

CITY OF THORNE BAY
ORDINANCE 18-08-21-04

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA,
AMENDING TITLE 17- ZONING, CHAPTER 17.04 – PLANNING AND ZONING

BE IT ENACTED BY THE THORNE BAY CITY COUNCIL

Section 1. Classification. This ordinance is of a general and permanent nature, the chapter shall hereby be added in the Thorne Bay Municipal Code.

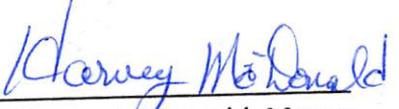
Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and the application to other persons and circumstances shall not be affected.

Section 3. Amendment of Chapter. The following Title 17-Zoning, Chapter 17.04 – Planning and Zoning, shall be amended in the Thorne Bay Municipal Code.

- **ADDITIONS ARE CAPITALIZED AND BOLD**
- ~~Deletions are stricken~~

Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED September 4, 2018


Harvey McDonald, Mayor

ATTEST:


Teri Feibel, CMC/Treasurer

[Introduction: August 7, 2018]
~~[Public Hearing: August 21, 2018]~~
[Public Hearing: September 4, 2018]

ADDITIONS ARE IN BOLD

Deletions are stricken

TITLE 17 - ZONING
CHAPTER 17.04 - PLANNING AND ZONING

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;
9. City utilities;
10. T.U. of the Northland - PTI Communications.

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"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.

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

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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.

"**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.

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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.

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.

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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.

"**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.

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"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.

"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

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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 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.

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"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.

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. RECREATIONAL VEHICLES SHALL NOT BE USED AS A SHORT TERM OR LONG-TERM RESIDENCE, UNLESS IT IS LOCATED IN AN APPROVED RV PARK OR HAS OBTAINED A SPECIAL USE PERMIT OR PARKING PERMIT.

"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

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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.

"**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.

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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)

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. **VISITING** Travel trailer or motor home occupied by guests of the residence **UP TO 30 DAYS.**
 - i. **OVER 30 DAYS REQUIRES PRIOR APPROVAL FROM THE PLANNING OFFICIAL**
 - ii. **OVER 60 DAYS REQUIRES CONDITIONAL USE PERMIT 17.04.022 (B)(8)**
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;

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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.
8. **TRAVEL TRAILER OR MOTOR HOME OCCUPIED BY GUESTS OF THE RESIDENCE OVER 60 DAYS BUT NOT TO EXCEED 180 DAYS);**

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.
4. in addition, development on corner lots shall not impede visibility.
5. Building heights: thirty-five feet.
6. 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.

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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 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.
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)

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
UP TO 30 DAYS.
 - i. **OVER 30 DAYS REQUIRES PRIOR APPROVAL FROM THE PLANNING COMMISSION.**
7. **OVER 60 DAYS REQUIRES CONDITIONAL USE PERMIT 17.04.022 (B)(8)**
8. 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;

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5. Structures and fences built above the maximum height limit;
6. Marine sales and repair services;
7. Telecommunications facilities, towers, and/or antennas.

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.

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- 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 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;
16. Post offices;
17. Community buildings and community indoor and outdoor recreation facilities;

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- 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)

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 **17.04.022 RESIDENTIAL ZONE PART “A” PERMITTED USES** ~~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;

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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.

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.
 - i. The objection must be filed on forms provided by the city within the thirty-day period in which the notice of intent is posted.

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- ii. The objection statement shall contain a detailed description of all potential significant impacts the proposed use may have on the area.
- iii. The statement shall also contain other specific reasons as to why the proposed use should be brought to public hearing.
- iv. 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.
- 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.

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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:
 1. One acre minimum for each single-family dwelling structure.
 2. for uses other than Residential, no more than one principal structure.
 3. for uses other than Residential, no more than one principal structure.
 - B. for multi-family structures:
 1. 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:
 1. 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
 - A. Development and subdivision is subject to Alaska department of environmental conservation review and approval per the recorded plats.
 9. 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;
25. School district offices and facilities.
26. Chamber of commerce and visitor facilities;
27. Nursing and convalescent homes, group residential facilities, children’s homes;

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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;
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.

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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.

C. Conditional Use.

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

D. Prohibited Use.

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

E. Property Development Standards.

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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.
- F. **Parking Requirements.** All parking must be in compliance with Section 17.04.041.
- G. **Sewage Systems and Treatment.** All private sewerage treatment plans and subdivisions must be approved by the Alaska Department of Environmental Conservation.
- H. **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.

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;

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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.
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;
5. Dog/Animal Impoundment Facility;
6. Heliport or Airport;
7. Solid Waste Disposal Facility;
8. Sewer Treatment Facility;

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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.

1. Minimum Lot Size: Five Thousand Square Feet.
2. Minimum Lot Width: Fifty Feet.
3. Setbacks: Ten Feet from Road Rights-of-Ways 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 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. (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:
 1. Single story;
 2. Square footage of wannigan shall not exceed the square footage of mobile home.
 3. 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;
7. Buildings and fences built above maximum height limit;

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8. On lots which do not have an established principal use, private storage of a recreational vehicle, travel trailer, or recreational boat;
9. Wannigans exceeding the size of the mobile home;
10. 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)

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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;
1. Duplex;
2. Triplex;
3. Modular construction;
4. 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.
5. Wannigans which meet the following:
 - a. Single Story;
 - b. Square Footage Shall Not Exceed the Square Footage of Mobile Home.
6. Home occupation or office in home;
7. Accessory buildings for private residential uses such as a garage, shed, or shop;
8. Visiting travel trailer or motor home occupied by guests of the residence
9. 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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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)