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PLANNING COMMISSION

AGENDA

JULY 21, 2021

6:00 p.m.

CALL TO ORDER

OLD BUSINESS

1. Approval of minutes – June 16, 2021.

NEW BUSINESS

2. Public Hearing: Text Amendments to the Downtown Overlay District.

CITIZEN COMMENTS

ANNOUNCEMENTS

ADJOURNMENT

TRAINING SESSION

1. "Steinberg Criteria" as the proper focus of zoning review.
2. Ethics Issues.
3. Legal Update.

Chapter 17.91 – AUBURN DOWNTOWN OVERLAY DISTRICT

Section 17.91.010 – CREATION OF DOWNTOWN OVERLAY DISTRICT BOUNDARIES

This division establishes standards and procedures that apply to any development, use, alteration, structure, or natural growth on any lot or portion thereof which is contained within the boundaries of the Auburn Downtown Overlay District. The district boundaries shall be as established on the Official Zoning Map and shall include generally all properties located within or bordering Second Avenue to the north, Ninth (north of railroad) and Eight (south of railroad) Streets to the east, Sixth Avenue to the south, and Lyles Road/Mount Moriah Road, and Third Avenue to the west.

Section 17.91.020 – AUBURN DOWNTOWN OVERLAY DISTRICT

The Auburn Downtown Overlay District (ADOD) focuses on the preservation and rehabilitation of historic structures and their elements, where feasible, and enables new development in a creative manner where appropriate. The goal for alterations to new construction in the ADOD is to ensure compatibility with existing development.

Section 17.91.030 – PURPOSE

The purpose of the Auburn Downtown Overlay District is to foster a strong viable downtown as a commercial, civic, residential, and cultural art center with its own unique identity and to provide a mechanism to establish special land use regulations, standards, or procedures in a defined area with unique land use, site planning, building design, or environmental resource issues.

Specifically:

1. Implement the City of Auburn’s “Auburn 2015” plan to achieve specific land use and design objectives.
2. Accommodate mixed-use buildings and developments with neighborhood-serving retail, service and other uses on the ground floor and residential units above the nonresidential space.
3. Encourage rehabilitation and re-use of existing historic buildings.
4. Promote new infill residential and non-residential development in a planned format.
5. Encourage development that exhibits the physical design characteristics that promotes pedestrian oriented storefront-style shopping, and,
6. Promote the health and well-being of residents by encouraging physical activity, alternative transportation modes and greater social interaction.

Section 17.91.040 – PRINCIPAL USES AND PRINCIPAL STRUCTURES

The principal uses of land and structures which are allowed in the Auburn Downtown Overlay District are as provided below. All permitted and prohibited uses are subject to the limitations and standards contained within this Chapter 17.91.

Section 17.91.041 – ACCESSORY USES AND ACCESSORY STRUCTURES

The accessory uses of land and structures which are allowed in the Auburn Downtown Overlay District are as provided by the applicable zoning district and the below permitted and prohibited uses, subject to the limitations and standards contained within this division.

Section 17.91.042 – PERMITTED PRINCIPLE USES AND STRUCTURES

Within the adopted Downtown Overlay District, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for uses permitted in the following table:

1. Agricultural or commercial small batch manufacturing.
2. Banks and other financial institutions.
3. Beauty parlors and barber shops.
4. Brewery or brew pub.
5. Camera store.
6. Church, temple, or synagogue.
7. Private clinical or medical office.
8. Clothing sales.
9. Community center.
10. Cultural facility.
11. Dance studio.
12. Day care facilities provided they comply with all state day care and health department requirements.
13. Dental clinic.
14. Drug stores and pharmacies.
15. Dry cleaning, pick-up station.
16. Dwellings including, renovation and reconstruction of existing single family detached homes; new single family detached construction on existing single-family lots; single-family attached; multifamily attached or detached; and residential over commercial or office.
17. Eating and drinking establishments.
18. Flower and gift shops.
19. Gasoline station and convenience store, without service bays, fronting Highway 8, provided no more than two (2) such uses may be permitted per 18,000 in City population. At no time shall the number of licenses issued by the City permitting the number of gasoline stations and convenience stores within the Downtown Overlay District exceed the number found as a result of dividing the total population of the City, as found in the most recent population estimates published by the United States Bureau of the Census, by the whole number 18,000. If the number resulting from the division required by this subsection is a number other than a whole number (for example 2.75) then said number will be adjusted downward to the next whole number where it will remain until the population increases to such an extent which would cause said number to equal or exceed the next higher whole number. Notwithstanding the foregoing, the number of licenses permitted by this section shall never be less than two.
20. General retail, including book shops.
21. Gift shop.
22. Grocery stores.

