

CITY OF PALMER, ALASKA  
ORDINANCE NO. 106

AN ORDINANCE ESTABLISHING ZONING IN THE  
CITY OF PALMER, ALASKA

THE CITY OF PALMER, ALASKA ORDAINS:

Section 1. Title

- A. This ordinance shall be known and may be cited as the "Zoning Ordinance of the City of Palmer".

Section 2. Use Districts and Map

- A. The City of Palmer is hereby divided into the following use districts:

A	Agricultural
R-1	Low Density Residence District
R-2	Medium Density Residence District
C-L	Limited Commercial District
C-G	General Commercial District
C-H	Highway Commercial District
I	Industrial District
P	Public Use District

- B. The use districts are bounded and defined as shown on a map entitled, "Zoning Map of the City of Palmer", a certified copy of which is on file in the office of the City Clerk and which, with all explanatory matter thereon, is hereby made a part of this ordinance.

Section 3. Application

- A. It shall be unlawful for any person to erect, construct, establish, alter, add to or enlarge, or to cause or permit to be erected, constructed, established, altered or enlarged, or to use, occupy or permit to be used or occupied, any land, building or premises for any purpose or in any manner contrary to the provisions of this ordinance as to uses permitted or excluded, building height limit or lot area, open spaces around or between buildings or building setbacks required in the particular use district in which such land, building or premises is located.

Section 4. (A) Agricultural District Regulations

A. Uses Permitted

1. One-family dwellings.
2. Two-family dwellings if an apartment unit is the dwelling for one of the families.
3. Mobile homes as one-family dwelling subject to provisions of existing Ordinances of the City of Palmer.
4. Farming, including all types of agriculture and horticulture, kennels, small animals farming, poultry raising and similar uses, but excluding:
  - a. Commercial dairies.
  - b. Commercial livestock and hog raising or feeding.
5. Home occupations.

6. Temporary stand for sale of agricultural products grown or produced on the premises, provided:
  - a. That the floor area does not exceed 100 square feet.
  - b. That the stand shall be of wood frame construction.
  - c. That the stand shall be removed when not in use.
  - d. That the stand shall be at least 25 feet from any street or road right-of-way line.
7. Agricultural buildings.
8. Accessory buildings and uses.
9. Churches, provided that no part of any building be located nearer than 50 feet to any adjoining street or property line.

B. Building Height Limit

1. The maximum building height shall be 35 feet, provided, that agricultural buildings may be erected to a height not to exceed 50 feet.

C. Lot Area

1. The minimum lot area for each one-family dwelling shall be 20,000 square feet and the minimum lot width shall be 100 .

D. Front Yard

1. There shall be a front yard of not less than 25 feet.

E. Side Yard

1. There shall be a side yard of not less than 10% of the width of the lot but such side yard need not exceed 25 feet. The minimum side yard on the street side of a corner lot shall be 25 feet.

F. Rear Yard

1. There shall be a rear yard of not less than 25% of the depth of the lot but such yard need not exceed 40 feet.

G. Off Street Parking Requirements -- (See Section 14)

Section 5. (R-1) Low Density Residence District Regulations

A. Uses Permitted

1. One family dwellings or an existing one-family dwelling altered to a two-family dwelling upon approval of the Commission after a review of the plans and a canvass of the neighborhood. The intent of this provision is to allow the incidental use of basement or attic space of a one-family dwelling for an apartment.
2. Mobile homes as one-family dwelling subject to provisions of existing ordinances of the City of Palmer.
3. Truck gardening, the raising of bush and tree crops, flower gardening and the use of greenhouse when incidental to the residential use of property and not for commercial purposes.
4. Home occupations.
5. Accessory buildings and uses not used or operated for gain and not including guest houses or accessory living quarters. The parking of heavy equipment such as buses, tractors, graders, or trucks shall not be considered an accessory use.
6. Churches, provided that no part of any building be located nearer than 30 feet to any adjoining lot or street line.

B. Building Height Limit

1. The maximum building height shall be 25 feet above grade line.

C. Lot Area

- 1. The minimum lot area for each one-family dwelling shall be 7200 square feet and minimum lot width shall be 60 feet.

D. Front Yard and Building Line

- 1. There shall be a front yard of not less than 25 feet.
- 2. The front building line shall be no less than 25 feet plus one-half the future street width (See Sec. 17) from the center line.

E. Side Yard

- 1. There shall be a side yard of not less than six feet. The minimum side yard on the street side of a corner lot shall be 10 feet.

F. Rear Yard

- 1. There shall be a rear yard of not less than 25 feet.

G. Off Street Parking Requirements. (See Section 14)

Section 6. R-2 Medium Density Residence District Regulations

A. Uses Permitted

- 1. One-family dwellings.
- 2. Two-family dwellings.
- 3. Multiple-family dwellings.
- 4. Boarding House.
- 5. Mobile homes subject to existing ordinances of the City of Palmer.
- 6. Truck gardening, the raising of bush and tree crops, flower gardening and the use of greenhouses when incidental to the residential use of property and not for commercial purposes.
- 7. Home occupations.
- 8. Accessory buildings and uses not used or operated for gain and not including guest houses or accessory living quarters. The parking of heavy equipment such as buses, tractors, graders, or trucks shall not be considered an accessory use.
- 9. Churches, provided that no part of any building be located nearer than 30 feet to any adjoining lot or street line.
- 10. Required off street parking. (See Section 14)

B. Building Height Limit

- 1. The maximum building height shall be 35 feet above the grade line.

C. Lot Area

- 1. The minimum lot area shall be 7200 square feet and the minimum lot width shall be 60 feet.
- 2. The minimum lot area for dwellings shall be:
  - a. For a one-family dwelling - 7200 square feet per dwelling unit.
  - b. For a two-family dwelling - 3600 square feet per dwelling unit.
  - c. For a multiple-family dwelling with three or four dwelling units - 2400 square feet per dwelling unit.
  - d. For a multiple-family dwelling with five, six or seven dwelling units - 2000 square feet per dwelling unit.
  - e. For a multiple-family dwelling with eight or more dwelling units - 1600 square feet per dwelling unit.

D. Front Yard and Front Building Line

- 1. There shall be a front yard of not less than 25 feet.
- 2. The front building line shall be no less than 25 feet plus one-half the future street width (See Section 17) from the center line.

AIA263

E. Side Yard

1. There shall be a side yard of not less than six feet. The minimum side yard on the street side of a corner lot shall be 10 feet.
2. The following additional requirements shall apply to two-family and multiple family dwellings along the side of every lot which is not bounded by an alley and which is bordering on property in any "R" districts.
  - a. In case the building is so located on the lot that the rear thereof abuts one side yard and front abuts the other, the side yard along the rear of the building shall have a minimum width of 12 feet and the side yard along the front of the building shall have a minimum width of 18 feet.
  - b. For multiple-family dwellings the minimum side yards required shall be increased one foot for each dwelling unit over four.

F. Rear Yard

1. There shall be a rear yard of not less than 25 feet.

G. Off Street Parking Requirements (See Section 14)Section 7. (C-L) Limited Commercial District RegulationsA. Uses Permitted

1. One-family dwellings.
2. Two-family dwellings.
3. Multiple-family dwellings.
4. Boarding house.
5. Mobile homes subject to existing Ordinances of the City of Palmer.
6. Truck gardening, the raising of bush and tree crops, flower gardening and the use of greenhouses when incidental to the residential use of property and not for commercial purposes.
7. Home occupations.
8. Accessory buildings and uses, not used or operated for gain and not including guest houses or accessory living quarters. The parking of heavy equipment such as buses, tractors, graders, or trucks shall not be considered an accessory use.
9. Churches, provided that no part of any building be located nearer than 30 feet to any adjoining lot or street line.
10. Bakery shop, candy or ice cream store or delicatessen.
11. Bank
12. Barber or beauty shop.
13. Business and bill paying service, stock broker, detective agency, real estate and insurance office, escrow and land title business.
14. Cafe or restaurant.
15. Clothing, dress, millinery or shoe store.
16. Dentist, doctor, optometrist and medical or dental clinics.
17. Drug store, dry goods, grocery or meat market.
18. Dry cleaning agency or shoe repair shop.
19. Florist, gift shop, music store, stationery or variety store, or hobby and model shop.
20. Hardware store.
21. Launderette (not more than 10 machines).
22. Office building and professional offices.
23. Accessory uses customarily incidental to any of the above uses.
24. Required off-street parking (See Section 14).

