

## **ARTICLE VIII. DEVELOPMENT APPROVAL PROCESS**

### **Section 800. Purpose.**

This Article sets forth the procedures required for obtaining development approval within the City of Auburn. Site plans, subdivisions, conditional uses, zoning certificates, and certificates of occupancy are addressed herein. However, the approval of a development under the provisions of this Article does not imply any variation or waiver of any provisions of the building code, housing code, fire code, or any other applicable code, standard, or regulation adopted by the City of Auburn, the State of Alabama, or the United States Government.

### **Section 801. Subdivisions.**

Any subdivision or resubdivision of land, or combining of lots within the City of Auburn, and within unincorporated areas lying within five (5) miles of the Auburn city limits, shall be carried out in accordance with the Auburn Subdivision Regulations, the Auburn Public Works Design and Construction Manual, and the Water Resource Management Department Design and Construction Manual, which are hereby incorporated by reference into this Ordinance. All development within subdivisions shall be consistent with applicable sections of this Ordinance.

### **Section 802. Site Plans.**

**802.01. Intent and Purpose.** This Section shall apply to all site plans as defined in Article II. The site plan procedures shall be required in order to ensure that site-specific development projects meet the requirements of this Ordinance prior to the issuance of a zoning certificate authorizing a building permit. It is the intent of this Section that the site plan review process be a part of the building permit application process, and that the site plan shall be the instrument by which improvements to the site will be constructed and inspected prior to occupancy of the development.

**802.02. Development Requiring Site Plan Approval.** Prior to issuance of a zoning certificate, site plan approval shall be required for all proposed non-residential construction, as well as residential development types described in Sections 502.02 (F), (G), and (H). This shall include clubhouses or other ancillary facilities within a residential subdivision. Site plan approval shall also be required for the subdivision of an existing development site of a type subject to site plan requirements, and/or an expansion, reduction or reconfiguration of any such development type. For any proposal in which these requirements are unclear, the Planning Director shall determine whether site plan approval is necessary.

**802.03. Review of Site Plans.** Site plans submitted for review shall be approved, disapproved, or referred to the Planning Commission. Site plan review shall be in accordance with Section 1.0 – General Information of the Auburn Public Works Design and Construction Manual. In approving a site plan, any request for waivers from the requirements of this Ordinance shall be taken to the Planning Commission for consideration as provided in Section 802.04.

The following criteria shall be used in determining whether to approve a site plan:

- A.** Completeness of application information as required under Section 802.12;
- B.** Consistency with adopted policies and standards of the Major Streets and Utilities Master Plans;
- C.** Uses permitted on the development site under the provisions of this Ordinance;
- D.** Whether the site plan meets applicable design standards established by this Ordinance;

- E. Availability and adequate capacity of public facilities to serve the development, such as roads, sewer, water, schools, solid waste disposal, and fire protection (including access to the site for emergency vehicles); and
- F. Compatibility with surrounding land uses (this criterion shall apply only where a site plan proposes a conditional use pursuant to Section 803).

The Planning Director and/or City Engineer may refer any site plan proposal to the Planning Commission.

**802.04. Waiver of Selected Development Standards – Approval by Planning Commission.** Specific development standards that may be modified with Planning Commission Approval are limited to the following: bufferyards, including width, planting and required structures; and general and off-street parking landscaping requirements. This may be done only upon a specific finding by the Planning Commission that such requirements are inappropriate as applied to a particular development site due to its size, proposed use, and/or location, and that a waiver would not conflict with the intent of this Ordinance or confer upon any property owner a right or privilege denied to neighboring property owners within the same district.

**802.05. Review Procedures.** Site plan applicants are strongly encouraged to consult the Planning Director and staff prior to formal submission of a site plan for review. At the applicant’s request, a pre-application conference shall be held, at which time planning staff members will provide the applicant with advice and guidance regarding the requirements of this Ordinance, and any other regulations which apply. Preliminary sketches shall be reviewed and overall development concepts finalized at this time. It shall be the applicant’s responsibility to request the pre-application conference and any other available guidance in sufficient time to prepare a complete application package. Site plan submittals shall be in accordance with Section 1.0 – General Information of the Auburn Public Works Design and Construction Manual.

