

CITY OF PALMER, ALASKA

ORDINANCE NO. 454

AN ORDINANCE WHEREBY THE CITY OF PALMER ADOPTS TITLE 17--ZONING--OF THE PALMER MUNICIPAL CODE AND CONSENTS TO THE DELEGATION FROM THE MATANUSKA-SUSITNA BOROUGH OF THE LAND USE REGULATION POWER FOR ALL AREAS WITHIN THE CITY LIMITS.

THE CITY OF PALMER, ALASKA, ORDAINS:

Section 1. Classification. This ordinance shall be of a permanent nature and shall become a part of the City of Palmer Code of Ordinances.

Section 2. Severability. If any provisions 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.

Section 3. Pursuant to AS 29.40.010, the Matanuska-Susitna Borough passed Borough Ordinance 92-080 delegating to the City the power of land use regulation for all areas within the city limits. The City hereby consents to the delegation.


SECTION 4. Title 17, Zoning, a copy of which is attached hereto and incorporated herein, is hereby adopted.

Section 5. Publication and Effective Date. This ordinance shall become effective immediately upon its adoption. Publication shall be by posting a copy hereof on the City Hall bulletin board for a period of ten (10) days following its adoption, and further it shall be published by being printed and included in the Palmer Municipal Code at its next regular supplementation and printing. A notice of public hearing shall be given by such posting at least five (5) days before final passage.

First Reading: November 10, 1992

Public Hearing &
Second Reading: November 24, 1992

Adopted by the City Council of the City of Palmer, Alaska, this 24th day of November, 1992.



GEORGE W. CARTE, Mayor

DAVID L. SOULAK
City Clerk

Title 17

ZONING

Chapters:

- 17.04 General Provisions
- 17.08 Definitions
- 17.16 District Establishment and Zoning Map
- 17.20 R-1 Single Family Residential District
- 17.24 R-2 Medium-Density Residential District
- 17.28 C-L Limited Commercial District
- 17.32 C-G General Commercial District
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- 17.60 General District Regulations
- 17.64 Off-Street Parking and Loading
- 17.68 Nonconforming Uses
- 17.72 Conditional Use Permits
- 17.76 Variances
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- 17.84 Planned Unit Development (PUD)

Chapter 17.04

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- 17.04.020 Purpose and intent.
- 17.04.030 Standards.
- 17.04.040 Delegation of power.
- 17.04.050 Compliance.
- 17.04.060 Zoning map incorporated by reference.
- 17.04.070 Enforcement authority.
- 17.04.080 Remedies and civil penalties.

17.04.010 Short title. This title shall be known as the "Palmer Zoning Code".

17.04.020 Purpose and intent. The purpose of this title is: to implement the comprehensive development plan for the city; to encourage the most appropriate use of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide adequate open space for light and air; to lessen the congestion on streets; to give an orderly growth to the city; to prevent undue concentrations of population; to improve the city's appearance; to facilitate adequate provisions for community utilities and facilities such as water, sewage and electrical distribution systems, transportation, schools, parks and

other public requirements; and in general to promote public health, safety and general welfare.

17.04.030 Standards. The standards established by this title are determined to be the minimum requirements in the interests of public health, safety, and general welfare.

17.04.040 Delegation of power. Pursuant to AS 29.40.01 and Borough Resolution 92-080, the Borough delegated to the city the power of land use regulation over property within the city.

17.04.050 Compliance. No building, structure or land may be used or occupied and no building or structure or part thereof be erected, constructed, reconstructed, moved or structure altered except in conformity with all the regulations specified in this title for the district in which it is located.

17.04.060 Zoning map incorporated by reference. The official zoning map currently at City Hall is incorporated by reference as the zoning map for the city.

17.04.070 Enforcement Authority. This title shall be enforced by the zoning administrator who shall be appointed by the city manager.

17.04.080 Remedies and Civil Penalties. The city or an aggrieved person may institute a civil action against a person who violates a provision of this Title 17 or a term, condition or limitation imposed pursuant to this Title. In addition to a civil remedy, a civil penalty not to exceed \$300 may be imposed for each violation. Each day that a violation or an unlawful condition continues constitutes a separate violation. An action to enjoin a violation may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and a finding of a violation or threatened violation, the superior court shall grant the injunction.

Chapter 17.08

DEFINITIONS

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- 17.08.015 Alley.
- 17.08.020 Alteration.
- 17.08.025 Apartment.
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17.08.005 Accessory. "Accessory," as applied to a use building or a structure, means customarily subordinate, incidental to, and located on the same lot with a principal building or structure.

17.08.010 Agricultural building. "Agricultural building" means a building used to shelter farm implements, hay, grain, poultry, livestock or other farm produce in which there is no habitation and which is not used by the public.

17.08.015 Alley. "Alley" means a permanent service right way providing a secondary means of access to abutting proper

17.08.020 Alteration. "Alteration" means any change, addition or modification in the construction, location or use classification.

17.08.025 Apartment. "Apartment" means any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied, or which contains dwelling units for three or more families living independently of each other.

17.08.030 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.

17.08.035 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.

17.08.040 Borough. "Borough" means the Matanuska-Susitna Borough.

17.08.045 Building. "Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

17.08.050 Building, existing. "Existing building" means a building erected prior to January 17, 1978, or one for which a legal building permit has been issued.

17.08.055 Building height. "Building height" means the vertical distance from the average elevation of the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

17.08.060 Building line. "Building line" means a line set by ordinance establishing minimum distance from the street.

17.08.065 Building Official. "Building Official" means the officer charged with the administration and enforcement of the building code.

17.08.070 Building, principal or main. "Principal or main building" means a building in which is conducted the principal or main use of the lot on which said building is situated.

17.08.075 Campground. "Campground" means an area for the use of a temporary shelter, tent, cabins, camping and camping trailers.

17.08.080 Church. "Church" means a building or structure, or groups of buildings or structures, which by use or design and

construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

17.08.085 City. "City" means the City of Palmer.

17.08.090 Clerk. "Clerk," other than city Clerk, means the Clerk of the commission.

17.08.095 Commission. "Commission" means the city Planning and Zoning Commission.

17.08.100 Common area. "Common area" means an area or space designed for joint use of tenants occupying mobile home developments, apartment complexes, condominiums or the like.

17.08.105 Community system (water or sewerage). "Community system (water or sewerage)" means a central system which serves a living units and is not publicly owned.

17.08.110 Conditional use permit. "Conditional use permit" means a provision which allows for flexibility within the zoning ordinance by permitting certain specified uses in zoning district after additional controls and safeguards are applied by the commission to insure their compatibility with permitted principal uses.

17.08.115 Density. "Density" means the number of dwelling units per gross acre in any residential development.

17.08.120 Driveway. "Driveway" means a minor private way used by vehicles and pedestrians on a lot or for common access to a small group of lots or common facilities.

17.08.125 Dwelling. "Dwelling" means a building designed and used exclusively as the living quarters for one or more families.

17.08.130 Dwelling, factory-built. "Factory-built dwelling" means a detached single-family dwelling designed for long-term human habitation and having complete living facilities; and being at least nine hundred square feet in size, constructed and fabricated into one or more sections at a factory and designed to be jointed at location of use on a permanent foundation.

17.08.135 Dwelling, multiple-family. "Multiple-family dwelling" means a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

17.08.140 Dwelling, one-family or single-family. "One-family or single-family dwelling" means a detached building constructed on a permanent foundation, designed for long-term human habitation exclusively by one family, having complete living

facilities and constituting one dwelling unit.

17.08.145 Dwelling, prefabricated. "Prefabricated dwelling" means a detached single-family dwelling designed for long-term habitation and having complete living facilities; fabricated at a factory into component parts which are assembled at location of use on a permanent foundation.

