

# Thorne Bay Municipal Code

## Title 17 - Zoning

### ZONING - CHAPTERS:

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17.06 Comprehensive Plan

### Chapter 17.04 - PLANNING AND ZONING

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### **17.04.010 Buildings and land use regulations.**

For the purpose of promoting the public health, safety and morals, the city council shall, upon having received the recommendations of the planning commission, regulate the heights, number of stories, and size of buildings and other structures, the percentage of the lot that may be covered, the size of yards, courts and other open spaces, the density of population, the setback of buildings from property lines, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, and may enact a building code regulating minimum construction, heating, lighting and other requirements and specifications within districts of the city, defining offenses and prescribing punishment for their violation. (Ord. 93-23 § 6(part), 1993)

### **17.04.011 Administrative provisions.**

- A. The chief executive officer shall appoint, and the city council shall confirm a city zoning official to administer and enforce this title.
- B. The planning commission shall perform all planning functions pursuant to Alaska Statutes 29.33 and this title, including serving as the platting board pursuant to Alaska Statutes 40.15.
- C. The city council shall sit as the board of adjustment pursuant to this title and to Alaska Statutes 29.40.050.
- D. The chief executive officer shall serve as the city zoning official until such time as he appoints, and the city council confirms another to perform that function. (Ord. 93-23 § 6(part), 1993)

### **17.04.012 Title and period of effectiveness.**

- A. This title shall be known as and may be cited as the "City of Thorne Bay Zoning Code."
- B. This title and the official Zoning Maps shall become effective immediately after adoption by the city council.
- C. This title shall remain in force until repealed. (Ord. 93-23 § 6(part), 1993)

### **17.04.013 Planning commission.**

Refer to Chapter 2.48 of the Thorne Bay Municipal Code. (Ord. 93-23 § 6(part), 1993)

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### **17.04.014 Fees.**

The city council, by resolution, may establish fees for land use actions of permits as it deems necessary. (Ord. 93-23 § 6(part), 1993)

### **17.04.015 Definitions.**

Interpretation of words not listed: when a word or term is not specifically stated, the city shall have authority to interpret the meaning based on the most appropriate dictionary definition.

A

"**ABANDONMENT**" means a use of which has not been operated or maintained for one year or more. Regarding buildings, a structure that has not been occupied or used and maintained for one year or more.

"**ACCESSORY TO**" means a use not essential to the primary use but adds to the convenience or efficiency of the primary use.

"**ACCESSORY USES OR ACCESSORY BUILDINGS**" means buildings or uses usually associated with primary uses but are detached from the main building. Accessory buildings or uses associated with Residential zones are clearly subordinate to the primary use and include, but are not limited to, storage sheds, wood sheds, workshops, greenhouses, smokehouses and noncommercial garages. Accessory uses, or buildings associated with commercial or industrial zones are also subordinate or secondary to the primary use and include but are not limited to administrative offices, watchman's quarters, bunkhouses, decks, etc.

"**ALTERATION**" means any change, addition or modification in the construction, location or land use classification.

"**AGENCIES AFFECTED**" means agencies which regulate or have responsibility for areas which may be affected by land use actions or activities. Affected agencies include but are not limited to:

1. City fire department;
2. Alaska Department of Fish and Game;
3. Alaska Department of Environmental Conservation;
4. Alaska Department of Natural Resources;
5. Alaska Department of Transportation and Public Facilities;
6. U.S. Forest Service;
7. U.S. Fish and Wildlife;
8. U.S. Army Corps of Engineers;

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9. City utilities;

10. T.U. of the Northland - PTI Communications.

"**AVERAGE GROUND LEVEL**" means the mathematical average of eight evenly distributed points of elevation around the building.

B

"**BED AND BREAKFAST**" means a use that is subordinate to the principal use of a single-family dwelling in that transient guests are provided a sleeping room and sometimes board in return for payment. Bed and breakfast operations do not include accessory commercial uses. Other commercial uses are considered a separate use and are not part of the bed and breakfast.

"**BOARDING HOUSE**" means a building other than a motel or hotel that is provided for compensation for three or more persons, with or without meals, on other than a day-to-day basis, and that is not open to transient guests.

"**BUILDING**" means any structure built for the livelihood, shelter or enclosure of persons, animals or property of any kind.

"**BUILDING HEIGHT**" means building height shall be measured from mid-point along the lot line from which the lot and building site are accessed.

"**BUNKHOUSE**" means a boarding house whose principal clients are generally employees of a single workforce.

C

"**COMMERCIAL**" means the purchase, sale, rentals other than Residential uses, or other transactions involving the handling or management of an item, substance or commodity or service for compensation or profit.

"**COMMUNITY EDUCATION**" means educational services provided by public, private and parochial schools.

"**COMMUNITY RECREATION**" means recreational facilities including but not limited to bowling alleys, skating rinks, health clubs and spas, aerobic studios, hand ball or racquetball courts and other indoor or outdoor related uses that do not generate excessive dust, noise or other related objectionable pollutants or hazards.

"**CONDITIONAL USE**" means a land use in a zoning district that is not specifically permitted but may be compatible with existing and proposed uses under certain conditions.

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"**CUL-DE-SAC**" means a short street with one end open to traffic and terminated at the other end by a vehicle turnaround.

### D

"**DAY CARE FACILITY**" means a home or separate facility that provides day care for more than five children. Day care of five children or less is defined as a home occupation.

"**DENSITY**" for Residential use means the number of living units per area, and/or number of living units per structure. "Density" for commercial use means the number of discreet business activities classifications per area, as defined by the Alaska Department of Community and Economic Development.

"**DEVELOPMENT**" means the action of subdividing, activity involving building, timber and mining operations, excavating, or the construction, relocation or the creation of any change in a structure or use of land.

"**DISTURBANCE**" means any use that causes recurring noise, vibration, dust, odor, smoke or other disorderly commotion detectable for two hundred feet from the boundaries of the originating premises. This does not include warning devices, temporary construction and maintenance work, air taxi and other special circumstances during working hours.

"**DUPLEX**" means two habitable dwelling units contained in one building.

"**DWELLING**" means a building, or any portion thereof designed or used exclusively for Residential occupancy. This includes one, two and multiple-family dwellings but does not include other structures where people may be housed, such as bunkhouses, etc.

"**DWELLING UNIT**" means a building or any portion thereof designed for the separate living quarters for a single-family unit.

### E

"**EQUIPMENT - LIGHT**" means small equipment typically owned by the general public for noncommercial, personal use, including but not limited to noncommercial trucks, cement mixers, rototillers, lawn mowers, small engines or generators.

"**EQUIPMENT - HEAVY**" means heavy construction equipment not often owned by the general public for personal use, including but not limited to trucks over two tons, large commercial construction equipment and similar equipment.

"**ESSENTIAL SERVICES**" means services that are needed to facilitate development, usually utility orientated, such as sewer lines, water lines, power lines and poles, pump/lift stations.

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"**EXCESSIVE**" means to a degree that is exceeding the usual level of operation. May be to a degree injuring the public health, safety and welfare.

### F

"**FENCE HEIGHT**" means the vertical distance between the ground directly under the fence and the highest point of the fence.

"**FOUNDATION**" means the underlying natural or prepared base for the permanent support of a structure.

"**FRONT YARD**" means a yard extending across the full width of the lot measured between the front lot line of the lot and the front building line.

### G

"**GOVERNMENT COMPLEXES**" means U.S. Forest Service compound and maintenance facility, city offices.

"**GRADE**" means the average level of the finished ground at the center of all walls to a building.

"**GROUP RESIDENTIAL**" means boarding houses of four or more rental rooms, bunkhouses of five or more bed spaces, foster care homes with more than five foster children, retirement homes and other similar type uses.

### H

"**HAZARDS**" means uses that may cause danger due to an explosion, fire, visual obstruction or other causes.

"**HOME OCCUPATION**" means a non-Residential use conducted in a dwelling unit providing that:

1. The home occupation shall be clearly incidental and subordinate to its Residential use, have no employees and not have more than fifty percent of its floor area used for the home occupation.
2. There shall be no change in the outside appearance of the residence and no other visible evidence of non-Residential use on the premises except for a sign that is not illuminated and mounted flush against the building.

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3. No traffic or parking needs shall be created by the home occupation in greater volume than that which would normally be found in the neighborhood and all parking shall be provided off street and on the premises.

4. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the site of the home occupation.

5. Day care of six children or less shall be considered a home occupation.

"Hotel/motel" means any building or group of buildings that has a principal use of one or more guest rooms for the purpose of offering lodging to the general public on a temporary basis.

### I

"INDUSTRIAL" means an activity that includes manufacturing, processing, warehousing, storage, shipping, distribution or the reduction of any article, substance or commodity or any other treatment that changes the characteristics or appearance of the article, substance or commodity.

"INDUSTRIAL, LIGHT" or "light industrial" means industrial uses of a nature which do not produce dust, traffic, noise, odor, vibration or other objectionable pollutants of a significantly greater intensity or duration of those commonly associated with surrounding land uses.

### J

"JUNKYARD" means any lot or part of a lot that is used for the keeping, storage, dismantling, demolition, wrecking or sale of abandoned, junked, used or unlicensed vehicles, boats, appliances, machinery or other scrap such as metal, wood, plastics, etc.

### K

"KENNEL" means, for payment, the keeping of household pets for a limited period of time.

### L

"LODGES AND RESORTS" means a structure or group of structures whose principal use is to provide housing, entertainment, and/or recreation.

"LOT" means a parcel of land having right-of-way access.

"LOT OF RECORD" means any lot subdivided or existing prior to the adoption of this title.

"LOT AREA" means the total area within the lot lines of a parcel of land, or a lot.

"LOT, CORNER" OR "CORNER LOT" means a lot situated at the junction of and bordering on two intersecting streets.

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"**LOT COVERAGE**" means the percentage of the total lot area covered by buildings or structures of any type or size.

"**LOT DEPTH**" means the average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

"**LOT LINE, FRONT**" OR "**FRONT LOT LINE**" means the lot line separating the property from the street or right-of-way. On a corner lot, the line separating the street on which the proposed or existing development will face.

"**LOT LINE, REAR**" OR "**REAR LOT LINE**" means the lot line that is opposite and most distant from the front lot line.

"**LOT LINE, SIDE**" OR "**SIDE LOT LINE**" means the lot lines between the front and rear lot lines.

"**LOT, SUBSTANDARD**" OR "**SUBSTANDARD LOT**" means a lot whose area or width is less than that required by the zone in which it is located.

"**LOT, THROUGH**" OR "**THROUGH LOT**" means a double street frontage lot, a lot having a frontage of two streets or rights-of-way.

"**LOT WIDTH**" means the horizontal distance separating the side lot lines measured at right angles to the lot depth.

### M

"**MARIJUANA**" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufactured, salt, derivative, mixture, or preparation of the plant, its seeds, or its resins, including marijuana concentrate.

"**MARIJUANA**" does not include fiber produced from the stalks. Oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

"**MARIJUANA ESTABLISHMENT**" means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

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“**MARIJUANA CULTIVATION FACILITY**” means an entity registered to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facility, and to other marijuana cultivation facilities, but not to consumers.

“**MARIJUANA CULTIVATION FACILITY LIMITED**” means a marijuana cultivation facility with fewer than 500 square feet under cultivation.

“**MARIJUANA PRODUCT MANUFACTURING FACILITY**” means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana store, but not to consumers.

“**MARIJUANA PRODUCT MANUFACTURING FACILITY, EXTRACT ONLY**” means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana concentrate; and sell marijuana concentrate to other marijuana product manufacturing facilities and to retail marijuana store, but not to consumers.

“**MARIJUANA RETAIL FACILITY**” means an entity registered to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.

“**MARIJUANA TESTING FACILITY**” means an entity registered to analyze and certify the safety and potency of marijuana.

“**MARIJUANA PRODUCTS**” means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures. (Ordinance 17-06-06-01)

"**MEASUREMENT, MOBILE HOME OR TRAVEL TRAILER LENGTH**" means the length shall be measured from the tip of the tongue of the mobile home or trailer to the rear corner of the structure.

"**MOBILE HOME**" means a structure that is transportable in one or more sections in which the traveling mode is eight feet or more in width and forty feet or more in length, or when erected on site is three hundred twenty square feet or more. The structure is built on a permanent chassis and is designed for use as a dwelling with or without a permanent foundation when the plumbing, heating, and electrical systems contained are connected to the required utilities. A mobile home shall be construed to remain a mobile home whether or not wheels, axles, hitch, or other appurtenances of

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mobility are removed, and regardless of the nature of the foundation provided. A mobile home shall not be construed to be a recreational vehicle or modular home.

