CITY AND BOROUGH OF WRANGELL, ALASKA

ORDINANCE NO. 867

AN ORDINANCE OF THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA, AMENDING TITLE 20 OF THE WRANGELL MUNICIPAL CODE RELATING TO ZONING AND THE OFFICIAL ZONING MAPS

BE IT ORDAINED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF WRANGELL, ALASKA:

SEC. 1. Action. This ordinance amends Title 20 of the City and Borough of Wrangell Municipal Code by deleting those words that are bolded and in brackets and by adding those words that are underlined:

Title 20

ZONING[1]

Chapters:

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[1]Editor's note: The official zoning map is on file at City Hall.

Chapter 20.04

GENERAL PROVISIONS

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20.04.020 *Repealed.*
20.04.030 Purpose of provisions.
20.04.040 Planning and zoning commission – Established.
20.04.050 Districts and map – Purpose generally.
20.04.060 Districts – Basis and purpose.
20.04.070 Preliminary report and actions to effect provisions.
20.04.080 Regulations deemed minimum standards.
20.04.090 Compliance required.
20.04.100 Structure compliance required.
20.04.110 Essential service permitted in all districts.
20.04.120 Zoning of annexed lands.
20.04.130 Building location generally.
20.04.140 Interpretation of regulations for permitted uses.
20.04.150 Conflicts with other provisions.

20.04.010 Citation of provisions.

The ordinance codified in this title shall be known and may be cited as the zoning ordinance of the borough. [Ord. 219 § 5, 1969; prior code § 95.05.070.]

20.04.020 Statutory authority.

Repealed by Ord. 833. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.05.010.]

20.04.030 Purpose of provisions.

The borough assembly deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the borough to enact the ordinance codified in this title. [Ord. 219 § 5, 1969; prior code § 95.05.020.]

20.04.040 Planning and zoning commission – Established.

The borough assembly, pursuant to the provisions of AS 29.35.180(B), has appointed a planning commission to recommend the boundaries of the various districts, make **[appropriate]** regulations to be enforced therein, and appoint and constitute the members thereof to the zoning commission which commission shall be entitled the planning and zoning commission and referred to in this title as the "commission." [Ord. 487 § 5, 1986; Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.05.030.]

20.04.050 Districts and map – Purpose generally.

The commission has divided the borough into districts and has prepared a zoning map and regulations pertaining to such districts in accordance with a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to facilitate adequate transportation, water and sewage facilities, schools, parks and other public requirements. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.05.040.]

20.04.060 Districts – Basis and purpose.

The commission has given reasonable consideration, among other things, to the character of the districts and their suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the borough. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.05.050.]

20.04.070 Preliminary report and actions to effect provisions.

The commission has made a preliminary report and held public hearings thereon, pursuant to notice, and submitted its final report to the borough assembly, and the borough assembly has given due public notice of hearings relating to districts, regulations, and restrictions, and has held such public hearings, and all requirements of the Alaska Statutes, with regard to the preparation of the report of the commission and the subsequent action of the borough assembly have been met. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.05.060.]

20.04.080 Regulations deemed minimum standards.

The regulations set forth in this title within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land and, particularly, except as otherwise provided in this chapter. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.10.010.]

20.04.090 Compliance required.

No building or land shall be used or occupied and no building or part thereof shall be erected, moved, or altered after the effective date of the ordinance codified in this title unless in conformity with the regulations specified in this title for the district in which it is located. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.10.020.]

20.04.100 Structure compliance required.

After the effective date of an ordinance codified in this title no structure shall be erected or altered as follows:

A. To exceed the height;

B. To accommodate or house a greater number of families;

C. To occupy a greater percentage of lot area; or

D. To have narrower or smaller rear yard, front yard or side yard than is specified in this title for the district in which such building is located. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.10.030.]

20.04.110 Essential service permitted in all districts.

Essential services, as defined in WMC 20.08.280**[230]**, shall be permitted in all districts. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.40.010.]

20.04.120 Zoning of annexed lands.

All territory which may be annexed to the borough after the effective date of the ordinance codified in this title is zoned residential (SF) until otherwise classified by the order of annexation and by amendment of this title as provided by law. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.40.020.]

20.04.130 Building location generally.

Every building erected after the effective date of the ordinance codified in this title shall be located on a lot as defined in this title. If it is located on two or more legally subdivided lots, the building may straddle an interior lot line. However, all other regulations shall apply as though the parcel of lots concerned were a single lot. [Ord. 219 § 5, 1969; prior code § 95.10.060.]

20.04.140 Interpretation of regulations for permitted uses.

A. The express enumeration and authorization of a particular class of building, structure, or use in a designated district shall be deemed a prohibition of such building, structure, or use in all other districts unless otherwise specified.

B. In case of reasonable doubt as to whether a use is permitted in a specific district, the zoning administrator shall rule as to the intent and meaning of this title. When it is alleged that there is an error in the zoning administrator's interpretation of this title, the commission shall rule. If the commission upholds the decision of the zoning administrator, appeals from this decision may be made to the board of adjustment as provided in WMC 20.80.010.

C. The zoning regulations shall apply equally to private and public property. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.20.020.]

20.04.150 Conflicts with other provisions.

Wherever there is a conflict between this title and other ordinances pertaining to the regulation of property within the borough, the most restrictive ordinance or code provision **[regulation]** shall apply. [Ord. 219 § 5, 1969; prior code § 95.10.070.]

Chapter 20.08

DEFINITIONS

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20.08.030 Accessory use.
20.08.040 Alley.
20.08.050 Alteration.
20.08.052 Animal.
20.08.054 Animal establishment.
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20.08.010 General interpretation and construction.

A. The word "lot" includes the word "plot" or "parcel."

B. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied." [Ord. 219 § 5, 1969; prior code § 95.80.010.]

20.08.020 Accessory building.

"Accessory building" means a detached building, the use of which is **[appropriate,]** subordinate and customarily incidental to that of the main building or to the main use of the land, and which is located on the same lot as the main building or use. An accessory building shall be considered to be a part of the main building when joined to the main building by a common wall or when any accessory building and the main building are connected by a breezeway. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.030 Accessory use.

"Accessory use" means a use customarily incidental and subordinate to the principal use of the land, building or structure and located on the same lot or parcel of land. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.040 Alley.

"Alley" means a public way designed and intended to provide only a secondary means of access to any property abutting thereon. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.050 Alteration.

"Alteration" means any change, addition or modification in the construction, location or use classification. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.052 Animal.

"Animal" means all non-human members of the kingdom Animalia. [Ord. 785 § 1, 2006.]

20.08.054 Animal establishment.

"Animal establishment" means:

A. Any property wherein or whereon any person engages in the business of regularly selling, training, boarding, or breeding animals for compensation;

B. Any property used to house or board any horse, mule, donkey, or other livestock;

C. For animals other than livestock, fish or fowl, any property used to house more than 20 adult animals; or

D. Any property used to house more than 10 adult fowl. [Ord. 785 § 2, 2006.]

20.08.060 Apartment house.

See WMC 20.08.230**[190]**, Dwelling, multiple-family. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.070 Area, building.

"Building area" means the total of areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of steps. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.080 Agriculture.

"Agriculture" means activities involving cultivating soil, producing crops, and raising livestock and fowl.

20.08.090[80] Automobile wrecking.

"Automobile wrecking" means the dismantling of used motor vehicles or trailers or the storage or sale of parts from dismantled or partially dismantled, obsolete or wrecked vehicles. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.100 Bed and Breakfast Inn.

"Bed and Breakfast Inn" means owner occupied residence offering overnight accommodations in five (5) or less rooms for which compensation is paid daily or weekly, for no more than thirty (30) days.

20.08.110[90] Boardinghouse.

"Boardinghouse" means a building other than a hotel where lodging, with or without meals, is provided for compensation for three or more persons, on other than a day-to-day basis and which is not open to transient guests. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.120[100] Building.

"Building" means any structure built for the support, shelter or enclosure of persons, animals or property of any kind. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.130[110] Building Code.

"Building code" means the building code and/or other building regulations applicable in the borough. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.140[120] Building, existing.

"Existing building" means a building erected prior to the adoption of the ordinance codified in this title or one for which a legal building permit has been issued. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.150[130] Building height.

"Building height" means the vertical distance from the grade, as defined in WMC 20.08.360**[300]**, to the average height of the highest roof surface **[highest point of the roof]**. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.160[140] Building, principal or main.

"Principal building" or "main building" means a building in which is conducted the principal or main use

of the lot on which the building is situated. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.170[150] Centerline.

"Centerline" means the line which is in the center of a public right-of-way. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.180[152] Commercial animal establishment.

"Commercial animal establishment" means an animal establishment as defined in WMC 20.08.054(A). [Ord. 785 § 3, 2006.]

20.08.190[160] Commission.

"Commission" means the planning and zoning commission of the borough. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.200 Cottage Industry.

"Cottage Industry" means a small-scale home-based business, similar to a home occupation, allowing up to two (2) employees, involving the on-site manufacture and/or sale of goods or services or the retailing, wholesaling, and renting of real or personal property provided such activities are permitted uses and are not, in the determination of the Planning Commission, detrimental to surrounding properties. A day sightseeing trip to a remote piece of property is considered a cottage industry.

20.08.210[170] Coverage.

"Coverage" means that percentage of the total lot area covered by the total building area. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.220[180] Dwelling.

"Dwelling" means a building or any portion thereof designed or used exclusively for residential occupancy including one-family, two-family and multiple-family dwellings, but not including any other building wherein human beings may be housed. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.230[190] Dwelling, multiple-family.

"Multiple-family dwelling" means any building containing three or more dwelling units. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.240[200] Dwelling, one-family

"One-family dwelling" means any detached building containing only one dwelling unit. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.250[210] Dwelling, two-family.

"Two-family dwelling" means any building containing only two dwelling units. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.260[220] Dwelling unit.

"Dwelling unit" means one or more rooms and a single kitchen designed as a unit for occupancy by not

more than one family for living or sleeping purposes. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.270 Emergency Response Supply Cache.

"Emergency Response Supply Cache" (e.g. Firefighting Equipment) means a small structure for emergency response and firefighting equipment.

20.08.280[230] Essential service.

"Essential service" means the erection, construction, alteration or maintenance by public utility companies or municipal departments or commissions of underground or overhead gas, electrical, steam or water transmission or distribution systems; and collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith. This definition shall not be interpreted to include public buildings. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.290[240] Family.

"Family" means any number of individuals living together as a single housekeeping unit in a dwelling unit. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.300[250] Fence height.

"Fence height" means the vertical distance between the ground directly under the fence and the highest point of the fence. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.310[260] Floor area.

"Floor area" means the total of each floor of a building within the surrounding outer walls but excluding vent shafts and courts. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.320[262] Fowl.

"Fowl" means all domesticated or domestic members of the order Galliformes, which includes chickens, turkeys, ducks, grouse, quails, pheasants and similar birds. [Ord. 785 § 4, 2006.]

20.08.330[270] Frontage.

"Frontage" means all the property abutting the right-of-way of a dedicated street or a private road easement. Frontage is measured along the right-of-way or easement between side lot lines of a lot. [Ord. 443 § 4, 1983; Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.340[280] Garage, private.

"Private garage" means an accessory building or any portion of a main building used in connection with residential purposes for the storage of passenger motor vehicles. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.350[290] Garage, public.

"Public garage" means any garage, other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, or adjusting or equipping of automobiles or other vehicles. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.360[300] Grade or ground level.

"Grade" or "ground level" means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building. **[the average level of the finished ground at the center of all walls to a building. In case walls are parallel to and within five feet of a public sidewalk, the ground level shall be measured at the sidewalk.]**[Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.370[310] Guest room.

"Guest room" means any room in a hotel, dormitory, boardinghouse or lodginghouse used and maintained to provide sleeping accommodations for not more than two persons. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.380[320] Home occupation.

"Home occupation" means a profession or use conducted entirely within a dwelling or premises by the residents with no other employees, when such use is **[clearly]** incidental and secondary to the home for dwelling purposes, and where there is no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than any permitted sign; and where such use does not manifest any characteristics which are essentially different than the use of the building for permitted purposes, such as increased traffic volumes, noise, vibration, glare, fumes, odors, or electrical interferences which create visual or audible interference in any radio or television receivers off the premises or cause fluctuations in line voltages off the premises. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.390[330] Hotel.

"Hotel" means any building or group of buildings in which there are guest rooms used, designed or intended to be used for the purpose of offering to the general public food or lodging, or both, on a day-to-day basis. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.400[340] Junkyard.

"Junkyard" means any space 100 square feet or more used for the storage, keeping or abandonment of junk or waste material including scrap metals or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts thereof. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.410[350] Loading space.

"Loading space" means an off-street space or berth on the same lot with a building or structure to be used for the temporary parking of commercial vehicles while loading or unloading merchandise or materials. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.420[352] Livestock.

"Livestock" means domestic animals of the type collected, used, raised or kept on a farm or ranch. The term "livestock" includes, but is not limited to, cattle, sheep, swine, goats, horses, mules and donkeys but does not include cats, dogs, rabbits or fowl. [Ord. 785 § 5, 2006.]

20.08.430[360] Lot.

"Lot" means a parcel of land occupied or to be occupied by a principal use and having frontage on a public street or private road easement as permitted by a flag lot subdivision. [Ord. 443 § 5, 1983; Ord. 349 § 5,

1976; prior code § 95.80.020.]

20.08.440[370] Lot, corner.

"Corner lot" means a lot situated at the junction of, and bordering on, two intersecting streets. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.450[380] Lot depth.

"Lot depth" means the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.460[390] Lot line, front.

"Front lot line" means a line separating the lot from the street. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.470[400] Lot line, rear.

"Rear lot line" means a line that is opposite and most distant from the front lot line and, in case of irregular, triangular or gore-shaped lots, a line not less than 10 feet in length, within a lot, parallel to and at the maximum distance from the front lot line. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.480[410] Lot line, side.

"Side lot line" means any lot boundary line not a front lot line or a rear lot line. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.490[420] Lot width.

"Lot width" means the mean horizontal distance separating the side lot lines of a lot and at right angles to its depth. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.500[430] Major roads.

"Major road" means state primary and secondary aid roads. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.510[440] Major utility.

"Major utility" means a utility service, such as electrical, gas, telephone, cable television or other service operated by the borough or by license from the state or the borough. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.520[445] Modular dwelling or manufactured housing.

"Modular dwelling or manufactured housing" means a dwelling or manufactured housing constructed with the intent to be transported by any means and placed on a permanent foundation that meets all building codes adopted by the borough and which is built after 1979 and is 24 feet or more in width. Modular dwellings or manufactured housing built prior to 1979 or less than 24 feet in width shall only be permitted in established mobile home parks or RR zones. [Ord. 462 § 6, 1984.]

20.08.530[450] Mobile home.

"Mobile home" means any coach, motor home, trailer, or other vehicle or structure built prior to or after 1979 or less than 24 feet in width designed or intended for or capable of human dwelling or sleeping purposes which is mounted on wheels or supports and capable of being moved by its own power or transported by a

vehicle, where such mobile home is used or intended for permanent occupancy. This does not include units that are similarly constructed and designed for multiple sleeping quarters such as bunkhouses with separate food preparation and dining areas. [Ord. 462 § 6, 1984.]

20.08.540[460] Mobile home park.

"Mobile home park" means any park, court, parcel or tract of land, designed, maintained, intended or used for the purpose of supplying a location for more than two mobile homes including all buildings used or intended for use as a part of the equipment thereof, whether or not a charge is made for the use of the park and its facilities. A mobile home park does not include automobile or trailer sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sale, with no more than one mobile home fully set up for occupancy located on each such sales lot. A mobile home park may include modular dwellings or manufactured housing built prior to 1979, or less than 24 feet in width, and shall not be permitted in any district as a principal use, except in RR zones. [Ord. 462 § 6, 1984.]

20.08.550[470] Motel.

"Motel" means a group of one or more detached or semidetached buildings containing two or more individual dwelling units and/or guest rooms designed for or used temporarily by automobile tourists or transients, with a garage attached or parking space conveniently located to each unit, including groups designated as auto courts, motor lodges, or tourist courts. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.560[480] Nonconforming lot.

"Nonconforming lot" means a lot lawfully existing at the time an ordinance codified in this title becomes effective which, by reason of area or dimensions, does not meet the development requirements for the district in which it is located. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.570[490] Nonconforming structure.

"Nonconforming structure" means a structure, or portion thereof, lawfully existing at the time an ordinance codified in this title became effective, which by reason of its yards, coverage, height or other aspects of design does not meet the development requirements of this title. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.580[500] Nonconforming use.

"Nonconforming use" means a use of a structure, of land or of a structure and land in combination, lawfully existing at the time an ordinance codified in this title became effective, or established on the premises of a previous nonconforming use, as specified in Chapter 20.64 WMC, which is not in conformity with the uses permitted in the district in which it exists. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.590[510] **Nursery, children's.**

"Children's nursery" means any home or institution used and maintained to provide day care for children not more than seven years of age. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.600[520] Parking space.

"Parking space" means an area of not less than 170 **[180]** square feet, 10 **[10.4]** feet by 17 **[17.4]** feet, exclusive of drives or aisles giving access thereto in area accessible from streets and alleys, for the storage of passenger motor vehicles operated by individual drivers. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.610 Portable sawmill

"Portable sawmill" means a machine that typically consists of a blade either circular or band and a guide system that cuts logs into boards, square timbers, or cants. Portable sawmills are light, compact, and capable of being transported either in the back of a pick-up truck, on a trailer, on their own axle and hitch, or similar method.

20.08.620[530] Principal use.

"Principal use" means the major or predominant use of a lot or parcel of land. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.630[540] Profession.

"Profession" means an occupation **[or calling]** requiring **[the practice of a learned art through]** specialized knowledge based on a degree issued by an institution of higher learning. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.640[550] Property owner.

"Property owner" means the owner shown on the latest tax assessment roll. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.650 Recreational Lodge.

"Recreational Lodge" means a structure that provides lodging (room and board) accommodations for use by visitors. Lodges may include satellite small cabins along with the main structure.

20.08.660[560] Service station.

"Service station" means any building, structure, premises or other space used primarily for the retail sale and dispensing of motor fuels, tires, batteries, and other small accessories; the installation and servicing of lubricants, tires, batteries and other small accessories; and such other services which do not customarily or usually require the services of a qualified automotive mechanic. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.670[570] Sign.

"Sign" means any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, sign boards, trade names or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business or a commodity or product, and which are visible from any public street or highway and used to attract attention. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.680[580] State highway.

"State highway" means a right-of-way classified by the state as a primary, secondary A or secondary B highway. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.690[590] Street.

"Street" means a public right-of-way used as a thoroughfare and which is designed and intended to provide the primary means of access to property abutting thereon. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.700[600] Structure.

"Structure" means that which is built or constructed; an edifice or a building of any kind, composed of parts jointed together in some definite manner. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.80.020.]

"Use" means the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.720 Vacation Rental Dwelling.

"Vacation Rental Dwelling" means a one-family dwelling structure that provides rental accommodation for a term not to exceed four consecutive months per renter.

20.08.730[620] Variance.

"Variance" means a relaxation of development requirements in those cases where unusual physical features of the property involved would make strict application of the zoning regulations unreasonable. Variances shall only be granted under the procedures specified in Chapter 20.72 WMC. Variances shall not be granted for the purpose of permitting a structure or the use of a structure or land which is not otherwise permitted in the district. The allowance of any structure or land or structure uses in a district where such would not otherwise be permitted may be accomplished only through an amendment of the zoning ordinances in accordance with the procedures specified in Chapter 20.76 WMC, a change in district boundaries or additions to uses permitted within a district classification by adding conditional uses requiring planning commission approval in each instance. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.740[630] Yard.

"Yard" means an open, unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this title, on the same lot on which a building is situated. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.750[640] Yard, front.

"Front yard" means a yard extending across the full width of a lot measured between the front lot line of the lot and the nearest exterior wall of the building which is the nearest to the front lot line. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.760[650] Yard, side.

"Side yard" means a yard on each side of a main building and extending from the front lot line to the rear lot line. The width of the required side yard shall be measured horizontally from the nearest point of a side lot line to the nearest part of the main building. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.770[660] Zoning change.

"Zoning change" means the alteration or moving of a district boundary, the reclassification of a lot or parcel of land from one district to another, or the change of any of the regulations contained in this title. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.80.020.]

20.08.780[670] Zoning ordinance or ordinances.

"Zoning ordinance" or "zoning ordinances" means the borough zoning ordinance codified in this title. [Ord. 349 § 5, 1976; prior code § 95.80.020.]

