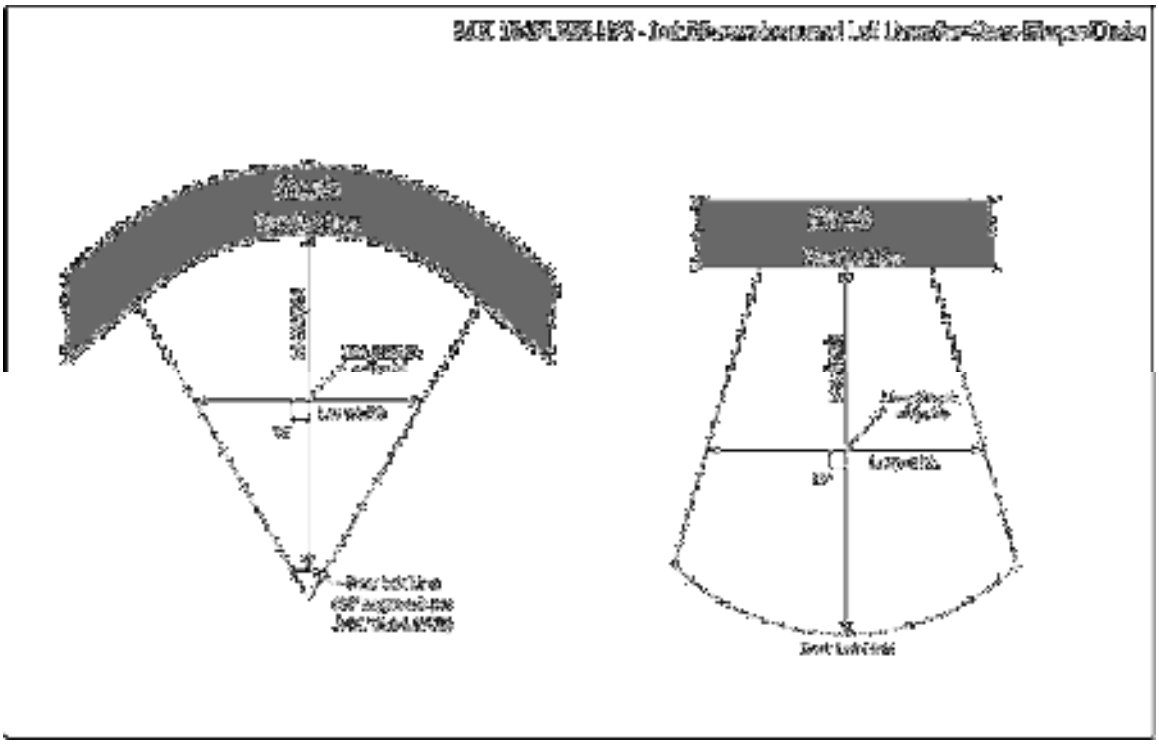
3. For a through lot, the front lot line shall be that lot line which abuts a nonarterial street or from which primary access is provided.

B. Rear lot line: the line opposite, most distant and most parallel with the front lot line. For a biangular or gore-shaped lot, a line 10 feet in length within the lot and farthest removed from the front lot line and at right angles to the line comprising the depth of the lot shall be used as the rear lot line.

C. Side lot line: all lot lines which do not qualify as a rear or front lot line.

D. Panhandle lot lines: for a panhandle lot, the lot lines shall be approved by the planning director. The lot lines shall be most consistent with the adjoining lot lines and shall take into consideration any unique physical characteristics of the property. (Ord. 6031 § 1, 2006; Ord. 4503 § 1, 1991; Ord. 4229 § 2, 1987).





18.04.580 Lot of record.

"Lot of record" ~~means a lot which~~ is ~~recorded~~defined in ~~the offices of King County or Pierce County and in conformance with this title and the land division ordinance~~ACC 17.04.220. (Ord. 5170 § 1, 1998; Ord. 4503 § 1, 1991; Ord. 4229 § 2, 1987.)

18.04.590 Lot types.

A. "Corner lot" means a lot situated at the intersection of two or more streets.

B. "Interior lot" means a lot that is neither a corner or through lot.

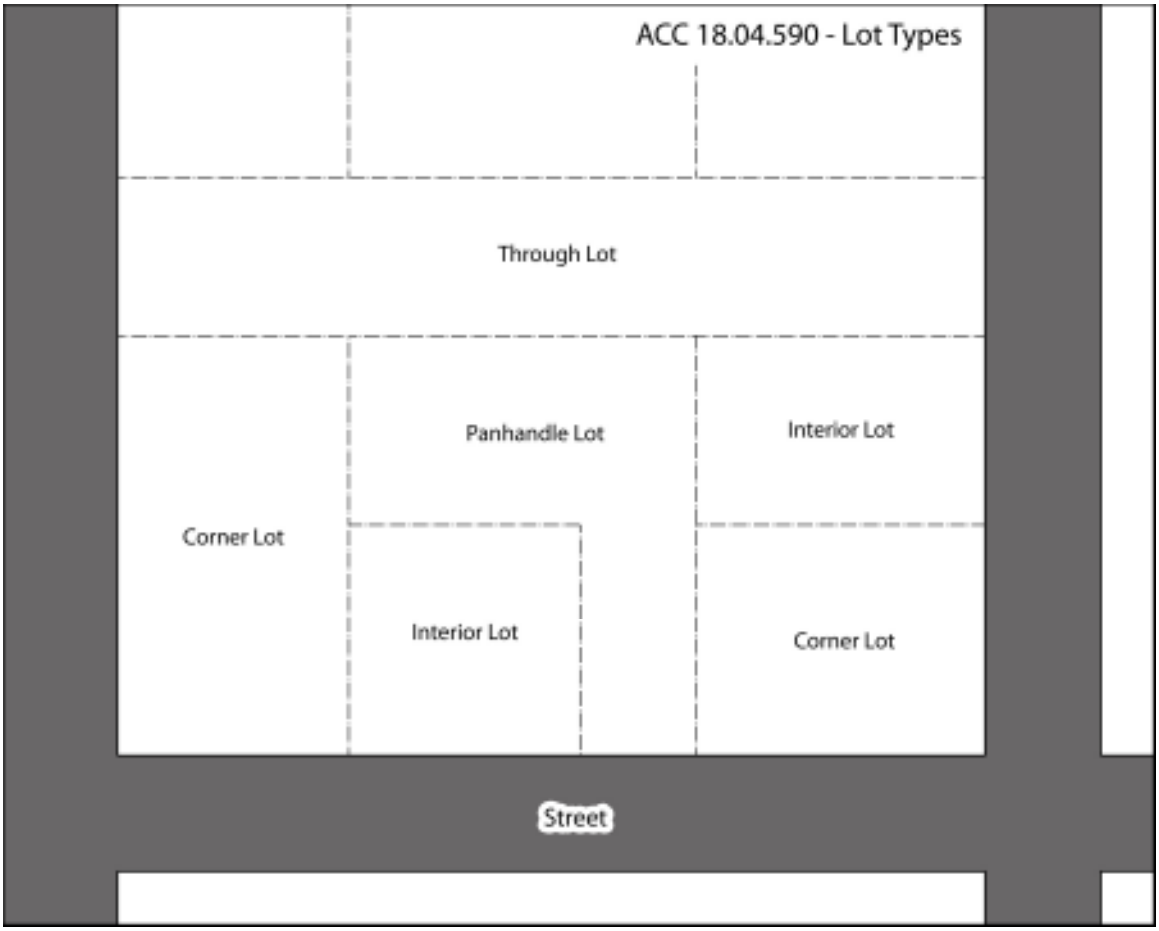
C. "Through lot" means a lot other than a corner lot, which abuts two streets.

D. "Panhandle lot" means a lot accessed, from the abutting street, by a narrow corridor of land within the same lot.

The area within the panhandle access shall not be included in any lot size calculation including lot area, lot width, lot depth or lot coverage.

No buildings shall be erected within the panhandle access.

See ACC ~~1848.130~~17.10.120 for development standards for panhandle lots. See Lot Types illustration below. (Ord. 5543 § 1, 2001; Ord. 4503 § 1, 1991; Ord. 4229 § 2, 1987.)



18.04.595 Low impact development.

"Low impact development" means a stormwater management and land development strategy that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrology. The goal is to prevent measurable harm to streams, lakes, wetlands, and other natural aquatic systems from commercial, residential or industrial development sites. (Ord. 6036 § 8, 2006.)

18.04.600 Manufactured home.

"Manufactured home" means a ~~one~~single-family dwelling which:

A. Is comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long;

B. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of nominal 3:12 pitch; and

C. Has exterior siding similar in appearance to siding materials commonly used on site-built ~~one~~single-family homes built in accordance with the International Building Code (IBC). (Ord. 6162 § 2, 2008; Ord. 4350 § 2, 1989; Ord. 4229 § 2, 1987.)

This definition does not include a mobile home as defined by ACC 18.04.630 or a recreational vehicle as defined by ACC 18.04.780. A manufactured home may be considered a single-family dwelling if sited per ACC 18.31.050.

18.04.610 Manufactured home ~~park~~community.

"Manufactured home ~~park~~community" means an area of not less than five acres designed to accommodate individual manufactured homes within the approved community boundaries. (Ord. 4229 § 2, 1987.)

18.04.620 Medical-dental clinic.

"Medical-dental clinic" means an establishment for treatment of outpatients, and providing no overnight care for patients. (Ord. 4229 § 2, 1987.)

18.04.630 Mobile home.

"Mobile home" means a factory-constructed residential unit with its own independent sanitary facilities, that is intended for year-round occupancy, and is composed of one or more major components which are mobile in that they can be supported by wheels attached to their own integral frame or structure and towed by an attachment to that frame or structure over the public highway under license or by special permit. This definition does not include a manufactured home as defined by ACC 18.04.600 or a recreational vehicle as defined by ACC 18.04.780. (Ord. 6162 § 3, 2008; Ord. 4350 § 2, 1989; Ord. 4229 § 2, 1987.)

18.04.640 Motel.

"Motel" or "motor hotel" means a group of buildings containing individual sleeping or living units, designed for use by automobile tourist or transients, with garage attached or parking space conveniently located to each unit. (Ord. 4229 § 2, 1987.)

18.04.641 Multi-modal transportation corridor.

"Multi-modal transportation corridor" refers to a transportation route that accommodates, and contains facilities for more than a single form, or mode, of transportation. Multi-modal corridors provide opportunities for travel by automobile, transit, and non-motorized transportation and include relevant infrastructure improvements, such as dedicated bicycle lanes, sidewalks, and transit stations and shelters.

18.04.642 Municipal park.

"Municipal park" is a parcel or tract of land provided by a unit of government to meet the active and/or passive recreational needs of people. This definition includes associated playgrounds and active recreation areas.

18.04.643 Museum.

"Museum" is a cultural facility established and used for the education and enjoyment of the public through exhibits and displays of historical, cultural, or other related subjects.

18.04.644 Neighborhood recreation buildings.

Facilities owned and managed by a neighborhood homeowners' association for recreational and community gatherings.

18.04.645 Neighborhood Services.

Neighborhood Services as listed herein are intended to include commercial establishments that provide goods and services that are considered to be basic to the needs of a local neighborhood, and the provision of which would typically be primarily within the local market area. For the purposes of Chapter 18.49 ACC, neighborhood services establishments include: Bakery and pastry shops, products made must be sold at retail on the premises; produce markets; retail grocery stores; delicatessens, restaurants or sandwich shops, limited to a seating area of 25 seats; hardware stores; retail banks or bank branches; pharmacies; daycare facilities; or other services subject to the approval of the planning director. See ACC 18.49.

18.04.648 Net Density.

"Net density" is a measure of the net site area as defined in ACC 18.02.065.

18.04.650 Nonconforming use.

"Nonconforming use" means a use which when commenced, complied with use regulations applicable at the time when such use was commenced, and which does not conform to the existing use regulations of the ~~district~~zone where the use is now being conducted or carried on. The term "nonconforming use" shall be applicable to use of buildings, structures, and land. This definition does not include those uses existing in the zone, prior to the adoption of this title, which would now require an administrative or conditional use permit to operate in the zone. Any expansion of the space, volume or area of the use would then require an administrative or conditional use permit as this title may require. (Ord. 4229 § 2, 1987.)

18.04.660 Nursing home.

"Nursing home," "rest home," "convalescent home," "guest home" and "home for the aged" means a home operated similarly to a boardinghouse but not restricted to any number of guests or guest rooms, the operator of which is licensed by the state or county to give special care and cure to his or her charges, and in which nursing, dietary and other personal services are furnished to convalescents, invalids and aged persons, and in which homes are performed no surgery, maternity or any other primary treatments such as customarily provided in hospitals, and in which no persons are kept or served who normally would be admitted to a mental hospital or to a group residence facility. This definition does not include group residence facilities as defined in this title. (Ord. 4304 § 1(5), 1988; Ord. 4229 § 2, 1987.)

18.04.670 Occupancy.

"Occupancy" means the purpose for which a building is used or intended to be used. The term shall also include the building or room housing such use. Change of occupancy is not intended to include change of tenants or proprietors. (Ord. 4229 § 2, 1987.)

18.04.672 Outdoor sales.

"Outdoor sales" means an open area used for the display, sale, or rental of goods and/or materials that are actively marketed and readily available for general public consumption. This does not include storage areas of materials that are sold elsewhere on the premises or junkyards as defined by ACC 18.04.500. (Ord. 4229 § 2, 1987.)

18.04.676 Outdoor storage.

"Outdoor storage" means the keeping of materials, supplies, equipment, machinery and vehicles which are not currently licensed or capable to operate on public streets or highways, in an open, uncovered yard or nonwalled buildings. This definition includes junkyards as defined by ACC 18.04.500, but excludes outdoor sales as defined by ACC 18.04.672. (Ord. 4229 § 2, 1987.)

18.04.678 Panoram or peepshow.

Repealed by Ord. 5835. (Ord. 4885 § 4, 1996.)

18.04.680 Parking area.

"Parking area" includes ~~the~~an off-street parking ~~space~~area together with driveways and the access to a public street. (Ord. 4229 § 2, 1987.)

18.04.690 Parking space or stall.

A “parking space” is any off-street space intended for the use of vehicular parking with ingress or egress to the space which is easily identifiable. (Ord. 4229 § 2, 1987.)

18.04.692 Parking structure.

“Parking structure” means a single or multi-level structure intended for the use of vehicular parking, as opposed to an uncovered surface parking lot. This definition includes both stand-alone parking garages and structured parking as incorporated into a building, the primary purpose of which is not parking (i.e., rooftop or basement parking areas).

18.04.696 Permitted use.

“Permitted use” is a land use that is allowed outright within a zone.

18.04.700 Person.

“Person” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them. (Ord. 4229 § 2, 1987.)

18.04.710 Personal service shop.

“Personal service shop” means premises devoted to hair styling, cutting or permanents, manicurists, custom tailoring, and similar related uses. (Ord. 4229 § 2, 1987.)

18.04.730 Planning commission.

“Planning commission” means that body created by Chapter 2.45 ACC. (Ord. 4229 § 2, 1987.)

18.04.740 Planning director.

“Planning director” means the ~~person designated by the mayor as the~~ director of the ~~city~~Auburn department of planning, building, and community, or ~~his designee~~its successor, unless otherwise specified. (Ord. 4229 § 2, 1987.)

18.04.744 Prerelease facility.

“Prerelease facility” has the same meaning as “work release facility” for the purposes of this title. See ACC 18.04.914. (Ord. 4590 § 3 (Exh. B), 1992.)

18.04.746 Private country clubs and golf courses, excluding driving ranges.

An area designed and used for playing golf, including all accessory uses incidental to the operation of the facility. This definition may include private

country club, or golf courses open to the general public. This definition excludes other outdoor recreational facilities such as driving ranges, municipal parks, or commercial horse riding and bridle trails.

18.04.748 Privately owned and operated Parks and Playgrounds.

"Privately owned and operated parks and playground" is a parcel or tract of land provided by a private entity to meet the active and/or passive recreational needs of people. This definition includes associated playgrounds and active recreation areas. This use excludes municipal park.

18.04.750 Professional offices.

"Professional offices" means offices maintained and used as places of business conducted by persons engaged in health services for human beings, such as doctors and dentists, and by engineers, attorneys, realtors, architects, accountants, clerical, and other recognized general office and medical occupations. (Ord. 4229 § 2, 1987.)

18.04.752 Prohibited use.

"Prohibited use" means any use which is not specifically enumerated or interpreted by the City as allowable in that zone. Any use not specifically listed as a permitted, conditional, or accessory use is prohibited, except those determined to be unclassified and permitted by the Planning Director pursuant to ACC 18.02.120(C)(6). Any prohibited use is illegal.

18.04.754 Public Art.

"Public art" refers to works of art, regardless of medium, that are primarily designed for, and presented in, the public domain, including work displayed in common areas of publicly accessible buildings.

18.04.756 Public Recreational Amenity.

"Public recreational amenity" is any recreational facility that is incorporated into a development for public use including but not limited to children's playgrounds, tennis, basketball, or other sport court or field.

18.04.760 Public use.

"Public use" means a use operated exclusively by a public body, such use having the purpose of serving the public health, safety, or general welfare, and including uses such as public schools, parks, playgrounds, and administrative and service facilities. (Ord. 4229 § 2, 1987.)

18.04.770 Quasi-public use.

"Quasi-public use" means a use operated by a private nonprofit educational, religious, recreational, charitable, or medical institution having the purpose primarily of serving the general public, and including uses such as churches, private schools, and universities, community, youth and senior citizen recreational facilities, private hospitals, and the like. (Ord. 4229 § 2, 1987.)

18.04.780 Recreational vehicle, camping trailer, travel trailer, motor home and truck camper.

"Recreational vehicle," "camping trailer," "travel trailer," "motor home" and "truck camper" mean vehicular-type units primarily designed as temporary living quarters for recreational, camping or travel use, with or without motive power, being of such size or weight as not to require a special highway movement permit and is licensed by the state as a recreational vehicle. (Ord. 4350 § 2, 1989; Ord. 4229 § 2, 1987.)

18.04.790 Recreational vehicle park.

"Recreational vehicle park" means a parcel of land designed and improved to accommodate two or more recreational vehicles on a temporary basis. Spaces are typically rented for overnight use, not to exceed 120 days. (Ord. 4229 § 2, 1987.)

18.04.792 Religious institution.

"Religious institution" means an establishment that provides religious worship, religious services or religious ceremonies as its principal use with the sanctuary or principal place of worship contained within a principal building. Incidental and accessory uses that include ~~Sunday~~chapels or subordinate places of worship, school rooms, daycare, classrooms, kitchen, library room or reading room, recreation hall or offices are permitted in the principal building or in separate buildings. Caretaker's quarters or living quarters for employees are also permissible~~. Unless allowed under a valid temporary use permit issued pursuant to ACC 18.46.090, the~~ as an accessory use. The following incidental and accessory uses to a religious institution are not permitted unless allowed under a valid temporary use permit issued pursuant to ACC 18.46.090: (A) facilities for training of religious orders; (B) nonemployee rooms for rent, boarding rooms or similar facilities; or (C) public showers or other public health services. (Ord. 6014 § 1, 2006; Ord. 5550 § 1, 2001.)

18.04.794 Renting of Rooms.

"Renting of Rooms" is the provision of rooms for lodging purposes to not more than two persons in addition to the family who lives in the residence.

18.04.800 Residence.

"Residence" means a building or structure, or portion thereof, which is designed for and used to provide a place of abode for human beings, but not including hotels or motel units having no kitchens. The term "residence" includes the term "residential" as referring to the type of, or intended use of a building or a structure. (Ord. 4229 § 2, 1987.)

18.04.~~805~~804 Restaurant, full-service.

"Full-service restaurant" means a public eating place that is used, maintained, advertised and held out to the public as a place that has a full dinner and/or lunch menu serving full course meals, daily prepared in its own kitchen, that are typically served at a table or counter. Food prepared to go or for take-out is allowed as an accessory use as long as the same menu and kitchen is used as for the full-service restaurant. This definition excludes fast food, drive-in types of restaurants, which have characteristics including but not limited to a drive-through window, counter-only service and no waiters or waitresses.

A full-service restaurant may serve alcoholic beverages that are incidental and complimentary to the serving of ~~the~~ food. A full-service restaurant may ~~have~~contain a ~~separate~~ lounge where the primary function is the sale, serving and consumption of alcoholic beverages~~. However,~~, but the size of ~~the~~ this lounge ~~can~~may not exceed 30 percent of the total gross floor area of the ~~restaurant and lounge combined~~establishment. Any eating place that serves alcoholic beverages and does not meet the requirements of this definition will be considered a tavern as defined by ACC 18.04.895. (Ord. 5382 § 1, 2000.)

