

Planning Commission  
Regular Meeting  
June 2, 2026 - 7:00 PM  
City Hall Council Chambers

**AMENDED**

**AGENDA**

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## **CALL TO ORDER**

## **PUBLIC PARTICIPATION**

- A. The Planning Commission Meeting scheduled for Tuesday, June 2, 2026, at 7:00 p.m. will be held in person and virtually.

Virtual Participation Link:

To listen to the meeting by phone or Zoom, please call the number below or click the link:

Phone one-tap:

+12532158782,,84921742217# US (Tacoma)

+12532050468,,84921742217# US

Join via audio:

+1 253 215 8782 US (Tacoma)

+1 253 205 0468 US

888 475 4499 US Toll Free

877 853 5257 US Toll Free

Join from PC, Mac, iPad, or Android:

<https://us06web.zoom.us/j/84921742217>

Webinar ID: 849 2174 2217

## **PLEDGE OF ALLEGIANCE**

## **ROLL CALL**

## **AGENDA MODIFICATIONS**

## **PUBLIC COMMENT**

- A. The public can participate in-person or submit written comments in advance. Participants can submit written comments via mail or email. All written comments must be received prior to 5:00 p.m. on the day before the scheduled meeting and must be 350 words or less.

Please mail written comments to:

City of Auburn

Attn: Tammy Gallier, Administrative Specialist

25 W Main St

Auburn, WA 98001

Email written comments to: [planning@auburnwa.gov](mailto:planning@auburnwa.gov)

If an individual requires accommodation to allow for remote oral comment because of a difficulty attending a meeting of the governing body, the City requests notice of the need for accommodation by 5:00 p.m. on the day before the scheduled meeting. Participants can request accommodation to be able to provide a remote oral comment by contacting the Community Development Department in person, by phone (253) 931-3090 or by email ([planning@auburnwa.gov](mailto:planning@auburnwa.gov).)

## **APPROVAL OF MINUTES**

- A. May 5, 2026 Draft Minutes from the Regular Planning Commission Meeting

## **BUSINESS ITEM #1**

- A. **Live/Work and Daycare Text Amendment  
Staff Introduction/Presentation (Reed)**

Staff will provide an update on text amendments to Live/Work regulations and Daycare Center regulations, as required by House Bill 5509.

## **BUSINESS ITEM #2**

- A. **Auburn Gateway Zoning Text Amendment  
Staff Introduction/Presentation (Goode)**

Staff will provide an update on the text amendment to introduce light industrial uses in the C-AG Auburn Gateway Zone.

- B. **Public Hearing**

- C. **Deliberation and Vote**

## **BUSINESS ITEM #3**

- A. **Nonconforming Code Update  
Staff Introduction/Presentation (Teague)**

Staff will present the proposed updates to Chapter 18.54 "Nonconforming Structures, Land and Uses" to Planning Commission for a recommendation to City Council.

- B. **Public Hearing**

- C. **Deliberation and Vote**

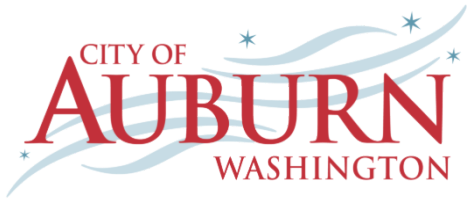
## **COMMUNITY DEVELOPMENT REPORT**

## **ADJOURNMENT**

The City of Auburn Planning Commission is a seven member advisory body that provides recommendations to the Auburn City Council on the preparation of and amendments to land use plans and related codes such as zoning. Planning Commissioners are appointed by the Mayor and confirmed by the City Council.

Actions taken by the Planning Commission, other than approvals or amendments to the Planning

Commission Rules of Procedure, are not final decisions; they are in the form of recommendations to the City Council which must ultimately make the final decision.



**AGENDA BILL APPROVAL FORM**

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**Agenda Subject:**

May 5, 2026 Draft Minutes from the Regular Planning Commission Meeting June 2, 2026

**Meeting Date:**

**Department:**

Community Development

**Attachments:**

05-05-2026 Planning  
Commission Minutes

**Budget Impact:**

**Administrative Recommendation:**

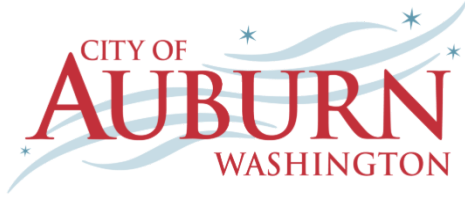
**Background for Motion:**

**Background Summary:**

See Attached Draft Minutes

**Councilmember:**

**Staff:** Jason Krum



**Planning Commission  
Regular Meeting  
May 5, 2026 - 7:00 PM  
City Hall Council Chambers**

**MINUTES**

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**CALL TO ORDER**

Vice Chair Stewart called the meeting to order at 7:04 p.m. in the Council Chambers of Auburn City Hall, 25 West Main Street.

**PUBLIC PARTICIPATION**

The City of Auburn Planning Commission Meeting was held in person and virtually.

**PLEDGE OF ALLEGIANCE**

Vice Chair Stewart led those in attendance in the Pledge of Allegiance.

**ROLL CALL**

Commissioners present: Vice Chair William Stewart, Julie Berry, Lynn Walters, and Kirk Hiller. Chair Judi Roland was excused. Commissioner Aaron Vanderpol appeared virtually via Zoom at 7:06 p.m.

Staff members present: Planning Services Manager Alexandria Teague, Assistant Director of Community Development Steve Sturza, Senior Planner Dinah Reed, Senior Planner Alyssa Tatro, Planner II Owen Goode, Senior City Staff Attorney Chandra Hein, City Clerk Shawn Campbell, and Deputy City Clerk Rebecca Wood-Pollock.

**AGENDA MODIFICATIONS**

There were no modifications to the agenda.

**PUBLIC COMMENT**

Bonnie Helms provided comments.

**APPROVAL OF MINUTES**

- A. 04/07/26 Draft Minutes from the Regular Planning Commission Meeting

Commissioner Walters moved and Commissioner Berry seconded to approve the March 3, 2026, Planning Commission Meeting minutes.

MOTION CARRIED UNANIMOUSLY. 5-0

## **BUSINESS ITEM #1**

### **A. City Clerks OPMA and Parliamentary Procedures Staff Introduction/Presentation (Wood)**

City Clerk to provide an overview of OPMA and Parliamentary Procedures

Deputy City Clerk Wood and City Clerk Campbell provided the Commission with a presentation on the Open Public Meetings Act (OPMA), Parliamentary Procedure, and Planning Commission Rules of Procedure, including the role and scope of the Planning Commission, actions within and outside of the Planning Commission's authority, the order of events on the agenda, voting, amendments, motions, questions during a meeting, and key takeaways.

The Commission discussed the order of agenda items, the voting process, and amendments.

## **BUSINESS ITEM #2**

### **A. Citywide Design Standards Update and Related Code Update Staff Introduction/Presentation (Reed)**

Staff will present the proposed updates to the Citywide Design Standards and amended code to Planning Commission for a recommendation to City Council.

Planner Reed provided the Commission with a presentation on the Citywide Design Standards Update and Related Code Update, including procedural steps, background, an overview of frontage standards, transparency standards, other prominent design standards, parking, code text amendments, and staff recommendations.

### **B. Public Hearing**

Vice Chair Stewart opened the Public Hearing at 7:41 p.m.

No one came forward to speak.

Vice Chair Stewart closed the Public Hearing at 7:41 p.m.

### **C. Deliberation and Vote**

Commissioner Berry moved and Commissioner Vanderpol seconded to recommend to Council the proposed Citywide Design Standards and Related Code Update as presented by staff.

MOTION CARRIED UNANIMOUSLY. 5-0

## **BUSINESS ITEM #3**

### **A. Downtown Design Standards Update and Associated Zoning Code Update**

**Staff Introduction/Presentation (Tatro)**

Staff will present the proposed updates to the Downtown Design Standards and amended code to Planning Commission for a recommendation to City Council.

Planner Tatro provided the Commission with a presentation on the Downtown Design Standards Update and Associated Zoning Code Update, including the background and purpose of the 2024 Auburn Downtown Subarea Plan, goals, procedural steps, public outreach, an overview of the changes, block-frontage standards, departures, text amendments, Downtown Urban Core (DUC) zones and districts, the impact of changes, and staff recommendations.

**B. Public Hearing**

Vice Chair Stewart opened the Public Hearing at 7:51 p.m.

No one came forward to speak.

Vice Chair Stewart closed the Public Hearing at 7:51 p.m.

**C. Deliberation and Vote**

Commissioner Vanderpol moved and Commissioner Walters seconded to recommend to Council the proposed Downtown Design Standards Update and Associated Zoning Code Update as presented by staff.

MOTION CARRIED UNANIMOUSLY. 5-0

**BUSINESS ITEM #4**

**A. Density Bonus for Existing Buildings Code Update  
Staff Introduction/Presentation (Goode)**

The City of Auburn is updating the Density Bonus Code for Existing Buildings as required under HB 1757. This update allows for the density bonuses awarded under Auburn City Code 18.02.067 to expand to the Residential Conservancy Zone, the R-1 Residential Zone, and the R-2 Residential Low Zone. Density bonuses awarded under this code section are required to be within existing buildings and shall not expand the square footage of the building or the building footprint.

Planner Goode provided the Commission with a presentation on the Density Bonus for Existing Buildings Code Update, including its purpose and effect, the reasons for the text amendment, and staff recommendations.

**B. Public Hearing**

Vice Chair Stewart opened the Public Hearing at 7:58 p.m.

No one came forward to speak.

Vice Chair Stewart closed the Public Hearing at 7:58 p.m.

**C. Deliberation and Vote**

Commissioner Vanderpol moved and Commissioner Walters seconded to recommend to Council the Density Bonus for Existing Buildings Code Update as proposed by staff.

MOTION CARRIED UNANIMOUSLY. 5-0

**BUSINESS ITEM #5**

**A. Nonconforming Code Update  
Staff Introduction/Presentation (Teague)**

Staff to discuss an update to Chapter 18.54 “Nonconforming Structures, Land And Uses”.

Manager Teague provided the Commission with a presentation on the Nonconforming Code Update, including nonconforming uses, zoning maps, governing standards, proposed code changes, and the next steps in the process, sharing that the Public Hearing for this item is currently scheduled for the next Planning Commission meeting on June 2, 2026.

The Commission discussed timeline extensions and increments, nonconforming use and tracking, public comments received, and administrative and community impacts.

**COMMUNITY DEVELOPMENT REPORT**

Assistant Director Sturza shared an update on the GSA lot progress, Sound Transit Garage progress, and the Auburn Ave Theater ground breaking event.

**ADJOURNMENT**

There being no further business to come before the Planning Commission, the meeting was adjourned at 8:19 p.m.

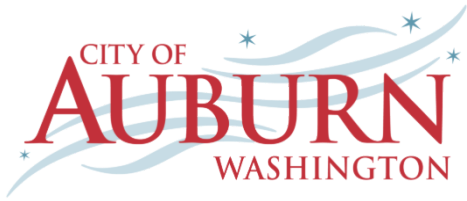
APPROVED this 2nd day of June, 2026.

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JUDI ROLAND, CHAIR

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Rebecca Wood-Pollock, Deputy City Clerk



**AGENDA BILL APPROVAL FORM**

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**Agenda Subject:**

**Live/Work and Daycare Text Amendment  
Staff Introduction/Presentation (Reed)**

Staff will provide an update on text amendments to Live/Work regulations and Daycare Center regulations, as required by House Bill 5509.

**Meeting Date:**

June 2, 2026

**Department:**

Community Development

**Attachments:**

Memorandum, Chapter 18.04  
ACC Text Amendment, ACC  
18.23.030 Text Amendment,  
ACC 18.31.125 Text  
Amendment, ACC 18.35.030  
Text Amendment, ACC  
18.07.020 Text Amendment,  
Chapter 18.31 ACC Text  
Amendment, Presentation Live-  
Work and Daycare

**Budget Impact:**

**Administrative Recommendation:**

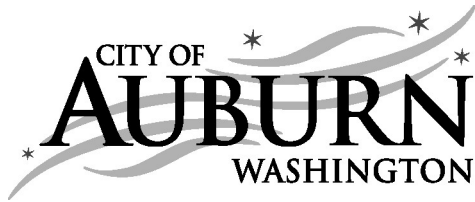
**Background for Motion:**

**Background Summary:**

See attached Memorandum

**Councilmember:**

**Staff:** Jason Krum



## Memorandum

**TO:** Judi Roland, Chair, Planning Commission  
Bill Stewart, Vice Chair  
Planning Commission Members

**FROM:** Alexandria Teague, Planning Services Manager  
Dinah Reed, Senior Planner  
Department of Community Development

**DATE:** June 2, 2026

**RE:** **ZOA26-0006 – Live/Work and Daycare Code Update**

### I. BACKGROUND & PURPOSE

#### LIVE/WORK

Live/Work units are an integrated housing unit and commercial workspace, occupied and utilized by the property owner or business owner with a place to work and live in a single unit. Live/Work and Work/Live definitions were added as a use in City of Auburn (COA) code in 2012 via Ord. 6433 but has not had supplemental development standards associated with the use that would set clear and objective standards. The purpose of the text amendment is to provide specific development regulations for new Live/Work units (buildings) and for re-purposing existing buildings into Live/Work units. Additionally, Live/Work and Work/Live were originally separated out as different uses in the code based on the percentage of space occupied by the nonresidential portion versus the residential portion of the unit. It was determined that having only one version of Live/Work would simplify the use, therefore, Work/Live has been removed as a use.

#### DAYCARE

House Bill (HB) 5509, an Act relating to the siting of child care centers was passed by the State Legislature in the 2025 Regular Session. HB 5509 allows child care centers, and the conversion of existing buildings for use as child care centers, as an outright permitted use in all zones except industrial zones, light industrial zones, and open space zones. Cities may impose reasonable restrictions on the permit, including pickup and drop-off areas. A city must provide for a conditional use approval of an on-site child care center in industrial or light industrial zones, except in or around high hazard facilities.

COA code uses the term “daycare” versus the term “child care” that is used in HB 5509. Where COA uses “daycare” it is the same as “child care”.

ACC 18.04.290 current definitions for the different types of daycares in COA code are as follows:

*“Daycare center,” “nursery school,” or “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.
- 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.

## II. SUMMARY OF PROPOSED CODE CHANGES

### LIVE/WORK

#### **Section ACC 18.31.125 Supplemental standards for Live/Work**

This section is new and establishes the purpose for Live/Work units as well as a definition that coincides with the definition adopted by the International Building Code (IBC). Supplemental regulations for Live/Work units are as follows, in summary:

- 1) The nonresidential portion of the Live/Work unit shall be located at the front of the building and for new development, will be required to meet the Storefront Block Frontage design standards per Citywide Design Standards.
- 2) The ground floor frontage for the nonresidential portion of the Live/Work unit shall provide a public entrance meeting the street level transparency standards for Storefronts per the Citywide Design Standards.
- 3) The residential and work components shall be occupied as a single unit and no portion of the Live/Work unit may be rented, leased, or sold separately.
- 4) Off-street parking shall be calculated in accordance with ACC Table 18.52.020 “Off-Street Parking Requirements by Land Use” for the nonresidential portion.
- 5) The nonresidential portion of the Live/Work unit in Residential zones is limited to “Commercial Uses” per ACC 18.07.020.
- 6) The nonresidential portion of the Live/Work unit in Commercial zones is limited to “Retail, Services, and Recreation, Education and Public Assembly” uses per ACC 18.35.030.
- 7) The nonresidential portion of the Live/Work unit in Special Purpose Zones is limited to “Retail, Services, and Recreation, Education and Public Assembly” uses per ACC 18.35.030.

#### **Section ACC 18.04.527 Live/Work unit**

- 1) Updates the definition of a Live/Work unit to include the current adopted definition under the International Building Code (IBC).

#### **Section ACC 18.04.913 Work/Live unit**

- 1) Removes the definition of Work/Live.

#### **Section 18.07.020 Uses (Residential zones)**

- 1) Adds Live/Work as standalone units compliant with ACC 18.31.125 (supplemental standards) as outright permitted in all residential zones except Residential Conservancy and R-1, Residential Low.

- 2) Adds footnote 13 that “any standalone Live/Work units vested prior to the effective date of the ordinance codified in this chapter are outright permitted uses”.

**Section 18.23.030 Uses (Commercial and Industrial zones)**

- 1) To eliminate redundancy, removes “Apartment units, as part of a mixed-use development” and is replaced with “Mixed-use development” in the land use table.
- 2) Removes Live/Work and Work/Live as part of a mixed-use development based on redundancy.
- 3) Removes Work/Live as a stand-alone use per the definition being eliminated.
- 4) Footnote 3 is amended to remove the “Work/Live” language.

**Section 18.35.030 Uses (Special Purpose zones)**

- 1) Removes the Work/Live unit from the use and adds a link to Live/Work supplemental standards for Live/Work.

**Chapter 18.31. ACC Supplemental Development Standards**

- 1) Adds 18.31.125 Live/Work standards to Table of Contents.

DAYCARE

**Section ACC 18.04.290 Daycare center, nursery school, preschool**

- 1) Removes “or adults” in definition.
- 2) ACC 18.04.290(B) allows for 16 children in a “home based daycare” pursuant to WAC 110-300-0358 and RCW 43.216.692 allowing home providers to apply in writing to request waivers to serve more than 12 but not more than 16 children.

**Section 18.23.030 Uses (Commercial and Industrial zones)**

- 1) Allows Daycares in industrial zones as a conditional use permit with the footnote that daycare facilities shall not be allowed adjacent to or within high hazard facilities (per HB 5509).

**Section 18.35.030 Uses (Special Purpose zones)**

- 1) Adds Daycare as a permitted use in Institutional (P-1) and Open Space (OS) zones.

**Section 18.07.020 Uses (Residential zones)**

- 1) Amends Daycare uses to be outright permitted in all residential zones and removes the requirement that Daycare Centers must be located on an arterial.

**III. TEXT AMENDMENT**

The text amendment is shown by strikeout/underline and is attached to this memo as Attachments 1 through 6.

**IV. STAFF REQUEST**

To review the proposed Live/Work and Daycare text amendments and provide feedback. To move forward with the proposed Live/Work and Daycare text amendments to Chapter 18.04 ACC, ACC 18.23.030, ACC 18.31.125, ACC 18.35.030, ACC 18.07.020, Chapter 18.31. ACC to a public hearing on July 7, 2026.

**V. ATTACHMENTS**

- 1 Chapter 18.04 ACC Text Amendment
- 2 ACC Section 18.23.030 Text Amendment
- 3 ACC Section 18.31.125 Text Amendment
- 4 ACC Section 18.35.030 Text Amendment
- 5 ACC Section 18.07.020 Text Amendment

- 6** Chapter 18.31 ACC Text Amendment
- 7** Presentation Live-Work and Daycare

**18.04.290 Daycare center, nursery school, preschool.**

“Daycare center,” “nursery school,” or “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 ~~12-16~~ children ~~in~~ the provider’s home in the family living quarters, for periods of less than 24 hours.
- 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. 6245 § 3, 2009; Ord. 4705 § 2, 1994; Ord. 4229 § 2, 1987.)

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**The Auburn City Code is current through Ordinance 7008, passed November 17, 2025.**

Disclaimer: The city clerk’s office has the official version of the Auburn City Code. Users should contact the city clerk’s office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.auburnwa.gov](http://www.auburnwa.gov)

Hosted by General Code.

### **18.04.527 Live/work unit.**

~~“In addition to the current adopted International Building Code (IBC) definition, a Live/work unit” means an integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and includes a complete dwelling unit. The work space is at ground level meeting the design standards of a storefront per the Citywide or Downtown Architectural and Design Standards. and working space reserved for and regularly used by one or more occupants of the dwelling unit. Within a live/work unit the “work” component of a live/work unit is secondary to its residential use. Live/work units are allowed within mixed-use developments.~~(Ord. 6959 § 1 (Exh. A), 2024; Ord. 6433 § 14, 2012.)

### **18.04.913 — Work/live unit.**

~~“Work/live unit” means an integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and includes a complete dwelling unit and working space reserved for and regularly used by one or more occupants of the dwelling unit. Within a work/live unit the “work” component is the primary use, to which the residential use is secondary, while the “work” component of a live/work unit is secondary to its residential use. Work/live units are allowed within mixed-use developments.~~ (Ord. 6959 § 1 (Exh. A), 2024; Ord. 6433 § 25, 2012.)