17.08.150 Dwelling, two-family. "Two-family dwelling" means a detached building designed for or occupied exclusively by two families and constituting two dwelling units.

17.08.155 Dwelling unit. "Dwelling unit" means a structure or portion thereof providing independent and complete cooking, living, sleeping and toilet facilities for one family.

17.08.160 Easement. "Easement" means a right given by the owner of land to another party for specific limited use of that land.

17.08.165 Enforcing Agency. "Enforcing Agency" means the city or its designee.

17.08.170 Family. "Family" means one or more person occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a rooming house, club, fraternity house or hotel.

17.08.175 Fence. "Fence" means a barrier, not to exceed eight feet in height, which is constructed of one or more of the following materials, or combinations thereof: wood, metal, fiberglass or masonry materials.

17.08.180 Floor area, gross. "Gross floor area" means the total area of all floors of a building as measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.

17.08.185 Frontage. "Frontage", or front, of a lot is the side nearest the street. For the purposes of determining yard requirements on corner lots and through lots, each side of a lot adjacent to a street shall be considered frontage, and yards shall be provided as indicated under "yards" in this title.

17.08.190 Garage. "Garage" means a building or portion thereof in which motor vehicles containing gasoline, distillate or other volatile, flammable liquids are stored.

17.08.195 Garage, repair. "Repair garage" means any building or premises which may be designed and used for the purposes of performing major automotive mechanical repairs and body work and other customary and incidentally related activities.

17.08.200 Grade (ground level). "Grade (ground level) means the average level of the finished ground at the center of walls to a building. In case walls are parallel to and within five feet of a public sidewalk, the ground level shall be measured to the sidewalk.

17.08.205 Guest room. "Guest room" means any room in a hotel, dormitory, boarding or lodging house used and maintained to provide sleeping accommodations. Each one hundred square feet or fraction thereof of floor area used for sleeping purposes shall be considered to be a separate guest room.

17.08.210 Health Authority. "Health Authority" means the Alaska Department of Health and Social Services.

17.08.215 Hearing Examiner. "Hearing Examiner" means an attorney at law in the State of Alaska, appointed by the Council whose responsibility is to hear appeals from decisions of the local zoning administrative official, conditional use permits or variance requests permissible under the terms of the zoning ordinance. Further, in rendering decisions, the Hearing Examiner must consider requirements of the zoning code, the intent of the comprehensive plan for the city and requirements of the Alaska Statutes.

17.08.220 Home occupation. "Home occupation" means an accessory use customarily conducted within a dwelling by 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 nameplate or sign no larger than 144 square inches.

17.08.225 Hospital. "Hospital" means an institution providing health services and medical or surgical care to persons primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities, or training facilities.

17.08.230 Hotel. "Hotel" means any building, containing two or more rooms, intended or designed to be used, rented or hired out, or to be occupied for sleeping purposes only by transients.

17.08.235 Housing. "Housing" means living units, dwellings and/or other structures that shelter or cover.

17.08.240 Junk. "Junk" means any worn out, wrecked, scrapped, partially or fully dismantled discarded tangible material, combination of such materials or items, including motor vehicles that are inoperable or not currently registered for operation upon the public roads of Alaska; also machinery, metal, rags, rubber, paper, plastics, chemicals and building materials.

which cannot, without further alteration and reconditioning, be used for their original purpose.

17.08.245 Junkyard. See "salvage yard."

17.08.250 Loading space. "Loading space" means a space located on premises for pickup and delivery at the premises. Required off-street loading space shall not be included as off-street parking space in computation of required off-street parking space.

17.08.255 Lot. "Lot" means a parcel of land shown as an individual unit on the most recent plat of record.

17.08.260 Lot, corner. "Corner lot" means a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five degrees.

17.08.265 Lot depth. "Lot depth" means a mean horizontal distance between the front and rear property lines of a lot, measured in the general direction of its side property lines.

17.08.270 Lot, front. The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and double frontage lots, all sides of a lot adjacent to streets shall be considered frontage.

17.08.275 Lot line, front. "Front lot line" means a line separating the lot from the street.

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

17.08.285 Lot line, side. "Side lot line" means any lot boundary line not a front lot line or rear lot line.

17.08.290 Lot width. "Lot width" means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured between the midpoints of such lines.

17.08.295 Mental Health Facility. "Mental Health Facility" means a facility or institution for diagnosing, treating, caring for or counseling persons requiring mental health services.

17.08.300 Mobile home. "Mobile home" means a detached single-family dwelling designed for long-term human habitation having complete living facilities; constructed and fabricated in a complete unit at a factory and capable of being transported to location of use on its own chassis and wheels; identified by model number and serial number by its manufacturer; and designed primarily for placement on an impermanent foundation.

17.08.305 Mobile home park. "Mobile home park" means parcel or adjacent parcels of land in the same ownership which are utilized for occupancy by two or more mobile homes.

17.08.310 Motel. "Motel" means a group of attached or detached buildings containing individual sleeping or living units with at least one parking space for each unit located on the premises and convenient to each unit, all for the temporary use of automobile tourists and transients. "Motel" includes auto courts and motor lodges.

17.08.315 Nonconforming building. "Nonconforming building" means any building or structure, or any portion thereof, lawfully existing as of January 17, 1978, which was designed, erected or structurally altered for a use that does not conform to the 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.

17.08.320 Nursery, children's. "Children's nursery" means a commercial enterprise where more than four children are cared for during the day. This includes a kindergarten.

17.08.325 Park. "Park" means a publicly owned area set aside for recreational use by persons of all ages.

17.08.330 Parking, public. "Public parking" means a structure or an open area, other than a street, alley or other right-of-way used for the temporary parking of automobiles available for public use whether free, for compensation or as accommodation for clients or customers.

17.08.335 Parking space, off-street. "Off-street parking space" means a space located off any street, alley or other right-of-way which is adequate for parking an automobile with room for opening both doors of it and adequate maneuvering room on a parking lot with access to a public street or alley.

17.08.340 Person. "Person" means a natural person, his heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors, assigns, or the agent of any of the aforesaid, and the trust grantor and trustor of a trust.

17.08.345 Planned unit development. "Planned unit development" means a group or combination of certain specified residential, commercial, or industrial uses to be developed as a functional unit, the plan for which may not conform to the regulations established in any one or more zoning districts with respect to lot size, bulk, type of use, density, lot coverage, height or required open space.

17.08.350 Plat. "Plat" means any map, plan or chart of a city, town, section or subdivision indicating the location and boundaries of individual properties.

17.08.355 Playground. "Playground" means a publicly owned area for recreational use primarily by children.

17.08.360 Plot. "Plot" means a parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or metes and bounds.

17.08.365 Private street. "Private street" means a private way which affords principal means of access to abutting individual lots and auxiliary buildings.

17.08.370 Property line. "Property line" means a demarcation limit of a lot dividing it from other lots or parcels of land.

17.08.375 Public street. "Public street" means a public way which affords principal means of access to abutting properties and is dedicated to the public.

17.08.380 Residential Care Facility. "Residential Care Facility" means a place which provides twenty-four-hour care for one or more persons who are not related by blood, marriage, or legal adoption to the owner or operator and includes facilities called group homes, institutions, maternity homes, and family care facilities.

17.08.385 Right-of-way. "Right-of-way" means the area which is dedicated to the public over which the right of passage exists.

17.08.390 Rooming house. "Rooming house" means any dwelling in which, for compensation, three or more persons either individually or as families are housed or lodged, with or without meals. A boardinghouse, lodging house, tourist home or a furnished-room house shall be deemed a rooming house.