B. General Conditions

1. The above specified stores, shops or businesses shall be retail establishments selling new merchandise exclusively and shall be conducted wholly within an enclosed building. In no case shall any merchandise be displayed nor shall any business be conducted between the street line and any building line.

C. Building Height

1. The maximum building height shall be 35 feet above grade line.

D. Lot Area

1. Buildings hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the R-2 district.

E. Yards Required

None except:

1. No building shall be erected nor shall any use of land be conducted so that the same will be closer to the right-of-way line of any street than any future width line provided by Section 17 of this ordinance.
2. Every building or portion thereof which is designed, intended or used for any purpose permitted in an "R" district or for any other residential or dwelling purpose shall provide yards as required in the R-2 district, provided that when the ground floor of any such building is used for any commercial purpose, no side yard shall be required except that there shall be a side yard of no less than 6 feet along the side of every lot which is not bounded by an alley and which is bordering on property in any "R" Districts.

Section 8. (C-G) General Commercial District Regulations.A. Uses Permitted

1. One-family dwellings.
2. Two-family dwellings.
3. Multiple family dwellings.
4. Boarding house.
5. Mobile homes subject to existing ordinances of the City of Palmer.
6. Truck gardening, the raising of bush and tree crops, flower gardening and the use of greenhouses when incidental to the residential use of property and not for commercial purposes.
7. Home occupations.
8. Accessory buildings and uses not used or operated for gain and not including guest houses or accessory living quarters. The parking of heavy equipment such as buses, tractors, graders, or trucks shall not be considered an accessory use.
9. Churches, provided that no part of any building be located nearer than 30 feet to any adjoining lot or street line.
10. Bakery shop, candy or ice cream store or delicatessen.
11. Bank
12. Barber or beauty shop
13. Business and bill paying service, stock broker, detective agency, real estate and insurance office, escrow and land title business.
14. Cafe or restaurant.
15. Clothing, dress, millinery or shoe store.
16. Dentist, doctor, optometrist and medical or dental clinic.
17. Drug store, dry goods, grocery or meat market.
18. Dry cleaning agency or shoe repair shop.
19. Florist, gift shop, music store, stationery or variety store, or hobby and model shop.
20. Hardware store.
21. Laundrette (not more than 10 machines).
22. Office building and professional offices.
23. Accessory uses customarily incidental to any of the above uses.
24. Hotels.
25. Home appliance, electrical equipment, instrument, medical appliance, office equipment, plumbing equipment and store fixture sales, service and repair.
26. Automobile, motorcycle, motor scooter, boat and bicycle sales, parts and service.

27. Bar, cocktail lounge, liquor and beer sales.
28. Beauty or business college and studio or school of art, design, dancing, drama, modelling or photography.
29. Billiard hall, bowling alley or theatre.
30. Blue printing and photostating, engraving, photodeveloping, print shop, publishing, rubber stamp or sign painting business.
31. Book, camera, luggage, surplus or second hand store, toys or jewelry sales or stores and pawnshop, pet shop or gunsmith.
32. Private club or fraternal, religious or philanthropic associations and union hall.
33. Collection or employment agency, janitor service, taxi or vending machine business.
34. Dental laboratory, funeral parlor, mattress repairing, taxidermy, or upholstering business.
35. Department store, furniture and household goods sales and repairing, glass and mirror sales or paint store.
36. Dry cleaning business or tailer shop.
37. Telegraph or telephone office or travel agency.
38. Service station.
39. Automobile, trailer and farm machinery sales not in building, provided;
  - a. That such area is located and developed as required in Section 14.
  - b. That any area used for the incidental repair of automobiles, trailers or farm machinery is located not less than 70 feet from the front lot line nor less than 25 feet from any other street line, unless such incidental repair is conducted and confined wholly within a building.
40. Public garage including automobile repairing, painting or upholstering if all operations are conducted wholly within a completely enclosed building but not including as a general or primary use automobile body and fender repairing, provided, however, that where a public garage is located on a lot which does not abut an alley and is within 50 feet of a lot in an "R" district, the garage wall which parallels the nearest line to such district shall have no openings other than stationary windows.
41. Accessory uses customarily incidental to any of the above uses and accessory buildings.
42. Required off-street parking (see Section 14)

#### B. General Conditions

1. All selling, dealing in or displaying of goods or merchandise by shops, stores or business shall be entirely conducted and located within a permanent building unless otherwise specifically excepted.
2. No stores or businesses shall involve any kind of manufacture, compounding, processing or treatment of products except that which is clearly incidental and essential to a retail or wholesale store or business and provided that:
  - a. All products are sold at retail or wholesale on the premises.
  - b. No more than two persons are engaged in the manufacture, compounding, processing or treatment of products or servicing and repairing appliances, equipment, etc.
  - c. No more than 20% of the ground floor area of any building shall be used for such purposes.
  - d. Such operations or products are not objectionable due to odor, dust, smoke, noise, vibrations or other similar nuisances.
3. All exterior walls of buildings hereafter erected, extended or structurally altered which face a street or property in an "R" district shall be designed, treated and finished in a uniform and satisfactory manner approved by the Planning Commission.

#### C. Building Height Limit

1. The maximum building height shall be 50 feet above grade line.

#### D. Lot Area

1. Buildings hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the R-2 district, except that for multiple dwellings, the minimum lot area per dwelling unit may be reduced to 1200 square feet for a multiple dwelling with less than seven dwelling units and to 1000 square feet for a multiple dwelling with seven or more units.

E. Yard Required

1. No building shall be erected nor shall any use of land be conducted so that the same will be closer to the right-of-way line of any street than any future width line provided by Section 17.
2. Every building or portion thereof which is designed, intended or used for any purpose permitted in an "R" district or for any other residential or dwelling purpose shall provide yards as required in the R-2 district; provided that when the ground floor of any such building is used for any commercial purpose, no side yard shall be required except that there shall be a side yard of no less than 6 feet along the side of every lot which is not bounded by an alley and which is bordering on property in any "R" district.

Section 9. (C-H) Highway Commercial District RegulationsA. Uses Permitted.

1. One-family dwellings.
2. Two-family dwellings.
3. Multiple-family dwellings.
4. Boarding house.
5. Mobile homes subject to existing ordinances of the City of Palmer.
6. Truck gardening, the raising of bush and tree crops, flower gardening and the use of greenhouses when incidental to the residential use of property and not for commercial purposes.
7. Home occupations.
8. Accessory buildings and uses not used or operated for gain and not including guest houses or accessory living quarters. The parking of heavy equipment such as buses, tractors, graders, or trucks shall not be considered an accessory use.
9. Churches, provided that no part of any building be located nearer than 30 feet to any adjoining lot or street line.
10. Automobile repairing (no body and fender work).
11. Bar, only in conjunction with an eating establishment.
12. Battery sales and service.
13. Cafe.
14. Nursery and christmas tree sales.
15. Cocktail lounge, only in conjunction with eating establishment.
16. Drive-in cafe or restaurant.
17. Farm products sales.
18. Ice vending machine.
19. Grocery stores.
20. Motels and hotels.
21. Propane or butane service.
22. Real estate office with incidental insurance business.
23. Restaurant.
24. Service station.
25. Tire sales and service.
26. Accessory uses incidental to any of the above uses and accessory buildings.
27. Mobile homes subject to existing ordinances of the City of Palmer.
28. Farm implement sales.
29. Required off-street parking (See Section 14).