**18.23.030 Uses.**

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

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

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

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

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE						P - Permitted C - Conditional A - Administrative X - Prohibited
LAND USE	Zoning Designation					Standards for Specific Land Uses
	C-1	C-2	C-AG	M-1	M-2	
<b>INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING</b>						
Building contractor, light	X	P	X	P	P	
Building contractor, heavy	X	X	X	A	P	
Manufacturing, assembling and packaging - Light intensity	X	P	X	P	P	ACC <a href="#">18.31.180</a>

<b>PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE</b>						<b>P – Permitted</b> <b>C – Conditional</b> <b>A – Administrative</b> <b>X – Prohibited</b>
<b>LAND USE</b>	<b>Zoning Designation</b>					<b>Standards for Specific Land Uses</b>
	<b>C-1</b>	<b>C-2</b>	<b>C-AG</b>	<b>M-1</b>	<b>M-2</b>	
Manufacturing, assembling and packaging – Medium intensity	X	A	X	P	P	ACC <a href="#">18.31.180</a>
Manufacturing, assembling and packaging – Heavy intensity	X	X	X	X	A	ACC <a href="#">18.31.180</a>
Marijuana processor	X	X	X	C	C	Chapter <a href="#">18.59</a> ACC
Marijuana producer	X	X	X	C	C	Chapter <a href="#">18.59</a> ACC
Marijuana researcher	X	X	X	C	C	Chapter <a href="#">18.59</a> ACC
Marijuana retailer	X	C	X	C	C	Chapter <a href="#">18.59</a> ACC
Marijuana transporter business	X	X	X	C	C	Chapter <a href="#">18.59</a> ACC
Outdoor storage, incidental to principal permitted use on property	X	P	X	P	P	ACC <a href="#">18.57.020(A)</a>
Storage – Personal household storage facility (mini-storage)	P	P	X	P	P	ACC <a href="#">18.57.020(B)</a>
Warehousing and distribution	X	X	X	P	C	ACC <a href="#">18.57.020(C)</a>
Warehousing and distribution, bonded and located within a designated foreign trade zone	X	P	X	P	P	

<b>PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE</b>						<b>P – Permitted</b> <b>C – Conditional</b> <b>A – Administrative</b> <b>X – Prohibited</b>
<b>LAND USE</b>	<b>Zoning Designation</b>					<b>Standards for Specific Land Uses</b>
	<b>C-1</b>	<b>C-2</b>	<b>C-AG</b>	<b>M-1</b>	<b>M-2</b>	
Wholesaling with on-site retail as an incidental use (e.g., coffee, bakery)	X	P	X	P	P	
<b>RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES</b>						
Commercial recreation facility, indoor	P	P	P	P	A	
Commercial recreation facility, outdoor	X	A	A	P	A	ACC <a href="#">18.57.025(A)</a>
Conference/convention facility	X	A	X	A	X	
Library, museum	A	A	X	A	X	
Meeting facility, public or private	P	P	X	A	A	
Movie theater, except drive-in	P	P	P	X	X	
Private school – Specialized education/training (for profit)	A	P	P	P	P	
Religious institutions, lot size less than one acre	P	P	A	A	A	ACC <a href="#">18.31.165</a>
Religious institutions, lot size more than one acre	P	P	A	A	A	ACC <a href="#">18.31.165</a>
Sexually oriented businesses	X	P	X	P	P	Chapter <a href="#">18.74</a> ACC

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation					Standards for Specific Land Uses
	C-1	C-2	C-AG	M-1	M-2	
Sports and entertainment assembly facility	X	A	X	A	A	
Studio – Art, dance, martial arts, music, etc.	P	P	P	P	A	
<b>RESIDENTIAL</b>						
Apartment units, as part of a mixed-use development <sup>2</sup>	X	P	P	P	X	ACC <a href="#">18.57.030</a>
Apartments, standalone	X	X	X	X	X	
Caretaker apartment	P	P	X	P	P	
Indoor emergency housing or shelter	P	P	P	A	A	ACC <a href="#">18.31.160</a>
Live/work unit, as part of a mixed-use development <sup>2</sup>	X	P	P	P	X	
Live/work unit, standalone <sup>3</sup>	P	P	P	X	X	ACC <a href="#">18.31.125</a>
Work/live unit, as part of a mixed-use development <sup>2</sup>	X	P	P	P	X	
Work/live unit, standalone <sup>3</sup>	X	X	X	X	X	
Mixed-use development <sup>2</sup>	X	P	P	X	X	ACC <a href="#">18.57.030</a>

<b>PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE</b>						<b>P – Permitted</b> <b>C – Conditional</b> <b>A – Administrative</b> <b>X – Prohibited</b>
<b>LAND USE</b>	<b>Zoning Designation</b>					<b>Standards for Specific Land Uses</b>
	<b>C-1</b>	<b>C-2</b>	<b>C-AG</b>	<b>M-1</b>	<b>M-2</b>	
Marijuana cooperative	X	X	X	X	X	
Nursing home, assisted living facility	P	P	C	X	X	
Senior housing <sup>2</sup>	X	A	X	X	X	
Supportive housing (permanent)	P	P	P	A	A	ACC <a href="#">18.31.160</a>
Transitional housing	P	P	P	A	A	ACC <a href="#">18.31.160</a>
<b>RETAIL</b>						
Building and landscape materials sales	X	P	X	P	P	ACC <a href="#">18.57.035(A)</a>
Community retail establishment	P	P	P	P	P	
Construction and heavy equipment sales and rental	X	X	X	A	P	
Convenience store	A	P	X	P	P	
Drive-through espresso stands	A	P	A	P	A	
Drive-through facility, including banks and restaurants	A	P	P	P	P	ACC <a href="#">18.52.040</a>
Entertainment, commercial	A	P	X	A	A	

<b>PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE</b>						<b>P – Permitted</b> <b>C – Conditional</b> <b>A – Administrative</b> <b>X – Prohibited</b>
<b>LAND USE</b>	<b>Zoning Designation</b>					<b>Standards for Specific Land Uses</b>
	<b>C-1</b>	<b>C-2</b>	<b>C-AG</b>	<b>M-1</b>	<b>M-2</b>	
Groceries, specialty food stores	P	P	P	P	X	
Neighborhood retail establishment	P	P	P	P	P	
Nursery	X	P	A	P	P	ACC <a href="#">18.57.035(C)</a>
Outdoor displays and sales associated with a permitted use (auto/vehicle sales not included in this category)	P	P	P	P	P	ACC <a href="#">18.57.035(D)</a>
Regional retail establishment	X	P	P	P	A	
Restaurant, cafe, coffee shop	P	P	P	P	P	
Tasting room	P	P	P	P	P	
Tavern	P	P	P	P	A	
Wine production facility, small craft distillery, small craft brewery	P	P	P	P	P	
<b>SERVICES</b>						
Animal daycare (excluding kennels and animal boarding)	A	P	A	P	P	ACC <a href="#">18.57.040(A)</a>

<b>PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE</b>						<b>P – Permitted</b> <b>C – Conditional</b> <b>A – Administrative</b> <b>X – Prohibited</b>
<b>LAND USE</b>	<b>Zoning Designation</b>					<b>Standards for Specific Land Uses</b>
	<b>C-1</b>	<b>C-2</b>	<b>C-AG</b>	<b>M-1</b>	<b>M-2</b>	
Animal sales and services (excluding kennels and veterinary clinics)	P	P	P	P	P	ACC <a href="#">18.57.040(B)</a>
Banking and related financial institutions, excluding drive-through facilities	P	P	P	P	P	
Catering service	P	P	A	P	P	
Daycare, including mini daycare, daycare center, preschools or nursery schools	P	P	P	PC <sup>4</sup>	XC <sup>4</sup>	
Dry cleaning and laundry service (personal)	P	P	P	P	P	
Equipment rental and leasing	X	P	X	P	P	
Kennel, animal boarding	X	A	X	A	A	ACC <a href="#">18.57.040(C)</a>
Government facilities; this excludes offices and related uses that are permitted outright	A	A	A	A	A	
Hospital	P	P	X	P	P	
Lodging – Hotel or motel	P	P	P	A	A	
Medical – Dental clinic	P	P	P	P	X	
Mortuary, funeral home, crematorium	P	P	X	P	X	

<b>PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE</b>						<b>P – Permitted</b> <b>C – Conditional</b> <b>A – Administrative</b> <b>X – Prohibited</b>
<b>LAND USE</b>	<b>Zoning Designation</b>					<b>Standards for Specific Land Uses</b>
	<b>C-1</b>	<b>C-2</b>	<b>C-AG</b>	<b>M-1</b>	<b>M-2</b>	
Personal service shops	P	P	P	P	X	
Pharmacies	P	P	P	X	X	
Print and copy shop	P	P	P	P	X	
Printing and publishing (of books, newspaper and other printed matter)	A	P	P	P	P	
Professional offices	P	P	P	P	P	
Repair service – Equipment, appliances	A	P	P	P	P	ACC <a href="#">18.57.040(D)</a>
Veterinary clinic, animal hospital	P	P	P	P	X	
Youth community support facility	P	X	X	X	X	ACC <a href="#">18.57.040(E)</a>
<b>TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE</b>						
Ambulance, taxi, and specialized transportation facility	X	A	X	P	P	
Broadcasting studio	P	P	X	P	P	
Heliport	X	C	X	C	C	
Motor freight terminal <sup>1</sup>	X	X	X	X	X	See Footnote No. 1

<b>PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE</b>						<b>P – Permitted</b> <b>C – Conditional</b> <b>A – Administrative</b> <b>X – Prohibited</b>
<b>LAND USE</b>	<b>Zoning Designation</b>					<b>Standards for Specific Land Uses</b>
	<b>C-1</b>	<b>C-2</b>	<b>C-AG</b>	<b>M-1</b>	<b>M-2</b>	
Parking facility, public or commercial, surface	P	P	P	P	X	
Parking facility, public or commercial, structured	P	P	P	P	X	
Towing storage yard	X	X	X	A	P	ACC <a href="#">18.57.045(A)</a>
Utility transmission or distribution line or substation	A	A	A	A	A	
Wireless communications facility (WCF) (See ACC <a href="#">18.04.912(W)</a> )	*	*	*	*	*	*See ACC <a href="#">18.31.100</a> for use regulations and zoning development standards.
Eligible facilities request (EFR) (wireless communications facility) (See ACC <a href="#">18.04.912(H)</a> )	P	P	P	P	P	
Small wireless facilities (ACC <a href="#">18.04.912(Q)</a> )	P	P	P	P	P	
<b>VEHICLE SALES AND SERVICES</b>						
Automobile washes (automatic, full or self-service)	A	P	P	P	P	ACC <a href="#">18.57.050(A)</a>
Auto parts sales with installation services	A	P	P	P	P	

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE						P – Permitted C – Conditional A – Administrative X – Prohibited
LAND USE	Zoning Designation					Standards for Specific Land Uses
	C-1	C-2	C-AG	M-1	M-2	
Auto/vehicle sales and rental	A	P	X	P	P	ACC <a href="#">18.57.050(B)</a>
Fueling station	A	P	P	P	P	ACC <a href="#">18.57.050(C)</a>
Mobile home, boat, or RV sales	X	P	X	P	P	
Vehicle services – Repair/body work	X	P	X	P	P	ACC <a href="#">18.57.050(D)</a>
<b>OTHER</b>						
Any commercial use abutting a residential zone which has hours of operation outside of the following: Sunday: 9:00 a.m. to 10:00 p.m. or Monday – Saturday: 7:00 a.m. to 10:00 p.m.	A	A	A	A	A	
Other uses may be permitted by the planning director or designee if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted. See ACC <a href="#">18.02.120(C)(6)</a> , Unclassified Uses.	P	P	P	P	P	

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

**2** Any mixed-use development or senior housing project vested prior to Resolution No. [5187](#) (December 7, 2015) is an outright permitted use in the C-1 zone. Subsequently, if a nonresidential use within a vested

mixed-use development changes, then the nonresidential use shall maintain a minimum of 10 percent of the cumulative building ground floor square footage consisting of the uses permitted outright, administratively, or conditionally, listed under "Recreation, Education, and Public Assembly," "Retail," or "Services" of the C-1 zone.

**3** Any standalone live/work units ~~or standalone work/live units~~ vested prior to the effective date of the ordinance codified in this chapter are outright permitted uses.

**4 Childcare facilities shall not be allowed adjacent to or within high hazard facilities.**

(Ord. 6977 § 1 (Exh. A), 2025; Ord. 6959 § 1 (Exh. A), 2024; Ord. 6885 § 1 (Exh. A), 2022; Ord. 6838 § 1 (Exh. A), 2021; Ord. 6799 § 6 (Exh. F), 2020; Ord. 6728 § 3 (Exh. C), 2019; Ord. 6688 § 1 (Exh. 1), 2018; Ord. 6644 § 2, 2017; Ord. 6642 § 9, 2017; Ord. 6508 § 1, 2014; Ord. 6433 § 26, 2012.)

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### **18.31.125 Supplemental standards for Live/Work**

A. Purpose. Live/Work units are an integrated housing unit and work space, occupied and utilized by the property owner, business owner, or business employee with a place to work and live in a single unit (ACC 18.04.527). A Live/Work unit can be a new building (e.g. townhouse) or an existing unit (e.g. small commercial building with a dwelling space above or behind) and existing single-family residences allowed in the zone.

B. Live/Work units shall meet the following standards in addition to the current Washington State adopted International Building Code (IBC) code live/work sections.

1. The ground floor level and front of the building shall be used for nonresidential purposes.
2. Any 'work' use proposed for a Live/Work unit in Residential zones are subject to ACC 18.07.020 "Permitted Use Table" and limited to the "Commercial Uses" category.
3. Any 'work' use proposed for a Live/Work unit in Commercial zones are subject to ACC 18.23.030 "Permitted Use Table" and limited to the "Retail" and "Services" categories.
4. Any 'work' use proposed for a Live/Work unit in Special Purpose Zones are subject to ACC 18.35.030 "Permitted Use Table" and limited to the "Retail", "Services" and "Recreation, Education, and Public Assembly" categories.
5. For new development, the nonresidential frontage must meet the design standards of a storefront per Citywide Design Standards.
6. For existing buildings, the ground floor frontage shall provide a public entrance and street level transparency meeting the design standards of a storefront per the Citywide Design Standards.
7. The residential and work components shall be occupied as a single unit.
8. No portion of the Live/Work unit may be rented, leased, or sold separately.
9. Off Street Parking is calculated for the 'work' use as proposed for the Live/Work unit in accordance with ACC 18.52.020 Table of Off-street Parking Requirements by Land Use.

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### **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 residential zones: RC, R-1, R-2, R-3, R-4, R-NM, R-F.

B. The provisions of subsection [A](#) of this section are not intended to reduce the requirements of any other licensing agency or department. (Ord. 6959 § 1 (Exh. A), 2024; Ord. 6245 § 15, 2009.)

**18.35.030 Uses.**

A. *General Permit Requirements.* Table 18.35.030 identifies the uses of land allowed in each special purpose zone and the planning permit required to establish each use.

B. *Requirements for Certain Specific Land Uses.* Where the last column (Standards for Specific Land Uses) in Table 18.35.030 includes a section number, the referenced section determines other requirements and standards applicable to the use regardless of whether it is permitted outright or requires an administrative or conditional use permit.

**Table 18.35.030. Permitted, Administrative, Conditional and Prohibited Uses by Zone**

Permitted, Administrative, Conditional and Prohibited Uses by Zone				P - Permitted
				C - Conditional
LAND USE				A - Administrative
				X - Prohibited
Zoning Designations			Standards for Specific Land Uses	
P-1	I	OS		
<b>MARIJUANA-RELATED BUSINESSES</b>				
Marijuana processor	X	X	X	
Marijuana producer	X	X 18.	X	
Marijuana researcher	X	X	X	
Marijuana retailer	X	X	X	
Marijuana transporter business	X	X	X	

<b>Permitted, Administrative, Conditional and Prohibited Uses by Zone</b>				<b>P – Permitted</b> <b>C – Conditional</b> <b>A – Administrative</b> <b>X – Prohibited</b>
<b>LAND USE</b>	<b>Zoning Designations</b>			<b>Standards for Specific Land Uses</b>
	<b>P-1</b>	<b>I</b>	<b>OS</b>	
<b>PUBLIC</b>				
Animal shelter, public	P	X	X	
Government facilities; this excludes offices and related uses that are permitted outright	P	P	C	
Municipal parks and playgrounds	P	P	P	
<b>RECREATION, EDUCATION AND PUBLIC ASSEMBLY</b>				
Campgrounds	X	P	P	
Recreational vehicle parks, private	X	P	X	
Cemetery, public	P	A	X	
Cemetery, private	X	A	X	
College, university, public	A	A	X	
Commercial recreation facility – Indoor	X	P	X	
Commercial recreation facility – Outdoor	X	A	C	ACC <a href="#">18.57.025(A)</a>
Conference/convention facility	X	A	X	

<b>Permitted, Administrative, Conditional and Prohibited Uses by Zone</b>				<b>P – Permitted</b> <b>C – Conditional</b> <b>A – Administrative</b> <b>X – Prohibited</b>
<b>LAND USE</b>	<b>Zoning Designations</b>			<b>Standards for Specific Land Uses</b>
	<b>P-1</b>	<b>I</b>	<b>OS</b>	
Library, museum	P	P	A	
Meeting facility, public or private	P	P	A	
Private school – specialized education/training (for profit)	X	P	X	
Public schools (K-12) and related facilities	P	X	X	
Religious institutions, lot size less than one acre	X	P	X	
Religious institutions, lot size more than one acre	X	P	X	
Studio – Art, dance, martial arts, music, etc.	X	X	X	
<b>RESIDENTIAL</b>				
Middle housing subject to the provisions in Chapter <a href="#">18.25</a> ACC (2 to 6 units)	X	A <sup>1</sup>	X	
Home occupation	X	P	P	Chapter <a href="#">18.60</a> ACC
Live/work <del>unit</del> , <del>work/live unit</del>	X	A	X	<a href="#">ACC 18.31.125</a>
Apartments (7 or more units)	X	A <sup>2</sup>	X	
One single-unit detached dwelling	X	X	P <sup>4</sup>	

<b>Permitted, Administrative, Conditional and Prohibited Uses by Zone</b>				<b>P – Permitted</b> <b>C – Conditional</b> <b>A – Administrative</b> <b>X – Prohibited</b>
<b>LAND USE</b>	<b>Zoning Designations</b>			<b>Standards for Specific Land Uses</b>
	<b>P-1</b>	<b>I</b>	<b>OS</b>	
Nursing home, assisted living facility	X	P	X	
Senior housing	X	A	X	
<b>RETAIL</b>				
Marijuana cooperative	X	X	X	
Restaurant, cafe, coffee shop, excluding drive-through facilities	P	A	X	
<b>SERVICES</b>				
Banking and related financial institutions, excluding drive-through facilities <sup>3</sup>	X	X	X	
Daycare, including mini daycare, daycare center, preschools or nursery schools	<del>XP</del>	P	<del>AP</del>	
Home-based daycare	X	P	P	
Medical services – Clinic or urgent care <sup>3</sup>	X	X	X	
Mortuary, funeral home, crematorium	X	X	X	
Professional offices	X	A	A	

<b>Permitted, Administrative, Conditional and Prohibited Uses by Zone</b>				<b>P – Permitted</b>
				<b>C – Conditional</b>
				<b>A – Administrative</b>
				<b>X – Prohibited</b>
<b>LAND USE</b>	<b>Zoning Designations</b>			<b>Standards for Specific Land Uses</b>
	<b>P-1</b>	<b>I</b>	<b>OS</b>	
Personal service shops	X	X	X	
Pharmacies	X	X	X	
<b>TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE</b>				
Utility facilities, substations, utility transmission or distribution line	X	X	A	See ACC <a href="#">18.02.040(E)</a>
Wireless communications facility (WCF) (See ACC <a href="#">18.04.912(W)</a> )	*	*	*	*See ACC <a href="#">18.31.100</a> for use regulations and zoning development standards.
Eligible facilities request (EFR) (Wireless communications facility) (See ACC <a href="#">18.04.912(H)</a> )	P	P	P	
Small wireless facilities (ACC <a href="#">18.04.912(Q)</a> )	P	P	P	
Emergency wireless communications facility (EWCF)	X	P	X	See ACC <a href="#">18.04.912</a> and <a href="#">18.31.100</a>
<b>OTHER USES THAT ARE NOT LISTED</b>				
Other uses may be permitted by the planning director or designee if the use is determined to be	P	P	P	

<b>Permitted, Administrative, Conditional and Prohibited Uses by Zone</b>			<b>P – Permitted</b> <b>C – Conditional</b> <b>A – Administrative</b> <b>X – Prohibited</b>	
LAND USE	Zoning Designations			Standards for Specific Land Uses
	P-1	I	OS	
consistent with the intent of the zone and is of the same general character of the uses permitted				

**Notes:**

- 1** Minimum lot area not applicable; duplexes must meet other development standards of the I zone.
- 2** Minimum lot area not applicable; apartments must meet other development standards of the I zone, dwellings; provided, that 2,400 square feet of lot area is provided for each dwelling unit.
- 3** Permitted within a public college or university as an amenity or service provided to students: A stand-alone bank or medical services/clinic is not permitted.
- 4** One single-unit detached dwelling unit per existing legal lot. No residential subdivisions permitted in the open space zone.