Chapter 20.12

DISTRICTS ESTABLISHED – BOUNDARIES

Sections: 20.12.010 Districts established – Map adopted by reference.
20.12.020 Map – Changes – Official copy – Certification.
20.12.030 Map – Replacements.
20.12.040 District boundaries – Determination.
20.12.050 Temporary and special zoning acts.
20.12.060 "T" transition district.

20.12.010 Districts established – Map adopted by reference.

A. The borough is divided into the following districts:

1. Single-family residential (SF) – Chapter 20.16 WMC;
2. Multifamily residential (MF) – Chapter 20.20 WMC;
3. Rural residential-1 (RR-1) – Chapter 20.28 WMC;
4. Rural residential-2 (RR-2) – Chapter 20.30 WMC;
5. Remote Residential Mixed-Use (RMU) – Chapter 20.31 WMC;
6.**[5.]** Open space/public (OS) – Chapter 20.32 WMC;
7.**[6.]** Holding (H) – Chapter 20.36 WMC;
8.**[7.]** Timber management (TM) – Chapter 20.40 WMC;
9.**[8.]** Commercial (C) – Chapter 20.44 WMC;
10.**[9.]** Industrial (I) – Chapter 20.48 WMC;
11.**[10.]** Shoemaker Bay – Chapter 20.49 WMC;
12.**[11.]** Waterfront development (WD) – Chapter 20.50 WMC;
13.**[12.]** Light industrial (IL) – Chapter 20.51 WMC;
14.**[13.]** Transition (T) – WMC 21.12.060.

Unless otherwise stated, tidelands shall have the same district classification as the immediately adjoining and adjacent uplands.

B. These districts shall be bounded and defined as shown on the official zoning map, a certified copy of which shall be kept in the office of the zoning administrator. The official zoning map may designate subarea zones as identified in this title. The official zoning map, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this title. [Ord. 822 § 4, 2008; Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.15.010.]

20.12.020 Map – Changes – Official copy – Certification.

A. No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this title. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as provided under Chapter 20.92 WMC.

B. Regardless of the existence of purported copies of the official zoning map, which may from time to time be made or published, the official zoning map, located in the office of the zoning administrator, shall be the final authority as the current zoning status of land and water areas, buildings, and other structures in the borough.

C. The official zoning map shall be identified by the date and signature of the mayor and the seal of the borough under the following words: "This is to certify that this is the official zoning map referred to in Title 20 of the municipal code, as adopted by Ordinance No. 462 of the City of Wrangell adopted on September 11, 1984." [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.15.030.]

A. In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the assembly, with the assistance of the commission, may by resolution adopt a new official zoning map which shall supersede the prior official zoning map.

B. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

C. The new official zoning map shall be identified by date and the signature of the mayor, and shall bear the seal of the borough under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of Ordinance No. 867 of the City and Borough of Wrangell, Alaska." [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.15.040.]

20.12.040 District boundaries – Determination.

Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following borough limits shall be construed as following borough limits.

D. Boundaries indicated as following shorelines shall be construed to follow such shorelines. Boundaries indicated as approximately following the centerlines of creeks shall be construed to follow such centerlines. In the event of change of a shoreline or a centerline of a creek, the district boundary shall be construed as moving with the actual shoreline or creek.

E. Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (D) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.

F. The zoning regulations shall apply equally to private and public property.

G. Property which has not been specifically included within a district shall be classified as single-family (SF) residential, <u>or remote residential mixed-use (RMU), as applicable</u>, until such classification is changed by amendment to the zoning ordinance as provided by law.

H. Where any public street or alley is officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation.

I. Where existing physical features or the streets or property layout is at variance with the official zoning map, or in other questions of map interpretation not covered by subsections (A) through (H) of this section, the board of adjustment shall interpret the district boundaries. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.20.010.]

20.12.050 Temporary and special zoning acts.

Ord. No.	Description
378	Contract zone from future development to light industrial; beach rights in USS 1518 (Orden and Nadine Phillips – Bait herring processing plant) (Terminated)
380	Rezone from apartment residential-1 to commercial; Lot 17, Block 3, USS 1119
409	Rezone from low density residential-1 to apartment residential-1; Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, Block 58, USS 1119
412	Rezone from medium density residential-1 to light industrial-1; Lot 14B, 14C, 15B, 15C, Block 83
413	Rezone from low density residential-2 to general industrial; Lot 16, USS 2589
415	Rezone from low density residential-1 to general industrial; Block 60 and Block 61, Wrangell Townsite
425	Rezone from low density residential-1 to general industrial; Block 59, Wrangell Townsite
426	Contract zone from medium density residential to apartment residential zone 1; Lot 2, Block 18 (Carl H. Porter – Expand Bishop Rowe Apartments from existing five units to eight units)
438	Contract zone from light industrial bait herring processing plant to light industrial for storage of boats and boat trailers; portion of USS 1518 (Orden and Nadine Philips – Terminated Ord. 378)
452	Contract zone from apartment residential to commercial; Lot 17, Block 83, Wrangell Townsite, and Lot 5, Block 83, Case Subdivision (R.H. and Annie Armstrong – Agricultural nursery and sale of nursery-related products)
456	Rezone from future development to general industrial; Parcel 5, USS 3705
468	Rezone from rural residential I to rural residential II; portion of Tract I and portion of Tract J, USS 2321

471 Rezone from rural residential I and rural residential II to single-family residential; USS 1593, Block 3, Lots 1 and 2

472 Contract zone from single-family residential to commercial; portion of Lot 12, Block 83 (M. Ronald and Linda Schmitz – Seafood processing plant) (Terminated)

475 Contract zone from future development to commercial; Tract A, ATS 1114 (Orden and Nadine Phillips – Seafood processing plant)

479 Rezone from waterfront development and multifamily residential to light industrial; Lots 16, 17, 18, 21, 22, 23, Block 21; Lots 20, 24, 25, Block 21

503 Rezone from open space to waterfront development district; portion of USS 1518, upland from ATS 1114

512 Rezone from single-family residential to light industrial; Lots 12-1, 12-2, 12-3, 13, Block 83

518 Rezone from commercial to open space; portion of Lot 16, Block 6, USS 1119

540 Contract zone from single-family residential to commercial; Lots 1, 2, Block 27, Bradley Subdivision (C&E Bradley, Inc., – Self-serve service station and mini mart)

580 Contract zone from single-family residential to commercial; Lot 5, Block 18 and portion of Lot 6, Evergreen Park (Drs. Moorhead and Ross – Office building) (Terminated)

581 Rezone from single-family residential to holding district; Lot 11A (Third Ave. Subdivision) Block 5, USS 2127; Lots 12, 13, 14, 15, Block 5, USS 2127; Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, Block 6, USS 2127 (area around landfill)

609 Contract zone from single-family residential to commercial; portion of Lot 1, and Lots 2, 3, and 5 of Block 12, USS 1119 (Ronald and Evi Fennimore)

610 Rezone from multifamily residential to single-family residential; Blocks 32 and 33, USS 1119

626	Contract zone from light industrial to open space/public; Lot 12-1 and Lot 12-3, Zimovia View Subdivision (Jim and Wilma Leslie)
652	Rezone from open space/public to Shoemaker Bay Waterfront Development; portion of Lot 24, USS 3403 and portion of Tract D ATS 1532 (Shoemaker harbor parking lot area)
653	Rezone from multifamily residential to holding district; Blocks 1 through 3 and Tract A, Shoemaker Bay Subdivision
655	Rezone from waterfront development to commercial; portion of Lots 18, 19, 20, 21, 22, 23 and portions of Lots 24 and 25 of Block 7, USS 1119, and portion of Lot 8 Block 7A of Wrangell Townsite
662	Contract zone from single-family residential to commercial; Lot 20B, Block 10, USS 1119 (John R. and Barbara Haws Angerman)
727	Rezone from light industrial to rural residential; Lots Z2, Z3, Z4 and Z5, Road House Subdivision
729	Rezone from waterfront development to open space public; Lot 4A, Block C, Nolan Subdivision
734	Rezone from rural residential I to rural residential II; Tract J-2, portion of Tract J-1A, and portion of Lot 10 USS 2321 Ned's Resubdivision
11/21/06 motion	Rezone from timber harvest district to open space public; Wrangell Medical Center and Alaska Island Community Services on Parcel 6, USS 3753
824	Rezone from single-family residential to rural residential I; all property located outside of the prior city limits and within Borough Service Area 1
828	Rezone from timber harvest to open space public; Parcel 6, USS 3753
858	Rezone from Multi-Family residential to Holding: Lot 26, USS 3403

5/8/12 Rezone from commercial to multifamily residential; Lot 4, Block 5, USS 1119

Motion

864 Rezone from Single family residential to Multi-Family Residential for a three (3) unit structure; Lot 20A, Oliver Subdivision.

[Ord. 864, 2012 ;Ord. 858, 2011;Ord. 828 § 1, 2008; Ord. 824, 2008; Ord. 734, 2003; Ord. 729, 2003; Ord. 727, 2003; Ord. 662, 1999; Ord.655, 1999; Ord. 653, 1999; Ord. 652, 1999.]

20.12.060 "T" transition district.

All property located within the City and Borough of Wrangell, but outside of the boundaries of Borough Service Area 1, shall be unrestricted until it is otherwise zoned; provided, that no use commenced subsequent to the effective date of the ordinance codified in this section and during such time as the property in question shall be unrestricted shall create any grandfather right or other right to continue such use if inconsistent with any subsequently enacted zoning regulation. Such property shall be known as the "T" transition district. [Ord. 822 § 5, 2008.]

Chapter 20.16

SF DISTRICT – SINGLE-FAMILY RESIDENTIAL

Sections:

20.16.010 Purpose.
20.16.020 Principal uses permitted.
20.16.030 Accessory uses permitted.
20.16.040 Conditional uses.
20.16.050 Standards.

20.16.010 Purpose.

The single-family (SF) residential district is established to provide for medium density residential uses in areas having public vehicular access and major utilities available or where such access and major utilities are expected to become available within 10 years. This district is also established to help maintain the character and integrity of existing medium density residential neighborhoods. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code §§ 95.30.010, 95.30.055.]

20.16.020 Principal uses permitted.

The following are principal permitted uses in this district:

A. One-family and two-family dwellings to include modular dwellings or manufactured housing;

B. Public parks and playgrounds. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.30.020.]

20.16.030 Accessory uses permitted.

The following are permitted accessory uses in this district:

A. Private garages and required off-street parking;

B. Greenhouses and tool sheds;

C. Home occupations as defined in WMC 20.08.380;**[320;]**

D. Private docks, moorage, boat houses, and net houses;

E. Uses and structures which are customarily accessory and clearly subordinate to permitted uses. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.30.030.]

20.16.040 Conditional uses.

The following are uses which may be permitted in this district by action of the commission under the conditions and procedure specified in Chapter 20.68 WMC:

A. Public and private elementary and secondary schools and colleges;

B. Nursery schools, private kindergartens, and child care centers;

C. Public buildings and structures;

D. Hospitals, sanitariums, homes for the aged, nursing homes, convalescent homes;

E. Churches and cemeteries;

F. Radio and television transmitters or towers;

G. Mobile homes and mobile home parks subject to the requirements of Chapter 18.20 WMC as well as the requirements of this title;

H. Residential planned unit developments;

I. Animal establishments other than establishments for livestock.

J. Cottage Industry.

[Ord. 785 § 6, 2006; Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.30.040.]

20.16.050 Standards.

The standards found in Chapter 20.52 WMC applicable to this district are:

A. Standards policies: WMC 20.52.005;

B. Principal structures per lot: WMC 20.52.010; C.

Traffic vision impediments: WMC 20.52.020; D.

Distances between buildings: WMC 20.52.030; E.

Air, land and water quality: WMC 20.52.040;

F. Volatile products storage: WMC 20.52.050;

G. Noise: WMC 20.52.060;

H. Airport interference: WMC 20.52.070;

I. Building height: WMC 20.52.080;

J. Density – Minimum lot size: WMC 20.52.090;

K. Coverage – Minimum open areas: WMC 20.52.100;

L. Setbacks – Yards: WMC 20.52.110;

M. Drainage: WMC 20.52.150;

N. Dredge and fill: WMC 20.52.160;

O. Home occupations: WMC 20.52.170;

P. Mobile homes and mobile home parks – Defined: WMC 20.52.180;

Q. Off-street parking: WMC 20.52.190;

R. Signs: WMC 20.52.210;

S. Traffic generation: WMC 20.52.230;

T. Recreation: WMC 20.52.250;

U. Firewood storage: WMC 20.52.260;

V. Animal establishments: WMC 20.52.270. [Ord. 785 § 7, 2006; Ord. 586 § 4, 1993; Ord. 486 § 5, 1985; Ord. 462 § 6, 1984.]

Chapter 20.20

MF DISTRICT – MULTIFAMILY RESIDENTIAL

Sections:

20.20.010 Purpose.
20.20.020 Principal uses permitted.
20.20.030 Accessory uses permitted.
20.20.040 Conditional uses.
20.20.050 Standards.

20.20.010 Purpose.

The purpose of the multifamily (MF) district is to protect and enhance present medium density residential areas and to provide additional areas suitable for duplexes, apartments, planned unit developments and other relatively high density residential uses. The multifamily residential district encourages the concentration of

residences and people near schools, shopping areas, places of work and other community centers to enable economical utility service, to reduce dependence upon the automobile, and to provide convenient proximity to designation points. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code §§ 95.31.010, 95.31.055.]

20.20.020 Principal uses permitted.

The following are principal uses in this district:

A. Apartments;

B. Condominiums;

C. Townhouses;

D. Duplexes;

E. Single-family residences to include modular and manufactured housing;

F. Residential planned unit developments;

G. Parks and playgrounds;

H. Schools;

I. Churches. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code §§ 95.31.020.]

20.20.030 Accessory uses permitted.

Uses and structures which are **[clearly]** incidental and subordinate to principal permitted uses and which will not create a nuisance or hazard are permitted as accessory uses. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.31.030.]

20.20.040 Conditional uses.

The following are uses which may be permitted by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC:

A. Office buildings;

B. Government and civic buildings;

C. Churches;

D. Institutions;

E. Mobile home parks;

F. Private clubs, lodges, and halls except those whose chief activity is customarily carried on as a business;

G. Multi-unit housing projects for senior citizens;

H. Boardinghouses and roominghouses;

I. Nursery schools, private kindergartens, and child care centers for pre-elementary school children;

J. Vocational training centers;

K. Animal establishments other than establishments for livestock.

L. Cottage Industry. [Ord. 785 § 8, 2006; Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.31.040.]

20.20.050 Standards.

The standards found in Chapter 20.52 WMC applicable to this district are:

A. Standards policies: WMC 20.52.005;

B. Principal structures per lot: WMC 20.52.010; C.

Traffic vision impediments: WMC 20.52.020; D.

Distances between buildings: WMC 20.52.030; E.

Air, land and water quality: WMC 20.52.040;

F. Volatile products storage: WMC 20.52.050;

G. Noise: WMC 20.52.060;

H. Airport interference: WMC 20.52.070;

I. Building height: WMC 20.52.080;

J. Density – Minimum lot size: WMC 20.52.090;

K. Coverage – Minimum open areas: WMC 20.52.100;

L. Setbacks – Yards: WMC 20.52.110;

M. Drainage: WMC 20.52.150;

N. Dredge and fill: WMC 20.52.160;

O. Home occupations: WMC 20.52.170;

P. Mobile homes and mobile home parks – Defined: WMC 20.52.180;

Q. Off-street parking: WMC 20.52.190;

R. Signs: WMC 20.52.210;

S. Traffic generation: WMC 20.52.230;

T. Recreation: WMC 20.52.250;

U. Firewood storage: WMC 20.52.260;

V. Animal establishments: WMC 20.52.270. [Ord. 785 § 9, 2006; Ord. 586 § 5, 1993; Ord. 486 § 6, 1985; Ord. 462 § 6, 1984.]

Chapter 20.28

RR-1 DISTRICT – RURAL RESIDENTIAL

Sections:

20.28.010 Purpose.
20.28.020 Principal uses permitted.
20.28.030 Accessory uses permitted.
20.28.040 Conditional uses.
20.28.050 Standards.

20.28.010 Purpose.

The rural residential district is intended to provide for **[relatively]** low impact land and water uses and activities in areas that are not suitable or desirable for intensive development due to their distance from established utility service areas, existing large lot development or existing rural life styles. These areas shall be protected from **[inappropriate,]** high density or incompatible development in order to maintain their character and avoid the high public costs associated with utility service for outlying or scattered development. Within the RR-1 district, low density uses, compatible with the character of the district, are encouraged provided they will not require public sewers, water systems or high volume traffic arteries. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.33.010.]

20.28.020 Principal uses permitted.

The following are principal permitted uses in this district:

A. One- and two-family dwellings to include modular and manufactured housing and mobile homes;

B. Public parks and playgrounds. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.33.020.]

20.28.030 Accessory uses permitted.

The following are permitted accessory uses in this district provided they do not create a nuisance or hazard:

A. Private garages;

B. Houses and tool sheds;

C. Private docks, moorage, boat houses and net houses;

D. Uses and structures which are customarily accessory and clearly subordinate to permitted uses;

E. Animal establishments other than commercial animal establishments. [Ord. 785 § 10, 2006; Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.33.030.]

20.28.040 Conditional uses.

The following are the uses which may be permitted in the RR-1 district by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC:

A. Home occupations;

B. Public and private elementary and secondary schools and colleges;

C. Nursery schools, private kindergartens, and child care centers; D.

Public buildings and structures;

E. Hospitals, sanitariums, nursing homes and convalescent homes; F.

Churches and cemeteries;

G. Radio and television transmitters and towers; H.

Mobile home parks;

I. Neighborhood-oriented commercial development (e.g., neighborhood grocery); J.

Quarrying, material extraction and processing;

K. Energy-related facilities;

L. Commercial animal establishments; M.

Fisheries enhancement/aquaculture; N.

Recreational vehicle parks;

O. Marine ways;

P. Storage of equipment for private and/or commercial use only. Q.

Cottage Industry. [Ord. 785 § 11, 2006; Ord. 462 § 6, 1984.]

20.28.050 Standards.

The standards found in Chapter 20.52 WMC applicable to this district are: A.

Standards policies: WMC 20.52.005;

B. Principal structures per lot: WMC 20.52.010; C. Traffic

vision impediments: WMC 20.52.020; D. Distances between

buildings: WMC 20.52.030; E. Air, land and water quality:

WMC 20.52.040;

F. Volatile products storage: WMC 20.52.050; G.

Noise: WMC 20.52.060;

H. Airport interference: WMC 20.52.070; I.

Building height: WMC 20.52.080;

J. Density – Minimum lot size: WMC 20.52.090;

K. Coverage – Minimum open areas: WMC 20.52.100;

L. Setbacks – Yards: WMC 20.52.110;

M. Shoreline dependency: WMC 20.52.120;

N. Piers, docks, shoreline protection and shoreline construction: WMC 20.52.130;

O. Drainage: WMC 20.52.150;

P. Dredge and fill: WMC 20.52.160;

Q. Home occupations: WMC 20.52.170;

R. Mobile homes and mobile home parks – Defined: WMC 20.52.180;

S. Off-street parking: WMC 20.52.190;

T. Signs: WMC 20.52.210;

U. Traffic generation: WMC 20.52.230;

V. Recreational vehicle parks: WMC 20.52.240;

W. Recreation: WMC 20.52.250;

X. Firewood storage: WMC 20.52.260;

Y. Animal establishments: WMC 20.52.270. [Ord. 785 § 12, 2006; Ord. 586 § 6, 1993; Ord. 486 § 7, 1985; Ord. 462 § 6, 1984.]

Chapter 20.30

RR-2 DISTRICT – RURAL RESIDENTIAL

Sections:

20.30.010 Purpose.
20.30.020 Principal uses permitted.
20.30.030 Accessory uses permitted.
20.30.040 Conditional uses.
20.30.050 Standards.

20.30.010 Purpose.

The rural residential-2 (RR-2) district is intended to provide for neighborhood scale commercial/service centers in <u>certain</u> **[appropriate]** locations along with residential development. The clustering of such businesses is encouraged and strip commercial development is prohibited (for purposes of this program, strip commercial development is defined as commercial and other noncommercial development extending in either a contiguous or interrupted pattern along a public right-of-way for more than 1,200 feet). The permitted clusters of businesses shall not be located less than two miles from each other. Areas may be designated as RR-2 only if it can be demonstrated that significant public need can be served. [Ord. 462 § 6, 1984.]