17.08.395 Salvage yard. "Salvage yard" means any lot, or portion of a lot, which is used for the purpose of the outdoor storage, handling, dismantling, wrecking, keeping or sale of used, discarded, wrecked or abandoned airplanes, appliances, vehicles, boats, building and building materials, machinery, equipment, or

parts thereof, including, but not limited to, scrap metals, wood, lumber, plastic, fiber or other tangible materials as defined in this title under "junk."

17.08.400 Service station. "Service station" means a retail place of business engaged primarily in the sale of motor fuel, lubricants and other petroleum products, but also in supplying accessories and services generally required in the normal operation and maintenance of motor vehicles. The servicing of motor vehicles shall be generally limited to lubrication, nonmechanical washing, installation or replacement of accessory items, and the performance of minor automotive maintenance and repair. Body and fender work are prohibited except where specifically permitted by regulations or by the terms of a special exception.

17.08.405 Setback. "Setback" means the minimum horizontal distance between the front, rear and side lines of the lot, and front, rear or side lines of the buildings.

17.08.410 Shall. "Shall" indicates that which is required.

17.08.415 Should. "Should" indicates that which is recommended but not required.

17.08.420 Site. "Site" means a parcel of land consisting of one or more lots or portions thereof which is described with reference to a recorded plat or by metes and bounds.

17.08.425 Story. "Story" means that portion of a building between any floor and the next floor above, except that the topmost story shall be that portion of a building between the topmost floor and the ceiling or roof above it. If the finished floor level is directly above a basement, cellar or unused floor space is more than six feet above grade for more than fifty percent of the total perimeter or is more than twelve feet above grade at any point, such basement, cellar, or unused floor space shall be considered a story.

17.08.430 Street. "Street" means a way permanently open to general use which affords the principal means of access to abutting property, such as avenue, place, drive, boulevard, highway and other similar public thoroughfare, except an alley as defined in 17.08.015.

17.08.435 Street line. "Street line" means the line of demarcation between a street and the lot or land abutting thereon.

17.08.440 Structure. "Structure" means anything which is constructed or erected and located on or under the ground, attached to something fixed to the ground.

17.08.445 Trailer. "Trailer" means 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 is supported by wheels and including trailers, trailer coaches and house cars.

17.08.450 Trailer camp, park or lot. "Trailer camp, park or lot" means 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.

17.08.455 Use. "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.

17.08.460 Use, principal. "Principal use" means any main activity permitted by this title.

17.08.465 Variance. "Variance" means the relaxation of the strict application of the terms of this title. This definition shall not be construed to permit a use in any district which use is prohibited therein.

17.08.470 Yard. "Yard" means a required open space on the same lot with a principal use unoccupied and unobstructed by any structure or portion of a structure from thirty inches above the general ground level of the graded lot upward; provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

17.08.475 Yard, front. "Front yard" means a yard extending the full width of the lot across the front of a lot adjoining a public street, and from the front lot line to the nearest exterior wall of the building, front of the bay window, or front of a covered porch or other projection, whichever is nearest to the front lot line.

17.08.480 Yard, rear. "Rear yard" means a yard extending across the rear of the lot between the inner side yard lines. In the case of double frontage lots, there will be no rear yards but only front and side yards.

17.08.485 Yard, side. "Side yard" means a yard extending from the rear lot line of the front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on

the lot line involved with the public street. In the case of double-frontage lots, side yards shall extend from the rear line of front yards required. If no front yard is required, the front boundary of the side yard shall be the front property line.

17.08.490 Zoning Administrator. "Zoning Administrator means a city official appointed by the city manager to administer and enforce the zoning ordinance.

Chapters 17.09 - 17.15

RESERVED

Chapter 17.16

DISTRICT ESTABLISHMENT AND ZONING MAP

Sections:

- 17.16.010 Districts established.
- 17.16.020 Maps filed.
- 17.16.030 Status of map.
- 17.16.040 Map--Replacement.
- 17.16.050 Map--Interpretation.
- 17.16.060 Annexation zoning.

17.16.010 Districts established. For the purpose of this title, the area within the city limits has the following districts:

- A. R-1, Single family residential district;
- B. R-2, Medium-density residential district;
- C. C-L, Limited commercial district;
- D. C-G, General commercial district;
- E. I Industrial district;
- F. P Public use district.

17.16.020 Maps filed. The official zoning map shall remain on file in the office of the city and shall be identified by signatures of the mayor, and shall be attested by the city clerk under the following words:

"This is to certify that this is the Zoning Map incorporated by reference in _____ of the Zoning Ordinance as Ordinance No. _____ dated _____."

17.16.030 Status of map. Regardless of the existence of copies of the official zoning map, which may from time to time be made or published, the official zoning map, which shall be located at city hall, shall be the final authority as to the current zoning.

status of land in the city. Prints of the zoning map are available at city hall.

17.16.040 Map--Replacement. In case the zoning map becomes damaged, destroyed, lost or difficult to interpret by reason of the nature or number of changes and additions, the Council may, by ordinance, upon taking into account the advice of the commission, adopt a new zoning map which shall supersede the prior zoning map. The new zoning map may correct drafting and other errors or omissions in the prior zoning map.

The new zoning map shall be identified by the signature of the Mayor attested by the city Clerk, and bear the seal of the city under the following words:

"This is to certify that this zoning map supersedes and replaces the zoning map adopted (date of adoption of map being replaced) as part of Ordinance No. _____ of the City of Palmer."

Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

17.16.050 Map--Interpretation. Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

A. Where district boundaries are indicated as approximately following the centerlines of streets or alleys, the center-lines are the boundaries;

B. Where district boundaries are indicated as approximately following lot lines, the lot lines are the boundaries;

C. Where district boundaries are indicated as approximately following the center of streams or other bodies of water, they shall be so interpreted. In the event of change of a stream, the boundary shall be construed as moving with the stream;

D. Where district boundaries are indicated as approximately following city limits, the corporate limits are the boundaries;

E. Where district boundaries are indicated as following railroad lines, the boundary lines shall be construed to be midway between the main tracts;

F. Boundaries indicated as parallel to or extensions of features indicated in subsections A through F of this section shall be so construed;

G. Where district boundaries are shown dividing unsubdivided property, the location of the boundaries are determined by the use of the scale appearing on the map unless otherwise determined by dimensions on the map;

H. Where district boundaries are indicated as following National or State Park boundaries, lines shall be construed as the park lines.

17.16.060 Annexation zoning. Where land has become a part of the city by annexation, this property and land, except public

land, is classified as R-1, Single Family Residential District. When the annexed land is owned by a governmental agency and intended for uses allowed in the Public Use District, such annexed land shall be classified as P, Public Use District, instead of R-1. Within sixty days after the annexation becomes final, the commission shall review the zoning classification. If the districts are not appropriate for the annexed area or portions thereof, the commission or other party may institute action for map amendment in accordance with 17.80.010.

Chapter 17.20

R-1 SINGLE FAMILY RESIDENTIAL DISTRICT

Sections:

- 17.20.010 Intent.
- 17.20.020 Permitted uses.
- 17.20.030 Conditional uses.
- 17.20.040 Prohibited uses.
- 17.20.050 Building height limit.
- 17.20.060 Lot areas.
- 17.20.070 Parking.

17.20.010 Intent. A. The R-1 district is established as a district in which the principal use of land is for single-family dwellings.

B. The specific intent in establishing this district is:

1. To encourage the construction of and use of the land for single-family dwellings;
2. To prohibit community and individual use of the land and any other use which would substantially interfere with development or continuation of single-family dwellings;
3. To discourage any use which would generate traffic on minor streets other than normal traffic to serve dwellings on these streets;
4. To discourage any use which because of character or size would create requirements and cost for public services, such as police and fire protection, water supply and sewerage, substantially in excess of such requirements and cost if the district were developed solely for single-family dwellings.