(Ord. 6959 § 1 (Exh. A), 2024; Ord. 6894 § 1 (Exh. B), 2022; Ord. 6799 § 9 (Exh. I), 2020; Ord. 6716 § 1 (Exh. A), 2019; Ord. 6677 § 3, 2018; Ord. 6642 § 11, 2017; Ord. 6434 § 1, 2012.)

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**18.07.020 Uses.**

**Table 18.07.020. Permitted Use Table – Residential Zones**

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-2	R-3	R-4	R-NM	R-F
A. Residential Uses.							
Accessory dwelling units subject to the provisions contained in Chapter <a href="#">18.32</a> ACC	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
Accessory use, residential	P	P	P	P	P	P	P
Adult family home	P	P	P	P	P	P <sup>1</sup>	P
Apartments (7 units or more)	X	X	X	P <sup>11</sup>	P	P	X
Bed and breakfast or short-term rentals	P	P	P	P	P	X	P
Caretaker apartment	X	X	X	X	X	P	X
Communal residence	P	P	P	P	P	X	P
Foster care homes	P	P	P	P	P	X	P
Group residence facilities (7 or more residents)	X	X	X	P	P	P	P
Group residence facilities (6 or fewer residents)	P	P	P	P	P	P	P
Keeping of animals <sup>4</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>
<u>Live/Work, Standalone subject to the compliance with ACC 18.31.125<sup>13</sup></u>	X	X	P	P	P	P	P
Middle housing subject to the provisions in Chapter <a href="#">18.25</a> ACC (2 to 6 units)	P	P	P	P	P	P	P

Neighborhood recreational buildings and facilities owned and managed by the neighborhood homeowners' association	A <sup>6</sup>	A <sup>6</sup>	A <sup>6</sup>	A <sup>6</sup>	A <sup>6</sup>	P	P
Use as dwelling units of (1) recreational vehicles that are not part of an approved recreational vehicle park, (2) boats, (3) automobiles, and (4) other vehicles	X	X	X	X	X	X	X
Renting of rooms, for lodging purposes only, to accommodate not more than two persons in addition to the family or owner occupied unit <sup>8</sup>	P	P	P	P	P	P	P
Residential care facilities including but not limited to assisted living facilities, convalescent homes, continuing care retirement facilities	P	P	P	P	P	P	P
Single-unit detached dwellings, new	P	P	P	X	X	X	P
Supportive housing (permanent), subject to the provisions of ACC <a href="#">18.31.160</a>	P	P	P	P	P	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
Transitional housing	P	P	P	P	P	P	P
B. Commercial Uses.							
Commercial horse riding and bridle trails	A	X	X	X	X	X	X
Commercial recreation facility, indoor	X	X	X	X	P	P	X
Commercial retail establishment	X	X	A	A	P	P	A
Convenience store	X	X	X	X	P	P	X
<del>Mini Daycare, limited to a mini daycare center, Daycare center, preschool or nursery school may also be permitted but must be located on an arterial</del>	<del>XP</del>	P	P	P	P	P	P

Grocery or specialty food store	X	X	X	A	P	P	A
Home-based (or family) daycare as regulated by RCW <a href="#">35.63.185</a> and through receipt of approved city business license	P	P	P	P	P	P	P
Home occupations subject to compliance with Chapter <a href="#">18.60</a> ACC	P	P	P	P	P	P	P
Marijuana cooperative	X	X	X	X	X	X	X
Marijuana processor	X	X	X	X	X	X	X
Marijuana producer	X	X	X	X	X	X	X
Marijuana-related business	X	X	X	X	X	X	X
Marijuana researcher	X	X	X	X	X	X	X
Marijuana retailer	X	X	X	X	X	X	X
Marijuana transporter business	X	X	X	X	X	X	X
Mixed-use development <sup>3, 10</sup>	X	X	X	P	P	P	P
Personal service shop	X	X	A	P	P	P	P
Nursing homes	X	X	X	X	C	C	C
Privately owned and operated parks and playgrounds and not homeowners' association-owned recreational area	X	A	A	A	A	P	P
Professional offices	X	X	A	A	P <sup>9</sup>	P	P
Restaurant, café, or coffee shop	X	X	A	A	P	P	A
Neighborhood retail establishment	X	X	A	A	P	P	P
C. Resource Uses.							
Agricultural enterprise: <sup>7</sup>							
When 50 percent, or more, of the total site area is dedicated to active agricultural production during	A <sup>7</sup>	X	X	X	X	X	X

the growing season, and with 52 or less special events per calendar year							
When less than 50 percent of the total site area is dedicated to active agricultural production during the growing season, or with more than 52 special events per calendar year	C <sup>7</sup>	X	X	X	X	X	X
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
Commercial greenhouses	P	X	X	X	X	X	X
Pasturing and grazing <sup>4</sup>	P	X	X	X	X	X	X
Public and private stables <sup>4</sup>	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
D. Government, Institutional, and Utility Uses.							
Civic, social and fraternal clubs	X	X	X	X	A	A	A
Government facilities	A	A	A	A	A	A	A
Hospitals (except animal hospitals)	X	X	X	X	X	C	C
Municipal parks and playgrounds	A	P	P	P	P	P	P
Museums	X	X	X	X	A	A	A
Religious institutions, less than one acre lot size <sup>12</sup>	A	A	A	A	A	A	A
Religious institutions, one acre or larger lot size <sup>12</sup>	C	C	C	C	C	C	C

Transmitting towers	C	C	C	C	C	C	C
Type 1-D wireless communications facility (see ACC <a href="#">18.04.912(W)</a> and <a href="#">18.31.100</a> )	P	P	P	P	P	P	P
Eligible facilities request (EFR) (wireless communications facility – See ACC <a href="#">18.04.912(H)</a> )	P	P	P	P	P	P	P
Utility facilities and substations	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>
Small wireless facilities (ACC <a href="#">18.04.912(Q)</a> )	P	P	P	P	P	P	P

**1** An accessory dwelling unit may be permitted with an existing single-unit residence pursuant to Chapter [18.32](#) ACC.

**2** Please see the supplemental development standards for animals in ACC [18.31.220](#).

**3** 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 an administrative or conditional use permit, the individual use must apply for and receive the administrative or conditional use approval, as applicable.

**4** 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 board of health code.

**5** Excludes all public and private utility facilities addressed under ACC [18.02.040\(E\)](#).

**6** Administrative use permit ~~not~~ **is not** required when approved as part of a subdivision or binding site plan.

**7** Agricultural enterprise uses are subject to supplemental development standards under ACC [18.31.210](#), Agricultural enterprises development standards.

**8** An owner occupant that rents to more than two persons but no more than four persons is required to obtain a city of Auburn rental housing business license and shall meet the standards of the International Property Maintenance Code.

**9** As component of mixed-use developments and/or office ground floor uses permitted up to 5,000 square feet.

**10** Commercial uses permitted outright, or allowed administratively or conditionally in this table may be allowed as part of mixed-use development.

**11** Apartment buildings and mixed-use development consisting of no more than 20 units and three stories per lot is permitted.

**12** Reference ACC [18.31.165](#) for standards related to homeless encampments hosted by a religious organization.

13 Any standalone live/work units vested prior to the effective date of the ordinance codified in this chapter are outright permitted uses.

(Ord. 6977 § 1 (Exh. A), 2025; Ord. 6959 § 1 (Exh. A), 2024; Ord. 6799 § 5 (Exh. E), 2020; Ord. 6642 § 4, 2017; Ord. 6600 § 9, 2016; Ord. 6565 § 2, 2015; Ord. 6560 § 9, 2015; Ord. 6477 § 8, 2013; Ord. 6369 § 2, 2011; Ord. 6363 § 3, 2011; Ord. 6269 § 3, 2009; Ord. 6245 § 5, 2009.)

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**The Auburn City Code is current through Ordinance 7008, passed November 17, 2025.**

Disclaimer: The city clerk's office has the official version of the Auburn City Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.auburnwa.gov](http://www.auburnwa.gov)

[Hosted by General Code.](#)

## Chapter 18.31

### SUPPLEMENTAL DEVELOPMENT STANDARDS

Sections:

- 18.31.010 Daycare standards.**
- 18.31.020 Fences.**
- 18.31.025 Retaining walls.**
- 18.31.030 Height limitations - Exceptions.**
- 18.31.040 Lots.**
- 18.31.050 Single-unit detached 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 small wireless facilities.**
- 18.31.115 Wetland mitigation.**
- 18.31.120 *Repealed.***
- 18.31.125 Live/Work standards.**
- 18.31.130 Communal residence standards.**
- 18.31.140 Gated residential subdivisions.**
- 18.31.150 Secure community transition facilities.**
- 18.31.160 Supplemental standards for transitional housing, permanent supportive housing, indoor emergency shelters, and indoor emergency housing.**
- 18.31.165 Homeless encampment hosted by a religious organization.**
- 18.31.170 *Reserved.***
- 18.31.180 Performance standards.**
- 18.31.190 Supplemental standards for residential mobile home communities.**
- 18.31.200 Architectural and site design review standards and regulations.**
- 18.31.210 Agricultural enterprises development standards.**
- 18.31.220 Permitted animals.**
- 18.31.230 *Repealed.***

**PLANNING COMMISSION MEETING**

**LIVE/WORK AND DAYCARE  
CODE UPDATE**

**PRESENTED BY  
DINAH REED, SENIOR PLANNER  
JUNE 2, 2026**

Department of Community Development  
Planning • Building • Development Engineering • Permit Center  
Economic Development • Code Enforcement

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W E L L N E S S  
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## PURPOSE FOR UPDATE – LIVE/WORK

### Live/Work units

- **Allows for residential and commercial workspace in the same building, and**
- **Allows for business owner to live and work in the same space.**
- **Were added in 2012 but did not include supplemental standards.**

## PURPOSE FOR UPDATE – LIVE/WORK

**The supplemental development standards will apply to new Live/Work units (buildings) and for re-purposing existing buildings into Live/Work units.**

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## EXAMPLE OF “NEW” LIVE/WORK UNITS



Shows ground level as commercial and open to the public.

Upper levels as living space.

## EXAMPLE OF “RE-PURPOSED” LIVE/WORK UNITS

Older, smaller and historically significant buildings.

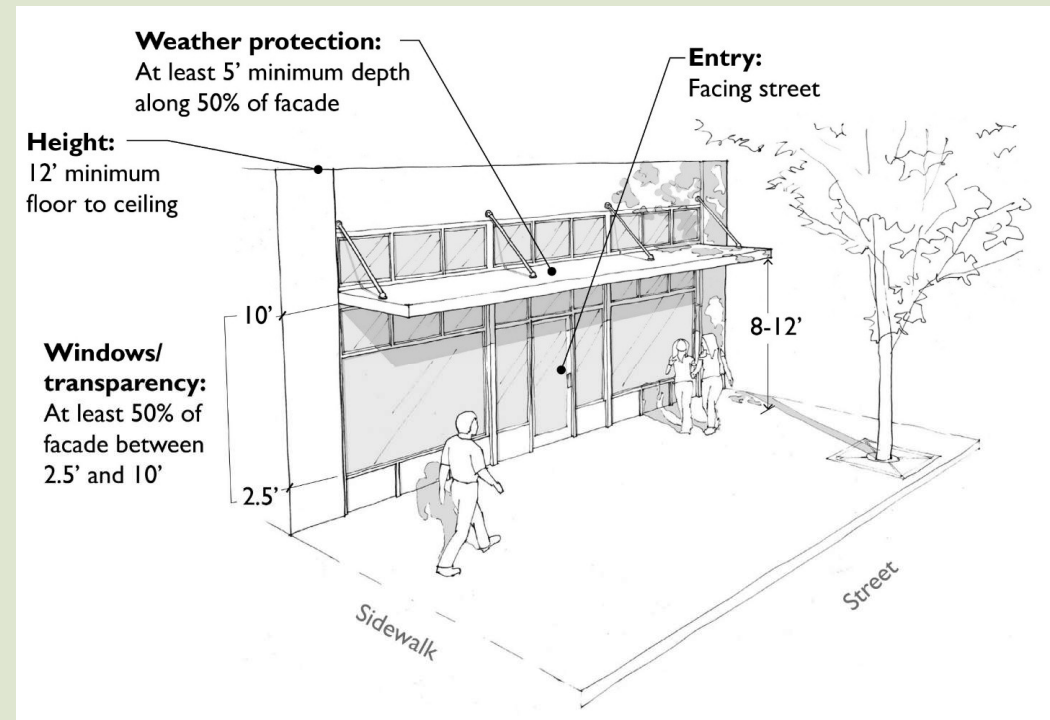
Ground level is commercial and upper floors are residential.



# SUPPLEMENTAL STANDARDS FOR LIVE/WORK

## ➤ This section is new.

1. Nonresidential portion - located at the front of the building.
2. Ground floor frontage for the nonresidential portion - provides a public entrance meeting the street level transparency standards.



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## **SUPPLEMENTAL STANDARDS FOR LIVE/WORK**

- 4. The residential and work components shall be occupied as a single unit and no portion of the Live/Work unit may be rented, leased, or sold separately.**
- 5. Off-street parking calculated in accordance with commercial use.**
- 6. The uses allowed in Live/Work will be limited based on zoning district.**

# TEXT AMENDMENT FOR LIVE/WORK

## 18.04.527 → Live/work-unit.¶

~~"In addition to the current adopted International Building Code (IBC) definition, a live/work unit" means an integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and includes a complete dwelling unit. The work space is at ground level meeting the design standards of a storefront per the Citywide or Downtown Architectural and Design Standards, and working space reserved for and regularly used by one or more occupants of the dwelling unit. Within a live/work unit the "work" component of a live/work unit is secondary to its residential use. Live/work units are allowed with~~

## 18.04.913 → Work/live-unit.¶

~~"Work/live unit" means an integrated housing unit and working space, occupied and utilized by a single household in a structure that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and includes a complete dwelling unit and working space reserved for and regularly used by one or more occupants of the dwelling unit. Within a work/live unit the "work" component is the primary use, to which the residential use is secondary, while the "work" component of a live/work unit is secondary to its residential use. Work/live units are allowed within mixed-use developments. (Ord. 6959-§1 (Exh. A), 2024; Ord. 6433-§25, 2012.)¶~~

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LAND USE	Zoning Designation					Standards for Specific Land Uses
	C-1	C-2	C-AG	M-1	M-2	
Sports and entertainment assembly facility	X	A	X	A	A	
Studio – Art, dance, martial arts, music, etc.	P	P	P	P	A	
<b>RESIDENTIAL</b>						
Apartment units, as part of a mixed-use development <sup>2</sup>	X	P	P	P	X	ACC <a href="#">18.57.030</a>
Apartments, standalone	X	X	X	X	X	
Caretaker apartment	P	P	X	P	P	
Indoor emergency housing or shelter	P	P	P	A	A	ACC <a href="#">18.31.160</a>
Live/work unit, as part of a mixed-use development <sup>2</sup>	X	P	P	P	X	
Live/work unit, standalone <sup>3</sup>	P	P	P	X	X	ACC <a href="#">18.31.125</a>
Work/live unit, as part of a mixed-use development <sup>2</sup>	X	P	P	P	X	
Work/live unit, standalone <sup>3</sup>	X	X	X	X	X	
Mixed-use development <sup>2</sup>	X	P	P	X	X	ACC <a href="#">18.57.030</a>

# TEXT AMENDMENT FOR LIVE/WORK

# TEXT AMENDMENT FOR LIVE/WORK

**P = Permitted A = Administrative C = Conditional Use X = Not Permitted**

## Land Uses

## Zoning Designations

RC

R-1

R-2

R-3

R-4

R-NM

R-F

Live/Work, Standalone subject to the compliance  
with ACC 18.31.125<sup>13</sup>

X

X

P

P

P

P

P

## PURPOSE FOR UPDATE – DAYCARE

House Bill (HB) 5509, an Act relating to the siting of child care centers was passed by the State Legislature in the 2025 Regular Session.

COA code uses the term “daycare” versus the term “child care” that is used in HB 5509. Where COA uses “daycare” it is the same as “child care”.

# TYPES OF DAYCARE

- **Babysitting care**
- **Home based daycare**
- **Mini daycare center**
- **Daycare center**
- **Preschool/nursery school**

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## 18.04.290 → Daycare center, nursery school, preschool.¶

“Daycare center,” “nursery school,” or “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~~ 16 children in the provider’s home in the family living quarters, for periods of less than 24 hours.¶

## TEXT AMENDMENT FOR DAYCARE

LAND USE	Zoning Designation					Standards for Specific Land Uses
	C-1	C-2	C-AG	M-1	M-2	
Animal sales and services (excluding kennels and veterinary clinics)	P	P	P	P	P	ACC <a href="#">18.57.040(B)</a>
Banking and related financial institutions, excluding drive-through facilities	P	P	P	P	P	
Catering service	P	P	A	P	P	
Daycare, including mini daycare, daycare center, preschools or nursery schools	P	P	P	<del>PC</del> <sup>4</sup>	<del>XC</del> <sup>4</sup>	

**TEXT  
AMENDMENT  
FOR DAYCARE**

LAND USE	Zoning Designations			Standards for Specific Land Uses
	P-1	I	OS	
Nursing home, assisted living facility	X	P	X	
Senior housing	X	A	X	
<b>RETAIL</b>				
Marijuana cooperative	X	X	X	
Restaurant, cafe, coffee shop, excluding drive-through facilities	P	A	X	
<b>SERVICES</b>				
Banking and related financial institutions, excluding drive-through facilities <sup>3</sup>	X	X	X	
Daycare, including mini daycare, daycare center, preschools or nursery schools	<del>XP</del>	P	<del>AP</del>	
Home-based daycare	X	P	P	
Medical services - Clinic or urgent care <sup>3</sup>	X	X	X	
Mortuary, funeral home, crematorium	X	X	X	
Professional offices	X	A	A	

# TEXT AMENDMENT FOR DAYCARE

P = Permitted A = Administrative C = Conditional Use X = Not Permitted							
Land Uses	Zoning Designations						
	RC	R-1	R-2	R-3	R-4	R-NM	R-F
<del>Mini Daycare, limited to a mini daycare center, daycare center, preschool or nursery school may also be permitted but must be located on an arterial</del>	<del>XP</del>	P	P	P	P	P	P

# TEXT AMENDMENT FOR DAYCARE

## STAFF REQUEST

To review the proposed Live/Work and Daycare text amendments and provide feedback.

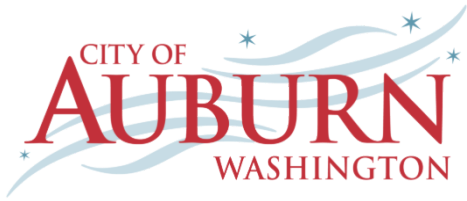
To move forward with the proposed Live/Work and Daycare text amendments to Chapter 18.04 ACC, ACC 18.23.030, ACC 18.31.125, ACC 18.35.030, ACC 18.07.020, Chapter 18.31. ACC to a public hearing on July 7, 2026.

# Questions?

Department of Community Development  
Planning • Building • Development Engineering • Permit Center  
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**AGENDA BILL APPROVAL FORM**

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**Agenda Subject:**

**Auburn Gateway Zoning Text Amendment  
Staff Introduction/Presentation (Goode)**

Staff will provide an update on the text amendment to introduce light industrial uses in the C-AG Auburn Gateway Zone.

**Meeting Date:**

June 2, 2026

**Department:**

Community Development

**Attachments:**

Memorandum, Auburn Gateway  
Text Amendment Presentation,  
Auburn Gateway Zoning Text  
Amendment

**Budget Impact:**

**Administrative Recommendation:**

**Background for Motion:**

**Background Summary:**

See attached Memorandum

**Councilmember:**

**Staff:** Jason Krum

## PLANNING COMMISSION MEMORANDUM

**TO:** Judi Roland, Chair, Planning Commission  
Bill Stewart, Vice Chair Planning Commission  
Planning Commission Members

**FROM:** Owen Goode, Planner II  
Dept. of Community Development

**DATE:** June 2, 2026

**RE:** Auburn Gateway Text Amendment

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### I. BACKGROUND & PURPOSE

Vector Development Corporation (Vector) has submitted a Zoning Text Amendment relating to the Copper Gate Plaza project, a revision to the northern half of the Auburn Gateway project, which is part of the Northeast Auburn Special Area Plan. The Northeast Auburn Special Plan Area was originally analyzed in a 2004 Final Environmental Impact Statement (2004 Final EIS), as well as a 2011 addendum to the Final EIS (2011 EIS Addendum). The Auburn Gateway project's potential impacts were analyzed in a 2019 addendum to the Final EIS (2019 EIS Addendum). The 2011 addendum included an assessment of the traffic impacts of eliminating the northern portion of D Street NE and of not constructing the eastward extension of 49th Street NE. While the 2011 addendum included an evaluation of two phases of construction, the 2019 addendum included an update to the phases.