20.30.020 Principal uses permitted.

The following are the principal permitted uses in this district:

A. One- and two-family dwellings to include modular and manufactured housing and mobile homes;

B. Neighborhood-oriented commercial development (e.g., neighborhood grocery);

C. Retail and wholesale businesses;

D. Laundries and consumer services;

E. Public parks and playgrounds. [Ord. 462 § 6, 1984.]

20.30.030 Accessory uses permitted.

The following are permitted accessory uses in this district, provided they do not create a nuisance or hazard:

A. Private garages;

B. Greenhouses and tool sheds;

C. Private docks, moorage, boat houses and net houses;

D. Animal establishments other than commercial animal establishments;

E. Uses and structures which are customarily accessory and clearly subordinate to permitted uses. [Ord. 785 § 13, 2006; Ord. 462 § 6, 1984.]

20.30.040 Conditional uses.

The following area uses which may be permitted in the rural residential-2 (RR-2) district by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC:

A. Home occupations;

B. Public and private elementary and secondary schools and colleges;

C. Nursery schools, private kindergartens and child care centers;

D. Public buildings and structures;

E. Hospitals, sanitariums, nursing homes and convalescent homes;

F. Churches and cemeteries;

G. Radio and television transmitters and towers;

H. Mobile home parks/subdivision;

I. Neighborhood-oriented commercial development (e.g., neighborhood grocery);

J. Quarry, material extraction and processing;

K. Energy-related facilities;

L. Commercial animal establishments;

M. Fisheries enhancement/aquaculture;

N. Recreational vehicle parks;

O. Marine ways;

P. Storage of equipment for private and/or commercial use.

Q. Cottage Industry. [Ord. 785 § 14, 2006; Ord. 462 § 6, 1984.]

20.30.050 Standards.

The standards found in Chapter 20.52 WMC applicable to this district are:

A. Standards policies: WMC 20.52.005;

B. Principal structures per lot: WMC 20.52.010;

C. Traffic vision impediments: WMC 20.52.020;

D. Distances between buildings: WMC 20.52.030;

E. Air, land and water quality: WMC 20.52.040;

F. Volatile products storage: WMC 20.52.050;

G. Noise: WMC 20.52.060;

H. Airport interference: WMC 20.52.070;

I. Building height: WMC 20.52.080;

J. Density – Minimum lot size: WMC 20.52.090;

K. Coverage – Minimum open areas: WMC 20.52.100;

L. Setbacks – Yards: WMC 20.52.110;

M. Shoreline dependency: WMC 20.52.120;

N. Piers, docks, shoreline protection and other shoreline construction: WMC 20.52.130;

O. Drainage: WMC 20.52.150;

P. Dredge and fill: WMC 20.52.160;

Q. Home occupations: WMC 20.52.170;

R. Mobile homes and mobile home parks – Defined: WMC 20.52.180;

S. Off-street parking: WMC 20.52.190;

T. Signs: WMC 20.52.210;

U. Traffic generation: WMC 20.52.230;

V. Recreational vehicle parks: WMC 20.52.240;

W. Recreation: WMC 20.52.250;

X. Firewood storage: WMC 20.52.260;

Y. Animal establishments: WMC 20.52.270. [Ord. 785 § 15, 2006; Ord. 586 § 7, 1993; Ord. 486 § 8, 1985; Ord. 462 § 6, 1984.]

Chapter 20.31

RMU DISTRICT – REMOTE RESIDENTIAL MIXED-USE

Sections:

20.31.010 Purpose.
20.31.020 Principal uses permitted.
20.31.030 Accessory uses permitted.
20.31.040 Conditional uses.
20.31.050 Standards.

20.31.010 Purpose.

The remote residential mixed-use (RMU) district is intended to provide for very low impact land and water uses and activities in remote areas of the borough. Such areas are not suitable or desirable for intensive development due to their lack of a developed road system, distance from established utility service areas, existing large lot development, and existing rural and subsistence lifestyles. These outlying settlements of the borough shall be protected from inappropriate or incompatible development in order to maintain their character and avoid the prohibitively high public costs associated with providing utility service and rapid emergency response services to them. RMU district zoning allows for low density uses consistent with the intent of each RMU subarea zone, as described below:

A. Farm Island and Sergief Island (RMU-FI and RMU-F2) – Maintain the historical use of area properties for residential dwellings, cabins, agriculture, cottage businesses, and subsistence living based on the area's natural resources.

B. Meyers Chuck (RMU-M) - Maintain the historical use of the area for residential dwellings, cabins, marine services, cottage businesses, civic uses (e.g. post office, educational services), and subsistence living based on the area's natural resources. Due to the area's remoteness, small-scale commercial uses that complement a quiet rural lifestyle are allowed, provided they contribute to the overall quality of life in Meyers Chuck.

C. Olive Cove (RMU-O) - Maintain the historical use of the area for residential dwellings, cabins, cottage businesses, and subsistence living based on the area's natural resources. Small-scale commercial uses that complement a quiet rural lifestyle are allowed, provided they contribute to the overall quality of life in Olive Cove.

D. Thoms Place (RMU-T) - Maintain the historical use of the area for residential dwellings, cabins, cottage businesses, and subsistence living based on the area's natural resources. Small-scale commercial uses that complement a quiet rural lifestyle are allowed, provided they contribute to the overall quality of life in Thoms Place.

E. Union Bay (RMU-U) - Maintain the historical use of the area for recreation, cabins, and subsistence living based on the area's natural resources. Commercial uses are not allowed.

F. Wrangell Island East (Back Channel) (RMU-E) - Some of the remote areas of Wrangell Island East (Back Channel area) are to be maintained according to the historical use of the area for residential dwellings, cabins, cottage businesses, and subsistence living based on the area's natural resources. Small-scale commercial uses that complement a quiet rural lifestyle are allowed, provided they

contribute to the overall quality of life in Wrangell Island East.

G. General Isolated Parcels (RMU-G) - Maintain the historical use of area for residential dwellings, cabins, cottage businesses, and subsistence living based on the area's natural resources. Small-scale commercial uses that complement a quiet rural lifestyle are allowed, provided they contribute to the overall quality of life.

20.31.020 Principal uses permitted.

The following are the principal permitted uses in this district:

A. One- and two-family dwellings to include modular and manufactured housing. Mobile homes are allowed only in the RMU-E subarea with a conditional use permit;

B. Home occupations. The RMU-U subarea requires a conditional use permit for home occupations;

C. Commercial boat repair, storage and service, not to include fueling services. This use is not allowed in the RMU-U subarea;

D. Cottage industries. This use is not allowed in the RMU-U subarea. The RMU-F2 subarea requires a conditional use permit for cottage industries;

E. Community facilities: either privately or community owned and/or maintained such as boat launch, dock, hoist, pier, postal facility, water system, sea plane support, emergency response and supply cache.

F. Public facilities: parks and playgrounds, schools, emergency response supply caches, post offices, docks, marinas, and similar facilities pursuant to a comprehensive plan;

G. Telecommunications facilities;

H. Lodges, bed and breakfast inns, and vacation rental dwellings with two (2) or fewer rooms or four (4) beds. Lodges, bed and breakfast inns and vacation rental dwellings with five (5) or fewer rooms or ten (10) beds are allowed in the RMU-F1 and RMU-G subareas. The RMU-F2 subarea requires a conditional use permit for lodges, bed and breakfast inns, and vacation rental dwellings. This use is not allowed in the RMU-U subarea;

I. Agricultural uses;

J. Portable sawmills for personal use;

K. Animal establishments. The RMU-M, RMU-O, and RMU-T subareas require conditional use permits for animal establishments

L. Other existing uses lawfully established on the subject property prior to [effective date] are allowed to continue as legal nonconforming uses. These previously existing uses, as identified by the zoning administrator, shall be allowed to continue until removed, and such uses may be maintained or replaced to their original value if destroyed, but shall not be enlarged upon, expanded nor extended, nor used as the grounds or predicate for adding other structures or uses prohibited elsewhere in the same zone.

20.31.030 Accessory uses permitted.

The following are permitted accessory uses in this district, provided they do not create a nuisance or hazard:

A. Greenhouses, workshops, tool shed, insulated generator sheds, and similar structures;

B. Private docks, moorage, boat houses and net houses;

C. The keeping of chickens, goats, and other animals for the production of food and/or fiber is allowed as an accessory use similar to gardens. Mariculture uses require a conditional use permit;

D. Uses and structures which are customarily accessory and subordinate to permitted uses.

20.31.040 Conditional uses.

Other compatible uses which are consistent with the intent of this chapter, as determined by the commission, may be allowed with appropriate conditions in accordance with Chapter 20.68 WMC, if such uses would serve the community's best interest.

20.31.050 Standards.

The standards found in Chapter 20.52 WMC applicable to this district are:

A. Standards policies: WMC 20.52.005;

B. Principal structures per lot: WMC 20.52.010;

C. Distances between buildings: WMC 20.52.030;

D. Air, land and water quality: WMC 20.52.040;

E. Volatile products storage: WMC 20.52.050;

F. Noise: WMC 20.52.060;

G. Airport interference: WMC 20.52.070;

H. Building height: WMC 20.52.080;

I. Density – Minimum lot size: WMC 20.52.090;

J. Coverage – Minimum open areas: WMC 20.52.100;

K. Setbacks – Yards: WMC 20.52.110;

L. Shoreline dependency: WMC 20.52.120;

M. Piers, docks, shoreline protection and other shoreline construction: WMC 20.52.130;

N. Drainage: WMC 20.52.150;

O. Dredge and fill: WMC 20.52.160;

P. Home occupations: WMC 20.52.170;

Q. Signs: WMC 20.52.210;

R. Recreation: WMC 20.52.250;

S. Firewood storage: WMC 20.52.260;

T. Animal establishments: WMC 20.52.270.

Chapter 20.32

OS DISTRICT – OPEN SPACE/PUBLIC

Sections:
20.32.010 Purpose.
20.32.020 Conditional uses.
20.32.030 Standards.

20.32.010 Purpose.

The open space/public (OS) district is intended to provide for areas containing public facilities, existing and potential public recreation sites, areas subject to natural hazards, public watersheds and areas of critical wildlife habitat. The purpose of this district is to protect public safety, health and welfare, and to maintain the integrity of significant cultural, natural and recreational resources and provide for public uses consistent with the policies of the coastal management program. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.34.010.]

20.32.020 Conditional uses.

The following conditional uses are allowed in this district by action of the planning and zoning commission in accordance with Chapter 20.68 WMC; provided, that the proposed use does not conflict with or degrade existing or designated recreational use areas, historic and cultural sites, or critical wildlife habitat:

A. Quarries, mineral extraction and processing;

B. Airport-related businesses, restaurants and support services;

C. Aviation-related repair services;

D. Aircraft hangars;

E. Commercial airlines terminals;

F. Air freight storage facilities;

G. Hospital and medical service facilities;

H. Schools;

I. Docks, piers, seawalls and shoreline protection devices;

J. Recreation facilities and sites;

K. Recreational vehicle parks;

L. Warehouses;

M. Uses and structures which are customarily accessory and **[clearly]** subordinate to the above uses;

N. Animal establishments. [Ord. 785 § 16, 2006; Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code §

95.34.020.]

20.32.030 Standards.

The following standards shall apply within the open space/public (OS) district:

A. Standards policies: WMC 20.52.005;

B. Principal structures per lot: WMC 20.52.010;

C. Traffic vision impediments: WMC 20.52.020;

D. Distances between buildings: WMC 20.52.030;

E. Air, land and water quality: WMC 20.52.040;

F. Volatile products storage: WMC 20.52.050;

G. Airport interference: WMC 20.52.070;

H. Building height: WMC 20.52.080;

I. Setbacks – Yards: WMC 20.52.110;

J. Shoreline dependency: WMC 20.52.120;

K. Piers, docks, shoreline protection and other shoreline construction: WMC 20.52.130;

L. Drainage: WMC 20.52.150;

M. Dredge and fill: WMC 20.52.160;

N. Off-street parking: WMC 20.52.190;

O. Signs: WMC 20.52.210;

P. Traffic generation: WMC 20.52.230;

Q. Recreational vehicle parks: WMC 20.52.240;

R. Animal establishments: WMC 20.52.270. [Ord. 785 § 17, 2006; Ord. 586 § 8, 1993; Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.34.030.]

Chapter 20.36

H DISTRICT – HOLDING

Sections:

20.36.010 Purpose.
20.36.020 Conditional uses.
20.36.030 Standards.

20.36.010 Purpose.

A. The holding (H) district is intended to maintain future development options by setting aside large areas (in excess of short-term needs), by piecemeal development for possible future use. By preventing premature development at densities that under-utilize the land, relatively large parcels can be retained for major development projects (e.g., industrial use) when and if a need arises.

B. Areas may be withdrawn from the holding district to meet future development needs consistent with the intent of this chapter, or to provide for a use that cannot be accommodated elsewhere. The planning commission may recommend areas for withdrawal by the borough assembly. Such withdrawals shall recognize long-term land use needs over immediate concern. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code §§ 95.35.010, 95.35.050.]

20.36.020 Conditional uses.

The following are uses which may be permitted in the holding (H) district by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC:

A. Sand and gravel extraction and processing;

B. Low impact recreation (no major facilities required);

C. No building permits for, or subdivision of, property in the H district will be approved until the property is redistricted to meet a substantial community land use need, to reflect the existing surrounding development trends, the availability of public services, facilities and planned capital improvements. [Ord. 462 § 6, 1984; Ord. 431 § 4, 1982; Ord. 349 § 5, 1976; prior code § 95.35.020.]

20.36.030 Standards.

The following standards under Chapter 20.52 WMC shall apply in the holding (H) district:

A. Standards policies: WMC 20.52.005;

B. Air, land and water quality: WMC 20.52.040;

C. Airport interference: WMC 20.52.070;

D. Drainage: WMC 20.52.150;

E. Dredge and fill: WMC 20.52.160. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.35.030.]

Chapter 20.40

TM DISTRICT – TIMBER MANAGEMENT

Sections:

20.40.010 Purpose.
20.40.020 Principal uses permitted.
20.40.030 Accessory uses permitted.
20.40.040 Conditional uses.
20.40.050 Standards.

20.40.010 Purpose.

The timber management district is intended to provide for the management and harvest of timber,

extraction of minerals, use and enjoyment of natural resources and recreation, while allowing for the development of compatible, remote, low-density cabin sites. Watersheds and critical wildlife habitats in this district will be protected to the greatest extent possible. Development in this district must be consistent with the remote, rural atmosphere of the area. Public services, utilities and facilities other than garbage collection will be minimal. Activities and development normally associated with resource management, harvest or extraction are allowed where they do not **[unduly]** degrade or destroy other resources such as public watersheds or critical wildlife habitat. Residential development is limited to low impact, large parcel cabin sites that will minimize public service and access costs, resource management impacts and conflicts associated with higher density residential development. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.36.010.]

20.40.020 Principal uses permitted.

The following are principal permitted uses in this district:

A. Timber harvest; and

B. Parks and recreation sites. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.36.020.]

20.40.030 Accessory uses permitted.

The following are permitted accessory uses in this district:

A. Animal establishments other than commercial animal establishments; and

B. Uses and structures which are **[clearly]** incidental and subordinate to principal permitted uses and which will not create a nuisance or hazard are permitted as accessory uses. [Ord. 785 § 18, 2006; Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.36.030.]

20.40.040 Conditional uses.

The following uses may be permitted in the timber management district by action of the commission under the conditions and procedures set forth in Chapter 20.68 WMC:

A. Storage (inside or screened);

B. Mineral extraction (including quarries) and processing;

C. Temporary dwellings and facilities associated with permitted or other conditional uses;

D. Commercial hunting and fishing camps and lodges;

E. Private roads;

F. Public utility uses (i.e., power lines and other energy-related facilities);

G. **[Aquaculture]** <u>**Mariculture**</u> and fisheries enhancement;

H. Recreational vehicle parks;

I. Cabins; and

J. Commercial animal establishments.

<u>K. Cottage industry.</u> [Ord. 785 § 19, 2006; Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.36.040.]

20.40.050 Standards.

The following standards under Chapter 20.52 WMC shall apply in timber management districts:

A. Standards policies: WMC 20.52.005;

B. Principal structures per lot: WMC 20.52.010;

C. Distances between buildings: WMC 20.52.030;

D. Air, land and water quality: WMC 20.52.040; E.

Volatile products storage: WMC 20.52.050;

F. Airport interference: WMC 20.52.070;

G. Building height: WMC 20.52.080;

H. Density – Minimum lot size: WMC 20.52.090;

I. Coverage – Minimum open areas: WMC 20.52.100;

J. Setbacks – Yards: WMC 20.52.110;

K. Piers, docks, shoreline protection and other shoreline construction: WMC 20.52.130;

L. Drainage: WMC 20.52.150;

M. Dredge and fill: WMC 20.52.160;

N. Recreational vehicle parks: WMC 20.52.240;

O. Animal establishments: WMC 20.52.270. [Ord. 785 § 20, 2006; Ord. 586 § 9, 1993; Ord. 462 § 6, 1984.]

Chapter 20.44

C DISTRICT – COMMERCIAL

Sections:

20.44.010 Purpose.
20.44.020 Principal uses permitted.
20.44.030 Accessory uses permitted.
20.44.040 Conditional uses.
20.44.050 Standards.

20.44.010 Purpose.

The commercial district is intended to provide for the continued use and expansion of Wrangell's commercial center. This land will be regulated to concentrate commercial development and to prevent uses which would have any adverse effects upon nearby properties or would needlessly compete for designated commercial space. [Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.37.010.]

20.44.020 Principal uses permitted.

The following are permitted uses in this district:

A. Retail and wholesale businesses;

B. Business and professional offices;

C. Banks;

D. Barbershops and beauty shops; laundries and other consumer services;

E. Restaurants, cafes and bars;

F. Theaters and assembly halls;

G. Clubs, lodges, fraternal organizations and union halls;

H. Hotels and motels;

I. Government and civic buildings;

J. Second-story residential use; and

K. Animal establishments other than establishments for livestock. [Ord. 785 § 21, 2006; Ord. 462 § 6, 1984; Ord. 349 § 5, 1976; prior code § 95.37.020.]

20.44.030 Accessory uses permitted.

Uses and structures which are clearly incidental and subordinate to principal uses permitted and which will not create a nuisance or hazard are permitted in this district as accessory uses. [Ord. 462 § 6, 1984.]

20.44.040 Conditional uses.

The following are uses which may be permitted in the commercial district by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC:

A. Gasoline/service stations. [Ord. 462 § 6, 1984.]

20.44.050 Standards.

The following standards under Chapter 20.52 WMC shall apply within the commercial district: A.

Standards policies: WMC 20.52.005;

B. Air, land and water quality: WMC 20.52.040; C.

Volatile products storage: WMC 20.52.050; D. Noise:

WMC 20.52.060;

E. Airport interference: WMC 20.52.070; F.

Building height: WMC 20.52.080;

G. Setbacks – Yards: WMC 20.52.110;

H. Shoreline dependency: WMC 20.52.120;

I. Piers, docks, shoreline protection and other shoreline construction: WMC 20.52.130; J. Off-street parking: WMC 20.52.190;

K. Buffers: WMC 20.52.200; L. Signs: WMC 20.52.210;

M. Redevelopment: WMC 20.52.220;

N. Animal establishments: WMC 20.52.270. [Ord. 785 § 22, 2006; Ord. 462 § 6, 1984.]

Chapter 20.48

I DISTRICT – INDUSTRIAL

Sections:

20.48.010 Purpose.
20.48.020 Principal uses permitted.
20.48.030 Accessory uses permitted.
20.48.040 Conditional uses.
20.48.050 Standards.

20.48.010 Purpose.

The purpose of the industrial district is to provide areas for a broad range of nonwater-dependent or related uses. Development requirements are intended to provide for a safe and sightly environment, to minimize potential conflicts with adjoining uses, and to allow space for parking, storage and expansion. [Ord. 462 § 6, 1984.]

20.48.020 Principal uses permitted.

The following are principal permitted uses in this district:

A. Transportation and transshipment facilities;

B. Warehouses and outside storage areas;

C. Lumber mills and log storage;

D. Manufacturing, fabricating and assembling;

E. Automobile repair shops;

F. Quarters for caretaker, guard or owner-operators whose presence on the property is required for operational or protective safety, and includes manufactured homes, trailers or quarters in a part of any industrial building, each limited to 600 square feet;

G. Sand, gravel and rock extraction and processing; and

H. Public utility uses. [Ord. 632 § 4, 1997; Ord. 462 § 6, 1984.]

20.48.030 Accessory uses permitted.

Uses and structures which are clearly incidental and subordinate to permitted uses which will not create a nuisance or hazard are permitted as accessory uses in this district. [Ord. 462 § 6, 1984.]

20.48.040 Conditional uses.

The following are permitted conditional uses in this district:

A. Animal establishments; and

B. Other compatible uses which are consistent with the intent of this chapter, as determined by the commission, may be allowed with appropriate conditions in accordance with Chapter 20.68 WMC, if such uses would serve the community's best interest. [Ord. 785 § 23, 2006; Ord. 462 § 6, 1984.]