**"MOBILE HOME PARK"** means three or more mobile homes placed on one lot or parcel.

**"MOBILE HOME SPACE"** means a designated portion of a Mobile home park designed for the accommodation of one Mobile home and its accessory buildings for the exclusive use of its occupants.

**"MODULAR HOME"** or **"MODULAR BUILDING"** means a prefabricated structure, distinguished from a mobile home in that it is designed and constructed so as to be permanently sited.

**"MOTOR HOME"** means a factory-built portable dwelling powered by its own motor to be used for travel, recreation and vacation uses that contains sleeping, cooking, sanitary and plumbing facilities.

### N

**"NECESSARY"** means absolutely needed or required.

**"NONCONFORMING STRUCTURE"** means any structure lawfully existing at the effective date of this title that does not conform to the regulations of the zone in which it is located.

**"NONCONFORMING USE"** means any use lawfully existing at the effective date of this title which does not conform to this title.

### O

**"ORGANIZED PUBLIC OR PRIVATE MEETING PLACE"** means a residence or separate structure used for a gathering place for organized events such as meetings, religious activities or services such as customarily occur in synagogues, temples, and churches, and other scheduled organized events.

**"OWNER OF RECORD OR RECORD OWNER"** means owner or recorded purchaser of record according to the system of land title recording established pursuant to Alaska Statutes 44.37.

### P

**"PARKING SPACE"** means a space for parking an individual passenger motor vehicle approximately nine feet by twenty feet in size.

**"PRINCIPAL USE"** means the major or predominant use of a lot or parcel.

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### R

"**RECREATIONAL VEHICLE**" means a vehicular unit, other than a manufactured home, whose gross floor area is less than three hundred twenty square feet, that is designed as temporary lodging for travel, recreational and vacation use, and that is either self-propelled, mounted on or pulled by another vehicle. Examples include, but are not limited to, a travel trailer, camping trailer, truck camper, motor home, and fifth-wheel trailer. A recreational vehicle shall not be construed to be a mobile home.

"**RELIGIOUS ASSEMBLY**" means a structure of which the primary purpose is to accommodate religious services such as customarily occur in synagogues, temples and churches for the purpose of worship.

"**RESIDENCE**" means the dwelling unit where one actually resides; one's home.

"**RESIDENTIAL**" means use of a building for living, cooking, and sleeping; a use as one's residence.

"**RETAIL SALES AND RENTALS**" means businesses that are primarily engaged in the sale and or rental of commonly used and accepted goods and merchandise, which do not generate excessive controversy, noise, pollutants or pose potential hazards to health and safety. This type of use includes but is not limited to gift shops; appliance sales; book stores; department stores; general stores; flower shops; pet stores; music and video stores; bakeries; grocery stores; sport fishing sales; hardware stores; secondhand stores; etc.

### S

"**SETBACK**" means the minimum horizontal distance between a lot line and any permanent structure (excluding roof eaves); the mean high water mark of a stream or body of water and a specific distance.

"**SIGN**" means any words, letters, numbers, phrases, sentences, trade names or trademarks by which anything is made known, such as are used to designate an individual, firm, association, corporation, profession, business, commodity or product which are visible from any public street or highway and used to attract attention.

"**STREET**" means a public right-of-way used as thoroughfare and which is designed and intended to provide the primary means of access to property abutting thereon.

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"**STICK-BUILT**" means any on-site construction of a permanent nature, not including mobile homes or modular homes.

"**STRUCTURE**" means anything that is built, constructed, composed, or erected, that is located on or under the ground, or attached to something fixed to the ground. This includes decks and porches that are eighteen inches or higher above grade.

### T

"**TEMPORARY STRUCTURE**" means a structure that will be located on a lot for less than one year.

"**TRIPLEX**" means a structure or portions thereof designed for the occupancy of three families living independently.

"**TRAILER COURT OR PARK**" means a tourist facility for parking motor homes and travel trailers.

"**TRAVEL TRAILER**" means a portable dwelling or vehicular structure designed to be towed on highways by another vehicle, designed, and intended for short-term occupancy for travel, recreational and vacation use. Includes pick-up campers.

### U

"**USE**" means the purpose of which land or a building is arranged and designed or intended, or for which land or a building is or may be occupied or maintained.

"**USES - WATER DEPENDENT**" means a use or activity that can be carried out only on, in or adjacent to water area because the use requires access to the water body.

"**USES - WATER RELATED**" means a use or activity which is not directly dependent on access on to a water body but which provides goods or services that are directly associated with water-dependent uses and which, if not located adjacent to water would result in a public loss of quality in the goods or services offered.

"**UTILITY SUBSTATION**" means an area where electricity is transformed or changed, including but not limited to changing one voltage to another, or from one set of wiring to another, gear switching, etc.

### V

"**VARIANCE**" means an exception to a standard of a zoning district but not to the use restriction of the zone.

"**VIEW SHED**" means affording a view, usually of a landscape. That which is exposed in the line of sight or lying within the range of vision. (Ord. 99-27 § 6, 1999; Ord. 93-23 § 6(part), 1993)

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### 17.04.020 Zoning districts and official zoning maps.

A. **Zoning Districts and Zoning Maps.** The city is divided into the following zoning districts:

1. Residential;
2. Deer Creek Residential;
3. Mixed Residential/commercial I;
4. Mixed Residential/commercial II;
5. Mixed Residential/commercial III;
6. Commercial;
7. Industrial;
8. Waterfront;
9. Public;
10. Low density Residential;
11. Medium density Residential;
12. High density Residential.

B. **Zoning Maps.** The above zoning districts shall be denoted and defined as shown on maps entitled official Zoning Maps of the city, a certified copy of which will be on file with the city clerk.

C. **Map Changes.** No changes of any nature shall be made to the official Zoning Maps except in conformity with procedures set forth in this title. Copies of these maps may be made and published in certain planning documents, however, the official zoning map on file with the city clerk shall be the final authority as to the current zoning of the land.

D. **Map Replacement.** In the event that the official Zoning Maps becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes or additions, the planning commission may, by resolution, adopt new official Zoning Maps that will supersede the prior official Zoning Maps. (Ord. 96-22 § 3, 1996; Ord. 93-23 § 6(part), 1993)

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### **17.04.021 Zone boundary interpretation.**

The following will be the interpretation of zone boundaries when an uncertainty exists on the zoning map:

1. When boundaries appear to follow centerlines of streets, roads, alleys or highways, it will be determined that such centerline is the boundary.
2. When boundaries appear to follow platted lot, subdivision or survey lines, it will be determined that such line is the boundary.
3. When boundaries appear to follow coastlines, lakeshores or rivers, it will be determined that such line follows the coastline, lakeshore or river.
4. In the case of encumbered land and un-subdivided property where there are no survey lines, boundary dimensions shall be determined by the scale on the official zoning map.
5. When a public right-of-way is officially vacated, the zone and regulations applicable to each parcel of abutting property shall apply to that portion of such street that has been officially vacated. When two different zones abut the vacated right-of-way, the centerline will split the difference in property and each piece of vacated right-of-way will acquire the zone of the respective abutting parcel.
6. In other circumstances not covered by this section, the planning commission shall interpret the zoning boundary. (Ord. 93-23 § 6(part), 1993)

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### **17.04.022 Residential zone.**

The purpose of the Residential zone is to maintain property values and to provide for aesthetically pleasing neighborhoods by permitting single-family houses, duplexes and modular homes with a limited range of compatible uses.

Development plans are required for all development within the Residential zone conforming to applicable standards of section 17.04.035.

#### **A. Uses allowed in Residential zone without special permitting.**

1. Single-family houses or duplex;
2. Modular homes or modular duplex;
3. Mobile homes;
4. Home occupation or business;
5. office in home;
6. Accessory buildings for private/Residential uses such as garage, shed, private storage of a recreational vehicle, travel trailer, recreational boat, trucks;
7. Travel trailer or motor home occupied by guests of the residence;
8. Basic services (services and facilities which are necessary for development. They include power lines, water lines, sewer lines, power/telephone poles and other low impact facilities of the same character to provide for utilities).

**B. Uses considered in Residential zone with conditional use permitting.** The purpose of a conditional use is to provide for uses that may be suitable in certain locations within this zone but not all locations. Conditional uses must meet certain criteria before obtaining approval.

1. Religious assembly;
2. Electrical utility substations, pump/lift stations;
3. Day care center or facility;
4. Bed and breakfast;
5. Parking a truck or other equipment over two tons;
6. Home occupation or business in accessory building;
7. Building or buildings housing three units or more.

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### C. Uses prohibited in Residential zone.

1. All uses not listed as allowed uses outright or through conditional use permit process.
2. The keeping of animals for profit or for more than personal use; keeping of large animals such as cattle, pigs, horses and goats; the keeping of more than four dogs with the exception of puppies; keeping of roosters or other noisy livestock.

### D. Property Development Standards.

1. Minimum lot size: Seven thousand five hundred square feet.
2. Parking: Two off street parking areas required for each living unit.
3. Setbacks: Ten feet from all lot lines, fifteen feet from road rights-of-way.
  - a. In addition, development on corner lots shall not impede visibility.
4. Building heights: thirty-five feet.
5. Density:
  - a. Single family-minimum of seven thousand five hundred square foot lot size.
  - b. Multifamily; a minimum of seven thousand five hundred square feet lot size for the first unit and five thousand square feet addition lot size for each additional unit.
  - c. Uses other than Residential: no more than one principal structure.
  - d. Maximum lot coverage for all structures fifty percent of the lot area remaining after the setback area is subtracted from the total lot area.
6. Fences, Walls and Hedges: Fences, walls and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and Fences shall not obstruct vehicular visibility.

### E. Property Development Standards for Tract B.

1. Single-family residences or duplexes only are allowed on lots 1 through 6, stick-built on permanent foundations.
2. Modular or mobile homes are allowed on lots 7 and 8 that conform to the following:
  - a. Minimum twenty feet wide with seven hundred fifty square feet of living space;
  - b. Minimum three to twelve pitch roof;
  - c. tongue and axles must be removed;
  - d. Wood or wood appearance siding required;
  - e. Must be skirted so that structure gives a stick-built appearance.

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3. Lots may not be subdivided.
4. Signs are prohibited except for one sign of not more than five square feet advertising the property for sale or rent and a sign limited to equal size showing ownership of the property.
5. All driveway approaches will be built from the driving surface of the main road to the edge of the lot, with a minimum of twelve-foot width on top and perpendicular to the road. All driveways shall have culverts a minimum of twelve inches in diameter where drainage requires as determined by city maintenance, the city council or the planning commission.
6. Animals, livestock or poultry may not be raised, kept or bred on any lot except up to a total of four dogs, cats, or other normal household pets, provided they are not kept, bred or maintained for any commercial purposes. All animals shall be restrained.
7. The minimum setbacks shall be twenty feet from road rights-of-way and ten feet from rear and interior lot lines, including attachments and outbuildings. (Ord 17-08-15-01, Prior Ord: 00-03 § 4, 2000: Ord. 93-23 § 6(part), 1993)

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### **17.04.023 Deer Creek Residential.**

The purpose of this zone is to create an aesthetically pleasing residential subdivision consisting of permanent single-family housing. Lot dc-14b shall be exempt from this title for the duration of municipal ownership.

Development plans are required for all development within the high density residential zone conforming to applicable standards of section 17.04.035.

#### **A. Uses Allowed in High Density Residential Zone Without Special Permitting.**

1. Stick-built single-family residences built on permanent, continuous foundations with a minimum one-foot width, or treated pile driven foundations or concrete sonatube foundations;
2. Home occupation or office in home;
3. Accessory buildings for private residential uses such as garage, shed, greenhouse, smokehouse, private storage of a recreational vehicle, travel trailer or recreational boat;
4. Basic services (services and facilities which are necessary for development. They include power lines, water lines, sewer lines, power/telephone poles and other low impact facilities of the same character to provide for utilities);
5. Bed and breakfast: two rental rooms or less;
6. Visiting travel trailer or motor home occupied by guests of the residence;
7. Multifamily housing on lot 15b.

#### **B. Uses Considered in Deer Creek Residential Zone with Special Permitting.**

1. Guest cabins, lodge on lot 15b;
2. Restaurant/lodge on lot 15b;
3. Moveable construction trailer or travel trailer for residential use during construction of permanent residential structure. Conditional use permits shall be issued for one year with an annual review if necessary;
4. Bed and breakfast: over two rental rooms;
5. Structures and fences built above the maximum height limit;
6. Marine sales and repair services;
7. Telecommunications facilities, towers, and/or antennas.

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### C. Uses Prohibited.

1. Subdivision;
2. Private garbage pits;
3. Storage of heavy equipment;
4. Storage of derelict vehicles or unsightly accumulation of personal property;
5. The raising of animals, livestock and poultry except normal household pets of up to our dogs and cats and their litters, provided that they are not kept, bred or maintained for commercial purposes.