Now, Vector is in the process of purchasing the properties within this area, and as the project applicant, Vector proposes multi-family housing, mixed commercial, and light industrial development in a configuration that would require a minor modification to the zoning regulations for the C-AG Auburn Gateway Zone (C-AG zone), established under this amendment. This requires a new addendum to the EIS to review the newly proposed land uses within the project. The introduction of such uses will make it commercially viable for Vector to effectuate the purpose of the Northeast Auburn Special Area Plan and Auburn Gateway Planned Action (Chapter 18.08 ACC).

### II. SUMMARY OF PROPOSED CODE CHANGES

#### **18.02.070 - ESTABLISHMENT OF ZONES**

Zones established under Auburn City Code (ACC) Section 18.02.070 will now include the “C-AG, Auburn Gateway zone”. The establishment of this zone is necessary to allow specific changes to be implemented within the project area.

#### **18.08.040 - PLANNED ACTION THRESHOLDS**

Under ACC 18.08.04 “Planned action thresholds”, the code shall be revised to incorporate “Light industrial” as an allowable land use under new subsection “d”. This also includes revisions to the “Land Use Review Threshold” table to allow up to 400,000 square feet of light industrial uses and up to 75 feet

in structure height. The current EIS addendum analyzes this newly proposed use within the project area.

The Auburn Gateway Text Amendment does not alter the floor area ratios, density requirements, building height limits, setbacks, or other standards already expressed in Chapter 18.08 ACC. While adding a new permissible use, this use is anticipated to result in lower density, rather than higher density, within the Auburn Gateway District, and will conform to the height limitations in place for all other uses.

### **18.23.020 - INTENT OF COMMERCIAL AND INDUSTRIAL ZONES**

Under ACC 18.23.020(D), the intent of the C-AG, Auburn Gateway Zone shall be revised to include light industrial uses as a permissible use. Additional language is proposed to be removed from this section for consistency throughout the intent of the zone.

### **18.23.030 – USES**

Within “*Table 18.23.030 Permitted, Administrative, Conditional, and Prohibited Uses by Zone, Commercial and Industrial Zones*” the following uses are proposed to now be “*Permitted*” or “*Administrative*” uses within the C-AG Zone:

- **Building contractor, light** – Permitted
- **Manufacturing, assembling and packaging – Light intensity** – Permitted
- **Manufacturing, assembling and packaging – Medium intensity** – Administrative
- **Storage – Personal household storage facility (mini-storage)** – Permitted
- **Warehousing and distribution** – Permitted
- **Warehousing and distribution bonded and located within a designated foreign trade zone** – Permitted
- **Wholesaling with on-site retail as an incidental use (e.g., coffee, bakery)** – Permitted
- **Sports and entertainment assembly facility** – Administrative
- **Building and landscape materials sales** – Permitted
- **Construction and heavy equipment sales and rental** – Permitted
- **Convenience store** – Permitted
- **Drive-through espresso stands** – Permitted
- **Entertainment, commercial** – Administrative

To maintain compatibility of all uses throughout the site, a new footnote is also added to Table 18.23.030. Footnote 4 shall require that any building landscape materials and sales uses, or heavy equipment sales and rental uses shall be located wholly inside the building when located within the C-AG Zone.

The proposed text amendments will support the policy of the Comprehensive Plan by providing a foundation for a financially viable mixed-use development that utilizes horizontal mixed-use and flexibility in uses to provide for local housing, shopping, and employment options in Copper Gate Plaza.

### **III. TEXT AMENDMENT**

The text amendment is shown by strikeout/underline and is attached to this memo as Attachment 2.

### **IV. STAFF REQUEST**

Planning Commission to review and provide feedback on the proposed Auburn Gateway text amendments and proceed to a public hearing on July 7, 2026.

**V. DEFINITIONS (in alphabetical order)**

- 1) ACC 18.04.025 “Administrative use” means a use permitted in a zone only after review and approval by the planning director or designee. Administrative uses are those which typically have some potential for impacts to neighboring properties, but which may be permitted within a zone following review by the city to establish conditions mitigating impacts of the use and to assure compatibility with other uses in the zone.
- 2) ACC 18.04.192 “Building and landscape materials sales” means a retail or wholesale establishment selling hardware, lumber and other large building materials, plant materials, and other landscaping materials.
- 3) ACC 18.04.195 “Building contractor, light” means businesses relating to the building trades including but not limited to: plumbing, heating, air conditioning; painting, paperhanging and decorating; electrical; carpentry and flooring; roofing and sheet metal. These types of businesses generally do not have heavy equipment or building materials stored outside.
- 4) ACC 18.04.282 “Convenience store” means a small retail establishment that offers convenience goods for sale, such as prepackaged food items, beverages, tobacco, personal care items, and other household goods and often characterized by 24 hours a day operations. These stores can be part of a fueling station or an independent facility.
- 5) ACC 18.04.361 “Entertainment, commercial” means spectator entertainment for commercial purposes. This use includes theaters, concert halls, nightclubs, or comedy clubs, but does not include cabarets, licensed under ACC 5.20.130(B), and adult entertainment, licensed under Chapter 5.30 ACC.
- 6) ACC 18.04.614 “Manufacturing, assembling and packaging – Light intensity” means a facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Light manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the intensity, scale, and/or characteristics of operation and materials used are unlikely to result in externalities or effects on surrounding land uses or the community because they can be controlled within the building. Examples of light intensity manufacturing uses include, but are not limited to, clothing and fabric product manufacturing and food and beverage products.
- 7) ACC 18.04.616 “Manufacturing, assembling and packaging – Medium intensity” means a facility accommodating manufacturing processes that involve and/or produce building materials, fabricated metal products, machinery, and/or transportation equipment, where the intensity, scale, and/or characteristics of operation and materials used are greater than those classified under “manufacturing, assembling and packaging – light intensity,” but where externalities or effects on surrounding land uses or the community can typically be reduced or avoided when appropriately located and developed. Examples of medium intensity manufacturing uses include lumber and wood product manufacturing and stone and cut stone product manufacturing.
- 8) ACC 18.04.696 “Permitted use” means a land use that is allowed outright within a zone.

**VI. ATTACHMENTS**

- 1) Auburn Gateway Text Amendment Presentation
- 2) Auburn Gateway Zoning Text Amendment

**PLANNING COMMISSION**

**AUBURN GATEWAY  
TEXT AMENDMENT**

**PRESENTED BY  
OWEN GOODE, PLANNER II  
JUNE 2, 2026**

Department of Community Development  
Planning • Building • Development Engineering • Permit Center  
Economic Development • Code Enforcement

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# BACKGROUND

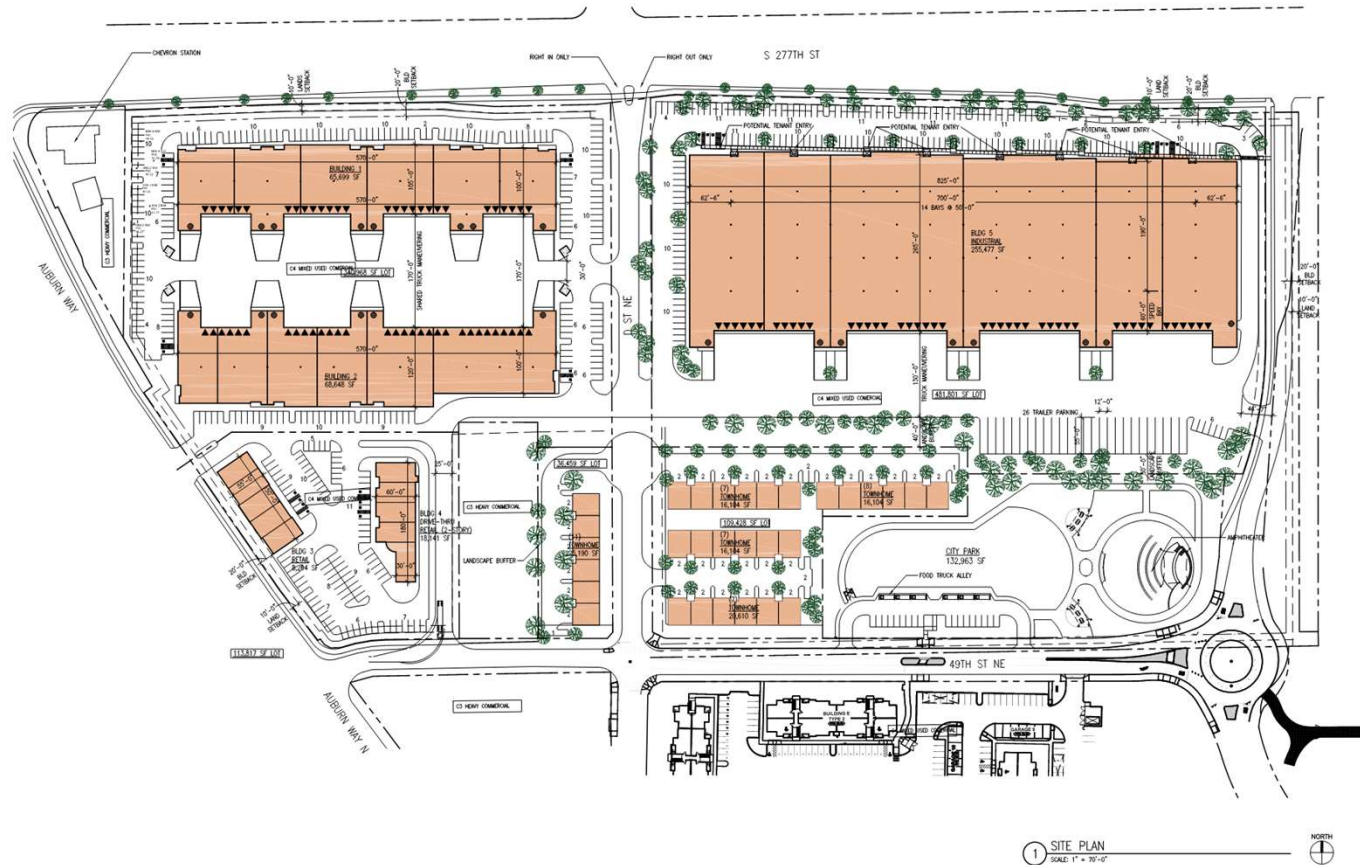
- Copper Gate Plaza
- Part of Northeast Auburn Special Area Plan
- Project applicant proposes increase in mix of uses



Aerial Image of Project Area

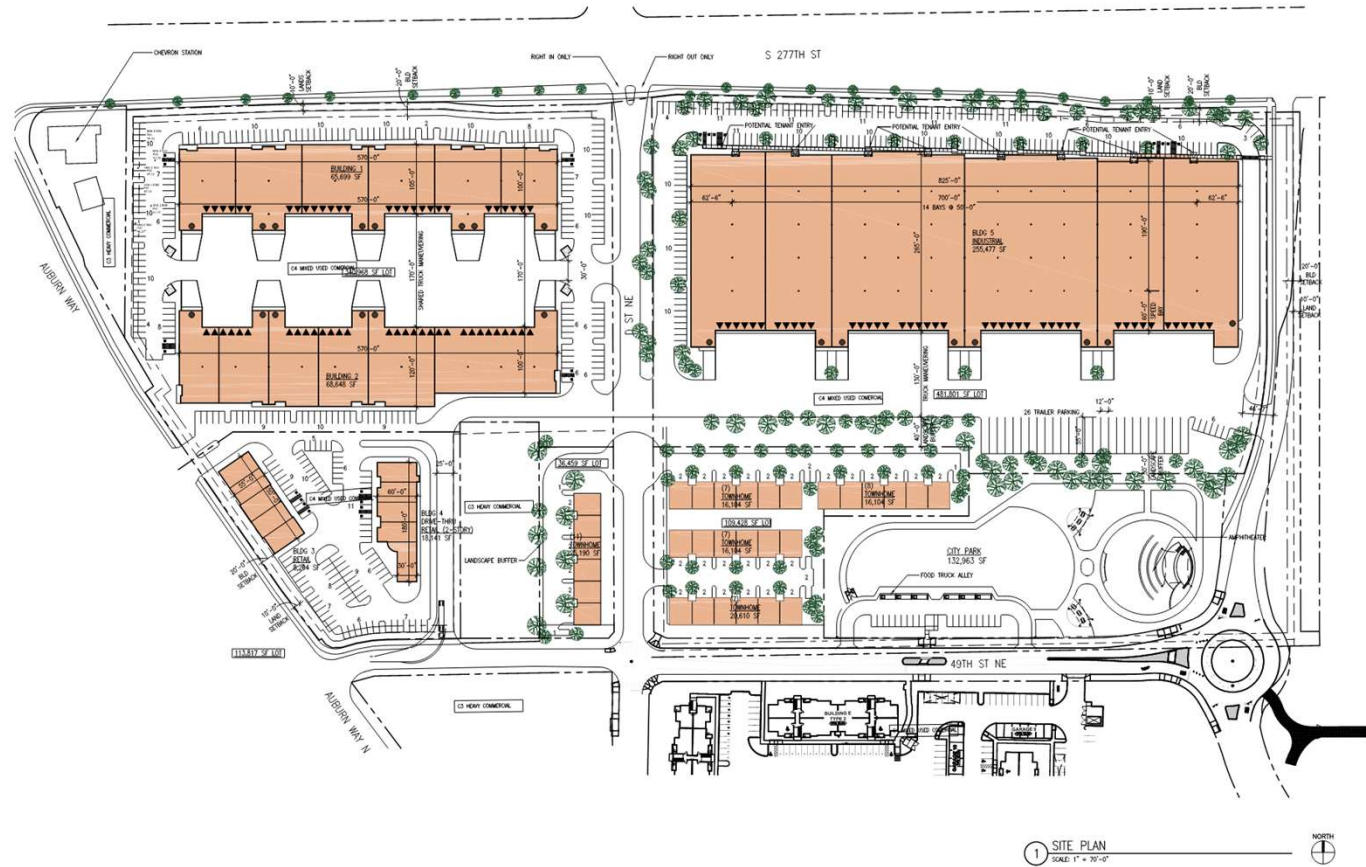
# PURPOSE OF TEXT AMENDMENT

- Increase viability of commercial uses
- Availability of access for newly proposed uses along Auburn Way North Corridor



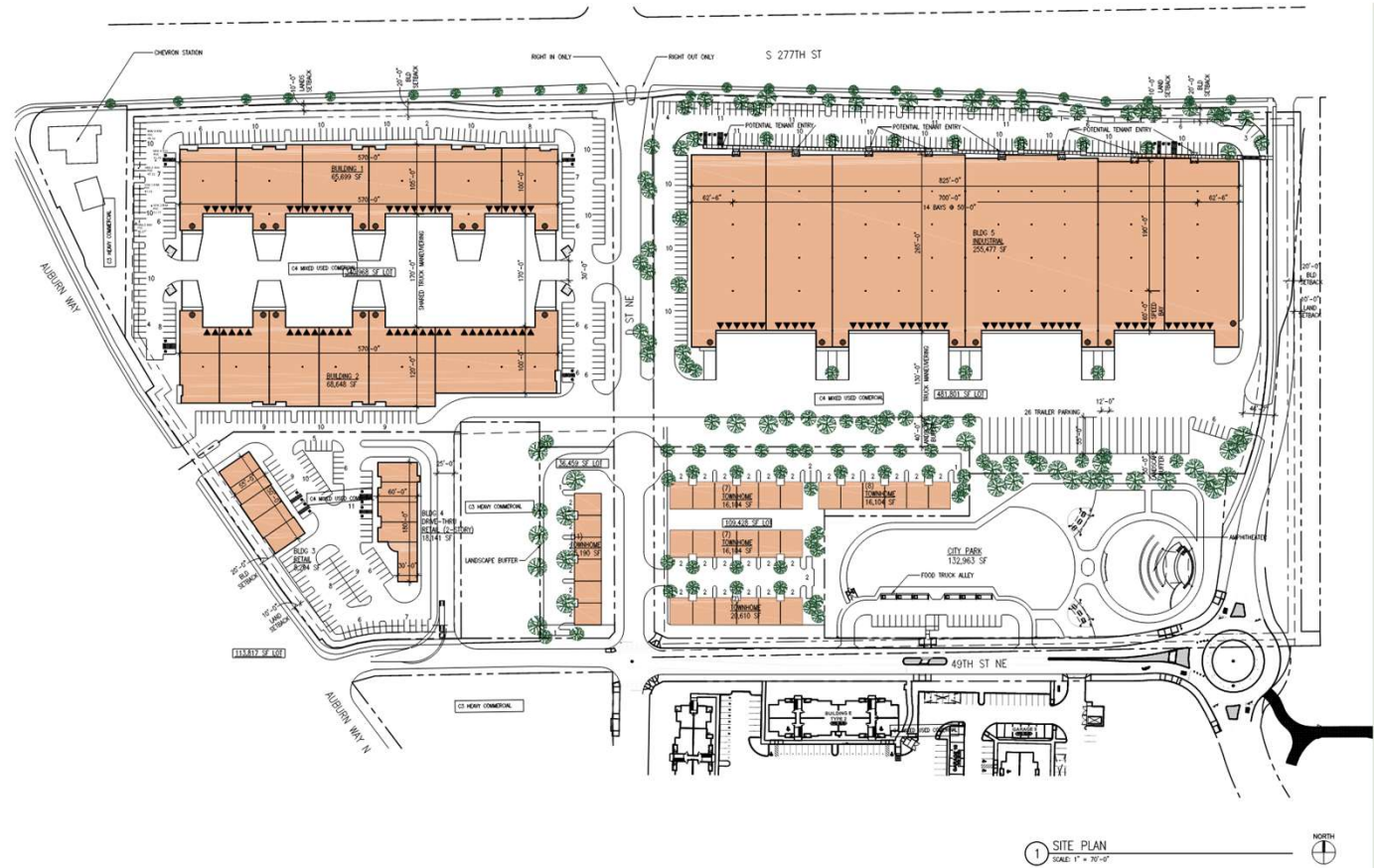
# PURPOSE OF TEXT AMENDMENT

- Complimentary mix of commercial and residential uses to serve the neighborhood



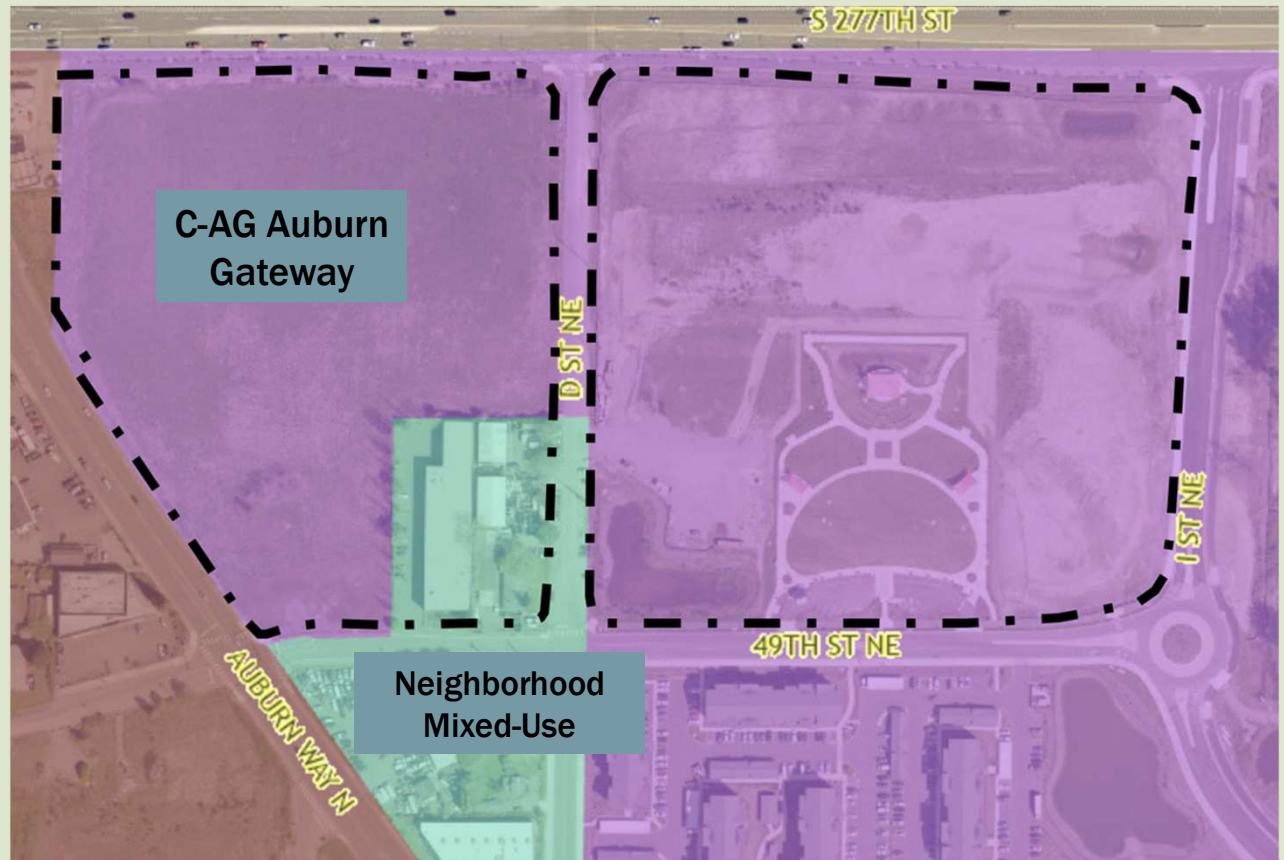
# PURPOSE OF TEXT AMENDMENT

- Supports Comprehensive Plan to create mixed-use districts while maintaining thoughtful criteria and design