17.20.020 Permitted uses. Permitted principal uses and structures in the R-1 district are:

- A. One-family dwelling;
- B. Gardens and greenhouses when incidental to residential use;
- C. Home occupations;
- D. Accessory buildings and uses not used or operated for gain;
- E. Parks and playgrounds;

F. Travel trailers, campers and motor homes neither used nor occupied as living quarters.

17.20.030 Conditional uses. Uses which may be permitted in the R-1 district by obtaining a conditional use permit are:

- A. Churches and related buildings, provided no part of any church building shall be located nearer than thirty feet to an adjoining lot or street line;
- B. Utility substation.

17.20.040 Prohibited uses. Prohibited uses and structures in the R-1 district are all uses and structures not specified as permitted outright, including, without limitation, the following:

- A. Residences other than those for single-family dwelling purposes;
- B. Parking or storage of heavy equipment, such as buses, tractors, graders or trucks;
- C. Mobile homes.

17.20.050 Building height limit. The maximum building height shall be twenty-five feet above grade.

17.20.060 Lot areas. Lot area shall be as follows:

- A. Minimum lot width: sixty feet;
- B. Minimum lot area: seven thousand two hundred square feet;
- C. Minimum setback requirements:
 - 1. Front yard: twenty-five feet,
 - 2. Side yard: six feet,
 - 3. Side yard on street side of corner lot: ten feet.
 - 4. Rear yard: twenty-five feet;
- D. Maximum lot coverage by all buildings shall not exceed thirty percent.

17.20.070 Parking. Parking requirements shall meet the requirements of 17.64.010 through 17.64.030 of this title.

Chapter 17.24

R-2 MEDIUM-DENSITY RESIDENTIAL DISTRICT

Sections:

- 17.24.010 Intent.
- 17.24.020 Permitted uses.
- 17.24.030 Conditional uses.
- 17.24.040 Prohibited uses.
- 17.24.050 Building height limit.
- 17.24.060 Lot area.
- 17.24.070 Parking.

17.24.010 Intent. The R-2 district is intended for residential areas with a combination of apartment structures,

duplexes and single-family residences and a medium population density. Nonresidential uses have been permitted on the basis whether or not they are compatible with the predominant residential character of this district.

17.24.020 Permitted uses. Permitted principal uses structures in the R-2 district are:

- A. One-family dwellings;
- B. Two-family dwellings;
- C. Multiple-family dwellings with three or more units;
- D. Boarding and rooming houses;
- E. Home occupations;
- F. Parks and playgrounds;
- G. Day nurseries and kindergartens;
- H. Other compatible uses;
- I. Travel trailers, campers and motor homes neither used occupied as living quarters;
- J. Gardens and greenhouses when incidental to residential use.

17.24.030 Conditional uses. Uses which may be permitted in the R-2 district by obtaining a conditional use permit are:

- A. Public and private schools;
- B. Public buildings and structures;
- C. Churches and related buildings, provided no part of church building shall be located nearer than thirty feet to adjoining lot or street line;
- D. Residential planned unit development;
- E. Mobile home courts;
- F. Hospitals and homes for the elderly;
- G. Residential Care Facility;
- H. Utility substation.

17.24.040 Prohibited uses. Prohibited uses and structures in the R-2 district are all uses and structures not specifically permitted outright, including, without limitation, the following:

- A. Parking or storage of heavy equipment, tractors, graders or trucks which are used for gain;
- B. Mobile homes which are used for occupancy outside of mobile home court.

17.24.050 Building height limit. The maximum building height shall be thirty-five feet.

17.24.060 Lot area. Lot areas shall be as follows:

- A. Minimum lot width: sixty feet;
- B. Minimum lot area: seven thousand two hundred square feet,
 - 1. Minimum area: seven thousand two hundred square feet,
 - 2. Minimum lot area per dwelling unit:

No. of Dwelling Units	Lot Area Per Unit	Minimum Total Lot Size
1	7,200 Sq. Ft.	7,200 Sq. Ft.
2	4,500	9,000
3	3,600	10,800
4	3,000	12,000
5	2,800	14,000
6	2,600	15,600
7	2,400	16,800
8	2,200	17,600
9 or more	2,200	(As Required)

C. Minimum setback requirements:

1. One to four dwelling units:

- a. Front yard: twenty-five feet,
- b. Side yard: six feet,
- c. Side yard on street side of a corner lot: ten

feet,

- d. Rear yard: twenty-five feet;

2. More than four dwelling units:

- a. Front yard: twenty-five feet,
- b. Rear yard: twenty-five feet,
- c. Side yard: six feet plus one foot per dwelling

over four units up to a maximum setback of twenty feet,

- d. Side yard on street side of a corner lot: ten

feet plus one foot per dwelling over four units up to a maximum setback of twenty feet;

D. Maximum lot coverage by all buildings shall not exceed forty percent except for ten or more multiple units which may not exceed fifty percent.

E. Each lot shall have an open area provided for outdoor activities of the occupants with a minimum of one hundred square feet allocated for each dwelling unit. This open area may be apportioned to each unit, groups of units or in the aggregate for all units on the lot, provided that no dimension of any open area is less than ten feet. The open area shall not be used for storage, vehicle parking, above ground building utilities or services or any structure except open or roofed patios.

17.24.070 Parking Parking requirements shall meet the requirements of 17.64.010 through 17.64.030 of this title.

Chapter 17.28

C-L LIMITED COMMERCIAL DISTRICT

Sections:

- 17.28.010 Intent.
- 17.28.020 Permitted uses.
- 17.28.030 Conditional uses.
- 17.28.040 Prohibited uses.

- 17.28.050 Building height limit.
- 17.28.060 Lot area.
- 17.28.070 Parking.

17.28.010 Intent. The C-L district is established as a district in which the principal use of land is for a combination of dwellings and commercial enterprises. The commercial enterprises are of a nature to serve the daily or frequent convenience shopping and personal service needs of residences, thus serving a population and trade area which is less than that served by the central business district. The specific intent as established for the district is:

- A. To provide buffer zone(s) between the heavy uses allowed in the general commercial area and the residential areas;
- B. To permit an intermingling of commercial structures and housing;
- C. All of the permitted principal uses as listed in 17.28.020 shall be establishments that shall be conducted wholly within an enclosed building.

17.28.020 Permitted uses. Permitted principal uses in the C-L district are:

1. One-family dwellings;
2. Two-family dwellings;
3. Multiple-family dwellings;
4. Boardinghouses;
5. Truck gardens, raising of bush and tree crops, flower gardening and greenhouses;
6. Home occupations;
7. Churches;
8. Banks;
9. Barber or beauty shop;
10. Bakery shop, candy or ice cream store or delicatessen;
11. Cafe or restaurant;
12. Clothing, dress, millinery or shoe store;
13. Office building and professional offices;
14. Bill-paying service, stock broker, detective agency, real estate agency, insurance office, escrow and land title;
15. Dentist, doctor, optometrist and medical or dental clinic;
16. Pharmacy, dry goods, grocery, meat market or local plant;
17. Dry-cleaning agency or shoe repair shop;
18. Florist, gift shop, music store, stationery, variety store, hobby and model shop;
19. Book, camera, luggage, jewelry and toy store;
20. Launderette;
21. Hospitals and homes for the elderly;
22. Accessory uses customarily incidental to any of the above uses.

17.28.030 Conditional uses. Uses which may be permitted in the C-L district by obtaining a conditional use permit are:

- A. Utility substation;
- B. Mobile home courts;
- C. Funeral parlors.

17.28.040 Prohibited uses. Prohibited uses and structures in the C-L district are all uses and structures not specified as permitted outright, including the outside storage of heavy equipment, such as tractors, graders or trucks, used for gain.