- A. **Site Plan Preparation Requirements.** Where the proposed development site is three (3) acres in size or larger, the site plan shall be prepared and sealed by an architect, professional engineer or surveyor. At the Planning Directors discretion, the same requirement may be applied to sites of less than three (3) acres where the plan proposes high-intensity uses or activities that may have a substantial impact on surrounding properties.

Sketch plans and drawings submitted with variance or other zoning-related applications shall not be accepted for review as a site plan unless they are prepared in accordance with the guidelines of this Section and contain all required information. In all cases, engineering plans addressing drainage, road construction and other technical aspects of development design shall be sealed by a civil engineer registered in the State of Alabama.

- B. **Development Site Requirements.** For development sites of one (1) acre or more, full engineering drawings or a Project Engineer’s Statement must be submitted by an engineer registered in the State of Alabama. The City Engineer may choose to require additional information as necessary.
- C. **Completeness of Plans.** Site plans submitted without complete information in accordance with Section 802.12 shall not be reviewed by the Planning Staff or placed on the Planning Commission Agenda.
- D. **Staff Review.** The Planning Director and other appropriate city staff members shall review the site plan with specific regard to this Ordinance and other regulations of the City of Auburn. The staff review shall identify matters of development policy concern to which the applicant shall address particular attention.

- E. **Revised Plans.** Following submission of a complete application package for site plan review the Planning staff shall have 15 working days in which to complete the review and approve the site plan.

For site plans that must go before the Planning Commission, at such time as the Planning Commission determines that all staff comments have been adequately addressed, and that the requirements of all applicable City, State and Federal regulations have been met, it shall approve the site plan.

**802.06. Approval of Site Plans.** Except as stipulated in Section 802.04, no site plan shall be approved which is inconsistent with any term contained in this Ordinance unless a variance has been authorized in accordance with Section 907 of this Ordinance.

**802.07. Effect of Site Plan Approval.** Approved site plans shall remain valid for 18 months after final approval, and a zoning certificate and building permit for the development may be obtained during that time period. The Planning Director may make an extension of site plan approval for a single period up to six (6) months from the date when a site plan would otherwise expire. An extension may be granted only if the Planning Director concludes that the applicant or developer has proceeded with due diligence and in good faith, and that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing not less than 30 days before the expiration of the approved site plan stating the reason for the time extension request.

Requests for extensions in excess of six (6) months shall not be granted. Instead, the applicant shall submit a new application for review according to the requirements of this Section.

Upon approval of the site plan, the applicant may proceed to submit detailed construction drawings to the Engineering and Codes Enforcement Divisions for permitting. These shall include, but are not limited to, detailed building plans, grading plans, drainage and stormwater management facilities, erosion control plans, road and driveway construction specifications, and tree removal plans.

Nothing contained herein shall preclude the Codes Enforcement Division from accepting for review and processing building construction plans related to the structural, mechanical, electrical, and plumbing systems prior to final approval of a site plan, subject to such conditions as may be established by that department relative to processing of site plans prior to final approval.

In such instances, no building permit will be issued until the Planning Department has issued a zoning certificate and the site plan has been stamped approved and is on file in the office of the Codes Enforcement Division. All building and construction permits issued for any project requiring site plan review shall be consistent with the stamped approved site plan. The approval of a site plan shall not under any circumstances be construed to waive or otherwise diminish the applicable City requirements for construction or installation of structures or materials. Whenever a conflict between the site plan and such construction details occurs, the more restrictive or that requiring the higher standard shall prevail.

**802.08. Modification or Termination of Site Plans.**

- A. **Site Plan Amendments.** After final approval, any modification, variation or adjustment of a stamped approved site plan shall require approval of a site plan amendment.

Upon approval of any amendment, the Planning Director, or his/her designee, shall stamp and date the most recent version of the site plan, showing the approved amendment, and mark all previous copies as "void". If appropriate, the Engineering and Codes Enforcement Divisions shall be notified of the amendment.

