

NOTICE OF INTENT

INTENT TO OPERATE A PERMITTED OR CONDITIONALLY PERMITTED BUSINESS WITHIN THE RESIDENTIAL/COMMERCIAL III ZONE

Applicant Name: _____

Physical Address: _____

Legal Description: _____

Property Zone: _____

Nature of use: _____

Is the use **Permitted** w/o special or conditional use permits? _____

If the use is not expressly permitted use, the Conditional Use Permit process must be followed. See TBMC 17.04.043-Conditional Use Permits.

Number of Employees: _____

Business Hours: _____

PROVIDE A DETAILED DESCRIPTION OF PROPOSED USE:

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:

ATTACH A SEPARATE SHEET SHOWING THE FOLLOWING:

- | | |
|--|--|
| <input type="checkbox"/> Property lines | <input type="checkbox"/> North arrow, |
| <input type="checkbox"/> Boundary dimensions | <input type="checkbox"/> Existing & proposed structures |
| <input type="checkbox"/> Rights-of-way and easements | <input type="checkbox"/> Off street parking and access driveways |

FOR OFFICE USE ONLY:

Notice Posted on: _____ By: _____

Public Hearing required? _____

NOTICE OF INTENT

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A notice of intent is required when any commercial or industrial use is being proposed within the Residential/Commercial III Zone. See Thorne Bay Municipal Code 17.04.026-Mixed Residential/Commercial III Zoning Codes.

Permitted Uses-Commercial and Industrial.

Any commercial or industrial use may be permitted in this zone as long as the proposed use will not adversely affect the surrounding property owners. A public hearing will be held to determine whether or not a conditional use permit should be issued for a proposed use when:

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;
3. Three property owners within a ten-lot radius from the proposed use location calls for a public hearing by submitting an objection statement. A public hearing may be held because of a potential degradation of the surrounding property including subdivisions 1 and 2 of this subsection. Degradation of property includes but is not limited to impact from noise, dust, smoke, vibration, odor, increased traffic and parking.

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 criteria listed in Section 17.04.026(B)(1) through (3) is found, the aspirant of the proposed use will be required to apply for a conditional use permit.

Posted:

City Hall (2), Riptide Liquor, AP Market, Davidson Landing, SISD, USFS, The Port

NOTICE OF INTENT

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Applications for Notice of Intent must contain the following information:

All applications shall contain:

- a. Name and address of the property owner;
- b. Name and address of the applicant, if different from the property owner;
- c. Legal description of the property, vicinity map and site plan. The site plan will include:
 - i. Scale, north arrow and date,
 - ii. Property boundaries and dimensions,
 - iii. All existing and proposed structures and their dimensions,
 - iv. Rights-of-way and easements adjacent to the property,
 - v. Off-street parking spaces and their dimensions,
 - vi. Access and driveways,
 - vii. Any topographical features that may affect the development of the property,
 - viii. Proposed use of the new structures and current use of any existing structures;

A detailed description of the proposed use, including but not limited to:

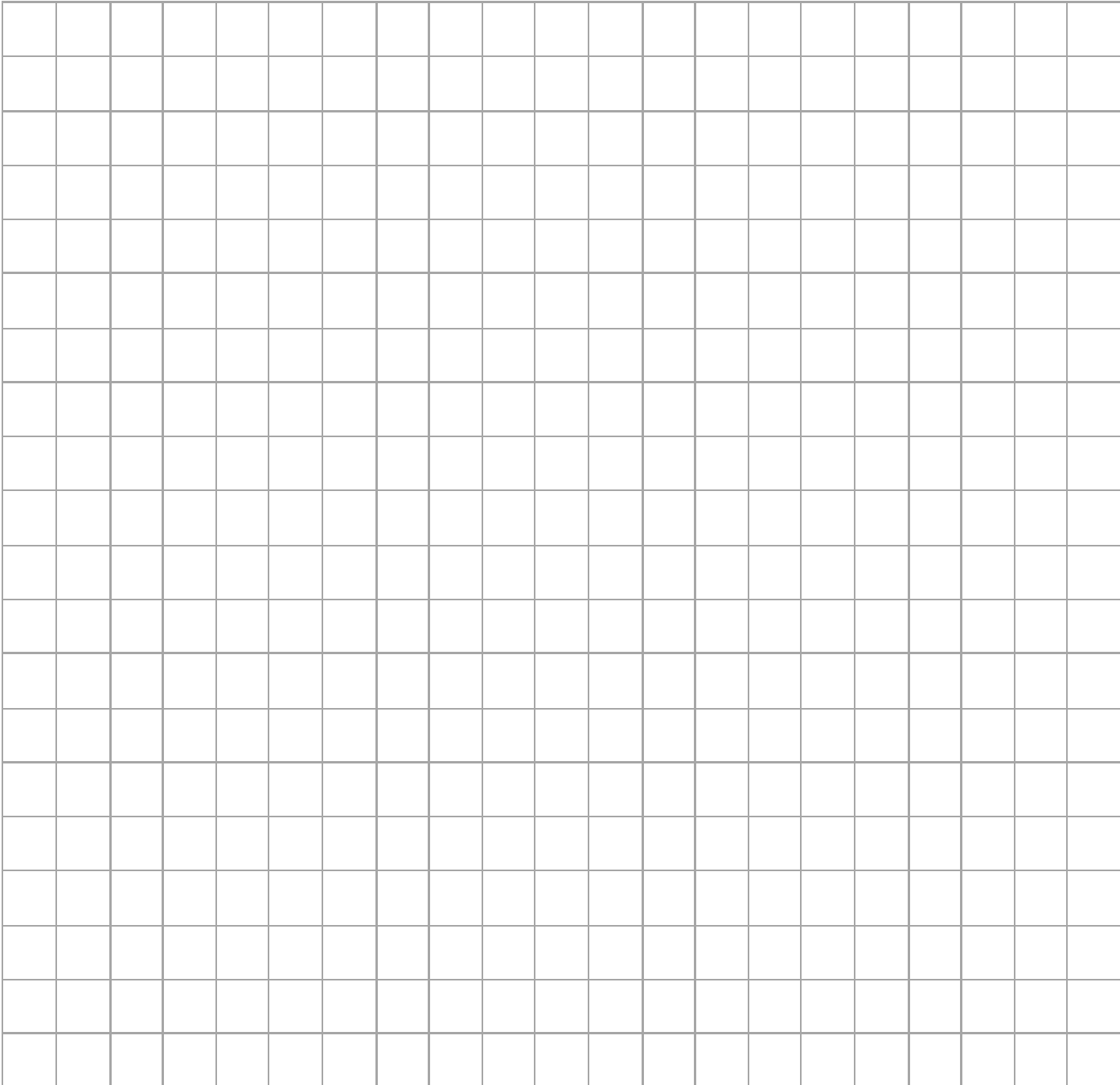
- i. Number of employees,
- ii. Nature of the proposed use,
- iii. Describe any dust, odor, vibration, smoke, noise, increased traffic or parking the proposed use will generate and how it will affect the surrounding property owners,
- iv. Times and days the proposed use will be in operation.

Procedure for Objection to Proposed Use.

An objection statement to a proposed use must be signed by no fewer than three property owners within a ten-lot radius of the proposed use. 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 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 planning commission shall not entertain objections that are feudal in nature between two neighbors.

Use the space below to draw a map of the existing site and proposed changes to the site. Development of any property requires a Development Plan be submitted to the Planning Official for approval prior to any construction. See Thorne Bay Municipal Code 15.04.020-Development Plans.

The State of Alaska Department of Commerce provides aerial maps with property lines that may prove to be a useful tool to assist with developing the map.



17.04.026

**Commercial/
Residential**

III



THORNE BAY MUNICIPAL CODE TITLE 17-ZONING
CHAPTER 17.04-PLANNING AND ZONING
SECTION 17.04.026-MIXED RESIDENTIAL COMMERCIAL III

THORNE BAY MUNICIPAL CODE

TITLE 17 – ZONING

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 15.04.020](#).

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 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:
 - i. Scale, north arrow and date,
 - ii. Property boundaries and dimensions,
 - iii. All existing and proposed structures and their dimensions,
 - iv. Rights-of-way and easements adjacent to the property,
 - v. off-street parking spaces and their dimensions,
 - vi. Access and driveways,
 - vii. Any topographical features that may affect the development of the property,
 - viii. 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:
 - i. Number of employees,
 - ii. Nature of the proposed use,
 - iii. 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,
 - iv. Times and days the proposed use will be in operation.

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

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.
5. Parking: all parking will be off-street and on the premises as required in section 17.04.041.
6. Density:
 - i. For separate single-family dwellings:
 - a) One acre minimum for each single-family dwelling structure.
 - ii. For uses other than Residential,
 - a) No more than one principal structure.
 - iii. For multi-family structures:
 - a) One acre minimum for the first unit and seven thousand five hundred square feet minimum lot size for each additional unit.
7. Maximum lot coverage: fifty percent of the lot area remaining after the setback area is subtracted from the total lot area.
8. Temporary structures are not subject to section 17.04.026(f)(6)(c).
9. Signs: no signs shall cause glare on a public right-of-way or surrounding public property. Otherwise, there are no restrictions.
10. All new housing, Commercial/Industrial Development and subdivision is subject to Alaska department of environmental conservation review and approval per the recorded plats.
11. 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)