18.04.805 Right-of-way.

"Right-of-way" is property in which the city has any form of ownership or title and which is held for public purposes as provided for under Title 12 ACC and the City design and construction standards.

18.04.806 Schools, elementary, and middle/junior high.

"Schools, elementary, and middle/junior high" are institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades kindergarten through nine, including associated meeting rooms, auditoriums and athletic facilities.

18.04.807 Schools, secondary or high school.

"Schools, secondary or high school" are institutions of learning offering instruction in the several branches of learning and study required by the Education Code of the State of Washington in grades nine through twelve, including associated meeting rooms, auditoriums and athletic facilities.

18.04.808 Secure community transition facility.

"Secure community transition facility" means a residential facility for persons civilly committed under Chapter 71.09 RCW, Sexually Violent Predators, who are conditionally released under said chapter to a less restrictive alternative (to total confinement or imprisonment). A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to RCW 71.09.250 and any community-based facilities established under this chapter and operated by or under contract with the Washington State Department of Social and Health Services. (Ord. 5690 § 3, 2002.)

18.04.809 Senior Housing.

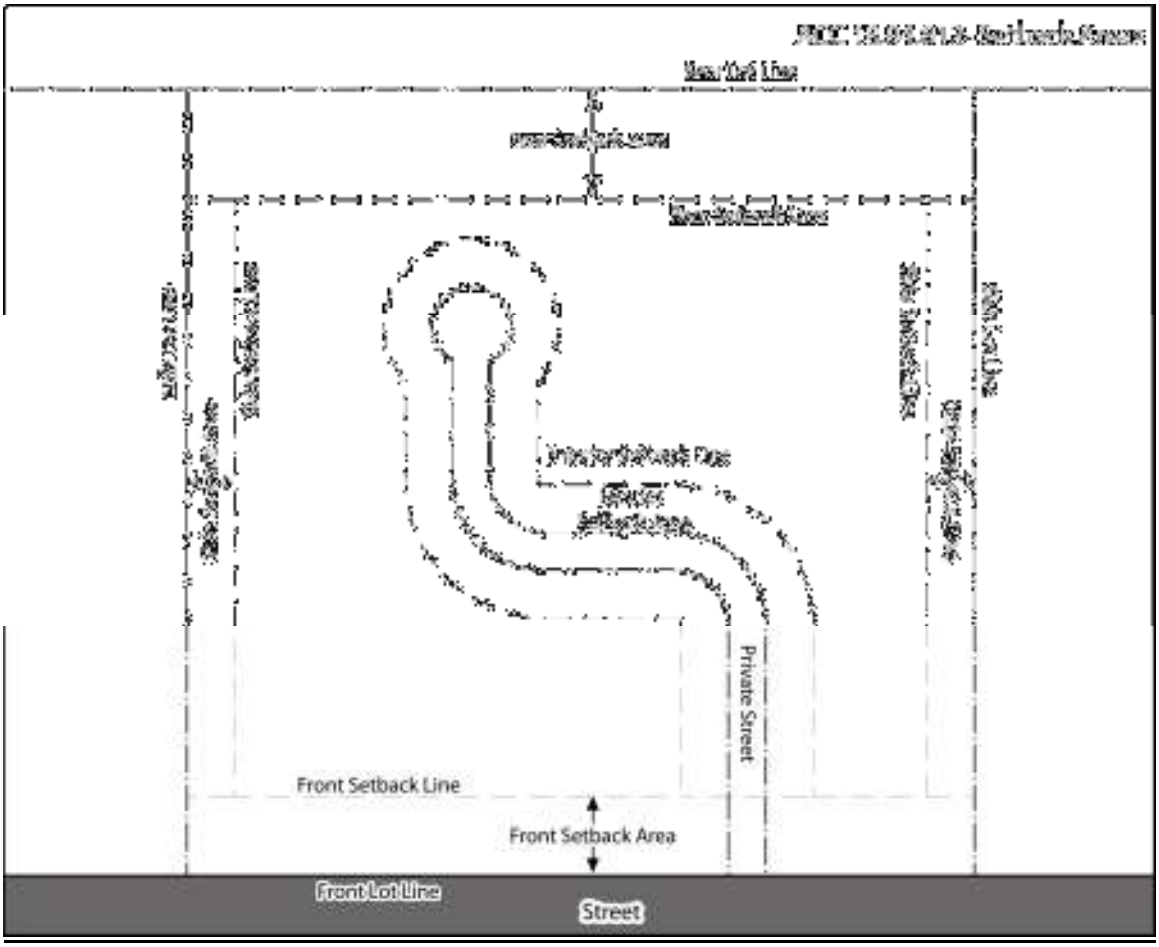
"Senior housing" refers to housing stock, whether rental or occupant-owned, that specifically caters to residents aged 55 years and older, either through age requirements or through the provision of specialized care, such as nursing or dietary and personal care. This definition shall include, at a minimum, all facilities that qualify as "housing for older persons" under the Fair Housing Act.

18.04.810 Setback.

"Setback" means the distance between a lot line and the corresponding parallel setback line.

18.04.811 Setback Area.

"Setback area" means that area of a lot bounded on opposite sides by a lot line and the corresponding setback line that is unoccupied and unobstructed from the ground upward unless specifically permitted in this title. See Setback area illustrations below.



18.04.812 Setback, Front.

"Setback, front" or "Front setback" means the distance between a front lot line and the corresponding parallel setback line.

18.04.813 Setback, Rear.

"Setback, rear" or "Rear setback" means the distance between a rear lot line and the corresponding parallel setback line.

18.04.814 Setback, Side.

"Setback, side" or "Side setback" means the distance between a side lot line and the corresponding parallel setback line.

18.04.815 Setback Line.

Setback line means a line which defines a setback as required by this title, which is parallel to but other than a lot line, between which no buildings, structure, or portion thereof shall be permitted, erected, constructed, or placed unless specifically permitted by this title.

18.04.818 Shopping center.

"Shopping center" means a series of unified commercial establishments which provide retail, business, entertainment or professional services, share the same parking facilities and contain in excess of 100,000 square feet of gross floor area. (Ord. 4229 § 2, 1987.)

18.04.820 Sign.

"Sign" means any visual communication device, structure, or fixture which is visible from any right-of-way intended to aid the business establishment in question in promoting the sale of a product, goods or service using graphics symbols or written copy. It shall be restricted solely to graphics, symbols or written copy that is meant to be used in the aforementioned way. (Ord. 4229 § 2, 1987.)

18.04.821 Site.

"Site" is an area comprised of one or more legally created lots or parcels used for a development proposal in order to calculate compliance with the standards and regulations of this title.

18.04.822 Site area.

"Site area" is the total horizontal area of a project site.

18.04.824 Social and service organizations.

"Social and service organizations" refers to incorporated or unincorporated nongovernmental or private association of persons organized for social, education, literary or charitable purposes. This definition also includes community meeting halls, philanthropic institutions, private clubs, fraternal or nonprofit organizations, and social service organizations. This definition excludes religious institutions and government facilities.

18.04.825 Solid waste.

"Solid waste" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. (Ord. 4262 § 1, 1988. Formerly 18.04.023.)

18.04.826 Solid waste processing facility.

"Solid waste processing facility" means the management, collection, transportation, temporary storage, treatment, utilization, and processing of solid wastes by means of pyrolysis, refuse-derived fuel, or mass incineration within an enclosed structure. These processes may include source separation and recovery of recyclable materials from solid wastes, the recovery of energy

resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof. This definition refers to citywide or regional scale operations and does not include solid waste handling which is accessory to an individual principal use. (Ord. 4262 § 1, 1988. Formerly 18.04.025.)

18.04.828 Sponsoring agency.

"Sponsoring agency" means an organization that joins in an application with a host agency for a temporary use permit and assumes responsibility for providing basic services and support to homeless encampment residents, such as hot meals, coordination of other needed donations and services, etc. (Ord. 6014 § 4, 2006.)

18.04.830 Specified anatomical areas.

Repealed by Ord. 5835. (Ord. 4229 § 2, 1987.)

18.04.835 Special Needs Housing.

"Special needs housing" is housing that meets the definition of nursing home, group home, or other housing that meets the needs of special populations that need assistance or special accommodation in housing. See ACC 18.49.

18.04.840 Specified sexual activities.

Repealed by Ord. 5835. (Ord. 4229 § 2, 1987.)

18.04.850 ~~Spot zoning.~~

Reserved.~~"Spot zoning" means zoning a relatively small area differently from the zoning of the surrounding area, usually for an incompatible use not consistent with the comprehensive plan. (Ord. 4229 § 2, 1987.)~~

18.04.860 Story.

"Story" means that portion of a building, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade as defined in this chapter for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined in this chapter at any point, such usable or unused underfloor space shall be considered as a story. (Ord. 4229 § 2, 1987.)

18.04.870 Street, private.

"Private street" means any ~~easement, tract or~~ street which is not a public street. For the purposes of this title a private street will be considered as being public

streets for determining setback provisions, only. Driveways which are not part of an easement, tract, alley or street shall not be considered a street. (Ord. 4229 § 2, 1987.)

18.04.880 Street, public.

"Public street" ~~means and includes all streets, highways, freeways, avenues, lanes, alleys, courts, places or other public ways~~is defined in ~~the city, whether improved or unimproved, held in public ownership and intended to be open as a matter of right to public vehicular travel.~~ ACC 17.04.370.(Ord. 4304 § 1(6), 1988; Ord. 4229 § 2, 1987.)

18.04.890 Structure.

"Structure" is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, except benches, statuary, planter boxes less than 42 inches in height, and fences 72 inches or under in height, or paved areas. (Ord. 4229 § 2, 1987.)

18.04.891 Supportive housing.

"Supportive housing" means a multiple-family dwelling owned or sponsored by a nonprofit corporation or government entity, designed for occupancy by individual adults that are either (A) homeless or at risk of homelessness; (B) are experiencing a disability that presents barriers to employment and housing stability; or (C) generally require structured supportive services to be successful living in the community; is permitted at a greater unit density than otherwise allowed within a particular zone; and is intended to provide long-term, rather than transitional, housing. Long-term housing is approximately longer than two years, whereas transitional housing is no more than ~~18 months~~two years. (Ord. 6167 § 1, 2008.)

18.04.892 Sustainable design.

"Sustainable design" means design in which the impact of a building on the environment will be minimal over the lifetime of that building. Structures should incorporate the principles of energy and resource efficiency, practical applications of waste reduction and pollution prevention, good indoor air quality and natural light to promote occupant health and productivity, and transportation efficiency in design and construction, during use and reuse. (Ord. 6036 § 9, 2006.)

18.04.895 Tavern.

"Tavern" means an establishment operated primarily for the sale of wine, beer or other alcoholic beverage that may or may not include the service of food as an accessory use. (Ord. 5382 § 1, 2000.)

18.04.896 Transmitting Tower.

"Transmitting tower" means any free-standing structure whose primary purpose is the transmission and/or reception of radio signals for personal or hobby purposes.

18.04.897 Unclassified use.

"Unclassified use" means a land use which does not appear in a list of permitted, conditionally permitted, or accessory uses, but which is interpreted by the Planning Director as similar to a listed permitted, conditionally permitted or accessory use, and not otherwise prohibited, pursuant to ACC 18.02.120.

18.04.900 Use.

"Use" means an activity or purpose for which land or premises or a building thereon is designed, arranged, intended, or for which it is occupied or maintained, let or leased. (Ord. 4229 § 2, 1987.)

18.04.901 Utility facilities and substations.

"Utility facilities and substation" is any utility facility or substation that is not included in ACC 18.02.040E

18.04.910 Variance.

"Variance" means an adjustment in the application of the specific regulations of this title to a particular piece of property. (Ord. 4229 § 2, 1987.)

18.04.912 Wireless communications.

"Wireless communications" means the provision of any personal wireless service, as defined in the Telecommunications Act of 1996, and for the purposes of this title includes the following terms:

A. "Antenna" means a device used in wireless communications which transmits and/or receives radio signals. Antennas include the following types:

   1. Accessory: Antennas including, but not limited to, test mobile antennas and Global Positioning System (GPS) antennas which are less than 12 inches in height or width and do not directly provide personal wireless communication.

2. Directional or panel: An antenna or array of antennas designed to transmit a radio signal in a particular direction typically encompassing an arc of 120 degrees. Panel antennas, also called directional antennas, are typically flat, rectangular devices approximately six square feet in size.

3. Dish or parabolic: A bowl-shaped device for the reception and/or transmission of radio frequency communications signals in a specific directional pattern.

4. Whip, rod or omni-directional antenna: An antenna, tubular in shape, that transmits and receives signals throughout a 360-degree range.

5. Other: All other transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna defined herein which most closely resembles such equipment.

B. "Antenna array" means one or more rods, panels, discs or similar devices attached to a support structure used for the transmission or reception of radio frequency signals.

C. "Attached wireless communications facility (WCF)" means an antenna array which is attached to an existing building or structure.

D. "Carrier" means a company providing wireless communication services, also referred to as a provider.

E. "Co-location" means the use of a common WCF or site by two or more wireless license holders, or by one wireless license holder for more than one type of communications technology.

F. "Equipment facility" means a structure used to contain ancillary equipment for a WCF which may include cabinets, shelters, an addition to an existing structure, pedestals and other similar structures.

G. G. "Microcells" are typically located in and exclusively benefit residential neighborhoods. Microcells consist of an antenna that is either: (a) a dish or parabolic antenna that is no more than four feet in height and with an area of not more than 580 square inches; or (b) a tubular antenna that is no more than four inches in diameter and no more than six feet in height; or (c) one or more panel antenna that is no more than six feet in height, and its width or depth is no more than six inches and the aggregate area of such panel antenna(s) would not exceed 580 square inches that would be visible from any one viewpoint; or (d) similar antennas that are of comparable size and shape. ~~Panel antennas shall be incorporated into the design of the existing structure using painting, flush mounting or other concealment methods.~~

~~H. The equipment cabinets and other ground support equipment shall be located in an area that is no larger than 16 square feet. The height of the equipment shall be no more than four feet. The equipment shall be designed to be compatible with the residential neighborhood and shall provide landscaping or fencing or a combination of these or similar features.~~

~~I. There shall be a 300-foot separation between any microcells.~~

~~J. The antennas must be located on light poles, power poles or similar public utility poles that are either owned/operated by the city of Auburn or owned/operated by an utility provider operating with an appropriate franchise. Other similar utility poles may be used if approved by the city engineer. The equipment cabinets may either be located within the street right-of-way in areas typically set aside for utilities such as power and cable TV or on private property.~~

~~K. Anyone wishing to establish a microcell shall make application to the city engineer upon application forms provided by the city engineer. The city engineer shall review each application and may be empowered to approve, deny or modify the proposal~~

H. "Separation" means minimum distance required between primary support structures.

I. "Support structure" means the structure to which antenna and other necessary associated hardware are attached. Support structures include but are not limited to the following:

1. Lattice tower: A structure of varying height that consists of a network of crossed metal braces forming a tower which is usually triangular or square in cross section. To be considered a primary support structure.

2. Monopole: A structure of varying height consisting of a single spire sunk into the ground and/or attached to a foundation. To be considered a primary support structure.

3. Other structures: This may include existing buildings, water towers, athletic field light poles, or other similar structures. To be considered a secondary support structure.

J. "Wireless communications facility (WCF)" means any nonstaffed facility for the transmission and/or reception of wireless telecommunications services, typically consisting of an antenna array, an equipment facility and/or a support structure.

For the purposes of determining in which ~~zoning districts~~ zones wireless communications facilities are to be permitted, they will be classified pursuant to the following types. Refer to the table in ACC 18.~~48~~31.100(K) to determine which zones allow for the following types of facilities:

TYPE 1. Type 1 are new antennas erected on existing buildings or nonresidential structures.

There are four separate Type 1 categories described as follows:

1-A. The combined height of the antenna together with the height of the existing building cannot be 25 percent greater than the existing building or exceed the height limitation of the ~~zoning district~~zone in which the building is located.

1-B. The combined height of the antenna together with the height of the existing building cannot be 50 percent greater than the existing building or exceed the height limitation of the ~~zoning district~~zone in which the building is located.

1-C. The combined height of the antenna together with the height of the existing building is 50 percent greater than the existing building or exceeds the height limitation of the ~~zoning district~~zone in which the building is located. The height limitation of the ~~zoning district~~zone can only be exceeded by 25 percent.

1-D. Antenna located on existing water towers, athletic field light poles, or similar public utility infrastructure not located within public street right-of-way. The height limitation of the WCF will be 10 percent of the existing structure height, but may be increased to a maximum of 20 percent with an administrative use permit and may be increased to a maximum of 30 percent with a conditional use permit. The height limitation of the ~~zoning district~~zone may be exceeded relative to the above provisions allowed for a 1-D facility.

TYPE 2. Type 2 are new antennas erected on existing (primary) support structures that have previous city approvals. There are two separate Type 2 categories described as follows:

2-A. Must meet height requirements of previous approval and is limited to 50 percent total (cumulative) expansion of equipment area.

2-B. Has greater height requirements than previous approval and allows for more than a 50 percent expansion of the equipment area.

TYPE 3. Type 3 is the erection of new (primary) support structures. There are two separate Type 3 categories described as follows:

3-A. Monopoles that are 75 feet or less in height.

3-B. Monopoles that are more than 75 feet in height or lattice towers of any height. (Ord. 5777 § 1, 2003; Ord. 5645 § 1, 2002; Ord. 5020 § 1, 1997.)

18.04.914 Work release facility.

"Work release facility" means a residential alternative to imprisonment, including work/training release and prerelease programs which are under the supervision of a court, federal, state or local agency. This definition excludes at-home electronic surveillance. (Ord. 4590 § 4 (Exh. C), 1992.)

18.04.920 Yard.

"Yard" ~~means an open space, other than a court on a lot, unoccupied and obstructed from the ground upward unless specifically otherwise permitted in this title. When applicable, yards shall be measured from the street right-of-way whether improved or not. (Ord. 4229 § 2, 1987.)~~See ACC 18.04.812, Setback Area.

18.04.930 Yard, front.

"Front yard" ~~means an open space extending the full width of the lot, between a building and the~~See ACC 18,04.814, Setback, front ~~lot line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this title.~~ (Ord. 4229 § 2, 1987.)

18.04.940 Yard, rear.

"Rear yard" ~~means an open space on the same line with the building between the~~See ACC 18.04.816, Setback, rear ~~line of the building and the rear line of the lot including the full width of the lot to its side lines.~~ (Ord. 4229 § 2, 1987.)

18.04.950 Yard, side.

"Side yard" ~~means an open space on the same lot with the building between the~~See ACC 18.04.818, Setback, side ~~wall line of the building and the side line of the lot and extending from front yard to rear yard. No portion of a structure shall project into any side yard unless permitted elsewhere in this title~~. (Ord. 4229 § 2, 1987.)

18.04.960 Zone.

"Zone" means an area accurately defined as to boundaries and location on an official map to which a uniform set of regulations applies controlling the types and ~~within such area only certain types~~ intensities of land uses ~~are permitted, and other types of land uses are excluded~~, as set forth in this title. (Ord. 4229 § 2, 1987.)

Section 4. **Repeal of chapter of City Code.** That Chapter 18.06, Districts and Maps, of the Auburn City Code be and the same hereby is repealed.

Section 5. **Adoption of new chapter of City Code.** That a new Chapter 18.07, Residential Zones, of the Auburn City Code be and the same hereby is adopted to read as follows:

Chapter 18.07
Residential Zones
Sections:

18.07.010 Residential Zones Intent.
18.07.020 Residential Zone Uses.
18.07.030 Residential Zones Development Standards.

18.07.010 Residential Zones Intent.

A. General.

This section describes the intent for each of the City's residential zones. These intent statements may be used to guide the interpretation of the regulations associated with each zone.

B. (RC) Residential Conservancy Zone - 1 dwelling unit per 4 acres.

The RC - Residential Conservancy zone is intended primarily to provide for low-intensity single-family residential uses with characteristics of an agricultural environment; provided, that the agricultural uses are secondary to the single-family uses. These areas allow for a lifestyle similar to that of rural areas that includes allowance of farm animals and streets without sidewalks. This zone is intended to protect areas with significant environmental constraints or values from impacts typically associated with urban levels of development while allowing low-intensity development designed to minimize impacts on the natural environmental features designated for conservation.

Public improvements required within the R-C zone will be less than is normally required for the higher intensity residential zones within the city.

This zone shall only be applied in areas designated as Residential Conservancy on the comprehensive plan. This zone shall allow 1 dwelling unit per 4 acres minimum lot area. (Ord. 4229 § 2, 1987.)

C. R-1 Residential Zone - 1 dwelling unit per acre.

The intent of the R-1 residential zone is to provide areas for estate-type residential development on large lots. This zone would normally be located in the areas particularly suited for such development.

