



**ORDINANCE NO. 2024-20**  
**AN ORDINANCE TO AMEND THE ZONING MAP**  
**OF THE CITY OF AUBURN, INDIANA**

**WHEREAS**, Ordinance No. 2018-24, as amended, adopted an Official Zoning Map for the City of Auburn, Indiana; and

**WHEREAS**, Indiana Code section §36-7-4-600 et. seq provides for amendments to the zoning map of a municipality by ordinance of the municipality; and

**WHEREAS**, this amendment to the Zoning Map assigns a zoning district that will accommodate mixed uses; and

**WHEREAS**, the City of Auburn Plan Commission at its August 13, 2024 meeting held a legally advertised Public Hearing regarding a request to amend the Zoning Map of the City of Auburn, Indiana; and

**WHEREAS**, the City of Auburn Plan Commission, on August 13, 2024, heard input from the public and ultimately forwarded a *favorable recommendation* to the Auburn Common Council, with 10 votes in favor of the favorable recommendation and 0 votes against the favorable recommendation concerning the rezoning of said real estate.

**NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF AUBURN, INDIANA, THAT:**

The Zoning Map of the City of Auburn shall be amended in the following manner:

*That the 46 individual parcels of land as illustrated in Exhibit A and legally described in Exhibit B, be reclassified from the C1 (Neighborhood Commercial District), DC (Downtown Commercial District), IS (Institutional District), TR (Traditional Residential District) and M1 (Multiple-Family Residential District) to the MX (Mixed Use District).*

**BE IT FURTHER ORDAINED** that this Ordinance be in full force and effect after its passage by the Common Council and after the occurrence of all other actions required by law.

Received electronically 08/21/2024

1<sup>st</sup> READING 09/03/2024  
2<sup>nd</sup> READING \_\_\_\_\_

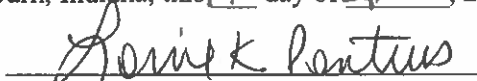
**PASSED AND ADOPTED** by the Common Council of the City of Auburn,  
Indiana, this 17<sup>th</sup> day of September, 2024.

  
\_\_\_\_\_  
James Finchum, Councilmember

**ATTEST:**

  
\_\_\_\_\_  
Lorrie K. Pontius, Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this 17<sup>th</sup> day of September, 2024.

  
\_\_\_\_\_  
LORRIE K. PONTIUS, Clerk-Treasurer

**APPROVED AND SIGNED** by me this 17<sup>th</sup> day of September, 2024.

  
\_\_\_\_\_  
DAVID E. CLARK, Mayor

Received electronically 08/21/2024

1<sup>st</sup> READING 09/03/2024  
2<sup>nd</sup> READING \_\_\_\_\_

**VOTING:**

**AYE**

**NAY**

Natalie DeWitt, President



Rod Williams



James Finchum



Dan Braun



David Bundy



Kevin Webb



Emily Prosser





**EXHIBIT B**  
**Legal Description**

The following described lots are included in the area to be rezoned:

Gross and Dills Addition to the City of Auburn Lots 1 thru 7; McFarland's Addition to the City of Auburn Lots 1 thru 8; Western Addition to the City of Auburn Lots 93 thru 96 and Lots 145 thru and 148; Ashley's 1<sup>st</sup> Addition to the City of Auburn Lots 1 thru 8; and Fluke's 3<sup>rd</sup> Addition to the City of Auburn Lots 32 thru 37.

Said area to be rezoned includes one-half of any right-of-way adjacent to the lot.



## BUILDING, PLANNING & DEVELOPMENT

260.925.6449 p | 260.925.3342 f | 210 S Cedar St / PO Box 506 Auburn, IN 46706 | [bpd@ci.auburn.in.us](mailto:bpd@ci.auburn.in.us)

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### City of Auburn Plan Commission Certification and Recommendation

On August 13, 2024, the City of Auburn Plan Commission held a legally advertised Public Hearing to consider a request to reclassify the zoning of 46 properties from C1 (Neighborhood Commercial District), DC (Downtown Commercial District), IS (Institutional District), TR (Traditional Residential District) and M1 (Multiple-Family Residential District) to MX (Mixed Use District). The properties are located on the north and south side of Seventh Street, between Depot Street and Van Buren Street.

The City of Auburn Plan Commission is forwarding a *favorable* recommendation to the Auburn Common Council concerning the reclassification of zoning.

Certified by:

A handwritten signature in blue ink that reads "Kellie C. Knauer".