- B. **Site Plan Expiration and Cancellation.** In the event of a change to these regulations the site plan shall be valid under the regulations for which it was approved for 18 months from the date of such approval. Upon expiration of the site plan and any extension that

may have been granted, the Planning Director shall make appropriate records in the Planning Department files stamp all available copies of the site plan as "void", and notify the Engineering and Codes Enforcement Divisions of the expiration.

The applicant may cancel the site plan at any time between the date of final approval and the date of expiration by submitting a written request to the Planning Director. Upon receipt of this request by the Planning Director, the site plan shall be treated as expired.

**802.09. Integration of Other Review Procedures.** Any site plan to be built in stages or requiring variance or conditional use approval shall be coordinated as set forth below:

- A. Development Built in Stages.** As part of the application for site plan approval, the developer shall submit a proposed staging of development plan, including a schedule for completion of all improvements pursuant to Section 504.02. If the site plan proposes any of the performance residential housing types described in Section 502.02 (A) through (G), a Master Development Plan pursuant to Section 504 shall also be required. Once a site plan for a stage has been approved, no land may be used and no building may be occupied except in accordance with such plan. A new site plan is required for each successive stage of the development.

Stage configurations shall be logical and consistent with the purposes of this Ordinance. If appropriate, the Planning Director may stipulate that any or all portions of the required landscaping and/or bufferyards be provided during the first stage of development, even though some bufferyards or portions thereof lie outside the stage. Each stage, at a minimum, must include adequate parking, drainage facilities, landscaping, and all other features needed to serve that portion of the total development (See Sections 504.02 and 504.06).

Prior to approval for construction of any one stage, an engineering stage plan shall be submitted to and approved by the City Engineer. This plan shall address site grading, erosion control, stormwater management, internal traffic circulation, and any other design elements required by the City Engineer.

In approving a stage plan, the Planning Commission or Planning staff may specify certain site improvements to be provided at a percentage rate exceeding that of construction of the overall development. These items may be elements of engineering design, or requirements of this Ordinance. Such improvements include, but are not limited to parking, drainage facilities, erosion control measures, landscaping and bufferyards. Where the applicant has agreed to provide off-site improvements, such as traffic signals, turn lanes, and sewer lines, the City Engineer may require such improvements to be in place upon completion of any stage of the development.

- B. Variance.** Those developments requiring a variance from any regulation of this Ordinance in conjunction with site plan review shall have the appropriate request acted upon by the Board of Zoning Adjustment. This shall include existing development sites, proposed for expansion or reconfiguration, which are nonconforming to any requirement of this Ordinance. The site plan may be reviewed concurrently with review and action on the variance request, but the site plan shall not be approved until the variance has been approved.
- C. Conditional Uses.** For developments requiring approval of a conditional use, a request for such approval shall be submitted to the Planning Commission and City Council, and the conditional use shall be approved prior to final approval of the site plan. A site plan and a conditional use request may be processed concurrently.

**802.10. Non-Compliance.** Failure to comply with a stamped approved site plan or any of the conditions upon which such approval was contingent, including time limits for performance, shall be cause to deny issuance of a zoning certificate or, where a zoning certificate has been issued pursuant to a stamped approved site plan, to render such zoning certificate invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this Section for a site plan shall constitute a violation of this Ordinance and may be subject to a stop-work order.

**802.11. Development Site to Be Unified.**

- A. Internal Division of Ownership.** Except as provided in this section, the development site shall remain unified by title under one (1) owner, or by multiple owners holding a percentage interest in the site as a whole. Where a development site consists of two (2) or more existing lots under the same ownership, all such lots shall be combined in accordance with the Subdivision Regulations prior to final approval of the site plan.

Where spatial division of ownership within a development site is proposed, the owners of all component properties shall accept the following conditions in receiving site plan approval:

1. No individual property will be used or developed in any way that is not consistent with the approved site plan.
2. Development rights on each parcel are combined with those of the balance of the development site, and the City will consider no separate development proposals unless the development site can be divided in accordance with the provisions of this Ordinance.
3. No parcel of land within a development site shall be subdivided, sold or otherwise conveyed for the purpose of new development that is not authorized under the approved site plan.