Appropriate development standards required of other urban areas shall be required to serve this zone.

D. R-5 Residential Zone - 5 dwelling units per acre.

The R-5 single-family residential zones are intended to create a living environment of optimum standards for single-family dwellings. It is further intended to achieve development densities of 4-5 dwelling units per net acre. This zone will provide for the development of single-family detached dwellings, and for such accessory uses as are related, incidental and not detrimental to the single-family residential environment.

E. R-7 Residential Zone - 7 dwelling units per acre.

The R-7 single-family residential zones are intended to create a living environment of optimum standards for single-family dwellings. It is further intended to achieve development densities of 5-7 dwelling units per net acre. This zone will provide for the development of single-family detached dwellings, and for such accessory uses as are related, incidental and not detrimental to the residential environment.

F. R-10 Residential Zone - 10 dwelling units per acre

The R-10 residential zones are intended to permit some increase in population density in those areas to which this classification applies by permitting single-family dwellings and duplexes on a minimum size lot while at the same time, by means of the standards and requirements set forth in this chapter, maintaining a desirable family living environment by establishing minimum lot areas, yards and open spaces. A related consideration is to provide a transition between single-family areas and other intensive designations or activities which reduce the suitability for single-family uses.

G. R-16 Residential Zone – 16 dwelling units per acre.

The R-16 zone is intended to provide for medium density multiple family residential development as designated in the comprehensive plan, and is further intended as a residential zone of single, duplex and multiple-family residences, except as specifically provided elsewhere in this chapter.

H. R-20 Residential Zone – 20 dwelling units per acre.

The R-20 zone is intended to provide for multiple-family residential development and is further intended as a residential zone primarily of multiple-family residences, except as specifically provided elsewhere in this chapter. A related consideration is to make it possible to more efficiently and economically design and install all physical public service facilities in terms of size and capacity to adequately and permanently meet needs resulting from a defined intensity of land use.

18.07.020 RESIDENTIAL ZONE USES.

Permitted Use Table–Residential Zoning Designations

P = Permitted C = Conditional Use X = Not Permitted

Land Uses	Zoning Designations						
	R-C	R-1	R-5	R-7	R-10	R-16	R-20
18.07.020A - Residential Uses							
Accessory dwelling units	P	P	P	P	X[1]	X[1]	X[1]
Accessory use, residential	P	P	P	P	P	P	P
Adult Family Home	P	P	P	P	P	P	P
Bed & Breakfast	P	P	P	P	P	P	P
Boardinghouses (with three or more boarders)	X	X	X	X	C	C	C
Duplexes, provided that minimum lot size of zoning designation is met and subject to compliance with Chapter 18.25 (Infill Residential Standards)	X	X	C	P	P	P	X
Foster care homes	C	C	C	C	C	C	C
Group residence facilities (7 or more residents)	X	X	X	X	C	C	C
Group residence facilities (6 or fewer residents)	P	P	P	P	P	P	P
Keeping household pets.	P[2]	P[3]	P[3]	P[3]	P[3]	P[3]	P[3]
Multiple-family dwellings	X	X	X	X	C	P	P
Neighborhood recreational buildings and facilities owned and managed by the neighborhood homeowners' association	C	C	C	C	C	P	P
Renting of rooms, for lodging purposes only, to accommodate not more than two persons in	P	P	P	P	P	P	P

[1] An accessory dwelling unit may be permitted with an existing single-family residence pursuant to ACC 18.31.120

[2] No more than 6 pets allowed in the RC zone. This limit shall not include birds, fish or suckling young of pets

[3] No more than 4 pets allowed in the R1 – R20 zones. This limit shall not include birds, fish or suckling young of pets

Land Uses	Zoning Designations						
	R-C	R-1	R-5	R-7	R-10	R-16	R-20
addition to the immediate family							
Residential care facilities including but not limited to assisted living facilities, convalescent homes, continuing care retirement facilities	P	P	X	X	C	P	P
Single-family detached dwellings, new	P	P	P	P	P	P	X
Supportive housing, subject to the provisions of ACC 18.31.160	X	X	X	X	X	P	P
Swimming pools, tennis courts and similar outdoor recreation uses only accessory to residential or park uses	P	P	P	P	P	P	P
Townhouses (attached)	X	X	X	X	P	P	P
18.07.020B - Commercial Uses							
Commercial horse riding and bridle trails	C	X	X	X	X	X	X
Commercial retail, included as part of mixed use development and not a home occupation in compliance with Chapter 18.60 of Auburn City Code	X	X	X	X	C	C	C
Daycare limited to a mini daycare center. Daycare center, preschool or nursery schools may also be permitted but must be located on an arterial	X	C	C	C	C	C	C
Home based day care as regulated by RCW 35.63.185 and through receipt of approved City business license	P	P	P	P	P	P	P
Home occupations subject to compliance with Chapter 18.60 of Auburn City Code	P	P	P	P	P	P	P
Mixed Use Development[4]	X	X	X	X	C	P	P
Nursing homes	X	X	X	X	C	C	C
Private country clubs and golf courses, excluding driving ranges	X	X	C	C	X	X	X
Privately owned and operated parks and playgrounds and not Home Owner Association-owned recreational area	X	C	C	C	C	P	P
Professional offices, included as part of mixed use development and not a home occupation in	X	X	X	X	C	C	C

[4] Individual uses that make up a Mixed Use Development must be permitted within the zone. If a use making up part of a mixed-use development requires a conditional use permit, but mixed-use is Permitted, the individual use must apply for an receive a conditional use approval.

Land Uses	Zoning Designations						
	R-C	R-1	R-5	R-7	R-10	R-16	R-20
compliance with Chapter 18.60 of Auburn City Code							
18.07.020C - Resource Uses							
Agricultural type uses are permitted provided they are incidental and secondary to the single-family use:							
Agricultural crops and open field growing (commercial)	P	X	X	X	X	X	X
Barns, silos and related structures	P	X	X	X	X	X	X
Greenhouses	P	X	X	X	X	X	X
Keeping of livestock (excluding goats and swine), fowl and rabbits; provided, that there shall not be more than one horse, cow, donkey or other large animal, or four small animals such as sheep, or 12 poultry, rabbits, or similar size animals per each acre of enclosed usable pasture or roaming area. This acreage requirement is in addition to the minimum lot size requirements of the zone[5]	P	P	X	X	X	X	X
Pasturing and grazing	P	X	X	X	X	X	X
Public and private stables	P	X	X	X	X	X	X
Roadside stands, for the sale of agricultural products raised on the premises. The stand cannot exceed 300 square feet in area and must meet the applicable setback requirements	P	X	X	X	X	X	X
Fish hatcheries	C	X	X	X	X	X	X
18.07.020D - Government, Institutional, and Utility Uses							
Civic, social and fraternal clubs	X	X	X	X	C	C	C
Government facilities	X	C	C	C	C	C	C

[5] Proximity of pasture or livestock roaming area to wells, surface waters, and aquifer recharge zones is regulated by the King or Pierce County Board of Health, and property owners shall comply with the provisions of the King County Board of Health Code.

Land Uses	Zoning Designations						
	R-C	R-1	R-5	R-7	R-10	R-16	R-20
Hospitals (except animal hospitals)	X	X	X	X	X	X	C
Municipal parks and playgrounds	C	P	P	P	P	P	P
Museums	X	X	X	X	C	C	C
Religious institutions	C	C	C	C	C	C	C
Transmitting towers	C	C	C	C	C	C	C
Type 1-D Wireless Communication Facility (see ACC 18.04.912J)	P	P	P	P	P	P	P
Utility facilities and substations	C[6]	C[6]	C[6]	C[6]	C[6]	C[6]	C[6]

18.07.030 RESIDENTIAL ZONE DEVELOPMENT STANDARDS

[6] Excludes all public and private utility facilities addressed under ACC 18.02.040E.

	Standard	RC	R-1	R-5	R-7	R-10	R-16	R-20
A	Base density (units per net acre)	0.25	1	5	7	10	16	20
B	Minimum density (units per net acre)[7]	0.25	1	4	5	8	12	15
C	Minimum average lot area per dwelling unit (square feet)	174,240	35,000	8,000	6,000	4,300	2,700	2,175
D	Minimum lot area per dwelling unit (square feet)	174,240	35,000	6,000	4,300	2,000	2,000	2,000
E	Minimum lot width (feet)[8]	125	125	50	40	20 for interior lots, 35 for exterior lots	20 for interior lots; 35 for exterior lots	20 for interior lots; 35 for exterior lots
F	Minimum setbacks (feet)[8] [9]							
1	Residence front setback [9]	35	35	10	10	10	10	10
2	Garage (minimum front setback required from street access) [9]	20	20	20	20	20	20	20 unless alley-loaded then 15 provided there is 20 feet from any garage.
3	Setback to any property line for barns, stables, coops, or similar structures for enclosure of animals	75	X	X	X	X	X	X
4	Setback to any property line for any corral, exercise	35	X	X	X	X	X	X

[7] For purposes of calculating minimum density, critical area buffers are not included in net site area. See ACC 18.02.065 for calculation of net acreage for minimum density.

[8] All minimum lot widths, setbacks, and landscaping strips are subject to demonstration to the satisfaction of the City Engineer that all required utility infrastructure, access requirements, and street elements can be accommodated in accordance with the design and construction standards.

[9] In addition to meeting setback requirements, all structures must meet sight distance requirements in accordance with City Design and Construction Standards.

	Standard	RC	R-1	R-5	R-7	R-10	R-16	R-20
	yard, or arena							
5	Interior Side setback	20	10	5	5	5	5	5
6	Street side setback[9]	35	20	10	10	10	10	10
7	Rear setback [9]	35	35	20	20	20	20	20
8	Rear setback, detached structure In all zones, 20 ft for structure with vehicular entrance oriented toward street or public alley[9]	15	15	10	5	5	5	5
G	Maximum lot coverage (%)	25	35	40	50	60	70	70
H	Maximum Impervious Area (%)	25	50	65	75	N/A	N/A	N/A
I	Maximum building height (feet)	35	35	35	35	45	45	50
J	Maximum height of accessory buildings and structures	35[10]	35	16	16	16	NA	NA
K	Minimum front setback area landscape strip (feet)	N/A	N/A	5	5	10	10	10
L	Minimum side setback area landscape strip (feet)	N/A	N/A	5	5	10	10	10
M	Minimum landscaped open space (%)	N/A	N/A	N/A	N/A	20	20	20

10 Barns and other specialized structures used for agricultural purposes may exceed the height limits.

Section 5. **Repeal of chapter of City Code.** That Chapter 18.08, R-R Rural Residential District, of the Auburn City Code be and the same hereby is repealed.

Section 6. **Adoption of new chapter of City Code.** That a new Chapter 18.09, R-MHC Manufactured/Mobile Home Community Zone, of the Auburn City Code be and the same hereby is adopted to read as follows:

Chapter 18.09
R-MHC Manufactured/Mobile Home Community Zone

Sections:

18.09.010 Intent.
18.09.020 Manufactured/Mobile Home Community Uses.
18.09.030 Manufactured/ Mobile Home Community Zone Development Standards.

18.09.010 Intent.

The intent of the R-MHC manufactured/mobile home community zone is to provide a residential zone of single-family manufactured homes exclusively within a planned community. It is further intended that the R-MHC zone shall only be prescribed in those areas that are bordered on, contain physical features, or shall be planned and designed as part of a larger development incorporating other housing types in a manner which limits further expansion into adjacent areas. (Ord. 4229 § 2, 1987.)

18.09.020 Manufactured/ Mobile Home Community Zone Uses.

Permitted Use Table–Residential Zoning Designations

	Land Use	**R-MHC Zone**
A	Manufactured/Mobile home community	P
B	Residential accessory use	P
C	Manufactured/Mobile home community accessory use	P
D	Keeping of not more than six household pets. This limit shall not apply to birds, fish, or suckling young of pets.	P
E	Home based daycare	P
F	Daycare limited to a mini daycare center, daycare center, or preschool / nursery school	C

P = Permitted Use

C = Use may be permitted in district when a conditional use permit has been issued pursuant to the provisions of Chapter 18.56 ACC.

X = Prohibited

Also see ACC 18.02.120 for further rules on interpretation.

18.09.030 Manufactured/ Mobile Home Community Zone Development Standards

	Development Standard[10]	**R-MHC Zone**
A	Base Density (units per net acre)	10
B	Minimum density (units per net acre)	8
C	Minimum Lot Area (square feet)	217,800 [11]
D	Minimum lot area per dwelling unit (square feet)	2,500
E	Minimum average lot area per dwelling unit (square feet)	4,300
F	Minimum Front Setback (feet)	Manufactured Home Community street: 8 Public or other private street: 20
G	Minimum Interior Side Setback (feet)	Minimum distance between any manufactured home and/or accessory building and the manufactured home and/or accessory building on the adjoining space: 10
H	Minimum Street Side Setback (feet)	Manufactured Home Community street: 5 Public or other private street: 10
I	Minimum Rear Setback (feet)	Minimum distance between any manufactured home and/or accessory building and the manufactured home and/or accessory building on the adjoining space: 10 Manufactured Home Community street: 8 Public or other private street: 20

[10] All minimum lot widths, setbacks, and landscaping strips are subject to demonstration that all required utility infrastructure, access requirements, and street elements are provided for in accordance with City Design and Construction Standards

[11] Minimum site area for development of the manufactured home park or community.

	Development Standard[10]	**R-MHC Zone**
J	Accessory Structure Setbacks	There shall be a minimum of 10 feet between any two manufactured homes, between any manufactured home and accessory building on adjoining spaces, and between any other accessory buildings on adjoining spaces
K	Special setbacks for manufactured homes structures that abut another zoning district	Setbacks shall be the same as provided for in the adjoining zone. However, in no case shall the setbacks be less than as prescribed in this subsection.
L	Maximum Building Height (feet)	Main building: 30 feet, Accessory building: 16 feet
M	Fences and Hedges	A six-foot high screened fence shall be constructed around the perimeter of the community. For those community boundaries that abut a public street the fence shall set back 20 feet and the 20-foot setback area landscaped with Type III landscaping (see ACC 18.50 for landscaping type).
N	Supplemental R-MHC development standards	See ACC 18.31.190
O	Landscaping	see Chapter 18.50 ACC
P	Parking	see Chapter 18.52 ACC
Q	Signs	see Chapter 18.56 ACC

Section 7. **Repeal of chapter of City Code.** That Chapter 18.10, R-S Single-Family Residential District, of the Auburn City Code be and the same hereby is repealed.

Section 8. **Repeal of chapter of City Code.** That Chapter 18.12, R-1 Single-Family Residential District, of the Auburn City Code be and the same hereby is repealed.

Section 9. **Repeal of chapter of City Code.** That Chapter 18.14, R-2 Single-Family Residential District, of the Auburn City Code be and the same hereby is repealed.

Section 10. **Repeal of chapter of City Code.** That Chapter 18.16, R-3 Two-Family (Duplex) Residential District, of the Auburn City Code be and the same hereby is repealed.

Section 11. **Repeal of chapter of City Code.** That Chapter 18.18, R-4 Multiple-Family Residential District, of the Auburn City Code be and the same hereby is repealed.

Section 12. **Repeal of chapter of City Code.** That Chapter 18.20, R-MHP Residential Manufactured Home Park District, of the Auburn City Code be and the same hereby is repealed.

Section 13. Adoption of new chapter of City Code. That a new Chapter 18.21, Overlays, of the Auburn City Code be and the same hereby is adopted to read as follows:

Chapter 18.21
Overlays

Sections:

18.21.010 Lea Hill Overlay
18.21.020 West Hill Overlay
18.21.030 Urban Separator Overlay

18.21.010 Lea Hill Overlay

A. Purpose.

The purpose of this section is to provide for additional development standards to address the area commonly referred to as the Lea Hill annexation area, as annexed under city of Auburn Ordinances No. 5346 and 6121, and identified on the City of Auburn Comprehensive Zoning Map. While the intent is that the development standards for zones in the Lea Hill annexation area will be similar to (if not the same as) corresponding zones in other areas of the city, some variations are needed to recognize previous development allowed by King County zoning. Unless otherwise provided for in this section, all other provisions and requirements of this title shall apply to properties within the Lea Hill Overlay.(Ord. 5342 § 2, 2000.)

B. Development standards – Lots previously approved.

1. For any residential lot that had received final plat approval, final short plat approval, preliminary plat approval or that King County had received and determined the application complete for a preliminary plat or short plat, prior to the effective date of annexation into the City of Auburn, the development standards in the following table shall apply. The property owner/applicant shall be responsible to provide to the city evidence of these previous approvals.

2. Any further subdivision of any lot and its subsequent use must conform to the permitted uses and standards referenced in the applicable zoning chapters of this title, except as modified by this section. For farm animals, ACC 18.21.010(E) shall apply.

Zone	Min Lot	Min Lot	Min Lot	Max Lot	Setbacks*	Building Height

					Front (Ft)	Rear (Ft)	Side, Interior (Ft)	Side, Street (Ft)	Main (Ft)	Accessory (Ft)
R-1	8,000	N/A	35	35	20	5	5	10	35	35
R-5	2,500	N/A	30	35	10	5	5	10	35	16
R-7	2,500	6,000	30	35	10	5	5	10	35	16
R-10	2,500	4,300	30	40	10	5	5	10	35	35
R-16	2,500	2,700	30	55	10	5	5	10	35	35
R-20	2,500	2,175	30	55	10	5	5	10	35	35

* Garages and other similar structures with a vehicular access require a 20-foot setback from any street.

C. Prior King County approvals.

The city of Auburn will recognize the terms of any King County approved plat, PUD, conditional use permit, contract rezone or similar contractual obligations that may have been approved prior to the effective date of the annexation of the subject property. The conditions of any project that was approved by King County shall be required to be fulfilled in the city of Auburn. (Ord. 5342 § 2, 2000.)

D. Planning director authorization.

The planning director shall be authorized to interpret the language of any King County permit, plat or condition thereof and effectuate the implementation of same to the fullest extent possible. If there is a conflict between a previous King County approval and the Auburn regulation then the most restrictive provision shall apply as determined by the planning director. (Ord. 5342 § 2, 2000.)

E. Farm animals.

1. In the R-1, R-5 and R-7 zones, it is permissible to keep farm animals (excluding goats and swine in the R-5 and R-7 zones); provided, there shall not be more than one horse, cow, donkey or other similar large animal, or four small animals such as sheep, or 12 poultry, rabbits, or similar size animals per each acre of enclosed usable pasture or roaming area. This acreage requirement is in addition to the minimum lot size requirements of the zone.

2. Shelters provided for farm animals shall be constructed no closer than 50 feet from any adjoining lot and it shall be 100 feet from any public street or alley. Any corral, exercise yard, or arena shall maintain a distance of 35 feet from any property line. This excludes pasture area.

3. For those properties that do not meet the requirements of subsection A of this section, and farm animals were present prior to annexation, the farm animals may remain as legal nonconforming uses. In such case the number of farm animals allowed may be the same as what the county zoning provisions had allowed prior to the effective date of the annexation of the subject property. (Ord. 5342 § 2, 2000.)

F. Lot averaging– R-1 zone.

It may be possible to subdivide land in the R-1 zone into lots smaller than 35,000 square feet if the property has a significant amount of nonbuildable land due to steep slopes, wetlands or similar features that would be in the public's best interest to maintain. The following regulations shall apply in situations where lot averaging is permitted or required:

1. At least 50 percent of the subdivision must be set aside as open space. Critical areas (i.e., steep slopes, wetlands) can count towards the 50 percent requirement. Maintenance of the open space tract or easement shall be the responsibility of the property owner and/or a homeowners' association.

2. The number of allowable lots in a subdivision shall be determined by multiplying the total number of acres in the subdivision by one. Any fraction shall be rounded to the nearest whole number with one-half being rounded up.

3. The minimum size of any lot shall be 8,000 square feet. For lots less than 35,000 square feet, the minimum lot width shall be consistent with the requirements of the R-5 zone (ACC 18.07). All other applicable development standards related to the R-1 zone will continue to apply.

4. Lots within the subdivision shall be clustered so as to provide for continuity of open space within the subdivision and, where possible, with adjoining parcels.

5. Each lot within a subdivision shall illustrate a building area within which the house, accessory structures, and parking areas shall be constructed. The building area shall be exclusive of setbacks, nonbuildable areas or any required buffers from the nonbuildable areas. Any preliminary plat,

final plat or short plat shall illustrate the building area for each lot. Any future construction will be limited to the identified building area.

6. A native growth protection easement or similar device, which may include provisions for the limited removal of vegetation and passive use of the easement, that perpetually protects the nonbuildable areas must be recorded with the final plat or short plat. (Ord. 6148 § 1, 2007; Ord. 5342 § 2, 2000.)