### D. Property Development Standards.

1. Minimum lot size: fifteen thousand square feet.
2. Parking: all parking shall be off-street and on the premises.
3. Setbacks: twenty feet from road right-of-way, ten feet from rear and interior lot lines for lots DC1 through DC8. Beach front lots DC9b through DC15b, ten feet from road right-of-way, rear and interior lot lines. Pile driven and concrete sonatube foundation driveways shall be exempt from the setback requirement on beach front lots.
4. Building heights: thirty-five feet.
5. Density: single-family residences only.
6. Utilities: all dwellings must be connected to municipal water, and sewer utilities prior to occupancy.
7. Access.
  - a. Driveways. Driveway approaches will be built from the driving surface of the main road to the edge of the lot, with a minimum of twelve feet width on to and perpendicular to the centerline of the platted right-of-way on beach front lots only (lots DC9b through DC15b). A driveway site plan shall be required for planning commission review for lots DC1 through DC8. All driveways shall have culverts a minimum of twelve inches in diameter where drainage requires as determined by city maintenance.
  - b. All property must be accessed by platted public right-of-way. Property owners may access lots from public access easement with knowledge that easement will not be maintained by the city. The public access easement must remain open and

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unblocked but is not required to be maintained by the property owner. The public access easement shall be restricted to foot traffic only.

8. Building requirements: all single-family residences shall contain not less than seven hundred fifty square feet of floor space, excluding garages and open porches.
9. Signs: signs shall not be displayed to the public view on any lot except one sign of not more than five square feet advertising the property for sale or rent and a sign limited to equal size showing ownership of the property or advertising a home business.
10. Fences, walls or hedges may be built up to six feet in height up to the property line. Fences shall not obstruct vehicular visibility. (Ord. 17-08-15-01; Prior Ord. 94-05 § 3, 1994; ord. 93-23 § 6(part), 1993)(Ord. 17-08-15-01)

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### **17.04.024 Mixed Residential/Commercial I.**

The purpose of this zone is to maintain property values and to provide for aesthetically pleasing neighborhoods by permitting single-family houses, duplexes, and modular homes with a limited range of compatible uses.

Development plans are required for all development within the mixed Residential / commercial I zone conforming to applicable standards of section 17.04.035.

#### **A. Uses Allowed in Mixed Residential/Commercial I Zone Without Special Permitting.**

1. All uses allowed in section 17.04.022 Residential zone, part “a”.
2. Community recreation including parks, beaches, open space, and buffer strips;
3. Bed and breakfast with 2 or less guest rooms;
4. Home occupation or home business in accessory building.

#### **B. Uses Considered In Mixed Residential/Commercial I Zone With Conditional Use Permitting.**

1. All uses allowed in section 17.04.022 Residential zone, part “b” not allowed outright in part a of this section.
2. The keeping of animals for profit or for more than personal use, the keeping of more than four dogs with the exception of puppies;
3. Administrative services and offices;
4. Banks and other financial institutions;
5. Building material retail and supply;
6. Lodges and resorts;
7. Hotels and motels;
8. Laundromat, laundries and dry cleaning;
9. Lodges of fraternal orders, labor and social organizations;
10. Restaurants and other eating establishments;
11. Restaurants, bars and taverns that serve alcoholic beverages;
12. Retail sales outlets (stores);
13. Mini-storage units (maximum of 200 square feet per unit);
14. Marine sales;
15. Hair salons;

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16. Post offices;
17. Community buildings and community indoor and outdoor recreation facilities;
18. Communication facilities;
19. Telecommunication facilities, towers, and/or antennas

### C. Property Development Standards.

1. Minimum lot size: four thousand five hundred square feet.
2. Minimum lot width: forty feet.
3. Parking: all parking will be off-street and on the premises. Dwelling units, including new
4. apartments, duplex, triplex or multifamily completed after the adoption of this title shall provide off-street parking as required in Section 17.04.041.
5. Setbacks: five feet from all lot lines and ten feet from road rights-of-ways. In addition, development on corner lots shall not impede vehicular visibility.
6. Building heights: A maximum of thirty-five feet as defined in the definitions for “building height”. Sever slopes maybe grounds to seek a variance from building height limitations.
7. Density:
  - a. Single family: a minimum of four thousand five hundred square foot lot size.
  - b. Multi-family: a minimum of four thousand five hundred square feet for the first unit and two thousand square feet for each additional unit lot size.
  - c. For uses other than Residential, no more than one principal structure.
  - d. Maximum lot coverage: fifty percent of the lot area remaining after the setback area is subtracted from the total lot area.
  - e. Temporary structures are not subject to section 17.04.024(f)(6)(c).
8. Fences, walls and hedges: fences, walls and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and shall not obstruct vehicular visibility.
9. Signs. Five by five-foot maximum signs flush against a building, signs on post or swinging sign: two by three feet maximum.
10. Landscaping or view obscuring screening may be required. (Ordinance 17-08-15-01, Prior Ord. 99-26 § 6(part), 1999; Ord. 93-23 § 6(part), 1993)(Ord. 17-08-15-01)

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### **17.04.025 Mixed Residential/Commercial II.**

The purpose of this zone is to provide for an aesthetically pleasing neighborhood and to maintain property values by permitting single-family houses, duplexes and mobile homes plus accommodating present mixed commercial uses.

“Development Plans” are required for all building within the mixed Residential / commercial ii zone conforming to the applicable standards of section 17.04.035.

#### **A. Uses Allowed In The Mixed Residential / Commercial II Zone Without Special Permitting.**

1. All uses allowed in section 17.04.024 mixed Residential / commercial i. Part “a”.
2. Up to two living units, not to exceed 1500 square feet each, attached to a permitted or conditionally approved commercial uses, and one living unit not to exceed 1500 square feet, detached but used in association with permitted or conditionally approved commercial uses.

#### **B. Uses considered in mixed Residential/commercial II zone with conditional use permitting.**

1. All uses allowed in section 17.04.024 mixed Residential / commercial i, part “b” not allowed outright in part a of this section.
2. Electrical utility substations, pump/lift station;
3. The keeping of roosters and other noisy livestock;
4. Day care center or facility for 6 or more children;
5. Multifamily structure (more than 2 units);
6. Structure or fence built above the maximum height limit.
7. Government and education complexes, including libraries, museums;
8. Light equipment sales and rentals;
9. Clinics and other medical offices and facilities;
10. Storage units;
11. Auto, marine and light equipment repair;
12. Veterinary office;
13. Post office;
14. Fire and emergency service buildings;
15. Nursing and convalescent homes, group Residential facilities, children’s homes;
16. R.V. park;
17. Bed and breakfast with 5 or more guest rooms;
18. Telecommunications facilities, towers, and/or antennas.

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### C. Property Development Standards.

1. Minimum lot size: seven thousand five hundred square feet.
2. Minimum lot width: fifty feet.
3. Parking: all parking will be off-street and on the premises. Dwelling units, including new apartments, duplex, triplex or multifamily completed after the adoption of this title shall provide off-street parking as required in section 17.04.041
4. Setbacks: five feet from all lot lines and ten feet from road rights-of-ways. in addition, development on corner lots shall not impede vehicular visibility.
5. Building heights: A maximum of thirty-five feet as defined in the definitions for "building height". Sever slopes maybe grounds to seek a variance from building height limitations.
6. Density:
  - a. Single family: a minimum of seven thousand five hundred square feet lot size
  - b. Multifamily: a minimum of seven thousand five hundred square feet for the first unit and three thousand square feet for each additional unit lot size.
  - c. For uses other than Residential, no more than one principal structure.
  - d. Maximum lot coverage: fifty percent of the lot area remaining after the setback area is subtracted from the total lot area.
  - e. Temporary structures are not subject to Section 17.04.025(F)(6)(c).
7. Fences, walls and hedges: fences, walls and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and shall not obstruct vehicular visibility.
8. Signs. Five by five-foot maximum sign flush against a building, signs on post or swinging sign two by three feet. (Ord. 17-08-15-07; Prior Ord. 99-26 § 6(part), 1999; Ord. 93-23 § 6(part), 1993) (Ord. 17-08-15-01)

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### **17.04.026 Mixed Residential/Commercial III.**

The purpose of this zone is to be as open and unrestrictive as possible by allowing many different, compatible uses, yet still provide protection to all property owners in the subdivision.

Development plans are required for all development within the Mixed Residential / Commercial III zone conforming to applicable standards of section 17.04.035.

#### **A. Uses allowed in Mixed Residential / Commercial III zone without special permitting.**

1. All uses allowed in section 17.04.025 mixed Residential ii, part “a”.
2. Travel trailer or motor home;
3. Telecommunications facilities, towers, and/or antennas.

#### **B. Uses considered in mixed Residential/commercial iii zone with permitting.** Any uses listed as permitted or conditionally permitted in the commercial zone i, ii, iii, public zone, waterfront zone, commercial zone or industrial zone may be permitted in the zone, as long as the proposed use will not adversely affect the surrounding property owners, meets the required standards and is approved by the city of Thorne Bay.

#### **C. Notice of intent.** Any person proposing a commercial or industrial use must file a notice of intent with the city. This notice will specifically describe the proposed use in detail. The notice of intent will be posted in five places throughout the city for thirty days. If there is no objection to the proposed use, no permits other than a development permit will be required by the city. If any one of the criteria listed below is met, the applicant of the proposed use will be required to apply for a conditional use permit.

1. The size of a business requires five or more employees;
2. The nature of the business or project has a significant negative impact on property values or significantly harms the public health, safety and welfare of the adjacent property.

Degradation of property includes but is not limited to impact from noise, dust, smoke, vibration, order, increased traffic and parking;

3. Three property owners within a ten-lot radius from the proposed use location calls for a public hearing by submitting an objection statement. The objection must be filed on forms provided by the city within the thirty-day period in which the notice of intent is posted. The objection

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statement shall contain a detailed description of all potential significant impacts the proposed use may have on the area. The statement shall also contain other specific reasons as to why the proposed use should be brought to public hearing. The commission shall not entertain objections that are feudal in nature between two neighbors.

### **D. Application for Notice of Intent. All applications shall contain:**

1. Name and address of the property owner;
2. Name and address of the applicant, if different from the property owner;
3. Legal description of the property, vicinity map and site plan. The site plan will include:
  - a. Scale, north arrow and date,
  - b. Property boundaries and dimensions,
  - c. All existing and proposed structures and their dimensions,
  - d. Rights-of-way and easements adjacent to the property,
  - e. off-street parking spaces and their dimensions,
  - f. Access and driveways,
  - g. Any topographical features that may affect the development of the property,
  - h. Proposed use of the new structures and current use of any existing structures;
4. A detailed description of the proposed use, including but not limited to:
  - a. Number of employees,
  - b. Nature of the proposed use,
  - c. Describe any dust, odor, vibration, smoke, noise, increased traffic or parking the proposed use will generate and how it will affect the surrounding property owners,
  - d. Times and days the proposed use will be in operation.

**E. Applications for conditional use permit. See section 17.04.043 for procedure.**

### **F. Property development standards.**

1. Minimum lot size: one acre.
2. Minimum lot width: two hundred feet.

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3. Setbacks: ten feet from property lines and road rights-of-ways when no easement is present. When applicable, state-designated setbacks and easements will take precedent over the ten-foot setback requirement.
4. Building heights: a maximum of thirty-five feet as defined in the definitions for “building height”. Severe slopes may be grounds to seek a variance from building height limitations.
5. Parking: all parking will be off-street and on the premises as required in section 17.04.041.
6. Density:
  - a. For separate single-family dwellings:
    - i. One acre minimum for each single-family dwelling structure.
    - ii. For uses other than Residential, no more than one principal structure.
    - iii. For uses other than Residential, no more than one principal structure.
  - b. For multi-family structures:
    - i. One acre minimum for the first unit and seven thousand five hundred square feet minimum lot size for each additional unit.
  - c. Maximum lot coverage: fifty percent of the lot area remaining after the setback area is subtracted from the total lot area.
  - d. Temporary structures are not subject to section 17.04.026(f)(6)(c).
7. Signs: no signs shall cause glare on a public right-of-way or surrounding public property. Otherwise, there are no restrictions.
8. All new housing, Commercial/Industrial
9. Development and subdivision is subject to Alaska department of environmental conservation review and approval per the recorded plats.
10. Landscaping or view obscuring screening may be required. (Ord. 99-26 § 6(part), 1999; ord. 93-23 § 6(part), 1993) (Ord. 17-08-15-01)

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### **17.04.027 Commercial Zone.**

The purpose of the commercial zone is to accommodate a wide range of commercial and compatible light industrial uses.

“Development Plans” are required for all development within the commercial zone conforming to applicable standards of section 17.04.035.