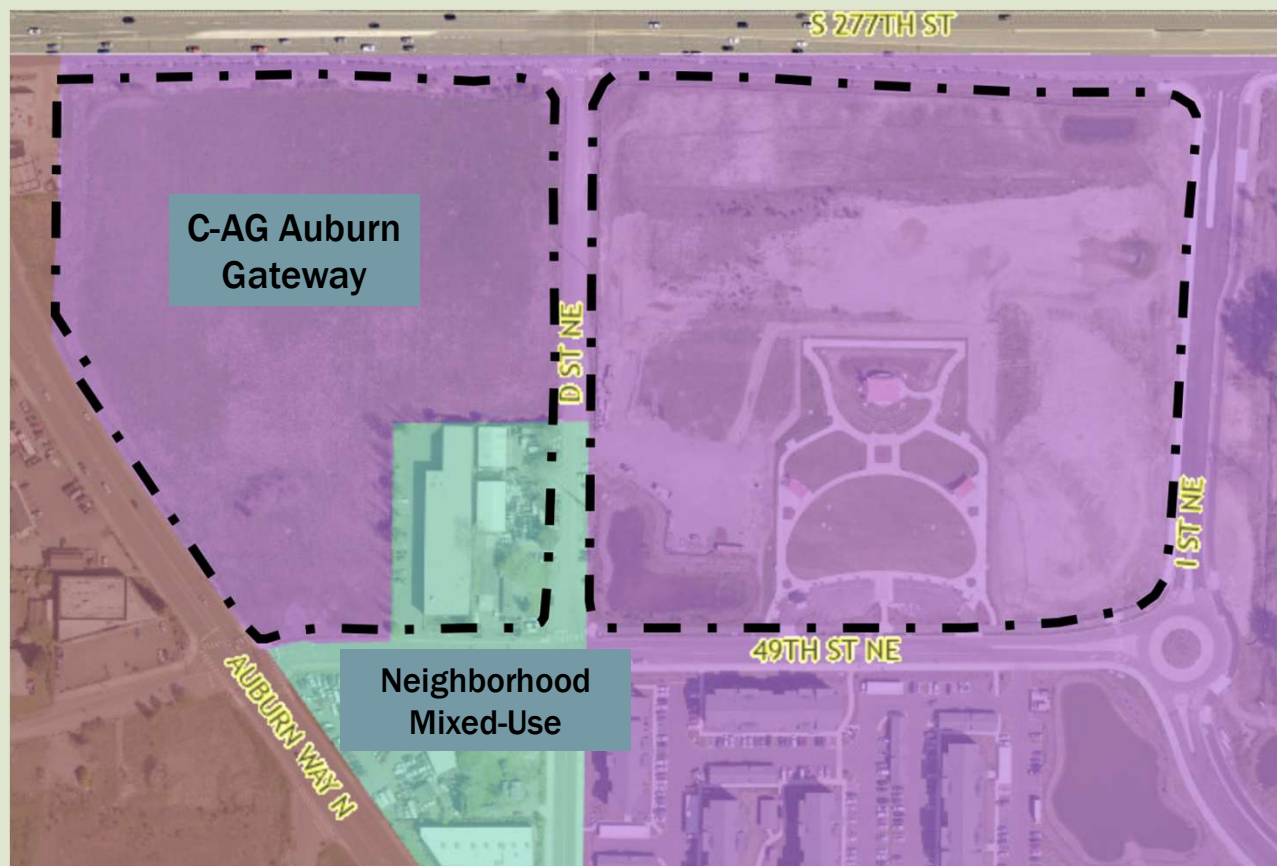
# SUMMARY OF CODE CHANGES

- Introduce Light Industrial Use to C-AG “Auburn Gateway Zone”
- Remove language that limits Light Industrial Uses in the C-AG Zone



# SUMMARY OF CODE CHANGES

- Allow 13 new land uses within the C-AG Zone (Permitted and Administrative Uses)
- Prohibit outdoor storage for specific land uses



# QUESTIONS?

Department of Community Development  
Planning • Building • Development Engineering • Permit Center  
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E C O N O M Y

C H A R A C T E R

S U S T A I N A B I L I T Y

W E L L N E S S

C E L E B R A T I O N

**18.02.070 Establishment of zones.**

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

- 1. RC, residential conservancy zone (one dwelling unit per four acres);**
- 2. R-1, residential one unit per acre zone;**
- 3. R-2, residential low zone;**
- 4. R-3, residential moderate zone;**
- 5. R-4, residential high zone;**
- 6. R-MHC, manufactured/mobile home community zone;**
- 7. R-F, residential flex zone;**
- 8. R-NM, residential neighborhood mixed-use zone;**
- 9. C-1, light commercial zone;**
- 10. C-2, heavy commercial zone;**
- 11. C-AG, Auburn Gateway zone;**
- 11. M-1, light industrial zone;**
- 12. M-2, heavy industrial zone;**
- 13. L-F, airport landing field zone;**
- 14. P-1, public use zone;**
- 15. UNC, unclassified use zone;**
- 16. I, institutional use zone;**
- 17. DUC, downtown urban center, 125 District;**
- 18. DUC, downtown urban center, 75 District;**
- 19. DUC, downtown urban center, 55 District;**
- 20. DUC, neighborhood residential district;**
- 21. DUC, health and wellness district;**
- 22. DUC, residential-flex district;**
- 23. DUC, light commercial district;**

24. DUC, heavy commercial district;

25. DUC, light industrial district;

26. OS, open space [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.

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. (Ord. 6959 § 1 (Exh. A), 2024; Ord. 6885 § 1 (Exh. A), 2022; Ord. 6677 § 1, 2018; Ord. 6245 § 2, 2009.)

#### 18.08.040 Planned action thresholds.

Subject to the [zoning](#) regulations for the [site](#) and the mitigation measures described in this chapter, the maximum levels of development described below have been evaluated in the Northeast Auburn/Robertson Properties special area plan EIS, as described in the EIS (and any addenda thereto), and are planned actions pursuant to RCW [43.21C.031](#). In order to qualify as a planned action, total cumulative development within the Auburn Gateway project area that has been permitted under this chapter shall meet all of the following criteria:

##### A. *Land Use*.

1. The following are the primary categories of [uses](#) authorized under this planned action:

a. Office.

b. Retail.

c. Multifamily [residential](#).

d. [Light Industrial](#)

2. *Land Use Review Threshold*. The planned action designation applies to future development proposals within the Auburn Gateway project area which are within the range evaluated in the Northeast Auburn/Robertson Properties special area plan EIS and the EIS addenda as shown below.

<a href="#">Use</a>	Maximum	Maximum
---------------------	---------	---------

	<b>Allowable</b>	<b>Structure Height</b>
Multifamily <a href="#">residences</a>	500 <a href="#">dwelling units</a>	75 feet
Retail <a href="#">uses</a>	720,000 square feet	75 feet
Office <a href="#">uses</a>	1,600,000 square feet	75 feet
<a href="#">Light Industrial Uses</a>	<a href="#">400,000 square feet</a>	<a href="#">75 feet</a>

**18.23.020 Intent of commercial and industrial zones.**

A. *General.* This section describes the intent for each of the city’s commercial and industrial [zones](#). These intent statements are to be used to guide the interpretation of the regulations associated with each [zone](#). The [planning director](#) is authorized to make interpretations of these regulations based on their analysis of them together with clear and objective reasons for such interpretation.

B. *C-1, Light Commercial Zone.* The C-1 light commercial [zone](#) is intended for lower [intensity](#) commercial adjacent to [residential](#) neighborhoods. This [zone](#) generally serves as a transition [zone](#) between higher and lower [intensity](#) land [uses](#) and provides retail and professional services. This [zone](#) represents the primary commercial designation for small- to moderate-scale commercial activities compatible by having similar performance standards and should be developed in a manner which is consistent with and attracts pedestrian-oriented activities. This [zone](#) encourages a broad mix of small-scale [uses](#) such as leisure shopping, office, eating and drinking establishments, entertainment and assembly [uses](#) and provides amenities conducive to attracting shoppers and pedestrians. [Building](#) height, size, and orientation are the primary standards that will be used to maintain the smaller, more pedestrian scale [uses](#) within this [zone](#).

C. *C-2, Heavy Commercial Zone.* The intent of the C-2 heavy commercial [zone](#) is to allow for medium to high [intensity uses](#) consisting of a wide range of retail, commercial, entertainment, office, services, and professional [uses](#). This [zone](#) is intended to accommodate [uses](#) which are oriented to automobiles either as a mode or target of the commercial service while fostering a pedestrian orientation. The [uses](#) allowed can include outside activities, display, fabrication or service features when not the predominant portion of the [use](#). The [uses](#) enumerated in this classification may be larger in scale and [building](#) size

and have more potential for impacts to surrounding properties and street systems than those [uses](#) permitted in the more restrictive commercial classifications.

D. *C-AG, Auburn Gateway Zone*. The intent of the C-AG Auburn gateway [zone](#) is to provide for a pedestrian-oriented mix of retail, office, [middle housing](#), and multifamily [residential uses](#) in the Northeast Auburn Special Area Plan and Auburn Gateway Planned Action area, as described in Chapter [18.08](#) ACC. This classification is also intended to allow flexibility in design and the combination of [uses](#) that is responsive to market demands. The [uses](#) enumerated in this classification anticipate a mix of multifamily [residential](#), [middle housing](#), retail, ~~and office, and light industrial uses~~ that is coordinated through a [site-specific](#) planning process. The multifamily [residential](#) must be located in a multi-story building. ~~Certain heavy commercial uses permitted in other commercial classifications are not permitted in this zone because of the potential for conflicts with multifamily residential uses; in order to achieve a quality of environment that is conducive to this mix of uses.~~

E. *M-1, Light Industrial Zone*. The intent of the M-1 light industrial [zone](#) is to accommodate a variety of industrial, manufacturing, commercial, and limited [residential uses](#) in an industrial environment, and to preserve land primarily for industrial and [commercial uses](#), and to implement the economic goals of the [comprehensive plan](#), and to provide a greater flexibility within the [zoning](#) regulations for those [uses](#) which are non-nuisance in terms of air and water pollution, noise, vibration, glare or odor. The industrial/commercial character of this [zone](#) is intended to address the way in which industrial and [commercial uses](#) are carried out rather than the actual types of products made. An essential aspect of this [zone](#) is the need to maintain a quality of development that attracts rather than discourages further investment in industrial and commercial development. While allowed, [outdoor storage](#) will be regulated in a manner that mitigates visual impacts taking surrounding [uses](#) and vehicular corridors into consideration.

F. *M-2, Heavy Industrial Zone*. The M-2 heavy industrial [zone](#) is intended to accommodate a broad range of manufacturing and industrial [uses](#). Permitted activity may vary from medium to higher [intensity uses](#) that involve the manufacture, fabrication, assembly, or processing of raw and/or finished materials. Heavy industrial [uses](#) should not be located near [residential](#) development. While other [uses](#) may be [sited](#) within this [zone](#), permits for such [uses](#) should not be issued if such [uses](#) will discourage [use](#) of adjacent [sites](#) for heavy industry, interrupt the continuity of industrial [sites](#), or produce traffic in conflict with the industrial [uses](#). (Ord. 6959 § 1 (Exh. A), 2024; Ord. 6885 § 1 (Exh. A), 2022; Ord. 6728 § 3 (Exh. C), 2019; Ord. 6433 § 26, 2012.)

### **18.23.030 Uses.**

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

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

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

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

PERMITTED, ADMINISTRATIVE, CONDITIONAL AND PROHIBITED USES BY ZONE						<b>P – Permitted</b> <b>C – Conditional</b> <b>A – Administrative</b> <b>X – Prohibited</b>
LAND USE	Zoning Designation					Standards for Specific Land Uses
	C-1	C-2	C-A G	M-1	M-2	
<b>INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING</b>						
<a href="#">Building contractor, light</a>	X	P	<del>XP</del>	P	P	
<a href="#">Building contractor, heavy</a>	X	X	X	A	P	
<a href="#">Manufacturing, assembling and packaging – Light intensity</a>	X	P	<del>XP</del>	P	P	<a href="#">ACC 18.31.180</a>

<a href="#">Manufacturing, assembling and packaging – Medium intensity</a>	X	A	<del>XA</del>	P	P	<a href="#">ACC 18.31.180</a>
<a href="#">Manufacturing, assembling and packaging – Heavy intensity</a>	X	X	X	X	A	<a href="#">ACC 18.31.180</a>
<a href="#">Marijuana processor</a>	X	X	X	C	C	<a href="#">Chapter 18.59 ACC</a>
<a href="#">Marijuana producer</a>	X	X	X	C	C	<a href="#">Chapter 18.59 ACC</a>
<a href="#">Marijuana researcher</a>	X	X	X	C	C	<a href="#">Chapter 18.59 ACC</a>
<a href="#">Marijuana retailer</a>	X	C	X	C	C	<a href="#">Chapter 18.59 ACC</a>
<a href="#">Marijuana transporter business</a>	X	X	X	C	C	<a href="#">Chapter 18.59 ACC</a>

Outdoor storage, incidental to principal permitted use on property	X	P	X	P	P	<a href="#">ACC 18.57.020(A)</a>
Storage – Personal household storage facility (mini-storage)	P	P	<del>XP</del>	P	P	<a href="#">ACC 18.57.020(B)</a>
Warehousing and distribution	X	X	<del>XP</del>	P	C	<a href="#">ACC 18.57.020(C)</a>
<a href="#">Warehousing and distribution, bonded and located within a designated foreign trade zone</a>	X	P	<del>XP</del>	P	P	

Wholesaling with on-site retail as an incidental use (e.g., coffee, bakery)	X	P	<del>XP</del> 4	P	P	
<b>RECREATION, EDUCATION AND PUBLIC ASSEMBLY USES</b>						
<a href="#">Commercial recreation facility, indoor</a>	P	P	P	P	A	
<a href="#">Commercial recreation facility, outdoor</a>	X	A	A	P	A	<a href="#">ACC 18.57.025(A)</a>
Conference/convention facility	X	A	X	A	X	
<a href="#">Library, museum</a>	A	A	X	A	X	
Meeting facility, public or private	P	P	X	A	A	
Movie theater, except drive-in	P	P	P	X	X	

Private school– Specialized education/training (for profit)	A	P	P	P	P	
Religious institutions, lot size less than one acre	P	P	A	A	A	<a href="#">ACC 18.31.165</a>
Religious institutions, lot size more than one acre	P	P	A	A	A	<a href="#">ACC 18.31.165</a>
Sexually oriented businesses	X	P	X	P	P	<a href="#">Chapter 18.74 ACC</a>
Sports and entertainment assembly facility	X	A	<del>X</del> A	A	A	

Studio – Art, dance, martial arts, music, etc.	P	P	P	P	A	
<b>RESIDENTIAL</b>						
Apartment units, as part of a mixed-use development <sup>2</sup>	X	P	P	P	X	<a href="#">ACC 18.57.030</a>
<a href="#">Apartments, standalone</a>	X	X	X	X	X	
<a href="#">Caretaker apartment</a>	P	P	X	P	P	
<a href="#">Indoor emergency housing or shelter</a>	P	P	P	A	A	<a href="#">ACC 18.31.160</a>
Live/work unit, as part of a mixed-use development <sup>2</sup>	X	P	P	P	X	

Live/work unit, standalone <sup>3</sup>	X	X	X	X	X	
Work/live unit, as part of a mixed-use development <sup>2</sup>	X	P	P	P	X	
Work/live unit, standalone <sup>3</sup>	X	X	X	X	X	
<a href="#">Marijuana cooperative</a>	X	X	X	X	X	
Nursing home, assisted living facility	P	P	C	X	X	
Senior housing <sup>2</sup>	X	A	X	X	X	
<a href="#">Supportive housing (permanent)</a>	P	P	P	A	A	<a href="#">ACC 18.31.160</a>
<a href="#">Transitional housing</a>	P	P	P	A	A	<a href="#">ACC 18.31.160</a>
<b>RETAIL</b>						

Building and landscape materials sales	X	P	<del>XP</del> <sub>4</sub>	P	P	<a href="#">ACC 18.57.035(A)</a>
<a href="#">Community retail establishment</a>	P	P	P	P	P	
Construction and heavy equipment sales and rental	X	X	<del>XP</del> <sub>4</sub>	A	P	
<a href="#">Convenience store</a>	A	P	<del>XP</del>	P	P	
Drive-through espresso stands	A	P	<del>AP</del>	P	A	
Drive-through facility, including banks and restaurants	A	P	P	P	P	<a href="#">ACC 18.52.040</a>
<a href="#">Entertainment, commercial</a>	A	P	<del>XA</del>	A	A	

<a href="#">Groceries, specialty food stores</a>	P	P	P	P	X	
<a href="#">Neighborhood retail establishment</a>	P	P	P	P	P	
Nursery	X	P	A	P	P	<a href="#">ACC 18.57.035(C)</a>
<a href="#">Outdoor displays and sales associated with a permitted use (auto/vehicle sales not included in this category)</a>	P	P	P	P	P	<a href="#">ACC 18.57.035(D)</a>
<a href="#">Regional retail establishment</a>	X	P	P	P	A	
<a href="#">Restaurant, cafe, coffee shop</a>	P	P	P	P	P	
<a href="#">Tasting room</a>	P	P	P	P	P	
<a href="#">Tavern</a>	P	P	P	P	A	

Wine production facility, small craft distillery, small craft brewery	P	P	P	P	P	
<b>SERVICES</b>						
<a href="#">Animal daycare (excluding kennels and animal boarding)</a>	A	P	A	P	P	<a href="#">ACC 18.57.040(A)</a>
<a href="#">Animal sales and services (excluding kennels and veterinary clinics)</a>	P	P	P	P	P	<a href="#">ACC 18.57.040(B)</a>
Banking and related financial institutions, excluding drive-through facilities	P	P	P	P	P	

Catering service	P	P	A	P	P	
Daycare, including mini daycare, daycare center, preschools or nursery schools	P	P	P	P	X	
Dry cleaning and laundry service (personal)	P	P	P	P	P	
Equipment rental and leasing	X	P	X	P	P	
<a href="#">Kennel, animal boarding</a>	X	A	X	A	A	<a href="#">ACC 18.57.040(C)</a>

<a href="#">Government facilities; this excludes offices and related uses that are permitted outright</a>	A	A	A	A	A	
<a href="#">Hospital</a>	P	P	X	P	P	
Lodging – Hotel or motel	P	P	P	A	A	
Medical – Dental clinic	P	P	P	P	X	
<a href="#">Mortuary, funeral home, crematorium</a>	P	P	X	P	X	
<a href="#">Personal service shops</a>	P	P	P	P	X	
Pharmacies	P	P	P	X	X	
<a href="#">Print and copy shop</a>	P	P	P	P	X	

Printing and publishing (of books, newspaper and other printed matter)	A	P	P	P	P	
<a href="#">Professional offices</a>	P	P	P	P	P	
Repair service – Equipment, appliances	A	P	P	P	P	<a href="#">ACC 18.57.040(D)</a>
<a href="#">Veterinary clinic, animal hospital</a>	P	P	P	P	X	
<a href="#">Youth community support facility</a>	P	X	X	X	X	<a href="#">ACC 18.57.040(E)</a>
<b>TRANSPORTATION, COMMUNICATIONS AND INFRASTRUCTURE</b>						
Ambulance, taxi, and specialized transportation facility	X	A	X	P	P	

Broadcasting studio	P	P	X	P	P	
<a href="#">Heliport</a>	X	C	X	C	C	
Motor freight terminal <sup>1</sup>	X	X	X	X	X	See Footnote No. 1
Parking facility, public or commercial, surface	P	P	P	P	X	
<a href="#">Parking facility, public or commercial, structured</a>	P	P	P	P	X	
Towing storage yard	X	X	X	A	P	<a href="#">ACC 18.57.045(A)</a>
Utility transmission or distribution line or substation	A	A	A	A	A	

<p>Wireless communications facility (WCF) (See ACC 18.04.912(W))</p>	*	*	*	*	*	<p>*See ACC 18.31.100 for use regulations and zoning development standards.</p>
<p>Eligible facilities request (EFR) (wireless communications facility) (See ACC 18.04.912(H))</p>	P	P	P	P	P	
<p>Small wireless facilities (ACC 18.04.912(Q))</p>	P	P	P	P	P	
<p><b>VEHICLE SALES AND SERVICES</b></p>						

Automobile washes (automatic, full or self-service)	A	P	P	P	P	<a href="#">ACC 18.57.050(A)</a>
Auto parts sales with installation services	A	P	P	P	P	
Auto/vehicle sales and rental	A	P	X	P	P	<a href="#">ACC 18.57.050(B)</a>
<a href="#">Fueling station</a>	A	P	P	P	P	<a href="#">ACC 18.57.050(C)</a>
<a href="#">Mobile home, boat, or RV sales</a>	X	P	X	P	P	
Vehicle services – Repair/body work	X	P	X	P	P	<a href="#">ACC 18.57.050(D)</a>
<b>OTHER</b>						

Any commercial use abutting a residential zone which has hours of operation outside of the following: Sunday: 9:00 a.m. to 10:00 p.m. or Monday – Saturday: 7:00 a.m. to 10:00 p.m.