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Kellie C. Knauer  
Administrator

PC Case Number: PC-ZONING - 2024-002



# AUBURN PLAN COMMISSION

## STAFF REPORT

**Project Name:** Seventh Street Corridor Rezoning  
**Application Type:** PC-ZONING – 2024-002  
**Applicant:** City of Auburn Plan Commission  
**Location:** Seventh Street, between Depot Street and Van Buren Street  
**Current Zoning and Overlay Districts:** C1 (Neighborhood Commercial); DC (Downtown Commercial); IS (Institutional); TR (Traditional Residential) and M1 (Multiple-Family Residential)  
AC-O (Airport Compatibility Overlay)  
WH-O (Wellhead Protection Overlay)  
CG-O (Corridors and Gateways Overlay)

**Hearing Date:** August 13, 2024

**Required Notice:** Legal Notice of the Public Hearing appeared in *The Star* on July 23, 2024. Forty-Six (46) affected property owners, and Forty-Four (44) adjacent property owners, were sent notice by 1<sup>st</sup> Class U.S. Mail on July 11, 2024.

**Applicable Code Provisions:** City of Auburn Unified Development Ordinance, Chapter 150  
Indiana Code: Zoning Ordinance §36-7-4-600 Series

**Recommendation:** Approve

### PROJECT BACKGROUND & SUMMARY

The Auburn Plan Commission is requesting to reclassify the zoning of 46 properties located on the north and south side of Seventh Street, between Depot Street and Van Buren Street, to the newly created MX (Mixed Use) zoning district.

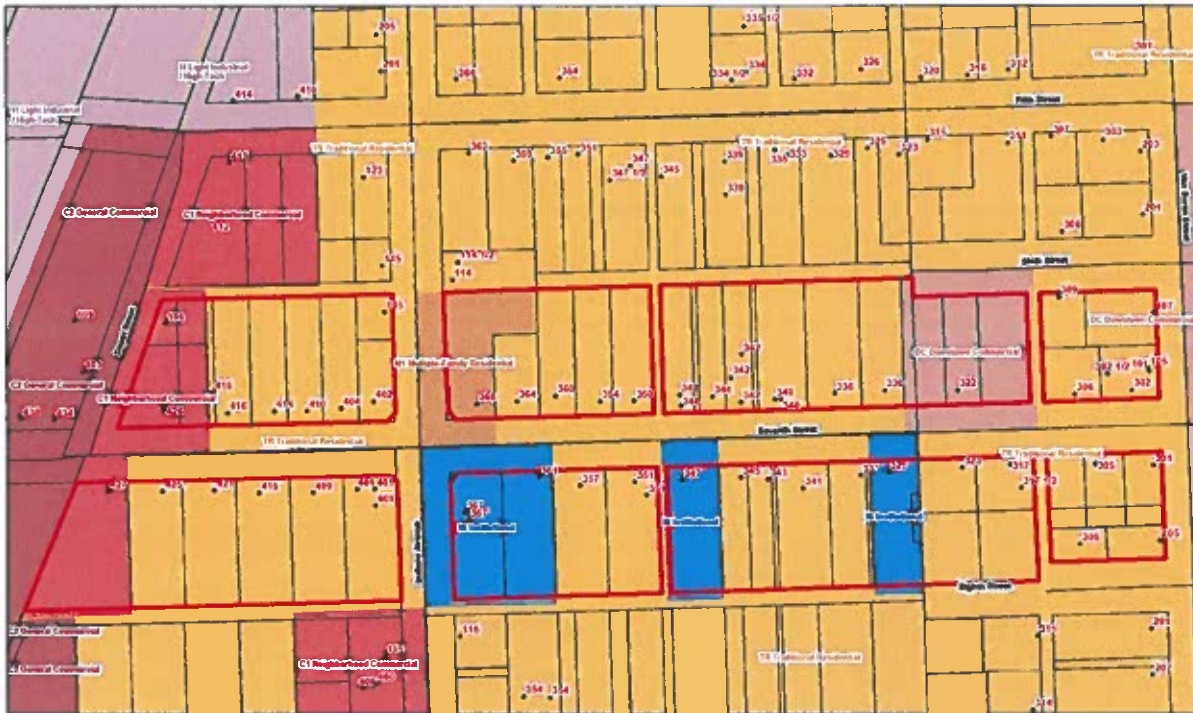
### LOCATION MAP





## CONTEXTUAL ZONING AND LAND USE

The project site contains properties within the TR (Traditional Residential), M1 (Multi-Family Residential), IS (Institutional), DC (Downtown Commercial) and C1 (Neighborhood Commercial) zoning districts. Surrounding zoning is:



## OVERLAY DISTRICTS



## Auburn 2040



Future Land Use Legend	
Transitional Agriculture	Downtown Commercial
Parkland	Village Commercial
Residential	Commercial
Traditional Residential	Employment Center
Mixed Residential	Auburn City Limits
Institutional	Cedar Creek Corridor
Urban Edge	

Research and analysis have been completed by the Building, Planning and Development Department staff regarding land use and future development preferences as identified in the Auburn 2040 Plan. The property is currently classified with a future land use designation of urban edge, described as areas that are transitional from residential to commercial. The Urban Edge areas are typically located along corridors that have higher traffic volumes with land uses that include single-family detached dwellings; single-family attached dwellings resulting from conversions; offices; services; studio arts; live-work units; retail and restaurants.

The Auburn 2040 plan indicates that the redevelopment of main corridors through the community should focus on maintaining the existing residential building character, while permitting mixed use and non-residential uses. These areas should be of appropriate scale for the area and be sensitive to adjacent residential uses.

The Land Use Goal, “Cultivate a built environment which promotes balanced and responsible growth patterns”, includes a land use policy to create a strategy to redevelop the State Road 8 corridor. The establishment of the mixed use district and reclassification of zoning of these 46 properties to the mixed use district is an attempt by the City to encourage preservation of existing homes along with the appropriate redevelopment of properties in the targeted rezoning area along Seventh Street.

## ROUTING AND PLAN REVIEW

### Project Advisory Committee

The Project Advisory Committee met on August 8, 2024 to review the rezoning application.

## PUBLIC COMMENTS / GOOD NEIGHBOR MEETING

Staff held a Good Neighbor Meeting on July 24, 2024. Ten individuals attended the meeting. Comments and concerns expressed by the attendees included:

- Parking
  - Concern on current lack of parking
  - Vehicles often “block” alley access
  - Adding new businesses will exacerbate the parking problem
  - Special events held in Auburn often create additional parking burdens for residents
- Rental Properties
  - Do not desire any more rental properties
- Property Maintenance
  - Lack of maintenance on existing buildings creating problems (runoff, etc.) for neighboring properties
- Residential Character
  - Area provides affordable ownership opportunities for first-time home buyers. Concern on loss of affordable options.

Four of the Public Notice Yard signs were posted within the proposed rezoning area on July 22, 2024.

Staff did not receive any public input separate from the Good Neighbor meeting comments.

## STAFF COMMENTS

1. The Auburn 2040 Plan identified the Seventh Street area as a transitional urban edge corridor. Due to the conglomeration of zoning districts present in the corridor and the numerous Variances of Use approved over several years, staff determined the corridor was a prime area to consider the mixed-use zoning district designation to provide for a cohesive approach towards stabilization of the area and allowing conversion of existing structures into offices, services, and limited retail businesses.

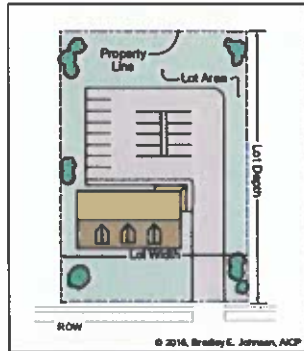
2. The Mixed-Use district is established for a mixture of residential, business, and institutional uses to coexist within a defined area.
3. The Mixed-Use district would allow the following uses:

District Intent	Permitted Uses	Special Exception Uses
<p><b>The MX (Mixed Use) District is intended to be used as follows:</b></p> <p><b>Use Type and Intensity</b></p> <ul style="list-style-type: none"> <li>• Residential uses</li> <li>• Business uses</li> <li>• Institutional uses</li> <li>• Public facilities</li> <li>• Limited quasi-public uses</li> </ul> <p><b>Application of District</b></p> <ul style="list-style-type: none"> <li>• Existing and new development</li> <li>• District areas can range from small pockets (a couple of contiguous lots), and medium sized areas</li> <li>• Buffering or transitional district</li> </ul> <p><b>Development Standards</b></p> <ul style="list-style-type: none"> <li>• Enact quality development standards that optimize accessibility and use while minimizing the impacts to surrounding areas</li> </ul> <p><b>Appropriate Adjacent Districts</b></p> <ul style="list-style-type: none"> <li>• PR, R1, R2, R3, TR, M1, M2, M3, MH, IS, DC, C1, C2, and I1</li> </ul> <p><b>Plan Commission</b></p> <ul style="list-style-type: none"> <li>• Zone property MX only after determining the site is appropriate for any of the possible uses allowed in the zoning district</li> <li>• Be sensitive to the potential for light pollution, noise pollution and the generation of excessive vehicular traffic.</li> <li>• Pedestrian traffic should be accommodated within each development</li> </ul> <p><b>Board of Zoning Appeals</b></p> <ul style="list-style-type: none"> <li>• Allow special exception uses only when compatible with the surrounding areas</li> </ul>	<p><b>Accessory Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• childcare home</li> <li>• farmers market</li> <li>• home business, type 1</li> <li>• home business, type 2</li> <li>• home business, type 3</li> </ul> <p><b>Commercial Permitted Uses (No drive-up window allowed)</b></p> <ul style="list-style-type: none"> <li>• accounting firm</li> <li>• art and craft gallery</li> <li>• barber or beauty shop</li> <li>• childcare center</li> <li>• coffee shop</li> <li>• day care, adult</li> <li>• delicatessen</li> <li>• health spa or day spa</li> <li>• ice cream shop</li> <li>• insurance office</li> <li>• investment firm</li> <li>• law office</li> <li>• membership associations</li> <li>• office, design services</li> <li>• office, general services</li> <li>• office, medical</li> <li>• photographic studio</li> <li>• real estate office</li> <li>• restaurant</li> <li>• service organization</li> <li>• studio arts</li> <li>• tanning salon</li> <li>• title company</li> <li>• type 1 retail, very low intensity</li> <li>• type 2 retail, low intensity</li> <li>• type 3 retail, medium intensity</li> </ul> <p><b>Industrial Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• public utility facility</li> </ul> <p><b>Institutional Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• childcare institution</li> <li>• church, temple or mosque</li> <li>• government office</li> <li>• government operation (non-office)</li> <li>• library</li> <li>• mental health facility</li> <li>• museum</li> <li>• park</li> </ul> <p><b>Residential Permitted Uses</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family detached</li> <li>• dwelling, two-family (duplex)</li> <li>• dwelling, three-family (triplex)</li> <li>• dwelling, four-family (quadplex)</li> <li>• fair housing facility (small)</li> </ul>	<p><b>Commercial Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• bank or credit union without drive-up window</li> <li>• convenience store without fuel pumps</li> </ul> <p><b>Residential Special Exception Uses</b></p> <ul style="list-style-type: none"> <li>• fair housing facility (large)</li> </ul>

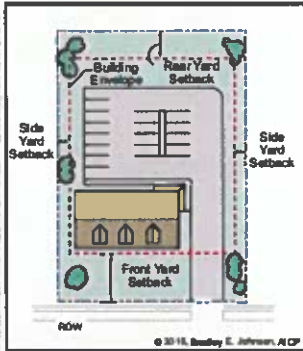
4. The Variances of Use previously approved for any property within the proposed rezoning area will remain valid regardless of any decision on the rezoning application.

## 5. District Development Standards

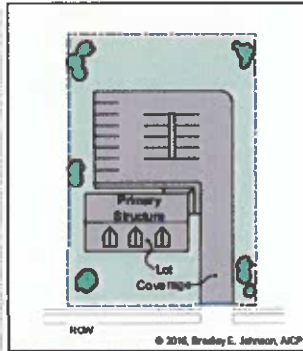
The bulk and dimensional standards for the MX District are as follows:



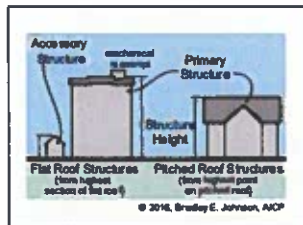
- Minimum Lot Area
  - 5,500 square feet
- Minimum Lot Width
  - 40 feet
- Sanitary Sewer Utility
  - Required
- Water Utility
  - Required



- Minimum Front Yard Setback
  - 25 feet for primary and accessory structures
- Minimum Side Yard Setback
  - 5 feet for primary and accessory structures
- Minimum Rear Yard Setback
  - 15 feet for primary structures
  - 5 feet for accessory structures
  - 20 feet for accessory structures with vehicular access from an alley



- Maximum Lot Coverage
  - 70% of lot area
- Minimum Main Floor Area
  - 900 square feet
- Minimum Dwelling Unit Size
  - 500 square feet
- Maximum Primary Structures
  - no limit



- Maximum Structure Height
  - 50 feet for primary structures
  - 20 feet for accessory structures

