



Sponsor: Lee Burger, Mayor
Introduction: August 16, 2022
Vote: 5 Yeas, 0 Nays, 2 Absent

**RESOLUTION 22-08-02-01
CITY OF THORNE BAY**

A RESOLUTION OF THE CITY COUNCIL SUPPORTING AN AMENDMENT TO THE INDUSTRIAL ZONE TO INCLUDE RESIDENTIAL USE AS A PERMITTED USE THROUGH THE CONDITIONAL USE PERMIT PROCESS

WHEREAS, the City Council is the governing body for the City of Thorne Bay, Alaska; and

WHEREAS, it is the responsibility City Council to establish rules and procedures which govern the behavior of the City and may be enforced through fines or penalties; and

WHEREAS, it is the intent of the City Council to ensure that the laws and ordinances are enforced consistently, fairly and impartially; and

WHEREAS, the Thorne Bay Municipal Code sets out the zoning regulations for land uses within the City in TBMC Chapter 17.04 - Planning and Zoning; and

WHEREAS, TBMC 17.04.028-Industrial Zone sets out the development and use standards for lots within that zone, and expressly prohibits residential subdivision use within the Industrial zone, permitting only living quarters as an accessory use within the zone, such as a watchman's quarters, owner/operator residence; and

WHEREAS, there are properties within the Industrial Zone of Thorne Bay that are not in compliance with the zoning standards, by only using the property as a primary residence and do not operate a permitted or conditionally permitted use within the zone as set forth in TBMC 17.04.028, Subsection (A) Permitted Use, and (B) Conditional Use; and

WHEREAS, Thorne Bay suffers from a severe shortage in housing availability for both renters and homeowners looking to buy; and

WHEREAS, in efforts to allow for additional residential housing opportunities within Thorne Bay, while ensuring the continued viability and integrity of the existing land zones and uses, City Council believes it to be in the best interest to of the city to amend the current zoning regulations within the Industrial Zone by allowing residential living within the zone through the Conditional Use Permit process; and

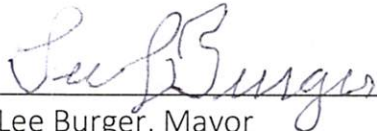
WHEREAS, if approved, all existing lots that are not in compliance with the permitted uses, would be required to obtain a Conditional Use Permit as described in the Thorne Bay Municipal Code 17.04.043; and

WHEREAS, if not approved, all existing lots that are not in compliance with the permitted uses, would be subject to the fine set forth in TBMC 1.16.035-Minor Offense Fine Schedule, Violation Section 17.04.028 (c); and

WHEREAS, the proposed amendment would not be detrimental to health or welfare of any person or property owner is consistent with the Comprehensive Development Plan of the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council, for the City of Thorne Bay, Alaska; supports the amendment to TBMC 17.04.028-Industrial Zone, to include Residential Subdivision, as a Conditionally Permitted Use, and hereby directs the City Clerk to begin procedures of notifying the property owners of the proposed Ordinance amendments as provided in TBMC 17.04.046-Amendments to the Zoning Title Including Rezoning.

PASSED AND APPROVED: August 2, 2022



Lee Burger, Mayor

ATTEST:


Teri Feibel, CMC

Q & A

For Resolution 22-08-02-01

What is a Conditional Use Permit?

Answer: 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. 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.

In order to obtain a conditional use permit, one must follow the procedures outlined in the Thorne Bay Municipal Code Chapter 17.04.043-Conditional Use Permits.

There is a public hearing of the Planning Commission and property owners prior to a decision to approve or deny. The surrounding property owners will be notified of the hearing and have the opportunity to speak in favor or against granting approval for the permit.

You can find the codes referenced in this document on the City's Website at www.thornebay-ak.gov/municipal-code.

What will happen when residents begin to complain about dust, noise or traffic created from a permitted industrial use?

Answer: Nothing. A residential use property that is granted a Conditional Use Permit will have been provided with the Zoning laws and made aware of the intent of the Industrial Zone which is to provide an area that is suitable for both heavy and light industrial uses such as manufacturing, processing, repairing and assembling, and understand that most industrial uses will create loud noises and early operation hours.

When would the Ordinance Hearing be held for residents to comment on the proposed zoning change?

Answer: It will depend on when the notices are mailed to the property owners. But would be either the 6th or 20th of September.

The proposed ordinance amendment is provided on pages 4-___ of this document.

DRAFTED ORDINANCE AMENDMENT TO THE INDUSTRIAL ZONE:

ADDITIONS ARE IN BLUE AND CAPITALIZED

~~Deletions are red and stricken~~

AMENDMENT OF TITLE, CHAPTER & SECTION:

TITLE 17 – ZONING

CHAPTER 17.04 – PLANNING & ZONING

Section 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.

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.

3. RESIDENTIAL SUBDIVISION.

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:

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. 16-01-05-02 93-23 § 6(part), 1993)