18.21.020 West Hill Overlay.

A Purpose.

The purpose of this section is to provide for additional development standards to address the area commonly referred to as the West Hill annexation area, as annexed under city of Auburn Ordinance No. 6122 and identified on the City of Auburn Comprehensive Zoning Map. While the intent is that the development standards for zones in the West Hill annexation area will be similar to (if not the same as) corresponding zones in other areas of the city, some variations are needed to recognize previous development allowed by King County zoning. Unless otherwise provided for in this section, all other provisions and requirements of this title shall apply to properties within the West Hill Overlay. (Ord. 6153 § 1, 2008.)

B. Development standards – Lots previously approved.

1. For any residential lot that had received final plat approval, final short plat approval, preliminary plat approval or that King County had received and determined the application complete for a preliminary plat or short plat, prior to the effective date of annexation, the development standards in the following table shall apply. The property owner/applicant shall be responsible to provide evidence of these previous approvals/decisions.

2. Any further subdivision of any lot and its subsequent use must conform to the permitted uses and standards referenced in the applicable zoning chapters of this title, except as modified by this section. For farm animals, ACC 18.21.020(E) shall apply.

Zone	Min Lot Area (Sq Ft)	Min Lot Area (Sq Ft per Unit)	Min Lot Width (Ft)	Max Lot Coverage (%)	Setbacks*				Building Height	
					Front (Ft)	Rear (Ft)	Side, Interior (Ft)	Side, Street (Ft)	Main (Ft)	Accessory (Ft)
R-1	8,000	N/A	35	35	20	5	5	10	35	35
R-5	2,500	N/A	30	35	10	5	5	10	35	16

Zone	Min Lot Area (Sq Ft)	Min Lot Area (Sq Ft per Unit)	Min Lot Width (Ft)	Max Lot Coverage (%)	Setbacks*				Building Height	
					Front (Ft)	Rear (Ft)	Side, Interior (Ft)	Side, Street (Ft)	Main (Ft)	Accessory (Ft)
R-7	2,500	6,000	30	35	10	5	5	10	35	16

* Garages and other similar structures with a vehicular access require a 20-foot setback from any street.

C. Prior King County approvals.

The city of Auburn will recognize the terms of any King County approved plat, PUD, conditional use permit, contract rezone or similar contractual obligations that may have been approved prior to the effective date of the annexation of the subject property. The conditions of any project that was approved by King County shall be required to be fulfilled in the city of Auburn. (Ord. 6153 § 1, 2008.)

D. Planning director authorization.

The planning director shall be authorized to interpret the language of any King County permit, plat or condition thereof and effectuate the implementation of same to the fullest extent possible. If there is a conflict between a previous King County approval and the Auburn regulation, then the most restrictive provision shall apply as determined by the planning director. (Ord. 6153 § 1, 2008.)

E. Farm animals.

1. In the R-1, R-5 and R-7 zones within the West Hill overlay, it is permissible to keep farm animals (excluding goats and swine in the R-5 and R-7 zones); provided, there shall not be more than one horse, cow, donkey or other similar large animal, or four small animals such as sheep, or 12 poultry, rabbits, or similar size animals per each acre of enclosed usable pasture or roaming area. This acreage requirement is in addition to the minimum lot size requirements of the applicable zone.

2. Shelters provided for farm animals shall be constructed no closer than 50 feet from any adjoining lot and no closer than 100 feet from any public street or alley. Any corral, exercise yard, or arena shall maintain a distance of 35 feet from any property line. This excludes pasture areas.

3. For those properties that do not meet the requirements of subsection E(1) of this section, and farm animals were present prior to annexation, the farm animals may remain as legal nonconforming uses. In such case, the number of farm animals allowed may be the same as what the county

zoning provisions had allowed prior to the effective date of the annexation of the subject property. (Ord. 6153 § 1, 2008.)

18.21.030 Urban Separator Overlay.

A. Purpose

The purpose of this section is to provide for additional development standards to address the area designated as Urban Separator in the City's Comprehensive Plan, as prescribed in the Interlocal agreement between the City and King County approved under City of Auburn Resolution No. 4113 and identified on the City of Auburn Comprehensive Land Use Map. Unless otherwise provided for in this section, all other provisions and requirements of this title shall apply to properties within the Urban Separator Overlay.

B. Development Standards

For property located within a designated urban separator, lot averaging shall be required. The regulations of 18.21.010(F) shall apply in situations where lot averaging is used.

Section 14. Adoption of new chapter of City Code. That a new Chapter 18.25, Infill Residential Development Standards, of the Auburn City Code be and the same hereby is adopted to read as follows:

Chapter 18.25
Infill Residential Development Standards

Sections:

18.25.010 Purpose and Intent
18.25.020 Applicability
18.25.030 Procedures
18.25.040 Infill Residential Standards

18.25.010 Purpose and Intent

The purpose of this chapter is to encourage the development of underutilized parcels in zones which, through Auburn Comprehensive Plan goals and policies, have been identified as areas where infill residential development should be encouraged. This chapter identifies conditions under which infill development is supported and relaxes certain development requirements in those instances in an effort to promote the construction of infill development in appropriate areas of the City.

18.25.020 Applicability

A. Eligibility Criteria.

This chapter may be applied to development or redevelopment that meets all of the following criteria:

1. The lot is within one of the following zones: R-5, R-7, R-10, R-16, or R-20.
2. Adjacent properties abutting at least 50 percent of the non-street perimeter of the subject property (i.e., side and/or rear lot lines) are developed with single family dwellings or higher intensity uses.
3. For lots located in the R-5 or R-7 zones, the development or redevelopment creates a maximum of one new lot or dwelling unit.
4. For properties located in the R-10, R-16, or R-20 zones, the lot or parcel size shall be one acre or less.

18.25.030 Procedures.

Development proposals desiring to utilize the infill standards of this Chapter shall be subject to one or more of the permit types found in Title 14 ACC and shall be

processed in a manner consistent with the underlying land use application pursuant to Title 14 ACC.

18.25.040 Infill Residential Standards.

A. All other provisions of this title that would apply to a non-infill project shall apply to infill development except as specifically modified by this Chapter.

B. Infill Land Division Standards. Reduction in dimensional requirements for infill residential development.

   Notwithstanding the dimensional development standard requirements found in the underlying residential zones of ACC 18.07.030, property that is eligible for infill residential development pursuant to ACC 18.25.020 shall be eligible for subdivision of land as follows:

   1. Minimum Lot Area. Minimum lot area and minimum average lot area may be permitted at 80 percent of the minimum areas required in ACC 18.07 for the underlying zone.

   2. Minimum Lot Width. Minimum lot width may be reduced by 20 percent of or 10 feet less than the required minimum lot width of the underlying zone, whichever is less.

   3. Maximum Lot Coverage. Maximum lot coverage can be increased by 10 percent over that allowed in the underlying zone.

C. Infill Development Standards. Property that is eligible for infill residential development pursuant to ACC 18.25.020 shall be eligible for these additional development standards to encourage infill, subject to demonstration to the satisfaction of the City Engineer that all required utility infrastructure, access requirements, and street elements can be accommodated in accordance with the city design and construction standards:

   1. The maximum density provided for in chapter 18.07 ACC may be increased by up to ten percent. This density bonus may not be combined with density bonuses provided for under Chapter 18.49 ACC.

   2. Increased allowable building height by no more than 5 feet to allow for roof features noted in subsection D.4. below while achieving permitted maximum density.

   3. Reduced front or street side setbacks to conform to the average existing building lines or setbacks of adjoining structures. In no case shall reduced street setbacks be allowed for a garage or carport.

4. Alternative setbacks, including reduced rear setbacks. Standard setbacks of the zone shall be applied for any required setback when the subject setback abuts an RC, R-1, R-5, or R-7 zone.

5. A ten percent reduction in minimum on-site parking requirements, when on-site parking is designed to be shared parking. This reduction may be combined with any other reduction provided for in ACC 18.52.030.

D. Infill Design Standards. Property that is eligible for infill residential development pursuant to ACC 18.25.020 shall adhere to the following design requirements. While creativity and variation in architectural design is encouraged, the purpose of these requirements is to ensure compatibility of infill development with the character of nearby existing residential structures.

Residential infill development shall meet the following design criteria, as defined by the predominant character of the existing residential block face. The block face shall consist of all residential properties along both sides of the public or private right-of-way on which the development fronts. The block face shall be measured from intersection to intersection, to the road end, or 200 feet in either direction from the development site, whichever is nearest.

1. Building orientation on infill lots shall match the predominant orientation of other buildings along the block face.

2. Access and location of off-street parking on infill lots shall be similar to the predominant character for existing development along the block face. Primary vehicular access shall be through rear alleys where such rights-of-way exist, and on-site parking shall be located to the rear of proposed structures, insofar as this is consistent with the predominant character of the block face.

3. Proposed residences shall be required to provide an additional five-foot setback over that required in the underlying zone above the second story where property line(s) abut a property with an existing single-story structure.

4. Roofs on proposed infill residential structures shall be similar in slope, material, and style to existing development and shall incorporate any or all of the following features, insofar as such features are compatible with existing development on the block face:

   a. Dormers;

   b. Gabled or hipped roofs;

   c. Pitched roofs;

   d. Parapets or cornices.

Unless it is the predominant existing style on the block face, flat, unadorned roofs shall not be allowed.

5. Horizontal façades longer than 25 feet shall be treated to reduce building mass and visual bulk using at least one of the following techniques. The applicant shall demonstrate that the selected techniques are either currently present on the block face or are not substantially incompatible with existing development.

   a. Bays or recesses (minimum depth of 18 inches);

   b. Window patterns;

   c. Contrasting materials or colors;

   d. Upper story setbacks;

   e. Balconies.

Section 15. Adoption of new chapter of City Code. That a new Chapter 18.31, Supplemental Development Standards, of the Auburn City Code be and the same hereby is adopted to read as follows:

Chapter 18.31
Supplemental Development Standards

Sections:

18.31.010 Daycare Standards.
18.31.020 Fences.
18.31.030 Height limitations – Exceptions.
18.31.040 Lots.
18.31.050 Single-family dwelling siting and design standards.
18.31.060 Recreational vehicle parks.
18.31.070 Setbacks.
18.31.080 Heliports.
18.31.090 Work release, prerelease and similar facilities.
18.31.100 Wireless communications facilities siting standards.
18.31.110 Siting of Microcells
18.31.115 Wetland mitigation.
18.31.120 Accessory dwelling units.
18.31.130 Reserved.
18.31.140 Gated residential subdivisions.
18.31.150 Secure community transition facilities.
18.31.160 Supportive housing development standards
18.31.170 Reserved.
18.31.180 Performance standards
18.31.190 Supplemental development standards for residential mobile home communities
18.31.200 Multi-family development and mixed use development design standards and procedures

18.31.010 Daycare Standards.

A. The following performance standards shall apply to all child daycares but shall not apply to adult daycare:

1. If applicable, must be properly licensed with the State of Washington;

2. Daycare, preschool and nursery school services shall not be conducted before 5:00 a.m. or after 9:00 p.m. in the following zones: RC, R-1, R-5, R-7.

B. The above provisions are not intended to reduce the requirements of any other licensing agency or department.

18.31.020 Fences.

A. Height Regulations. The minimum or maximum height requirements as stipulated throughout this chapter shall be considered to be met if the height of the fence is within six percent of the height required. The height of the fence shall be determined from the existing, established grade on the property.

1. The following regulations shall apply in the R-1, R-5, R-7, R-10, R-16, R-20, R-MHC, RO, RO-H, I, , C-N, C-1, , C-2, and DUC zones:

   a. Fences may be constructed to a height not to exceed the following in each of the required setback areas, as regulated per each zone, or as modified by subsection B of this section:

      Front setback: 42 inches; provided, that fences constructed of chain link, wrought iron or similar materials that provide visibility may be 72 inches in height;

      Side setback: 72 inches;
      Rear setback: 72 inches;
      Street side setback: 72 inches.

2. Fences and walls built within the building area of a lot may be as high as the maximum building height allowed within the applicable zone. Building permits are required for fences exceeding six feet in height.

B. Special Height Restrictions.

1. There shall not be anything constructed or reconstructed, and no obstruction permitted within the sight distance triangle area as required by city of Auburn engineering design standards.

2. In general, no fence, hedge, structure or other obstruction shall act as a sight hazard to traffic, and the city engineer may order the removal of such hazard whether or not such object otherwise complies with the provisions of this title.

C. Screened Fence.

1. A screened fence shall consist, at a minimum, of a chain link fence interwoven with slats placed in every row or available space in the fence;

2. A 100 percent sight-obscuring fence shall be constructed of solid wood, metal, concrete or other appropriate material which totally conceals the subject use from adjoining uses.

D. Fences and Associated Landscaping.

1. When landscaping is required along the property line, the fence shall be set back a minimum of five feet if the fence abuts a street right-of-way, so as to not obscure such landscaping;

2. At other property lines the landscaping shall be located to serve the greatest public benefit.

E. Obstructions – Generally Prohibited.

1. In no case shall any fence and/or hedge be constructed or grown, such that it deters or hinders the fire authority from gaining access to any fire authority connection, fire protection control valve, fire hydrant, or fire authority appliance or device. Minimum clearance requirements for fire hydrants shall be in accordance with the City Design and Construction Standards.

2. In no case shall any fence and/or hedge obstruct the visibility of any fire hydrant from a distance of 150 feet, in any direction, of vehicular approach to the hydrant.

3. In no case shall any fence and/or hedge be constructed or grown in a manner which interferes with access to storm or sanitary sewer manholes and other appurtenances which require access for maintenance purposes.

F. Other than in the P-1, M-1 or M-2 zones, no fence may include the use of barbed wire; provided that pasture areas a minimum of one acre in area may be fenced with barbed wire in any zone. Barbed wire may be attached to the top of and in addition to the height of a 72-inch fence in the above zones, provided it does not extend more than one additional foot in height.

G. Any fence located within a front setback that features a locking gate or similar security device shall provide emergency access in a manner acceptable to the fire marshal.

18.31.030 Height limitations – Exceptions.

The following buildings and/or structures are exempt of the height requirements of this title; in no case does this lessen any height restrictions that relate to the municipal airport:

A. Cupolas, provided they do not extend more than three feet above the roof line;

B. Church spires or steeples, provided they conform to elevations as approved under a conditional use permit;

C. Transmission line towers, including telephone line towers and similar types of other line towers, located within public street rights-of-way, easements, or on private property, and which are constructed in accordance with other regulations as required by the city;

D. Residential television antennas, provided they are used in conjunction with the reception of commercial television station signals and are not used for transmission purposes;

E. Elevated reservoirs, water tanks or standpipes under the jurisdiction of the city or other water district;

F. Athletic field or playground lighting under the jurisdiction of the city or other public agency. This exemption is limited to the P-1 public use zone only.

18.31.040 Lots.

A. All lots shall meet the lot area and width requirements set forth in the applicable zone, except that for parcels created prior to June 1, 2009, the following standards shall apply. For any residentially zoned parcel of land created prior to June 1, 2009 with an area and/or a width or depth less than that prescribed for a lot in any residential zone, the fact that the parcel of land does not meet the area and/or width requirements as set forth in this title shall not prohibit the property from being utilized for single-family residential purposes; provided, that all other regulations of this title are complied with.

1. For single-family homes on substandard lots, the following special provisions for lot coverage and setbacks may apply, provided that the requirements for access, utility infrastructure, and minimum sight distance as provided for in the City Design Construction Standards, and the requirements for private utilities can be met:

   a. Lot Coverage. Lot coverage may be determined by using the following formula:

      (A/B) * C = D(%)
      A = Lot area required by zoning code.
      B = Lot area of existing lot.
      C = Percentage of lot coverage allowed by zoning code.
      D = Percentage of lot coverage allowed for the substandard lot.

In no case shall the lot coverage exceed 60 percent, unless otherwise allowed by this title.

b. Front and Rear Setbacks. Either the front or rear setback may be determined by using the following formula:

(A/B) * C = D
A = Lot area of existing lot.
B = Lot area required by zoning code.
C = Front or rear setback required by zoning code.
D = Front or rear setback allowed for the substandard lot.

In no case shall the front or rear setback be less than 10 feet, unless otherwise allowed by this title.

c. Side Setbacks. Side setbacks may be determined by using the following formula:

(A/B) * C = D
A = Width of the existing lot.
B = Lot width required by zoning code.
C = Side setback required by zoning code.
D = Side setback allowed for the substandard lot.

In no case shall the interior side setback be less than five feet or the street side setback less than 10 feet, unless otherwise allowed by this title.

B. Lots created by the King County assessor's office shall not be considered as building lots or lots that can be further subdivided unless in accordance with this title and land division ordinance, except those lots created prior to August 24, 1968, which was the adoption date of the previous subdivision ordinance, Number 2204. See ACC 17.04.220 for definition of lot of record.

C. Lots created by the Pierce County assessor's office shall not be considered as building lots or lots that can be further subdivided unless in accordance with this title and land division ordinance, except those lots legally created prior to any land being annexed to the city of Auburn. (Ord. 5170 § 1, 1998; Ord. 4705 § 2, 1994; Ord. 4229 § 2, 1987.) See ACC 17.04.220 for definition of lot of record.

18.31.050 Single-family dwelling siting and design standards.

A. All single-family dwellings (including manufactured homes) located in residential zones shall meet all of the following criteria:

1. May not have previously had a title granted to a retail purchaser and may not be a “used mobile home” as defined by RCW 82.45.032(2), now or hereafter amended.

2. Be built to meet or exceed the standards established by federal law 42 U.S.C. 5401-5403, now or hereafter amended.

3. Be thermally equivalent or better to that required by the State Energy Code for new residential structures, now or hereafter amended.

4. Be set on and securely attached to a permanent foundation as specified by the manufacturer.

5. Proof of title elimination is required prior to building occupancy.

6. Be connected to required utilities that include plumbing, heating and electrical systems.

B. All single-family dwellings (including manufactured homes) shall comply with the following siting and design standards:

1. The design and construction of the foundation must meet the requirements of the International Building Code, now or hereafter amended;

2. The gap from the bottom of the structure to the ground, around the entire perimeter of the structure, shall be enclosed by concrete or other concrete product as approved by the building official, which may or may not be load bearing.

C. The above requirements do not apply to single-family dwellings sited within the R-MHC, residential manufactured/ mobile home community zone.

18.31.060 Recreational vehicle parks.

A. The following performance standards shall apply to all recreational vehicle parks:

1. Minimum size of the recreational vehicle park: 100,000 square feet;

2. Maximum gross density: one recreational vehicle space per each 2,000 square feet of land area;

3. Recreational space: eight percent of the total site area shall be provided as defined recreation space. The recreation space shall be easily accessible and shall be improved and maintained in such a manner so as

to provide adequate recreational facilities for the residents of the recreational vehicle park;

4. Minimum width: each recreational vehicle space shall have a minimum width of 25 feet;

5. Interior private streets:

    a. Twelve feet of width per each travel lane and 10 feet of width per each parking lane. A minimum of 20 feet shall be provided for one way systems,

    b. The streets shall be improved in accordance with this title. In addition, all streets shall be well-drained, well-lighted, and continuously maintained in operable condition;

6. Spacing between units: there shall be a minimum side-to-side dimension of 12 feet between units and a minimum end-to-end dimension of 10 feet between units;

7. Minimum setbacks required: the following setback requirements shall apply:

    a. Twenty-five feet from a public street,

    b. Five feet from an interior private street,

    c. Fifteen feet from the park boundary;

8. Off-street parking: a minimum of one off-street parking space shall be required for each recreational vehicle space. It shall be located within the recreational vehicle space. In addition, one off-street parking space per each three recreational vehicle spaces shall be required for guest parking. The guest parking spaces shall be grouped and distributed evenly throughout the park;

9. Pedestrian walkways: pedestrian walkways having a width of not less than three feet shall be provided from the recreational vehicle spaces to all service buildings, and facilities, refuse collection area, and recreation areas. The walkways shall be hard-surfaced, well-drained, and well-lighted;

10. Landscaping: see Chapter 18.50 ACC;

11. Limit of stay: no recreational vehicle shall remain within in a recreational vehicle park for more than 120 days in any one-year period;

12. Solid waste disposal: the storage, collection and disposal of solid waste in recreational vehicle parks shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, or accident or fire hazards. Individual or grouped refuse containers must be screened from view except on collection day;

13. Utilities: the following requirements for utilities shall apply:

    a. A water supply system shall be provided in the recreational vehicle park for each recreational vehicle space designed to accommodate the park user occupying a self-contained recreational vehicle, the water system for a recreational vehicle park shall be constructed and maintained in accordance with all applicable state and local codes and regulations,

    b. Watering stations: each recreational vehicle park shall be provided with one or more accessible water supply outlets for filling recreational vehicle water storage tanks,

    c. Sewage disposal system: an adequate and safe sewage disposal system shall be provided in a recreational vehicle park for each recreational vehicle space designed to accommodate the park user occupying a self-contained vehicle and shall be connected to public sewage system. The sewage disposal system in a recreational vehicle park shall be constructed and maintained in accordance with all applicable state and local codes and regulations,

    d. Sanitary stations: each recreational vehicle park shall be provided with sanitary dumping stations in the ratio of one for every 100 recreational vehicle spaces or fractional part thereof. The construction of the sanitary station shall be in accordance with the appropriate county department of health . Sanitary stations shall be screened from other activities by a visual barrier such as fences, walls, or natural growth and shall be separated from any recreational vehicle space by a distance of not less than 50 feet,

    e. Electrical supply system: each recreational vehicle park shall be provided with an underground electrical system which shall be installed and maintained in accordance with all applicable state and local codes and regulations,

    f. Other utility systems: if other utility systems such as natural gas, television cable, or telephone are installed in a recreational vehicle

park such installation shall be in accordance with state and local codes and regulations;

14. All recreational vehicle spaces shall be well marked and numbered.

B. The planning director shall approve the site plan for all recreational vehicle parks with concurrence of the City Engineer. The site plan shall contain the following:

1. Name of the owner and operator, with address and phone number, and the name of the proposed recreational vehicle park or campground;
2. Legal description of the subject tract of land;
3. Name, address and phone number of the person or firm preparing the site plan;
4. Scale of the drawing and north arrow;
5. The area and dimensions of the tract of land;
6. The number, size and location of all recreational vehicle spaces;
7. The number, location and size of all off-street automobile parking spaces;
8. The location and width of all streets and walkways;
9. The location of service buildings, sanitary stations, recreation area and any other proposed facilities or structures;
10. Location of all utility lines and easements;
11. Indication of the water supply, sewage disposal, electrical supply, and refuse collection systems;
12. Indication of all buildings, recreation uses, and other facilities to be constructed;
13. Landscaping specifications;
14. A vicinity map indicating the names and location of all streets within at least a quarter-mile radius of the subject site;
15. Location and specifications of the manager's office and dwelling unit;
16. The site plan shall be properly dimensioned and drawn at a scale not less than one inch equals 40 feet and on a sheet size 24 inches by 36 inches, more sheets may be allowed if necessary.