B. General Conditions.

1. The above specified businesses shall be permitted only under the following conditions:
  - a. Such businesses shall be conducted wholly within an enclosed building except for uses customarily considered open uses such as service stations and Christmas tree sales.
  - b. Plans for any drive-in type business, service station, or propane or butane service station shall be approved by the Planning Commission prior to application for a building permit and shall show the following:
    - (1) Location of all structures.
    - (2) Area of plot.
    - (3) Location and width of entrance, exits, driveways and curb cuts.

C. Building Height Limit

1. The maximum building height shall be 35 feet above grade line.

D. Lot Area

1. Buildings hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the R-2 districts.

E. Yards Required

None except:

1. No building shall be erected or located nor shall any use of land be conducted so that the same will be closer to the right-of-way line of any street than any future width line provided by Section 17.
2. Every building or portion thereof which is designed, intended or used for any purpose permitted in an "R" district or for any other residential or dwelling purpose shall provide yards as required in the R-2 district; provided, that when the ground floor of any such building is used for any commercial purpose, no side yard shall be required except that there shall be a side yard along the side of every lot which is not bounded by an alley and which is bordering on property in any "R" district.

Section 10. (1) Industrial District RegulationsA. Uses Permitted

1. Any use, except a residential use, permitted in the C-G district.
2. Airplane repairing or reconditioning and automobile painting, upholstering, rebuilding, reconditioning, motor exchange and body and fender work.
3. Assaying, cabinet shop, chemical laboratory, sash and door mill or assembly of music, candy and vending machines.
4. Auction business.
5. Battery manufacture, boat building, iron work (ornamental), machine shop, dye casting or electroplating.
6. Bottling plant, brewery, packing house (vegetable or fruit) or wholesale business.
7. Petroleum products storage, service and distribution station or paint storage.
8. Dry cleaning and dyeing plant, laundry, linen supply business and rug and carpet cleaning.
9. Cold storage lockers.
10. Egg candling and grading, feed, grain and hay sales and grain storage.
11. Refrigeration maintenance and repair, steam cleaning and welding service and supplies.
12. Pipe and pole storage and radio or TV transmitter.
13. Tire retreading.
14. Tool, equipment, truck and trailer rental business.
15. Assembly of electrical appliances, electronic instruments and devices, radio and phonographs, including the manufacture of small parts such as coils, condensers, transformers, crystal holders and the like.
16. The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, drugs, perfumes, perfumed toilet soap, toiletries and food products, excepting sauerkraut, vinegar, yeast, fish and meat products and the rendering or refining of fats and oils.
17. The manufacture of pottery, figurines or other ceramic products.
18. The manufacture and maintenance of electric and neon signs and light sheet metal products, including heating and ventilating ducts and equipment, drain pipes, eaves and the like.
19. The manufacture of music and scientific instruments, optical goods, cameras, jewelry, small auto accessories, toys, novelties and metal stamps.
20. The following uses are permitted only when conducted wholly within an area enclosed on all sides by a solid wall or painted wood fence not less than six feet in height:
  - a. Automobile or machinery wrecking yard.
  - b. Building material manufacture or sales yard.
  - c. Cesspool pumping business.
  - d. Concrete and concrete products manufacture.
  - e. Coal yard.
  - f. Contractor's equipment yard.
  - g. Draying, freighting, transportation or trucking yard or terminal.
  - h. House moving business.



ORDINANCE NO. 106 (Cont'd) ZONING

- i. Lumber yard.
- j. Salvage or junk yard.
- k. Truck or road equipment maintenance, repair and storage.
- 21. Accessory uses customarily incidental to any of the above uses.
- 22. Required off-street parking and loading areas (See Section 14).

B. Building Height Limit

- 1. The maximum building height shall be three stories or 50 feet. Additional height may be permitted as provided in the height regulations for the C-G district.

C. Yards Required

None except:

- 1. No building shall hereafter be erected nor shall any use of land be conducted, except for agricultural purposes or other open uses not requiring building or structure, so that the same will be closer to the right-of-way line of any street than any future width line provided in Section 17.
- 2. When a lot or parcel of land in the "I" district is located partly in or abuts upon any "R" or "C" district then such lot or parcel of land shall have a yard or yards as required in such "R" or "C" district.

Section 11. (P) Public Use District Regulations

A. Uses Permitted

- 1. Buildings, structures and the use of land for public purposes such as government offices and uses, schools, civic and cultural buildings and park and recreation areas.

B. Building Height Limit

- 1. The maximum building height shall be 50 feet above grade line.

C. Planning Commission approval

- 1. No building, or structure shall be erected, altered or moved in the Public Use district unless the building and plot plans shall first be approved by the Planning Commission to insure that proper consideration has been given to architectural design, open space, landscaping, off-street parking, building arrangements and similar features so that such public structures conform to the Comprehensive Plan.

Section 12. Definitions

For the purpose of this ordinance, certain words and terms are defined as follows:

Accessory Building 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 not less than four feet long or when an accessory building and the main buildings are connected by a breezeway which shall not be less than eight feet in width.

Accessory Use - 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.

Agricultural Building - A building located in the agricultural district and used to shelter farm implements, hay, grain, poultry, livestock, or other farm produce, in which there is no human habitation and which is not used by the public.

Alley - A public way designed and intended to provide only a secondary means of access to any property abutting thereon.

Alteration - Any change, addition or modification in the construction, location or use classification.

Apartment House - See Dwelling, Multiple

Area, Building - 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.

Automobile Wrecking - The dismantling of used motor vehicles or trailers or the storage or sale of parts from dismantled or partially dismantled, obsolete or wrecked vehicles.

Boarding House - A building other than a hotel with not more than five sleeping rooms where lodging, with or without meals, is provided for compensation for three or more persons, but not exceeding 15 persons, on other than day-to-day basis and which is not open to transient guests.

Building - Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

Building Existing - A building erected prior to the adoption of this ordinance or one for which a legal building permit has been issued.

Building Height - The vertical distance from the "Grade" to the highest point of the roof.

Building Line - An imaginary line set by Ordinance establishing minimum distance from the street.

Building Official - The officer charged with the administration and enforcement of this ordinance.

Building, principal or main - A building in which is conducted the principal or main use of the lot on which said building is situated.

Coverage - That percentage of the total lot area covered by the building area.

Dwelling - 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.

Dwelling Unit - One or more rooms and a single kitchen in a dwelling designed as a unit for occupancy by not more than one family for living or sleeping purposes, and in which not more than two persons are lodged for hire.

Dwelling, One-family - Any detached building containing only one dwelling unit.

Dwelling, Two-family - Any building containing only two dwelling units.

Dwelling, Multiple Family - Any building containing three or more dwelling units.

Family - Any number of individuals related by blood or marriage or an unrelated group of not more than five persons living together as a single housekeeping unit in a dwelling unit.

Fence, Height - The vertical distance between the ground, either natural or filled, directly under the fence and the highest point of the fence.

Floor Area - The total of each floor of a building within the surrounding outer walls but excluding vent shafts and courts.

Frontage - All the property fronting on one side of a street between intersecting streets or between a street and right-of-way, end of street or city boundary.

Garage, Private - An accessory building or any portion of a main building used in connection with residential purposes for the storage of passenger motor vehicles.

Garage, Public - 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.

Garage, Storage - Any building or portion thereof, other than a private garage, used for the storage of motor vehicles and the incidental service of vehicles stored therein.

Grade (Ground Level) - 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.

Guest Room - Any room in a hotel, dormitory, boarding or lodging house used and maintained to provide sleeping accommodations for not more than two persons. Each 100 square feet or fraction thereof, of floor area used for sleeping purposes shall be considered to be a separate guest room.

Home Occupation - An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small name plate and in connection therewith there is not involved the keeping of a stock in trade. The office of a physician, surgeon, dentist or other professional person, including an instructor in violin, piano or other individual musical instrument limited to a single pupil at a time, who offers skilled services to clients and is not professionally engaged in the purchase or sale of economic goods, shall be deemed to be a Home Occupation; and the occupations of dressmakers, milliner or seamstress, each with not more than one paid assistant shall be deemed to be Home Occupations. Dancing instruction, band instrument instruction given to groups, tea rooms, tourist homes, beauty parlors, real estate offices, convalescent homes, mortuary establishment, and stores and trades or business of any kind not herein excepted shall not be deemed to be Home Occupations.