A A A A A

<p>Other uses may be permitted by the planning director or designee if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted. See ACC 18.02.120(C)(6), Unclassified Uses.</p>	P	P	P	P	P	
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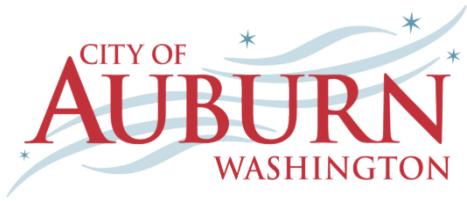
**1** Any [motor freight terminal](#), as defined by ACC [18.04.635](#), in existence as of the effective date of the ordinance codified in this section, is an outright [permitted use](#) in the M-1 and M-2 [zones](#). Any maintenance, alterations and additions to an existing [motor freight terminal](#) which are consistent with ACC [18.23.040](#), [Development standards](#), are allowed.

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

**3** Any standalone [live/work units](#) or standalone [work/live units](#) vested prior to the effective date of the ordinance codified in this chapter are outright [permitted uses](#).

4 Any building landscape materials and sales uses, or heavy equipment sales and rentals uses located wholly inside a Building are permitted uses in the CAG zone. Building landscape materials and sales uses wholly or partly outside of a Building are not permitted in the CAG zone.

(Ord. 6977 § 1 (Exh. A), 2025; Ord. 6959 § 1 (Exh. A), 2024; Ord. 6885 § 1 (Exh. A), 2022; Ord. 6838 § 1 (Exh. A), 2021; Ord. 6799 § 6 (Exh. F), 2020; Ord. 6728 § 3 (Exh. C), 2019; Ord. 6688 § 1 (Exh. 1), 2018; Ord. 6644 § 2, 2017; Ord. 6642 § 9, 2017; Ord. 6508 § 1, 2014; Ord. 6433 § 26, 2012.)



**AGENDA BILL APPROVAL FORM**

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**Agenda Subject:**

**Nonconforming Code Update  
Staff Introduction/Presentation (Teague)**

Staff will present the proposed updates to Chapter 18.54 "Nonconforming Structures, Land and Uses" to Planning Commission for a recommendation to City Council.

**Meeting Date:**

June 2, 2026

**Department:**

Community Development

**Attachments:**

Staff Report, PowerPoint  
Presentation, Chapter 18.54  
ACC Option 1, Chapter 18.54  
ACC Option 2, Chapter 18.54  
ACC Option 3, ACC Section  
18.70.020

**Budget Impact:**

**Administrative Recommendation:**

**Background for Motion:**

**Background Summary:**

See attached Staff Report

**Councilmember:**

**Staff:** Jason Krum

## PLANNING COMMISSION STAFF REPORT

**AGENDA SUBJECT/TITLE:**

Nonconforming Code Update

**CITY FILE NO(s):**

ZOA26-0004

**APPLICANT/AGENT/OWNERS:**

City of Auburn

**REQUEST:**

Planning Commission hold a public hearing, deliberate, and take action to recommend that City Council approve the proposed nonconforming code update.

**LOCATION:**

City-wide.

**NOTIFICATION:**

Hearing Notice was published in the Seattle Times and posted on the City's Land Use Notice webpage and physically at City Hall and City Hall Annex on May 22, 2026.

**HEARING DATE:**

June 2, 2026

**SEPA STATUS:**

A SEPA Environmental Checklist – Non-Project Action was prepared and issued with a Determination of Non-Significance (DNS) on March 4, 2026. The appeal period expired on March 18, 2026.

**STAFF:**

Alexandria Teague, Planning Services Manager, Dept. of Community Development

**STAFF RECOMMENDATION:** Planning Commission to deliberate and take action to recommend to City Council approval of the text amendment, Chapter 18.54 and Section 18.70.020 (related to Special Exceptions) of Title 18 of the Auburn City Code to update the City's nonconforming regulations.

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**FINDINGS OF FACT:**

**Background Summary:**

1. Nonconforming structures, land, and uses are governed by the development regulations contained in Chapter 18.54 of the Auburn City Code. The purpose of this Chapter is to allow for the continuance and maintenance of legally established nonconforming structures, land, and uses.
2. A nonconforming use is one that when originally established complied with the categories of uses established, development standards, and other applicable regulations at the time but no longer conforms.

3. A structure, land, and use may become nonconforming when either it 1) becomes prohibited (i.e. is no longer allowed), 2) the applicable development standards change, or 3) the zoning district of which it resides changes.
4. Washington State law does not contain specific standards or regulations governing nonconforming uses. In 1998 under “Rhod-A-Zalea v. Snohomish County” the State Supreme Court stated,

“While some states' authority to terminate, alter, or extend nonconforming uses is expressly granted or withheld in zoning enabling acts, Washington's enabling acts are silent regarding the regulation of nonconforming uses. See R. Settle, Washington Land Use § 2.7(d). Instead, the state Legislature has deferred to local governments to seek solutions to the nonconforming use problem according to local circumstances. In Washington, local governments are free to preserve, limit or terminate nonconforming uses subject only to the broad limits of applicable enabling acts and the constitution.”
5. A legally established nonconforming structure, land, or use means it was *legal or lawful* when it was established. This often means it was permitted outright or obtained a land use approval, such as an administrative use permit or conditional use permit, and obtained other applicable permits, such as a building permit.
6. Per ACC 18.02.120 Chapters 18.07 through 18.44 establish permitted, administrative, conditional, and prohibited uses, by zone, for all properties within the Auburn city limits. All principal uses in a given zone are one of four types: 1. Permitted use; 2. Administrative use; 3. Conditional use; and 4. Prohibited use.
7. There have been numerous court cases determining that legally established nonconforming structures, land, and uses may continue to exist or operate, and inform City regulations. Court case “Rhod-A-Zalea v. Snohomish County” (1998) states “These rulings are consistent with the principle that a nonconforming use has a "vested" or "protected" right to continue without being subject to immediate termination.”
8. A vested right is related to the concept of vesting. In short, vesting means that a structure, land, or use is subject to use controls, development, and regulations in effect at the time of a complete application. Per Revised Code of Washington (RCW) 19.27.095(1)

“A valid and fully complete building permit application for a structure, that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application.”
9. Per ACC 18.68.030(B) A “Zoning Text Amendment” is an application to change the text of ACC Title 18. This type of application or initiation shall be processed as a legislative non-project decision, consistent with ACC 14.03.060. Public notice shall be provided consistent with ACC Title 14.

10. Special exceptions are specific deviations from development regulations granted by the Hearing Examiner following a public hearing and are provided in Chapter 18.70 “Variances, Special Exceptions, and Administrative Appeals”.
11. During the last Periodic Comprehensive Plan update, completed at the end of 2024, the City made major adjustments or changes to the Zoning Ordinance (Title 18) and the Zoning Map. These changes were completed such that the Zoning Ordinance and Zoning Map would be consistent with changes to the City’s Comprehensive Plan and Comprehensive Land Use Map. Also, since 2024 the City has also updated the Downtown Subarea Plan and all zones within the downtown subarea. Lastly, recent State legislation, such as House Bill (HB) [1491](#) related to Transit Oriented Development within “station areas”, will further result in changes to the Zoning Ordinance and Zoning Map.
12. The intent of this code update is to provide greater flexibility in the continuation and maintenance of legally established nonconforming structures, land, and uses to reduce unintended hardships on property owners and businesses while maintaining the City’s long-term vision and consistency with the Comprehensive Plan.
13. Planning Commission received public comment from Matt McGregor of Colliers Internation on May 1<sup>st</sup> regarding industrial vacancy periods and support for longer vacancy allowances and administrative extensions.
14. During the last Planning Commission meeting there was discussion regarding the period in which a nonconforming use is discontinued or becomes vacant and whether an extension process (permitted by the director or designee) should be included in code. Given the number of vacant storefronts within the Downtown, Staff’s recommendation is a 3-year discontinuance period without an option to renew. Staff believes that a 3-year period provides a reasonable amount of time for a property owner to actively market a property at a competitive market rate and reestablish the use if there is continued demand for that use within the community. Staff further believes that if the use has not been reestablished, or the property has not been sold or repositioned within that timeframe, it may indicate that redevelopment consistent with the current zoning and development regulations is more appropriate. However, based on the Planning Commission’s discussion at the regular meeting on May 5th, Staff has prepared three options for 18.54.070(B) and (C). These options are included in Exhibits 2 through 4 and summarized below under “Summary of Code Changes.”

**Procedural Steps:**

15. The proposed text amendment (zoning code update) has been discussed with the Planning Commission previously at a regular meeting on May 5, 2026.
16. Pursuant to Revised Code of Washington (RCW) 36.70A, the text amendment was transmitted to the Washington State Department of Commerce on February 6, 2026. The 60-day notice period ended on April 7, 2026. No comments were received.
17. A Non-Project Action Determination of Non-Significance (DNS) was issued on March 4, 2026. The appeal period expired on March 18, 2026. No appeals were received.

18. ACC 14.22.100 outlines the public hearing requirements by planning commission. Amendments to the Periodic Comprehensive Plan generally comply with “area-wide” requirements.
- A. The planning commission shall hold at least one public hearing on all proposed amendments to the comprehensive plan. Notice of such public hearing shall be given pursuant to Chapter 1.27 ACC and, at a minimum, include the following:
    1. For site-specific plan map amendments:
      - a. Notice shall be published once in the official newspaper of the city not less than 10 calendar days prior to the date of public hearing;
      - b. Notice shall be mailed by first class mail to all property owners of record within a radius of 300 feet of the proposed map amendment request, not less than 10 calendar days prior to the public hearing;
    2. For area-wide plan map amendments:
      - a. Notice shall be published once in the official newspaper of the city not less than 10 calendar days prior to the date of public hearing;
      - b. Notice shall be mailed by first class mail to all property owners of record within the area subject to the proposed amendment;
      - c. Notice shall be posted in at least two conspicuous locations in the area subject to the proposed amendment not less than 10 calendar days prior to the date of the public hearing.
  - B. Notwithstanding the above, the director may expand the minimum noticing provisions noted above as deemed necessary.
  - C. Planning Commission Recommendation. The planning commission shall conduct a public hearing on all potential comprehensive plan amendments and shall make and forward a recommendation on each to the city council. The planning commission shall adopt written findings and make a recommendation consistent with those findings to the city council.
  - D. The city council, if it elects to amend the comprehensive plan, shall adopt written findings and adopt said amendments by ordinance.
  - E. State Review. All comprehensive plan amendments considered by the planning commission shall be forwarded for state agency review consistent with RCW 36.70A.106.
  - F. Any appeal of an amendment to the comprehensive plan shall be made in accordance with Chapter 36.70A RCW.
19. A Notice of Public Hearing (NOH) was issued on May 22, 2026. Pursuant to ACC 14.22.100, the following methods of noticing for the Planning Commission public hearing were conducted:
- a. The NOH was published in the Seattle Times on May 22, 2026.
  - b. The NOH was posted in two general public locations (City Hall and City Annex).
  - c. The NOH was posted on City’s Public Land Use Notice webpage.
20. A public hearing will be conducted by the Planning Commission on June 2, 2026.

**SUMMARY OF CODE CHANGES:**

The proposed updates are shown in strike-through and underline in Exhibits 2 and 3. The major changes are summarized below.

**SECTION 18.54.060 Maintenance, damage repairs and restorations, additions, enlargements, moving or relocation of nonconforming structures, and residential structures.**

(G) – Revises the tracking period for cumulative improvements from “the lifetime of the nonconforming use” “to within five years of the date of permit issuance”. This provides more clarity and administrative consistency when tracking of the total value of improvements.

(I) – Allows for a legal nonconforming structure or use to expand the existing use or structure up to 10% administratively by the Community Development Director or designee or more than 10% (not to exceed 25%) through a special exception<sup>1</sup>. Administratively approved expansion will make it easier for nonconforming uses and structures to expand by a modest amount.

(K) – Allows for the rebuild of middle housing and apartments, in addition to single family residences. The rebuild/replacement relief afforded to single family residences is expanded to more housing types – middle housing (up six units) and apartments (seven units and above).

**SECTION 18.54.070 Abatement of nonconforming structures and uses.**

Below ACC 18.54.070 (B) and (C) are modified given three different options. These options are shown in strike-through and underline in Exhibits 2 through 4. In each of these options **only** sections ACC 18.54.070 (B) and (C) are different.

Option 1 – Increases the period of which a nonconforming use or structure is discontinued or becomes vacant from 180 days to three years. No extensions are permitted.

Option 2 - Increases the period of which a nonconforming use or structure is discontinued or becomes vacant from 180 days to three years. Allows for administrative approval of extensions for discontinued nonconforming uses or structures for a maximum of two years, through one-year increments, where warranted.

Option 3 - Increases the period of which a nonconforming use or structure is discontinued or becomes vacant from 180 days to three years. Allows for administrative approval of extensions for discontinued nonconforming uses or structures for up to one year.

In all options, use or structure must 1) have no open code enforcement violations, 2) must be maintained so as to not appear degraded relative to the previous condition of the property nor detract from the surrounding neighborhood, and 3) the property owner must demonstrate an effort to actively market the property for sale or lease at a competitive market rate for occupancy and reuse. Failure to comply with 1 through 3 will result in termination of the nonconforming status.

**SECTION 18.54.080 Amortization and abatement of outdoor storage.**

Revised requirements for outdoor storage yards, in the M-1, Light Industrial Zone. Rather than requiring compliance with the landscape and screening requirements of Chapter 18.50 ACC “Landscaping and

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Screening”, within a fixed timeframe, compliance is now triggered only when improvements are made under ACC Section 18.54.060.

**EXHIBITS:**

1. PowerPoint Presentation
2. Chapter 18.54 ACC – Option 1
3. Chapter 18.54 ACC – Option 2
4. Chapter 18.54 ACC – Option 3
5. ACC Section 18.70.020

**PLANNING COMMISSION  
PUBLIC HEARING**

**NONCONFORMING  
CODE UPDATE**

**PRESENTED BY  
ALEXANDRIA TEAGUE,  
PLANNING SERVICES MANAGER  
JUNE 2, 2026**

Department of Community Development  
Planning • Building • Development Engineering • Permit Center  
Economic Development • Code Enforcement

AUBURN  
VALUES

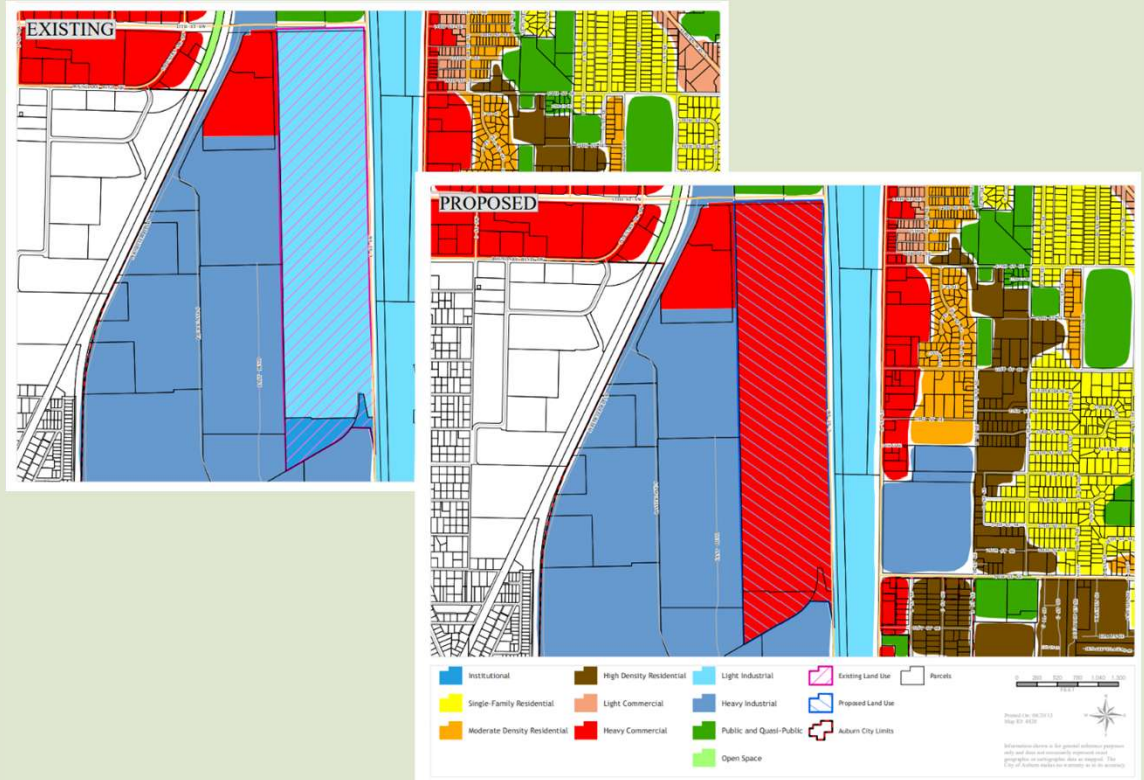
S E R V I C E  
E N V I R O N M E N T  
E C O N O M Y  
C H A R A C T E R  
S U S T A I N A B I L I T Y  
W E L L N E S S  
C E L E B R A T I O N

# WHAT ARE NONCONFORMING USES?

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

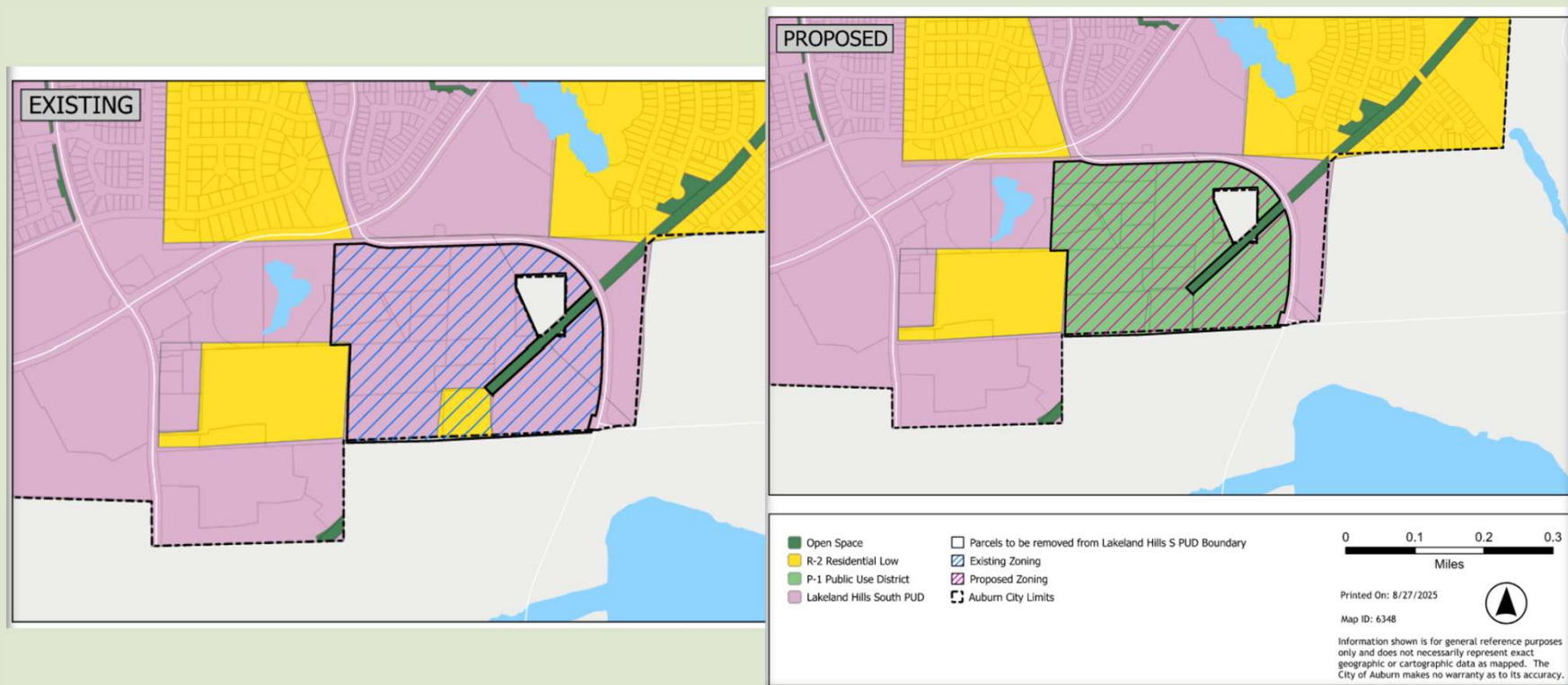
LAND USE	Zoning Designation					Standards for Specific Land Uses
	C-1	C-2	C-AG	M-1	M-2	
<b>INDUSTRIAL, MANUFACTURING AND PROCESSING, WHOLESALING</b>						
Building contractor, light	X	P	X	P	P	
Building contractor, heavy	X	X	X	A	P	
Manufacturing, assembling and packaging – Light intensity	X	P	X	P	P	ACC 18.31.180
Manufacturing, assembling and packaging – Medium intensity	X	A	X	P	P	ACC 18.31.180
Manufacturing, assembling and packaging – Heavy intensity	X	X	X	X	A	ACC 18.31.180

P – Permitted  
 C – Conditional  
 A – Administrative  
 X – Prohibited



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# WHAT ARE NONCONFORMING USES CONTINUED...