18.31.070 Setbacks.

A. The following may project from a building into a required setback, provided that such projection does not interfere with required utility easements or site distance requirements pursuant to City Design and Construction Standards:

1. Fireplace structures, bay windows, garden windows, enclosed stair landings, closets, framed fireplace shafts, wireless communications facilities or similar projections not wider than eight feet measured in the general direction of the wall of which it is a part: 18 inches into any setback provided that such projection does not interfere with required utilities easements or site distance requirements pursuant to City Design and Construction Standards;

2. Porches and Platforms.

   a. Uncovered porches and platforms which do not extend above the floor level of the first floor: 18 inches into side setbacks and six feet into the front setback and rear setback; provided, that may extend three feet into the side setback when they do not exceed 18 inches in height above the finished grade;

   b. Covered but unenclosed porches and platforms which do not extend above the floor level of the first floor and which are no wider than 50 percent of the building's frontage: five feet into the front setback;

3. Planting boxes or masonry planter not exceeding 42 inches in height may intrude into any setback;

4. Eaves shall not protrude more than 24 inches into any minimum required setback;

5. Awnings, canopies, marquees and similar structures designed to primarily protect pedestrians from the weather elements. They shall be attached to and supported entirely by the building. The maximum projection shall be seven feet from the building.

   The projection, if approved by the City, must comply with the International Building Code (IBC) and International Fire Code (IFC), and an approved right of way use permit subject to the requirements of Chapter 12.60 ACC.

B. Special Front Setback Depth. If buildings existing on July 6, 1964, occupy 50 percent or more of the frontage in any block, and are on one side of the street, then the depth of the front setback required by this title shall be disregarded on that side of the street in such block, and in lieu thereof the

depth of front setback required on each lot therein shall be not less than average depth of the front setbacks existing on July 6, 1964. This shall apply to residentially zoned property only.

C. Lots with Significant Slopes. To encourage the preservation of natural features on lots with significant slopes, platted residential lots with an average slope of 15 percent or more may reduce the front setback by up to 20 percent; provided, however, that all structures must comply with applicable sight distance triangle requirements of the City Design and Construction Standards. This provision shall only apply to lots developed for a single-family residence but shall not apply to property zoned RC (Residential Conservancy).

   For the purposes of this section, the average slope shall be measured by taking the difference between the average elevations of the rear and the front lot lines. This provision is not intended to waive any other requirements of geotechnical reports or studies that may be necessary to ensure the suitability of a lot for development.

   Development under this provision may also implement the setback exemptions identified in subsections (A)(1) through (A)(5) of this section.

18.31.080 Heliports.

The following development standards shall apply to all heliports, excluding those developed as part of the Auburn Airport.

A. Meet the Federal Aviation Administration (FAA) requirements;

B. Meet the current National Fire Protection Agency 403 requirements;

C. Be consistent with the Auburn Municipal Airport requirements;

D. The size of the landing pad must be one and one-half times the size of the largest helicopter to use the site;

E. The landing pad must be paved, and a source of water available to keep the pad clean, additional fences and/or screens may also be required to reduce any flying debris;

F. The location of the heliport shall be compatible with adjacent uses and should be located away from schools, and populated areas to include residential, commercial, industrial and other public use areas;

G. Additional requirements may also be assessed with regard to fences, hours of operation, lighting, setbacks or easements.

18.31.090 Work release, prerelease and similar facilities.

The following siting and performance standards shall apply to all work release, prerelease and similar facilities offering alternatives to imprisonment:

A. Maximum number of residents: No work release, prerelease or similar facility shall house more than 50 persons, excluding resident staff.

B. Dispersion criteria:

1. The lot line of any new or expanding work release, prerelease or similar facility shall be located:

   a. 1,000 feet or more from any residential zone; and

   b. 1,000 feet or more from any group residence facility as defined by ACC 18.04.440; and

   c. 1,000 feet or more from any accredited public, private or parochial school, excluding commercial schools such as business, vocational or technical schools; and

   d. 1,000 feet or more from any religious institution meeting the requirements of a conforming use and meeting all other requirements of the Auburn City Code; and

   e. 1,000 feet or more from any public park; and

   f. 1,000 feet or more from any licensed daycare center, nursery school or preschool as defined by ACC 18.04.290; and

   g. One mile or more from any other work release, prerelease or similar facility.

2. The distances provided in this subsection shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located or expanded, to the nearest point of the parcel of property or the land use district boundary line from which the proposed land use is to be separated.

C. Each facility shall provide on-site dining, on-site laundry or laundry service, and on-site recreation facilities to serve the residents.

D. A conditional use permit application for a work release, prerelease or similar facility shall be accompanied by proposed operating rules for the facility. These proposed rules shall be reviewed by the planning director in consultation with the chief of police and the city attorney. The planning

director shall include in any recommendation on the requested conditional use permit an analysis of the proposed rules as they may relate to the findings of fact required under ACC 18.64.040.

18.31.100 Wireless communications facilities siting standards.

The following siting standards are intended to guide the location and development of wireless communications facilities (WCF as defined by ACC 18.04.912 but not including microcells) on properties regulated under this title. The siting of microcells shall be in accordance with siting of microcells found in ACC 18.31.102.

A. Separation between Facilities.

1. New, Freestanding Primary Support Structures.

   a. The minimum separation, i.e., distance, between a proposed monopole (that is 75 feet or less in height) and any other existing primary support structure, of any height, shall be the height of the proposed monopole, including antenna, multiplied by a factor of 10.

   b. The minimum separation, i.e., distance, between a proposed monopole (that is more than 75 feet in height, or lattice towers of any height) and any other existing primary support structure, of any height, shall be the height of the proposed monopole, including antenna, multiplied by a factor of 20.

2. The distance between primary support structures shall be measured by following a straight line, without regard to intervening buildings, from the base of one support structure to the base of the other support structure(s).

3. A primary support structure would be considered “existing” if a conditional use permit or administrative use permit has been issued and is still valid for sites which have not been built upon.

B. Co-Location Requirements.

1. For monopoles that are more than 75 feet in height and lattice towers of any height (Type 3-B facilities), the owner of the property shall execute and provide evidence of a nonexclusive lease with the carrier that allows for other carriers to place antennas on the structure.

2. Any application for a Type 3-B facility shall include technical justification that an existing Type 3-B facility with a nonexclusive lease could not be used instead of constructing a new tower.

C. Height.

1. Unless otherwise provided for, the height of any primary support structure and/or antenna shall not exceed the height limitations of the zone.

2. The maximum height of any primary support structure shall not exceed 120 feet.

3. There shall be no variances allowed to the height limitations.

4. The carrier shall provide evidence that the Federal Aviation Administration (FAA) has approved the location of a primary support structure relative to the Auburn Municipal Airport.

5. Unless otherwise restricted by this section, building- or structure-mounted antennas may extend a maximum of 15 feet above the maximum height permitted for structures within the zone.

6. Antennas that are mounted on structures that do not otherwise have a height restriction may be allowed to increase the overall height of the structure by no more than 10 percent of the height of the structure unless additional approvals are obtained.

D. Setbacks.

1. All equipment shelters, cabinets, support structures or other above-ground facilities shall meet the setback requirements of the zone in which located except as follows. All equipment shelters, cabinets, or other above-ground facilities used to support primary support structures shall be set back the same distance required of the primary support structure. All equipment shelters, cabinets, or other above-ground facilities within a nonresidential zone shall be set back a minimum of 50 feet from any adjacent R zone.

2. The minimum distance from any primary support structure, of any height, to any residentially zoned parcel of property shall be a distance equal to the overall height of the primary support structure (including antennas) multiplied by a factor of two.

3. Where possible, roof-mounted antennas and equipment shelters and/or cabinets are to be placed towards the center of the building, or away from public views. Equipment shelters and/or cabinets shall be screened by a parapet or similar architectural feature.

E. Fencing and Landscaping.

1. Fencing. Fencing is required to enclose all above-ground support equipment that is associated with primary support structures. Fencing will be 100 percent sight-obscuring as defined in ACC 18.31.020(C)(2), if visible from public right-of-way or less intense zone. Equipment shelters and/or cabinets shall be enclosed by fencing a minimum of six feet in height. Fencing shall meet the sight distance requirements of the City Design and Construction Standards.

2. Landscaping.

   a. Where above-ground support equipment is visible from a public right-of-way, a minimum width of five feet of Type II landscaping as defined in ACC 18.50.040 will be provided on the exterior of the enclosing fence in order to effectively screen the equipment from the public right-of-way. Landscaping shall meet the sight distance requirements of the City Design and Construction Standards.

   b. Where facilities are visible from adjacent residential uses, a minimum width of five feet of Type I landscaping as defined in ACC 18.50.040 will be provided on the exterior of the enclosing fence in order to effectively screen the equipment from the adjacent residential uses.

   c. Existing on-site vegetation may be used to meet the landscape requirements if approved by the planning director.

F. Aesthetics.

1. In order to minimize any potential, negative aesthetic impacts from new primary support structures including protecting views to and from residential neighborhoods, mitigation may be required to blend the facilities in with the adjacent development or environs. Typical solutions for the support structure might include: an extension of the building, a component of a sign structure, disguising the facility as a tree, planting of tall trees, moving the location of the facility, painting or texturing the facility, etc.

2. Building- or roof-mounted antennas will be painted or textured to “blend” with the adjacent surfaces.

3. No lettering, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent street shall be placed on or affixed to any part of the WCF, unless required by the FCC or FAA.

4. Except as specifically required by the FAA (but must be approved by the city), freestanding primary support structures shall be painted a color that

best allows them to blend into the surroundings. The use of grays, blues and greens might be appropriate; however, each application shall be evaluated individually.

G. Lighting.

1. Freestanding support structures shall not be artificially lighted, unless required by the FAA or other applicable authority. Any proposed lighting shall be submitted at the time of the initial application. Any lighting must be reviewed and approved by the city.

2. Security lighting used to light the equipment facility shall be directed downward, shielded and kept within the boundaries of the site.

H. Abandoned Facilities.

1. Any WCF which is not utilized for a period of nine months or more will be considered abandoned.

2. Any WCF which falls into a state of disrepair as determined by the planning director will be considered abandoned.

3. Any WCF considered to be abandoned must be removed completely within 90 days from the date of notification by the city's code enforcement personnel. The code enforcement personnel may extend the 90-day period should a valid application for use of the facility be submitted to the city.

I. Noise. For the purposes of this section, WCF will be considered a Class B, commercial, noise source pursuant to WAC 173-60-040.

J. Supplemental Information Required for Applications. In addition to the information that is otherwise required for an application for a permit for a WCF, the following is also required:

1. For a new primary support structure and related equipment, the applicant shall provide the carrier's master network plan for the city showing the carrier's existing WCF locations and narrative explaining the potential WCF locations over the next year, if known. The applicant shall also provide technical justification supporting the need for the height of the primary support structure and why a shorter support structure could not be utilized. Any application for a Type 3-B facility shall provide technical justification as to why a Type 3-A facility could not be utilized instead to adequately serve the Auburn community.

2. Narrative description of the facility including whether there is capacity of the proposed structure for more antennas, methods for minimizing visual impacts of the facilities, etc.

3. A color swatch for the proposed primary support structure.

4. Photographs or similar illustrations that show a reasonable likeness of the proposed facility including the antenna arrays and above-ground support equipment.

K. Zones in Which WCF Are Permitted. The following table illustrates which zones the types of facilities, as defined by ACC 18.04.912(J), are allowed in and which permits are required. Microcells, as defined by ACC 18.04.912(G), are allowed only in residential zones and shall be permitted outright pursuant to the provisions of ACC 18.04.912(G).

	Type of Permit Required		
Zone	**Permitted Outright**	**Administrative Use Permit**	**Conditional Use Permit**
All Zones	1-D	1-D[1]	1-D[2]
RO-H	1-A	1-B	1-C
C-N	1-A	1-B	1-C
C-1	1-A	1-B	1-C
C-2, DUC	1-A	1-B	1-C
C-3	1-B, 2-A	1-C, 2-B, 3-A	3-B
M-1, EP	1-B, 2-A	1-C, 2-B, 3-A	3-B
M-2	1-B, 2-A	1-C, 2-B, 3-A	3-B
P-1	1-B, 2-A	1-C, 2-B	3-A[3]
I	1-A	1-B	1-C
LF	1-A	1-B	1-C

[1]Allowance for the WCF to extend to a height of 20 percent of the supporting structure.
[2]Allowance for the WCF to extend to a height of 30 percent of the supporting structure.
[3]The maximum height allowed, including antennas, is 45 feet.

L. Exemptions.

1. Unless otherwise provided for, the following are exempt from the provisions of this section:

   a. Microcells as defined by ACC 18.04.912(G).

   b. Mobile testing facilities/equipment used to test network limitations. The facilities/equipment shall not be at any one location for more than 14 days and shall otherwise meet the requirements of any other ordinance, regulation or code provision.

2. The following is exempt from the provisions of subsection A of this section, Separation between Facilities:

    a. Emergency communication systems operated by a local public agency responsible for providing emergency services.

18.31.110 Siting of Microcells

The following siting standards are intended to guide the location and development of microcells as defined by ACC 18.04.912 but not including wireless communications facilities (WCF). The siting of wireless communications facilities shall be in accordance with siting of wireless communication facilities found in ACC 18.31.100.

A. Siting criteria for microcells:

1. Panel antennas shall be incorporated into the design of the existing structure using painting, flush mounting or other concealment methods.

2. The equipment cabinets and other ground support equipment shall be located in an area that is no larger than 16 square feet. The height of the equipment shall be no more than four feet. The equipment shall be designed to be compatible with the residential neighborhood the project shall provide a minimum width of five feet of Type II landscaping as defined in ACC 18.50.040 or fencing or a combination of these or similar features.

3. There shall be a 300-foot separation between any microcells.

4. The antennas must be located on light poles, power poles or similar public utility poles that are either owned/operated by the city of Auburn or owned/operated by a utility provider operating with an appropriate franchise if approved by the city engineer. The equipment cabinets may be located on private property.

5. Anyone wishing to establish a microcell or associated components shall make application to the planning director upon application forms provided by the planning director. The planning director shall review each application and may be empowered to approve, deny or modify the proposal.

18.31.115 Wetland mitigation.

The following siting criteria shall apply to all wetland mitigation site construction within the city of Auburn, the purpose of which is to mitigate the impacts of a project that is not located within the city of Auburn. Off-site wetland mitigation

construction that is associated with a project that is located within the city of Auburn shall be reviewed concurrently with that proposal and will not be subject to the following:

A. Definitions.

1. "Wetland mitigation site construction," for the purposes of this section, means the construction of new wetlands on existing nonwetland property and/or the enhancement of existing wetlands.

B. Siting Criteria. Wetland mitigation site construction may be allowed within any zone within the city of Auburn subject to all of the following criteria. At a minimum the proponent of wetland mitigation site construction shall apply for and receive from the city of Auburn a grading permit before said construction begins.

1. The wetland mitigation site must be linked to and be compatible with a comparable naturally occurring ecosystem, e.g., another wetland, river, stream, etc. The constructed wetland mitigation site cannot be an isolated mitigation site.

2. Only a public agency may propose a wetland mitigation site pursuant to this section. Before starting construction the public agency proposing the wetland construction must have an approved budget that has sufficient financial capability to construct the wetland mitigation project. The public agency must also provide the city a written commitment to complete the project, to the city's satisfaction, once construction starts.

3. The project, outside of Auburn, that is creating the need for the wetland mitigation shall be a public project of a regional or statewide significance and shall be a benefit to the general public. The proponent shall demonstrate to the city's satisfaction that it is impractical to mitigate wetland impacts in the jurisdiction and/or drainage basin where the wetland impact occurs.

4. There must not be a loss of buildable upland property such that it would be a financial burden to other properties in the area, or the city, with regard to funding capital improvement projects. This would include, but not be limited to, the participation or potential participation in local improvement districts (LIDs), the financial participation in city of Auburn capital improvement projects, or system development charges. Financial contributions may be used to offset the loss of the financial participation and shall require a separate legal binding contract to be executed between the city and the public agency.

5. There must not be a loss of buildable upland property that would diminish the city's ability to meet its responsibilities with regard to the Growth Management Act or comprehensive plan.

18.31.120 Accessory dwelling units.

Accessory dwelling units are permitted outright in all residential zones that permit single-family homes, and may be developed with new or existing single-family homes. The development standards of the underlying zone and the following siting and performance standards shall apply to all accessory dwelling units as defined by ACC 18.04.018.

A. The home or accessory dwelling unit must be the principal place of residence for the homeowner.

B. Only one accessory dwelling unit may be permitted per single-family residence.

C. An accessory dwelling unit shall not be larger than 50 percent of the square footage of the single-family home with garage space not being included in the calculation. In no case shall the accessory dwelling unit be more than 950 square feet, nor less than 300 square feet, nor have more than two bedrooms.

D. Exterior Appearance/Modifications.

   1. Any alterations shall not change the appearance from that of a single-family residence, as determined by the planning director.

   2. Only one exterior entrance is allowed to the accessory dwelling unit and it can be located no closer than 10 feet to an adjoining property line.

   3. Any exterior stairs shall be placed in the rear or side setback and are no closer than 10 feet to an adjoining property line.

   4. Where garage space is converted to living space the garage door shall be replaced with materials that match the exterior of the house. If a detached garage is converted its appearance must still be that of a detached garage and the detached garage must be able to be used for parking of at least one vehicle.

E. Parking Requirements.

   1. The parking required for the existing single-family home must meet all requirements of the zoning code including amount, size and setback requirements in order for an accessory dwelling unit to be allowed.

2. One additional parking space, beyond those required for the single-family home, is required for an accessory dwelling unit. The additional parking space must also meet all requirements of the zoning code.

3. Newly created parking shall make use of existing curb cuts, when possible.

F. An accessory dwelling unit may not be sold as a separate piece of property, or as a condominium unit, unless allowed by the existing zoning on the property.

G. Any homeowner seeking to establish an accessory dwelling unit shall apply for approval in accordance with the following procedures:

1. The homeowner shall apply for an accessory dwelling unit permit with the City. A complete application shall include a properly completed application form, floor and structural plans, fees and an affidavit of owner residency. The affidavit of owner residency must be signed before a notary public affirming that the owner meets the requirements of subsections A through E of this section.

2. Before issuance of the accessory dwelling unit permit, the homeowner must provide a copy of a statement recorded with the county records and elections office. The statement must read:

   An application for a permit for an accessory dwelling unit has been submitted to the city of Auburn by the owner of this property. Future owners are advised that the owner of the property must comply with all requirements of the Auburn Zoning Code, as amended, if the accessory dwelling unit is to be occupied or rented.