Hotel - Any building or group of buildings in which there are six or more 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.

Junk Yard - Any space 100 sq. ft. or more of any lot or parcel of land 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 any parts thereof.

Loading Space - 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.

Lot - A parcel of land occupied or to be occupied by a use, building or unit group of buildings, and accessory buildings and uses, together with such yards, open spaces, lot widths and lot area as are required by this ordinance and having frontage on a public street.

Lot - Corner -- A lot situated at the junction of, and bordering on, two intersecting streets.

Lot, Line Front - Corner Lot -- The shortest street line of a corner lot.

Lot Line, Front - Interior Lot -- A line separating the lot from the street.

Lot Line - Rear -- Line that is opposite and most distant from the front lot line, and in the case of irregular, triangular or gore shaped lot, a line not less than 10 feet in length, within a lot, parallel to and at the maximum distance from the front lot line.

Lot Line - Side -- Any lot boundary line not a front lot line or a rear lot line.

Lot Depth -- The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

AIA263

Lot Width -- The mean horizontal distance separating the side lot lines of a lot and at right angles to its depth.

Motel - A group of one or more detached or semi-detached 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.

Non-Conforming Building -- Any building or structure or any portion thereof, lawfully existing at the time this ordinance became effective, which was designed, erected, or structurally altered for a use that does not conform to the use regulations of the zone in which it is located, or a building or structure that does not conform to all the height and area regulations of the zone in which it is located.

Non-conforming use -- Any use which lawfully occupied a building or land at the time this ordinance became effective and which does not conform to the use regulations of the zone in which it is located.

Nursery, Children's -- Any home or institution used and maintained to provide day care for more than four children not more than 7 years of age.

Parking Space, Private -- Any automobile parking space not less than 10 feet wide and 20 feet long.

Parking Space, Public -- An area of not less than 250 square feet inclusive of drives or aisles giving access thereto, accessible from streets and alleys or from private driveways leading to streets and alleys and being designed and arranged so as to be useable, practicable and safe for the storage of passenger motor vehicles operated by individual drivers.

Person -- A natural person, his heirs, executors, administrators, or assigns, and also including firm, partnership, or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

Service Station -- 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 of servicing of such 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.

When the retail sale and dispensing of motor fuels, lubricants and accessories is incidental to the conduct of a public garage, the premises shall be classified as a public garage.

Sign -- Any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trade marks 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, which are visible from any public street or highway and used to attract attention.

Street -- 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.

Street Line -- The line of demarcation between a street and the lot or land abutting thereon.

Structure -- That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Trailer Camp, Park or Lot -- Any area or premises where space for two or more trailers is rented, held out for rent or for which free occupancy or camping for such number is permitted to trailers or users for the purpose of securing their trade, herein referred to as a trailer camp but not including automobile or trailer sales lots on which unoccupied house trailers are parked for inspection and sales.

Trailer -- Any vehicle used or intended to be used as living or sleeping quarters for humans and which may be driven, towed, or propelled from one location to another without change in structure or design, whether or not the same be supported by wheels and including trailers, trailer coaches and house cars.

Use -- 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.

Yard -- An open unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this ordinance, on the same lot which a building is situated.

Yard, Front -- A yard extending across the full width of a lot measured between the front lot line of the lot or a future street width line as specified in Section 17 and the nearest exterior wall of the building, front of a bay window or the front of a covered porch or other similar projection, whichever is the nearest to the front lot line.

Yard, Rear -- A yard extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line.

Yard, Side -- A yard six feet or more in width on each side of a main building extending from the front yard, or front lot line where no front yard is required, to the rear yard. 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.

### Section 13. General Provisions and Exceptions

#### A. Boundaries of Districts

1. Where uncertainty exists as to the boundaries of any district shown on the map, the following rules shall apply:
  - a. Where district boundaries are indicated as approximately following or paralleling street lines, alley lines, lot or property lines, such lines shall be construed to be such boundaries.
  - b. In unsubdivided property or where the district boundaries divide a lot, the location of such boundary, unless the same is indicated by specific dimensions, shall be determined by use of the scale appearing on the map.
  - c. In case of any further uncertainty existing, the Planning Commission shall interpret the intent of the map as to the location of such boundaries.
2. 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 or abandonment.
3. Any land included within the corporate boundaries of the city subsequent to the adoption of this ordinance shall be automatically classified in the R-1 district until otherwise classified by amendment.

#### B. Uses

1. The express enumeration and authorization of a particular class of building, structure, premise or use in a designated district shall be deemed a prohibition of such building, structure, premises or use in all other districts unless otherwise specified.
2. Uses other than those specifically permitted in each of the districts may be permitted therein, provided that such uses are similar to those mentioned and are determined by the Planning Commission to be not more obnoxious or detrimental to the welfare of the community than the permitted uses.
3. Uses other than those specifically excluded from each of the districts may be excluded therefrom, provided that such uses are determined by the Planning Commission to be not less obnoxious or detrimental to the welfare of the community than those uses specifically excluded.
4. The use of buildings and property publicly owned and engaged in the performance of a public function may be permitted in any district provided that such use is not, in the opinion of the Planning Commission obnoxious or detrimental to the welfare of the community.

C. Height of Buildings

1. The permitted height of buildings shall be exclusive of roof structures as defined in the Building Code of the city.
2. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building: fire or parapet walls, skylights, towers, roof signs, flagpoles, chimneys, smokestacks, wireless masts or similar structures and necessary mechanical appurtenances, may be erected above the height limits prescribed; but no penthouses, roof structure or any space above the permitted height limit of buildings shall be for the purpose of providing additional floor space.

D. Lots and Lot Areas

1. The requirements as to minimum lot area shall not be construed to prevent the use for a one-family dwelling of any lot or parcel of land, other than in the "I" district, in the event that such lot or parcel of land was, on the effective date of this ordinance, legally subdivided and separately owned, deeded by a deed of record, or subject to a recorded contract of sale in full force and effect.
2. No portion of any lot or parcel of land which has been designated or used as any part of a required open area or yard for a building shall be included as a portion or yard for another building if such inclusion will reduce the lot area or yard required for the original lot or parcel of land to less than the minimum lot area or dimension of yard required for the land use district in which such property is located.
3. No lot or parcel of land held under separate ownership at the time this ordinance became effective shall be reduced in any manner below the required minimum lot area or width.
4. No lot area shall be so reduced, diminished or maintained that the yards or other open spaces or total lot area shall be smaller than prescribed nor shall the density of population be increased in any manner except in conformity with these regulations.
5. Every building hereafter erected shall be located on a lot as herein defined. If it is located on two or more platted lots, the building location must conform to the side area width from any lot line as required in Section 5-E, or it may straddle an interior lot line of such a parcel of lots. In no case shall there be more than one main residential building and its accessory buildings on one lot, unless specifically provided otherwise.
6. No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion of its required width and located on that side thereof from which no dedication was secured, unless the yards provided on such lot include both that portion of the lot lying within the future street and the required yards.

E. Yards

1. Where yards are required they shall not be less in depth or width than the minimum dimensions in any part and they shall be at every point, open and unobstructed from the ground to the sky, except as follows:
  - a. Outside stairways, fire escapes, porches, or landing places, if unroofed and unenclosed, may extend into a required side yard for a distance not to exceed three feet or into a required rear yard for a distance not to exceed four feet.
  - b. Cornices, canopies, eaves or other similar architectural features not providing additional floor space within the building may extend into a required yard not to exceed two feet.
  - c. One covered but unenclosed passenger landing or carport not more than one story in height may extend into either side yard, but such structure shall not be closer than three feet to an adjoining lot.
  - d. A detached accessory building not exceeding 14 feet in height may be permitted to occupy a rear yard, provided that not more than one-third of the total area of such rear yard shall be so occupied.
2. On any corner lot in any "R" district, there shall be no planting, structure, fence, shrubbery or other obstruction to vision more than three and one-half feet higher than the curb level within 25 feet of the intersection of the adjacent street lines, except that shade trees or other plants or vegetation of sufficient height to permit sight distances from one street to the other under the lowest branches or foliage may be permitted.