23. Hardware store.
24. Jewelry store.
25. Laundry, self-serve, pick-up.
26. Locksmith.
27. Lodges, fraternal and social organizations.
28. Museum, historical display.
29. Offices, professional and business.
30. Parking lots and parking garages.
31. Picture framing.
32. Photocopying/reproduction service.
33. Photographic studio or supply.
34. Planned shopping centers, or multiple tenant buildings.
35. Public and private educational institutions offering general education courses, including nursery schools and kindergartens.
36. Public buildings, uses and facilities (government owned).
37. Recreation facilities, indoor, provided that these facilities are enclosed in a building.
38. Shoe repair.
39. Specialty shop.
40. Travel agency.
41. Utility structures, such as electric transformer stations, telephone exchanges, gas regulator stations, waste and wastewater pumping stations, and water tanks may be located to serve the public interest, provided such facilities comply with the following regulations:
 - a. Any building or structure, except a surrounding fence, shall be set back at least thirty feet from any property line.
 - b. The facility shall be either completely surrounded by a woven wire fence at least eight feet high or shall be enclosed within a building.
 - c. The facility shall be furnished with a planted buffer not less than ten feet wide to create an effective visual screen on all sides.
 - d. The facility may not be used for the storage of vehicles or equipment.
42. Watch, computer, or electronic repair.

Section 17.91.043 – PROHIBITED USES

The following uses shall not be permitted in the Auburn Downtown Overlay District:

1. Pawnshops and check cashing businesses, excluding banks and credit unions.
2. Adult entertainment establishments, as defined by Section 5.40 of this Code including, but not limited to, adult bookstores, video or DVD adult rental or purchase, adult movie or adult live theaters, adult gifts and novelties, and other venues for viewing other adult entertainment through any other electronic or other technological medium.
3. Automotive repair shops, dealerships and service stations, boat sales, auto parts stores.
4. Billiard parlors and pool halls.
5. Carnivals.

6. Stables.
7. Shooting galleries, firearm and archery ranges.
8. Firearms dealers.
9. Modeling agencies.
10. Massage parlors.
11. Bathhouses.
12. Hypnotists.
13. Handwriting analysis.
14. Escort services.
15. Bazaars.
16. Stores selling illegal drug paraphernalia.
17. Flea markets.
18. Junk stores.
19. Labor pools.
20. Hookah, tobacco, vape, or smoke shops.
21. Tattoo parlors or shops
22. Body piercing parlors or shops.

Section 17.91.050 – DEVELOPMENT STANDARDS

Except as otherwise noted, buildings and uses in the Downtown Overlay District shall comply with the following requirements:

1. Building Entrances. Buildings shall have at least one public entrance that faces the street.
2. Façade Design. Building facades that face a street shall conform to the following design criteria.
 - a. Front, side, and rear façade style shall be in accordance with one of the following architectural styles: Victorian, Arts and Crafts (Craftsman), or Art Deco. These styles contribute to the historic nature of the downtown area.
 - b. Windows shall conform to the following guidelines:
 - i. A minimum of seventy-five (75) percent of the street-facing building façade between three (3) feet and eight (8) feet in height must be comprised of clear windows that allow views of indoor space or product display areas.
 - ii. Punched-type windows are appropriate. They should be inset a minimum of eight (8) inches from the face of the building to create deep shadow lines and visual relief.
 - iii. To control glare and reinforce the traditional image of bearing wall architecture, ribbon windows and curtain walls are not allowed.
 - iv. Clear glass is required in all storefronts; smoked, reflective, or black glass is prohibited. However, if specialized retail items or activities require a different type glass, the developer may request approval of an alternative by the Planning Commission.
 - c. The use of bare metal, aluminum siding, metal panels, plastic, and mirrored glass shall be prohibited.