17.28.050 Building height limit. The maximum building height shall be thirty-five feet above grade.

17.28.060 Lot area. Lot areas shall be as follows:

- A. Minimum lot width: sixty feet;
- B. Minimum lot area:
 - 1. Minimum lot area: seven thousand two hundred square feet;
 - 2. Buildings erected after January 17, 1978, and used wholly for purposes permitted in any R district shall comply with the lot area and setback requirements of the R-2 district, 17.24.060;
 - 3. Setback requirements, commercial uses:
 - a. Front yard: none,
 - b. Rear yard: none,
 - c. Side yard: none, except every lot which is not bounded by an alley and is bordering on property in any of the R districts.

17.28.070 Parking. Parking requirements shall meet the requirements of 17.64.010 through 17.64.030 of this title.

Chapter 17.32

C-G GENERAL COMMERCIAL DISTRICT

Sections:

- 17.32.010 Intent.
- 17.32.020 Permitted uses.
- 17.32.030 Conditional uses.
- 17.32.040 Prohibited uses.
- 17.32.050 General conditions.
- 17.32.060 Building height limit.
- 17.32.070 Lot areas.
- 17.32.080 Parking.

17.32.010 Intent. The C-G district is established as a district in which the principal use of land is for commercial enterprises to provide for commercial enterprises which serve the needs of a large population and a large land area, and to provide

a centralization of service by allowing heavier uses.

17.32.020 Permitted uses. Permitted principal uses in C-G district are:

1. Any use permitted in the limited commercial district
2. Motels, hotels;
3. Bar, cocktail lounge, liquor and beer sales;
4. Drive-in cafe or restaurant;
5. Private club or fraternal, religious or philanthropic associations and union hall;
6. Home appliance, electrical or electronic equipment, instrument, medical appliance, office equipment, plumbing equipment and store fixture sales, service and repair;
7. Hardware store, general merchandise, pet shop;
8. Surplus or second-hand store, pawnshop;
9. Department store, furniture and household goods, sale and repairing, glass and mirror sales, paint, flooring;
10. Tailor shop or furriers;
11. Blueprinting and photostating, engraving, photo developing, print shop, publishing, rubber stamp or sign painting;
12. Beauty or business college and studio or school of art design, dancing, drama, modeling or photography;
13. Collection or employment agency, janitor service, taxicab vending machines;
14. Dental laboratory, funeral parlor, mattress repair, taxidermy or upholstering;
15. Telegraph or telephone office or travel agency;
16. Radio and TV studios;
17. Veterinarian clinic, except no boarding of animals;
18. Nursery and Christmas tree sales;
19. Billiard hall, bowling alley or theater;
20. Utility substation;
21. Motorcycle, boat and bicycle sales, parts and service;
22. Auto parts;
23. Service station, tire sales and service, battery sales;
24. Automobile and farm machinery sales; provided, that open area used for the incidental repair of automobiles or machinery is located not less than seventy feet from the front lot line nor less than twenty-five feet from any other street lot line unless such incidental repair is conducted and wholly confined within a building;
25. Garages including automobile repairing, painting, body and fender, or upholstering if all operations are conducted wholly within a completely enclosed building. If adjoining any other district, it shall have no openings other than stationary windows facing the R district;
26. Recreational vehicle and units, modular housing units, mobile homes, trailer repair and supporting parts and accessories sales; provided: that any open area used for the incidental repair of boats, automobiles, recreational vehicles and units, modular housing units, and mobile homes and trailers is located not less than seventy feet from the front lot line nor less than twenty-

feet from any other street line, unless such incidental repair is conducted and wholly confined within a building;

27. Tool and light equipment rental;

28. Accessory uses customarily incidental to any of the above uses.

17.32.030 Conditional uses. Uses which may be permitted in the C-G district by obtaining a conditional use permit are:

A. Mobile home courts;

B. Laundry and linen supply service, dry-cleaning businesses;

C. Propane or butane service;

D. Car washes;

E. Crematory;

F. Welding service and supplies;

G. Mental Health Facility.

17.32.040 Prohibited uses. Prohibited uses and structures in the C-G district are all uses and structures not specified as permitted outright, including:

A. Parking or storage of heavy equipment, such as tractors, graders or trucks;

B. Manufacturing, compounding, processing or treatment of products except that which is clearly incidental and essential to the retail or wholesale store or business.

17.32.050 General conditions. 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.

17.32.060 Building height limit. The maximum building height shall be fifty feet above grade.

17.32.070 Lot areas. Lot areas shall be as follows:

A. Minimum lot width: sixty feet;

B. Minimum lot area:

1. Minimum lot area: seven thousand two hundred square feet;

2. Buildings erected after January 17, 1978 and used wholly for purposes permitted in any R district shall comply with the lot area and setback requirements of the R-2 district, 17.24.060;

3. Setback requirements, commercial uses:

a. Front yard: none,

b. Rear yard: none,

c. Side yard: none, except every lot which is not bounded by an alley and is bordering on property in any of the R districts.

17.32.080 Parking. Parking requirements shall meet the requirements of 17.64.010 through 17.64.030 of this title.

Chapter 17.36

I INDUSTRIAL DISTRICT

Sections:

- 17.36.010 Intent.
- 17.36.020 Permitted uses.
- 17.36.030 Conditional uses.
- 17.36.040 Building height limit.
- 17.36.050 Lot area.
- 17.36.060 Parking.

17.36.010 Intent. The I district is intended to apply areas where land is best used for industrial purposes. Regulations in this district are intended to permit a wide range of industrial and heavy commercial use and to discourage land uses which might preempt land which is best used for current or future industrial and heavy commercial development. The specific intent in establishing this district is:

- A. To provide for use of the land for heavy commercial moderate industrial uses;
- B. To prohibit any residential use of the land;
- C. To concentrate the industrial and heavy commercial use within a given area to protect residential areas from noxious noisy operations.

17.36.020 Permitted uses. Permitted principal uses structures in the I district are:

1. Airplane repairing or reconditioning;
2. Assaying, cabinet shop, chemical laboratory, sash door mill or assembly of music, candy, and vending machines;
3. Auction business;
4. Battery manufacture, boat building, iron work (or metal), machine shop, die casting or electroplating;
5. Bottling plant, brewery, packing house (vegetable fruit) or wholesale business;
6. Petroleum products storage, service and distribution station, paint storage or paint manufacture;
7. Dry-cleaning and dyeing plant, laundry, linen supply business and rug and carpet cleaning;
8. Cold storage lockers, meat and seafood processing plant;
9. Egg candling and grading, feed grain and hay scales grain storage;
10. Automobile painting, upholstering, rebuilding, reconditioning, motor exchange, body and fender work;
11. Utility substations;
12. Refrigeration maintenance and repair, steam cleaning welding service and supplies;
13. Pipe and pole storage;
14. Radio or TV transmitter and/or studios;
15. Assembly of electrical appliances, electronic instruments.

ments and devices, radios and phonographs, including the manufacture of small parts such as coils and transformers;

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, vinegar, yeast, fish and meat products, and the rendering or refining of fats and oils;

17. The manufacture of music and scientific instruments, optical goods, cameras, jewelry, small auto accessories, trailers, mobile homes, prefabricated housing modules or units in the manufacture of similar goods;

18. The manufacture of pottery, figurines or other ceramic products;

19. 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;

20. Industrial hardware store;

21. Heavy tool and equipment rental;

22. Warehousing of manufactured products;

23. Lumberyard, building material manufacture or sales yards;

24. Septic tank pumping business;

25. Freighting, transportation or trucking yard or terminal, railroad and motor freight terminals;

26. Industrial air and gas products;

27. Culvert fabrication;

28. Other comparable uses.

17.36.030 Conditional uses. A. The following uses may be permitted by obtaining a conditional use permit:

1. Concrete and concrete products manufacture;

2. Coal yard;

3. Contractor's equipment yard;

4. House moving business;

5. Sewage treatment plants;

6. Industrial planned unit development;

7. Airport and heliports;

8. Slaughterhouses;

9. Uses and structures which are determined by the commission to be potentially noxious or injurious to other properties by reason of production or emission of excessive dust, smoke, refuse matter, odor, gas fumes, noise, vibration or similar substances or conditions:

10. Quarters for caretaker, guard or other persons whose permanent residency on the premises is required for operational safety, or protective purposes or as quarters or accommodations for persons engaged in certain industrial operations whose residency in the vicinity satisfies conditions or requirements of the work.