#### **A. Uses allowed in commercial zone without special permitting.**

1. Administrative services and offices;
2. Ambulance service;
3. Auto and other light vehicle sales and rentals;
4. Banks and other financial institutions;
5. Building materials and supplies sales and storage;
6. Restaurants and other eating establishments;
7. Light equipment sales and rentals;
8. Government complexes;
9. Lodges, resorts and related uses;
10. Gunsmiths, locksmiths and other related sales and services;
11. Hotels and motels;
12. Laundromat, laundries and dry cleaning;
13. Medical services;
14. Lodges of fraternal orders, labor and social organizations;
15. Newspaper offices;
16. Post office;
17. Professional, finance, real estate and brokerage offices;
18. Community recreation;
19. Retail sales and rentals;
20. Taxi stands;
21. Theaters;
22. Veterinary office;
23. Mini-storage units;
24. Marine sales;

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25. School district offices and facilities.
26. Chamber of commerce and visitor facilities;
27. Nursing and convalescent homes, group residential facilities, children's homes;
28. Heliport;
29. R.V. park;
30. Basic services (services and facilities which are necessary for development. They include power lines, water lines, sewer lines, power/telephone poles and other low impact facilities of the same character to provide for utilities to serve the uses on the lot;
31. Up to two living units, not to exceed 1500 square feet each, attached to a permitted or conditionally approved commercial uses, and one living unit not to exceed 1500 square feet, detached but not used in association with permitted or conditionally approved commercial uses;
32. Telecommunication facilities, towers, and/or antennas

### **B. Uses Considered in Commercial Zone with Conditional Use Permitting.**

1. Utility generation plants or substations;
2. Bars, taverns and restaurants that sell alcoholic beverages;
3. Transportation, trucking, moving and storage facilities;
4. Gasoline service stations;
5. Auto, auto body marine and light equipment repair;
6. Plant nurseries;
7. Communication facilities;
8. Warehousing, storage, and handling of cargo;
9. Gasoline service stations;
10. Heavy and light equipment repair and maintenance
11. Shipyards, vehicle, marine and equipment storage, and sales facilities;
12. Building materials and supplies sales and storage;
13. Auto and other light vehicle repairs, sales and rentals;
14. Marine fuel, water, and sanitation facilities;
15. Mini-storage units, storage garages, storage warehouses for rental uses;

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16. The processing, repairing, assembling, packaging and warehousing of materials for sale;
17. Electrical utility substations, major pump/lift stations;
18. Structures and fences built above the maximum height limit.

### C. Property development standards.

1. Minimum lot size: five thousand square feet or no minimum for a lot housing a utility.
2. Minimum lot width: fifty feet or no minimum for a lot housing a utility.
3. Setbacks: ten feet from road rights-of-way and five feet from side and rear property lines, except for a utility.
4. Building heights: a maximum of thirty-five feet as defined in the definitions for “building height”. Sever slopes maybe grounds to seek a variance from building height limitations.
5. Parking: all parking is off-street and subject to section 17.04.041.
6. Signs: no signs shall cause glare on any public right-of-way or surrounding property. Signs shall not be illuminated between the hours of eleven p.m. and seven a.m. unless the establishment is open during those hours.
7. Fences, walls and hedges: fences, walls and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and shall not obstruct vehicular visibility.
8. Landscaping or view obscuring screening may be required. (Ordinance 17-08-15-01)

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### **17.04.028 Industrial zone.**

This zoning designation is intended to provide an area that is suitable for both heavy and light industrial uses such as manufacturing, processing, repairing and assembling.

Section 15.04.020 stipulates that “Development Plans” are required of All building to make the public aware of setback requirements and eliminate building encroachments into right-of-way, easements and other properties. (Ordinance 17-08-15-01; prior Ord. 16-01-05-02)

#### **A. Permitted Uses.**

1. Solid waste disposal facilities;
2. The manufacturing, processing, repairing, assembling and disassembling, compounding, packaging treatment, fabrication and warehousing of materials or property;
3. The storage of fuels or propane in compliance with applicable fire codes;
4. Junkyards and salvage yards that are screened from view from when adjacent to a public right-of-way;
5. Mining and quarry operations;
6. Sand and gravel operations;
7. Vehicle, marine and equipment storage;
8. Heavy and light equipment repair and maintenance;
9. Commercial nurseries and greenhouses;
10. Commercial or private stabling of farm animals;
11. Commercial sawmills shake and shingle mills;
12. Commercial lumber mills and the retail sale of lumber;
13. Moving, trucking and transportation firms;
14. Accessory Uses.
  - a. office that is accessory to the permitted use,
  - b. Watchman’s quarters, owner/operator residence, or bunkhouse if applicable.

#### **B. Conditional Use.**

1. Any commercial use that is not an expressly permitted use;
2. Storage and sale of explosives.

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### C. Prohibited Use.

1. Uses that degrade air, water and land without effective mitigative procedures that alleviate negative impacts;
2. Residential subdivision.

### D. Property Development Standards.

1. Minimum lot size: two acres with Alaska Department of Environmental Conservation review and approval.
2. Minimum lot width: one hundred fifty feet.
3. Setback Requirements.
  - a. Front yard: twenty feet.
  - b. Rear yard: twenty feet.
  - c. Side yard: twenty feet.
4. Maximum lot coverage by buildings: no limitations, setback requirement must be met.
5. Maximum height: no restrictions.
6. Within five years of purchase, improvements to the property must be equal to the value of the property at the time of purchase.

E. **Parking Requirements.** All parking must be in compliance with Section 17.04.041.

F. **Sewage Systems and Treatment.** All private sewerage treatment plans and subdivisions must be approved by the Alaska Department of Environmental Conservation.

G. **Fences, Walls and Hedges:** may be built up to the property line and shall not obstruct vehicular visibility. (Ordinance 17-08-15-01; prior Ord. 93-23 § 6(part), 1993)

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### **17.04.029 Waterfront Zone.**

The purpose of this zone is to provide for aesthetically pleasing commercial areas along the waterfront while retaining access to the waterfront for both public and private uses.

Development plans are required for all development within the waterfront commercial zone conforming to applicable standards of section 17.04.035.

#### **A. Uses allowed in waterfront zone without special permitting.**

1. Port and harbor facilities, including docks, floatplane operations;
2. Marine, vehicle and propane fuel sales;
3. Public, private and commercial moorage associated with approved uses;
4. Post office;
5. Small scale; seafood processing plants, cold storage plants and facilities;
6. Hair salons;
7. Banks and other financial institutions;
8. Parks and open space;
9. Community recreation, community facilities, open space, beaches and buffer strips;
10. Retail sales and rentals;
11. Laundromat;
12. Restaurants and other eating establishments;
13. Residential uses accessory to permitted uses such as watchmen quarters, owner-operator's home or rental unit constructed above an allowed use without special permitting;
14. Water and sanitation facilities;
15. Administrative offices accessory to permitted uses.

#### **B. Uses allowed in waterfront zone-trans-shipment without special permitting.**

1. Storage and shipping of containers, equipment, materials, commodities and any other items being shipped to and from Prince of Wales Island;
2. Pick-up and delivery of containers, equipment, materials, commodities and any other items shipped to and from Prince of Wales Island;
3. Loading and unloading freight barges.

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### **C. Uses allowed in waterfront zone-business district subdivision without special permitting.**

1. Material storage and sales associated with another local commercial operation;
2. Vehicle, boat and equipment parking, storage and repair;
3. Electric and communication facilities;
4. Warehouses and rental storage, including units;
5. Container storage.

### **D. Uses Considered in Waterfront Zone with Conditional Use Permitting.**

1. Bars, taverns and restaurants that sell alcoholic beverages;
2. Hotels, motels and restaurants;
3. Lodges and resorts;
4. Communication facilities;
5. Light industrial facilities;
6. Commercial sales not associated with another local commercial operation;
7. All floating structures or structures on piling, excluding floatplane operations and docks accessory with approved uses;
8. Structures and fences built above the maximum height limit;
9. Telecommunication facilities, towers, and/or antennas.

### **E. Property Development Standards.**

1. Minimum lot size: no minimum lot size.
2. Minimum lot width: no minimum lot width.
3. Setbacks: five feet from road rights-of-way and five feet from side and rear property lines.
4. Building heights: a maximum of thirty-five feet as defined in the definitions for “building height”. Severe slopes maybe grounds to seek a variance from building height limitations.
5. Parking: all parking unless is otherwise approved by the planning director is off-street and subject to section 17.04.041.
6. Signs: no signs shall cause glare on any public right-of-way or surrounding property. Signs shall not be illuminated between the hours of eleven p.m. and seven a.m. unless the establishment is open during those hours.

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7. Fences, walls and hedges: fences, walls and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and shall not obstruct vehicular visibility.
8. Landscaping or view obscuring screening may be required for uses along the thorne river road and shoreline drive. (Ord 17-08-15-01)

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### **17.04.030 Public Zone.**

The Purpose of This Zone Is to Reserve Public Lands for Uses Generally Associated With Government Administration, and That Benefit The Public Health, Safety and Welfare and Local Economy.

Development Plans Are Required for All Development Within the Public Zone Conforming to Applicable Standards of Section 17.04.035.

#### **A. Uses Allowed in Public Zone Without Special Permitting.**

1. Government Facilities and Complexes;
2. Libraries, Museum, Visitor Center, Chamber of Commerce Facilities;
3. Education Facilities;
4. Police Facilities, Court House, Jail and Detention Facilities;
5. Public offices, Legislative Affairs office;
6. Public Works Maintenance Facilities and Shops;
7. Hospital, Clinics and Other Medical offices and Facilities;
8. Community Buildings;
9. Fire and Ambulance Station, EMT or ETT Services;
10. Public Utilities;
11. Day Care Centers;
12. Nursing and Convalescent Homes, Group Residential Facilities, Children's Homes;
13. Cemetery;
14. Community Recreation Including Parks, Beaches, Open Space and Buffer Strips, Indoor and Outdoor Recreation Facilities;
15. Post office.

#### **B. Uses Considered in Public Zone with Conditional Use Permitting.**

1. National Guard Facilities;
2. Public Shooting Range;
3. R.V. Park;
4. Communication Facilities;

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5. Dog/Animal Impoundment Facility;
6. Heliport or Airport;
7. Solid Waste Disposal Facility;
8. Sewer Treatment Facility;
9. Public Utilities Near Residential Areas;
10. Other Uses Pertaining to The Public Health, Safety and Welfare.
11. Structures and Fences Built Above the Maximum Height Limit;
12. Telecommunication Facilities, towers, and/or Antennas

### C. Property Development Standards.

- a. Minimum Lot Size: Five Thousand Square Feet.
- b. Minimum Lot Width: Fifty Feet.
- c. Setbacks: Ten Feet from Road Rights-of-Ways and Five Feet from Side and Rear Property Lines.
- d. Building Heights: A Maximum of Thirty-Five Feet as Defined In The Definitions For “Building Height”. Severe Slopes Maybe Grounds to Seek A Variance from Building Height Limitations.
- e. Parking: All Parking Is off-Street and Subject to Section 17.04.041.
  - i. 6. Signs: No Signs Shall Cause Glare on Any Public Right-of-Way or Surrounding Property. Signs Shall Not Be Illuminated Between the Hours of Eleven P.M. and Seven A.M. Unless the Establishment Is Open During Those Hours.
- f. Fences, Walls and Hedges: Fences, Walls and Hedges May Occupy A Portion of A Yard and Be Built Up to The Property Line With A Six Foot Maximum Height Limit and Shall Not Obstruct Vehicular Visibility. (Ordinance 17-08-15-01; prior Ord. 93-23 § 6(part), 1993) (Ord 17-08-15-01)

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### **17.04.031 Low Density Residential.**

This zone is to provide aesthetically pleasing residential neighborhoods with large lots, by permitting only single-family residences and duplexes at low population densities.

Development plans are required for all development within the medium density residential zone conforming to applicable standards of section 17.04.035.

#### **A. Uses allowed in low density residential zone without special permitting.**

1. Single family dwellings;
2. Mobile homes which meet the following:
  - a. Seven hundred fifty square foot minimum (approximately twelve feet by sixty feet);
  - b. Skirting required;
  - c. Permanent foundation required.
3. Modular construction;
4. Home occupation or office in home;
5. Accessory buildings for private, residential uses such as garage, shed, private storage of a recreational vehicle, travel trailer, recreational boat;
6. Visiting travel trailer or motor home occupied by guests of the residence
7. Wannigans which meet the following:
  - a. Single story;
  - b. Square footage of wannigan shall not exceed the square footage of mobile home.
  - c. On lots which do not have an established principal use, normal accessory buildings for private residential uses such as a garage, shed, or shop.