- d. The use of fixed metal security bars is prohibited; if security bars are necessary, they shall be of the overhead door variety with a valance covering the rolling door mechanism.
 - e. Exterior colors shall be compatible with the colors on adjacent buildings, subject to review by the Planning Commission. Proposed colors shall be specified on the site plan. Colors must be in accordance with the preset palette of accepted colors for the overlay district.
3. Side or Rear Facade Design. Wherever a side or rear facade is visible from a public street, or if parking is located at the side or rear of a building, the facade shall be designed to create a pleasing appearance, in accordance with the following design criteria:
 - a. Materials and architectural features similar to those present on the front of the building shall be used on the side or rear facade.
 - b. Dumpster and service areas shall be completely screened with landscaping, a fence, a wall, or a combination thereof.
 - c. Open areas shall be landscaped with lawn, ground cover, ornamental shrubs and trees. On every site involving new development or redevelopment foundation plantings adjacent to the building shall be provided. The species and design shall be identical to or compatible with the landscaping schematic on file with the City Building Official.
 - d. Sidewalks and parking areas shall be properly lighted to facilitate the safe movement of pedestrians and vehicles and provide a secure environment. In parking areas, the light intensity shall average a minimum of one (1.0) foot candle, measured five (5) feet above the surface. In pedestrian areas, the light intensity shall average a minimum of two (2.0) foot candles, measured five (5) feet above the surface.
4. Awnings. Awnings shall be permitted on buildings as follows:
 - a. Structural awnings/canopies are encouraged at the ground level to enhance articulation of the building volumes.
 - b. The material of awnings and canopies shall be architectural materials that complement the building such as metal flashing and wood trim. Some fabrics may be allowed; however, vinyl is prohibited.
 - c. Awnings/canopies shall not be internally illuminated.
 - d. Awnings/canopies shall not exceed the length of fifty (50) feet without a break.
 - e. Awnings/canopies, when installed, shall extend a minimum of three (3) feet and a maximum of five (5) feet over the sidewalk or right-of-way, whichever is closer.
 - f. Awnings and canopies are not recommended adjacent to street trees and lighting.
 - g. Awnings shall be attached directly to the building, rather than supported by columns or poles.
5. Lighting. Exterior lighting must be placed and shielded so as to direct the light onto the site and away from adjoining properties. The lighting source shall not be directly visible from adjoining properties. Floodlights, wall pack units, other types of unshielded lights, and lights where the lens is visible outside of the light fixture shall be prohibited, except where historical-style lighting is used that is compatible with historic-style street lamps installed by the City. Neon lighting as accent lighting is prohibited in this district.