H. If an accessory dwelling unit is to be removed, appropriate permits and inspections must first be received from the City. If a homeowner wants to remove the statement as required by subsection (G)(2) of this section, from the property's title, then the city shall issue an appropriate release upon evidence that the accessory dwelling unit has been removed. The release shall be recorded, by the homeowner, with the county records and elections office and a copy of the recorded release shall be provided to the City.

18.31.130 Reserved

18.31.140 Gated residential subdivisions.

The street(s) within a residential subdivision may be allowed to be gated pursuant to the following:

A. Gated streets cannot adversely affect the automobile or pedestrian traffic of an existing or future neighborhood. This will be determined by (1) the use of gated streets would not cause discontinuity in the existing or proposed public street system (i.e., street layout) including pedestrian traffic, (2) the use of gated streets cannot preclude public street access to other properties, and (3) the use of gated streets would not distribute an unacceptable amount of traffic through an existing or future neighborhood than would otherwise result if through public streets were used.

B. Gated residential subdivisions of more than four lots can only be permitted as part of the plat process pursuant to Chapter 17.10 ACC. Existing plats, proposed to be gated, must go through a plat alteration process pursuant to Chapter 17.20 ACC as well as meet all the requirements of this section.

C. The gated streets are to be privately owned and maintained. The private streets must however meet the same design, construction, and public facility extension standards required of public streets, including approval of the construction by the city.

   Private streets are only allowed to serve more than six lots if part of a gated residential subdivision.

D. A legally incorporated property owners' association must be established and assume the responsibility and cost to repair and maintain the proposed private street(s) and gate(s). The property owners must also agree to maintain a policy of liability insurance in a minimum amount of $1,000,000 of which the city is named as insured to protect the city from any claims that may result from the property owners' utilization of a gated roadway, including but not limited to malfunctions of the gate.

   If the association fails to maintain the street(s) the by-laws of the association must give the city the right to maintain the street(s) and charge the cost of the maintenance, including any administrative costs, to the association members.

   The by-laws establishing the association must state that if future owners should request the private street(s) be changed to public then the owners fully agree that, before the acceptance of such streets by the city, the owners will bear the full expense of reconstruction or any other action necessary to make the streets substantially consistent with the requirements of public streets, applicable at the time.

   If at any time the private streets are converted to public streets then the gate(s) shall be removed at the expense of the association.

E. At the time of application for a preliminary plat or plat alteration the applicant shall address and provide evidence that those items as required in subsections A, B, C, D, and F of this section have been fulfilled. A preliminary plat or plat alteration shall not be approved unless it is found to meet the requirements of this section.

F. Design Standards for All Entry Gates to Residential Developments Including Residential Subdivisions, Apartment Complexes, Condominiums, and Mobile Home Parks.

1. A vehicle turnaround, turnout or similar mechanism shall be provided in front of the gate. The entrance to the proposed gate shall be designed and stamped by a professional civil engineer licensed in the State of Washington and shall allow for a safe turnaround for vehicles in front of the gate in cases where the vehicle is denied entry. The design for the gated entrance shall consider the abutting public roadway alignment and grade, sight distance, posted speeds and other engineering criteria relevant to designing the particular gated entrance. The proposal shall be reviewed for approval by the city engineer.

2. Gate construction shall be of wrought iron or similar material approved by the planning director and be constructed in such a manner to allow for viewing of obstructions located within the swing path of the gate. The swing path of the gate shall be away from or parallel with the vehicle approaching the gate. The gate and accessory equipment shall be coated to prevent corrosion.

3. If the entry gate(s) obstructs access to solid waste collection, public water, sewer, or storm water utilities owned and maintained by the city, then a property owner or homeowners' association will be required to meet all easement requirements and be responsible for assuring that 24-hour access is provided to the city. The city's public works director shall determine a specified number of activation keys, activation devices or receive the access code to the gate which shall be distributed to the appropriate city departments. If the access method to the gate is subsequently modified then the property owner or homeowners' association shall notify the public works director and again provide to the public works director a specified number of activation keys, activation devices or the access code to the gate which shall be distributed to the appropriate city departments.

4. Emergency Access Provisions. Gates shall have rapid entry key capabilities as approved by the fire marshal. The gate shall provide for 20

feet of clear passage for emergency access with a minimum clear height of not less than 16 feet 6 inches in accordance with WSDOT Design Manual Section 1120.04 “Bridge Site Design Elements” paragraph 5(a)1. Electrically operated gates shall have the capability to automatically default to the unlocked (open) position in the event of a power outage.

18.31.150 Secure community transition facilities.

The following siting and performance standards shall apply to all secure community transition facilities (SCTFs) as defined in RCW 71.09.020:

A. Maximum Number of Residents. No SCTF shall house more than 15 persons, excluding resident staff.

B. Siting Criteria. As an essential public facility of regional or statewide importance, any SCTF shall be sited consistent with the essential public facilities process in the Auburn comprehensive plan and shall be located in the Region Serving Area of Auburn, as defined and mapped in the Auburn comprehensive plan. Such facilities should be located in relationship to transportation facilities in a manner appropriate to their transportation needs. Extensive buffering from adjacent uses may be required.

C. Dispersion Criteria.

1. The lot line of any new or expanding SCTF shall be located:

a. One thousand feet or more from any residential use; and

b. One thousand feet or more from any group residence facility as defined by ACC 18.04.440; and

c. Not adjacent to a parcel containing nor within the line of sight of any of the following:

i. Any accredited public, private or parochial school;

ii. Any religious institution in existence as of the effective date of the ordinance codified in this section;

iii. Any public park, publicly dedicated trail, sports field, playground, or recreational or community center;

iv. Any licensed daycare center, nursery school or preschool as defined by ACC 18.04.290;

v. Any school bus stop in existence at the time the facility is proposed;

vi. Any public library; and

vii. Any other facilities as identified by the State of Washington Department of Social and Health Services following the hearings on a potential site as required in RCW 71.09.315;

d. One mile or more from any work release, prerelease or similar facility.

2. The distances provided in this subsection shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property parcel upon which the proposed use is to be located or expanded to the nearest point of the parcel of property or the land use district boundary line from which the proposed land use is to be separated.

3. The "adjacent to a parcel containing nor within the line of sight" criterion is a minimal guideline established to minimize the access between an SCTF and a "risk potential activity" as defined in RCW 71.09.020. That criterion may be altered depending on topographic conditions, size of parcels, or substantial intervening barriers to access (e.g., a river).

D. A conditional use permit application for an SCTF shall be accompanied by the following:

1. The siting process used for the SCTF, including alternative locations considered;

2. An analysis showing that utmost consideration was given to potential sites such that siting of the facility will have no undue impact on any one racial, cultural, or socio-economic group, and that there will not be a resulting concentration of similar facilities in a particular neighborhood, community, jurisdiction, or region;

3. Proposed mitigation measures;

4. A detailed plan that demonstrates how security for the facility and the residents will be addressed, and how the security plans will be coordinated with local emergency personnel;

5. A detailed plan on how the proposed operating rules for the facility will be developed and coordinated with local emergency personnel;

6. A schedule and analysis of all public input solicited or to be solicited during the siting process, including assurance that comments are reviewed and adequately responded to; and

7. A preliminary landscaping plan that shows how the proposal intends to meet the requirements of the zone in which it is located, in order to comply with state regulations for siting an SCTF and in order to provide appropriate visual separation between the SCTF and neighboring land uses such that impacts to residents of an SCTF by neighboring manufacturing uses are mitigated.

These proposed materials shall be reviewed by the planning director in consultation with the chief of police and the city attorney. The planning director shall include in any recommendation on the requested conditional use permit an analysis of the proposal as they may relate to the findings of fact required under ACC 18.64.040.

18.31.160 Supportive Housing Development Standards

A. Supportive housing projects allowed pursuant to ACC 18.06.020 shall comply with the following standards:

1. Minimum lot area per unit: 1,200 square feet

2. For lots with an area of up to one acre, the maximum number of units allowed is 25; for lots with an area greater than one acre, the maximum number of units allowed is 50.

3. Maximum lot size: 2.0 acres.

4. Minimum separation from other supportive housing projects: five miles.

5. Maximum unit size: 450 square feet (on-site manager unit excepted).

6. Shall provide an on-site resident manager who is accountable to the owner or manager of the supportive housing project.

7. Appropriate off-site support services shall be available within 1,000 feet. Off-site support services shall provide residents with case management services, medication monitoring, help with vocational training and goals, access to chemical dependency services, assistance with activities of daily living, etc.

8. Registered sex offenders shall not be allowed to reside within supportive housing projects located within 880 feet of a school, church, daycare facility or public park.

9. A written management plan shall be provided for the review and approval of the planning director. At a minimum, a management plan shall address the following:

a. The specific nature of the supportive housing project and its intended occupants;

b. Its potential impact on nearby residential uses and proposed methods to mitigate those impacts;

c. Identification of the project management or agency to whom support staff are responsible and who will be available to resolve concerns pertaining to the facility;

d. Identification of staffing, supervision and security arrangements appropriate to the facility;

e. If the planning director determines at any time there is evidence of fraud in obtaining the permit; concealment or misrepresentation of any material fact on the application or on any subsequent applications or reports; or that the supportive housing project is found to be in violation of the approved plans, conditions of approvals, or the terms of the permit or management plan, and the owner has failed to correct the violation after proper notice thereof; then the planning director may order the closure of the project.

10. If a supportive housing project is discontinued or abandoned, future use of the property shall be in conformance with the use and development standards of the R-20 zone.

18.31.170 Reserved.

18.31.180 Performance Standards

A. General.

The following performance standards specifically govern industrial, manufacturing, processing, assembly and similar type uses typically found within the industrial zones. These standards may also apply to other uses and activities in other zones, which are not otherwise governed by other regulations of the Auburn City Code.

B. Noise.

The noise emanating from the premises of commercial or industrial activities shall be muffled so as to not become objectionable due to intermittent beat, frequency or shrillness, and shall not exceed those standards as determined by Washington Administrative Code (WAC 173-60) as amended. (Ord. 4229 § 2, 1987.)

C. Glare.

Exterior lighting shall not be used in such a manner that it produces glare on public streets and neighboring property. This restriction also applies to any other nonresidential zone or use adjacent to single-family zones. Arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the property line of the use creating the glare.

D. Storage and handling of flammables.

In terms of fire and safety hazards, the storage and handling of flammable liquids, combustible liquids, liquefied petroleum gases and explosives shall comply with the rules and regulations of the International Fire Code, as amended.

E. Electrical interference.

Provisions must be made for necessary shielding or other preventive measures against interference occasioned by mechanical, electrical and nuclear equipment uses or processes with electrical apparatus in nearby buildings or land uses.

F. Odorous gases and matter.

The emission of odorous gases or matter in such quantities as to be readily detectable, without special instruments, at any point beyond the property line of the use creating the odors, is prohibited.

G. Smoke and particulate matter emissions.

No emissions shall exceed the allowances set forth by the Environmental Protection Agency, the Washington State Department of Ecology and/or the Puget Sound Air Pollution Control Agency.

H. Dust, dirt, fly ash, or airborne solids.

No observable dust, dirt, fly ash or other airborne solids shall be emitted except as related to construction activity or permitted in Chapter 18.62 ACC, surface mining.

I. Waste storage.

Storage of animal or vegetable wastes which attract insects or rodents or otherwise create a health hazard shall be prohibited. No waste products shall be exposed to view, from eye level, beyond the property line of the use storing the waste.

J. Toxic gases and matter.

No emissions of toxic gases or matter shall be permitted.

K. Vibration.

Vibration which is easily discernible, without special instruments at any point beyond the property line, is prohibited. This shall not apply to vibration caused by highway vehicles, trains, aircraft or construction activities.

L. Hazardous substance and waste.

No hazardous substances or wastes shall be released into the environment so as to cause dangerous or offensive emission or contamination of any public or private water supply, sewage treatment processes, watercourse or water body, the air or the ground, except in accordance with standards approved by provisions of federal, state and local laws and regulations.

18.31.190 Supplemental Standards for Residential Mobile Home Communities.

Supplemental development standards for the R-MHC district are as follows:

A. Recreational vehicle storage area: a fenced and screened storage area shall be provided the size of which shall be 300 square feet of area for each 10 homes. The storage area shall not abut property other than that which is zoned R-MHC.

B. Recreation area: a central recreation area shall be established in each community created pursuant to the provisions of this chapter. The size of the area shall be at least 200 square feet per home site. The recreation area may contain community clubhouses, swimming pools, shuffleboard courts and similar facilities. The planning director may permit decentralization of the recreation facilities in accordance with principles of good planning; provided, that the total recreation area meets the above stated minimum size.

C. Space identification: each manufactured home site shall be plainly marked and numbered for identification.

D. Community office: every community shall provide a permanent building to be used as an office for community management.

E. Streets: internal private community streets shall be provided in such a pattern as to provide convenient traffic circulation, including fire and other equipment responding to emergencies, within the community. They shall be built to the following standards:

1. The width of all private community streets shall be not less than 34 feet including curbs. Street widths of 24 feet may be permitted in communities; provided, that adequate off-street parking is provided at the ratio of one off-street parking space for each manufactured home site within the community. The location and placement of the off-street parking spaces will be subject to approval by the planning director. No on-street parking will be permitted on street widths of less than 34 feet and signs designating “no parking” and “fire lane” must be placed on both sides of the street and so marked on the final plans.

2. All public streets abutting a community shall be improved in conformance with the City’s Design and Construction Standards.

3. There shall be curbing constructed to City Design and Construction standards on each side of all private community streets.

4. The private community streets shall be paved in accordance with the City’s Design and Construction Standards.

5. Private community streets shall be lighted in accordance with the City’s Design and Construction Standards.

6. Minimum radii on private community street curves shall not be less than 45 feet.

F. For those communities that had been approved prior to June 15, 1987, the adoption date of Zoning Ordinance No. 4229, the placement or replacement of any home shall either be in conformance with this chapter or the site plan which had been previously approved by the city. For those communities which do not have an approved site plan the replacement of a home shall either be consistent with this chapter or the location of the previous home. In no case shall any applicable fire or building code requirements be lessened.

Section 18.31.200 Multi-Family Development & Mixed Use Development Design Standards and Procedures

A. Applicability.

The following development activities, including all related site improvements, are subject to the design standards, processes and procedures for conducting design review contained in this chapter:

1. Multi-family development inclusive of triplexes and fourplexes in all zones in the City where permitted outright or as a conditional use and not otherwise addressed through the City’s infill design standards; and,

2. Mixed Use Residential Development. Mixed use development containing residential living units in all zones in the City where permitted outright or as a conditional use; and,

3. Retirement apartments, congregate living facilities and senior housing complexes in all zones in the City where permitted outright or as a conditional use.

B. Exemptions.

The following activities as determined by the Planning Director shall be exempt from the provisions of the Design Standards:

1. Any building activity that does not require a building permit; or

2. Interior construction work which does not alter the exterior of the structure; or

3. Normal or routine building and site maintenance/repair that is exempt from permit requirements including the repair or maintenance of structural members; or

4. Interior alterations that do not alter the exterior appearance of a structure or modify an existing site condition; or

5. Site and exterior alterations that do not exceed 10 percent of the assessed valuation of the property building or land per the most recent county records; or

6. Building additions that are less than 10 percent of the existing floor area of the existing building. Any cumulative floor area increase from the adoption date of the ordinance establishing these design standards that totals more than 10 percent shall not be exempt unless the Planning Director determines compliance with these standards would be unfeasible and/or unreasonable.

C. Description and purpose.

The design regulations are intended to be consistent with and administered to help implement the policies of the Comprehensive Plan. The purposes of these design review regulations are to:

1. Foster good decision-making for multi-family and mixed use development in architectural and site design within the context of the community's built and natural environmental character, scale and diversity;

2. Promote the scale of buildings and the configuration of open space and parking areas for multi-family and mixed use development to safely and comfortably accommodate pedestrian activities;

3. Discourage placement of multiple-family and mixed use complexes around large expanses of vehicular circulation and parking without providing adequate places for recreational and play activities;

4. Discourage monotony in building design and in the arrangement of multiple-family and mixed use complexes, while promoting harmony among distinct building identities; and,

5. Mitigate, through design and site plan measures, the visual impact of large building facades, particularly those which have high public visibility (these standards encourage creative use of architectural and landscape features so as to reduce the actual and perceived scale and bulk of multi-family and mixed use structures).

D. Design standards.

Adopted by reference are the "City of Auburn Multi-Family & Mixed Use Design Standards" a copy of which shall be maintained by the City Clerk. This document contains standards for development of the built environment pertaining to multi-family and mixed use development in applicable City zones. The planning director or designee shall have the authority to apply the standards to specific development proposals. These standards may be amended upon approval by the Planning and Community Development Committee of the Auburn City Council.

E. Timing of administrative design review.

1. Design review shall be conducted by the Planning director or designee as a part of site plan review pursuant to building permit issuance and/or review of discretionary land use permits.

2. A pre-application conference is strongly recommended but not required for multi-family development inclusive of triplexes and fourplexes located within R-5 and R-7 zones not otherwise addressed through the City's infill design standards.

3. A pre-application conference is required for multi-family development in the R-10, R-16, R-20 zones

4. A pre-application conference is required for mixed use development containing residential living units located within R-10, R-16 and R-20 zones, and all current commercial zones;

5. A pre-application conference is required for retirement apartments, congregate living facilities and senior housing complexes located within R-10, R-16 and R-20 zones, and all current commercial zones;

F. Design review submittal requirements.

In addition to any other documentation required for submittal of a complete application for building permit or site plan review, the following items shall be required for design review:

1. Elevation drawings prepared by an architect licensed in the State of Washington of all proposed construction including dimensional drawings at 1/8":1' or comparable scale showing the type of exterior materials, color (where applicable due to selection of a menu option), exterior finishes for buildings and accessory structures, location and elevations of exterior lighting for buildings, the type, style and model of exterior lighting fixtures (where applicable due to zone transition standards), parking areas, and fenestration details. Scaled drawings of elevations, conceptual selection of major building materials, and conceptual selection of colors where applicable may be submitted at preliminary site plan review stage;

2. A to-scale landscape plan prepared by a landscape architect licensed in the State of Washington showing existing vegetation to be retained and proposed vegetation to be installed inclusive of the common and botanical name of all vegetation, the location and quantity of vegetation, the initial planting size and maximum growth size of all vegetation and methods of irrigation, if applicable;

3. A context vicinity map that shows all structures on the property and within 200 feet in each direction of the subject property drawn to scale but not to the accuracy of a survey;

4. A neighborhood circulation plan consistent with the provisions of Chapter 17.16 (Neighborhood Circulation Plan); and

5. Conceptual plans for any public infrastructure, including roads, water, sewer, and storm facilities.

G. Interpretations.

Any affected person may challenge an interpretation and determination of the Planning director pertaining to this section subject to the City's administrative appeal provisions of Chapter 14.13 ACC.

H. Design review adjustments.

The Planning director or designee shall have the authority, subject to the provisions of this section and upon such conditions as the Planning director or designee may deem necessary to comply with the provisions of this section, to approve design adjustments as follows:

1. An adjustment to architectural or site design requirements such that no more than two of the total number of required menu items in the "City of Auburn Multi-Family & Mixed Use Design Standards" are out of compliance.

2. An adjustment to required building wall and roof modulation standards, as contained in the "City of Auburn Multi-Family & Mixed Use Design Standards" up to 20 percent of the amount of any quantified standards contained therein.

I. Required Findings to Grant Design Review Adjustments.

Each determination granting an adjustment by the Planning director or designee shall be supported by written findings showing specifically wherein all of the following conditions exist:

1. That the granting of such adjustment does not constitute a grant of special privilege inconsistent with the limitations upon uses of other properties in the vicinity and/or zone of the subject site; and

2. That the granting of such adjustment will not adversely affect the established character of the surrounding neighborhood, discourage maintenance or upgrades on surrounding properties, nor result in perpetuation of those design qualities and conditions which the comprehensive plan intends to eliminate or avoid; and

3. That the project incorporates alternate design characteristics that are equivalent or superior to those otherwise achieved by strict adherence to stated menu options; and

4. That each of the findings under Section L (Director Authority and Findings) by the Planning director or designee in granting such adjustment.

J. Public notification and action on design review adjustment applications.

Upon the filing of a properly completed application and associated request for a design review adjustment, the Planning director or designee shall comply with the City's Type II land use review requirements for issuance of a property noticed and appealable land use decision.

K. Appeal of director's action on design review adjustments.

1. If a written objection to the initial determination notice is filed within 10 business days of said notification, the Planning director or designee shall reconsider the initial determination in light of the objection(s) as raised and render a final decision on the permit. This final decision shall result in either the planning director's affirmation of the original determination of approval, the approval with additional modifications or denial.