20.48.050 Standards.

The following standards under Chapter 20.52 WMC shall apply in the industrial district: A.

Standards policy: WMC 20.52.005;

B. Air, land and water quality: WMC 20.52.040; C.

Volatile products storage: WMC 20.52.050; D. Noise:

WMC 20.52.060;

E. Airport interference: WMC 20.52.070; F.

Building height: WMC 20.52.080;

G. Setbacks – Yards: WMC 20.52.110; H.

Drainage: WMC 20.52.150;

I. Dredge and fill: WMC 20.52.160; J.

Buffers: WMC 20.52.200;

K. Signs: WMC 20.52.210;

L. Animal establishments: WMC 20.52.270. [Ord. 785 § 24, 2006; Ord. 462 § 6, 1984.]

Chapter 20.49

SHOEMAKER BAY – WATERFRONT DEVELOPMENT

Sections:

20.49.010 Purpose.
20.49.020 Principal uses permitted.
20.49.030 Accessory uses permitted.
20.49.040 Conditional uses.
20.49.050 Standards.

20.49.010 Purpose.

The Shoemaker Bay waterfront development district is intended to provide an area specifically for water-related uses and activities that will enhance and compliment the marina and recreational activities occurring at Shoemaker Bay. This district is intended to accommodate commercial activity, which is oriented toward providing services for the marina and surrounding area uses. [Ord. 652 § 6, 1999.]

20.49.020 Principal uses permitted.

The following are principal permitted uses in this district:

A. Piers, wharfs and docks;

B. Public parks, playgrounds and campsites;

C. Bait shops;

D. Vessel charter offices;

E. Facilities for loading and unloading ships, including cranes and ramps;

F. Harbormaster's offices;

G. Boat launching facilities;

H. Float plane facilities; and

I. Laundry services. [Ord. 652 § 6, 1999.]

20.49.030 Accessory uses permitted.

Uses and structures which are clearly incidental and subordinate to permitted principal uses and which will not create a nuisance or hazard are permitted as accessory uses in this district, subject to shoreline setback requirements and other applicable standards. [Ord. 652 § 6, 1999.]

20.49.040 Conditional uses.

The following are uses which may be permitted in the Shoemaker Bay waterfront development district by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC:

A. Water-dependent and water-related uses not mentioned above and their accessory uses;

B. Other uses if there is no suitable upland alternative for a nonwater-dependent use;

C. Retail and wholesale businesses; and consumer services;

D. Any water-dependent or water-related manufacturing, processing, fabrication, assembling, research, wholesale or indoor-only storage uses;

E. Facilities for indoor construction, maintenance, repair, and storage of vessels;

F. Boat sales, services and supply establishments;

G. Fish and seafood processing plants and cold storage plants;

H. Marine warehouses. [Ord. 652 § 6, 1999.]

20.49.050 Standards.

The following standards under Chapter 20.52 WMC shall apply to properties within the waterfront development district:

A. Standards policies: WMC 20.52.005;

B. Air, land and water quality: WMC 20.52.040;

C. Volatile products storage: WMC 20.52.050; D.

Noise: WMC 20.52.060;

E. Airport interference: WMC 20.52.070;

F. Building height: WMC 20.52.080;

G. Setbacks – Yards: WMC 20.52.110;

H. Shoreline dependency: WMC 20.52.120;

I. Piers, docks, shoreline protection and other shoreline construction: WMC 20.52.130;

J. Drainage: WMC 20.52.150;

K. Dredge and fill: WMC 20.52.160;

L. Off-street parking: WMC 20.52.190;

M. Buffers: WMC 20.52.200;

N. Signs: WMC 20.52.210. [Ord. 652 § 6, 1999.]

Chapter 20.50

WD DISTRICT – WATERFRONT DEVELOPMENT

Sections:

20.50.010 Purpose.
20.50.020 Principal uses permitted.
20.50.030 Accessory uses permitted.
20.50.040 Conditional uses.
20.50.050 Standards.

20.50.010 Purpose.

The waterfront development district is intended to provide an area specifically for water-related uses and activities that are dependent upon access to water. This district is intended to accommodate light industrial, heavy industrial and commercial activity which is water-dependent or water-related. [Ord. 462 § 6, 1984.]

20.50.020 Principal uses permitted.

The following are principal permitted uses in this district:

A. Piers, wharfs and docks;

B. Transportation and transshipment facilities;

C. Marinas and small boat harbors;

D. Any water-dependent or water-related manufacturing, processing, fabricating, assembling, research, wholesale or storage uses;

E. Facilities for construction, maintenance, repair and storage of vessels;

F. Public parks and playgrounds;

G. Boat sales, services and supply establishments;

H. Fish and seafood processing plants and cold storage plants;

I. Bait shops;

J. Vessel charter offices;

K. Marine warehouses;

L. Freight storage and freight equipment operations centers;

M. Facilities for loading and unloading ships or barges, including cranes and ramps;

N. Water-dependent or water-related retail commercial establishments dealing primarily in bulk materials delivered by ship;

O. Harbormaster's offices;

P. Timber processing facilities; provided, that such facilities rely primarily upon water transportation for obtaining and shipping timber or timber products;

Q. Temporary dwellings to include modular dwellings or manufactured housing for guards or caretakers employed on-site;

R. Boat launching facilities; and

S. Float plane facilities. [Ord. 462 § 6, 1984.]

20.50.030 Accessory uses permitted.

Uses and structures which are clearly incidental and subordinate to permitted principal uses and which will not create a nuisance or hazard are permitted as accessory uses in this district, subject to shoreline setback requirements and other applicable standards. [Ord. 462 § 6, 1984.]

20.50.040 Conditional uses.

The following are uses which may be permitted in the waterfront development district by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC:

A. Water-related uses not mentioned above and their accessory uses;

B. Other uses if there is no suitable upland alternative for a nonwater-related or nonwater-dependent use;

C. Retail and wholesale businesses;

D. Laundries and consumer services; and

E. Animal establishments other than establishments for livestock. [Ord. 785 § 25, 2006; Ord. 462 § 6, 1984.]

20.50.050 Standards.

The following standards under Chapter 20.52 WMC shall apply to properties within the waterfront development district:

A. Standards policies: WMC 20.52.005;

B. Air, land and water quality: WMC 20.52.040;

C. Volatile products storage: WMC 20.52.050;

D. Noise: WMC 20.52.060;

E. Airport interference: WMC 20.52.070;

F. Building height: WMC 20.52.080;

G. Setbacks – Yards: WMC 20.52.110;

H. Shoreline dependency: WMC 20.52.120;

I. Piers, docks, shoreline protection and other shoreline construction: WMC 20.52.130;

J. Drainage: WMC 20.52.150;

K. Dredge and fill: WMC 20.52.160;

L. Off-street parking: WMC 20.52.190;

M. Buffers: WMC 20.52.200;

N. Signs: WMC 20.52.210;

O. Animal establishments: WMC 20.52.270. [Ord. 785 § 26, 2006; Ord. 586 § 10, 1993; Ord. 462 § 6, 1984.]

Chapter 20.51

IL DISTRICT – LIGHT INDUSTRIAL

Sections:

20.51.010 Purpose.
20.51.020 Principal uses permitted.
20.51.030 Accessory uses permitted.
20.51.040 Conditional uses.
20.51.050 Standards.

20.51.010 Purpose.

The light industrial district is intended to provide for an area of light industrial and high density residential uses. Uses are regulated to protect residential uses from incompatible commercial and heavy industrial uses while, at the same time, permitting warehousing and other light industrial uses. Development requirements are intended to protect areas without public sewers from contamination, and to allow space for storage, expansion and off-street parking. [Ord. 632 § 5, 1997; Ord. 462 § 6, 1984.]

20.51.020 Principal uses permitted.

The following are principal permitted uses in this district:

A. Transportation and transshipment facilities;

B. Warehouses and storage;

C. Manufacturing, fabricating, assembling, and storage of a light industrial nature meeting the development requirements stated under this chapter;

D. Auto repair, and subordinate or incidental retail sale of supplies or parts. [Ord. 632 § 5, 1997; Ord. 462 § 6, 1984.]

20.51.030 Accessory uses permitted.

Uses and structures which are **[clearly]** incidental and subordinate to permitted principal uses and which will not create a nuisance or hazard are permitted as accessory uses in this zone. [Ord. 462 § 6, 1984.]

20.51.040 Conditional uses.

The following are uses which may be permitted in the light industrial district by action of the commission under the conditions and procedures specified in Chapter 20.68 WMC:

A. Those commercial uses as specified in WMC 20.44.020;

B. Recreational vehicle parks;

C. Multifamily structures, dormitories, roominghouses, bunk houses and boardinghouses;

D. Public parks and playgrounds associated with a high density residential development; and

E. Animal establishments. [Ord. 785 § 27, 2006; Ord. 632 § 6, 1997; Ord. 462 § 6, 1984.]

20.51.050 Standards.

The following standards shall apply within the light industrial district:

A. Standards policies: WMC 20.52.005;

B. Air, land and water quality: WMC 20.52.040;

C. Volatile products storage: WMC 20.52.050; D.

Noise: WMC 20.52.060;

E. Building height: WMC 20.52.080; F.

Setbacks – Yards: WMC 20.52.110; G.

Drainage: WMC 20.52.150;

H. Off-street parking: WMC 20.52.190;

I. Buffers: WMC 20.52.200;

J. Signs: WMC 20.52.210;

K. Animal establishments: WMC 20.52.270. [Ord. 785 § 28, 2006; Ord. 586 § 11, 1993; Ord. 462 § 6, 1984.]

STANDARDS

Sections:

20.52.005 Standards policies.
20.52.010 Principal structures per lot.
20.52.020 Traffic vision impediments.
20.52.030 Distances between buildings.
20.52.040 Air, land and water quality.
20.52.050 Volatile products storage.
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20.52.080 Building height.
20.52.090 Density – Minimum lot size.
20.52.100 Coverage – Minimum open areas.
20.52.110 Setbacks – Yards.
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20.52.130 Piers, docks, shoreline protection and other shoreline construction.
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20.52.180 Mobile homes and mobile home parks – Defined.
20.52.190 Off-street parking.
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20.52.230 Traffic generation.
20.52.240 Recreational vehicle parks.
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20.52.260 Firewood storage.
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20.52.005 Standards policies.

The standards contained in this chapter are applicable in a variety of circumstances, depending upon the type and location of the development proposed or undertaken. The chapter creating each district announces which of the standards of this chapter shall apply within each district. Nothing in this chapter limits or excludes the application under this code or other statutes, regulations or ordinances, which would otherwise be applicable to lands or structures within a district. The planning and zoning commission, consistent with its powers and authority under the code or under statute or regulation, is charged with determining whether a particular use is in compliance with the standards. Anyone seeking a conditional use permit or a building permit must demonstrate how the applicable standards under this chapter are to be met under a proposed use. [Ord. 462 § 6, 1984.]

20.52.010 Principal structures per lot.

In **[any]** all districts, except the RMU District, more than one principal structure housing a permitted use may be erected on a single lot provided the area, width and all other development requirements of the district shall be met for each principal structure as though each structure were on an individual lot. In the RMU District, more than one principal structure housing a permitted use may be erected on a single lot for every 30,000 square feet of property. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.40.080.]

20.52.020 Traffic vision impediments.

A. At street intersections there shall be nothing erected, placed, planted or grown on any corner lot so as to encroach into that horizontal triangular area formed by the rights-of-way boundaries and a line connecting the two points 20 feet back from the lot corner formed by the street.

B. Subsection (A) of this section shall not apply (anything erected, placed, planted or grown at a height of less than two and one-half feet or greater than 10 feet above ground level) to natural land forms and outcroppings. [Ord. 462 § 6, 1984.]

20.52.030 Distances between buildings.

No detached dwelling or other main building shall be less than five feet from any other detached dwelling or main building on the same site. For the rural residential district and the remote residential mixed-use district, the requirement shall be 10 feet from any other detached dwelling or main building, with the exception of wood sheds and outhouses, on the same building site. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.40.090.]

20.52.040 Air, land and water quality.

A. No smoke, heat, odor, fumes, dust, glare, vibration or water pollution shall be detectable beyond the boundaries of property upon which a permitted use occurs, except where such results from occasional maintenance operations or from normal wood smoke emissions from stoves or fireplaces.

B. Variances from the above standards under the procedures set forth in Chapter 20.72 WMC shall be granted only upon a determination that a proposed discharge would be within applicable state and federal standards, that a private hardship or public need justifying the variance exists or would occur if the variance is denied, and that adjacent properties would not suffer significant adverse effects.

C. No materials or wastes shall be deposited upon a lot in such a manner as to make them subject to transportation off the lot by natural forces or causes. Nor shall any substance be allowed to enter any stream or watercourse which carries the potential for contamination, or otherwise may render such stream or watercourse undesirable as a source of water, as a place for recreation or as a place which will support healthy aquatic life. [Ord. 462 § 6, 1984.]

20.52.050 Volatile products storage.

A. No highly inflammable or explosive liquids, solids, or gases shall be stored in bulk above ground, except for tanks or drums of fuel connected directly with fuel-consuming devices or heating appliances located and operated on the same lot as such storage containers. This subsection is applicable to all uses in all districts, except as where such use is permitted in the industrial district, light industrial district and remote residential mixed-use district. In the RMU Districts, this section is inapplicable where multiple fifty-five (55) gallon tanks of fuel or propane may be stored in safe and secure areas, with adequate ventilation, away from structures used for living quarters. **[only to uses within single-family, multifamily, and rural residential districts.]**

B. Permitted uses involving the design, construction, reconstruction or use of toxic material or petroleum storage facilities shall provide for the prevention and cleanup of spills and shall provide for the disposal of such materials by the owners thereof. Uses involving the design of petroleum storage facilities shall be governed by the U.S. Environmental Protection Agency, Spill Prevention, Control and Counter-Measure (SPCC) guidelines (40 CFR Section 112.3), and the National Fire Protection Association's codes for storage and loss control of oil products. [Ord. 462 § 6, 1984.]

20.52.060 Noise.

The noise emanating from a premises used for industrial activities shall be muffled so as not to become objectionable due to intermittent beat, frequency or shrillness. Where the use adjoins a residential district (SF, MF, RR-1, RR-2, and RMU), the noise loudness measured at the boundary line of the premises used for industrial activities shall not exceed 90 decibels between the hours of 7:00 a.m. and 8:00 p.m. weekdays and the hours of 10:00 a.m. and 8:00 p.m. weekends and holidays, and 40 decibels at other hours.[Ord. 462 § 6, 1984.]

20.52.070 Airport interference.

No use governed by this code shall create or allow the maintenance of a physical obstruction to air navigation. The Federal Aviation Administration standards governing objects affecting navigable airspace (49 CFR Part 77) shall govern all uses under this code. [Ord. 462 § 6, 1984.]

20.52.080 Building height.

The purposes of building height standards are to prevent loss of life, **[or]**excessive property damage, and to minimize risk of fires, **[through the inability of the borough fire department]** by enabling firefighters to reach upper stories or roofs, and to help maintain the character of neighborhoods.

A. No structure within a single-family residential district should **[shall]** exceed a height of 25 feet absent a variance.

B. Church spires, water towers, elevator shafts, or smoke stacks not used for human occupancy, and cables, antennas or similar accessories are exempt from the height requirements of this section.

C. Portions of a building may exceed 35 feet in height where 50 percent of the building's roof perimeter lies within the 35-foot height limit, from an existing grade accessible to fire suppression personnel and rescue equipment, not including perimeter areas which provide access only to portions of the building used for storage, or where all dwelling units and work spaces can be reached and evacuated through windows or balconies lying within the 35-foot height limit of borough fire fighting equipment. The approval of the borough's fire chief and the zoning administrator shall be required before permits are issued for the construction of buildings exceeding the 35-foot limit. Measurements shall be taken from the base of the building to the perimeter of the roof.

D. In the remote residential mixed-used district, structures should not exceed a height of 35 feet absent a variance.

[Ord. 462 § 6, 1984.]

20.52.090 Density – Minimum lot size.

A. Within a single-family residential district, or within a multifamily residential district, the minimum lot area shall be 5,000 square feet per single-family residential unit. The minimum lot area for all multifamily structures shall be 800 square feet per residential unit for a one- or two-story structure, and 700 square feet per residential unit for a three-story structure so long as all setback requirements are met and developments have a density of at least 12 units per acre when within a multifamily district. The minimum lot area in either of the rural residential districts shall be 15,000 square feet, except that the minimum lot area may be 10,000 square feet for lots served by public water and sewer service, or for lots entirely within an area for which a local improvement district is proposed and a central sanitary sewer system is approved by the State Department of Environmental Conservation. The planning commission may require lot areas larger than 15,000 square feet for lots in rural residential districts which are not served by public sewer and water systems, in order to provide adequate separation of sewer and water systems. No minimum lot area requirements are imposed for nonresidential uses.

B. Except as provided for remote residential mixed-use districts in subsection C below, **[a]**any lot used as a mobile home site shall have a minimum width of 50 feet. The minimum widths for lots fronting upon public rights-of-way in a multifamily residential district shall be 100 feet, except that lots in such districts which are used exclusively as sites for single-family residences shall have minimum widths of 50 feet. The minimum widths for lots fronting on public rights-of-way in rural residential-1 districts shall be 100 feet, except that such minimum widths may be reduced to 50 feet by the planning and zoning commission when public water and sewer are available. No minimum width requirements are imposed for nonresidential uses.

C. The minimum lot size in the remote residential mixed-use (RMU) district is as follows: RMU-F1 and RMU-F2 subareas have a minimum lot size of 4 acres; RMU-M subarea has a minimum lot size of 15,000 square feet; RMU-O subarea has a minimum lot size of 2.5 acres; RMU-T subarea has a minimum lot size of 1.25 acres; RMU-G subarea has a minimum lot size of 1.25 acres; and RMU-E subarea has a minimum lot size of 2 acres. No further division of lots is allowed in the RMU-U subarea.

[C.]D. Any lot of record upon the adoption of the ordinance codified in this chapter, which is of an area or width less than that which can be required for the district in which such lot is located, may be used for any permitted purpose, so long as the lot complies with all other regulations prescribed for the district and so long as the owner of such lot does not, at the time of the adoption of the ordinance codified in this chapter, own adjacent land which could be combined to form a lot meeting the applicable minimum area and minimum width requirements. Only lots in the RMU district, that are less than the minimum lot size required at the time of adoption of the RMU district may be maintained as a separate lot of record, even if there is an adjacent lot owned by the same owner. [Ord. 462 § 6, 1984.]

20.52.100 Coverage – Minimum open areas.

No buildings located in a single-family residential district shall occupy more than 50 **[35]** percent of the surface area of such lot. No buildings located in a multifamily residential district shall occupy more than 60 **[50]** percent of the surface area of such lot. No buildings located in a rural residential-1 district shall occupy more than 50 **[30]** percent of the surface area of such lot. No buildings located in a rural residential-2 district or a remote residential mixed-use district shall occupy more than 60 percent of the surface area of such lot. In the event that compliance with these minimum open area requirements would result in a residential structure of less width than 24 feet, the planning and zoning commission shall determine and fix maximum lot coverage and minimum open area requirements for the **[said]** lot to permit its reasonable utilization for a permitted use. [Ord. 462 § 6, 1984.]

20.52.110 Setbacks – Yards.

Setbacks are required to ensure sufficient open area, sunlight, views, privacy, fire separation and visual relief between structures. Setbacks from lot lines shall be 20 feet whenever property abuts a state highway right-of-way. Otherwise, applicable setbacks shall be: single-family residential district, front yards – 20 feet, side yards – five feet, back yards – 20 feet; multifamily residential district, front yards – ten feet, side yards – five feet, back yards – 15 feet; rural residential 1 and 2 districts, front yards – 20 feet, side yards – 15 feet, back yards – 20 feet; remote residential mixed-use district, all yards -10 feet, except that structures existing in the remote residential mixed-use district as of [effective date] containing setbacks of less than 10 feet are allowed by right.

A. Zero setbacks and other setbacks not conforming to the minimums set forth for each zone above, **[in this section]** may be allowed where the planning and zoning commission determines that the structure:

1. Will not negatively impact adjacent property, existing or future views, road expansion, or the passage of sunlight to adjacent property;
2. Conforms to all applicable fire regulations; and
3. Contains a design feature which may serve as the basis for approval of a nonconforming setback, such as designs which accommodate view or solar exposures, irregular lots, retention of trees, or the employment of a cluster housing concept.

All applications for nonconforming setbacks shall be submitted to the commission at least 10 days before the meeting or 20 days if located in the RMU district, at which time such application will be considered, so that commission representatives can serve written notice of the application upon adjacent property owners.