3. In any "R" district, no building shall be erected, reconstructed or altered nearer to the street line on which it faces than the average setback observed by 75% of the buildings on the same frontage. Where there are buildings on only one side of a street within the block, the setback line for the unoccupied side shall be the same as that established on the occupied side.

F. Distance Between Buildings

1. No detached dwelling or other main building shall be less than 20 feet from any other detached dwelling or main building on the same building site.

G. Accessory Buildings

1. No accessory building shall exceed one story or 14 feet in height, except agricultural buildings which shall not exceed 50 feet in height.
2. No accessory building shall be erected, constructed or moved on any lot in any "R" district prior to the construction of the main building; except that this shall not be construed to prohibit the construction of an accessory building prior to the construction of the main building when a building permit has been issued for the concurrent construction of such buildings, or for an accessory building incidental to the use of the land.

H. Fences and Walls

1. Fences and walls not exceeding six feet in height may occupy any portion of a side or rear yard in any "R" district provided that where such fence or wall projects beyond the front yard line or setback line toward the front property line, the following further restrictions shall apply:
  - a. Such fence or wall shall not exceed four feet in height, and shall be constructed so that not more than 50% of the vertical surface thereof above a height of two feet is solid wall.
  - b. Planted hedges projecting beyond the front yard line shall not exceed the maximum heights permitted for fences or walls.
  - c. No fence, wall or hedge shall be erected or maintained on the public property beyond the front property line of any lot or parcel of land, except masonry or concrete retaining walls, and then only to a height not to exceed six inches above the grade of the earth such wall is constructed to retain. A permit shall first be secured from the building official approving the necessity for and type of such retaining wall.

Section 14. Off-Street Parking and Loading Area Regulations

A. Off-street parking

1. There shall be provided at the time of the construction of any main building or at the time of the alteration, enlargement or any change in use of any main building, permanently maintained free off-street parking facilities for the use of occupants, employees or patrons of such building, and it shall be the joint and several responsibility of the owner and/or occupant of any main building or structure to provide, and thereafter maintain, the following minimum free off-street parking facilities:
  - a. Dwellings:
    - (1) For each single family dwelling, two family dwelling or multiple family dwelling, one private parking space for each dwelling unit.
  - b. Buildings other than dwellings:
    - (1) Motel or boarding house, one private parking space for each dwelling unit or guest room.
    - (2) Hotel, one private parking space for each dwelling unit and one public parking space for every three guest rooms.
    - (3) Church, general auditorium, high school or college auditorium, stadium, theatre, meeting hall or eating and drinking establishment-- one public parking space for each five seats based on maximum seating capacity.

- (4) Dance hall, skating rink, exhibition hall, labor union hall, or lodge hall -- one public parking space for each 200 square feet of floor area.
- (5) Hospital - one public parking space for each four beds based on the maximum capacity.
- (6) Bank, office building, professional office, funeral parlor or clinic - one public parking space for each 250 square feet of floor area.
- (7) Business office (not generally patronized by public) - one parking place plus one additional public parking space for each three employees.
- (8) Retail store or business - one public parking space for each 500 square feet of floor area except that a retail store or business occupying a building which has less than 1,000 square feet of floor area need not provide such parking space.
- (9) Food market, grocery store or shopping center - one public parking space for each 125 square feet of floor area.
- (10) Laundrette - one public parking space for each two machines.
- (11) Bowling alley -- four public parking spaces for each alley or lane.
- (12) Trailer park -- one private parking space for each trailer space.
- (13) Wholesale stores, warehouses and storage buildings - one public parking space for each three employees, but not less than two parking spaces.
- (14) Industrial and manufacturing establishments in which there are more than five employees and officers - one public parking space for each 400 square feet of gross floor area or for every three employees, whichever results in the maximum number of parking spaces.
- (15) Garage, Public - four parking spaces for each service stall or facility; provided, that all vehicles in the custody of the operator or the business for service, repair, storage, sale or other purposes shall be stored on the premises or on a separate vehicle parking lot and shall not be parked on a public right-of-way.

#### B. General Conditions

1. Every lot or parcel of land used as a public parking area shall be developed as follows, subject to the approval of the plans by the Planning Commission:
  - a. Such area shall be paved or otherwise adequately and satisfactorily surfaced and shall have appropriate bumper guards where needed.
  - b. Where such area adjoins the side of a lot in an "R" district, it shall be separated from such lot by a fence or hedge not less than four feet or more than six feet in height. Such fence or hedge shall be maintained in good condition and shall not extend beyond the front yard line required in such "R" district.
  - c. Any lights provided to illuminate such parking area shall be so arranged as to reflect the light away from adjoining premises and streets.
2. In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be the same as the above mentioned use which in the opinion of the building official shall be deemed most similar.
3. In the case of mixed uses, the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required facilities for any other use.
4. Any public or semi-public automobile parking or storage area used for or incidental to automobile or trailer sales, storage or service, any type of drive-in business or service or in connection with any use in any "R", "C" or "I" district shall be paved or otherwise adequately or satisfactorily surfaced so as to be dustproof, and provided further that all such areas existing at the effective date of this ordinance shall comply with this requirement within one year.
5. Any land or premises used for public or semi-public automobile parking, storage, sales or service, public garage or any type of drive-in business or service or similar use where vehicles regularly and customarily require access to such premises from any public street or alley shall be so designed that entrance and exit drives, openings or approaches for such vehicles will provide the safest and most desirable ingress and egress with relation to vehicular and pedestrian traffic in the streets upon which such use abuts.



Such entrance and exit openings and driveways shall not exceed 32 feet in width, and in no case shall any such "drive-in" service be permitted to use the entire street frontage upon which such use abuts for entrance or exit facilities.

6. Detailed plans for driveways, openings or curb cuts shall be submitted to the Planning Commission for approval with regard to the location and relation of same to the public street or highway. All such lands or premises devoted to the uses herein described, and existing at the effective date of this ordinance shall comply with these requirements within one year.
7. All parking spaces provided pursuant to this section shall be on the same lot with the main use it serves or on an adjoining lot, except that the Planning Commission may permit parking spaces to be on any lot within 300 feet of the use if it determines that it is impractical to provide parking on the same lot.
8. No existing parking area, and no parking area provided for the purpose of complying with the provisions of this ordinance, shall hereafter be relinquished or reduced in any manner below the requirements herein established.
9. Detailed plans for all parking and loading areas shall accompany the building plans when the application for building permit is made. Such plans shall show the following:
  - a. Area of the plot involved.
  - b. Layout and dimensions of each parking space.
  - c. Entrance and exit to the parking area and the direction of traffic.
  - d. Widths of all curb cuts, entrances, exits and driveways serving each parking or loading area.

#### C. Loading Areas

1. On the same lot or premises with every building, structure or part thereof erected and occupied for commercial, manufacturing or industrial use, or other uses similarly involving the receipt of or distribution of materials or merchandise by vehicles, there shall be provided and permanently maintained adequate space for standing of vehicles and loading and unloading services in such manner as not to obstruct the freedom of traffic movement upon public streets or alleys. Such space shall not be less than 15 feet wide by 25 feet long with 14 feet height clearance and shall have access to an alley or street.

