

Text Amendment to Zoning Ordinance

Article I General Provisions

154.005 DEFINITIONS

USE, TEMPORARY. A use that may include in a temporary building or structure on a parcel, established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period granted in the administrative permit.

OUTDOOR ASSEMBLY. Entertainment, educational, and cultural events generally involving the outdoor assembly of 100 or more people and with a commercial or fundraising purpose. Outdoor assembly uses may be short-term or long-term and located on a site permanently designated for such purposes.

154.006 USE REGULATIONS

(D) *Temporary use permit.*

(1) The Zoning Administrator may issue temporary use permits for the following uses after determining that these uses will not be detrimental to adjacent conforming uses during the permitted period of use. A second temporary use permit may be issued by the Zoning Administrator at the end of a time limit if the applicant shows good cause.

- i. *Mobile homes.* An individual mobile home or other temporary structure may be used as temporary living or working quarters for up to 90 days while a dwelling or structure is being constructed or reconstructed on the same premises.
- ii. *Signs and supplies.* The storage of building supplies and machinery; temporary storage buildings; the assembly of materials associated with a customary trade; and contractor, architect and identification signs in connection with a construction project may be authorized by the Building Department for a period of up to 12 months.
- iii. *Outdoor and Nonprofit Uses.* Private temporary outdoor uses associated with a business or commercial purpose and those associated with nonprofit organizations meeting the definition of "nonprofit organizations" in § 154.005, must receive a temporary use permit from the Zoning Administrator, at no cost to the organization. A site plan must be submitted and approved by the Zoning Administrator and the Fire and Police Departments. Uses of a private nature, that do not have a commercial purpose are not required to receive a permit but must comply with all other city ordinances.
- iv. *Other Uses.* Other temporary uses not identified in this article or in the other portions of this ordinance may be granted a temporary use permit by the Zoning Administrator. At his or her discretion, the Zoning Administrator may require the applicant receive a Special Land Use permit from the Planning Commission if there is substantial impact on adjacent properties or the proposed use appears to be inconsistent with the purpose and intent of the City of Auburn zoning ordinance or master plan.

- (2) The Zoning Administrator may attach the conditions and requirements deemed necessary to meet the intent of the provisions of this section.
- (3) A third temporary use permit may only be authorized by the Planning Commission.

Article II District Regulations

SECTION 154.030 INTENT AND PURPOSE; PERMITTED USES; TABLES

Table B: City Table of Permitted Uses		
District	Uses Permitted by Right	Uses Permitted by Special Use Permit
R-1 Residential Single and Two Family	Outdoor Assembly – Short Term	Outdoor Assembly – Long Term
R-3 Multiple Family	Outdoor Assembly – Short Term	
B Business District	Outdoor Assembly – Short Term	Outdoor Assembly – Long Term
D-MU Downtown Mixed Use	Outdoor Assembly – Short Term	
I Industrial	Outdoor Assembly – Short Term	Outdoor Assembly – Long Term

Article III Nonconforming Uses and Buildings

SECTION 154.057 SPECIAL LAND USES

Any use that is permitted by special land use, but for which a special land use permit has not been granted, shall be required to obtain a special land use permit prior to expansion of the use, or expansion or construction of any building or structure on the property. See Section 154.135.

Article V Special Use Permit Regulations

SECTION 154.118 OUTDOOR ASSEMBLY

- (A) *Exempt activities.* School fund raising activities are exempt from the special use permit requirements of this section. Private garage and yard sales in any R District are exempt from the special use permit requirements of this section.
- (B) *Evidence of ownership or permission.* Evidence of ownership, lease, or permission for use of any site for which an outdoor assembly permit is sought must accompany an application.
- (C) *Length of permit.* Outdoor assembly uses may be either short-term or long-term.