B. The zoning administrator shall review plans for all proposed structures to determine whether such structures will substantially obstruct an adjacent lot's exposure to sunlight or to views. The commission may require increased or offsetting setbacks or a reduction in height for the planned structure.

C. [**In all cases**] W[**w**]here nonconforming setbacks result in [**development**] less than 10 feet between [**from adjacent**] dwelling units, a fire-rated wall shall be required in lieu of a setback so as to provide adequate fire separation.

D. In recognition of the sensitivity of beaches to alteration and development that interrupts the natural movement of sand and other aggregates along shorelines which can result in erosion of adjacent shorelines, and in recognition of the scenic and recreational values of beaches, the development of beaches is discouraged. Any development on or alteration of sand or gravel beaches shall require prior planning and zoning commission approval. [Ord. 462 § 6, 1984.]

20.52.120 Shoreline dependency.

When considering development in any district to which this standard is applicable, the planning and zoning commission shall give first priority to water-dependent uses and activities, second priority to water-related uses and activities, and third priority to uses and activities which are not water-dependent or water-related, but for which there is no feasible and prudent inland alternative suitable for meeting a public or private need. The shoreline criteria contained in this section apply to all unclassified uses on waterfront properties in the remote residential mixed-use district for which a conditional use permit is required.

A. All applications for shoreline-dependent development in a waterfront development district must be accompanied by a statement explaining the nature and the intensity of the water orientation of the proposed activity, including an indication of any cost-saving or benefits arising from location upon the shore that could not be obtained from an inland location. Alternatively considered upland sites should be identified.

B. The cooperative use of dock, parking, cargo handling and storage facilities should be encouraged.

C. Toxic materials and petroleum shall not be stored within 25 feet of ordinary high tide, unless it should be demonstrated that such can be safely accommodated as an accessory to a fuel dock facility. [Ord. 462 § 6,

1984.]

20.52.130 Piers, docks, shoreline protection and other shoreline construction.

A. No pier, dock, marina, wharf, causeway, or permanent or temporary floating structure shall be constructed or used so as to preclude any normal use of navigable waters.

B. Any construction having impact upon lands below ordinary high tide, or other shoreline development project, shall require prior planning and zoning commission approval. To obtain such approval, evidence shall be presented by the applicant that the size of the facility is the minimum necessary to achieve the desired purpose.

C. Boat ramps are only to be permitted for individual residences within 25 feet of ordinary high tide where the shoreline slope does not exceed 25 percent and/or where substantial cutting, grading, filling or shoreline protection measures are not necessary. One boat lift is allowed as an accessory use pursuant to the requirements of this section where the shoreline slope exceeds 25 percent.

D. In considering applications for the construction of shoreline projects, the planning and zoning commission shall prefer the use of floating or pile-supported structures over the use of fill since fill results in the loss of productive aquatic habitat and/or the alteration of natural shoreline processes which can result in erosion of adjacent shorelines and the loss of beaches.

E. Private moorage for float planes may be permitted by the planning and zoning commission as a conditional use, consistent with program standards regarding docks.

F. Where appropriate, the planning and zoning commission may require shoreline protection measures to be taken to mitigate the effects of structures having impact upon lands below ordinary high tide or the effects of other shoreline development. Shoreline protection measures may include:

1. A requirement that the construction or project not unreasonably interfere with existing recreational and navigational uses of the affected water, nor unreasonably alter scenic and aesthetic qualities of the area as determined by the planning and zoning commission;
2. A requirement that the construction or project not unreasonably interfere with or harm the environment or any stream or tidal water area nor substantially harm any fish or wildlife habitat; and
3. A requirement that the construction or project shall not cause unreasonable soil erosion nor lower the quality of any waters.

G. Shoreline protection measures are to be permitted by the planning and zoning commission only where evidence is provided by the applicant that one of the following conditions exists:

1. Serious erosion is threatening an established use on the subject property; or
2. A demonstrated need associated with a water-dependent or water-related commercial or industrial use is evident.

H. Shoreline protection measures are to be permitted by the planning and zoning commission only where evidence is provided by the applicant that a proposed shoreline protection measure will not have adverse effects upon adjacent or nearby property through the action of increased erosion, shoaling, flooding, or similar occurrences.

I. Construction of shoreline protection measures shall be carried out at times that will minimize the effects of such construction upon aquatic life.

J. Significant natural spawning, rearing or residency areas for aquatic life shall be given special consideration by the planning and zoning commission in reviewing proposed shoreline protection action.

K. Except in conjunction with an approved water-dependent or water-related commercial or industrial use, new shoreline protection measures shall not be permitted seaward of the line of nonaquatic vegetation, or

where such a line cannot be determined, seaward of ordinary high tide.

L. The planning and zoning commission shall not approve any shoreline protection measure which does not allow the maintenance of existing public waterway access.

M. Proposed shoreline protection measures shall be designed to minimize their impact upon the aesthetic qualities of the shoreline and shall not alter natural shoreline processes that can result in erosion or loss of beaches.

N. Where riprap is being proposed as a shoreline protection measure, the planning and zoning commission shall not approve the use of such having a slope steeper than one and one-half feet horizontal to one foot vertical unless evidence is presented by the applicant that use of a steeper slope is justified and that the rock or cement to be used will be effective. Measures to reduce fill, such as rock walls, are encouraged.

O. Materials used for shoreline protection measures must be approved by the zoning administrator or the building inspector. Tires and/or vehicles may not be used as any component of a shoreline protection measure.

P. New residential developments creating five parcels or more on the shoreline shall provide for adequate public waterway access and access to publicly owned shoreline areas which are appropriate to the site, general nature, and size of the development. The planning and zoning commission shall require, in connection with the approval of such developments, the reservation of a public access easement running at least 25 feet above and parallel to the line of ordinary high tide. Topographic constraints or alternative access routes may allow the planning and zoning commission to lessen, forego, or waive this requirement.

The planning and zoning commission shall establish a public access corridor where appropriate and practical, along publicly owned shorelines and shall encourage the establishment of such a corridor on private lands. Trail links between shoreline parks and public access points shall be encouraged for walking, for bicycle riding, and for other nonmotorized vehicular access.

Q. Recreational and access developments shall, where appropriate, preserve or enhance scenic views and vistas as well as improve the aesthetic value of the area to be developed. Large structures that would block visual access to the shoreline from upland areas shall be sited to minimize visual interference. [Ord. 462 § 6, 1984.]

20.52.150 Drainage.

A. Use of natural, undisturbed drainage is required where usable. Existing surface drainage channels on a site shall be determined prior to approval by the planning and zoning commission for development. Regrading, stripping of vegetation or filling is permitted in these areas, provided that:

1. The time of concentration of stormwater flows remains unchanged or is lengthened; and
2. Any resultant new drainageways have less velocity than pre-existing ones or reduce erosion through the provision of erosion control measures.

B. Each new development, for instance, site preparation or construction, shall provide for the on-site control of excess runoff resulting from that development so as to prevent such runoff from adversely affecting neighboring parcels. For the purpose of this section, excess runoff shall include all increases in runoff resulting from:

1. Any increase in the impervious surface of the site, including additions to buildings, roads and parking lots;
2. Changes in soil absorption caused by compaction during development;
3. Modifications to land contours, including filling or draining of small land depressions; and
4. Alteration of drainageways or facilities for handling wastewater from domestic uses.

C. Stormwater runoff shall be directed away from any known shellfish or kelp beds or other sensitive marine resources. [Ord. 462 § 6, 1984.]

20.52.160 Dredge and fill.

A. Landfill placed in bodies of water, floodways or natural wetlands for the expansion of upland areas is prohibited for residential development unless the planning and zoning commission finds upon the presentation of adequate evidence that no usable or prudent alternative is available.

B. Earth moving activity shall be allowed within the borough without the approval of the planning and zoning commission, unless such activity would have an effect upon tidelands or established shoreline setbacks, buffers, or public access corridors, under the following conditions:

1. Where landfill or the removal of material is incidental to construction, alteration or repair of a building or the grading and landscaping incidental thereto; or

2. Where landfill or removal or transfer of material is incidental to the construction, alteration or repair of a public or private access road or street or facility providing essential services. [Ord. 462 § 1, 1984.]

20.52.170 Home occupations.

"Home occupation" means a profession or use falling within the definition of WMC 20.08.380. **[320]** Allowance of home occupations is intended to promote a local economic base consistent with the character of the borough and lifestyles of its people. Allowable uses include crafts, small scale services and other activities which have little impact upon the neighborhoods in which they are located in terms of appearance, operating hours and other factors.

A. Home occupations shall be allowed only upon a limited conditional use basis upon the issuance of a permit by the planning and zoning commission, except where permitted in the Remote Residential Mixed-Use district.

B. Home occupations are intended as family businesses and shall not, with the exception of the rural residential-1 district, include businesses of the following or similar character:

1. Animal hospitals;
2. Commercial kennels;
3. Funeral parlors;
4. Automobile repair shops;
5. Restaurants;
6. Junkyards; and
7. Flea markets.

C. Standards of the district in which the use occurs shall apply to home occupations. In addition, the following specific standards shall apply:

1. Signs shall be no larger than six square feet and shall be of a height not greater than four feet from ground level and shall otherwise conform to the requirements of WMC 20.52.210;

2. The use shall be carried out completely in the dwelling or in an enclosed structure; except that a home occupation use need not be enclosed in the remote residential mixed-use district or rural residential district, provided the use shall be screened from view from all navigable waterways and adjacent residentially-zoned properties with a buffer conforming to the requirements of Section 20.52.200;

3. The facilities shall be architecturally and aesthetically compatible with the surrounding residential area and with other structures on the site;

4. Recreational vehicle or trailer parks, amusement or gaming operations are not to be allowed as a home occupation;

5. Storage associated with the home occupation will be enclosed in an acceptable structure;

6. Those proposed home occupations that may generate unreasonable amounts of traffic or create a

nuisance, as determined by the planning and zoning commission, may be denied;

7. Those proposed home occupations that may result in storage or home occupation activities outside an enclosed area, as to be determined by the planning and zoning commission may be denied;

8. One off-street parking space is required, in addition to other applicable parking space requirements, for each home occupation permitted upon a particular site. Additional parking spaces may be required by the planning and zoning commission as warranted. This provision is inapplicable to the RMU district.

D. The planning and zoning commission shall review a home occupation use upon receipt of written complaints from three separate households affected by the home occupation or upon any written complaint from the zoning administrator, member of the commission, or borough assembly. The zoning administrator shall schedule a public hearing to review such complaints upon adequate notice to the owner of the property upon which the home occupation is conducted.

E. In any hearing held under authority of subsection (D) of this section, the planning and zoning commission shall hear the evidence presented and upon adequate findings of fact may:

1. Approve continuation of the use as it exists;

2. Require that it be terminated; or

3. Impose mitigating restrictions, such as limitations upon hours of operation, or the construction of fences. Decisions of the planning and zoning commission upon the evidence presented at such hearings may be appealed to the borough assembly. [Ord. 462 § 6, 1984.]

20.52.180 Mobile homes and mobile home parks – Defined.

A. "Mobile home" means any coach, motor home, trailer or other vehicle or structure designed or intended for or capable of human dwelling or sleeping purposes which is mounted on wheels or supports and is capable of being moved by its own power or transported by a vehicle, where such mobile home is used or intended for permanent occupancy. This does not include units that are similarly constructed and designed for multiple sleeping quarters such as bunkhouses and separate food preparation and dining areas.

B. "Mobile home park" means any park, court, parcel or tract of land, including a planned unit development, designed, maintained, intended or used for the purpose of supplying a location for more than two mobile homes including all buildings used or intended for use as a part of the equipment thereof, whether or not a charge is made for the use of the park and its facilities. A mobile home park does not include automobile or trailer sales lots on which unoccupied mobile homes are parked for the purpose of inspection and sale, with no more than one mobile home fully set up for occupancy located on each such sales lot.

C. A building permit for construction, improvement or expansion of a mobile home park is required. The planning and zoning commission shall authorize issuance of such a permit and shall impose any special conditions for development which have not already been imposed by order of the zoning administrator. Upon completion of construction, improvement or expansion of a mobile home park/subdivision, a permit for its operation is required. The planning and zoning commission shall issue such a permit upon a showing that the mobile home park/subdivision is in compliance with all applicable requirements. The permit to operate may be suspended by the commission for violation of this section.

D. All mobile homes in the borough must comply with the following requirements:

1. All mobile homes shall be constructed in conformance with state and federal specifications, including the Uniform Building Code. No accessory structures shall be attached to trailers in mobile home parks without a permit issued by the borough and signed by the park owner or manager;

2. Unless otherwise stated, mobile homes shall conform to the performance standards of single-family dwellings in the applicable district;

3. Mobile home developments, such as mobile home parks or planned unit developments, shall conform to the applicable district requirements;

4. Mobile homes that will occupy a site outside a mobile home park for more than 12 months shall be required to be set upon a permanent footing and to be skirted.

E. The following standards shall apply to areas wherein mobile home spaces are provided within a mobile home park that is constructed according to minimum standards and guided by a carefully drawn plan of development. The standards, restrictions and procedures required in this section are designed to assure that mobile home parks provide an adequate residential environment:

1. Minimum yard requirements are designed to ensure that sufficient open area, sunlight, views, privacy and fire separation exists between mobile homes:

a. Front, 10 feet, excluding trailer tongue;

b. Side, eight feet;

c. Rear, 10 feet;

d. Exterior boundary of park, 10 feet;

e. Enclosed accessory structures may not extend into yard areas.

2. Recreational area requirements are imposed to ensure that each mobile home park shall contain outside areas designated and developed for children's recreational purposes, unless evidence is provided that children will not reside in such park/subdivision:

a. Ten to 50 spaces, 200 square feet for each mobile home or camper space;

b. Over 50 spaces, 10,000 square feet plus 150 square feet for each additional mobile home or camper space over 50;

c. There shall be at least one improved recreational area for children in each park of 30 units or more, not less than 6,000 square feet in area (5,000 square feet for less than 30 units). Such areas shall exclude steep slopes, water surface or periodically flooded or inundated land unless it is usable and maintained for recreational purposes, in which case it may be applied towards a maximum of one-fourth of the required recreation area in excess of 7,000 square feet. Two square feet of water surface or area of periodically flooded or inundated land shall be considered as only one square foot of land for purposes of fulfilling this requirement;

d. Recreation equipment for use by children is required in each improved area.

3. A 10-foot vegetated buffer area is required adjacent to a public street and shall be attractive and maintained at all times.

4. All lots or spaces within a mobile home park shall have direct and uninterrupted access to an internal street restricted to use by residents. Such streets shall have direct access to a public right-of-way. Installation of all internal streets, easements and other improvements to the mobile home park shall be in conformance with the following standards:

a. Dedication of streets and easements within the boundaries of a mobile home park is not required;

b. Adequate internal streets shall be developed and maintained as a provision of the conditional use permit for the mobile home park;

c. All internal streets in a mobile home park shall be constructed to the following standards. Street rights-of-way shall be a minimum of 20 feet with 12 feet of drivable road surface. Dead-end streets shall be limited to 500 feet in length and shall provide a terminal with a right-of-way diameter of not less than 70 feet containing a drivable road surface of a diameter of not less than 60 feet.

5. The following accessory uses (developed by the mobile home park owner for use by residents) are permitted: administration buildings, laundry and service buildings; community center; recreational facilities and detached storage structures.

6. A building permit for a mobile home park shall be issued only after review and approval of a site plan by the planning and zoning commission. To aid in the planning and zoning commission's recommendation, a scaled and dimensioned site plan and topographic map of the development shall be prepared and submitted according to the provisions of Chapter 20.58 WMC. The site plan shall show, but not be limited to:

a. Proposed standards for development, including any restriction of the use of the property, and density standards;

b. Location of buildings and mobile homes in relation to property and lot lines;

c. Location of off-street parking spaces and bays, internal circulation ways and ingress and egress points for the site;

d. Public and semipublic open spaces, community facilities and landscaped areas, fences, patios and service areas (including garbage disposal and snow removal areas), driveways and walkways, as well as provision for maintenance of all common areas;

e. Plans for the provision of utilities, including water, sewer and other drainage facilities, and provision for connection with public utilities;

f. Provision of buffers between the park and adjoining property;

g. After review of the plan, the planning and zoning commission may require that the applicant modify the proposal and resubmit it for further review if it is found not be in compliance with the standards applicable to the district in which it is located or the standards applicable to mobile home parks. [Ord. 462 § 6, 1984.]

20.52.190 Off-street parking.

A. In all districts, except the RMU district, there shall be provided, at the time any main commercial or industrial building is constructed, altered, enlarged or subjected to a change in use, off-street parking for the use of occupants, employees or patrons. It shall be the responsibility of the owner and/or occupant of any such building or structure to provide, and thereafter maintain, the minimum number of free off-street parking facilities as required under this chapter.

B. No existing parking area and no parking area provided for the purpose of complying with the provisions of this title shall be relinquished or reduced in any manner below the requirements established in this chapter.

C. A site plan showing all parking and loading areas shall accompany all applications for building permits. The **[Said]** plan shall show the dimensions of spaces, curb cuts and other information necessary to determine compliance with provisions of this chapter. The zoning administrator shall approve or reject the site plan on the basis of compliance with the requirements of this chapter. No certificate of compliance or building permit shall be issued unless the parking site plan is approved.

D. Any parking space provided pursuant to this chapter shall be on the same lot with the main use it serves or on an adjoining lot, except that the planning and zoning commission by a conditional use permit as specified in Chapter 20.68 WMC may allow parking spaces to be on any lot within 500 feet of the use if it determines that it is impractical to provide parking on the same lot.

E. All parking areas shall be of sufficient size and shall conform to the following standards:

1. Each parking space shall be 170 **[180]** square feet in area exclusive of access and circulation aisles and shall be 10 **[10.4]** feet by 17 **[17.4]** feet, except for handicapped parking spaces which shall be 11.5 feet by 17 feet.

2. All parking lots shall be provided with a durable, well-drained surface.

3. Any lighting of parking lots shall be arranged to reflect away from the public rights-of-way and from any adjoining residential areas.

4. Curb cuts shall be located so as to avoid traffic hazards and shall be approved by the zoning administrator.

5. Curb cuts shall be no more than 25 feet wide and no less than 12 feet wide.

6. All parking lots, where feasible, shall be buffered and constructed so as to minimize erosion and water pollution by controlling storm runoff. **[and shall be placed no less than 100 feet upshore from any line of ordinary high tide.]**

F. Where there is more than one use in a single structure or on a single site (e.g., attorney and retail store) or two or more separate instances of the same use, off-street parking requirements shall be the sum of the requirements for various uses. **[;provided, however, that where two or more uses provide a single joint parking area and their minimum spaces under this section total 20 or more, the minimum number of spaces may be required for the various uses were they to be computed separately.]**

G. The planning and zoning commission shall use these parking standards as guidelines and may require fewer total parking spaces for a particular use where appropriate. **[A number of parking spaces less than that which would otherwise be required may be allowed.]** Parking spaces fewer than the minimum shall be allowed where the following situations exist:

1. Public parking capable of accommodating some of the parking demand generated by the land use is

available within 500 feet of such use.

2. Two or more uses share the same parking accommodations in such a way that the hours or days of peak usage are so different that a lower total number of spaces will provide adequately for all uses.

3. The clientele of the use is such that a reduced number of spaces is appropriate, as in the case of a business having a large number of pedestrian customers.

H. Off-street parking space shall be provided in the following proportions:

Use	**No. Spaces**	**Per Unit**
Residential dwelling (single or multifamily)	1	Dwelling unit
Hotel/motel	1	Five rental units
High volume retail business or professional offices gross	1	4**[2]**00 sq. ft. of floor area
Lodges and meeting halls, no fixed seating	1	4**[2]**00 00 sq. ft. of gross floor area
Schools	1	1/2 for each employee plus 1 for each 20 students over 16 years of age
Churches and auditoriums, with fixed seating	1	2**[1]**0 seating spaces in the main assembly room
Theaters or other places of assembly	1	2**[1]**0 seating spaces
Furniture, plumbing supplies or clothing stores or shoe repair or similar large commercial uses	1	800 sq. ft. of gross floor area

Service station	1	1,000 sq. ft. of lot area
Industrial uses	1	2 employees working the shift having the greatest number of employees
Home occupation	1	In addition to those required for residential use
Restaurants/taverns	1	**10[3]** fixed seating spaces and/or 100 **[50]** square feet of nonfixed seating
Public buildings	1	Each employee

I. Floor areas for the purpose of computing parking requirements shall be the sum of the horizontal area within the exterior walls of the several floors of the building, excluding storage or service areas. Whenever off-street parking is required, the parking area and space shall be designated, constructed and maintained in accordance with the minimum provisions and standards in this chapter.