#### **B. Uses considered in low density residential zone with conditional use permitting.**

1. Duplex;
2. Electrical utility substations, pump/lift stations;
3. Bed and breakfast not to exceed two guest rooms;
4. The keeping of animals for profit or for more than personal use; the keeping of four or more dogs with the exception of puppies; the keeping of roosters and other livestock;
5. Day care center;
6. Parking truck or heavy equipment over a two-ton rating;

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7. Buildings and fences built above maximum height limit;
  1. On lots which do not have an established principal use, private storage of a recreational vehicle, travel trailer, or recreational boat;
8. Wannigans exceeding the size of the mobile home;
9. Additional residential unit on lot.

### **C. Uses prohibited in low density residential zone.**

1. Any use or structure not listed under permitted or conditional uses.

### **D. Property Development Standards.**

1. Minimum lot size: forty thousand square feet;
2. Minimum average lot width: one hundred feet;
3. Density: one residential structure per lot unless conditional use is applied for and granted
4. Parking: all parking must be accommodated off-street and on the premises as required in section 17.04.041 of this chapter;
5. Setbacks.
  - a. Interior setbacks: ten feet between structures;
  - b. Front yard setbacks: twenty-five feet from property line;
  - c. Side and rear yard setbacks: ten feet from property lines;
6. Development on corner lots shall not impede visibility;
7. Building heights: a maximum of thirty-five feet as defined in the definitions for “building height”. Severe slopes maybe grounds to seek a variance from building height limitations;
8. Maximum lot coverage: forty percent of the lot area remaining after the setback area is subtracted from the total lot area;
9. Fences, walls and hedges: fences, walls and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and shall not obstruct vehicular visibility. (Ordinance 17-08-15-01)

# Thorne Bay Municipal Code

## Title 17 - Zoning

### **17.04.032 Medium Density Residential.**

This zone is intended to provide residential neighborhoods with a limited range of multifamily housing mixed with single family residences at moderate population densities.

Development plans are required for all development within the medium density residential zone conforming to applicable standards of section 17.04.035.

#### **A. Uses Allowed in Medium Density Residential Zone Without Special Permitting.**

1. Single family dwelling;
2. Duplex;
3. Triplex;
4. Modular construction;
5. Mobile homes which meet the following:
  - a. Minimum size-ten feet by forty feet or minimum four hundred square feet;
  - b. Skirting Required;
  - c. Foundation Required.
6. Wannigans which meet the following:
  - a. Single Story;
  - b. Square Footage Shall Not Exceed the Square Footage of Mobile Home.
7. Home occupation or office in home;
8. Accessory buildings for private residential uses such as a garage, shed, or shop;
9. Visiting travel trailer or motor home occupied by guests of the residence
10. Bed and breakfast with up to 2 quest rooms.

#### **B. Uses Considered in Medium Density Residential Zone with Conditional Use Permitting.**

1. Electrical utility substations, pump/lift stations;
2. Day care center or facility;
3. Bed and breakfast with up to 4 guest rooms;
4. Parking a truck or other heavy equipment over a two-ton rating;
5. Structure or fence built above the maximum height limit;
6. Organized public or private meeting place;
7. Wannigans exceeding the size of the mobile home;
8. Additional residential unit on lot.

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## Title 17 - Zoning

### C. Uses Prohibited in Medium Density Residential Zone.

1. Any use or structure not listed under section 17.04.032 section a or section b with special permitting.

### D. Property Development Standards.

1. Minimum lot size: twenty-five thousand square feet;
2. Minimum average lot width: seventy-five feet;
3. Density: one residential structure per lot unless conditional use is applied for and granted.
4. Parking-all parking must be accommodated off street and on the premises as required in section 17.04.041 of this chapter;
5. Setbacks:
  - a. Interior setbacks: ten feet from all structures;
  - b. Front yard setbacks: twenty-five feet from property line;
  - c. Side and rear yard setbacks: ten feet from property line;
  - d. Development on corner lots shall not impede visibility.
6. Building heights: a maximum of thirty-five feet as defined in the definitions for “building height”. Sever slopes maybe grounds to seek a variance from building height limitations.
7. Maximum lot coverage: fifty percent of the lot area remaining after the setbacks have been subtracted from the total lot area;
8. Fences, walls, and hedges: fences, walls, and hedges may occupy a portion of a yard and be built up to the property line with a six-foot maximum height limit and shall not obstruct vehicular visibility. In addition, where multi-family structures abut lower density zones (low density residential, rural residential), a six-foot high fence separating the zones shall be constructed by the property owner. (Ord. 96-22 § 4(Part), 1996) (Ord 17-08-15-01)

# Thorne Bay Municipal Code

## Title 17 - Zoning

### **17.04.033 High Density Residential.**

This zone is intended to provide a variety of housing types from single-family residences, multi-family dwellings, and mobile home parks at moderately high population densities.

Development plans are required for all development within the high density residential zone conforming to applicable standards of section 17.04.035.

#### **A. Uses Allowed In High Density Residential Zone Without Special Permitting.**

1. All uses allowed in low and medium density zones;
2. Mobile homes or trailers which meet the following:
  - a. Minimum Size of Eight Feet By Thirty-Eight Feet;
  - b. Skirting Required;
  - c. Permanent Foundation Required.
3. Wannigans which meet the following:
  - a. Single Story;
  - b. Square Footage Not to Exceed the Square Footage of The Mobile Home Or Trailer.

#### **B. Uses Considered in High Density Residential Zone with Special Permitting.**

1. Electrical utility substations, pump/lift station;
2. Four-plex and apartment buildings up to eight units with state fire marshal review;
3. Day care center or facility;
4. Bed and breakfast with 5 or more guest rooms;
5. Parking a truck or other heavy equipment over a two-ton rating;
6. Home occupation or office in home;
7. Structure or fence built over the maximum height limit;
8. Organized public or private meeting place;
9. Trailer park;
10. On lots which do not have an established principal use, private storage of a recreational vehicle, travel trailer, or recreational boat;
11. Wannigans exceeding the size of the mobile home or trailer;
12. Additional residential unit on lot.

#### **C. Uses Prohibited in Medium Density Residential Zone**

1. Any use or structure not listed in section 17.04.033 section a or section b with special permitting

# Thorne Bay Municipal Code

## Title 17 - Zoning

### D. Property Development Standards.

1. Minimum lot size: fifteen thousand square feet;
2. Minimum average lot width: seventy-five feet;
3. Density: one residential structure per lot unless conditional use has been applied for and granted.
4. Maximum lot coverage-sixty-five percent of the lot area remaining after setbacks are subtracted from the total lot area;
5. Parking-all parking must be accommodated off-street and on the premises as required in section 17.04.041 of this chapter;
6. Setbacks:
  - a. Ten Feet from All Lot Lines;
  - b. Interior Setbacks: Ten Feet from All Structures;
  - c. Development of Corner Lots Shall Not Impede Visibility.
7. Building heights: a maximum of thirty-five feet as defined in the definitions for “building height”. Sever slopes maybe grounds to seek a variance from building height limitations.
8. Fences, walls, and hedges: fences, walls, and hedges may be built on the property line and have a six-foot maximum height limit and shall not obstruct vehicular visibility. In addition, where multi-family structures abut lower density zones (medium density residential, low density residential, rural residential) a six-foot high fence separating the zones shall be constructed by the property owner. (Ord. 96-22 § 4(part), 1996) (Ord 17-08-15-01)

# Thorne Bay Municipal Code

## Title 17 - Zoning

### **17.04.034 Greentree Heights Residential.**

The purpose of this zone is to create an aesthetically pleasing Residential subdivision consisting of permanent single-family housing, and modular homes.

#### **A. Permitted Uses.**

1. Stick-built single-family residences and modular homes built on permanent, continuous foundations with a minimum one-foot width or concrete sonatube foundations;
2. Home occupation or office in home;
3. Accessory buildings for private Residential uses such as garage, shed, greenhouse, smokehouse, private storage of a recreational vehicle, travel trailer or recreational boat;
4. Basic services (services and facilities which are necessary for development. They include power lines, water lines, sewer lines, pump/lift stations; power/telephone poles only where power/telephone lines cannot be buried and other low impact facilities of the same character to provide for utilities);
5. Bed and breakfast: two rental rooms or less;
6. Visiting travel trailer or motor home occupied by guests up to forty-five days per year;
7. Guest cabins, lodge, or motel on lot 8
8. Restaurant/lodge on lot 8

#### **B. Conditional Uses.**

1. Multifamily housing on Lot 8;
2. Religious assembly;
3. Moveable construction trailer or travel trailer for Residential use during construction of permanent Residential structure. Conditional use permits may be issued for one year with an annual review if necessary;
4. Bed and breakfast: over two rental rooms;
5. Structures and fences built above the maximum height limit;
6. Convenience store, gas station, motor vehicle sales and repair services on Lot 8.
7. Mini-Storage units on Lot 8;
8. Signs over five square feet on Lot 8;

# Thorne Bay Municipal Code

## Title 17 - Zoning

### C. Uses Prohibited.

1. Subdivision;
2. Private garbage pits;
3. Storage and or maintenance of heavy equipment;
4. Storage of derelict vehicles or unsightly accumulation of personal property;
5. The raising of animals, livestock and poultry except normal household pets of up to four dogs and cats and their litters, provided that they are not kept, bred or maintained for commercial purposes.

### D. Property Development Standards.

1. Minimum lot size: Original plated lot size in square feet.
2. Parking: all parking shall be off-street and on the premises.
3. Setbacks: twenty feet from road right-of-way, ten feet from rear and interior lot lines for all lots.
4. Building heights: thirty-five feet measured from the highest ground level of the permanent foundation.
5. Density: single-family residences only.
6. Utilities: all dwellings must be connected to municipal water, sewer and electrical utilities when they come available.
7. Access.
  - a. Driveways. Driveway approaches will be built from the driving surface of the main road to the edge of the lot, with a minimum of twelve feet width on to and perpendicular to the centerline of the platted right-of-way. All driveways shall have culverts a minimum of twelve inches in diameter where drainage requires it as determined by the City administrator.
  - b. All property must be accessed by platted public right-of-way.
8. Building requirements: all single-family residences shall contain not less than eight hundred (800) square feet of floor space, excluding garages and open porches.
9. Signs: signs shall not be displayed to the public view on any lot (Lot 8 is exempt from this prohibition) except one sign of not more than five square feet advertising the property for

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## Title 17 - Zoning

sale or rent and a sign limited to equal size showing ownership of the property or advertising a home business.

10. Fences, walls or hedges may be built up to six feet in height up to the property line. Fences shall not obstruct vehicular visibility. (Ord. 94-05 § 3, 1994; Ord. 93-23 § 6(part), 1993)
11. Septic. City sewer lines are not currently installed. Approved septic tanks and leach fields will be required on all lots. Prior design approval of the septic system is required before construction of any Residential buildings can proceed. When City sewer lines are installed, all lot owners will be required to connect to the City system.
12. Potable water supply. City water lines are not currently installed. Lot owners will need to have water wells drilled or a roof collection system with storage tank developed. Storage tanks will be placed so they do not block the view from any other lots and must be no larger than 3000 gallons. Storage tanks can be enclosed in a separate building or incorporated into the Residential building. When and if City water lines are installed, all lot owners will be required to connect to the City system.
13. Electrical Utilities. Public electricity is not currently installed. Lot owners may develop their own power generation equipment, including solar, wind and gas or diesel generators. Generators cannot be run between the hours of 11pm and 5am and will be properly muffled so to reduce noise pollution. When and if public electric lines are installed, all lot owners will be required to connect to the system.

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## Title 17 - Zoning

### **17.04.036 Mobile home parks.**

A. Purpose. The purpose of this section is to establish guidelines and standards for the appropriate location of safe and aesthetically pleasing mobile home parks. All mobile home parks require a conditional use permit issued by the city.