2. Upon completion of the planning director's reconsideration, all parties notified of the original determination shall receive notification of the planning director's final decision. Any party aggrieved by the planning director's final decision may file an appeal of that decision to the hearing examiner in accordance with the City's land use appeal provisions. Such appeals for hearing examiner review must be filed within 10 business days from the date the written decision was made and shall include the following:

    a. The appeal shall be filed on forms provided by the Department of Planning, Building and Community.

    b. The appeal shall clearly state the decision being appealed, setting forth the specific reason, rationale, and/or basis for the appeal.

    c. Fees associated with the appeal shall be paid to the city upon filing of the appeal in accordance with a fee schedule established by resolution.

3. Upon filing of a timely and complete appeal, the hearing examiner shall conduct a public hearing to consider the merits of the appeal. This hearing shall be subject to the City's public noticing and public hearing requirements and shall include notification of all parties notified of the Planning director's final decision. The hearing examiner may affirm the planning director's decision or may remand the matter to the planning director for further review in accord with the Examiner's direction.

4. If no written objection is filed to the initial determination within the specified time limits, the planning director shall render a final decision on the permit in accord with the initial determination.

L. Director Authority and Findings.

The Planning director or designee shall approve, approve with modifications or deny each project application subject to design review. Each determination granting approval or approval with modifications shall be supported by written findings showing specifically wherein all applicable conditions exist:

1. The plans and supplemental materials submitted to support the plan meet the requirements of the design regulations;
2. The proposed development is consistent with the comprehensive plan;
3. Applicable only to multiple-family and retirement apartment projects, the following key review criteria have been met:
    a. The proposed development is arranged in a manner that either:
        i. Provides a courtyard space creating a cohesive identity for the building cluster and public open space furnished to facilitate its use, or
        ii. Possesses a traditional streetscape orientation that provides clearly identifiable and visible entries from the street, views from residential units onto the street and reinforces pedestrian-oriented streetscape characteristics (e.g., building edge abutting sidewalk, entries onto the street), or
        iii. Faces and facilitates views of a major open space system;
    b. The proposed development provides a variety in architectural massing and articulation to reduce the apparent size of the buildings and to distinguish vertical and horizontal dimensions;
    c. The proposed development contains a combination of elements such as architectural forms, massing, assortment of materials, colors, and color bands sufficient to distinguish distinct portions and stories of the building;
    d. Residential buildings in large multiple-family projects or mixed use projects are physically integrated into the complex possessing sufficiently different appearance or placement to be able to distinguish one building from another;
    e. Unit entrances are individualized by use of design features that make each entrance distinct or which facilitate additional personalization by residents;
    f. Areas dedicated to parking are sufficiently visually broken up and contain a complement of vegetative materials to project a landscaped appearance;
    g. Where applicable, a transition is created that minimizes impacts from multi-family and mixed use development projects on neighboring lower

density residential dwelling units in abutting or adjacent single-family zones; and

h. Where applicable, in cases of granting density or height bonuses, the project has provided community benefits, facilities or improvements above and beyond those required in the municipal code and supports the goals, objectives and policies of the comprehensive plan;

4. The proposed development meets required setback, landscaping, architectural style and materials, such that the building walls have sufficient visual variety to mitigate the appearance of large facades, particularly form public rights-of-way and single family residential zones.

Section 16. **Repeal of chapter of City Code.** That Chapter 18.45, Lea Hill (LH) District, of the Auburn City Code be and the same hereby is repealed.

Section 17. **Repeal of chapter of City Code.** That Chapter 18.45A, West Hill Annexation Area, of the Auburn City Code be and the same hereby is repealed.

Section 18. **Repeal of chapter of City Code.** That Chapter 18.48, Supplemental Development Standards, of the Auburn City Code be and the same hereby is repealed.

Section 19. Adoption of new chapter of City Code. That a new Chapter 18.49, Flexible Development Alternatives, of the Auburn City Code be and the same hereby is adopted to read as follows:

Chapter 18.49
Flexible Development Alternatives

Sections:

18.49.010 Intent.
18.49.020 Applicability – Residential Development.
18.49.030 Applicability – Mixed-Use Development.
18.49.040 Applicability – Commercial/Industrial Developments.
18.49.050 Flexible Development Standards for Residential Development.
18.49.060 Flexible Development Standards for Mixed-use Development.
18.49.070 Flexible Development Standards for Commercial/Industrial.
18.49.080 Procedures.
18.49.090 Appeals.

18.49.010 Intent.

The City of Auburn Flexible Development Alternatives process is intended to allow greater flexibility and creativity to develop a site through the development review process via alternative development standards in exchange for public benefit to the citizens of Auburn that helps the City accomplish goals and policies outlined within its Comprehensive Plan. In exchange for the enhanced flexibility offered by these alternative standards, the City requires that the proposed development result in a significantly higher quality of design, generate more of a public benefit, and be more environmentally sensitive than would have been the case with the use of standard zoning or subdivision procedures.

This chapter describes standards and requirements to be used by the City of Auburn to determine whether a development proposal meets the City's minimum requirements to be eligible for review under the Flexible Development Alternatives approval process.

18.49.020 Applicability – Residential Development.

A. Minimum Requirements for Residential Development:

In order to qualify for consideration under the residential development provisions of this Chapter, a development proposal must meet all of the following requirements:

Flexible Development Alternatives for Residential Development is a two-tiered process including minimum requirements (all of which must be met) and flexible criteria, which must score a minimum of 100 points in at least three categories, with not more than 40 points in any one category counting toward the 100-point minimum.

1. Site Requirements:

   Flexible Development Alternatives for Residential Development is a two-tiered process including minimum requirements (all of which must be met) and flexible criteria, which must score a minimum of 100 points in at least three categories.

   a. Location. The site of the proposed project must be located entirely within one or more of the following zoning districts: R-1, R-5, R-7, R-10, R-16, R-20.

   b. Minimum Property Size. The land on which the proposed development will be sited is a minimum of 8 acres for the R-1 through R-7 zones; and a minimum of 2 acres for the R-10 through R-20 zones.

   c. Lot Configuration. The tract(s) of land for which the project is proposed shall be a common site with sufficient width and depth to accommodate the proposed use.

   d. Ownership/control. All land included for the purpose of the development shall be owned by or be under the complete control of the applicant for such proposal, whether the applicant be an individual, partnership, corporation, group, or agency.

2. Project Requirements:

   a. Development Type. The development proposal must constitute a residential development. For purposes of this chapter, a residential development may consist of single family dwellings, multiple-family dwellings, or a combination thereof.

   b. Consistency with intent of flexible development alternative regulations. Applicant must demonstrate that the proposed development is consistent with the intent of the Flexible Development Alternatives regulations as provided in ACC 18.49.010.

   c. Consistency with Auburn City Code. The proposed development shall be consistent with all other requirements of the Auburn City Code.

d. Consistency with Comprehensive Plan. Applicant must demonstrate that the proposed development is consistent with the goals, objectives, and policies of the City of Auburn Comprehensive Plan.

e. Arrangement of uses. Where non-residential uses are proposed as a component of the overall residential development, non-residential uses may not occupy more than 20 percent of the overall site.

B. Eligibility – Flexible Development Alternatives Scoring Matrix for Residential Development.

Section ACC 18.49.020C shall be used to determine eligibility of a proposal for review under the City's Flexible Development Alternatives approval process. To meet the requirements, a project must: a) score at least 100 points total by providing any combination of features or amenities found in ACC 18.49.020C below; and b) score points in any 3 or more of Categories 1 through 8 listed in the table, with not more than 40 points in any one category counting toward the 100-point minimum.

C. Eligibility – Residential Flexible Development Matrix.

Development proposals will only be awarded points for improvements or project features that exceed the requirements of the other chapters of this title, the other titles of the City code, and the City Design and Construction Standards.

Feature/Benefit	Points Possible
Category 1- Sustainability	
a. Project design incorporates the use of one or more of the following low impact development (LID) techniques consistent with the city design and construction standards: bioretention, soil amendment, permeable paving, vegetated roofs, minimal excavation foundations, rooftop rainwater collection.	5 points per technique up to a maximum of 25 points
b. All residential units in the proposal meets the design requirements for one or more of the following certifications: o Leadership in Energy and Efficient Design (LEED) Homes o LEED Neighborhood o Built Green Single Family Homes o Built Green Multi-Family o Built Green Community	LEED: 15 points for certification, add the following points for applicable design level: 5 points for Silver, 10 points for Gold, 15 points for Platinum Built Green single family and multi-family: 5 points for 3-star design level, 10 points for 4-star design level, 15 points for 5 star-design level Built Green Community: 10 points for 2-star design level, 15 points for 3-star design
c. Project buildings and structures are constructed with at	5 points, plus 1 point for each two

Feature/Benefit	Points Possible
least 10% post-consumer content/recycled materials.	percentage points in excess of 10%; up to a maximum of 10 points
d. Project implements a construction recycling program approved by the City of Auburn Building Division for construction, demolition and deconstruction projects that achieves a 90% landfill diversion rate	5 points
e. Project design incorporates one or more water conservation and management features (i.e. low-flow toilets, Energy Star rated dishwashers and clothes washing machines, drip irrigation system, etc.).	5 points, plus one point for each type of water conservation/management feature
f. Project design incorporates one or more energy conservation/efficiency features (i.e. orienting buildings for passive cooling and optimal use of natural lighting, high efficiency lighting with occupancy sensors for common areas, Energy Star rated appliances, use of solar panels, etc.)	5 points, plus one point for each type of energy conservation/efficiency feature
g. Applicant has provided an assessment of project's carbon footprint prepared by a qualified consultant defined as an individual or firm with specialized knowledge or expertise in the assessment of greenhouse gas and carbon impacts of development.	10 points
Category 2- Urban Design	
a. Project incorporates "public art" features that reflect the community's values, history, economy or people in accordance with the City of Auburn Comprehensive Plan	5 points
b. Project facilitates access by bicyclists in accordance with the City of Auburn Comprehensive Plan, and project does not contain barriers such as fences or walls that unnecessarily limit or block bicyclist access.	5 points
c. Project involves the voluntary undergrounding of existing above ground utilities in accordance with the City of Auburn Comprehensive Plan, where such undergrounding would not otherwise be required	5 points + 1 point for every 25 feet of frontage up to a maximum of 10 points
d. Project incorporates beautification of a designated primary travel corridor (pursuant to the adopted City Transportation Plan, and subject to the approval of the City Engineer) in accordance with the City of Auburn Comprehensive Plan	10 points
e. Project incorporates pedestrian- or transit-friendly design features such as rear or side setback area parking, wider sidewalks, street furniture, and building awnings in accordance with the City of Auburn Comprehensive Plan	5 points + 1 point per non-repeated design feature up to a maximum of 15 points
Category 3- Community Cohesion and Neighborhood Safety	
a. Project incorporates Crime Prevention through Environmental Design principles.	5 points, plus 1 point for each CPTED technique incorporated in design
b. Project design incorporates features or design elements to minimize interfaces between pedestrians and vehicular traffic (i.e. elevated walkway, de-linking walkways and streets, etc.).	5 points
c. Project design provides for well defined neighborhood gateways and community/common open spaces.	5 points

Feature/Benefit	Points Possible
d. Project provides secure and observable play spaces for children.	5 points
e. Project provides for outdoor seating/gathering areas for passive social activities (i.e. reading, conversing, or playing chess, etc.)	3 points
Category 4- Housing	
a. Senior Housing – Project creates or rehabilitates a minimum of ten percent or two units (whichever is greater) of proposed housing meeting the definition of 'senior housing' as provided in ACC 18.04.	2 points per senior housing unit up to a maximum of 15 points
b. Special Needs Housing – Project creates or rehabilitates a minimum of ten percent or two units (whichever is greater) of proposed housing meeting the definition of 'special needs housing' as provided in ACC 18.04.	2 points per senior housing unit up to a maximum of 15 points
c. Rehabilitation – Project rehabilitates one or more existing housing units. Rehabilitation must meet the definition of Housing Rehabilitation as defined in ACC 18.04.	2 points per rehabilitated housing unit, to a maximum of 50 pts
d. Housing Variety – Project creates or rehabilitates units representing two or more housing types as allowed in ACC 18.07.020 in the zone in which the development is proposed.	2 points per max of housing type up to a maximum of 10 points
Category 5- Open Space and Recreation	
a. Projects incorporating residential units provide for individual unit private open space area through the provision of a balcony, covered porch or similar architectural feature.	3 points
b. Projects incorporating residential units provide for common open space area that equates to 250 square feet of common open space per unit or 10% of the total gross site area, whichever is greater.	5 points
c. The Director, in consultation with the City Parks Department, determines that the project creates a neighborhood park, trail, or other public recreational amenity as listed in ACC 18.04 not otherwise required by City development regulations that furthers the goals and objectives of an adopted City Parks, Recreation, and/or Open Space Plan.	2 points for each 0.25-acre of area or 200 linear feet of trail up to a maximum of 15 points
d. Project provides one or more common gardening spaces or community "Pea Patch" areas for residents of the development or surrounding neighborhood.	5 points, plus 1 point for each 250 square feet of gardening space.
Category 6- Natural Resources Protection	
a. Project retains and provides a "superior level of protection and or enhancement" for sensitive natural features on site, including: wetlands, surface waters, geological hazardous areas, sensitive plant and animal species, etc. For purposes of this category, superior level of protection and or enhancement includes incorporation of additional protections and/or restoration projects that enhance protection of or	15 points

Feature/Benefit	Points Possible
restore critical functions and values of the natural feature.	
b. The project design demonstrates a "superior level of protection and or enhancement" for elements of the environment, including: air quality, water quality, natural topography, native vegetation, etc. For purposes of this category, superior level of protection and or enhancement includes incorporation of additional protections and/or restoration projects that enhance protection of or restore critical functions and values of the environmental element.	15 points
c. The project design demonstrates a "superior level of mitigation" for impacts associated with the proposed development (or abatement of existing environmental conditions in the neighborhood) such as noise, light and glare, odors, vibration, etc. For purposes of this section "superior level of mitigation" shall mean mitigation that alleviates existing condition issues in addition to mitigating for project impacts.	15 points
Category 7- Cultural/Historic	
a. Project preserves a site, structure or feature of cultural or historic significance. For purposes of this section, a site, structure or feature of cultural or historic significance is one that is listed on the Federal, State, or local register of historic or cultural properties.	25 points
b. Project restores or enhances a site, structure or feature of cultural or historic significance as defined under subsection 7a above.	40 points
c. Project is located in any district designated in accordance with the City of Auburn Historic Preservation Code, Chapter 15.76 ACC, or any other district designated by City of Auburn ordinance or resolution intended to preserve, protect, enhance, and/or perpetuate those sites, buildings, districts, structures or objects which possess notable features or reflect significant elements of Auburn's, the county's, state's and nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic, or other heritage. Applicant must demonstrate that project design advances the stated intent of the district designation.	15 points
Category 8- Transportation and Mobility	
a. Project demonstrates coordination with local and regional transit agencies and includes new transit facilities or features.	15 points
b. Project design includes non-motorized transportation features and amenities not otherwise required under by the City code. For purposes of this requirement, non-motorized transportation features include but are not limited to pedestrian walkways, multi-use paths, bicycle racks/lockable storage, connections with other local/regional trails, walkways, paths.).	5 points for each feature, up to a maximum of 25

Feature/Benefit	Points Possible
c. Project improves the public street(s) adjacent to the project site using a "Complete Streets" design to provide accommodation for pedestrians, bicyclists, transit riders, and persons of all abilities, where such improvements are not otherwise required by City development regulations.	25 points
d. Project design includes one or more Transportation Demand Management features including but not limited to preferential parking for high-occupancy vehicles, improved access for transit vehicles.	5 points for each feature, up to a maximum of 15
e. Project provides for one or more transportation alternatives which include but are not limited to car share, bike share or other method of providing alternatives to individual automobile ownership).	5 points for each alternative, up to a maximum of 15

Design Innovation Bonus	
a. Project demonstrates a high degree of innovation by providing one or more design features not listed elsewhere in this rating instrument or otherwise required by City development regulations that promote(s) sustainability, energy/water conservation or efficiency, community cohesion, neighborhood safety, adaptive re-use of existing development, or enhanced transportation circulation/mobility.	10 points

18.49.030 Applicability – Mixed-Use Development.

Flexible Development Alternatives for Mixed-Use Development is a two-tiered process including minimum requirements (all of which must be met) and flexible criteria, which must score a minimum of 100 points in at least three categories, with not more than 40 points in any one category counting toward the 100-point minimum.

A. Minimum Requirements for Mixed-Use Development:

In order to qualify for consideration under the mixed-use development provisions of this Chapter, a development proposal must meet all of the following requirements:

1. Site Requirements:

   a. Location. The site of the proposed project must be located entirely within one or more of the following zoning districts: R-10, R-16, R-20, C C1, C2, C3, CN, RO, RO-H, M1.

b. Lot Configuration. The tract(s) of land for which the project is proposed shall be a common site with sufficient width and depth to accommodate the proposed use.

c. Ownership/control. All land included for the purpose of the development shall be owned by or be under the complete control of the applicant for such proposal, whether the applicant be an individual, partnership, corporation, group, or agency.

d. Proximity to a Multi-Modal Transportation Corridor. The site of the proposed development shall be located a maximum of one quarter mile from a multi-modal transportation corridor within the City of Auburn. The proposed development shall provide vehicular, transit, bicycle or pedestrian access to the corridor.

e. Proximity to Public Street System. The site of the proposed development shall abut one or more public streets having a current functional street classification of Principal Arterial, Minor Arterial, Residential Collector, or Non-Residential Collector as designated by the Auburn Comprehensive Transportation Plan.

2. Project Requirements:

a. Development Type. The development proposal must constitute a mixed-use development. For purposes of this chapter, a mixed use development is a single unified development that incorporates the planned integration of two or more different land uses consisting of some combination of office, light industrial (if allowed in underlying zone), hotel, retail, public entertainment and public uses, and/or housing. Mixed-use projects may be vertically oriented in one or more buildings, or geographically distributed on a development site.

b. Consistency with intent of flexible development alternative regulations. Applicant must demonstrate that the proposed development is consistent with the intent of the Flexible Development Alternatives regulations as provided in ACC 18.49.010.

c. Consistency with Auburn City Code. The proposed development shall be consistent with all other requirements of the Auburn City Code.

d. Consistency with Comprehensive Plan. Applicant must demonstrate that the proposed development is consistent with the goals, objectives, and policies of the City of Auburn Comprehensive Plan.

e. Arrangement of uses. No residential use may occupy more than 25 percent of the first floor of a building with two or more uses.

B. Eligibility – Flexible Development Alternatives Scoring Matrix for Mixed-Use Development.

Section ACC 18.49.030C shall be used to determine eligibility of a proposal for review under the City's Flexible Development Alternatives approval process. To meet the requirements, a project must: 1) score at least 100 points total by providing any combination of features or amenities found in ACC 18.49.030C below; and 2) score points in any 3 or more of Categories 1 through 9 listed in the table. For each development proposal requesting evaluation through the flexible development alternatives process, the planning director shall determine: a) Whether the proposal meets the criteria for each feature in the flexible development matrix in ACC 18.49.030C; and b) The number of points awarded for each qualifying feature consistent with the matrix.

Development proposals will only be awarded points for improvements or project features that exceed the requirements of the other chapters of this title, the other titles of the City code, and the City Design and Construction Standards.