J. If it appears to the planning and zoning commission that additional parking spaces beyond the minimums required are necessary, the commission may require additional open areas be kept in reserve for this purpose.

K. The requirements of 20.52.200 are inapplicable in the RMU district. [Ord. 462 § 6, 1984.]

20.52.200 Buffers.

Due to smoke, noise, traffic, aesthetics and potential hazards, all new or expanded port facilities, industrial uses, unenclosed home occupation uses abutting another property with a residential use, and **[or]** mobile home parks (over three units) shall have buffers between such areas and adjoining areas. Buffers shall be 25 feet in width, and shall be 75 percent sight-obscuring. When composed of plants, buffers shall be 50 percent of full size within one year and average eight feet in height. Buffers shall be composed of natural terrain and vegetation where possible. If fences are used they should be aesthetically pleasing and compatible with the character of the area.

Buffers shall not be used for storage of **[industrial]** equipment or materials or for waste disposal, but may be used for outdoor recreation. Portions of such buffers may be used for light motor vehicle parking if the design of such facilities is found by the planning and zoning commission to be consistent with the comprehensive plan of the borough. Buffer requirements may be waived if the commission determines that natural or manmade land forms upon the site sufficiently serve the purpose of this section. [Ord. 462 § 6, 1984.]

20.52.210 Signs.

A. A permit shall be obtained from the zoning administrator prior to the installation of any sign or advertising structure excepting those less than six square feet (e.g., two feet by three feet) in area. Construction and erection of signs shall be in accordance with this chapter and with all other pertinent regulations.

B. Signs shall advertise only those businesses or activities engaged in on the immediate premises.

C. No signs shall be erected in any location where, by reason of the position, shape or color of such sign, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. No sign shall exceed the height of the structure of which it is attached or exceed 10 feet in height if freestanding.

D. No sign other than public signs shall be placed within 10 feet of any intersection as measured from the nearest corner created by two intersecting street rights-of-way.

E. Flashing signs and intermittent illumination are to be permitted only in commercial and industrial zones.

F. In all residential districts, lighting shall be direct and shielded from adjacent property.

G. Except as approved with a conditional use permit for a commercial use in the remote residential mixed-use district, **[O]**only the following signs are permitted in a residential district:

1. Real Estate Signs. One sign not exceeding eight square feet, advertising only the sale, rental or lease of the building or premises on which it is maintained.

2. Signs Identifying Home Occupations. One sign per use, not exceeding nine square feet in area; such sign shall be no closer than 10 feet from any property line.

3. Bulletin Boards. Bulletin boards used to display announcements of meetings to be held on the premises are permitted for churches, schools, community centers and public, charitable or institutional uses. Unless otherwise permitted in the district, such signs shall contain no more than 20 square feet in area and may be located no closer than 10 feet from any street lot line. Only one such sign shall be permitted for each street frontage.

4. Construction Signs. During construction, repair or alteration of a structure, temporary signs which denote the architect, engineer, contractor or builder, or which denote the name of construction and its use or occupants-to-be or other construction participants or structure users may be placed within any required yard setbacks as ground, wall or roof signs. Each sign shall be 20 square feet or less in size and not more than one such sign shall be permitted for each construction participant or structure user.

5. Signs Identifying Other Permitted and Conditional Uses. One sign per use not to exceed 20 square feet in area for the purpose of identifying multifamily dwellings, clubs, offices and other similar uses may be placed flat against the building in which such use occurs and shall be no closer than 10 feet from any property line.

6. Signs for Nonconforming Uses. A legal, nonconforming use in a residential area may have one sign per property, unlighted, and no larger than 20 square feet in area. Such sign shall be located no closer than 10 feet from any property line.

7. Subdivision Signs. Signs advertising the sale or lease of lots or buildings within new subdivisions of at least five lots are permitted, providing they are not directly or indirectly illuminated and do not exceed 50 square feet in area. Not more than one such sign shall be located at each major approach to the subdivision, with such signs located within the required setback yards applicable to the principal structures and located no closer than 10 feet from the nearest property line.

8. Public Safety Signs. Temporary, private ground or wall signs exclusively relating to the safety of the public (e.g., "No Parking Today," "Use Covered Walkway," "Do Not Enter," "Danger," or "Loading Zone") may be located as needed for public safety without limitation as to number, size or location under this section.

H. In addition to the requirements of Chapter 13.05 WMC, the following regulations shall apply to signs in commercial and industrial districts:

1. Signs shall be located flat against a building or a marquee.

2. One ground, pole, or projecting sign is permitted, per property, not to exceed 50 square feet in area; provided, that signs projecting beyond the lot line may be no closer than six inches from the curbline and must be at least eight feet above the finished sidewalk grade.

I. Signs which do not conform to the requirements of this title shall be eliminated within three years from the effective date of the ordinance codified in this chapter. [Ord. 841 § 2, 2009; Ord. 462 § 6, 1984.]

20.52.220 Redevelopment.

The conversion of an existing structure to a permitted or conditional commercial use shall be permitted where the character of the existing structure is maintained and where all parking and other requirements for the particular use are met. [Ord. 462 § 6, 1984.]

20.52.230 Traffic generation.

If the volume of traffic expected to be generated by a business or a nonconforming or special use would create a nuisance for area residents or congestion, the planning and zoning commission may deny a permit for the use or may require measures mitigating such nuisance or congestion. [Ord. 462 § 6, 1984.]

20.52.240 Recreational vehicle parks.

A building permit for the construction, improvement and expansion of a recreational vehicle (RV) park is required. Recreational vehicle and camper space rentals are permitted within RV parks at a density of 24 spaces per acre, provided the following provisions are met:

A. A sewage dumping station connected to a sewer system approved by the State Department of Environmental Conservation shall be provided.

B. A water supply approved by the State Department of Environmental Conservation for public use shall be provided at a central location for recreational vehicle and camper use.

C. One-way streets will be permitted; provided, that they are adequately marked and designated for one-way traffic flow. Such streets shall have a right-of-way of 20 feet in width with a driving surface 12 feet wide.

D. An RV park may be part of an overall mobile home park application, but must be incorporated as a separate design element within such mobile home park.

E. Parking spaces shall be of sufficient size to provide for a minimum of 10 feet between recreational vehicles or campers.

F. A site plan in accord with WMC 20.52.180(E)(6) shall be incorporated within any application to the planning and zoning commission of a permit for the reconstruction, improvement or expansion of an RV park. [Ord. 462 § 6, 1984.]

20.52.250 Recreation.

There shall be adequate provisions for play areas and recreational facilities for children and teenagers (as determined by the commission) for all subdivisions of more than 10 lots and all multifamily developments (e.g., apartments) over 10 units. [Ord. 462 § 6, 1984.]

20.52.260 Firewood storage.

A structure built or constructed for the purpose of storing firewood may be located in any district to which this standard is made applicable, subject to the following limitations:

A. The structure shall be set back at least 18 inches from lot lines.

B. The structure shall not exceed a height of eight feet and width of eight feet, <u>except in the remote residential mixed-use and rural residential districts. In the remote residential mixed-use district and rural residential districts, the structure shall not exceed a height of fourteen feet and there is no limitation on the structure width, provided the structure contains adequate ventilation with a design to prevent spontaneous combustion.</u>

C. The structure shall comply with the requirements of WMC 20.52.020.

D. The structure shall only be used for the storage of firewood, and shall not be used for the storage of <u>fuel, chemicals,</u> construction materials such as studs, beams and siding <u>or similar materials</u>. [Ord. 486 § 4, 1985.]

20.52.270 Animal establishments.

Animal establishments may be located in those districts where such use is allowed, subject to the following:

A. The owner of any animal establishment must provide, according to the needs of the animal:
1. Adequate shelter from the elements;
2. Adequate facilities to keep the animals on the owner's property and prevent straying;
3. Adequate procedures and facilities to avoid unreasonable off-site odor or noise disturbance to adjacent properties;
4. Adequate facilities for keeping the kennels, stables and other animal housing areas clean and free of filth; and
5. Adequate food, water and vaccinations.

B. No animal establishment shall cause any nuisance, hazard or damage to persons or to other property by:
1. Disposal of water and waste products;
2. Risks to health and well-being;
3. Destruction of surface vegetation and soils; or
4. Straying animals.

C. Animal establishments for horses, mules and donkeys shall comply with subsections (A) and (B) of this section and the following:
1. Shelters shall be roofed to allow the animal protection from the elements. Depending on the needs of the animal, the shelter must be divided into stalls large enough for the animal to turn completely around while standing inside. Manure and wet bedding shall be cleaned out regularly.
2. The owner shall prepare and maintain the ground in such a way that the area in which the animals are standing does not retain water and minimizes mud. Wood chips or some other similar porous material that will allow moisture to drain away from where animals are standing is ideal.
3. Adequate corrals must be provided and be enclosed by safe fencing. Barbed wire is not allowed. There must be adequate room in the corral for the animals to move about and self exercise without hurting themselves or others. Corrals shall not be allowed to accumulate a build-up of manure and/or filth.
4. Feed containers should have bottoms to prevent feed from coming in contact with the ground. The feed container should always be located on dry ground areas so that the animals will be forced to stand on the dry ground while feeding.
5. Storage of grain feed shall be in secure, rodent-proof closed containers.
6. Clean drinking water shall be provided at all times.
7. Manure on any stabling site shall be bermed such that there is no run-off beyond the limits of the site.
8. Manure shall be removed from the site regularly and disposed of in a legal manner.
9. There must be adequate vegetative buffers between stabling areas and adjacent property.
10. Minimum lot size must be 15,000 square feet for one animal plus an additional 5,000 square feet for each additional animal. In all zoning districts there must be 5,000 square feet of free space for each animal to allow the animal to move. Where the property owner submits a current detailed site plan and can demonstrate that adequate facilities for the exercise of the animals will be provided (for example, a commercial stable with an arena area), a conditional use permit may be granted with less restrictive minimum lot size requirements.
11. Corrals shall have a grade allowing water to drain away from the animals. Ditches or channels around the more elevated areas of the corral to catch and direct water away from the corral are recommended. Ditches or channels draining the corral to lower grades shall discharge water in compliance with the Wrangell Municipal Code. [Ord. 785 § 29, 2006.]

20.52.280 Wastewater discharge and drinking water separation.

All domestic wastewater disposal systems shall meet applicable Alaska Department of Environmental Conservation (ADEC) requirements. No person may construct any part of a wastewater disposal system, including a sealed system within the following areas (horizontal distances): within 100 feet of any surface

water or within 100 feet of any ground water used as a private drinking water source; within 200 feet of any surface or ground water used as a Class A or Class B public water system source; or within 150 feet of any surface or ground water used as a Class C public water system source. [ADEC regulations 18 AAC 72 (wastewater, including individual treatment systems such as septic tanks, sealed vault privies, and marine water outfalls) and 18 AAC 80 (drinking water)].

Chapter 20.54

TEMPORARY USE PERMITS

Sections:
20.54.010 Issuance – Duration.
20.54.020 Applications.
20.54.030 Noncompliance.

20.54.010 Issuance – Duration.

The commission may issue a temporary use permit for a use not normally permitted in a district. The temporary use permit shall be for seasonal operations such as construction or timber harvest or temporary uses such as portable sawmill operations. While a temporary use permit should not normally be issued for longer than a 12-month period, the borough assembly may issue a multi-year permit for major construction projects, subject to annual review of the performance of the applicant by the commission. The maximum length for any temporary use permit shall be five years. [Ord. 462 § 6, 1984.]

20.54.020 Applications.

Applications for temporary use permits shall be processed by the commission in its capacity as authorizing agency as it would treat applications for variances. Multi-year applications shall be processed in a manner similar to applications for zoning changes with the added provision that the owner of the property must file a plan for the restoration and use of the property after the temporary use is removed. [Ord. 462 § 6, 1984.]

20.54.030 Noncompliance.

Failure to comply with the provisions of a temporary use permit issued under this chapter shall be grounds for the revocation of such permit and prosecution under the terms of this code. [Ord. 462 § 6, 1984.]

Chapter 20.56

REVIEW

Sections:
20.56.010 Requirements – Procedures.
20.56.020 Permit review.
20.56.030 Planning and zoning commission review and hearings.
20.56.040 Borough assembly hearings.

20.56.010 Requirements – Procedures.

This code uses an array of processes, permits and appeals to carry out its provisions. This chapter is intended to set forth the procedures necessary to gain approval for a proposed project. Review of an application may be required by each of four separate bodies:

A. The borough administration;

B. The planning and zoning commission;

C. The borough assembly; and

D. The port commission of the borough **[(where appropriate)].** [Ord. 462 § 6, 1984.]

20.56.020 Permit review.

A review by the borough administration, including the fire marshal, shall be processed within 10 working days and in most cases determination will be made within 10 working days of the submission of the request. The types of requests that qualify for permit review are:

A. Building permit requests involving projects of less than $500,000 value, or having four dwelling units or less; and

B. State of Alaska, Class I consistency review. [Ord. 462 § 6, 1984.]

20.56.030 Planning and zoning commission review and hearings.

No greater review or evaluation of plans and requests than that conducted under the procedures of the commission shall be necessary unless public hearings are required.

A. Reviews by the commission are required for the following actions:
1. Building permit requests for projects of $500,000 value or more;
2. Building permit requests for projects having five or more dwelling units;
3. State of Alaska, Class II consistency reviews;
4. Borough capital improvement programs; and
5. Enforcement against code violations.

B. The commission shall recommend, approve, approve with conditions, or deny all requests within **[15]** 60 days of initial review. Failure to reach a decision within such time limit shall constitute an approval of the project as submitted.

C. Review and/or hearings by the commission are required for:
1. Subdivision approvals;
2. Variances;
3. Conditional use permits;
4. Code amendments and rezoning; and
5. Specific violations, where review is requested. [Ord. 462 § 6, 1984.]

20.56.040 Borough assembly hearings.

Hearings before the borough assembly shall be necessary for all code amendments, appeals, budget approvals (including CIP), and adoption of the comprehensive and fiscal management program, and any rezoning. **[The borough assembly, being the elected, legislative body of the borough, must pass judgment on all changes of law, i.e., code amendments and rezoning.]**The assembly serves a quasi-judicial function as the first level of appeal from an **[administration]** administrator or commission decision or determination. Borough assembly hearings on applications for rezoning and appeals shall be conducted within 45 **[30]** days of receipt by the borough clerk, unless extended by mutual agreement between the applicant or appellant and the borough or for good cause as determined by the Assembly . [Ord. 462 § 6, 1984.]

Chapter 20.58

SITE PLAN SUBMISSION REQUIREMENTS

Sections:
20.58.010 Site plans.
20.58.020 Availability of maps.
20.58.030 Site plans for large projects.

20.58.010 Site plans.

A. All proposed and nonresidential developments and residential uses in excess of four dwelling units must submit a site plan to the borough zoning administrator for review and approval in accordance with the standards set forth in this code. All site plans shall be processed in accordance with the provisions of Chapter 20.56 WMC. Site plans, at a minimum, shall be drawn to appropriate engineer's scale (1:50 feet) to depict the following information:

1. The boundaries, topography and physical conditions of the site, such as water bodies, vegetative cover, and grade steepness;
2. The uses and approximate size, location and height of all proposed buildings and other structures;
3. Off-site parking and loading plans, including circulation plans for vehicular and pedestrian movement;
4. Proximate location and size of open spaces and/or landscaped areas, including buffers and areas retained in their natural state;
5. Approximate location and width of all utility easements or rights-of-way;
6. Areas to be cut and filled, including plans for stabilization of soil and routing of drainage;
7. Total acreage of the site and the calculated density for the project (number of units per acre), including the number of dwelling units for residential use by type and square footage, and gross floor area for industrial and commercial developments.

B. Elements optional to a site plan shall be:

1. Drawings indicating general architectural themes, appearance and/or representative types of buildings;
2. Definitive covenants, grants, easements, dedications and/or restrictions to be imposed on the land, buildings or structures. [Ord. 462 § 6, 1984.]

20.58.020 Availability of maps.

Topographic base maps (1:400 and 1:100) shall be available for review at City Hall for use in project design. [Ord. 462 § 6, 1984.]

20.58.030 Site plans for large projects.

Multiple copies of the site plan shall be required for larger projects which require commission review and approval. At least one copy for each two members of the commission shall be submitted to the commission. [Ord. 462 § 6, 1984.]

Chapter 20.60

MASTER PLAN

Sections:
20.60.010 Master plan requirement.
20.60.020 Purposes.
20.60.030 Required submissions.
20.60.040 Optional standards.

20.60.010 Master plan requirement.

As a requirement of application for rezoning on a portion of a tract of land under single ownership, a master

plan must be submitted for the complete tract before any portion of the land may be rezoned. In addition, a master plan shall be required to accompany any application for the rezoning of any area greater than five acres or for the approval of projects of $500,000 value or more. [Ord. 462 § 6, 1984.]

20.60.020 Purposes.

The general purpose of the master plan process is to require that an applicant apply **[minimal]** planning techniques to major developments to allow the **[so that]** the planning commission to understand **[can grasp]** the merits of a proposed application. The master plan **[purpose of the]** process is intended **[also]** to:

A. Provide for a more efficient use of land which will result in smaller networks of utilities, safer street grids, lower construction and maintenance costs to the general public and promotion of the more efficient use of public and private space;

B. Encourage enhancement and preservation of land which is of outstanding scenic, environmental, cultural or historic significance;

C. Encourage harmonious and coordinated development that considers natural features, community facilities, and land use relationships with surrounding properties in the general neighborhood and provide for pedestrian and vehicular traffic circulation in conformance with the comprehensive plan;

D. Facilitate understanding of a development's anticipated short-term and long-term impact upon the tax base, local economy, population makeup, demand for public utilities and services and the environment. [Ord. 462 § 6, 1984.]

20.60.030 Required submissions.

A master plan shall establish **[is establishing among other things,]** the approximate location of land uses, buffers, roads, pedestrian ways, drainage patterns, open spaces and parks. A master plan for rezoning may require other considerations. The master plan shall consist of:

A. Site condition maps, including:
1. The concept plan maps drawn to the same scale as the topographical plan maps available at City Hall;
2. Boundaries of the subject property;
3. Location and size (as appropriate) of all existing drainage, water, sewer and other utility provisions affecting the site; and
4. Information about existing vegetative cover and general soil types as appropriate to the proposed property.

B. A concept plan which shall depict in map form the location and function of:
1. The land uses proposed for the subject property in a detail at least as great as the general district categories identified in WMC 20.12.010;
2. All proposed roads and pedestrian ways, showing their access to existing public streets and walkways;
3. All drainages, buffers and open spaces within a proposed development.

C. Supporting data, to **[which would]** include:, **[as appropriate:]**
1. A statement indicating what arrangements have been made with the borough or state **[appropriate]** departments or agencies for the provisions of needed utilities, including, if appropriate, water supply, water treatment and distribution, storm drainage, runoff collection and disposal, electric power, sewage collection, wastewater treatment and disposal, and communications (telephone and cable television);
2. The total acreage involved in the project;
3. The number of acres devoted to the various land use categories shown on the site development plan, along with a percentage of total acreage represented by each category of use; and
4. The number and type of dwelling units proposed for the overall site and the number of dwelling units

per acre. [Ord. 462 § 6, 1984.]

20.60.040 Optional standards.

In order to provide flexibility in the subdivision and building permit process, an applicant may submit a list of alternative design standards for review as variances for a specific project as part of a master plan review process by the planning and zoning commission. The applicant must submit a set of minimum design standards which shall govern the site development, such as lot shapes and sizes, internal streets and pedestrian ways, open space provisions, off-street parking demands, visual screens, general buffers, and landscaped areas. [Ord. 462 § 6, 1984.]

Chapter 20.64

NONCONFORMING USES

Sections:

20.64.010 Nonconforming status designated.
20.64.020 Intent.
20.64.030 Nonconforming lots of record.
20.64.040 Nonconforming structures.
20.64.050 Nonconforming uses of structures.
20.64.060 Nonconforming uses of land.
20.64.070 Construction begun prior to adoption of regulations – Actual construction defined.
20.64.080 Construction in annexed district.
20.64.085 Construction in area of borough located outside former city limits.
20.64.090 Conditional uses deemed conforming uses.
20.64.100 Repairs and maintenance.
20.64.110 Casualty destruction and rebuilding.
20.64.120 Permits for nonconforming uses in annexed district.
20.64.125 Permits for nonconforming uses in area of borough located outside former city limits.
20.64.130 Provisions not applicable to junkyards.

20.64.010 Nonconforming status designated.

A. When a lot, structure or use legally exists prior to the adoption of the ordinance codified in this title but does not meet the requirements of this title, it shall be permitted to continue only within the limits set forth in this chapter. Under such circumstances, the lot, structure or use shall **[it is said to]** have nonconforming status.