#### Section 15. Sign Regulations

- A. A permit shall be obtained from the building official prior to the installation of any type of sign, name plate, advertising sign, or advertising structure excepting those less than one square foot in area.
- B. No sign shall be permitted in any district except as follows:
  1. In an "A" or "R" district:
    - a. One sign on a dwelling unit not exceeding one square foot giving the name of the occupant and a home occupation.
    - b. One sign not exceeding six square feet in area for the purpose of advertising the sale or lease of a building or premises.
    - c. One sign not exceeding 20 square feet in area to identify multiple dwellings, hotels, clubs, lodges, public and semi-public institutions and similar uses.
    - d. One sign not exceeding six square feet in area to identify non-conforming commercial uses.
    - e. The above signs shall be mounted flat against the building or more than 25 feet from any lot line.
  2. In an "A" or "R" district one announcement sign or bulletin board not exceeding 20 square feet for a church or public or charitable institution. Such sign shall be located at least five feet back from the front lot line and on the same lot as the principal building.
  3. In an "A" or "R" district one sign not exceeding 100 square feet in area to advertise a tract development or housing project of at least two acres in area. Such sign must be located at least 30 feet from any street line and on the property being developed, and shall not be maintained for more than one year.

4. In the "C-L" district one sign not exceeding 50 square feet in area and in the "C-G", "C-H", or "I" districts one sign not exceeding 100 square feet in area on any one face of a building, provided:
  - a. That it shall be attached to a wall of the building and parallel thereto.
  - b. That it face the principal street or an adjoining parking area, except that on a corner building a sign may be placed on that portion of the street side wall within 40 feet of the principal street.
  - c. That in no case shall any sign project above the roof line of a building to exceed the building height for that district.
  - d. That in the event of more than one business enterprise being housed in the same building, additional signs not exceeding 50 square feet in area may be permitted by the Planning Commission.
5. In the "C-H" district, one sign not exceeding 100 square feet on the same lot with a main building or use, provided:
  - a. That it shall be at least three feet and extend not more than 14 feet above the ground.
  - b. That it shall be 30 feet or more from any street or future width lines.
6. No sign illuminated with flashing or intermittent lighting shall be permitted in an "A", "R", "C-L" or "I" district.

#### Section 16. Existing Uses

- A. Any otherwise lawful use of land, structure, building or premises existing at the time this ordinance became effective, but not conforming to the provisions hereof, may be continued, provided:
  1. That if such nonconforming use is discontinued for a period of over 90 days or is abandoned, the use of such land thereafter shall be subject to the provisions of this ordinance.
  2. That no building used for such nonconforming use shall be added to, structurally altered or enlarged in any manner, except as required by another ordinance of the city or by state law, or in order to bring the building and its use into full conformity with the provisions of this ordinance; nor shall anything be done that would influence the longevity or perpetuation of such non-conforming use or building beyond the normal or reasonable period of time that the same would exist under the conditions prevailing at the effective date of this ordinance.
  3. That no nonconforming use occupying a conforming building or portion thereof, or occupying any land, shall be enlarged or extended into any other portion of such building or land not actually so occupied at the effective date of this ordinance.
- B. Any building or portion thereof in existence prior to the effective date of this ordinance which is specifically designed or arranged to be lawfully occupied or used in a manner not conforming to the provisions of this ordinance, may thereafter be so occupied or used, subject to the limitations set forth above for existing nonconforming uses. The term "in existence" shall include, for the purposes of this section only, any building under actual construction at such date, provided that such building be completed within one year therefrom.
- C. No building which has been damaged or partially destroyed to the extent of more than 50% of its assessed value shall be repaired, moved or altered except in conformity with the provisions of this ordinance.
- D. The provisions of this section shall apply to uses which become nonconforming by reason of any amendment to this ordinance, as of the effective date of such amendment.
- E. Regardless of any other provision of this ordinance, any junk yard as defined herein, which, after the adoption of this ordinance exists as a nonconforming use, is hereby declared to be a public nuisance and shall be abated, removed or changed to a conforming use within one year thereafter.

Section 17. Future Street Width Lines

- A. For the purpose of measuring yard dimensions and determining building locations with respect to future street widths as provided in this ordinance, minimum future width lines are hereby established for certain streets and highways based upon the Street and Highway Plan of the Comprehensive Plan. No building or structure, or portion thereof, shall hereafter be erected, nor shall any portion of a building extending into any front or street side yard be altered, nor shall any use of land be conducted, except the use of land for agricultural purposes or other open use not requiring a building or structure, so that the same will be closer to the right-of-way line of any street than any future width line.
- B. Future width lines for the following streets and highways are hereby established and shall be determined by measuring one-half the prescribed distance from the centerline of such street:

<u>Street or Road</u>	<u>Future Width</u>
Glenn Highway	100 feet
Valley Street - Glenn Highway to Wasilla Road	86 feet
Wasilla Road	86 feet
Colony Street - south of Wasilla Road	86 feet
Fairview Avenue - Colony Street to Springer Road	86 feet
Springer Road	86 feet
Bailey Hill Street	60 feet
Valley Street - north of Glenn Highway	60 feet
Snodgrass Street	60 feet
Swanson Street	60 feet
Fairview Avenue - Springer Road to Snodgrass Street	60 feet
Airport Road	60 feet
Co-op Avenue	60 feet
Park Avenue - east from Snodgrass Street	60 feet
First Avenue	60 feet
Matanuska Street - South from Eklutna Avenue	60 feet
Eklutna Avenue and Susitna Avenue	60 feet
Bailey Hill Street to Valley Street	60 feet
Pioneer Peak Avenue and Lazy Mountain Avenue - Bailey Hill Street to Colony Street	60 feet

- C. Future street width lines for the following streets are hereby established and shall be determined by measuring the prescribed distance from the nearest Alaska Railroad right-of-way line:

Railroad Street - Fairview Avenue to Park Avenue	60 feet
Railroad Street - Park Avenue to Glenn Highway	40 feet
Both sides of railroad right-of-way north of Glenn Highway	40 feet

Section 18. Approval by Planning Commission

- A. Whenever it is stated herein that certain buildings, structures and uses are permitted subject to approval by the Planning Commission, application for such approval shall be made in writing and accompanied by the required plans or data.
- B. The Planning Commission shall make its findings and determination within 21 days from the date of filing an application and shall notify the applicant in writing of their decision. If approval is denied, the Commission shall state their reasons therefor and under what conditions, if any, the application will be approved.
- C. Failure of the Planning Commission to make a determination within the time specified shall constitute approval of the application.

Section 19. Building Permits

- A. A building permit shall be required for the erection, construction, establishment, moving, alteration, enlargement, repair or conversion of any building or structure in any district established by this ordinance subject to the following provisions:
1. Provisions of the Building Code relating to the application for, form of, and issuance of building permits under such building code shall apply to the application for, form of and issuance of building permits under the provisions of this section.
  2. In all cases where the Planning Commission or the Board of Adjustment has allowed a variance or an exception, the Building Official shall issue a building permit sufficient to allow such building or work to be done in accordance with that decision; provided, that no permit shall be issued pursuant to any decision until the time for rehearing or for appeal shall have expired and then only in the event that no appeal or application for rehearing shall have been filed within such time.
  3. No building permit shall be issued by the Building Official unless it shall appear from the application and coincident application for certificate of occupancy that the building for which such permit is granted shall conform to all of the applicable regulations of this ordinance and is to be occupied for a use in conformity with the provisions thereof. Any permit issued in conflict with this Ordinance shall be null and void.

Section 20. Certificates of Occupancy

- A. A certificate of occupancy shall be required for any of the following:
1. Occupancy and use of a building or structure erected or structurally altered.
  2. Change in use of an existing building or structure to a use of a different classification.
  3. Occupancy and use of vacant land.
  4. Change in use of land to a use of a different classification.
  5. Any change in the use of a nonconforming use.
- B. Written application for a certificate of occupancy for a new building or structure, or for an existing building or structure to be altered, shall be made at the same time as the application for the building permit.
- C. Written application for a certificate of occupancy for the use of vacant land, a change in the use of land, building or structure, or for a change in a nonconforming use is in conformity with the provisions of this ordinance, the certificate of occupancy therefor shall be issued within ten days after the application for same has been made.
- D. Such certificate shall describe the lot or parcel of land, the present and proposed use of land, building or structure; the number, size and location of any new building or structure; and alterations proposed to be made on any existing building or structure.
- E. No vacant land in any district shall hereafter be occupied or used except as specified or for agricultural uses as permitted, and no building or structure hereafter erected or structurally altered in any district shall be occupied or used until a certificate of occupancy shall have been issued.
- F. Falsification of a certificate of occupancy for a use of property or a building not in conformity with such certificate shall be deemed a violation of this ordinance as set forth in Section 21.