All owners of property within the development site shall authorize one (1) person, designated as the applicant, to represent them collectively before the Planning Commission and other City officials in all matters related to the site plan and development site.

- B. External Ownership.** When the development site is part of a larger parcel of property, of which a portion is not intended to be included within the site plan, this unused area shall become a separate lot, meeting any relevant size and dimensional requirements of this Ordinance, to be approved in accordance with the Subdivision Regulations. This subdivision process shall be completed prior to final approval of the site plan.
- C. Development Site to Be Complete.** The development site shall be designed to provide all required amenities and facilities, including bufferyards, open space, landscaping; no such required features shall be located off-site or on adjacent properties which are leased, rented, or otherwise proposed for use on an informal basis, except as provided for in Section 509.02. The entire site shall have the zoning designation required to accommodate the principal use.
- D. Division After Approval.** No development site, once granted site plan approval, shall be divided except through the site plan amendment process established in Section 802.08.

**802.12. Site Plan Preparation Requirements.** A site plan must accurately show all relevant information about a proposed development to permit it to be reviewed against the requirements of this Ordinance, and to provide a permanent record as to the type and characteristics of development approved on the site. Site plans shall be drawn, on an overall sheet size not to exceed 24 by 36 inches, to one of the following scales:

- 1":10'
- 1":20'
- 1":30'
- 1":40'
- 1":50'
- 1":60'
- 1":100'

When more than one (1) sheet is needed, a series of drawings showing different elements of the site design, such as landscaping, utilities, or topography may be submitted. Where such a series is submitted, the top sheet shall include an index of all other sheets in the series. These shall be bound in a single package, with each sheet labeled as to what it shows and its number in the series (e.g., Landscaping Plan, Sheet 2 of 3)

Unless specifically waived by the Planning Director, the following information shall be shown on all site plans:

**A. Written Information:**

1. Site plan name.
2. General statement indicating the character of the use(s) proposed for the site. This shall include information describing the size and/or intensity of the use, such as the number of employees at largest shift, seating capacity, number of students, number of hospital beds or motel rooms, etc. All other relevant information not otherwise specified in this checklist shall be provided in the General Statement, such as variances on the property, nonconforming status, etc.
3. Property owner's name, address and telephone number; and the designated project applicant or representative if other than the property owner.
4. Name, address, and telephone number of engineer, surveyor, architect, landscape architect and/or any other professional involved in design of the project.
5. Total size of the tract expressed in square feet and acres (to nearest tenth).
6. Zoning district assigned to the subject property.
7. Zoning and current land use of adjacent properties.
8. Number of units proposed (residential only).
9. Impervious surface area in square feet, impervious surface ratio (ISR), maximum and proposed.
10. Floor area in square feet, floor area ratio (FAR), maximum and proposed.
11. Widths of buffer area required, if any, along each property boundary.
12. Landscape Plan pursuant to Section 422.
13. Number of parking spaces required and proposed (must show calculations based on Section 502 or 509 requirements).
14. Building height.

15. Corridor Overlay Information where applicable (i.e. building materials, sign, lighting, etc.)
16. Number of bicycle parking spaces required and proposed based on standards in Section 510 (for multiple unit developments and commercial uses in US district).

**B. Graphic Information:**

1. Vicinity map showing the site in relation to adjoining properties, streets and other landmarks such that its location within the City can easily be determined.
2. North arrow, scale and date prepared.
3. Certified boundary survey of the tract prepared by a surveyor registered with the State of Alabama, indicating an existing lot of record.
4. Location, number of floors or stories, height and dimensions of all structures.
5. Location of all impervious surfaces.
6. All flood-prone areas as delineated by the Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA), including a notation of the 100-year flood elevation.
7. All wetlands and watercourses, including lakes, streams, etc.
8. Steep slopes pursuant to Section 416.
9. Location and dimensions of all required bufferyards (consult with Planning Dept.)
10. Areas of general landscaping pursuant to Section 420 (consult with Planning Dept.)
11. Areas of landscaping for off-street parking areas pursuant to Section 422 and Section 429.
12. Location and dimensions of all parking spaces, loading berths, and driveway aisles. One-way aisles must be labeled as such.
13. Location of all curb cuts and their distances from nearest adjacent curb cuts or street intersections.
14. Phase lines, if the development is to be constructed in phases.
15. Existing and proposed utility easements.
16. All existing and proposed street right-of-way reservations and easements.
17. Finished floor elevations of all structures.
18. All existing and proposed utility lines, including sewer, water, gas, and electricity.