B. There are three types of nonconforming status:

1. Nonconforming Lots. The lot width or acreage is smaller than the minimum permitted in the zone in which it is located.

2. Nonconforming Structures. The structure is designed to accommodate a nonconforming use or fails to meet yard, coverage, height or other development requirements established for the zone in which it is located.

3. Nonconforming Uses of Land and/or Structures. The use to which land and/or structures is being put is not a principal, accessory or conditional use permitted in the zone in which it is located, and is not otherwise permitted in this title. [Ord. 219 § 5, 1969; prior code § 95.25.010.]

20.64.020 Intent.

A. Within the zones established by this title and any future amendments there exist lots, structures, and uses of land and structures which were lawful before this title was passed or amended, but which would be prohibited under the terms of this title or future amendments.

B. It is the intent of this title to permit these nonconformities to continue until they are removed, but not to encourage the continuation of nonconforming uses or structures. **[their survival.]** Such uses are declared by this title to be incompatible with permitted uses in the zones involved. It is further the intent of this title that nonconformities shall not be enlarged upon, expanded nor be used as grounds for adding other structures or uses prohibited elsewhere in the same zone.

C. With regard to the land and territory annexed by the former City of Wrangell on March 7, 1975, and within the zones established by the official zoning map, comprehensively amended to include the above referenced territory incorporated within the borough's municipal boundaries pursuant to annexation, previously unzoned structures and uses have historically existed to date which fail to conform to the official zoning map as adopted herein.

D. In recognition of the fact that the annexation of March 7, 1975, placed a large land area of low density development within a zoned local governmental unit for the first time, resulting in long-established uses and structures becoming nonconforming, the intent of this title is to allow continuance of these uses under grandfather rights and to permit some of the nonconforming uses and structures to continue if there has been substantial investment and improvements to the land constructed for a specific business venture. These previously existing uses, as identified by permit, shall be allowed to continue until removed, and such uses may be maintained or replaced to their original value if destroyed, but shall not be enlarged upon, expanded nor extended, nor uses as the grounds or predicate for adding other structures or uses prohibited elsewhere in the same zone.

E. In recognition of the fact that upon borough formation on May 30, 2008, a large area of land was placed within a local governmental unit for the first time, which, upon zoning, may result in long-established uses and structures becoming nonconforming, the intent of this title is to allow continuance of these uses under grandfather rights and to permit some of the nonconforming uses and structures to continue if there has been substantial investment and improvements to the land constructed for a specific business venture. These previously existing uses, as identified by permit, shall be allowed to continue until removed, and such uses may be maintained or replaced to their original value if destroyed, but shall not be enlarged upon, expanded nor extended, nor used as the grounds or predicate for adding other structures or uses prohibited elsewhere in the same zone. [Ord. 833 § 49, 2009; Ord. 349 § 5, 1976; prior code § 95.25.020.]

20.64.030 Nonconforming lots of record.

A. In any zone in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this title, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the ordinance codified in this title. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. Except that nonconforming lots in the RMU District that do have contiguous frontage with other lots in the same ownership at the time the RMU District was created, those lots will retain their individual lot status. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zone; provided, that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulation of the zone in which such lot is located. Variance of yard requirements and of other development requirements, except as specified in this subsection, shall be obtained only through action of the commission as provided in WMC 20.68.010.

B. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of the ordinance codified in this title, and if all or part of the lots do not meet the requirements for lot width and area as established by this title, except for lots within the RMU District, the lands involved shall be considered to be an undivided parcel for the purposes of this title, and no portion of said parcel shall be used or sold which does not meet lot width and area requirements established by this title, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this title. [Ord. 219 § 5, 1969; prior code § 95.25.030.]

C. Any nonconforming lot of record within the RMU districts at the time the RMU District was codified that are in contiguous ownership may be retained as a separate lot. Lots subject to this provision are not required to be joined with the contiguous lot(s) in order to achieve the district minimum size.

20.64.040 Nonconforming structures.

Where a lawful structure exists on the effective date of the ordinance codified in this title, or amendment of this title that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such structure may be enlarged or altered in a way which increases its nonconformity.

B. Should such structure be destroyed by any means to an extent of more than 50 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this title.

C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located after it is moved. [Ord. 219 § 5, 1969; prior code § 95.25.040.]

20.64.050 Nonconforming uses of structures.

If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of the ordinance codified in this title, the **[said]** use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structures devoted to a use not permitted by this title in the zone in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except if changing the use of the structure to a use permitted in the zone in which it is located.

B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of the ordinance codified in this title, but no such use shall be extended to occupy any land outside such building.

C. If no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use; provided, that the commission shall find that the proposed use is equally appropriate or more appropriate to the zone than the existing nonconforming use. In permitting such change, the commission may require appropriate conditions and safeguards, including public hearings, in accord with the provisions of this title.

D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone in which such structure is located, and the nonconforming use may not thereafter be resumed.

E. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for 24 consecutive months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the zone in which it is located.

F. Where nonconforming use status applies to a structure and premises in combination, removal of the structure shall eliminate the nonconforming status of the land.

G. When a structure which has a nonconforming use status as of the effective date of the ordinance codified in this title is destroyed by fire, the **[said]** structure may be reconstructed only on the existing

footprint within two years from the date it was destroyed and continue the nonconforming use status. For purposes of this section, the **[said]** reconstructed structure must be 80 percent complete, according to the borough assessor, within two years from the date it was destroyed. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.25.050.]

20.64.060 Nonconforming uses of land.

Where, at the effective date of adoption or amendment of the ordinance codified in this title, lawful use of land exists that is made no longer permissible under the terms of this title as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the ordinance codified in this title.

B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of the ordinance codified in this title.

C. If any such nonconforming use of land ceases for any reason for a period of 12 consecutive months, any subsequent use of such land must conform to the regulations specified by this title and the zoning map for the district in which the land is located; and similarly, if any such nonconforming use of land is voluntarily abandoned, the same requirements shall apply immediately upon abandonment and, in this context, six months of discontinuance of the nonconforming use shall create a rebuttable presumption that the nonconforming use has been abandoned and 12 months of discontinuance shall create a conclusive presumption of abandonment. [Ord. 349 § 5, 1976; prior code § 95.25.060.]

20.64.070 Construction begun prior to adoption of regulations – Actual construction defined.

A. To avoid undue hardships, nothing in this title shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the ordinance codified in this title and upon which actual building construction has been diligently carried on.

B. "Actual construction" is defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination, and removal of an existing structure in connection with such construction; provided, that actual construction work shall be diligently carried on until the completion of the building involved. [Ord. 349 § 5, 1976; prior code § 95.25.070(1).]

20.64.080 Construction in annexed district.

To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction or designated use of a building or land which is nonconforming in the subject district when the structure or land use legally existed in the district prior to annexation on March 7, 1975; and it shall be permitted to continue as a nonconforming use if meeting the further specifications described below:

A. There must have been a substantial financial investment defined as a commitment or expenditure for building materials before March 7, 1975. "Construction" as defined in this section means materials in permanent position and fastened in a permanent manner with a permanent foundation.

B. There must have been substantial construction in existence before or diligent progress toward construction completion immediately following March 7, 1975. "Construction" as defined in this section means materials in permanent position and fastened in a permanent manner with a permanent foundation.

C. Construction commenced on a nonconforming structure or on a nonconforming use of land after March 7, 1975, but before the effective date of the ordinance codified in this chapter shall similarly enjoy grandfather rights and be recognized as a nonconforming use if the investment and construction requirements prescribed in

the previous subsections are met, but only if a building permit was previously obtained therefor. [Ord. 349 § 5, 1976; prior code § 95.25.070(2).]

20.64.085 Construction in area of borough located outside former city limits.

This section applies to land and structures located outside the boundaries of the former City of Wrangell, as those boundaries existed immediately prior to borough formation on May 30, 2008.

To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction or designated use of a building or land which is nonconforming in the subject district when the structure or land use legally existed in the district prior to May 30, 2008; and it shall be permitted to continue as a nonconforming use if meeting the further specifications described below:

A. There must have been a substantial financial investment defined as a commitment or expenditure for building materials before May 30, 2008. "Construction" as defined in this section means materials in permanent position and fastened in a permanent manner with a permanent foundation.

B. There must have been substantial construction in existence before or diligent progress toward construction completion immediately following May 30, 2008. "Construction" as defined in this section means materials in permanent position and fastened in a permanent manner with a permanent foundation. [Ord. 833 § 50, 2009.]

20.64.090 Conditional uses deemed conforming uses.

Any use for which a conditional use permit is granted as provided in Chapter 20.68 WMC shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such zone. [Ord. 349 § 5, 1976; prior code § 95.25.070(3).]

20.64.100 Repairs and maintenance.

On any nonconforming structure or on any buildings devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 10 percent of the current replacement value of the building; provided, that the cubical content of the building as it existed at the time of passage or amendment of the ordinance codified in this title shall not be increased. [Ord. 349 § 5, 1976; prior code § 95.25.070(4).]

20.64.110 Casualty destruction and rebuilding.

In the event of fire or other extended casualty loss of a nonconforming structure resulting in damage exceeding 50 percent of its assessed value, the structure may not be replaced if its permitted nonconforming use was for residential purposes of any classification. A nonconforming structure so damaged of commercial or industrial classification may be replaced to its original value, but the use shall not be enlarged upon, expanded nor extended, nor be used as the grounds or predicate for adding other nonconforming structures or prohibited uses. [Ord. 349 § 5, 1976; prior code § 95.25.070(5).]

20.64.120 Permits for nonconforming uses in annexed district.

The continuation of nonconforming uses of land or structures, stated differently as the conferring of grandfather rights thereto in districts subject to zoning classification following annexation to the former City of Wrangell on March 7, 1975, shall be allowed only by securing appropriate permits which will be granted by the planning and zoning commission. Applications for nonconforming use permits (or grandfather rights permits) as to structures and/or land must be filed with zoning administrator at City Hall on or before February 15, 1977, and no applications will be accepted thereafter. [Ord. 833 § 51, 2009; Ord. 349 § 5, 1976; prior code § 95.25.075.]

20.64.125 Permits for nonconforming uses in area of borough located outside former city limits.

This section applies to land and structures located outside the boundaries of the former City of Wrangell, as those boundaries existed immediately prior to borough formation on May 30, 2008.

The continuation of nonconforming uses of land or structures, stated differently as the conferring of grandfather rights thereto in districts subject to zoning classification following borough formation on May 30, 2008, shall be allowed only by securing **[appropriate]** permits which will be granted by the planning and zoning commission. Applications for nonconforming use permits (or grandfather rights permits) as to structures and/or land must be filed with the zoning administrator at City Hall within six months of classification of the land into a zoning district other than the "T" transition district (WMC 20.12.060). [Ord. 833 § 52, 2009.]

20.64.130 Provisions not applicable to junkyards.

Notwithstanding the provisions of this chapter, no junked vehicle or junk shall be stored outside and no junk or wrecking yard shall be maintained in a location which is visible from a major road as defined in WMC 20.08.500**[430]** unless it is screened from view by a sight-obscuring fence of good appearance or hedge of good appearance. For the purposes of this section, "junk" means worn out and discarded material in general that may be turned to some use; especially old rope, chain, iron, copper, parts of machinery and bottles gathered or bought up by tradesmen called junk dealers, but not limited to commercial venture, and shall further include parts of buildings, fixtures and appliances; hence, rubbish of any kind; odds and ends. [Ord. 349 § 5, 1976; prior code § 95.25.080.]

Chapter 20.68

CONDITIONAL USE PERMITS

Sections:

20.68.010 Purpose of provisions – Regulations generally.
20.68.020 Conditions of approval.
20.68.030 Application.
20.68.035 Fees – After-the-fact applications.
20.68.040 Site plan request.
20.68.050 Investigation and report to commission.
20.68.060 Hearing and notices.
20.68.070 Public inspection of application.
20.68.080 Commission decision.
20.68.090 Issuance of permit – Conditions and Revocation.
20.68.100 Expiration of permit.

20.68.010 Purpose of provisions – Regulations generally.

A. There are some uses which, because of their potential impact on neighboring properties or because of their public service nature, should receive commission review in each case. In this manner, detailed consideration can be given to factors affecting the suitability of the proposed location. These conditional uses are specified within Chapters 20.16 through 20.51 WMC.

B. The commission shall permit these uses if, in addition to meeting the off-street parking regulations, development requirements and all other requirements of this title, the conditions set forth in this chapter are met. [Ord. 219 § 5, 1969; prior code § 95.60.010.]

20.68.020 Conditions of approval.

A. When the appearance, traffic generated, noise, or other characteristics of the use would have an adverse

affect upon neighboring properties, additional yards, site area, uncleared buffer strips, fences, hedges or other safeguards shall be provided by the conditional use in a manner which is sufficient to prevent any such adverse affect.

B. Provisions for sewage disposal and water service shall be acceptable to all applicable health regulations.

C. Exits and entrances and off-street parking for the conditional use shall be located to prevent traffic hazards or congestion on public streets.

D. In addition to the conditions of subsections (A) through (C) of this section, schools, governmental and civic buildings and other public uses shall meet the following condition: The proposed location of the use and the size and character of the site shall facilitate maximum benefit and service to the public. [Ord. 219 § 5, 1969; prior code § 95.60.020.]

20.68.030 Application.

A written application shall be filed with the planning and zoning commission through the zoning administrator. This application shall state the nature of the request and the means whereby the proposed use meets the conditions stated in the pertinent section of this title. [Ord. 219 § 5, 1969; prior code § 95.60.030.]

20.68.035 Fees – After-the-fact applications.

A. All conditional use permit applications must be accompanied by a $50.00 application fee unless a higher after-the-fact application fee is required.

B. After-the-fact conditional use permit applications must be accompanied by a $150.00 application fee unless:

1. The applicant did not own the property prior to:
   a. November 1, 2006, in the case of a lot located within the boundaries of the former City of Wrangell, as those boundaries existed immediately prior to borough formation; or
   b. May 30, 2008, in the case of a lot located outside the boundaries of the former City of Wrangell, as those boundaries existed immediately prior to borough formation;
2. The violation existed prior to the applicant owning the property;
3. The violation was not disclosed to the applicant at the time the applicant acquired ownership; and
4. An application is submitted within 60 days of the applicant receiving notice or otherwise becoming aware of the violation.

C. "After-the-fact" means an application for a conditional use permit which is received by the borough after the use for which the permit is required has commenced. [Ord. 833 § 53, 2009; Ord. 788 § 1, 2006.]

20.68.040 Site plan request.

Where necessary to determine compliance with the listed conditions, the zoning administrator shall request a specific and detailed site plan. [Ord. 219 § 5, 1969; prior code § 95.60.030.]

20.68.050 Investigation and report to commission.

The zoning administrator shall investigate and report to the commission on the extent to which the use requested meets the conditions stated in this title. [Ord. 219 § 5, 1969; prior code § 95.60.030.]

20.68.060 Hearing and notices.

The commission shall set a date for and hold a public hearing upon each properly submitted application. Such hearing shall be held not later than **[30]**60 days following the date of filing of such application. At least 10 days before the hearing a public notice specifying the subject, time and place of the hearing shall be posted

at City Hall **[on all public bulletin boards]**. In addition, at least 10 days notice of the time and place of the hearing shall be mailed to **[all parties in interest]**the applicant and to all property owners within 300 feet of the property involved. Hearing notices shall be mailed at least 20 days prior to a hearing for applications within the RMU district. [Ord. 219 § 5, 1969; prior code § 95.60.030.]

20.68.070 Public inspection of application.

From the time of filing such application until the time of such hearing, the application, together with all plans and data submitted, shall be available for public inspection in the office of the zoning administrator. [Ord. 219 § 5, 1969; prior code § 95.60.030.]

20.68.080 Commission decision.

Within 30 days after the hearing the commission shall grant or reject the request for a conditional use permit. The commission's decision shall be based on the compliance of the request with the conditions listed in this title. The decision of the commission and the reasons **[therefor]** shall be entered in the records of the commission and shall be available to the public. The zoning administrator shall give the applicant written notice, by prepaid certified U.S. Mail or hand delivery, of the decision of the commission. The notice shall inform the applicant that the applicant has 15 days from the date of the decision of the commission to file a notice of appeal with the borough clerk sitting as the clerk for the board of adjustment pursuant to the provisions of WMC 20.80.[Ord. 219 § 5, 1969; prior code § 95.60.030.]

20.68.090 Issuance of permit – Conditions and Revocation.

A. In granting a conditional use permit, the commission shall state the conditions required. **[Any such condition must be complied with.]**

B. Any conditional use permit may be modified or revoked or cancelled by the planning commission for failure to comply with the conditions of the conditional use permit. The permit holder may initiate proceedings to modify the permit. The party initiating the modification or revocation or cancellation bears the burden of proof at the hearing of the planning commission.

1. The planning commission shall give the owner of the property subject to the conditional use permit twenty (20) days written notice, by prepaid certified U.S. Mail or hand delivery, in advance of the date of hearing prior to any action revoking the permit. The notice shall state the subject, date, time and place of the hearing. The notice is complete upon mailing.

2. At least 10 days before the hearing a public notice specifying the subject, time and place of the hearing shall be posted to the public. In addition, at least 10 days notice of the time and place of the hearing shall be mailed to all property owners within 300 feet of the property involved. Hearing notices shall be mailed at least 20 days prior to a hearing for permit hearings within the RMU district.

3. The permit holder may present evidence and cross-examine witnesses at the hearing. After the planning commission has concluded the hearing, the commission shall make written findings of fact within 30 days from the evidence at the hearing as to whether the permit holder has complied with the conditions of the permit. The findings of the commission shall be embodied in a formal written resolution of the commission as part of its records.

4. The zoning administrator shall give the owner of the property subject to the conditional use permit written notice, by prepaid certified U.S. Mail or hand delivery, of the decision of the commission. The notice shall inform the applicant that the applicant has 15 days from the date of the resolution of the commission to file a notice of appeal with the borough clerk sitting as the clerk for the board of adjustment pursuant to the provisions of WMC 20.80.

5. Upon revocation of the permit, further use of the property for which the permit had been granted shall constitute a violation of this title and shall be punishable accordingly. **[Violation of any condition shall result in revocation of the permit and further use of the property or maintenance of any building thereon shall constitute a violation of this title and shall be punishable accordingly.]** [Ord. 219 § 5, 1969; prior code § 95.60.030.]

20.68.100 Expiration of permit.

Any conditional use permit approved by the commission shall expire unless the privilege granted is utilized within one year after the granting of the conditional use permit. [Ord. 788 § 2, 2006; Ord. 219 § 5, 1969; prior code § 95.60.030.]

Chapter 20.72

VARIANCES

Sections:

20.72.010 Purpose of provisions.
20.72.020 Application.
20.72.030 Public inspection of application.
20.72.040 Hearing and notice.
20.72.050 Conditions of approval.
20.72.060 Consideration of evidence.
20.72.070 Decision.
20.72.080 Expiration of approval.

20.72.010 Purpose of provisions.

The variance provision is designed to allow the commission to adjust the regulations of this title in special cases where unusual physical features of the particular parcel involved would make a strict application of the zoning regulations unreasonable. Under no circumstances shall a variance be granted to permit a use of land or structure which is not otherwise permitted in the zone involved. Rezoning is the only legal means of changing permitted uses of land and buildings. [Ord. 485 § 5, 1985; prior code § 95.65.030(1).]

20.72.020 Application.

A. A written application shall be filed with the commission through the zoning administrator.

B. The application shall include the following:

1. A description by lot and block of the property involved;
2. The signature of the owner of the property concerned;
3. Site plans showing the location of all existing and proposed buildings or alterations, elevations of such buildings or alterations, and such other data as may be required;
4. A fee of $50.00 unless a higher after-the-fact application fee is required;
5. The fee for after-the-fact variance applications is $150.00 unless:
   a. The applicant did not own the property prior to:
      i. November 1, 2006, in the case of a lot located within the boundaries of the former City of Wrangell, as those boundaries existed immediately prior to borough formation; or
      ii. May 30, 2008, in the case of a lot located outside the boundaries of the former City of Wrangell, as those boundaries existed immediately prior to borough formation;
   b. The violation existed prior to the applicant owning the property;
   c. The violation was not disclosed to the applicant at the time the applicant acquired ownership; and
   d. An application is submitted within 60 days of the applicant receiving notice or otherwise becoming aware of the violation.

C. "After-the-fact" means an application for a variance which is received by the borough after the construction, alteration or use for which the variance is required has commenced. [Ord. 833 § 54, 2009; Ord. 788 § 3, 4, 2006; Ord. 485 § 5, 1985; prior code § 95.65.030(2)(a).]