Additional Development Standards that Apply		
Accessory Structure (AS)	Landscaping (LA)	Sewer and Water (SW)
• AS-01 Page 5-6	• LA-01 Page 5-40	• SW-01 Page 5-67
• AS-07 Page 5-8	• LA-02 Page 5-40	Sign (SI)
Architectural (AR)	Lighting (LT)	• SI-01 Page 5-69
• AR-05 Page 5-20	• LT-01 Page 5-42	• SI-02 Page 5-76
Density and Intensity (DI)	Loading (LD)	• SI-03 Page 5-78
• DI-01 Page 5-22	• LD-01 Page 5-43	Solar / Alternative Energy (SA)
Driveway (DW)	Lot (LO)	• SA-01 Page 5-78
• DW-01 Page 5-23	• LO-01 Page 5-44	• SA-03 Page 5-78
• DW-03 Page 5-25	Outdoor Dining (OD)	• SA-04 Page 5-80
• DW-04 Page 5-26	• OD-01 Page 5-46	Special Exception (SE)
Environmental (EN)	Outdoor Storage (OS)	• SE-01 Page 5-81
• EN-01 Page 5-27	• OS-01 Page 5-47	Storage Tank (SR)
Fence and Wall (FW)	Parking (PW)	• SR-01 Page 5-82
• FW-01 Page 5-28	• PW-01 Page 5-48	• SR-02 Page 5-82
• FW-04 Page 5-31	• PW-03 Page 5-48	• SR-04 Page 5-82
• FW-05 Page 5-31	• PW-07 Page 5-50	Structure (ST)
Floodplain (FP)	Performance (PF)	• ST-01 Page 5-83
• FP-01 Page 5-33	• PF-01 Page 5-58	Telecommunication Facility (TC)
Floor Area (FA)	Public Improvement (PI)	• TC-02 Page 5-86
• FA-01 Page 5-34	• PI-01 Page 5-61	• TC-03 Page 5-86
Height (HT)	Recreational Vehicle (RV)	Temporary Use and Structure (TU)
• HT-01 Page 5-35	• RV-01 Page 5-43	• TU-01 Page 5-87
Home Business (HB)	Retaining Wall (RW)	• TU-03 Page 5-88
• HB-01 Page 5-36	• RW-01 Page 5-64	• TU-04 Page 5-88
• HB-02 Page 5-37	Setback (SE)	Trash Receptacle (TR)
• HB-03 Page 5-38	• SE-01 Page 5-65	• TR-01 Page 5-89
		Vegetation Clearance (VC)
		• VC-01 Page 5-80

6. The 5<sup>th</sup> Amendment to the Unified Development Code that proposes to establish the MX “Mixed Use” zoning district must be approved by the Common Council prior to a final decision being made on this rezoning application.

7. If the rezoning to the MX district is approved as presented, all existing uses within the rezoning area will become legal conforming uses. All current land uses within the rezoning area are identified as permitted uses in the MX district.
8. The existing signs for businesses within the rezoning area, including Blackburn Romey; Union Township Trustee; State Farm; Gradeless & Company CPA's; and Edward Jones would be classified as legal, conforming signs as the existing signs comply with the sign standards proposed for the MX district.
9. If the rezoning is approved, conversion of any existing structure into an office, service business, retail business, or restaurant would require the establishment of off-street parking (in the side or rear yard areas of the property), compliance with the architectural standards of the MX district, and adherence to any applicable building code requirement.
10. In conjunction with its recommendation to the Common Council, the Plan Commission may recommend written commitments and/or conditions for approval.

#### **STAFF RECOMMENDATION**

The proposed rezoning would provide for continuity of the zoning classification along the corridor, maintaining all existing uses as legal, conforming uses while allowing for future conversion of existing structures into uses appropriate for the corridor. The MX development and architectural standards ensures any property conversion or new development will be compatible with existing structures and land uses in the district.

**Staff recommends the Plan Commission forward PC-ZONE-2024-002, Seventh Street Corridor Rezoning, to the Common Council with a favorable recommendation.**

#### **PLAN COMMISSION RECOMMENDATION – 8/13/2024**

The Auburn Plan Commission, at its August 13, 2024 meeting, voted 10-0 to forward PC-ZONE-2021-002, 7<sup>th</sup> Street Corridor Rezoning, to the Auburn Common Council with a favorable recommendation.

Findings of Fact are not required for rezoning petitions.

For a reclassification of zoning to the MX, Mixed Use District, the Plan Commission shall pay reasonable regard to the following factors before taking final action:

1. The Auburn Comprehensive Plan.
2. Current conditions and the character of current structures and uses in each district.
3. The most desirable use for which the land in each district is adapted.
4. The conservation of property values throughout the jurisdiction.
5. Responsible development and growth.