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## WHICH STANDARDS GOVERN? CHAPTER 18.54 ACC

- 18.54.010
  - 18.54.020
  - 18.54.030
  - 18.54.040
  - 18.54.050
  - 18.54.060
  - 18.54.070
  - 18.54.080
- Intent
  - Continuance
  - Use of nonconforming land
  - Nonconforming signs
  - Changes of use...
  - Maintenance...
  - Abatement
  - Amortization of outdoor storage

# PROPOSED CODE CHANGES

## 18.54.060(G)

G. This chapter shall not prevent the following provided the total value of the improvements, ~~over the lifetime of the nonconforming use within five years of the date of permit issuance~~, does not exceed 50 percent of the assessed value of the nonconforming use as established by the most current county assessor's tax roll, ~~except for the following items: ; and, the nonconforming use or structure is not expanded except as allowed by subsection H of this section; provided further, that any replacement of a nonconforming structure, or parts thereof, must comply with the appropriate development standards unless a special exception is granted pursuant to ACC 18.70.020:~~

# PROPOSED CODE CHANGES

## 18.54.060(I)

~~I~~H. A nonresidential structure or use which becomes a legal nonconforming structure or use ~~after the effective date of the ordinance codified in this title may~~ may expand the existing use or structure subject to the requirements of this chapter. ~~be permitted by means of a special exception~~  
A legal nonconforming structure or use may be expanded administratively up to 10% by the director or designee. Expansions of a legal nonconforming structure or use by more than 10%, not to exceed 25%, may be permitted by means of a special exception issued by the hearing examiner pursuant to ACC [18.70.020](#) ~~to expand the existing use or structure up to 25 percent of the use or structure existing at the time of the adoption of the ordinance codified in this title~~; provided further, that the addition otherwise meets the standards of this title and other requirements of the city.

# PROPOSED CODE CHANGES

## 18.54.060(K)

KJ. Nonconforming ~~single-unit detached, middle housing, and apartments single-family residential homes~~ and their accessory structures may be replaced and the new structure shall either meet the development standards of the district in which the ~~home is dwelling unit is or~~ are located or the new structure shall not be more nonconforming than the previous use. All other applicable building and fire code requirements must be complied with. (Ord. 6269 § 21, 2009; Ord. 5170 § 1, 1998; Ord. 4705 § 2, 1994; Ord. 4304 § 1(43), 1988; Ord. 4229 § 2, 1987.)

# PROPOSED CODE CHANGES

## 18.54.080

### **18.54.080 Amortization and abatement of outdoor storage.**

All outdoor storage yards that do not comply with the landscape and screening requirements of Chapter [18.50](#) ACC which are located within an M-1 zone that are adjacent to a residential zone or are visible from a public street ~~shall, within three years of the adoption of this title and make~~ any improvements included in ACC 18.54.060, shall screen and landscape the outdoor storage pursuant to the requirements of Chapter [18.50](#) ACC, or the use shall be abated. (Ord. 6885 § 1 (Exh. A), 2022; Ord. 4229 § 2, 1987.)

PROPOSED  
CODE CHANGES  
18.54.070(B) &  
(C) – OPTION 1

B. ~~If a nonconforming use or structure is discontinued~~~~Any structure or portion of a nonresidential structure, or parcel of land occupied by a nonconforming use which or~~ becomes vacant ~~or unoccupied and remains unoccupied~~ for a continuous period of ~~180 days more than one three years~~, it shall not thereafter be ~~reestablished or~~ occupied except by a use which conforms to the use regulations of the district in which it is located. ~~Failure to maintain compliance with the criteria set forth in subsection (C) of this section during the period of vacancy or extension shall result in termination of the nonconforming status.~~ Residential uses in

comm ~~C. A discontinued~~~~Any structure or portion of a nonresidential structure, or parcel of land occupied by a nonconforming use which or~~ vacant use or structure must maintain compliance with the following:

- a. ~~The property has no open code enforcement violations; and~~
- b. ~~The property, including structures, landscaping, and amenities, is maintained so as to not appear degraded relative to the previous condition of the property nor detract from the surrounding neighborhood.~~
- c. ~~The property owner has demonstrated a good faith effort to actively market the property for sale or lease at a competitive market rate for occupancy and reuse.~~

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~~B. If a nonconforming use or structure is discontinuedAny structure or portion of a nonresidential structure, or parcel of land occupied by a nonconforming use which or becomes~~

~~C. The director or designee may administratively authorize the extension of a discontinued nonconforming use or structure, up to two-years, in one-year increments, through a Type I decision, allowing the nonconforming use or structure to be re-established without requiring conforming with the use regulations of the zoning district in which the property is located, subject to the following criteria and conditions:~~

~~1. An applicant for an extension shall make a written request for the extension a minimum of 90 calendar days prior to expiration of the discontinued nonconforming use.~~

~~2. The director or designee shall in consideration of granting an extension find:~~

~~a. The property has no open code enforcement violations; and~~

~~b. The property, including structures, landscaping, and amenities, is maintained so as to not appear degraded relative to the previous condition of the property nor detract from the surrounding neighborhood.~~

~~c. The property owner has demonstrated a good faith effort to actively market the property for sale or lease at a competitive market rate for occupancy and reuse.~~

PROPOSED  
CODE CHANGES  
18.54.070(B) &  
(C) – OPTION 2

B. If a nonconforming use or structure is discontinuedAny structure or portion of a nonresidential structure, or parcel of land occupied by a nonconforming use which or becomes vacant or unoccupied and remains unoccupied for a continuous period of 180 days more than

one three ye  
conforms to  
designed app  
compliance v  
vacancy or e  
commercial  
to reoccupy

C. The director or designee may administratively authorize the extension of a discontinued nonconforming use or structure, up to one-year, through a Type I decision, allowing the nonconforming use or structure to be re-established without requiring conforming with the use regulations of the zoning district in which the property is located, subject to the following criteria and conditions:

1. An applicant for an extension shall make a written request for the extension a minimum of 90 calendar days prior to expiration of the discontinued nonconforming use.

2. The director or designee shall in consideration of granting an extension find:

a. The property has no open code enforcement violations; and

b. The property, including structures, landscaping, and amenities, is maintained so as to not appear degraded relative to the previous condition of the property nor detract from the surrounding neighborhood.

c. The property owner has demonstrated a good faith effort to actively market the property for sale or lease at a competitive market rate for occupancy and reuse.

PROPOSED  
CODE CHANGES  
18.54.070(B) &  
(C) – OPTION 3

# QUESTIONS?

Department of Community Development  
Planning • Building • Development Engineering • Permit Center  
Economic Development • Code Enforcement

## AUBURN VALUES

S E R V I C E

E N V I R O N M E N T

E C O N O M Y

C H A R A C T E R

S U S T A I N A B I L I T Y

W E L L N E S S

C E L E B R A T I O N

## Chapter 18.54

### NONCONFORMING STRUCTURES, LAND AND USES

Sections:

- 18.54.010**            **Intent.**
- 18.54.020**            **Continuance of nonconforming structures and uses.**
- 18.54.030**            **Use of nonconforming land.**
- 18.54.040**            **Nonconforming signs.**
- 18.54.050**            **Changes of use, tenancy, ownership or management.**
- 18.54.060**            **Maintenance, damage repairs and restorations, additions, enlargements, moving or relocation of nonconforming structures, and residential structures.**
- 18.54.070**            **Abatement of nonconforming structures and uses.**
- 18.54.080**            **Amortization and abatement of outdoor storage.**

#### **18.54.010**    **Intent.**

Amendments over time to regulatory authority provided within this title may result in structures, land and uses which no longer conform with the provisions set forth for the district in which they are situated. Therefore it is the intent of this chapter to allow for the continuance and maintenance of legally established nonconforming uses subject to standards and provisions prescribed within this chapter. (Ord. 4229 § 2, 1987.)

#### **18.54.020**    **Continuance of nonconforming structures and uses.**

Any nonconforming structure or use lawfully existing on the effective date of this title, or any subsequent amendments to this title, may be continued and maintained in conformance with provisions of this chapter, provided no enlargement of area, space or volume occupied by the nonconforming use occurs. Any nonconforming structure authorized by a valid building permit prior to the effective date of the ordinance codified in this title, or any subsequent amendments to this title, may be completed and used in accordance with the plans, specifications and

regulations under which such permit was issued. Expiration of authorized permits will result in a loss of vested right for construction and use of such structure. (Ord. 4229 § 2, 1987.)

### **18.54.030 Use of nonconforming land.**

If any parcel of land with a minimum lot size or lot dimension which is less than that prescribed for by the district in which such parcel is located, was subdivided into lots according to a plat of record on or before the effective date of the ordinance codified in this title, or any subsequent amendments to this title, then the fact that the parcel of land does not meet the minimum lot size or lot dimension requirements as set forth in this title shall not prohibit the property from being utilized; provided, that all other regulations prescribed for that district by this title are complied with, except as provided for in Chapter [18.31](#) ACC. (Ord. 4229 § 2, 1987.)

### **18.54.040 Nonconforming signs.**

Nonconforming signs shall be subject to provisions of Chapter [18.56](#) ACC. (Ord. 4229 § 2, 1987.)

### **18.54.050 Changes of use, tenancy, ownership or management.**

Changes of use, tenancy, ownership or management may occur to any existing legally established and continued nonconforming use under one or more of the following circumstances:

A. Any part of a structure occupied by an existing legally established and continued nonconforming use may be changed to a use which, in the opinion of the ~~planning d~~Director of Community Development or designee, is of the same or of a more restrictive nature. When the use of a nonconforming structure is hereafter changed to a more restrictive use, the structure shall not thereafter be used for a less restrictive use.

B. There may be a change of tenancy, ownership or management of any existing legally established and continued nonconforming use provided there is no change in the nature or

character of such nonconforming use except as authorized within this chapter. (Ord. 4229 § 2, 1987.)

### **18.54.060 Maintenance, damage repairs and restorations, additions, enlargements, moving or relocation of nonconforming structures, and residential structures.**

- A. Ordinary maintenance of a nonconforming structure which includes minor interior and exterior repairs and incidental alterations is permitted. Minor maintenance and repair may include but is not limited to painting, roof repair and replacement, plumbing, wiring, mechanical equipment replacement, and weatherization. Incidental alterations may include construction of nonbearing walls or partitions.
- B. No structural alterations, as defined by the Uniform-International Building Codes, shall be made except as required by law or ordinance; provided, that the cost of such work shall not exceed 50 percent of the assessed valuation of such structure as established by the most current county assessor's tax roll.
- C. A nonconforming structure having been damaged or partially destroyed to an extent not exceeding 50 percent of the assessed valuation of such structure as established by the most current county assessor's tax roll, may be restored to its original condition, as authorized by the city's building official, and its immediately preceding or existing use at the time of partial destruction may be continued or resumed. Restoration shall begin within one year and be completed within two years of the date of partial destruction. If restoration is not started within one year, then the reuse and occupancy of the structure shall conform to all the regulations of the district in which the use is located.
- D. Structures or lands which are nonconforming as to use regulations shall not be enlarged or intensified in any manner unless the enlargement within such structures or lands conforms to all regulations of the district in which it is located, except for expansion permitted under ACC 18.54.060(H). A nonconforming use, within a nonconforming structure, shall not expand into any portion of the nonconforming structure.

E. Structures which are nonconforming as to percentage of site coverage, setbacks, building height or density shall not be enlarged unless such enlargement conforms to the regulations of the district in which it is located.

F. Nonconforming residential structures are allowed to provide maintenance, alterations and additions which may exceed the requirements of this chapter; provided the total number of dwelling units does not increase and all other development standards of the district are complied with.

G. This chapter shall not prevent the following provided the total value of the improvements, ~~over the lifetime of the nonconforming use within five years of the date of permit issuance,~~ does not exceed 50 percent of the assessed value of the nonconforming use as established by the most current county assessor's tax roll, ~~except for the following items: ; and, the nonconforming use or structure is not expanded except as allowed by subsection H of this section; provided further, that any replacement of a nonconforming structure, or parts thereof, must comply with the appropriate development standards unless a special exception is granted pursuant to ACC 18.70.020:~~

1. Strengthening or restoring to a safe condition any nonconforming structure or part thereof which is declared to be unsafe or a hazard to the public by the order of the Community Development Director or designee ~~a city official charged with protecting the public safety;~~
2. Lessening a hazardous situation, nuisance or other adverse environmental impact;
3. Bringing the structure or use into more conformance with this title;
4. Adapting the structure to new technologies or equipment; or
5. Improvements which do not increase the intensity of the nonconforming use.

H. Any replacement of a nonconforming structure, or parts thereof, must comply with the appropriate development standards unless a special exception is granted pursuant to ACC 18.70.020.

I.H. A nonresidential structure or use which becomes a legal nonconforming structure or use after the effective date of the ordinance codified in this title may ~~may expand the existing use or structure subject to the requirements of this chapter. be permitted by means of a special~~

~~exception~~A legal nonconforming structure or use may be expanded administratively up to 10% by the director or designee. Expansions of a legal nonconforming structure or use by more than 10%, not to exceed 25%, may be permitted by means of a special exception issued by the hearing examiner pursuant to ACC [18.70.020](#)~~to expand the existing use or structure up to 25 percent of the use or structure existing at the time of the adoption of the ordinance codified in this title~~; provided further, that the addition otherwise meets the standards of this title and other requirements of the city.

This section does not allow the expansion of a use or structure which would be inconsistent with a previously authorized administrative use permit, conditional use permit, special property use permit, contract rezone, or binding agreement between the city and the property owner.

This section also does not allow the expansion of any nonconforming hazardous material storage.

**J.** When a building or structure is moved to another location it must then be made to conform to the requirements of the district to which it is moved, unless specifically allowed elsewhere by this title.

**KJ.** Nonconforming ~~single-unit detached, middle housing, and apartments~~ single-family residential homes and their accessory structures may be replaced and the new structure shall either meet the development standards of the district in which the ~~home is~~ dwelling unit is or are located or the new structure shall not be more nonconforming than the previous use. All other applicable building and fire code requirements must be complied with. (Ord. 6269 § 21, 2009; Ord. 5170 § 1, 1998; Ord. 4705 § 2, 1994; Ord. 4304 § 1(43), 1988; Ord. 4229 § 2, 1987.)

### **18.54.070 Abatement of nonconforming structures and uses.**

Nonconforming structures and uses shall be abated if one or more of the following circumstances exist:

A. If a nonconforming use is discontinued and changed to a conforming use, any future use of the structure or land shall be in conformity to the regulations of the district in which structure or land is located.

~~B. If a nonconforming use or structure is discontinuedAny structure or portion of a nonresidential structure, or parcel of land occupied by a nonconforming use which or becomes vacant or unoccupied and remains unoccupied for a continuous period of 180 days more than three years, it shall not thereafter be reestablished or occupied except by a use which conforms to the use regulations of the district in which it is located. Failure to maintain compliance with the criteria set forth in subsection (C) of this section during the period of vacancy or extension shall result in termination of the nonconforming status. Residential uses in commercial or industrial zones which are unoccupied for more than 180 days may be allowed to reoccupy if a special exception is issued pursuant to ACC 18.70.020;~~

~~C. A discontinuedAny structure or portion of a nonresidential structure, or parcel of land occupied by a nonconforming use which or vacant use or structure must maintain compliance with the following:~~

~~a. The property has no open code enforcement violations; and~~

~~b. The property, including structures, landscaping, and amenities, is maintained so as to not appear degraded relative to the previous condition of the property nor detract from the surrounding neighborhood.~~

~~c. The property owner has demonstrated a good faith effort to actively market the property for sale or lease at a competitive market rate for occupancy and reuse.~~

~~D. If a nonconforming structure sustains damage or destruction which exceeds 50 percent of the current assessed valuation of the structure as established by the county assessor's office. Reconstruction of such damaged structure or reuse of occupancy shall conform to all regulations of the district in which it is located and it shall be treated as a new building. This subsection shall not apply to single-unit detached, middle housingfamily dwellings units, and apartments. (Ord. 5170 § 1, 1998; Ord. 4229 § 2, 1987.)~~

### **18.54.080 Amortization and abatement of outdoor storage.**

All outdoor storage yards that do not comply with the landscape and screening requirements of Chapter 18.50 ACC which are located within an M-1 zone that are adjacent to a residential zone or are visible from a public street ~~shall, within three years of the adoption of this titleand make any improvements included in ACC 18.54.060, shall~~ screen and landscape the outdoor storage

pursuant to the requirements of Chapter [18.50](#) ACC, or the use shall be abated. (Ord. 6885 § 1 (Exh. A), 2022; Ord. 4229 § 2, 1987.)

## Chapter 18.54

### NONCONFORMING STRUCTURES, LAND AND USES

Sections:

- 18.54.010**            **Intent.**
- 18.54.020**            **Continuance of nonconforming structures and uses.**
- 18.54.030**            **Use of nonconforming land.**
- 18.54.040**            **Nonconforming signs.**
- 18.54.050**            **Changes of use, tenancy, ownership or management.**
- 18.54.060**            **Maintenance, damage repairs and restorations, additions, enlargements, moving or relocation of nonconforming structures, and residential structures.**
- 18.54.070**            **Abatement of nonconforming structures and uses.**
- 18.54.080**            **Amortization and abatement of outdoor storage.**

#### **18.54.010**    **Intent.**

Amendments over time to regulatory authority provided within this title may result in structures, land and uses which no longer conform with the provisions set forth for the district in which they are situated. Therefore it is the intent of this chapter to allow for the continuance and maintenance of legally established nonconforming uses subject to standards and provisions prescribed within this chapter. (Ord. 4229 § 2, 1987.)

#### **18.54.020**    **Continuance of nonconforming structures and uses.**

Any nonconforming structure or use lawfully existing on the effective date of this title, or any subsequent amendments to this title, may be continued and maintained in conformance with provisions of this chapter, provided no enlargement of area, space or volume occupied by the nonconforming use occurs. Any nonconforming structure authorized by a valid building permit prior to the effective date of the ordinance codified in this title, or any subsequent amendments to this title, may be completed and used in accordance with the plans, specifications and

regulations under which such permit was issued. Expiration of authorized permits will result in a loss of vested right for construction and use of such structure. (Ord. 4229 § 2, 1987.)

### **18.54.030 Use of nonconforming land.**

If any parcel of land with a minimum lot size or lot dimension which is less than that prescribed for by the district in which such parcel is located, was subdivided into lots according to a plat of record on or before the effective date of the ordinance codified in this title, or any subsequent amendments to this title, then the fact that the parcel of land does not meet the minimum lot size or lot dimension requirements as set forth in this title shall not prohibit the property from being utilized; provided, that all other regulations prescribed for that district by this title are complied with, except as provided for in Chapter [18.31](#) ACC. (Ord. 4229 § 2, 1987.)

### **18.54.040 Nonconforming signs.**

Nonconforming signs shall be subject to provisions of Chapter [18.56](#) ACC. (Ord. 4229 § 2, 1987.)