C. Eligibility – Mixed-Use Flexible Development Matrix.

Feature/Benefit	Points Possible
Category 1- Sustainability	
a. Project design incorporates the use of one or more of the following low impact development (LID) techniques consistent with city design and construction standards: bioretention, soil amendment, permeable paving, vegetated roofs, minimal excavation foundations, rooftop rainwater collection.	5 points per technique up to a maximum of 25 points
b. Residential portion of project (all residential units) meets the design requirements for one or more of the following LEED or Built Green Certifications: o LEED Homes o LEED Neighborhood o Built Green Single Family Homes o Built Green Multi-Family o Built Green Community	LEED: 15 points for certification, add the following points for applicable design level: 5 points for Silver, 10 points for Gold, 15 points for Platinum Built Green single family and multi- family: 5 points for 3-star design level, 10 points for 4-star design level, 15 points for 5 star-design level Built Green Community: 10 points for 2-star design level, 15 points for 3-star design

Feature/Benefit	Points Possible
c. Non-residential portion of project (all non-residential buildings, structures, or spaces) meets the design requirements for one or more of the following LEED Certifications: o LEED Core and Shell o LEED New Construction o LEED Commercial Interiors o LEED Retail	15 points for certification, add the following points for applicable design level: 5 points for Silver, 10 points for Gold, 15 points for Platinum
d. Project buildings and structures are constructed with at least 10% post-consumer content/recycled materials.	5 points, plus 1 point for each two percentage points in excess of 10%; up to a maximum of 10 points
e. Project implements a construction recycling program approved by the City of Auburn Building Division for construction, demolition and deconstruction projects that achieves a 90% landfill diversion rate	5 points
f. Project design incorporates one or more water conservation and management features not otherwise required by other City development regulations or standards (i.e. low-flow toilets, Energy Star rated appliances, drip irrigation system, etc.).	5 points, plus one point for each type of water conservation/management feature
g. Project design incorporates one or more energy conservation/efficiency features (i.e. orienting buildings for passive cooling and optimal use of natural lighting, high efficiency lighting with occupancy sensors for common areas, Energy Star rated appliances, use of solar panels, etc.)	5 points, plus one point for each type of energy conservation/efficiency feature
h. Applicant has provided an assessment of project's carbon footprint prepared by a qualified consultant defined as an individual or firm with specialized knowledge or expertise in the assessment of greenhouse gas and carbon impacts of development.	10 points
Category 2- Urban Design	
a. Project incorporates "public art" features that reflect the community's values, history, economy or people in accordance with the City of Auburn Comprehensive Plan	5 points
b. Project facilitates access by bicyclists in accordance with the City of Auburn Comprehensive Plan. Project does not contain barriers such as fences or walls that unnecessarily limit or block bicyclist access.	5 points
c. Project involves the voluntary undergrounding of existing above ground private utility distribution, service, and telecommunication lines not otherwise required by the City.	5 points + 1 point for every 25 feet of frontage up to a maximum of 10 points
d. Project incorporates landscaping; design features such as decorative, textured, or pigmented concrete;	10 points

Feature/Benefit	Points Possible
historical signage; or other features not otherwise required by other City codes that enhance the visual appearance of streets adjacent to the project (pursuant to the adopted City Transportation Plan) in accordance with the City of Auburn Comprehensive Plan. Any such features that would be located in the public right-of-way would be subject to the approval of the City Engineer.	
e. Project incorporates transit friendly design features such as rear or side setback area parking, wider sidewalks, street furniture, and building awnings in accordance with the City of Auburn Comprehensive Plan	5 points + 1 point per non-repeated design feature up to a maximum of 15 points
Category 3- Community Cohesion and Neighborhood Safety	
a. Project incorporates Crime Prevention through Environmental Design principles.	5 points, plus 1 point for each CPTED technique incorporated in design
b. Project design incorporates features or design elements to minimize interfaces between pedestrians and vehicular traffic (i.e. elevated walkway, de-linking walkways and streets, etc.).	5 points
c. Planning director finds that project design provides for well defined neighborhood gateways and community/common open spaces.	5 points
d. Project provides secure and observable play spaces for children.	5 points
e. Project provides for outdoor seating/gathering areas for passive social activities (i.e. reading, conversing, or playing chess, etc.)	3 points
Category 4- Housing	
a. Senior Housing – Project creates or rehabilitates a minimum of ten percent or two units (whichever is greater) of proposed housing meeting the definition of 'senior housing' as provided in ACC 18.04.	2 points per senior housing unit up to a maximum of 15 points
b. Special Needs Housing – Project creates or rehabilitates a minimum of ten percent or two units (whichever is greater) of proposed housing meeting the definition of 'special needs housing' as provided in ACC 18.04.	2 points per senior housing unit up to a maximum of 15 points
c. Rehabilitation – Project rehabilitates one or more existing housing units. Rehabilitation must meet the definition of Housing Rehabilitation as defined in ACC 18.04.	2 points per rehabilitated housing unit, to a maximum of 50 pts
d. Housing Variety – Project creates or rehabilitates units representing two or more housing types as defined by ACC 18.04.	2 points per max of housing type up to a maximum of 10 points
Category 5- Open Space and Recreation	
a. Projects incorporating residential units provide for individual unit private open space area through	3 points

Feature/Benefit	Points Possible
the provision of a balcony, covered porch or similar architectural feature.	
b. Projects incorporating residential units provide for common open space area adjacent to the mixed use building(s) that equates to 250 square feet of common open space per unit or 10% of the total gross site area, whichever is greater.	5 points
c. The Director, in consultation with the City Parks Department, determines that the project creates a neighborhood park, trail, or other public recreational amenity as listed in ACC 18.04 not otherwise required by City development regulations that furthers the goals and objectives of an adopted City Parks, Recreation, and/or Open Space Plan.	2 points for each 0.25-acre of area or 200 linear feet of trail up to a maximum of 15 points
d. Project provides one or more common gardening spaces or community "Pea Patch" areas for residents of the development or surrounding neighborhood.	5 points, plus 1 point for each 250 square feet of gardening space.
Category 6- Natural Resources Protection	
a. Project retains and provides a "superior level of protection and or enhancement" for sensitive natural features on site, including: wetlands, surface waters, geological hazardous areas, sensitive plant and animal species, etc. For purposes of this category, superior level of protection and or enhancement includes incorporation of additional protections and/or restoration projects that enhance protection of or restore critical functions and values of the natural feature.	15 points
b. The project design demonstrates a "superior level of protection and or enhancement" for elements of the environment, including: air quality, water quality, natural topography, native vegetation, etc. For purposes of this category, superior level of protection and or enhancement includes incorporation of additional protections and/or restoration projects that enhance protection of or restore critical functions and values of the natural feature.	15 points
c. The project design demonstrates a "superior level of mitigation" for impacts associated with the proposed development (or abatement of existing environmental conditions in the neighborhood) such as noise, light and glare, odors, vibration, etc. For purposes of this section "superior level of mitigation" shall mean mitigation that alleviates existing condition issues in addition to mitigating for project impacts.	15 points
Category 7- Cultural/Historic	

Feature/Benefit	Points Possible
a. Project preserves a site, structure or feature of cultural or historic significance. For purposes of this section, a site, structure or feature of cultural or historic significance is one that is listed on the Federal, State, or local register of historic or cultural properties.	25 points
b. Project restores or enhances a site, structure or feature of cultural or historic significance as defined in subsection 7a above.	40 points
c. Project is located in any district designated in accordance with the City of Auburn Historic Preservation Code, Chapter 15.76 ACC, or any other district designated by City of Auburn ordinance or resolution intended to preserve, protect, enhance, and/or perpetuate those sites, buildings, districts, structures or objects which possess notable features or reflect significant elements of Auburn's, the county's, state's and nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic, or other heritage. Applicant must demonstrate that project design advances the stated intent of the district designation.	15 points
Category 8- Transportation and Mobility	
a. Project demonstrates coordination with local and regional transit agencies and includes new transit facilities or features.	15 points
b. Project design includes non-motorized transportation features and amenities not otherwise required under by the City code and/or City Comprehensive Plan (i.e. pedestrian walkways, multi-use paths, bicycle racks/lockable storage, connections with other local/regional trails, walkways, paths, etc.). Any such features to be located in the public right-of-way are subject to the review and approval of the City Engineer.	5 points for each feature, up to a maximum of 25
c. Project improves the public street(s) adjacent to the project site using a "Complete Streets" design to provide accommodation for pedestrians, bicyclists, transit riders, and persons of all abilities, where such improvements are not otherwise required by City development regulations.	25 points
d. Project design includes one or more Transportation Demand Management features including but not limited to preferential parking for high-occupancy vehicles, improved access for transit vehicles..	5 points for each feature, up to a maximum of 15
e. Project provides for one or more transportation	5 points for each alternative, up to a maximum

Feature/Benefit	Points Possible
alternatives which include but are not limited to car share, bike share or other method of providing alternatives to individual automobile ownership.).	of 15
Category 9- Economic Development	
a. Project *creates* or *retains* a minimum of 10 *permanent family wage jobs* For purposes of this section a permanent family wage job shall be a full time job that, including benefits earns at least 250% of the Federal Poverty Guideline for a family of four as listed in the latest Federal Poverty Guidelines published by the U.S. Department of Health and Human Services.	2 points per job created up to a maximum of 40
b. Project *creates* or *retains* a minimum of 10 *permanent higher wage jobs*. For purposes of this section, a permanent family wage job shall be a full time job that, including benefits earns at least 350% of the Federal Poverty Guideline for a family of four as listed in the latest Federal Poverty Guidelines published by the U.S. Department of Health and Human Services.	4 points per job created up to a maximum of 40
c. Project provides one or more neighborhood services listed in ACC 18.04.	3 points per neighborhood service up to a maximum of 15 points
c. Project revitalizes (i.e., proposed more intensive and active development than exists) commercial or industrial sites incorporating current adopted design standards producing commercial uses in accordance with the City of Auburn Comprehensive Plan.	10 points

Design Innovation Bonus	
a. Project demonstrates a high degree of innovation by providing one or more design features not listed elsewhere in this rating instrument or otherwise required by City development regulations that promote(s) sustainability, energy/water conservation or efficiency, community cohesion, neighborhood safety, adaptive re-use of existing development, or enhanced transportation circulation/mobility.	10 points

18.49.040 Applicability – Commercial/Industrial Developments.

Reserved.

18.49.050 Flexible Development Standards for Residential Development.

Residential development that meets the minimum eligibility requirements of ACC 18.49.020 are able to utilize the flexible development standards outlined in this section.

A. General Development Standards

The following general flexible development standards would be applicable to residential development that meets the eligibility criteria for residential development as outlined in ACC 18.49.030A above.

1. Alternative Lot Dimension Requirements.

   Lot area, lot frontage and width, and setback requirements otherwise required under Title 18 ACC shall not apply to individual lots within a flexible development authorized under Chapter 18.49 ACC, provided that the Director has approved the proposed alternative lot dimensions for the development subject to the following limitations:

   a. Lots having primary frontage on a street other than a street created by the development shall not have reduced frontage or front setbacks unless the Director determines that doing so improves consistency of building spacing and bulk with the character of the existing facility; and

   b. At least fifty percent (50%) of the required front, side and rear setback areas for the district shall be maintained in the development. In no case shall any side yard setback be less than 5 feet.

   c. In no case shall required lot widths be reduced below 50% of the underlying zone requirement, or below 30 feet as the absolute minimum required lot width within residential zones.

2. Alternative Parking Lot Landscaping Requirements.

   Parking lot landscaping type, location, frontage, and area requirements under ACC 18.50.060 shall not apply to off-street parking areas in a flexible development authorized under Chapter 18.49 ACC, provided that the Director has approved an alternative landscape design for the development subject to the following limitations:

   a. Total proposed parking lot landscape area is greater than or equal to parking lot landscape are required under ACC 18.50.060(H); and

   b. No sight-obscuring plants will be allowed whenever safe sight clearance is necessary for ingress and egress from a public street.

3. Alternative Engineering Design Standards.

   Residential flexible development projects authorized under Chapter 18.49 ACC shall be eligible to deviate from the City of Auburn Engineering Design Standards, provided that the City Engineer has determined that

the proposed design: 1) Meets or exceeds the technical requirements otherwise required by the Engineering Design Standards with respect to functionality, safety, and maintenance and operation, 2) is consistent with the City Comprehensive Plan and applicable capital facilities and comprehensive utility plans, and 3) is consistent with the purpose and intent of the flexible development regulations under Chapter 18.49 ACC. The project applicant is responsible for providing information in sufficient detail to allow the City Engineer to make such determination.

4. Expedited Permitting Process of 90 days or less:

   Flexible development projects authorized under Chapter 18.49 ACC shall receive expedited permit review for City land use approvals and building permits associated with the project. For such development permits, the City shall strive to limit the City's processing time to not more than 90 days after receipt of a complete permit application, including SEPA environmental review information as required by Chapter 16.06 ACC, as stated in a letter from the City acknowledging receipt of said complete application or 75% of the standard processing time for such application, whichever is greater. Time during which applicants are providing revisions and/or otherwise amending a permit application shall not be counted against the 90 day permit processing timeline.

5. Density Bonus.

   a. 135% Residential Density Bonus. A density bonus allowing up to 135% of the base density of the underlying zone shall be allowed for developments that meet the minimum eligibility criteria of ACC 18.49.020 of 100 points.

   b. 150% Residential Density Bonus. A density bonus allowing up to 150% of the base density of the underlying zone shall be allowed for development projects that show exceptional merit as measured by scoring up to 150 points on the eligibility criteria matrix of ACC 18.49.020.

B. Feature-Specific Residential Development Standards.

1. Alternative Minimum Off Street Parking.

   Development projects that incorporate at least two of the following features as part of the multi-family residential portion of the development may reduce the number of off-street parking spaces otherwise required under ACC 18.52 for that/those portion(s) of the development by 25 percent:

a. Within one half mile of transit stops serving transit routes that provide service six or more days per week;

b. Improved access for transit vehicles;

c. Alternative transportation elements (i.e. car share, bicycle parking facilities, etc.); and

d. Connections with other local/regional trails, walkways, paths, etc.

18.49.060 Flexible Development Standards for Mixed-use Development.

Development that meets the minimum eligibility requirements of ACC 18.49.030 are able to utilize the flexible development standards outlined in this section.

A. General Development Standards.

The following general flexible development standards would be applicable to development that meets the eligibility criteria for mixed-use development as outlined in ACC 18.49.030.

1. Alternative Lot Dimension Requirements.

Lot area, lot frontage and width, and setback requirements otherwise required under Title 18 ACC shall not apply to individual lots within a flexible development authorized under Chapter 18.49 ACC, provided that the Director has approved the proposed alternative lot dimensions for the development subject to the following limitations:

a. Lots having primary frontage on a street other than a street created by the development shall not have reduced frontage or front setbacks unless the Director determines that doing so improves consistency of building spacing and bulk with the character of the existing facility; and

b. At least fifty percent (50%) of the required front, side, and rear setbacks for the underlying zone shall be maintained in the development. In no case shall any side yard setback be less than 5 feet.

2. Alternative Parking Lot Landscaping Requirements.

Parking lot landscaping type, location, frontage, and area requirements under ACC 18.50.060(H) shall not apply to off-street parking areas in a flexible development authorized under Chapter 18.49 ACC, provided that the Director has approved an alternative landscape design for the development subject to the following limitations:

a. Total proposed parking lot landscape area is greater than or equal to parking lot landscape are required under ACC 18.50.060(H); and

b. No sight-obscuring plants will be allowed whenever safe sight clearance is necessary for ingress and egress from a public street.

3. Alternative Engineering Design Standards.

Mixed-use flexible development projects authorized under Chapter 18.49 ACC shall be eligible to deviate from the City of Auburn Engineering Design Standards consistent with City of Auburn Construction and Design Standards process, provided that the City Engineer has determined that the proposed design: 1) Meets or exceeds the technical requirements otherwise required by the Engineering Design Standards with respect to functionality, safety, and maintenance and operation, 2) is consistent with the City Comprehensive Plan and applicable capital facilities and comprehensive utility plans, and 3) is consistent with the purpose and intent of the flexible development regulations under Chapter 18.49 ACC. The project applicant is responsible for providing information in sufficient detail to allow the City Engineer to make such determination.

4. Expedited Permitting Process of 90 days or less.

Flexible development projects authorized under Chapter 18.49 ACC shall receive expedited permit review for City land use approvals and building permits associated with the project. For such development permits, the City shall strive to limit the City's processing time to not more than 90 days after receipt of a complete permit application, including SEPA environmental review information as required by Chapter 16.06 ACC, as stated in a letter from the City acknowledging receipt of said complete application or 75% of the standard processing time for such application, whichever is greater. Time during which applicants are providing revisions and/or otherwise amending a permit application shall not be counted against the 90 day permit processing timeline.

5. Density Bonus.

a. 135% Density Bonus. A residential density bonus allowing up to 135% of the base density of the underlying zone shall be allowed for developments that meet the minimum eligibility criteria of ACC 18.49.030 of 100 points.

b. 150% Density Bonus. A residential density bonus allowing up to 150% of the base density of the underlying zone shall be allowed for

development projects that show exceptional merit as measured by meeting up to 150 points on the eligibility criteria matrix of ACC 18.49.030C.

B. Feature-Specific Mixed Use Development Standards.

1. Alternative Minimum Off Street Parking.

   Development can qualify for either subsection a. or b. of this Section, but not both.

   a. Development projects that incorporate shared parking areas for two or more non-residential principal uses may reduce the total number of off-street parking spaces otherwise required for those uses under ACC. 18.52 by 25 percent.

   b. Development projects that incorporate any of the following features as part of the residential and/or non-residential portions of the development may reduce the number of off-street parking spaces otherwise required under ACC 18.52 for that/those portion(s) of the development by 25 percent; developments also providing for shared parking for two or more non-residential principal uses may reduce the number of non-residential off-street parking spaces otherwise required under ACC 18.52 by 35 percent:

      i. Transit stops;

      ii. Improved access for transit vehicles;

      iii. Alternative transportation elements (i.e. car share, bicycle parking facilities, etc.); and

      iv. Connections with other local/regional trails, walkways, paths, etc.

2. Structured Parking Bonus.

   A development that includes all of its proposed parking within a parking structure (as defined in ACC 18.04) that is screened from surrounding public streets and public spaces may be allowed to reduce minimum garage setbacks to 0” for portions of the parking structure that are underground. Any portion of such improvements that would be located in the public right-of-way would be subject to the approval of the City Engineer and may require a right-of-way use permit.

3. Use of Hardscape for Open Space.

A mixed use development may be allowed to provide up to 75% of its required on-site open space as hardscape such as decorative paving, rock outcroppings, fountains, plant containers for features such as plazas, courtyards, and other public gathering spaces. Hardscape is encouraged to be provided in the form of pervious surfaces meeting City Design and Construction Standards.

4. Maximum Height Bonus.

   Mixed use development that includes required on-site parking within a parking structure may provide an additional 10 feet of height to the building provided that a portion of that height is used to provide roof forms that provide distinctive roof forms such as:

   a. pitched or sloped roof;

   b. extended parapets; or

   c. projecting cornices.

18.49.070 Flexible Development Standards for Commercial/Industrial

Reserved

18.49.080 Procedures

A. Project proponents interested in applying for flexible development under this code section must follow the requirements of the underlying permit process as outlined in Title 14 of the ACC with the following exceptions:

   1. Prior to submittal of an application that incorporates proposed flexible development standards, the applicant must first submit:

      a. A checklist on a form provided by the City of Auburn outlining the features that the development proposal will utilize to reach the required minimum 100 point eligibility needed to utilize flexible development standards.

      b. A conceptual site plan (including conceptual design of all public utility facilities and road design) and narrative that identifies the features that meet the 100 point requirement of ACC 18.49.020, 18.49.030, or 18.49.040 based on development type, and that identifies the flexible development features of ACC 18.49.050, 18.49.060, and 18.49.070 based on development type that the applicant proposes to utilize for the development proposal.

B. The City of Auburn shall evaluate flexible development submittals provided pursuant to ACC 18.49.080A. and provide a written statement identifying whether or not the applicant met the required minimum score and is allowed to utilize flexible development standards outlined in this Chapter.

C. A flexible development proposal must demonstrate its compliance with the City of Auburn Design and Construction Standards and any modifications to those standards that the City Engineer allows through application of this Chapter.

D. Modifications.

Any proposed modifications to development projects that have been accepted as flexible development proposals, and that include amendment to a flexible development eligibility feature or flexible development standard called out in the application materials submitted as part of the requirements of ACC 18.49.080A must be re-evaluated through a revised application submittals that provide information consistent with the requirements of ACC 18.49.080A.1.a. through b.

E. Eligibility Criteria Review and Amendment.

The City shall conduct a review of eligibility criteria contained in ACC 18.49 one year after adoption of the implementing ordinance. After the initial review, the City may elect to review and modify eligibility criteria contained within this Chapter as part of the City's annual docket process through as a legislative nonproject decision pursuant to ACC 14.03.060.

18.49.090 Appeals.

Appeals of administrative decisions regarding eligibility for flexible development shall be made to the Hearing Examiner as outlined in ACC Chapters 18.66 and 18.70.

Section 20. Repeal of chapter of City Code. That Chapter 18.58, Performance Standards, of the Auburn City Code be and the same hereby is repealed.

Section 21. Adoption of Zoning Map. The Comprehensive Zoning Map of the City of Auburn, Washington, attached hereto as Exhibit "A," and incorporated herein by reference, is hereby amended and adopted as the official zoning map of the City of Auburn. Copies of said map shall be on file in the office of the City Clerk.

Section 22. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 23. 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 24. 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, and the changes to the Auburn City Code set forth herein shall take effect on June 15, 2009.

INTRODUCED: _____

PASSED: _____

APPROVED: _____

CITY OF AUBURN

_____

PETER B. LEWIS
MAYOR

ATTEST:

_____
Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:

_____
Daniel B. Heid, City Attorney

Published: _____