B. The following uses may be permitted by obtaining a conditional use permit, and must be in an area enclosed on all sides by a solid wall or painted wood fence not less than six feet in height;

1. Salvage, wrecking or junk yard;

2. Truck or road equipment maintenance and repair.

17.36.040 Building height limit. The maximum building height shall be three stories or fifty feet above grade.

17.36.050 Lot area. Lot area shall be as follows:

A. Minimum lot area: seven thousand two hundred square feet. Minimum lot width: sixty feet.

B. Setback requirements. All buildings and structures must be set back twenty-five feet from any public right-of-way and from any lot line adjoining a residential district.

17.36.060 Parking. Parking requirements shall meet the requirements of 17.64.010 through 17.64.030 of this title.

Chapter 17.40

P PUBLIC USE DISTRICT

Sections:

- 17.40.010 Intent.
- 17.40.020 Permitted uses.
- 17.40.030 Conditional uses.
- 17.40.040 Building height limit.
- 17.40.050 Commission approval
- 17.40.060 Lot areas.
- 17.40.070 Parking.

17.40.010 Intent. The P district is established as a district in which the use of land is for public buildings and the certain lands be reserved and protected for compatible public uses. The specific intent established for this district is:

- A. To reserve land for future municipal use;
- B. To permit public parks, playgrounds, swimming pools and other recreational uses or buildings, including community or social buildings.

17.40.020 Permitted uses. Permitted principal uses and structures in the P district are:

- A. Public buildings;
- B. Playgrounds, parks and greenbelts;
- C. Other compatible uses.

17.40.030 Conditional uses. The following uses may be permitted by obtaining a conditional use permit:

- A. Fairgrounds and convention facilities;
- B. Museums, historic and cultural exhibits and the like;
- C. Commercial recreational facilities open to the general public;
- D. Hospitals, mental health facilities, sanitariums, residential care facilities, nursing homes, convalescent homes;

homes for the aged and the like;

- E. Cemeteries;
- F. Campgrounds;
- G. Utility substations;

H. Accessory uses which are necessary or desirable adjuncts to permitted principal uses, where such accessory uses are under the management or control of the organization or agency responsible for the permitted principal use.

17.40.040 Building height limit. The maximum building height shall be fifty feet above grade lines.

17.40.050 Commission approval. Prior to the approval of the building or structure, the commission shall receive, review and approve:

- A. Plot plans;
- B. Architectural design;
- C. Rear yards;
- D. Front yards;
- E. Side yards;
- F. Off-street parking;
- G. Conformance to the city and the Borough Comprehensive Plans.

17.40.060 Lot areas. Lot area shall be as follows:

- A. Minimum lot area: seven thousand two hundred square feet;
- B. Minimum lot width: sixty feet;
- C. Setback requirements as determined by the commission, consistent with the setback requirements of the adjoining property.

17.40.070 Parking. Parking requirements shall meet the requirements of 17.64.010 through 17.64.030 of this title.

Chapter 17.41 - 17.59

RESERVED

Chapter 17.60

GENERAL DISTRICT REGULATIONS

Sections:

- 17.60.010 Application of regulations.
- 17.60.020 Conformity of building and land uses.
- 17.60.030 Conformity of open spaces.
- 17.60.040 Buildings to have access.
- 17.60.050 Projections into required yards.
- 17.60.060 Distance between buildings.
- 17.60.070 Fences and walls.
- 17.60.080 Future street width lines.

17.60.010 Application of regulations. The regulations set out in this title within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure on land, except as hereinafter provided.

17.60.020 Conformity of building and land uses. After January 17, 1978, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations specified in this title for the district in which it is located, as shown on the official zoning map.

17.60.030 Conformity of open spaces. A. No part of a yard, other open space, or off-street parking or loading space required in Chapter 17.64 or in connection with any building for the purpose of complying with this title shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

B. No yard or lot existing as of January 17, 1978, shall be reduced in dimension or area below the minimum requirements set forth in this title. Yards or lots created after January 17, 1978, shall meet at least the minimum requirements established by this title.

17.60.040 Buildings to have access. Every building shall have access on a lot abutting on a public street, an accessible public waterway, or a private street approved by the commission.

17.60.050 Projections into required yards. Projections into required yards of both principal and accessory structures shall be prohibited except as follows:

A. Paved terraces may project into required front, side or rear yards, provided that no structures placed there violate other requirements of this title.

B. Unroofed landings and stairs may project into required rear yards only.

C. Cornices, eaves and similar incidental architectural features may project not more than two feet into any required yard.

D. An accessory building not exceeding fourteen feet in height may be permitted to occupy a rear yard, provided that no more than one-third of the total area of such rear yard shall be occupied.

E. Every building erected after January 17, 1978, shall be located on a lot as defined in 17.08.255.

F. In residential districts, an enclosed porch or arched entry, including their roofs, may project into a required front or rear yard not more than five feet if the enclosed porch or arched entry is no larger than thirty-five square feet of gross floor area and there is no other practicable location for such an entrance to the structure. This provision is restricted to dwellings constructed before January 1, 1986.

17.60.060 Distance between buildings. A detached dwelling or other main building shall be at least twenty feet from any other detached dwelling or main building on the same building site.

17.60.070 Fences and walls. 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 fifty percent 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 zoning administrator approving the necessity for and type of retaining wall.

17.60.080 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 title, minimum future width lines are established for certain streets and highways based upon the street and highway plan of the comprehensive plan. After January 17, 1978, 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 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 established and shall be determined by measuring one-half the prescribed distance from the centerline of such street:

Street or Road	Future Width
Arctic Avenue	100 feet
Alaska Street--Arctic Ave. to Evergreen	86 feet
W. Evergreen Avenue	86 feet
Colony Way--South of W. Evergreen	86 feet
Fireweed Ave.--Colony Way to S. Chugach	86 feet
S. Chugach St. to E. Elmwood	86 feet
S.Cobb St. to W. Blueberry	60 feet
N. Alaska St.--North of Arctic Ave.	60 feet
S. Gulkana St.	60 feet
E. Fireweed Ave.--S. Chugach to S. Gulkana	60 feet
E. Evergreen Ave.	60 feet
E. Dahlia Ave.	60 feet
E. Cottonwood Ave.--E. from S. Gulkana	60 feet

Eagle Avenue	60 fee
S. Bailey St.--S. from W. Dogwood	60 fee
W. Dogwood Ave.	60 fee
W. Dahlia Ave.	60 fee
W. Elmwood Ave. and W. Fireweed Ave., S. Cobb St. to S. Colony Way	60 fee

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

S. Valley Way--E. Fireweed to E. Cottonwood	60 fee
S. Valley Way--E. Cottonwood to E. Arctic	40 fee
N. Colony Way & N. Valley Way--N. of Arctic	40 fee

Chapter 17.64

OFF-STREET PARKING AND LOADING

Sections:

- 17.64.010 Space required.
- 17.64.020 Development requirements.
- 17.64.030 General conditions.
- 17.64.040 Off-street loading.