B. Procedure.

1. Application. A conditional use permit application shall be filed with the city clerk no less than twenty-one days prior to the public hearing which shall be the next regularly scheduled meeting of the planning and zoning commission and will include the following:
  - a. Name, address and telephone number of the property owner;
  - b. Scale, north arrow and date;
  - c. Location of the proposed park including U.S. Survey number or Alaska State Land Survey number and lot, block, section, township and range;
  - d. Property boundary showing park boundary and dimensions;
  - e. Location and dimensions of all park improvements, including but not limited to:
    1. All mobile building spaces,
    2. Sewer and water lines, pump stations and fire hydrants,
    3. Electrical systems and power poles,
    4. Existing and proposed buildings,
    5. Garbage dumpsters,
    6. Open spaces play areas, storage areas,
    7. Parking spaces,
    8. Screening-mobile home park owners shall provide a screen of view obscuring fencing or vegetation completely surrounding the mobile home park except at the entrance to the park or where natural features such as natural tree cover or topography provide view obscuring screening or make other screening ineffective:
      - i. Easement and drainage ways;
      - ii. Hazard and problem areas (muskegs, high water table, steep topography);
      - iii. Width and grade of park access roads and their connection with other streets;

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## Title 17 - Zoning

- iv. General landscape and development plans in such detail as will enable the planning and zoning commission to determine whether or not the proposed park meets the design requirements of this section.
2. Planning and Zoning Commission Action on the Application.
    - a. The planning and zoning commission shall study the application and shall grant or deny the application for a conditional use permit as specified in Section 17.04.043. The commission's decision shall be based upon the compliance of the request with the development requirements of this section, zoning restrictions and other pertinent sections of this title.
    - b. A conditional use permit may be granted for up to three years, and is renewable provided all conditional use permit requirements have been adhered to.
    - c. A perpetual permit may be granted for the mobile home park after the expiration of at least two three-year conditional use permits. The Designated Planning official or his designee shall make an inspection of the park to confirm that the park is in compliance with all provisions of this section and all terms of approval and management plan under which the park operates before the perpetual permit may be granted.
    - d. Restrictions and conditions-In granting a conditional use permit, the planning commission may, in order to assure compliance with design requirements and other parts of this section:
      - i. Require and attach to the conditional use permit conditions which are more restrictive and in excess of the dimensional standards set forth in this title;
      - ii. Require and attach to the conditional use permit time limits for some or all of the conditions of the conditional use permit to be performed;
      - iii. Require and attach to the conditional use permit conditions which include, among other things, setback requirements in excess of those stated in this section, suitable landscaping, adequate and lawful water and sewage facilities, adequate and lawful parking; adequate and lawful curb cuts and traffic movement, and other conditions which will uphold the intent of the zoning title. The planning commission may also require a performance bond to insure compliance with such restrictions and conditions.

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## Title 17 - Zoning

3. Management Plan. A proposed management plan must be submitted by applicant with the conditional use permit application that contains the following:
  - a. Proposed regulations for the park;
  - b. Landscape plan for the vegetative screen identifying the type of vegetation, spacing of plants, and maintenance provisions for the screen which shall be view obscuring within two years, or description of type of fencing to be used as view obscuring screen and provisions for maintenance of the fence;
  - c. Assurance that water, sewer and electrical hookups conform to adopted health and safety standards and local, state and federal rules and regulations;
  - d. Assurance that the mobile home park complies with all state fire codes;
  - e. When the management plan has been approved by the planning commission it will be signed by the park owner and filed with the city clerk.
4. Notification.
  - a. The notice of public hearing for a mobile-home park shall contain:
    - i. Name of the applicant, date, time and place of public hearing;
    - ii. A description of the location of the property and legal description, if available;
    - iii. Number and size of spaces;
    - iv. Type of proposed screening;
    - v. Location where further information about the proposal may be examined;
    - vi. The reference number of the sections of the title which pertain to the application;
    - vii. An explanation of the appeal process.
  - b. Notice of The Public Hearing Shall:
    - i. Be made by first-class mail to property owners within three hundred feet of the exterior property boundary and shall be posted in no less than three public places ten days prior to the hearing date;
    - ii. Be sent to the property owners identified above to the most current address on the city's utility listing or other city records, and if no address can be found, the most current owner of the property listed in the State Recording office. The failure of a property owner to receive notice shall not void a planning commission decision reached at public hearing if a good faith attempt was made to contact the property owner;

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- iii. A copy of the property owner notification list shall be kept in the files of the city clerk together with a notarized affidavit signed by the planning and zoning secretary that the notice was sent;
- iv. A copy of the resolution approving or denying the mobile home park shall be sent to the applicant and any other person who provides the city with written request for a copy of the resolution;
- v. A resolution denying an application shall be mailed to applicant within five days of the date of the planning commission decision together with a letter explaining the appeal process.

### **C. Mobile home Park Design Requirements.**

- 1. The minimum area for mobile home spaces shall be four thousand square feet for each mobile home.
- 2. Each space shall have a mean width of not less than thirty-five feet.
- 3. Mobile home parks shall have a density of not more than eight mobile homes per gross acre.
- 5. Two parking spaces shall be provided for each mobile home space and the minimum parking space shall measure no less than nine feet by twenty feet for each mobile home space.
- 6. Direct access from any public street or right-of-way to any mobile home space shall be prohibited.
- 7. Private roads within the mobile home park shall have a minimum width of twenty feet of stabilized surface and shall be laid out to discourage use by through traffic.
- 8. Setbacks from streets and surrounding property lines shall be twenty feet. Within a mobile home park, no mobile home, wannigan or accessory structure shall be located within ten feet of the front and within five feet of the side or rear boundary lines of the mobile home space. Access shall be from the front of the mobile home space.
- 9. Mobile home parks shall provide mobile home pads with a crushed rock or hard surface area. Mobile home space corners shall be clearly indicated on the ground. Mobile home parks shall allow only one mobile home per space or pad. Spaces shall be numbered in sequence and clearly marked.
- 10. The undercarriage of each mobile home shall be screened from view by skirting.
- 11. Water supply and sewage disposal shall be provided by systems common to the entire mobile home park and in compliance with applicable regulations of the Alaska Department of Environmental Conservation and all local, state and federal rules and regulations.

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## Title 17 - Zoning

12. Mobile home parks shall be designed and developed to ensure rapid drainage of surface water.
13. Mobile home parks shall provide a screen of view obscuring fencing or vegetation completely surrounding the mobile home park except where natural features such as natural tree cover or topography provide view obscuring screening or make other screening ineffective, and at the access road into the mobile home park.
14. Wannigans shall comply with the National Fire Protection Association Standards.

### **D. Required Criteria for Approval.**

1. The required criteria for approval shall be the same as required by Section 17.04.043(B).  
(Ord. 98-23 § 3(part), 1998)

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## Title 17 - Zoning

### **17.04.040 Communications-Telecommunications Facilities.**

#### **A. Purpose.**

The purpose of this section is to allow and regulate the design, location, placement, construction, and removal of Communications and Telecommunication facilities, towers, and antennas.

#### **B. Criteria.**

Communications and Telecommunication facilities, towers, and antennas should consider adverse impacts, surrounding land uses, and co-location.

1. The applicant shall provide an analysis prepared by a radio or electrical engineer demonstrating that the proposed location of the antennas is necessary to meet the coverage and capacity needs of its system and that there is no existing antenna support structure that could adequately serve the area if antennas were placed on it.
2. The placement, design, use and operation of telecommunications facilities shall comply with the Telecommunications Act of 1996 and the rules of the Federal Communications Commission (FCC).

#### **C. Telecommunication facilities.**

towers, and/or antennas may be permitted out right or by the Planning Commission as a conditional use if all if all facilities, towers and/or antennas can comply with All required Design Criterial.

##### **1. Permitted out right**

- a. Industrial Zone
- b. Commercial Zone
- c. Residential / Commercial III
- d. All zones if there is a (600) six-hundred-foot setback from the security fencing

##### **2. Permitted by Conditional Use**

- a. Greentree Heights Zone
- b. Deer Creek Zone
- c. Public Zone
- d. Water Front Zone
- e. Residential / Commercial I and II

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## Title 17 - Zoning

### D. Design Criteria.

1. All towers shall be designed and certified by a licensed engineer for structural soundness and conformity with all applicable State and Federal Codes and Laws.
2. Freestanding towers shall be designed in all respects so as to accommodate co-location of the applicant's antennas and at least two additional users and to allow for future rearrangement of antennas upon the tower, antennas mounted at varying heights, and to accommodate supporting buildings and equipment.
3. towers shall be located and painted so as to minimize their visibility where practicable and except as dictated by the Federal Aviation Administration (FAA).
4. No telecommunications tower or facility shall be located in the required minimum setbacks in any zone, with the exception that the use of existing light poles, high voltage poles or towers, and telecommunication towers are exempt from the setback requirements; provided, that such pole or telecommunications tower is not increased in height. Placement of new towers shall be set back from adjacent property lines a distance equal to or greater than to the actual height of the tower.
5. towers are exempt from the height restriction set forth in the zones and subject to the following limitations:
  - a. towers permitted out right shall not exceed 200 feet in height and can meet all the setback requirements from buildings. towers may be permitted higher than 200 feet if permitted through a conditional use.
  - b. towers permitted through a conditional use shall not exceed 60 feet in height unless located in an area not suitable for Residential development and can meet all the setback requirements from buildings and property lines.
6. No telecommunications tower or antennas shall be artificially illuminated unless required by law or the Federal Aviation Administration.
7. A freestanding tower shall be enclosed by security fencing not less than eight feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area. Climb guards are required on towers that are attached to existing structures when mounted on the ground and unable to be enclosed by fencing.

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## Title 17 - Zoning

8. Adequate access to the facility must be provided from a public right-of-way or easement consistent with the type of facility constructed. Sites off the road system do not require access via a right-of-way.

**C. Removal of Communications Telecommunications facilities.** towers, and antennas. Any facility, tower or antenna which is not used for three years shall be removed along with any associated above-ground facilities within 90 days of said 3 years unless an extension is approved by the governing body prior to the expiration of said 90 days. Failure to remove a facility, tower or antenna as provide by the chapter shall be deemed a nuisance and the city may seek abatement of the nuisance at the property owner's expense. (Ord. 17-05-16-01)

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## Title 17 - Zoning

### 17.04.037 Recreational Vehicle and Travel Trailer Parks.

#### A. Purpose.

The purpose of this section is to establish guidelines and standards for the appropriate location of safe and aesthetically pleasing recreational vehicle and travel trailer parks (hereinafter called "trailer parks"). All trailer parks require a conditional use permit issued by the city.

#### B. Procedure.

9. **Application.** A conditional use permit application shall be filed with the city clerk no less than twenty-one days prior to the public hearing which shall be the next regularly scheduled meeting of the planning and zoning commission and will include the following:
  - c. Name, address and telephone number of the property owner;
  - d. Scale, north arrow and date;
  - e. Location of the proposed park including U.S. Survey number or Alaska State Land Survey number and lot, block, section, township and range;
  - f. Property boundary showing park boundary and dimensions;
  - g. Location and dimensions of all park improvements, including but not limited to:
    - (1) All trailer park spaces,
    - (2) Sewer and water lines, pump stations and fire hydrants,
    - (3) Electrical systems and power poles,
    - (4) Existing and proposed buildings,
    - (5) Garbage dumpsters,
    - (6) Open spaces play areas, storage areas,
    - (7) Parking spaces,
    - (8) Screening-trailer park owners shall provide a screen of view obscuring fencing or vegetation completely surrounding the trailer park except at the entrance to the park or where natural features such as natural tree cover or topography provide view obscuring screening or make other screening ineffective;
  - h. Easement and drainage ways;
  - i. Hazard and problem areas (muskegs, high water table, steep topography);
  - j. Width and grade of park access roads and their connection with other streets;

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- k. General landscape and development plans in such detail as will enable the planning and zoning commission to determine whether or not the proposed park meets the design requirements of this section.

### 10. Planning and Zoning Commission Action on the Application.

- a. The planning and zoning commission shall study the application and shall grant or deny the application for a conditional use permit as specified in Section 17.04.043. The commission's decision shall be based upon the compliance of the request with the development requirements of this section, zoning restrictions and other pertinent sections of this title.
- b. A conditional use permit may be granted for up to three years and is renewable provided all conditional use permit requirements have been adhered to.
- c. A perpetual permit may be granted for the trailer park after the expiration of at least two three-year conditional use permits. The Designated Planning official or his designee shall make an inspection of the park to confirm that the park is in compliance with all provisions of this section and all terms of approval and management plan under which the park operates before the perpetual permit may be granted.
- d. Restrictions and conditions-In granting a conditional use permit, the planning commission may, in order to assure compliance with design requirements and other parts of this section:
  - (1) Require and attach to the conditional use permit conditions which are more restrictive and in excess of the dimensional standards set forth in this title;
  - (2) Require and attach to the conditional use permit time limits for some or all of the conditions of the conditional use permit to be performed;
  - (3) Require and attach to the conditional use permit conditions which include, among other things, setback requirements in excess of those stated in this section, suitable landscaping, adequate and lawful water and sewage facilities, adequate and lawful parking, adequate and lawful curb cuts and traffic movement, and other conditions which will uphold the intent of the zoning title. The planning commission may also require a performance bond to insure compliance with such restrictions and conditions.