19. Location and screening of solid waste receptacles. Materials used to screen must be noted on site plan.
20. Access to greenways and greenspace(s).
21. Stream buffers, delineated by zones pursuant to Section 413.
22. Location and dimension of all bicycle parking areas pursuant to Section 510.
23. Location of pedestrian ways, bicycle paths or trails.
24. Location of sign(s) and mailbox kiosk.

**C. Items to be Submitted to Engineering Department:**

1. Items to be submitted shall be in accordance with Section 1.0 – General Information of the Auburn Public Works Design and Construction Manual.

**Section 803. Conditional Uses.**

Conditional uses are those uses that have some special impact which differs from the potential impacts of permitted uses or exceeds them in intensity, or have a uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed in a particular location.

Upon submission of a request for conditional use approval, a review of the location, design, configuration, and impact shall be conducted to determine whether the proposed use would have a detrimental impact on neighboring properties.

The review considers the proposal in terms of existing zoning and land use in the vicinity of the use; planned and proposed public and private developments that may be adversely affected by the proposed use; whether and to what extent the use at the particular location for which it is proposed is consistent with the intent of the Zoning Ordinance, and any other development policies and/or regulations of the City of Auburn; and whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety, and welfare in general.

**803.01. Applicability.** Any use designated as a conditional use by Table 4-1 of this Ordinance shall comply with this Section.

In addition, the following shall be approved only as conditional uses:

- A. Any performance residential use (except Manufactured home parks, which are not allowed) in the Corridor Redevelopment District, Urban (CRD-U) and Suburban (CRD-S), and Multiple Unit Development in the Corridor Redevelopment District, West (CRD-W) and East (CRD-E), and Planned Development District (PDD).

**803.02. Procedures.** Applications for a conditional use permit shall be submitted and approved prior to application for a zoning certificate. A subdivision plat or a site plan meeting the requirements of Section 802 shall support applications for conditional uses in all districts. Site plan or subdivision approval shall not be granted prior to or contingent upon conditional use approval.

The Planning Director shall process applications for a conditional use permit as follows:

- A. Applications for a conditional use permit must be submitted to the Planning Director 23 days prior to the public hearing, as required in Section 803.02 (B). Copies of the application shall be distributed to the appropriate department heads.

- B.** A public hearing shall be held by the Planning Commission after adjoining property owners have been notified of the public hearing by certified mail and signs announcing the public hearing have been erected on the property in question. Not later than five (5) days prior to the date set for the hearing on the application, the Planning Director shall file a written report thereon with the Planning Commission.
- C.** The application shall be denied if the Planning Commission finds that the application and record fail to establish compliance with the standards of this Ordinance. Further, the application shall be denied if the adverse impacts of the development, despite any mitigating conditions that might be imposed by the Planning Commission, outweigh any public or private benefits of the proposal and require denial in the interest of the overall public health, safety, and welfare.
- D.** In order to prevent or minimize adverse effects on other properties in the neighborhood and on the general health, safety, and welfare of the City of Auburn, the Planning Commission may impose such restrictions and conditions on approval of the proposed use as it determines are required by the general purposes, goals, and objectives of this Ordinance. All conditions imposed upon any conditional use permit approval, except those which are otherwise stated in this Ordinance, shall be expressly set forth in the resolution granting such conditional use permits.
- E.** Within 35 days of the public hearing on the application, unless an extension of this time is agreed to by the applicant, the Planning Commission shall render to the City Council its recommendation either to grant the application for a conditional use permit, grant it subject to conditions, or deny it. The failure of the Planning Commission to act within this time period shall constitute a recommendation by it that the application be approved.