Section 21. Enforcement and Penalties

- A. It shall be the duty of the Building Official to enforce the provisions of this ordinance pertaining to erection, construction, reconstruction, moving, conversion or alteration of buildings, or to the occupancy of land or any building or structure or any addition thereto. It shall be the duty of the City Clerk to enforce the provisions of this ordinance pertaining to the use of land or building for which any license is required by any other ordinance of the city.

ORDINANCE NO. 106 (Cont'd) ZONING

- B. Whenever a violation occurs, any person may file a complaint in regard thereto. All such complaints shall be brought to the attention of the Building Official who shall properly record such complaint and immediately investigate and report thereon.
- C. For any and every violation of the provisions of this ordinance, the owner, agent, or contractor of a building or premise where such violations have been committed or shall exist; the owner, agent or contractor, lessee or tenant of any part of a building or premise in which such violation has been committed or shall exist; and the agent, contractor or any other person who commits, takes part or assists in such violations or who maintains any building or premises in which any violation shall exist, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than three hundred dollars or imprisoned in the city jail not to exceed thirty days, or both such fine and imprisonment. Each and every day that such violation continues shall be deemed a separate and distinct violation.
- D. Any building or structure set up, erected, built, moved or maintained or any use of property contrary to the provisions of this ordinance shall be and the same is hereby declared to be unlawful and a public nuisance and the City Attorney shall, upon order of the City Council, immediately commence action or actions, proceeding or proceedings, for the abatement, removal and enjoinder thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure or use, and restrain and enjoin any person from setting up, erecting, moving or maintaining any such building or structure, or using any property contrary to the provisions of this article.
- E. All remedies provided for herein shall be cumulative and not exclusive.
- F. The issuance or granting of a building permit or approval of plans or specifications under the authority of the Building Code shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this ordinance or any amendment thereto. No permit presuming to give authority to violate or cancel any of the provisions of this article shall be valid except insofar as the work or use which is authorized is lawful and permitted.

Section 22. Exceptions, Variances and Appeals from Decision of Any Administrative Official.

- A. The Planning Commission shall administer this Ordinance and in so doing may grant exceptions for additional uses in the various districts as specifically provided; shall hear and decide appeals where it is alleged there is an error in ordinance interpretation; and may vary the strict application of these regulations in the case of an exceptionally irregular, narrow, shallow or sloping lot or other exceptional physical condition where strict application would result in practical difficulty or unnecessary hardship that would deprive the property concerned of rights possessed by other properties in the same district, but in no other case.
1. Exceptions
- a. An application for an exception shall be filed in writing by the owner of the property concerned and may be issued for any of the following:
- (1) Public utility or public service uses or public buildings in any district when found to be necessary for the public health, safety, convenience or welfare.
  - (2) Removal of minerals and natural materials, including building and construction materials, when incidental to a permitted use or improvement of the land, but not solely for commercial or industrial purposes.
- b. The Planning Commission shall cause to be made by its own members, or by its authorized representative, an investigation to determine that such uses will not be injurious to public health, safety or welfare or detrimental to other properties or uses in the vicinity.

AIA263

- c. Within 21 days after the receipt of an application, the Planning Commission shall render its decision. If it is the opinion of the Commission, after consideration of the report of such investigation, that the use as proposed in the application, or under appropriate restrictions or conditions, will not endanger the public health, safety or general welfare, or be inconsistent with the general purposes and intent of this ordinance, the Commission shall approve the application either with or without conditions. If the proposed use will tend, in the opinion of the Commission, to endanger in any way the public health, safety or general welfare or produce results inconsistent with the general purposes and intent of this ordinance, the Commission shall deny the application.
- d. When deemed necessary, the Commission may hold a public hearing upon any application for an exception and if such public hearing is to be held, notice thereof shall be given in the manner prescribed in paragraph C-2 of this section, except that such procedure shall specifically refer to an exception and further, that the area considered by the Commission to be affected by the intended use of land as described in such application may be extended in such application to a distance greater than 300 feet of the exterior boundary of such land and the owners thereof notified of such hearing.

#### B. Appeals from Interpretation of Ordinance

1. An appeal from any action of the Building Official, or other administrative official in the enforcement of the regulations established by this ordinance may be taken by any person aggrieved or by any other officer, department, commission or board of the city. Such appeal shall be filed within ten days of such action by a notice in writing, specifying the grounds thereof.
2. The filing of an appeal shall stay all proceedings in the matter until ten days after a decision has been rendered by the Planning Commission.
3. When an appeal has been filed, the building official or city clerk shall forthwith transmit to the Planning Commission all data pertaining to the application or action appealed from.
4. The Commission shall render a decision on the appeal within 21 days after the filing thereof.

#### C. Variances

1. An application for a variance shall be filed in writing and verified by the owner of the property concerned.
  - a. The application shall contain the following data with respect to the property and the applicant:
    - (1) A legal description of the property involved.
    - (2) Plot 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.
    - (3) Evidence of the ability and intention of the applicant to proceed in accordance with the plans within six months after the effective date of the variance.
  - b. The application shall contain a statement and adequate evidence showing the following conditions, all four of which must exist before a variance may be granted:
    - (1) 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 land use district.
    - (2) That the strict application of the provisions of this ordinance would result in practical difficulties or unnecessary hardship.
    - (3) That the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.
    - (4) That the granting of the variance will not be contrary to the objectives of the Comprehensive Plan.
2. The Planning Commission shall hold a public hearing upon each properly submitted application. Such hearing shall be held not less than ten days nor later than 30 days following the date of filing of such application

and the applicant shall be notified of the date of such hearing. The commission shall cause to be sent to each owner of property within a distance of 300 feet of the exterior boundary of the lot or parcel of land described in such application notice of the time and place of the hearing, a description of the property involved and the provisions of this ordinance from which a variance is sought. For the purposes of this section, "property owner" shall mean that owner shown upon the latest tax assessment roll.

- 3. 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 City Clerk.
- 4. The Commission shall cause to be made by its own members, or its authorized agent, an investigation of facts bearing on any application sufficient to assure that the action taken is consistent with the intent and purpose of this ordinance.
- 5. The Planning Commission shall hear and consider evidence and facts from any person at the public hearing or written communication from any person relative to the matter. The right of any person to present evidence shall not be denied for the reason that any such person was not required to be informed of such public hearing.
- 6. Within 30 days from the conclusion of the public hearing, the Planning Commission shall render its decision unless such time limit be extended by common consent and agreement signed by both applicant and the Commission. If, in the opinion of the Commission, the necessary facts and conditions as set forth in this section apply in fact to the property referred to, and that the same comes within the purview of the Planning Commission, it may grant the variance. If, however, such facts and conditions do not prevail nor apply, or if the granting of the variance will adversely affect the property of persons in the vicinity of the applicant's property, or for any other valid reason, the Commission shall deny the application.
- 7. The Commission, in granting the variance, may establish conditions under which a lot or parcel of land may be used or a building constructed or altered; make requirements as to architecture, height of building, or structure, open spaces or parking areas; require conditions of operation of any enterprise; or may make any other conditions, requirements or safeguards that it may consider necessary to prevent damage or prejudice to adjacent properties or detriment to the city. When necessary, the Commission may require guarantees in such form as deemed proper under the circumstances to insure that the conditions designated will be complied with.
- 8. The decision of the Planning Commission, either for the granting, with or without conditions, or the denials of an application for variance, shall become final and effective ten days following such decision.
- 9. Any variance approved by the Planning Commission shall be conditional upon the privilege granted being utilized within six months after the effective date of the variance. In the event some construction work is involved, it must actually commence within the stated period and must be diligently prosecuted to completion, otherwise the variance is automatically voided. In such cases the Planning Commission may extend the time of construction start if satisfactory evidence of planning progress is presented.
- 10. In order to defray the expenses of making maps, sending out notices and incidental administration costs involved in any application for a variance, the person filing such application shall pay to the City Clerk a fee of Twenty Dollars. One copy of the receipt for such fee shall be attached to the application. Regardless of the action taken on the application, the required fee shall not be returned.