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- 11. Management Plan.** A proposed management plan must be submitted by applicant with the conditional use permit application that contains the following:
- a. Proposed regulations for the park;
  - b. Landscape plan for the vegetative screen identifying the type of vegetation, spacing of plants, and maintenance provisions for the screen which shall be view obscuring within two years, or description of type of fencing to be used as view obscuring screen and provisions for maintenance of the fence;
  - c. Assurance that water, sewer and electrical hookups conform to adopted health and safety standards and local, state and federal rules and regulations;
  - d. Assurance that the trailer park complies with all state fire codes;
  - e. When the management plan has been approved by the planning commission it will be signed by the park owner and filed with the city clerk.

**12. Notification.**

- a. **The notice of public hearing for a trailer park shall contain:**
  - (1) Name of the applicant, date, time and place of public hearing;
  - (2) A description of the location of the property and legal description, if available;
  - (3) Number and size of spaces;
  - (4) Type of proposed screening;
  - (5) Location where further information about the proposal may be examined;
  - (6) The reference number of the sections of the title which pertain to the application;
  - (7) An explanation of the appeal process.
- b. **Notice of the public hearing shall:**
  - (1) Be made by first-class mail to property owners within three hundred feet of the exterior property boundary and shall be posted in no less than three public places ten days prior to the hearing date;
  - (2) Be sent to the property owners identified above to the most current address on the city's utility listing or other city records, and if no address can be found, the most current owner of the property listed in the State Recording office. The failure of a property owner to receive notice shall not void a planning commission decision reached at public hearing if a good faith attempt was made to contact the property owner;

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- (3) A copy of the property owner notification list shall be kept in the files of the city clerk together with a notarized affidavit signed by the planning and zoning secretary that the notice was sent;
- (4) A copy of the resolution approving or denying the trailer park shall be sent to the applicant and any other person who provides the city with written request for a copy of the resolution;
- (5) A resolution denying an application shall be mailed to applicant within five days of the date of the planning commission decision together with a letter explaining the appeal process.

### C. Recreational Vehicle and Travel Trailer Park Development Standards.

1. **Drinking Water and Sanitation Facilities.** All park spaces shall be provided with potable drinking water and sewer hookups. Water and gray-water disposal shall be provided within three hundred feet of each park space. A toilet facility shall be provided for every ten spaces. Shower facilities shall be provided in parks that provide twenty or more park spaces. Sewage hookups shall be made to the city sewer system or to a state approved system approved by the city. Each park shall provide and maintain animal-proof dumpsters adequate for the size of the park. Electrical hookups shall be in accordance with local, state and federal standards, rules and regulations.
2. **Vehicle Space and Parking.** Recreational vehicle spaces shall be a minimum of one thousand five hundred square feet in size. Tent camping and other special use areas may differ from this minimum space size with planning commission approval. All recreational vehicle space pads shall be of crushed rock or a paved surface area. Each park shall provide one off-street parking space per recreational vehicle.
3. **Setbacks.** Setbacks from all space lines for all recreational vehicles and travel trailers or structures shall be ten feet. Setbacks from all streets and access roads not within the park shall be twenty feet. Setbacks from adjacent property lines shall be twenty feet.
4. **Park access.** All access for park spaces shall be provided from access roads located within the park. Access roads shall be a minimum of twenty-five feet wide and shall be of improved surface approved by the city and the fire chief. If feasible, two access points shall be provided into and out of the park.

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5. **Screening.** The planning commission may require vegetative screening or a sight obscuring fence for the park.

### **D. Requirements for Recreational Vehicles Within the Park.**

Recreational vehicles must be licensed to operate on state highways while located within a recreational vehicle/travel trailer park. The removal of wheels from a recreational vehicle, except for temporary repair, is prohibited. Wannigans are prohibited.

### **E. Enforcement.**

When it has been determined that a recreational vehicle/travel trailer park is in violation of this chapter or other applicable codes, the procedures and penalties of Section 17.04.050 shall apply. (Ord.

98-23 § 3(part), 1998)

# Thorne Bay Municipal Code

## Title 17 - Zoning

### **17.04.041 off-street parking requirements.**

In all zoning districts, off-street parking shall be provided for all new buildings, existing buildings undergoing a change in use, and commercial buildings that are being enlarged.

- A. **Location of Parking Spaces.** All off-street parking provided pursuant to this section shall be provided on the same lot as the use that it serves or an adjacent lot. The planning commission may approve a parking lot in a different location depending on the use the parking will serve.
- B. **Parking Design.** A parking space shall be of the dimensions of nine feet by twenty feet to accommodate vehicles of all sizes.
- C. **Interpretation of Space Requirements.** When a use cannot be found in this section, the planning commission will determine the most similar use which is specifically listed in subsection D of this section. The parking space requirements shall be the same as that determined use.
- D. **Required Parking Spaces.**

#### **RESIDENTIAL USES**

#### **MINIMUM NUMBER OF PARKING SPACES REQUIRED**

Single-family dwellings, duplex, triplex, apartments, mobile homes, trailers and other places containing dwelling units	One parking space for each dwelling unit.
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#### **COMMERCIAL USES**

Banks and office buildings	One public parking space per each 300 square feet of gross floor area, not less than five spaces.
Grocery stores, shopping centers, markets, small retail sales	One public parking space per each 400 square feet of gross floor area.
Hotel and motels	One public parking space per every two guest rooms
Restaurants, other eating and drinking establishments	One-half parking space for each employee plus one public parking space per every five seats.
Laundromat	One public parking space per every two washers.
Service station, automobile repair shop	Two parking spaces for each service stall.

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### INDUSTRIAL USES

Manufacturing industries	One parking space per 400 square feet of gross floor area plus one parking space for each company vehicle.
Equipment storage and maintenance	One-half parking space for each employee and one space for each company vehicle.

### PUBLIC USES

Churches, theaters and other places of public assembly	One public parking space per five seats.
Schools	One parking space per employee.
Municipal buildings and health clinics	One parking space per employee plus one space for each municipal vehicle plus two visitor spaces.

(Ord. 93-23 § 6(part), 1993)

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### 17.04.042 Nonconforming Uses.

A. **Purpose.** The purpose of this section is to allow lawfully established uses and structures which do not conform to the currently adopted city zoning title to remain without encouraging their extension or continuance.

B. **Nonconforming Lots of Record.** Notwithstanding limitations imposed by other provisions of this chapter, a permitted principal use and accessory buildings may be erected on a lot legally subdivided prior to the effective date of this title.

C. **Nonconforming Uses and Structures.** Any use or structure not conforming with this code may be continued if the use or structure was lawfully existing at the time it became nonconforming. Nonconforming uses are subject to the following requirements:

1. **Abandonment or Destruction.** A nonconforming use which has been abandoned for one year or more shall not be reestablished except in conformance with this title.
2. No building that shelters a nonconforming use shall be enlarged or added onto. Any structural change that would increase or expand the nonconforming use is strictly prohibited.
3. If a nonconforming structure or use is changed to a conforming use, the nonconforming use shall not be allowed to exist again in the future.
4. Three or more mobile homes on one lot shall be considered a mobile home park. Mobile homes and travel trailers that are located on lots prior to the adoption of this title and totaling three or more on one lot will retain grandfather rights until moved off the property. When such trailers are moved off property another will not be allowed to take its place. Two trailers or mobile homes per lot shall be conforming to this section.
5. Nonconforming structures that burn down or are destroyed by an Act of God shall be allowed to rebuild subject to subdivisions 1, 2, 3 and 4 of this subsection. (Ord. 93-23 § 6(part), 1993)

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### **17.04.043 Conditional use permits.**

A. **Purpose.** The purpose of a conditional use permit is to allow for flexibility in the zoning title by providing for uses that may be suitable in certain locations and not others. These uses will be expressly permitted conditional uses in the zone, clarified by a section labeled conditional use permits for each zone. It basically permits inclusion of uses that should not be permitted in every part of the zone but are reasonable in some areas of the zone with restrictions and conditions designed to fit the particular problem that the use may present. The applicant must meet with the planning official and address the Criteria for “Consideration in Establishing Approval” prior to being scheduled for a public hearing.

B. **Criteria for Consideration in Establishing Approval or Denial the following criterial must be considered.** After a public hearing, the planning commission must develop a resolution which addresses each of the criterial and base their decision on whether the criterial are in the affirmative or not:

1. That the proposal is consistent with the Thorne Bay comprehensive plan, the City Municipal Code and all other applicable city ordinances;
2. That the proposed use is an expressly permitted conditional use in the zone, except in mixed Residential/ commercial III where there are no expressly permitted conditional uses;
3. That the requested use is generally compatible with other existing or proposed uses in the surrounding area;
4. That the proposed use would not adversely affect the health, safety or welfare of persons or property in the area neighboring the proposal and the surrounding area;
5. That the proposed use would not have an unfavorable or detrimental effect on property or property values in the area;
6. That building height, poor or decrepit construction and incompatibility would not significantly affect the surrounding area or the view shed in the neighborhood;
7. That all utilities to the proposal will be adequate or made adequate by the applicant and not interfere or adversely affect utility capacity in the area;
8. That traffic volume, type and patterns are taken into consideration and that access is adequate to serve any additional traffic flow;

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9. That adequate off-street parking is provided. (See Section 17.04.041);
10. That the proposed use would not degrade land, water, air or habitat quality;
11. That all other reasonable objections were taken into consideration by the planning commission at the public hearing.
12. That the conditional use request is for work yet to be performed. (Ord. 15-12-15-02)

### C. Procedure.

#### 1. Application.

- a. An application must be filed on forms provided by the city by the property owner or an authorized representative. The application must be filed no later than twenty-one days prior to the next regularly scheduled planning commission meeting.
- b. All applications must include a site plan indicating:
  - i. North arrow, scale and legend;
  - ii. Property lines and approximate dimensions;
  - iii. Location of all existing and proposed structures on the lot and their approximate distance from the lot lines;
  - iv. Access bordering streets and easements on the property;
  - v. Power pole; sewer and water lines serving the property;
  - vi. Approximate dimensions of parking spaces if applicable.

#### 2. Notification.

- a. Notice of the public hearing shall be made by first class mail to all property owners within three hundred feet of the exterior property boundary (one thousand feet in mixed Residential/commercial III) and shall be posted in five public places no less than ten days prior to the public hearing date.
- b. **The notice shall contain:**
  - i. The name of the applicant;
  - ii. The date, time and place of the hearing;
  - iii. A descriptive location of the property and the legal description of the property if available;
  - iv. A description of the nature and purpose of the use;
  - v. The location where information about the proposal may be examined;

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- vi. Reference numbers of the sections of the title that pertain to the application;
- vii. Explanation of the appeal procedure;
- viii. Vicinity map.
- c. Notices shall be sent to the most recent address that city records show. Failure of a property owner to receive a notification shall not invalidate a decision of the planning commission as long as a good faith effort has been shown to contact the property owner.
- d. The property notification list shall be kept on file at City Hall.
- e. A copy of the resolution approving or denying the application shall be sent to the applicant (and any affected party who requests notification).

### **D. Reviewing Body.**

- 1. The reviewing body shall be the planning commission.
- 2. All formal decisions made by the reviewing body shall be made by resolution and shall address all required criteria for approval.

### **E. Appeals.**

- 1. Appeals of the planning commission's decision must be made to the city council within thirty days of the postmark of the notification of the decision. Appeals must be made in writing. (Ord. 93-23 § 6(part), 1993)

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### 17.04.044 SPECIAL USE PERMITS.

- A. Intent.** This section shall govern the approval of all conditional use permits for the following uses and activities as defined in the “marijuana definitions”: marijuana activity, licensed, marijuana cultivation facility, marijuana cultivation facility limited, marijuana product manufacturing facility, marijuana product manufacturing facility, extract only, marijuana retail facility, and marijuana testing facility. Such uses shall only be approved where there are no negative impacts that exist or where any negative impacts are mitigated through conditions that shall mitigate any potential negative impacts to preserve the public’s health, safety, and welfare.
- B. Application Requirements.** Same as the requirements set forth for a conditional use permit, section 17.04.043.
- C. Standard Regulations, Dimensions, and Setbacks Specific to Special Use Permits**
1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.
  2. All licensed facilities shall comply with all life and safety regulations as promulgated by local state and federal codes.
  3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfies the state fire marshal or his designee.
  4. All licensed facilities and/or uses shall provide screening from public view of any marijuana related commercial, retail, cultivation, or manufacturing use.
  5. All licensed facilities and/or uses shall establish an active sales account and business registration with the city and state of Alaska and shall comply with all standard and required accounting practices.
  6. It shall be a standard regulation that all conditional uses comply with all applicable city and state regulations and licensing laws or it shall be deemed to abandon and extinguish any associated city and state license or city conditional use.
  7. All approved conditional use permits shall comply with all city of thorne bay municipal codes, rules and regulations or shall be deemed to abandon and extinguish any associated city and state license or city conditional use permit.