Within 60 days of the Planning Commission rendering its recommendation to the City Council, the City Council shall take action on the application, otherwise the application shall fail. The City Council may elect to grant an extension for good cause. Following a public hearing, the City Council shall either approve, or disapprove, the application and shall establish the specific conditions under which the application is approved.

- F.** In the event a permit for a conditional use is approved or approved subject to conditions, the applicant shall submit a site plan meeting all conditions of approval. The Planning Director shall then take action to process the application on the zoning certificate for the development to which the conditional use permit applies. In the event such permit is not approved or is approved subject to conditions that are not acceptable to the applicant, the applicant may, within the aforesaid time period, either appeal such decision or abandon the application.

**803.03. Conditions on Conditional Use Approvals.** Every conditional use permit shall be contingent upon the proposed development fully complying with all requirements of this Ordinance and, where applicable, with the Subdivision Regulations. The violation of any condition contained in a conditional use permit shall be a violation of this Ordinance.

**803.04. General Use Standards.** No application for a conditional use permit shall be approved unless the City Council shall specifically find the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

- A.** The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.

- B.** The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.
- C.** The proposed use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and as a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness, and bind commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this Ordinance, and other plans, programs, maps, and ordinances adopted by the City to guide its growth and development. The approval of the conditional use permit shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.
- D.** The Planning Commission may attach recommendations for conditional use approval, additional criteria dealing with bufferyards, parking, lighting, building materials, or any other aspect of site plan approval necessary to mitigate the impact of the proposed conditional use on the surrounding property.

**803.05. Effect of Conditional Use Approval.** Upon final approval of a conditional use permit, no structures, uses or development of any kind shall be permitted on a development site except in accordance with the site plan approval process as set forth in Section 802.

Conditional use permits shall remain valid for 18 months after final approval. The City Council, upon recommendation by the Planning Commission, may make an extension of conditional use permit approval for a single period of up to six (6) months from the date when a conditional use permit would otherwise expire. An extension may be granted only if the City Council concludes that the applicant or developer has proceeded with due diligence and in good faith, and that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing not less than 30 days before the expiration of the conditional use permit stating the reason for the time extension request.

Requests for extensions in excess of six (6) months shall not be granted. Instead, the applicant shall submit a new application for review according to the requirements of this section.

**Section 804. Zoning Certificates.**

No development permitted by this Ordinance, including accessory and temporary uses, may be established and no existing building may be altered with respect to its use after the effective date of this Ordinance until a zoning certificate has been secured from the Planning Director.

Nothing herein shall relieve any applicant of the additional responsibility of seeking any permit required by any applicable statute, ordinance, or regulations in compliance with all of the terms of this Ordinance. Conditions for permits to raze or remove buildings are set by other ordinances.

The violation of any condition contained in a conditional use permit shall be a violation of this Ordinance.

**804.01. Application Requirements for Zoning Certificates.** All applications for zoning certificates shall be made in writing by the owner or developer of the property for which it is sought. The application shall be filed with the Planning Director and include two (2) copies of the following:

- A. Legal description of the parcel(s) for which the certificate is sought.
- B. Conditional Use Permit, if required (Section 803).
- C. Request for site plan review if required (Section 802).

When a zoning certificate is sought for a development that is a part of a plat or subdivision, which has received final plat approval or which has been issued a conditional use permit, the plat or conditional use permit, together with any covenants, conditions, or other restrictions related thereto, shall be submitted as a part of the application for the zoning certificate.

Application for a conditional use permit, where required, shall be made and approval granted by the City Council prior to application for a zoning certificate.

In the case of any development located within a subdivision, the subdivision shall have final plat approval and have been recorded before the Planning Director will accept an application for a zoning certificate. If the development for which a zoning certificate is sought is required by this Ordinance to undergo site plan review, the approved site plan shall be made a part of the application for a zoning certificate and shall suffice as the statement of proposed use required by this Section.