D. Appeal from Actions of the Planning Commission

- 1. An appeal from any action or decision of the Planning Commission may be taken by any person or party aggrieved. Such appeal shall be taken within ten days of the date of such action or decision by filing with the Board of Adjustment through the City Clerk a written notice of appeal specifying the grounds thereof.
- 2. A report concerning each case appealed to the Board of Adjustment shall be prepared by the Planning Commission and filed with the City Clerk. Such report shall state the decision and recommendations of the Commission together with the reasons for each decision and recommendation. All data pertaining to the case shall accompany the report.

AIA263

3. The filing of an appeal shall stay all proceedings in the matter until a determination is made by the Board of Adjustment.

### Section 23. Board of Adjustment

#### A. Organization

1. The City Council shall constitute a Board of Adjustment pursuant to Title 16, Chapter 1, Sec. 35, par. Twenty-Fourth ACLA 1949.
2. The chairman, or in his absence the acting chairman, may administer oaths and compel attendance of witnesses by subpoena.
3. All meetings of the board shall be open to the public.

#### B. Powers of the Board

1. Appeals The Board of Adjustment shall hear and decide appeals taken from the Planning Commission when it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the regulations established by this ordinance.
2. Variances. The Board of Adjustment may, upon appeal taken from the Planning Commission and after due notice and public hearing, authorize such variance from the terms of this ordinance as will not be contrary to the public interest where it is found that all four of the conditions set forth in Section 22-C exist.
3. Use Permit The Board of Adjustment may, upon appeal from the Planning Commission, grant a Use Permit whenever it is provided in this Ordinance that the approval of the Planning Commission is required.
4. In exercising the above mentioned powers, the Board of Adjustment may, in conformity with the provisions of Title 16-1-35, 24th ACLA 1949, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken; provided, however, that the concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Planning Commission.

#### C. Procedure of the Board of Adjustment in Appeals

1. The Board of Adjustment shall fix a reasonable time for hearing on any appeal taken from the Planning Commission if a public hearing is required or desirable.
2. The Board shall give public notice of such hearing by publishing notice thereof in a newspaper of general circulation within the city at least five days nor not more than fifteen days prior to the date of hearing. The Board shall also mail notices to the appellant and to the owners of all property affected by any appeal at least five days prior to the date of the hearing if such notice by mail was given to the Planning Commission. For the purpose of such notice, the affected property shall be deemed to be that area within three hundred feet from the exterior boundary of the area covered by the appeal. Notices may be sent to cover a greater area if it is deemed that the appeal affects a greater area.
3. Upon the hearing, any party may appear in person or by agent or by attorney.
4. The Board of Adjustment shall decide appeals within a reasonable time and shall give due consideration to the findings and recommendations of the Planning Commission.

#### D. Appeal to District Court

1. An appeal from any action, decision, ruling, judgment or order of the Board of Adjustment may be taken by any person or persons, jointly or severally aggrieved, any taxpayer or any officer, department, board or bureau of the city to the District Court by filing with the City Clerk and with the Board of Adjustment, within 30 days from the action appealed from, a notice of appeal which shall specify the grounds of such appeal.



Failure to file said notice of appeal in the manner and time specified shall forfeit any right to appeal.

Section 24. Force of Conditions

- A. Any restriction or condition required by the Planning Commission or the Board of Adjustment in the granting of any use, variance or exception under the provisions of this ordinance must be complied with. Violation of any condition or requirement shall result in revocation of the permission granted, and further use of the property or maintenance of any building thereon shall constitute a violation of this ordinance and shall be punishable in the manner set forth in Section 21 of this ordinance.

Section 25. Amendments and Changes

- A. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the City Council may, by ordinance and after report thereon by the Planning Commission and public hearing as required by law, amend, supplement, modify, repeal or otherwise change these regulations and the boundaries of the districts.
- B. The Planning Commission shall report in writing to the City Council on any proposed change or amendment regardless of the manner in which such change is initiated and such report shall include:
- a. Findings as to need and justification for a change or amendment.
  - b. Findings as to the effect a change or amendment would have on the objectives of the Comprehensive Plan.
  - c. Recommendations as to the approval or disapproval of the change or amendment.
- C. Changes in the ordinance may be initiated in the following manner:
1. The City Council upon its own motion.
  2. The Planning Commission upon its own motion.
  3. By petition of one or more owners of property within an area proposed to be rezoned.
    - a. A petition shall be in the form of an application for a change in the boundary of a district, shall be filed in the office of the Planning Commission, be accompanied by such data and information as may be necessary to assure the fullest practicable presentation of facts and shall set forth reasons and justification for proposing such change.
- D. When deemed necessary, the Planning Commission may hold a public hearing before considering any change in the boundaries of a district. If such hearing is to be held, notice thereof shall be given in the manner prescribed in Section 22-C, except that such procedure shall specifically refer to an application for change in the boundary of a district. Where property within an area proposed to be changed is not under the same ownership, all owners of property within the area shall be notified of such hearing. Within 60 days after the date of the meeting at which the Planning Commission set the time and place for the hearing or within 60 days after the filing of an application when no hearing is called, the Planning Commission shall report its findings to the City Council. If such change was initiated by petition, the signers shall be notified by the Commission of its recommendation, such notice sent by registered mail not more than five days after the Commission has filed the report with the City Council.
- E. When Planning Commission deems it necessary or expedient, it may consider other property for change or amendment in addition to the property described in an application for change in the boundary of a district, and may include such additional property in the notices of hearing and consider amendments relating to such property at the public hearing.
- F. The City Council shall consider an application or Planning Commission recommendation for change in the boundary of a district or any other Planning Commission recommendation proposing a change in this ordinance, and the report of the Planning Commission at its next regular meeting after receipt of such report. If, from the facts presented, and by the findings of the report of the Planning Commission, it is determined that the public necessity, convenience, general welfare or good zoning practice required the change or amendment, of any portion thereof, the Council by Ordinance shall effect such amendment, supplement, change or reclassification.

AIA263

- G. Any ordinance of the City Council affecting an amendment, supplement, change or classification, repeal of regulations or restrictions, the boundaries of districts or classifications of property shall be accomplished by first conducting a public hearing. At least 15 days notice of the time and place of such hearing shall be published in a paper of general circulation in the City of Palmer. When the proposed amendment covers a change in the boundaries of a district, notice as to owners of property shall be given in the manner prescribed in Section 22-C.
- H. In case of a protest against a change in zoning district classification signed by the owners of 20% or more, either of the area of the lots included in such proposed change, or of the area of the lots immediately abutting the area included in such proposed change, or separated therefrom only by an alley or street, such amendment shall not become effective except by the favorable vote of five members of the Council.
- I. All ordinances changing zoning district boundaries shall be numbered consecutively. All such changes of district boundaries shall be filed with and indexed in the office of the City Clerk and shall be noted on the zoning map.
- J. Any application for change of land use classification initiated by a property owner shall be accompanied by a fee payable to the City Clerk which shall be in the sum of \$20.00 for any one lot plus \$1.00 for each additional lot included within such petition. All costs of maps, publication and notice to property owner and other administrative expenses involved shall be covered by such a fee.

Section 26. Severability

- A. In the event any portion, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 27. Effective Date.

This ordinance shall be effective upon its passage, approval and publication. Publication of this ordinance shall be by posting a copy hereof on the City Hall bulletin board for a period of ten days following its passage and approval.

First reading: (complete text)

July 3, 1962

Second Reading: - title only

April 2, 1963

Passed and approved this 9th day of April, 1963 at Palmer, Alaska.

ATTEST:

*Emilie St. Pierre*

Emilie St. Pierre, City Clerk

*Ralph C. Moore*

Ralph C. Moore, Mayor