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- B. All proposed licensed facilities and/or uses for a conditional use at a specific location shall be reviewed according to the following objective criteria to determine whether the proposed use presents any negative impacts to the public's health, safety, and welfare.**
1. All criterial listed in the title 17, zoning code, in reference to; the specific zone the proposed use is to be located in, the type of use and all conditional use standards.
  2. Any impact or criteria that surfaces through public comment, city staff review, or planning commission review.
- C. Upon review and considerations of the require criteria, the planning commission shall determine whether the proposed use(s) at the proposed project location are found to not present a negative impact to the public's health, safety, and welfare.**
1. If the proposed project does not present a negative impact, then the proposed use shall be approved with all the standard regulations and requirements based on the specific zoning.
  2. If the planning commission finds negative impacts are present, the planning commission shall only approve conditional use permits where the negative impacts can be adequately mitigated by conditions of approval that preserve the public's health, safety, and welfare. These conditions of approval shall be case by case specific and in addition to the standard regulations and requirements.
  3. If negative impacts to the public's health, safety, and welfare cannot be mitigated through conditions of approval then the planning commission shall deny the proposed conditional use permit. (Ord. 17-06-06-01)

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### **17.04.045 Variance procedure.**

A variance is a tool that gives an applicant relief from the strict application of the zoning title. It will permit a justifiable exemption or exception to the development requirements of the title when their imposition would result in unnecessary hardship or practical difficulties.

Zoning limits the use of property and structures. A variance can lessen some of the limits that zoning imposes. To be granted a variance, the applicant must show how the zoning title impedes development on his/her property more than it would on other property within the same zone. In other words, the applicant is responsible for showing how the strict application of the zoning title will hurt him/her more than other land owners within the same zone. The applicant must meet with the planning official and address the “Criteria for Consideration in Establishing Approval” prior to being scheduled for a hearing.

A. **Criteria for Consideration in Establishing Approval or Denial** the following criteria must be considered. After a public hearing, the planning commission must develop a resolution which addresses each of the criteria and base their decision on whether the criteria are in the affirmative or not:

1. That there are exceptional physical conditions or circumstances on the property or that would relate to its intended use or development that make the variance necessary;
2. That the particular conditions or reasons that require the variance are not caused by the person requesting the variance;
3. That the strict application of the provisions of this title would result in unnecessary hardship;
4. That approval of the variance would not be detrimental to the health, safety and welfare of other properties in the vicinity;
5. That the variance will not allow a land use in a zone that prohibits that particular land use;
6. That approval of the variance is consistent with the comprehensive plan;
7. That the variance is not requested because of monetary considerations or inconvenience.
8. That the variance request is for work yet to be performed.

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### B. Application Procedure.

- ii. Applications must be initiated by the property owner or by an authorized representative. The required fee must be paid and an application on city forms must be filed no less than twenty-one days prior to the hearing date.
- iii. Applications must be accompanied by a site plan that includes:
  - a. North point arrow, date and scale;
  - b. Exterior property boundaries and dimension;
  - c. Access;
  - d. All easements on the property;
  - e. Location of all existing and proposed buildings on the property and their approximate distance from the lot lines;
  - f. Sewer and water lines and power poles serving the property.

### C. Notification.

1. **Notification of variance application** shall be made by first class mail to surrounding property owners which will consist of adjacent property owners and property owners located across rights-of way or alleys, no less than ten calendar days from the planning commission hearing.
2. **The notice shall contain:**
  - a. The name of the applicant;
  - b. Date, time and place of hearing;
  - c. A description of the location of the property and the legal description of the property if available;
  - d. A description of the character and purpose of the variance;
  - e. The reference number of the sections of the title which pertain to the application;
  - f. An explanation of the appeal process.
4. **Notices shall be sent to the most current address on the city's utility listing** or city records, and if no address can be found, the most current property owner listed in the State Recording office. The failure of a property owner to receive a notice shall not void a

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planning commission decision if a good faith attempt to contact the current property owner was made.

5. A copy of the property owner notification list shall be kept in the file along with a notarized affidavit that letters have been sent.
6. A copy of the resolution approving or denying the variance shall be sent to the applicant and to any other person who requests a resolution in writing.
  1. Resolutions denying an application shall be mailed within five days of the date of the decision and will explain the appeal process.

### **D. Reviewing Body.**

1. The reviewing body will be the planning commission.
2. All formal actions of the reviewing body shall be made by a resolution conforming to the standards of Section 2.48.080 and shall address all required criteria for approval.

### **E. Appeals.**

1. Appeals of the planning commission decision may be made to the city council within thirty days of the postmark of the notification of the decisions. Appeals must be made in writing. (Ord.

17-06-06-01, prior Ordinances: (Ord. 93-23 § 6(part), 1993)

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### **17.04.046 Amendments to the zoning title including rezoning.**

A. **Purpose.** at some point in time the city may want to amend this title or change the zoning of a particular area. to provide for changes as a result of changing economic arrangements and factors, and for changing public need, this title may need to be amended and/or a change of land use designation or rezone may be appropriate.

B. **Procedure.**

1. **Initiation of Rezone or Title Amendment. Changes in the zoning may be initiated by:**

- a. The city council on its own motion with planning commission recommendation;
- b. The planning commission on its own motion with city council approval;
- c. By petition signed by sixty percent of the property owners within the area of the proposed rezone. In addition to the necessary signatures the petition shall contain:
  - i. A legal description of the property involved,
  - ii. The reasons for the proposed change,
  - iii. A fee to cover property owner notification.

2. **Notification.**

a. **Notice of the hearing** shall be made by first class mail to property owners within three hundred feet of the exterior property boundary (one thousand feet in the South Thorne Bay Subdivision) and shall be posted in five public places no less than ten calendar days prior to the hearing date.

b. **Notice shall contain:**

- I. Time, date and place of hearing, name of applicant;
- II. The legal description of the property and a descriptive location of the property;
- III. A description of the intent and nature of the proposed change;
- IV. The location where further information about the proposed change can be examined;
- V. An explanation of the appeal process.

c. **Notices shall be sent** to the most recent address on the city's utility listing or city records, and if needed the most current property owner listed in the State Recording office. Failure

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of a property owner to receive a notice shall not void a planning commission or city council decision if a good faith attempt was made to contact the property owner.

- d. A copy of the property owner notification list shall be kept in the file along with a notarized affidavit that notification letters were sent.
- e. A copy of the resolution approving or denying the application shall be sent to the applicant and to any other affected person who requests a resolution in writing.

### **3. Planning Commission Recommendation.**

a. The planning commission shall review the proposed change at a scheduled public hearing and make a formal recommendation to the city council.

b. All formal actions of the planning commission shall be made by a resolution conforming to Section 2.48.080.

c. The planning commission must ascertain the effect the rezone or title amendment will have on the comprehensive plan and property values in the surrounding area or neighborhood.

d. The planning commission must determine the necessity and justification for the title change or rezone.

e. The planning commission must decide whether the proposed change in title or rezone would be in the public interest that a change in zone would not rezone an area not included in the proposal, and the rezone shall not be less restrictive than the zone applied for.

### **4. City Council Action.**

a. The planning commission shall submit their findings after a public hearing in the form of a resolution to the city council.

b. The city council will schedule a public hearing to consider the planning commission recommendation. The public hearing will be scheduled at the first regularly scheduled meeting of the city council that will allow for proper notification. Notification shall be as written in subdivision 2 of this subsection.

c. For the public hearing, the city clerk shall prepare an ordinance that will state the proposed amendment to the title. The proposed ordinance will be available for introduction at the public hearing.

d. A title change that results in a zoning map change shall be identified by legal description. The change in the official zoning map or maps will be made by the city zoning official.

(Ord. 17-06-06-01, prior Ordinances: (Ord. 93-23 § 6(part), 1993)

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## Title 17 - Zoning

### **17.04.050 Enforcement, violations and penalties.**

A. **Enforcement.** The city zoning official shall administer and enforce this zoning title.

B. **Violations.** When the city zoning official finds that any provisions of this title are being violated, he shall notify in writing the property owner or person responsible for the violation. The notification shall include the nature of the violation and the ordering action necessary to correct it. The zoning official shall order the discontinuance of illegal uses of land, buildings or structures; the removal of illegal buildings or additions; alterations or structures; and discontinuance of any illegal work that is being done.

C. **Complaints Regarding Violations.** Whenever a violation of the provisions of this title occurs, any person may file a complaint in writing at City Hall. All such complaints shall be brought to the city zoning official who shall record such complaints and investigate the violation. The results of the investigation of the violation shall be reported to the planning commission.

D. **Penalties.** Whenever a violation of the provisions of this title occurs the property owner shall incur a civil penalty not to exceed one hundred dollars for each day of continuing violation. (Ord. 93-23 § 6(part), 1993)

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### **17.04.060 Appeals.**

A. **Due Process.** This section guarantees the public due process in all land use actions. An administrative decision regarding a development permit may be appealed to the planning commission, decisions of the planning commission/platting board may be appealed to the city council sitting as the board of adjustment, and decisions of the city council may be appealed to the Superior Court of the state of Alaska. A written notice of appeal must be filed with the city clerk within thirty days after the decision being appealed is announced in writing.

B. **Board of Adjustment.** The city council shall sit as the board of adjustment. The board of adjustment shall hear appeals regarding:

1. Alleged errors in the enforcement of the zoning title;
2. Decisions of the planning commission on requests for variance, conditional use permits and other land use action;
3. Decisions of the platting board on requests for preliminary and final plats.

### **C. Appeal Procedure.**

1. Any concerned person aggrieved by a decision has a right to appeal that decision;
2. The appeal shall be filed with the city clerk;
3. An appeal in the form of a written narrative (written notice) shall be submitted explaining all reasons for the appeal and shall specify in detail all objections to the decision being appealed. This specific and concise narrative is what will be considered at the appeal hearing. The city clerk shall be the clerk of the board of adjustment. The written notice of appeal must be received by the city clerk within thirty days after the decision being appealed is announced in writing. Appeals received after this time limit will not be considered;
4. A duly-filed appeal shall stay enforcement proceedings unless the board or a court issues an enforcement order based on a certificate of imminent peril to life or property.

### **D. Procedure of the Board of Adjustment.**

1. The mayor shall act as the presiding officer of the board of adjustment. The presiding officer may limit presentations from witnesses to a reasonable period of time. Minutes shall be kept and the hearing shall be open to the public. If the planning commission is hearing an appeal to an administrative decision, the chairman of the commission shall serve as the presiding officer and shall hold the same duties as the mayor.

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2. In addition to the appellants written narrative, copies of all pertinent records, transcripts, minutes and resolutions of the planning commission approving or denying an application shall be gathered by the city clerk and distributed to the board of adjustment.
3. The board of adjustment shall make its decision based on the above record if it is adequate. If the record below is not adequate, the body hearing the appeal shall hold a public hearing (after public notice) to receive additional evidence from the appellant and other interested parties and shall reach its decision based on the record below as supplemented by the additional evidence.
4. A notice of the time and place of the public hearing shall be posted fifteen days in advance of the hearing in five public places in the city. at this time written notice shall be given to the appellant and other affected persons.
5. The board of adjustment, after hearing and considering the appeal, above record and public testimony, shall forthwith render a decision. Decisions of the board of adjustment shall be by motion setting forth the reasons for the motion, and the vote shall be taken by "yes" and "no" which shall be permanently entered on the record of proceedings. A majority vote in the affirmative adopts any motion.
6. Any party who participated in the proceedings before the board of adjustment and is aggrieved by the resulting decision of the board of adjustment may appeal that decision to the superior court, provided:
  - a. Notice of appeal is filed with the superior court no later than thirty days following the board of adjustment's issuance of its written decision; this time limit is jurisdictional; and
  - b. The appellant pays the city, by depositing with the city clerk, the city's cost of preparing the entire record (including the transcript of hearings held below) no later than sixty days following the decision being appealed from. Transcripts of hearings shall be prepared by a certified court reporter, and preparation of the entire record is at the appellant's expense.
7. All other procedures, on appeal to the superior court, are set forth in the Alaska Rules of Appellate Procedure. The appeal is an administrative appeal, heard solely in this title, pursuant to Alaska Statutes 29.40.060(b). (Ord. 93-23 § 6(part), 1993)

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### **CHAPTER 17.06 - COMPREHENSIVE PLAN**

Sections:

17.06.010 Adoption-Incorporation by reference.

#### **17.06.010 Adoption-Incorporation by reference.**

The chapter annexed to the ordinance codified in this chapter amends Title 17 of this code by adopting Chapter 17.06, Comprehensive Land Use Plan, which chapter consists of the Thorne Bay Comprehensive Plan dated June 1999, and accompanying Comprehensive Plan Map, copies of which are attached to the ordinance codified in this chapter and incorporated herein by reference. (Ord. 99-12 § 4, 1999; Ord. 89-10 § 4, 1989)