17.64.010 Space required. There shall be provided, at time of the construction of any building, permanently maintain free, off-street parking facilities for the use of occupant employees or patrons of such building. It shall be the joint responsibility of the owner and/or occupant of any main building structure to thereafter maintain the following minimum, free off-street parking facilities, and shall meet reasonable square-foot standards as determined by the zoning administrator and commission:

Use	Parking Spaces Required
Single-family	2 per each dwelling unit
Multifamily units	2 per each dwelling unit
16 or more dwelling units	2 per each dwelling unit
Rooming houses or boardinghouses	1 parking space for each dwelling unit or guest room
Motels	1 per each guest room
Hotels	1 per each 3 guest rooms
Hospital, nursing, convalescent homes	1 public parking space for each 4 beds based on the maximum capacity
Churches, auditoriums, theaters, and similar enclosed places assembly	1 public parking space for each 5 seats based on the maximum seating capacity 3 per 200 sq. ft. of floor area

Warehouses, storage and whole-sale business	area 1 public parking space for each 2000 sq. ft. of floor area but not less than 3 spaces
Service stations, repair garages	3 spaces plus 4 spaces for each vehicle repair bay
Swimming pools	1 per 4 persons based on pool capacity
Manufacturing uses: industrial, research, testing, processing, assembling, all industries	1 per 400 sq. ft. gross floor area, except that office space shall provide parking as required for offices
Schools	A minimum of 8 per school. When an auditorium, gym or assembly area is available, one additional space for each 5 seats in the auditorium
Eating or drinking establishments	1 public parking space for each 5 seats based on maximum seating capacity
Post office	1 per 100 sq. ft. of floor space
Dance hall, bowling alley or skating rink	1 space for each 200 sq. ft. of floor area
Bank, office building, professional	1 parking space for each 300 sq. ft.
Retail store or business	1 parking space for each 500 sq. ft. of floor area
Launderette	1 space for each 250 sq. ft. of floor area

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 zoning administrator is deemed most similar.

17.64.020 Development requirements. Plans for all parking and loading areas shall accompany the building plans when the application for a 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;
- E. Lighting;
- F. Landscaping plans which shall, at a minimum, occupy five percent of the parking area and the first five feet from the front property line.

17.64.030 General conditions. A. An uncovered private parking area may occupy any yard required by this title.

B. All parking spaces provided shall be on the same lot as the main building it serves or an abutting lot, except that the commission, by conditional use, may permit the parking spaces to be on any lot within two hundred feet of the building if it determines that it is impracticable to provide parking on the same or abutting lot.

C. 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 the required facilities for any other use.

D. Spaces which only meet the requirements of one establishment may serve more than one establishment on the same parking lot; provided, that sufficient evidence is presented which shows that the normal hours of operation of such establishments do not overlap.

E. No existing parking area and no parking area provided for the purpose of complying with the provisions of this title shall after January 17, 1978, be relinquished or reduced in any manner below the requirements established in this title.

F. Every lot or parcel of land used as a public parking area shall be developed as follows, subject to the approval of the plan of the zoning administrator.

1. Such area shall be paved or otherwise adequately and satisfactorily surfaced and shall have appropriate bumper guards.

2. Where such area adjoins the side of a lot in a residential 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. The fence or hedge shall be maintained in good condition and shall comply with the requirements of 17.60.070.

3. Any lights provided to illuminate such parking area shall be so arranged as to reflect the light away from adjoining premises and streets.

G. Any parking or storage area used for or incidental to automobile or mobile home sales, storage or service shall be paved or otherwise adequately surfaced so as to be dust proof.

H. The public or semipublic parking, storage or drive-in areas of any type drive-in business or service in connection with any use in commercial or planned unit development districts shall be paved or otherwise adequately or satisfactorily surfaced so as to be dust proof.

I. Access to off-street parking areas used for commercial or industrial purposes shall be designed to prohibit access to a residential street or alley way.

17.64.040 Off-street loading. A. All uses involving the receipt of or distribution of materials or merchandise by vehicle shall provide and maintain sufficient off-street loading space on the premises so as not to obstruct the freedom of traffic movement on public streets or alleys.

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B. 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 fifteen feet wide or twenty-five feet long with a fourteen foot height clearance and shall have access to an alley or street.

Chapter 17.68

NONCONFORMING USES AND STRUCTURES

Sections:

- 17.68.010 Intent.
- 17.68.020 Extension and enlargement.
- 17.68.030 Nonconforming lots of record.
- 17.68.040 Nonconforming uses of land.
- 17.68.050 Nonconforming structures.
- 17.68.060 Nonconforming uses of structures and premises in combination.
- 17.68.070 Nonconforming parking, loading or other characteristics of use.
- 17.68.080 Repairs and maintenance.

17.68.010 Intent. A. Within the districts established by this title and amendments that may later be adopted, there exist incompatible lots, structures, uses of land and structures and characteristics of use which were lawful before January 17, 1978, but which would be prohibited, regulated or restricted under the terms of this title or future amendments.

B. It is the intent of this title to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this title that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

17.68.020 Extension and enlargement. A. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not extend or enlarge after January 17, 1978, by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses.

B. To avoid undue hardship, 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 January 17, 1978, and upon which actual building construction has been diligently carried on. "Actual construction"

is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Except where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction; provided, the work shall be diligently carried on until completion of the building involved. In no event shall the time of such construction exceed a period of one year except for a demonstrated cause approved in writing by the Commission.

17.68.030 Nonconforming lots of record. A. In a district in which single-family dwellings are permitted notwithstanding limitations imposed by other provisions of this title, a single-family dwelling and customary accessory building may be erected on any single lot of record as of January 17, 1978. 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 district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

B. If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record as of January 17, 1978, and if all or part of the lots do not meet the requirements for lot width and area as established by this zoning code, the lands involved shall be considered to be an undivided parcel for the purposes of this zoning code and any portion of said parcel shall be used which does not meet lot width and area requirements established by this zoning code, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this zoning code.

17.68.040 Nonconforming uses of land. Where, as of January 17, 1978, a lawful use of land exists that is 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 as of January 17, 1978, unless such use is changed to a use permitted in the district in which such use is located.

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 as of January 17, 1978.

C. If any such nonconforming use of land ceases for a period of more than sixty (60) consecutive days, a subsequent use of such land shall conform to the regulations specified by this title for the district in which such land is located.

D. No additional structure which does not conform to the requirements of this title shall be erected in connection with such

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nonconforming use of land.

17.68.050 Nonconforming structures. Where a lawful structure exists as of January 17, 1978, 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, but any structure or portion thereof may be altered to decrease its nonconformity.

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

C. Should such a structure be destroyed by any means to an extent less than sixty percent and more than fifty-five percent of its assessed value, it may be restored only upon application for variance to the Commission.

D. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

17.68.060 Nonconforming uses of structures and premises in combination. If a lawful use involving individual structures, or of structure and premises in combination, exists as of January 17, 1978, that would not be allowed in the district under the terms of this title, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No existing structure devoted to a use not permitted by this title in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district 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 this chapter, but no such use shall be extended to occupy any land outside such buildings.

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

D. When a nonconforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six consecutive months or for eighteen months during any three-year period, except when government action impedes access to the premises, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the districts in which it is located.

E. Where nonconforming use status applies to a structure on premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land unless the land itself is in a nonconforming use. "Destruction," for purpose of this subsection, means damage to an extent of more than sixty percent of the assessed value of the structure at the time of destruction.

17.68.070 Nonconforming parking, loading, or other characteristics of use. If the characteristics of a use, such as off-street parking, off-street loading or other matters required by this title in relation to specified uses of land, structures, or premises, are not in accord with the requirements of this title, a change shall be made in such characteristics of use which increase nonconformity with such requirements. Change will be permitted in the direction of conformity to the requirements of this title.