- (1) A short-term outdoor assembly permit may be granted by the Zoning Administrator for a maximum of seven consecutive days. Additional permits for the same activity on the same site may be granted no sooner than three months following the expiration of the previous permit. The total time period for all short-term permits granted for one property shall not exceed fourteen days in one calendar year.
 - i. A plot plan, the hours of operation, a description of the use, expected attendance, parking and on-site circulation, and additional information as required by the City of Auburn shall be provided in the application.
 - ii. All applications shall be reviewed by the Fire and Police Departments.
 - iii. A short-term outdoor assembly permit shall be submitted at least 60 days prior to the event date.
 - iv. Additional permits for street closures, right-of-way usage, and other necessary approvals and permits must be identified in the application to the Zoning Administrator, and any permit approval by the Zoning Administrator shall be conditioned upon receiving other necessary permits.
 - v. At the Zoning Administrator's discretion, the proposed use may be required to submit a full site plan for review by the Planning Commission, consistent with the standards of Article V.
 - vi. Overnight residing on the site is prohibited unless approved by the Planning Commission.
 - vii. Signs may be permitted, but must be identified within the application and meet all relevant ordinance standards. All signs must be removed at the end of the event.
 - viii. All events shall end no later than 12AM. The Zoning Administrator may require short-term events to end earlier.
- (2) A long-term outdoor assembly special land use permit may be granted by the Planning Commission, according to the processes and standards identified in this article. Long-term outdoor assembly permits must be renewed each 12 months and comply with other City of Auburn ordinances. An application for a long-term outdoor assembly special land use permit must be received by the City of Auburn at least 90 days prior to the proposed event. Renewal applications shall follow the same process as the original application.
 - i. The owner of the property on which the use is located is responsible for providing the site plan and its conformance with ordinance requirements. This site plan may be an addition to the original plan for the property. Any violations of the site plan or conditions of approval are the responsibility of the owner of the property on which it is located.
 - ii. *Overnight residing on site.* The site may not be occupied for more than 12 hours per day. In no event shall overnight occupation be automatically permitted. Overnight residing on a site of outdoor assembly is only allowed if specific permission is granted by the Planning Commission during the special land use and site plan review process.
 - iii. *Sanitary facilities.* Sites selling items for human consumption must have access to adequate hand washing and toilet facilities. Sites selling items

not for human consumption must have access to adequate toilet facilities only, this includes the sale of tickets for admission.

- iv. *Display of goods.* Display and sale of goods may not be within the required yards for the zoning district.
- v. *Site plan review.* The long-term outdoor assembly use shall comply with all site plan review requirements and standards.
- vi. *Parking.* Parking areas for long-term outdoor assembly uses shall comply with all requirements for Multi-family, Business, and Industrial districts outlined in Section 154.072(C) with the following exceptions:
 - 1. *Surface.* The surface of parking areas, maneuvering lanes, and access aisle may be gravel, crushed concrete, or asphalt, or another similar surface. The applicant must provide evidence of methods to control dust and other potential nuisances from any non-paved surface with a site plan application.
 - 2. *Pavement markings.* Any unpaved area is not required to be marked, but the applicant must demonstrate methods proposed to organize parking and traffic on the site.
 - 3. *Minimum parking requirements.* One space shall be provided per employee or volunteer for the event, plus one space per four seats or anticipated event attendees. All parking for the permanent outdoor assembly use shall be provided on site, or through a shared parking agreement with an adjacent property that is filed with the site plan. On-street parking shall not be permitted to account for required parking spaces.
- vii. *Hours of operation:* All events shall end no later than 12AM. The Planning Commission may require events to end earlier, or extend later upon demonstration that there will be no adverse impacts on residential properties in the city.

(D) *Fees.* City Commission shall set fees for review of short-term and long-term assembly use applications.

(E) *Temporary structures.* Temporary structures used to support outdoor assembly activities are those with no foundation.

- (1) No portion of the structure may become unattached or move as the result of wind.
- (2) The temporary structure must be anchored to withstand a 30 pounds per square foot wind stress factor.
- (3) Temporary structures must be removed prior to expiration of the permit. For permanent outdoor assembly sites, temporary structures must be removed at the end of a specific event and shall be appropriately maintained.
- (4) Temporary structures used to support outdoor assembly activities for which the permit is requested shall not be used to provide overnight shelter of any kind.