20.72.030 Public inspection of application.

From the time of filing such application until the time of the commission's hearing, the application, together with all plans and data submitted, shall be available for public inspection in the office of the administrative official. [Ord. 485 § 5, 1985; prior code § 95.65.030(2)(b).]

20.72.040 Hearing and notice.

Before taking any action on the proposed variance but within **[30]**60 days of the filing of the application, the commission shall hold a public hearing on the proposed variance. At least 10 days before the hearing a public notice specifying the subject, time and place of the hearing shall be posted at City Hall **[on all public bulletin boards]**. In addition, at least 10 days' notice of the time and place of the hearing shall be mailed to the applicant **[all parties in interest]** and to all property owners within 300 feet of the property. Hearing notices shall be mailed at least 20 days prior to a hearing for applications within the RMU district. [Ord. 485 § 5, 1985; prior code § 95.65.030(2)(c).]

20.72.050 Conditions of approval.

The commission must find all four of the following conditions to exist in order to grant the variance:

A. That there are exceptional physical circumstances or conditions applicable to the property or to its intended use or development which do not apply generally to the other properties in the same zone;

B. That the strict application of the provisions of this title would result in practical difficulties or unnecessary hardships. Financial difficulty shall not considered a hardship under this provision; **[(The courts have generally ruled that financial difficulty cannot be considered a hardship in such cases)]**

C. That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity and will not **[nor]** be detrimental to the public health, safety or welfare;

D. That the granting of the variance will not be contrary to the objectives of the comprehensive plan. [Ord. 485 § 5, 1985; prior code § 95.65.030(2)(d).]

20.72.060 Consideration of evidence.

The commission shall hear and consider evidence by way of testimony **[and facts]** from any person at the public hearings, or by written communication to the commission received by the commission before the time set for the hearing. **[from any person relative to the matter.]** [Ord. 485 § 5, 1985; prior code § 95.65.030(2)(e).]

20.72.070 Decision.

A. The commission shall render its decision within 30 days after the conclusion of the public hearing, unless such time limit is extended by common consent and agreement signed by both the applicant and the commission.

B. A variance may not be granted because of special conditions caused by actions of the person seeking relief or for reasons of pecuniary hardship or inconvenience. A variance may not be granted which will permit a land use in a district in which that use is prohibited.

C. The decision of the commission and the reasons for the decision **[therefor]** shall be entered into records

of the commission. [Ord. 485 § 5, 1985; prior code § 95.65.030(2)(f).]

D. The zoning administrator shall give the applicant written notice, by prepaid certified U.S. Mail or hand delivery, of the decision of the commission. The notice shall inform the applicant that the applicant has 15 days from the date of the decision of the commission to file a notice of appeal with the borough clerk sitting as the clerk for the board of adjustment pursuant to the provisions of WMC 20.80.

20.72.080 Expiration of approval.

Any variance granted by the commission shall expire unless the privilege is utilized within one year of granting the variance. [Ord. 788 § 5, 2006; Ord. 485 § 5, 1985; prior code § 95.65.030(2)(g), (h).]

Chapter 20.76

AMENDMENTS

Sections:

20.76.010 Amendment authority.
20.76.020 Initiation.
20.76.030 Commission hearing and report.
20.76.040 Borough assembly hearing and notice.

20.76.010 Amendment authority.

Whenever the public necessity, convenience or general welfare requires, the borough assembly may, under the procedure set forth in this chapter and by ordinance, amend or repeal these regulations or change the boundaries of zones. [Ord. 485 § 6, 1985; prior code § 95.75.010.]

20.76.020 Initiation.

Changes in this title may be initiated by the following means:

A. By the borough assembly on its own motion;

B. By the commission on its own motion;

C. By petition signed by the owners of 50 percent of the property within an area proposed for rezoning; the **[said]** petition shall be filed with the commission through the zoning administrator. The zoning administrator shall not accept incomplete or incorrect petitions for filing. If the borough assembly finds that it is in the public's best interest to disapprove a petition, another petition requesting substantially the same zoning change may not be filed within six months after disapproval of the original petition. Besides the necessary signatures, the petition shall contain the following:

1. A description by lot and block and general location of the property involved;
2. Reasons for the proposed change;
3. A statement describing the effect of the proposed change on the objectives of the comprehensive plan; and
4. A fee of $75**[25]**.00 to cover legal notice and administrative costs. [Ord. 485 § 6, 1985; prior code §

95.75.020(1).]

20.76.030 Commission hearing and report.

A. Before any proposed zoning change may be acted upon by the borough assembly, the commission shall hold a public hearing on the proposed amendment to the zoning ordinance or proposed map. The zoning administrator, with the **[such]** assistance of other borough departments **[as may be required and appropriate,]** shall review and report to the commission on the proposed amendment, prior to the date of the hearing.

B. At least 10 days before the hearing a public notice specifying the subject, time and place of the hearing shall be posted at City Hall **[on all public bulletin boards.]** In addition, where the proposed zoning change affects a zone boundary, owners of property within the area of proposed zone change and all property owners within 300 feet of this area shall be notified by mail of the subject, time and place of such hearing. Said notice shall be mailed at least 10 days before the hearing. Hearing notices shall be mailed at least 20 days prior to a hearing for proposed zoning changes within the RMU district.

C. Within 45**[15]** days from the date of the hearing as set forth in this section, the commission shall study the proposed change and shall make a report in writing to the borough assembly. The **[Said]** report shall include the following:

1. Findings as to need and justification for the proposed change including findings as to the effect which the proposed change would have on the objectives of the comprehensive plan;
2. Findings as to the effect which the proposed change would have on property owners in the area of proposed boundary changes, including changes in traffic flow, population, density, off-street parking, sewer and water services; and
3. Recommendation as to the approval or disapproval of the change. [Ord. 485 § 6, 1985; prior code § 95.75.020(2).]

20.76.040 Borough assembly hearing and notice.

A. Before taking any action on the proposed zoning change, but within 30 days of the filing of the report by the commission, the borough assembly shall hold a public hearing on the proposed amendment to the zoning ordinance or proposed map.

B. At least 10 days before the hearing a public notice specifying the subject, time and place of the hearing shall be posted at City Hall **[on all public bulletin boards]**. In addition, where the proposed zoning change effects a zone boundary, owners of property within the area of proposed zone change and all property owners within 300 feet of this area shall be notified by mail of the subject, time and place of such hearing. Said notice shall be mailed at least 10 days before the hearing. Hearing notices shall be mailed at least 20 days prior to a hearing for proposed zoning changes within the RMU district.

C. If the borough assembly finds that it is in the best interest of the public **[public's best interest]** to approve the proposed zoning change, the assembly **[they]** may **[thereafter]** enact the **[said]** change by ordinance. [Ord. 485 § 6, 1985; prior code § 95.75.020(3).]

Chapter 20.77

CONTRACT ZONING

Sections:

20.77.010 Contract zoning – Definition and purpose.
20.77.020 Initiation.
20.77.030 Agreement.

20.77.010 Contract zoning – Definition and purpose.

In this chapter, "contract zoning" means a zoning reclassification to a less restricted use when the owner of the rezoned property, through an agreement with the borough assembly, places restrictions on the use of the land beyond the zoning requirements generally attaching to the new district in which the property has been placed. Contract zoning shall follow the same procedures as set forth in WMC 20.76.020(C), 20.76.030 and 20.76.040(A) and (B). [Ord. 485 § 7, 1985.]

20.77.020 Initiation.

Contract zoning shall be initiated by petition signed by the owners of the property to be rezoned. In addition to the information required in WMC 20.76.020(C), the petition shall include the following:

A. The use to which the property will be put;

B. The term desired for the agreement, which term shall not exceed the estimated useful life of the improvements that are or will be constructed on the property;

C. The dimensions, square feet and height of the improvements;

D. A detailed site plan, which shall include the location of improvements and provisions for off-street parking spaces and loading/unloading space(s);

E. The estimated number of persons that will be employed;

F. A statement as to the type and volume of solid waste that will be generated and the proposed method of disposal;

G. A statement as to the amount of traffic that will be generated; and

H. A statement as to the noise or odor that may be generated. [Ord. 485 § 7, 1985.]

20.77.030 Agreement.

If the borough assembly finds that it is in the best interest of the public**[’s best interest]** to approve the proposed contract zone, the borough assembly shall **[thereafter]** prepare an agreement, including such terms and limitations as the assembly **[they]** deems necessary to protect neighboring properties, for approval by ordinance. The **[Said]** agreement shall include covenants as follows:

A. That the property shall be developed for the proposed use within a specified period of time;

B. That if the owner ceases to use the property as agreed for a specified period of time the classification of the **[said]** property will revert to the former zone; and

C. That should the property subject to the agreement be zoned to a zoning classification which permits the use set forth in the agreement, the provisions of the agreement restricting said property use shall be null and void. [Ord. 485 § 7, 1985.]

Chapter 20.80

APPEALS

Sections:

20.80.010 Board of adjustment appeals.

20.80.010 Board of adjustment appeals.

A. The board of adjustment shall hear and decide:

1. Appeals from decisions of the planning commission regarding administrative decisions of borough employees made in the enforcement, administration or application of this title.

2. Appeals from decisions of the planning commission on requests for conditional uses.

3. Appeals from a decision of the planning commission on a request for a variance from the terms of this title.

B. In exercising the above-mentioned powers, the board of adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed and may make such order, requirement, decision or determination as deemed necessary to implement its decision. **[may be appropriate, and to that]** The board of adjustment **[end]** shall have all the powers of the planning commission or administrator **[body]** who made the original decision.

C. Time for Appeal.

1. All appeals shall be filed in writing with the clerk no later than 15 days after the date of the decision; provided, however, if the clerk determines that a notice of appeal filed within such 15-day period is incomplete or lacking in sufficient detail, the clerk shall notify the appellant in writing at the address indicated in the notice of appeal specifying the deficiencies or by hand delivery to the appellant. The appellant shall have an additional 10 days from the date such notice is mailed or hand delivered to correct such deficiencies by filing a supplement to the notice of appeal correcting such deficiencies or adding additional information.

2. Any appeal filed after the time provided above shall not be considered by the board of adjustment.

3. Upon such notice of appeal having been duly filed, the clerk shall **[thereupon]** send a copy **[thereof]** to the zoning administrator, and the planning commission, together with a written request for all **[pertinent]** records and transcripts, including the written decision and/or resolution of the planning commission granting or denying the **[said]** application. The zoning administrator shall, within ten **[seven]** (**[7]**10) days after having received a **[said]** copy of the appeal and request from the clerk, certify and deliver the **[said]** records, transcripts and documents of the planning commission to the clerk of the board of adjustment.

4. An appeal to the board of adjustment stays enforcement proceedings unless the board or a court issues an order otherwise for good cause shown.

5. The board of adjustment shall hear and decide appeals on the record certified **[established]** by the planning commission to the clerk. **[considering all pertinent records, transcripts, documents, testimony or other evidence certified to it by the zoning administrator.]** The board of adjustment shall consider at a public meeting all appeals not later than 30 days following the date the certified record specified in subsection (C)(3) of this section is delivered to the clerk of the board of adjustment; provided, however, the date for the public meeting may be continued for a period not to exceed an aggregate total of 30 additional days as follows:

a. By the clerk upon the clerk's determination there is a lack of a quorum.

b. **[By the board for purposes of securing additional information, or u]** Upon written request for a continuance by the appellant, submitted not less than three days prior to the scheduled session, or for other good cause shown.

6. At least 10 days' notice of the time and place of the public meeting shall be published in a newspaper of general circulation in the borough. In addition, at least 10 days**['']** written notice of the time and place of the **[said]** public meeting shall be given to the appellant(s) and affected property owners or possessors, as such is determined within this title.

7. The board of adjustment shall **[, after having received and considered the said appeal, the certified records, transcripts and documents, at a duly held appeal hearing, shall forthwith]** render a decision as set forth in subsection (B) of this section. The board of adjustment may provide an opportunity to hear a limited summary of the appeal and may question the appellant, the zoning administrator and interested parties who appeared before the planning commission about the appeal; however, evidence not previously before the planning commission will not be heard or made a part of the board of adjustment record. The decisions of the board of adjustment shall be by motion and the vote shall be taken by roll call. A majority vote in the affirmative for the motion by the members present at a hearing in which a quorum is present adopts any motion. Following adoption of the motion, the members voting on the prevailing side of the motion shall with the presiding officers, develop formal specific findings of fact which support the decision and which shall be deemed part of the final decision and permanently entered in the record of the appeal proceedings.

8. The adoption of the motion and entry of the findings of fact constitutes the final decision of the board of adjustment, and the date of the entry of the findings of fact constitutes the date of the final decision of the board of adjustment. The clerk of the board of adjustment shall, not later than 10 days of the date of the final decision, certify the **[said]** motion to the zoning administrator and planning commission. In addition, a certified copy of the motion shall immediately be mailed to the appellant(s) by certified mail, return receipt requested or hand delivered. The appellant shall be informed of the **[his further]** right of appeal as set forth in subsection (E) of this section.

9. If the board of adjustment fails within 30 days after the date on which the hearing of the appeal is closed to affirmatively reverse, affirm, modify or remand the decision of the planning commission, the decision of the administrative official or planning commission shall be deemed to be upheld and affirmed.

D. Procedure of the Board of Adjustment.

1. The assembly is the board of adjustment. Meetings of the board are held at the call of the presiding officer. The presiding officer may administer oaths and compel attendance of witnesses. Meetings and hearings of the board shall be open to the public, and the board shall keep minutes of its proceedings showing its decision, the reasons for its decision, and the vote of each member upon each question. The [Said] minutes shall be public records.

2. The owner of the property, a borough officer or any party with ownership or possessory interest in property located within the borough may file with the board of adjustment a notice of appeal specifying in detail such person's objections to the action appealed from. All such appeals shall be filed in writing with the borough clerk, who is the clerk of the board of adjustment and shall contain all of the following information:

a. Name, address and telephone number of the appellant;
b. A statement indicating the appellant's standing in the matter;
c. A description of the action appealed from, including property descriptions;
d. A specific and detailed statement of the basis and grounds upon which the appeal is made; and
e. A statement of the relief sought.

Grounds upon which the board of adjustment may grant an appeal are (i) a procedural error, (ii) an error in the application of the pertinent law, (iii) lack of evidence to support findings and conclusions, or (iv) misrepresentation of a fact.

E. Judicial Review. The owner of the property, a municipal officer or any party with ownership or possessory interest in property located within the borough may appeal an action of the board of adjustment to the superior court in the manner provided by Rule 602 of the Rules of the Appellate Procedure of the State of Alaska. [Ord. 761 § 6, 2004.]

Chapter 20.84

ZONING CERTIFICATES

Sections:

20.84.010 Generally.
20.84.020 *Repealed.*
20.84.030 Noncompliance deemed violation.
20.84.040 Application.
20.84.050 Decision.
20.84.060 *Repealed.*

20.84.010 Generally.

No permit for the erection, alteration, moving or repair of any building or other structure shall be issued until the zoning administrator has certified in writing that the proposed construction is in conformity with the provisions of this title. [Ord. 833 § 55, 2009; Ord. 219 § 5, 1969; prior code § 95.55.020.]

20.84.020 Recordkeeping.

Repealed by Ord. 833. [Ord. 219 § 5, 1969; prior code § 95.55.020.]

20.84.030 Noncompliance deemed violation.

Failure to obtain certification from the zoning administrator as required under WMC 20.84.010 shall be a violation of this title and shall be punishable under Chapter 20.92 WMC. [Ord. 833 § 57, 2009; Ord. 219 § 5, 1969; prior code § 95.55.020.]

20.84.040 Application.

All requests under WMC 20.84.010 shall be accomplished by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the zoning administrator, including existing or proposed buildings or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this title. [Ord. 833 § 58, 2009; Ord. 219 § 5, 1969; prior code § 95.55.020.]

20.84.050 Decision.

The zoning administrator shall render his decision within 30 days of the filing of the request for certification; however, this time limit may be extended by common consent and agreement signed by both the applicant and the zoning administrator. [Ord. 833 § 59, 2009; Ord. 219 § 5, 1969; prior code § 95.55.020.]

20.84.060 Filing and return of plans.

Repealed by Ord. 833. [Ord. 219 § 5, 1969; prior code § 95.55.020.]

Chapter 20.88

ADMINISTRATION

Sections:

20.88.010 Zoning administrator – Appointment and duties.

20.88.010 Zoning administrator – Appointment and duties.

A. A zoning administrator appointed by the borough manager shall administer and enforce this title.

B. Upon a finding that any provision of this title is being violated, the zoning administrator shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The zoning administrator shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures, or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this title to ensure compliance with or to prevent violation of the provisions of this code.

C. The zoning administrator may call upon the police department for assistance in the delivery of notices of violation or for enforcement of the provisions of this code. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.55.010.]

Chapter 20.92

VIOLATIONS

Sections:

20.92.010 Complaints of violations.
20.92.015 Violation reports.
20.92.020 Violations deemed nuisance.
20.92.030 Permits not deemed approval of violations.
20.92.040 Penalties for violations.
20.92.045 Injunctive relief.
20.92.050 Remedies cumulative.

20.92.010 Complaints of violations.

Whenever a violation occurs, any person may file a written complaint **[in regard thereto]**. All such complaints shall be brought to the attention of the administrator who shall record such complaint and immediately investigate and report **[thereon]** to the commission. If the alleged violation continues after a notice of violation to the person maintaining a use in violation, then the zoning administrator shall refer the matter to the commission**[,]**. The commission may **[which shall further]** pursue any legal action necessary to secure compliance with this code. [Ord. 462 § 6, 1984; Ord. 219 § 5, 1969; prior code § 95.55.030.]

20.92.015 Violation reports.

Complaints from citizens shall be in the form of a letter stating the precise nature of the violation. The staff will perform a site inspection and act accordingly to resolve the problem. If the use is found in violation of this code, a notice of violation will be sent specifying what actions must be taken to correct the violation. A copy of this notice and any following correspondence shall be sent upon request to the person making a complaint. All correspondence will be dated and filed to document the process. Information necessary in the report to the commission shall include:

A. The extent and nature of the alleged violation;

B. The date of the investigation and notification of violation by the planning administrator;

C. Date and nature of the complaint;

D. The name of the complainant shall be confidential, as such information has no bearing upon the nature and extent of any violation, and shall not be recorded unless specifically requested by the complainant and then only for providing information by which the zoning administrator may supply the person with a copy of the report submitted to the commission and documentation of any further proceedings necessary to secure compliance. [Ord. 462 § 6, 1984.]

20.92.020 Violations deemed nuisance.

Any building or structure set up, erected, built, moved or maintained or any use of property contrary to the provisions of this title shall be declared to be unlawful and a public nuisance and the borough assembly shall immediately commence action for the removal thereof, in the manner provided by law, and shall apply to such court or courts as may have jurisdiction to remove such building, structure or use. [Ord. 219 § 5, 1969; prior code § 95.55.030.]

20.92.030 Permits not deemed approval of violations.

The issuance or granting of a building permit or approval of plans or specifications under the authority of a building code without a certificate of zoning compliance shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this title or any amendment thereto. No permit presuming to give authority to violate or cancel any of the provisions of this title shall be valid except insofar as the work or use which is authorized is lawful and permitted. [Ord. 219 § 5, 1969; prior code § 95.55.030.]

20.92.040 Penalties for violations.

For any and every violation of the provisions of this title, the owner, agent, or contractor of a building or premises where such violation has been committed or exists, or any other person who maintains any building or premises in which any violation exists, shall be punishable as provided for in WMC 1.20.010. Each and every day that such violation continues shall be deemed a separate and distinct violation. [Ord. 833 § 61, 2009; Ord. 219 § 5, 1969; prior code § 95.55.040.]

20.92.045 Injunctive relief.

Nothing contained in this section shall prevent the borough assembly, with the concurrence of the commission, from taking such other lawful action as is necessary to prevent or remedy any violation of this code. The borough assembly shall be specifically entitled to seek injunctive relief for the enforcement of this code. [Ord. 462 § 6, 1984.]

20.92.050 Remedies cumulative.

All remedies provided for in this title shall be cumulative and not exclusive. [Ord. 219 § 5, 1969; prior code § 95.55.040.]

SEC. 2. Classification. This ordinance is of a permanent nature and shall be codified in the Wrangell Municipal Code.

SEC. 3. Severability. If any portion of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

SEC. 4. Effective Date. This ordinance shall be effective upon adoption.

PASSED IN FIRST READING: January 8, , 2013.

PASSED IN SECOND READING: January 22, , 2013.

Attest: _____ _____

Kim Flores, Borough Clerk Donald J. McConachie, Mayor

City & Borough of Wrangell
Incorporated Borough May 30, 2008
Incorporated City June 15, 1903
Alaska