A temporary use and an accessory use shall require a zoning certificate as a precondition to their lawful establishment. The Planning Director may establish regulations governing the application requirements for a zoning certificate in the case of either a temporary or accessory use that is established at any time other than simultaneously with a principal use, in which case all information specified in this Section shall be submitted. The purpose of the required information is to provide the Planning Director with a sufficient factual basis to determine whether all requirements of this Ordinance applicable to temporary and accessory uses have been met.

**804.02. Procedures.** All developments for which a zoning certificate is required shall be reviewed for compliance with this Ordinance; within 30 calendar days after the application for a zoning certificate has been accepted, the Planning Director shall inform the applicant whether the application has been granted.

- A. In any case where the application is granted, the Planning Director shall issue a zoning certificate which shall state: "This certificate does not signify building codes review or approval nor subdivision review or approval and is not authorization to undertake any work without such review and approval where either is required. Before any structure to which this certificate is applicable may be occupied or used for any purpose, a certificate of occupancy must be obtained."
- B. In any case where an application is denied, the Planning Director shall state the specific reasons and shall cite the specific chapters, articles, and sections of this Ordinance upon which denial is based. If relief of such denial would be available by special permit or variance, the Planning Director shall so state and shall refer the applicant to the appropriate sections of this Ordinance.

Following site plan and/or conditional use approval, an applicant shall have 18 months from the date of approval to begin construction. In addition, an applicant shall have 90 days from the date of issuance of a zoning certificate to begin construction. For the purposes of this Section, beginning of construction is defined as the date on which a building permit is issued by the City of Auburn for the construction, renovation, modification, or other work required.

#### **Section 805. Certificate of Occupancy.**

No land or building for which a zoning certificate has been issued shall be occupied or used in whole or in part for any use whatsoever after the effective date of this Ordinance until the owner, tenants, contract

purchaser, or authorized agent thereof has been issued a certificate of occupancy by the Senior Building Inspector, indicating that the building or use complies with all zoning requirements of this Ordinance, the building code, and other applicable codes and regulations.

No certificate of occupancy shall be issued until the premises in question have been inspected and found by the Senior Building Inspector to comply with the requirements of this Ordinance.

No permit for any new use or construction that will involve the on-site disposal of sewage or waste, and no permit for a change in use or an alteration that will result in an increased volume of sewage or waste to be disposed of on the site, or which requires the County Health Department's approval shall be issued until said approval has been issued by said Health Department.

The issuance of a certificate of occupancy in no way relieves any recipient thereof from compliance with all of the terms of this Ordinance and all other applicable regulations.

No certificate of occupancy shall be issued unless required bufferyards have been installed or appropriately bonded.

**Section 806. Access.**

As a precondition to approval of any site plan, subdivision plat, zoning certificate, building permit, or any other type of development permit, any development site shall have legal access to a publicly owned and maintained road. Physical access alone shall not qualify any development site for such permits. Legal access shall consist of the required length of road frontage, a flag lot approval pursuant to Section 512, or access easements under this Section.

**806.01. Access Easements.** Access by easement shall be approved only by specific action of the Planning Commission, and where normal requirements cannot be met. In all such cases, the following conditions shall apply:

- A. The property owner seeking a permit shall possess a valid legal instrument, recorded in the Office of the Judge of Probate, indicating ownership of an access strip or easement at least 15 feet in width connecting the subject property with a public road;
- B. No access shall serve more than one (1) building site;
- C. No development shall be authorized on any such building site other than one (1) single family dwelling and permitted accessory structures;
- D. Prior to issuance of a certificate of occupancy, the access shall be graded and/or covered with a suitable surface so as to be passable to emergency vehicles; and
- E. The permit applicant shall sign a statement indicating that the City of Auburn has no obligation to repair and/or maintain the access in a usable condition, and that the City shall not be liable for injuries to persons or damage to property resulting from the site's lack of direct access to a public road.

**Section 807. Fees.**

A schedule of application fees for site plan and subdivision approval, zoning certificates, and other permits and public hearings required under this Ordinance shall be established by separate resolution or ordinance. This fee schedule shall be computed so as to recover all costs incurred by the City in reviewing and processing zoning-related requests, and shall be revised as necessary by the City Council.