6. Parking. Parking and parking lot design shall comply with the standards below, in addition to the provisions of Section 17.100.030.
 - a. No new parking lot shall be created nor any existing parking lot expanded in front of a building unless the Planning and Zoning Commission determines that parking in front of the building would be acceptable for either of the following reasons:
 - i. Front yard parking is required to maintain the continuity of front building setbacks in the block while making efficient use of the site, or
 - ii. Front yard parking is required for the purposes of traffic safety and to minimize driveway curb cuts where the new parking lot is proposed to connect with one or more parking lots on adjoining parcels.
 - b. Parking located in front of or on the side of a building shall be screened from the road with a three (3) foot high red or brown brick wall or evergreen landscaping.
 - c. Parking decks constructed within this area shall include ground-floor retail as a part of the design so as to encourage pedestrian activity along major thoroughfares.
 - d. In order to maximize the amount of land area left for landscaping and open space, paving shall be confined to the minimum area necessary to comply with the parking requirements in Article 17.100.030.
7. Landscaping. Landscaping shall comply with the provisions of Section 17.110.060, in addition to the standards below:
 - a. On every site involving new development or redevelopment, street trees shall be provided at twenty-five (25) foot increments. Any of the following street trees shall be planted within the road right-of-way at this set interval: Allee Elm, Shumard Oak, Willow Oak, October Glory Maple, Red Maple, European Hornbeam, or any other material specifically approved by the Planning Commission.
 - b. On every site involving new development or redevelopment, a landscape plan shall be submitted for review and approval. The landscape installation shall be identical to the landscape plan approved by the Planning Commission.
8. Setbacks. **The maximum front yard setback within the downtown Overlay District shall be ten feet (10').** The side yard setback may be zero (0) where buildings meet applicable fire safety codes. In all other cases, the minimum side yard setback shall be five feet (5'). The minimum rear yard setback shall be five feet (5'). The Planning Commission is authorized to set specific side and rear yard setback requirements consistent with this provision during the plan review process described in Section 17.01.030. The intention of this section is to provide uniformity of development so that the downtown area retains its current character and so that development meets the standards outlined in the City's design criteria for the Downtown Overlay District.
9. Building Height. Building height shall not exceed forty-five (45) feet, or three (3) stories. The minimum first floor height for developments along Fourth Avenue shall be fourteen (14) feet.

Section 17.91.060 - SIGNAGE

1. Design. The overall design of all signage including the mounting framework shall relate to the design of the principal building on the property. Buildings with a recognizable style such as Victorian, Arts and Crafts, Art Deco, et al., should use signage of the same style. For buildings without a recognizable style, the sign shall adopt the decorative features of the

building or the elements of one of the aforementioned styles, utilizing the same materials and colors as the façade.

2. Purpose. Signs shall be for the purpose of identifying businesses. No permanent signs displaying advertising or promotions are permitted (exempting historic wall paintings), other than those relating to the primary use of a property. Lettering describing a business's general goods or services may be permitted if it conforms to other guidelines as to size and quality.
3. Permit Required. A permit for the placement, erection, or installation of any sign in this district shall be required before placement, erection or installation.
4. Prohibited Signs.
 - a. Off premise signs are prohibited.
 - b. Portable signs are prohibited except one A-frame "sandwich" sign will be allowed per business.
 - c. Roof top signs are prohibited.
 - d. Electronic message board signs are prohibited.
 - e. Inflatable, moving, animated and revolving signs are prohibited.
 - f. Flags which are not governmental in nature are prohibited.
5. Mounting and Placement.
 - a. Signs shall be mounted or erected so they do not obscure the architectural features or openings of the building.
 - b. Signs shall not be located in the right-of-way unless projecting from building in conformance with this ordinance.
 - c. Sandwich board signs shall be allowed but shall not be an impediment to pedestrian traffic.
 - d. Free standing signs are permitted but shall not be taller than eight (8) feet or located closer than ten (10) feet to the public right-of-way.
 - e. No sign or portion of a sign shall extend above the cornice line at the top of the building face.
 - f. Ground-floor businesses in multi-story buildings cannot mount signs higher than fourteen (14) feet above grade.
6. Size and Area.
 - a. Size of the sign shall be determined by measuring the area within each face of a geometric shape enclosing all elements of informational or representational matter including blank masking. Structural supports not bearing information shall not be included in the computation of display area. For double faced signs, provided only one side can be seen from the public right-of-way at any location, only one side shall be counted toward the maximum allowable square footage.
 - b. The total maximum allowable sign area for all wall mounted signs is two (2) square feet per linear front foot of the principal building on a public right-of-way including multi-tenant buildings. Permitted area may be divided up between a maximum of three (3) signs. No single sign shall exceed eighty (80) square feet. Signs affixed to awnings shall be considered a wall mounted sign.
 - c. The total allowable square footage of display area, per side of a monument sign is thirty-six (36) square feet.