### **18.54.050 Changes of use, tenancy, ownership or management.**

Changes of use, tenancy, ownership or management may occur to any existing legally established and continued nonconforming use under one or more of the following circumstances:

- A. Any part of a structure occupied by an existing legally established and continued nonconforming use may be changed to a use which, in the opinion of the ~~planning d~~Director of Community Development or designee, is of the same or of a more restrictive nature. When the use of a nonconforming structure is hereafter changed to a more restrictive use, the structure shall not thereafter be used for a less restrictive use.
- B. There may be a change of tenancy, ownership or management of any existing legally established and continued nonconforming use provided there is no change in the nature or

character of such nonconforming use except as authorized within this chapter. (Ord. 4229 § 2, 1987.)

### **18.54.060 Maintenance, damage repairs and restorations, additions, enlargements, moving or relocation of nonconforming structures, and residential structures.**

A. Ordinary maintenance of a nonconforming structure which includes minor interior and exterior repairs and incidental alterations is permitted. Minor maintenance and repair may include but is not limited to painting, roof repair and replacement, plumbing, wiring, mechanical equipment replacement, and weatherization. Incidental alterations may include construction of nonbearing walls or partitions.

B. No structural alterations, as defined by the [Uniform-International Building Codes](#), shall be made except as required by law or ordinance; provided, that the cost of such work shall not exceed 50 percent of the assessed valuation of such structure as established by the most current county assessor's tax roll.

C. A nonconforming structure having been damaged or partially destroyed to an extent not exceeding 50 percent of the assessed valuation of such structure as established by the most current county assessor's tax roll, may be restored to its original condition, as authorized by the city's building official, and its immediately preceding or existing use at the time of partial destruction may be continued or resumed. Restoration shall begin within one year and be completed within two years of the date of partial destruction. If restoration is not started within one year, then the reuse and occupancy of the structure shall conform to all the regulations of the district in which the use is located.

D. Structures or lands which are nonconforming as to use regulations shall not be enlarged or intensified in any manner unless the enlargement within such structures or lands conforms to all regulations of the district in which it is located, [except for expansion permitted under ACC 18.54.060\(H\)](#). ~~A nonconforming use, within a nonconforming structure, shall not expand into any portion of the nonconforming structure.~~

E. Structures which are nonconforming as to percentage of site coverage, setbacks, building height or density shall not be enlarged unless such enlargement conforms to the regulations of the district in which it is located.

F. Nonconforming residential structures are allowed to provide maintenance, alterations and additions which may exceed the requirements of this chapter; provided the total number of dwelling units does not increase and all other development standards of the district are complied with.

G. This chapter shall not prevent the following provided the total value of the improvements, ~~over the lifetime of the nonconforming use within five years of the date of permit issuance~~, does not exceed 50 percent of the assessed value of the nonconforming use as established by the most current county assessor's tax roll, ~~except for the following items: ; and, the nonconforming use or structure is not expanded except as allowed by subsection H of this section; provided further, that any replacement of a nonconforming structure, or parts thereof, must comply with the appropriate development standards unless a special exception is granted pursuant to ACC 18.70.020:~~

1. Strengthening or restoring to a safe condition any nonconforming structure or part thereof which is declared to be unsafe or a hazard to the public by the order of the Community Development Director or designee ~~a city official charged with protecting the public safety;~~
2. Lessening a hazardous situation, nuisance or other adverse environmental impact;
3. Bringing the structure or use into more conformance with this title;
4. Adapting the structure to new technologies or equipment; or
5. Improvements which do not increase the intensity of the nonconforming use.

~~H. Any replacement of a nonconforming structure, or parts thereof, must comply with the appropriate development standards unless a special exception is granted pursuant to ACC 18.70.020.~~

~~I.H. A nonresidential structure or use which becomes a legal nonconforming structure or use after the effective date of the ordinance codified in this title may may expand the existing use or structure subject to the requirements of this chapter. be permitted by means of a special~~

~~exception~~A legal nonconforming structure or use may be expanded administratively up to 10% by the director or designee. Expansions of a legal nonconforming structure or use by more than 10%, not to exceed 25%, may be permitted by means of a special exception issued by the hearing examiner pursuant to ACC [18.70.020](#) ~~to expand the existing use or structure up to 25 percent of the use or structure existing at the time of the adoption of the ordinance codified in this title~~; provided further, that the addition otherwise meets the standards of this title and other requirements of the city.

This section does not allow the expansion of a use or structure which would be inconsistent with a previously authorized administrative use permit, conditional use permit, special property use permit, contract rezone, or binding agreement between the city and the property owner.

This section also does not allow the expansion of any nonconforming hazardous material storage.

**J.** When a building or structure is moved to another location it must then be made to conform to the requirements of the district to which it is moved, unless specifically allowed elsewhere by this title.

**KJ.** Nonconforming ~~single-unit detached, middle housing, and apartments~~ single-family residential homes and their accessory structures may be replaced and the new structure shall either meet the development standards of the district in which the ~~home is~~ dwelling unit is or are located or the new structure shall not be more nonconforming than the previous use. All other applicable building and fire code requirements must be complied with. (Ord. 6269 § 21, 2009; Ord. 5170 § 1, 1998; Ord. 4705 § 2, 1994; Ord. 4304 § 1(43), 1988; Ord. 4229 § 2, 1987.)

### **18.54.070 Abatement of nonconforming structures and uses.**

Nonconforming structures and uses shall be abated if one or more of the following circumstances exist:

A. If a nonconforming use is discontinued and changed to a conforming use, any future use of the structure or land shall be in conformity to the regulations of the district in which structure or land is located.

~~B. If a nonconforming use or structure is discontinued Any structure or portion of a nonresidential structure, or parcel of land occupied by a nonconforming use which or becomes vacant or unoccupied and remains unoccupied for a continuous period of 180 days more than three years, it shall not thereafter be reestablished or occupied except by a use which conforms to the use regulations of the district in which it is located, unless the director or designed approves an extension pursuant to subsection C of this section. Failure to maintain compliance with the criteria set forth in subsection (C)(2) of this section during the period of vacancy or extension shall result in termination of the nonconforming status. Residential uses in commercial or industrial zones which are unoccupied for more than 180 days may be allowed to reoccupy if a special exception is issued pursuant to ACC 18.70.020;~~

~~C. The director or designee may administratively authorize the extension of a discontinued nonconforming use or structure, up to two-years, in one-year increments, through a Type I decision, allowing the nonconforming use or structure to be re-established without requiring conforming with the use regulations of the zoning district in which the property is located, subject to the following criteria and conditions:~~

~~1. An applicant for an extension shall make a written request for the extension a minimum of 90 calendar days prior to expiration of the discontinued nonconforming use.~~

~~2. The director or designee shall in consideration of granting an extension find:~~

~~a. The property has no open code enforcement violations; and~~

~~b. The property, including structures, landscaping, and amenities, is maintained so as to not appear degraded relative to the previous condition of the property nor detract from the surrounding neighborhood.~~

~~c. The property owner has demonstrated a good faith effort to actively market the property for sale or lease at a competitive market rate for occupancy and reuse.~~

~~CD. If a nonconforming structure sustains damage or destruction which exceeds 50 percent of the current assessed valuation of the structure as established by the county assessor's office. Reconstruction of such damaged structure or reuse of occupancy shall conform to all regulations of the district in which it is located and it shall be treated as a new building. This subsection shall not apply to single-unit detached, middle housing family dwellings units, and apartments. (Ord. 5170 § 1, 1998; Ord. 4229 § 2, 1987.)~~

**18.54.080 Amortization and abatement of outdoor storage.**

All outdoor storage yards that do not comply with the landscape and screening requirements of Chapter [18.50](#) ACC which are located within an M-1 zone that are adjacent to a residential zone or are visible from a public street ~~shall, within three years of the adoption of this title and make any improvements included in ACC 18.54.060, shall~~ screen and landscape the outdoor storage pursuant to the requirements of Chapter [18.50](#) ACC, or the use shall be abated. (Ord. 6885 § 1 (Exh. A), 2022; Ord. 4229 § 2, 1987.)

**Chapter 18.54**  
**NONCONFORMING STRUCTURES, LAND AND USES**

Sections:

- 18.54.010**            **Intent.**
- 18.54.020**            **Continuance of nonconforming structures and uses.**
- 18.54.030**            **Use of nonconforming land.**
- 18.54.040**            **Nonconforming signs.**
- 18.54.050**            **Changes of use, tenancy, ownership or management.**
- 18.54.060**            **Maintenance, damage repairs and restorations, additions, enlargements, moving or relocation of nonconforming structures, and residential structures.**
- 18.54.070**            **Abatement of nonconforming structures and uses.**
- 18.54.080**            **Amortization and abatement of outdoor storage.**

**18.54.010    Intent.**

Amendments over time to regulatory authority provided within this title may result in structures, land and uses which no longer conform with the provisions set forth for the district in which they are situated. Therefore it is the intent of this chapter to allow for the continuance and maintenance of legally established nonconforming uses subject to standards and provisions prescribed within this chapter. (Ord. 4229 § 2, 1987.)

**18.54.020    Continuance of nonconforming structures and uses.**

Any nonconforming structure or use lawfully existing on the effective date of this title, or any subsequent amendments to this title, may be continued and maintained in conformance with provisions of this chapter, provided no enlargement of area, space or volume occupied by the nonconforming use occurs. Any nonconforming structure authorized by a valid building permit prior to the effective date of the ordinance codified in this title, or any subsequent amendments to this title, may be completed and used in accordance with the plans, specifications and

regulations under which such permit was issued. Expiration of authorized permits will result in a loss of vested right for construction and use of such structure. (Ord. 4229 § 2, 1987.)

### **18.54.030 Use of nonconforming land.**

If any parcel of land with a minimum lot size or lot dimension which is less than that prescribed for by the district in which such parcel is located, was subdivided into lots according to a plat of record on or before the effective date of the ordinance codified in this title, or any subsequent amendments to this title, then the fact that the parcel of land does not meet the minimum lot size or lot dimension requirements as set forth in this title shall not prohibit the property from being utilized; provided, that all other regulations prescribed for that district by this title are complied with, except as provided for in Chapter [18.31](#) ACC. (Ord. 4229 § 2, 1987.)

### **18.54.040 Nonconforming signs.**

Nonconforming signs shall be subject to provisions of Chapter [18.56](#) ACC. (Ord. 4229 § 2, 1987.)

### **18.54.050 Changes of use, tenancy, ownership or management.**

Changes of use, tenancy, ownership or management may occur to any existing legally established and continued nonconforming use under one or more of the following circumstances:

A. Any part of a structure occupied by an existing legally established and continued nonconforming use may be changed to a use which, in the opinion of the ~~planning d~~Director of Community Development or designee, is of the same or of a more restrictive nature. When the use of a nonconforming structure is hereafter changed to a more restrictive use, the structure shall not thereafter be used for a less restrictive use.

B. There may be a change of tenancy, ownership or management of any existing legally established and continued nonconforming use provided there is no change in the nature or

character of such nonconforming use except as authorized within this chapter. (Ord. 4229 § 2, 1987.)

### **18.54.060 Maintenance, damage repairs and restorations, additions, enlargements, moving or relocation of nonconforming structures, and residential structures.**

A. Ordinary maintenance of a nonconforming structure which includes minor interior and exterior repairs and incidental alterations is permitted. Minor maintenance and repair may include but is not limited to painting, roof repair and replacement, plumbing, wiring, mechanical equipment replacement, and weatherization. Incidental alterations may include construction of nonbearing walls or partitions.

B. No structural alterations, as defined by the [Uniform-International Building Codes](#), shall be made except as required by law or ordinance; provided, that the cost of such work shall not exceed 50 percent of the assessed valuation of such structure as established by the most current county assessor's tax roll.

C. A nonconforming structure having been damaged or partially destroyed to an extent not exceeding 50 percent of the assessed valuation of such structure as established by the most current county assessor's tax roll, may be restored to its original condition, as authorized by the city's building official, and its immediately preceding or existing use at the time of partial destruction may be continued or resumed. Restoration shall begin within one year and be completed within two years of the date of partial destruction. If restoration is not started within one year, then the reuse and occupancy of the structure shall conform to all the regulations of the district in which the use is located.

D. Structures or lands which are nonconforming as to use regulations shall not be enlarged or intensified in any manner unless the enlargement within such structures or lands conforms to all regulations of the district in which it is located, [except for expansion permitted under ACC 18.54.060\(H\)](#). ~~A nonconforming use, within a nonconforming structure, shall not expand into any portion of the nonconforming structure.~~

E. Structures which are nonconforming as to percentage of site coverage, setbacks, building height or density shall not be enlarged unless such enlargement conforms to the regulations of the district in which it is located.

F. Nonconforming residential structures are allowed to provide maintenance, alterations and additions which may exceed the requirements of this chapter; provided the total number of dwelling units does not increase and all other development standards of the district are complied with.

G. This chapter shall not prevent the following provided the total value of the improvements, ~~over the lifetime of the nonconforming use within five years of the date of permit issuance~~, does not exceed 50 percent of the assessed value of the nonconforming use as established by the most current county assessor's tax roll, ~~except for the following items: ; and, the nonconforming use or structure is not expanded except as allowed by subsection H of this section; provided further, that any replacement of a nonconforming structure, or parts thereof, must comply with the appropriate development standards unless a special exception is granted pursuant to ACC 18.70.020:~~

1. Strengthening or restoring to a safe condition any nonconforming structure or part thereof which is declared to be unsafe or a hazard to the public by the order of the Community Development Director or designee ~~a city official charged with protecting the public safety;~~
2. Lessening a hazardous situation, nuisance or other adverse environmental impact;
3. Bringing the structure or use into more conformance with this title;
4. Adapting the structure to new technologies or equipment; or
5. Improvements which do not increase the intensity of the nonconforming use.

~~H. Any replacement of a nonconforming structure, or parts thereof, must comply with the appropriate development standards unless a special exception is granted pursuant to ACC 18.70.020.~~

~~I.H. A nonresidential structure or use which becomes a legal nonconforming structure or use after the effective date of the ordinance codified in this title may may expand the existing use or structure subject to the requirements of this chapter. be permitted by means of a special~~

~~exception~~A legal nonconforming structure or use may be expanded administratively up to 10% by the director or designee. Expansions of a legal nonconforming structure or use by more than 10%, not to exceed 25%, may be permitted by means of a special exception issued by the hearing examiner pursuant to ACC [18.70.020](#) ~~to expand the existing use or structure up to 25 percent of the use or structure existing at the time of the adoption of the ordinance codified in this title~~; provided further, that the addition otherwise meets the standards of this title and other requirements of the city.

This section does not allow the expansion of a use or structure which would be inconsistent with a previously authorized administrative use permit, conditional use permit, special property use permit, contract rezone, or binding agreement between the city and the property owner.

This section also does not allow the expansion of any nonconforming hazardous material storage.

**J.** When a building or structure is moved to another location it must then be made to conform to the requirements of the district to which it is moved, unless specifically allowed elsewhere by this title.

**KJ.** Nonconforming ~~single-unit detached, middle housing, and apartments~~ ~~single-family residential homes~~ and their accessory structures may be replaced and the new structure shall either meet the development standards of the district in which the ~~home is~~ dwelling unit is or are located or the new structure shall not be more nonconforming than the previous use. All other applicable building and fire code requirements must be complied with. (Ord. 6269 § 21, 2009; Ord. 5170 § 1, 1998; Ord. 4705 § 2, 1994; Ord. 4304 § 1(43), 1988; Ord. 4229 § 2, 1987.)

### **18.54.070 Abatement of nonconforming structures and uses.**

Nonconforming structures and uses shall be abated if one or more of the following circumstances exist:

A. If a nonconforming use is discontinued and changed to a conforming use, any future use of the structure or land shall be in conformity to the regulations of the district in which structure or land is located.;

~~B. If a nonconforming use or structure is discontinuedAny structure or portion of a nonresidential structure, or parcel of land occupied by a nonconforming use which or becomes vacant or unoccupied and remains unoccupied for a continuous period of 180 days more than three years, it shall not thereafter be reestablished or occupied except by a use which conforms to the use regulations of the district in which it is located, unless the director or designed approves an extension pursuant to subsection C of this section. Failure to maintain compliance with the criteria set forth in subsection (C)(2) of this section during the period of vacancy or extension shall result in termination of the nonconforming status. Residential uses in commercial or industrial zones which are unoccupied for more than 180 days may be allowed to reoccupy if a special exception is issued pursuant to ACC 18.70.020;~~

~~C. The director or designee may administratively authorize the extension of a discontinued nonconforming use or structure, up to one-year, through a Type I decision, allowing the nonconforming use or structure to be re-established without requiring conforming with the use regulations of the zoning district in which the property is located, subject to the following criteria and conditions:~~

~~1. An applicant for an extension shall make a written request for the extension a minimum of 90 calendar days prior to expiration of the discontinued nonconforming use.~~

~~2. The director or designee shall in consideration of granting an extension find:~~

~~a. The property has no open code enforcement violations; and~~

~~b. The property, including structures, landscaping, and amenities, is maintained so as to not appear degraded relative to the previous condition of the property nor detract from the surrounding neighborhood.~~

~~c. The property owner has demonstrated a good faith effort to actively market the property for sale or lease at a competitive market rate for occupancy and reuse.~~

~~CD. If a nonconforming structure sustains damage or destruction which exceeds 50 percent of the current assessed valuation of the structure as established by the county assessor's office. Reconstruction of such damaged structure or reuse of occupancy shall conform to all regulations of the district in which it is located and it shall be treated as a new building. This subsection shall not apply to single-unit detached, middle housingfamily dwellings units, and apartments. (Ord. 5170 § 1, 1998; Ord. 4229 § 2, 1987.)~~

**18.54.080 Amortization and abatement of outdoor storage.**

All outdoor storage yards that do not comply with the landscape and screening requirements of Chapter [18.50](#) ACC which are located within an M-1 zone that are adjacent to a residential zone or are visible from a public street ~~shall, within three years of the adoption of this title and make any improvements included in ACC 18.54.060, shall~~ screen and landscape the outdoor storage pursuant to the requirements of Chapter [18.50](#) ACC, or the use shall be abated. (Ord. 6885 § 1 (Exh. A), 2022; Ord. 4229 § 2, 1987.)

## 18.70.020 Special exceptions.

A. Only the following special exceptions may be granted by the hearing examiner after a public hearing is held pursuant to ACC [18.70.040](#):

1. Platted lots within the same block and same zone, but separated by a public alley, may be used as a single building site for the purpose of calculating the number of dwelling units permitted in a structure to be erected on one side of the alley, subject to the following requirements:

- a. Each portion of the property shall abut a minimum of 100 feet upon the alley.
- b. The two portions of the property shall be directly opposite for a distance representing at least 50 percent of the width of the portion of the property not to be occupied by the proposed building.
- c. The portion of the property not occupied by the building shall not be sold, segregated or used for building purposes so long as the building remains on the portion of property on the opposite side of the alley.

~~2. Whenever there is a change from a residential use to a nonresidential use in an existing building a special exception may be issued to exclude the floor area within the building, that cannot be effectively utilized by the proposed use, from the off-street parking requirements.~~

3. A nonresidential structure or use which becomes a legal nonconforming structure or use ~~after may expand the existing use or structure subject to the requirements of this chapter. the effective date of the ordinance codified in this title may be permitted, by means of a special exception, Expansions of a legal nonconforming structure or use by more than 10%, not to exceed 25%, may be permitted by means of a special exception to expand the existing use or structure up to 25 percent of the use or structure existing at the time of the adoption of this title;~~ provided further, that the addition otherwise meets the standards of this title and other requirements of the city.

This section does not allow the expansion of a use or structure which would be inconsistent with a previously authorized administrative use permit, conditional use permit, special property use permit, contract rezone, or binding agreement between the city and

the property owner. This section also does not allow the expansion of any nonconforming hazardous material storage.

4. Pursuant to ACC [18.54.060\(G\)](#), a special exception may be issued for the replacement of a nonconforming structure or part thereof which does not comply with the appropriate development standards.

~~5. Pursuant to ACC [18.54.070\(B\)](#), a special exception may be issued for residential uses, in commercial or industrial zones, to reoccupy if unoccupied for longer than 180 days.~~

B. In considering applications for special exceptions, the hearing examiner shall consider the nature and condition of all adjacent uses and structures, and no such special exception shall be authorized by the hearing examiner unless the hearing examiner finds that the authorizing of such special exception will not be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located, and that the authorization of such special exception will be consistent with the spirit and purpose of this title. In authorizing a special exception, the hearing examiner may impose such requirements and conditions with respect to location, installation, construction, maintenance and operation and extent of open spaces in addition to those expressly set forth in this title as may be deemed necessary for the protection of other properties in the zone or vicinity and the public interest. (Ord. 6269 § 24, 2009; Ord. 4840 § 1, 1996; Ord. 4229 § 2, 1987.)