- d. Signs projecting from the building face shall not exceed fifteen (15) square feet or project farther than five (5) feet or one-half the distance to the street curb, whichever is less, and shall not be lower than eight (8) feet above the sidewalk.
 - e. Changeable copy message boards shall not exceed twenty-five (25) square feet and shall be counted toward the maximum square footage allowed for on-site signs.
7. Materials. The structural materials of the sign shall match the historic materials of the building. Wood, metal, stucco, stone, or brick is allowed. Plastic, vinyl, or similar materials are prohibited. Resin simulating the appearance of wood, and fabric may be used as appropriate.
8. Lighting.
 - a. Internally lighted signs are subject to review.
 - b. Signs incorporating lighting (back illuminated, neon, etc.) shall be reviewed for appropriateness regardless of the above-mentioned size limitations.
 - c. Lighted signs shall use focused, low intensity illumination. Such lighting shall not shine into or create glare at pedestrian or vehicular traffic, nor shall it shine into adjacent areas. Light fixtures mounted on the ground shall be screened by landscaping.
 - d. Flashing, blinking, revolving, or rotating lights are not permitted.
 - e. Exposed neon may be used but only if appropriate to the context as decided by the appropriate authority.
9. Window Signs.
 - a. Signs painted directly on window glass, affixed to the window, or hung in windows are permitted for business identification and logos only. They shall be counted toward the maximum size requirement and shall not exceed twenty-five (25) percent of the window area.
10. Multi-Tenant Buildings.
 - a. Signage for the building and for the tenants shall be consistent in size and design.
 - b. Square footage allocation between various tenant spaces shall be responsibility of the owner.
 - c. Multiple individual free-standing signs are prohibited.
 - d. Building identification signs or signs describing the historical context of the building not exceeding six (6) square feet are permitted.
11. Special Purpose Signs. Special purpose signs are not reviewed except as noted.
 - a. On site construction signs or signs giving information about the construction or renovation of a building on the same site must be removed at the completion of the project.
 - b. Directional signs, real estate signs or incidental safety signs such as "entrance" or "exit" or that give non-commercial information but do not contain advertisements are exempt from this ordinance.
12. Building Codes. All signs must comply with building code requirements.
13. Non-Conforming Signs. A nonconforming sign is any sign permanently affixed to the ground or a building within the Downtown Overlay District on the effective date of this article which is prohibited by, or does not conform to the requirements of these regulations. Temporary or portable signs shall not be afforded nonconforming status. Qualifying nonconforming signs may continue provided:

- a. The sign provided it is properly maintained,
- b. It is not structurally altered except as required to meet building code requirements,
- c. It is not expanded or altered in any manner except for a change of copy,
- d. Any damage does not exceed fifty (50) percent of the estimated replacement cost.

Section 17.91.070 – PLANS REQUIRED

1. Plans required. Prior to the issuance of any land disturbance permit, building permit or sign permit, the applicant shall submit to the planning and zoning commission with the exception that signs on zero setback properties fronting on Fourth Ave. and Fifth St. shall be submitted for administrative review, an application, full plans including a site plan, landscaping plan, building design including elevations and architectural details of proposed buildings, exterior materials and colors, and plans and elevations of all signs, all of which shall demonstrate that the proposed design is in compliance with all of the requirements of this Auburn Downtown Overlay District
2. Review. The Planning Commission (the "Commission") shall review each application for compliance with all requirements of the Auburn Downtown Overlay District. Upon decision by the Commission that said plans comply with the requirements of the Auburn Downtown Overlay District, the applicant shall then be able to apply for land disturbance, building or signs permits. Where the Commission determines that said plans do not comply with the requirements of this chapter, then the Commission shall notify the applicant in writing stating the manner in which said applicant fails to comply with such requirements. Any appeal of the Planning Commission's decision in this regard shall be to the Mayor and City Council.