17.68.080 Repairs and maintenance. On any building devoted in whole or in part to any nonconforming use, work may be done during any period of twelve consecutive months on ordinary repairs, or repair or replacement of non-bearing walls, fixtures, wiring, plumbing, to an extent not exceeding twenty percent of the current assessed value of the building; provided that the cubic volume of the building as of January 17, 1978 shall not be increased.

Chapter 17.72

CONDITIONAL USE PERMITS

Sections:

- 17.72.010 Intent.
- 17.72.020 Application and fee.
- 17.72.030 Site plan.
- 17.72.040 Public hearing.
- 17.72.050 Standards for a conditional use permit.
- 17.72.060 Conditions and requirements.
- 17.72.070 Commission action.
- 17.72.080 Appeal to a Hearing Examiner.

17.72.010 Intent. It is recognized that there are certain uses which are generally considered appropriate in certain zoning districts, provided that controls and safeguards are applied to insure their compatibility with permitted principal uses. The conditional uses are specified within this title. The conditional use permit procedure is intended to allow commission consideration of the impact of the proposed conditional use on surrounding property and the application of controls and safeguards to assure that the conditional use will be compatible with the surrounding area.

17.72.020 Application and fee. A. A request for a conditional use or modification of an existing conditional use may be initiated by a property owner or his authorized agent.

B. Application for a conditional use or modification shall be by a written request addressed to the commission and shall include:

1. The legal description of the property involved;
2. A statement of the proposed use;
3. A site plan conforming to 17.72.030; and
4. A non-refundable fee of two hundred fifty dollars, payable to the city.

17.72.030 Site plan. A detailed site plan showing the proposed location of all buildings and structures on the site, access points, drainage, vehicular and pedestrian circulation patterns, parking areas and the specific location of the use or uses to be made of the development shall be submitted with the application, together with other information as may be required to comply with the standards for a conditional use listed in this title and in other pertinent sections of this title.

17.72.040 Public hearing. The commission shall hold a public hearing within sixty days after the filing of the application. The zoning administrator shall give notice of hearing as specified in 17.80.030.

17.72.050 Standards for a conditional use permit. In granting a conditional use permit, the commission must make the following findings:

- A. That the conditional use will preserve the value, spirit, character and integrity of the surrounding area;
- B. That the conditional use fulfills all other requirements of this title pertaining to the conditional use in question;
- C. That granting the conditional use permit will not be harmful to the public health, safety, convenience and comfort;
- D. That sufficient setbacks, lot area, buffers, or other safeguards are being provided to meet the conditions;
- E. If the permit is for a public use or structure, the commission must find that the proposed use or structure is located in a manner which will maximize public benefits.

17.72.060 Conditions and requirements. In recommending the granting of a conditional use, the commission shall stipulate in writing requirements which it finds necessary to carry out the intent of this title. These stipulations may increase the required lot or yard size, control the location and number of vehicular access points to the property, require screening and landscaping where necessary to reduce noise and glare, and maintain the property in a character in keeping with surrounding area, or impose other conditions and safeguards designed to insure the compatibility of the conditional use with other uses in the district.

17.72.070 Commission action. A. The commission shall render a decision on the application for conditional use permit within forty-five calendar days from the date of public hearing.
B. The zoning administrator shall incorporate any conditions and requirements stipulated by the commission in the conditional use permit.

17.72.080 Appeal to Hearing Examiner. The commission action may be appealed to the Hearing Examiner by any party including but not limited to a city official. Right of appeal is forfeited unless the appeal is filed within twenty days of the commission's decision.

Chapter 17.76

VARIANCES

Sections:

- 17.76.010 Intent.
- 17.76.020 Requirements for a variance.
- 17.76.030 Cases where a variance is illegal.
- 17.76.040 Initiation of a variance request.
- 17.76.050 Public hearing.
- 17.76.060 Conditions.
- 17.76.070 Hearing Examiner's decision.
- 17.76.080 Record of variances.
- 17.76.090 Termination of variances.
- 17.76.100 Right of appeal.

17.76.010 Intent. It is recognized that there are special cases where:

- A. Owing to governmental action, or
- B. Unusual physical features of a particular property such that strict application of the zoning regulations would render the property unusable or create unreasonable hardship. Variances are intended to allow a relaxation of the terms of this title in such cases.

17.76.020 Requirements for a variance. In order to grant a variance the Hearing Examiner must find that each of the following requirements have been met:

- A. That there are unusual circumstances applying to the property that do not apply generally to other properties in the same vicinity and that the problem of the applicant is not the result of his own action;
- B. That strict interpretation of this title would deprive the applicant the rights commonly enjoyed by other properties in the same district under the terms of this title;
- C. That the authorization of the variance will not be injurious to nearby property nor harmful to the public welfare;

D. That the granting of the variance will be in harmony with the objectives of this title and of the comprehensive plans; and
E. That the application is due to unusual lot shape, topographic condition or governmental action or regulations which render the property unusable.

17.76.030 Cases where variance is illegal. In accordance with State law, no variance shall be granted because of conditions caused by actions of the applicant or for reasons of financial hardship or inconvenience, nor shall a variance be granted which will permit a land use in a district in which that use is prohibited.

17.76.040 Initiation of a variance request. A. A request for a variance may be initiated by the property owner or his authorized agent.

B. Application for a variance shall be by a written request addressed to the commission and shall include:

1. The legal description of the property involved;
2. The ordinance sections for which the variance is requested;
3. The reasons for the variance;
4. Any plans or documents pertinent to the request; and
5. A non-refundable fee of two hundred fifty dollars, payable to the city.

C. The applicant shall bear all costs and fees of the Hearing Examiner relevant to the request. These costs and fees are in addition to the filing fee.

17.76.050 Public hearing. The Hearing Examiner shall hold a public hearing on all variances. The Clerk shall give notice of the public hearing in the manner described in 17.80.030.

17.76.060 Conditions. In granting a variance, the Hearing Examiner may prescribe conditions and safe-guards to assure conformity with the purposes of this title.

17.76.070 Hearing Examiner's decision. The Hearing Examiner shall render a decision on the application for the variance within thirty calendar days from the date of the public hearing.

17.76.080 Record of variances. The city zoning administrator shall keep a record of all variances.

17.76.090 Termination of variances. Any variance granted shall become null and void if:

- A. The variance is not exercised within one year after being granted;
- B. Any structure or characteristic of use permitted by variance is moved, removed or discontinued.

17.76.100 Right of appeal. The Hearing Examiner's decision

may be appealed as provided for by law.

Chapter 17.80

AMENDMENTS

Sections:

- 17.80.010 Initiation procedure.
- 17.80.020 Report by commission.
- 17.80.030 Public hearings.
- 17.80.040 Council action.
- 17.80.050 Record of zoning map changes.
- 17.80.060 Property owner's protest.
- 17.80.070 Map changes.
- 17.80.080 Comprehensive plan.

17.80.010 Initiation procedure. A zoning map amendment or zoning ordinance amendment may be initiated by:

- A. The Council;
- B. The Commission;
- C. The Borough Assembly;
- D. The Borough Planning Commission;
- E. Any department or agency of the city or Borough;
- F. An individual, corporation or agency other than those listed in subsections A through E of this section, subject to the following conditions:

1. For zoning map amendment, the owner or owners of a majority of the land, within the property area of change, must submit a written request for amendment;

2. For an amendment to the text of the zoning ordinance, any owner of real property within the city may request the commission or the Council to initiate an amendment to the code.

G. Any request for a map or text amendment shall be in the form of a written request addressed to the commission and shall include the following:

1. For map amendment the legal description of the parcels involved, the desired zoning classification and reasons for the proposed change;

2. For text amendment the ordinance sections involved, the recommended revisions and the reasons for the proposed change;

3. And, a non-refundable fee of \$250 payable to the city.

17.80.020 Report by Commission. A. Before any proposed zoning changes may be acted upon by the Council, the commission shall hold a public hearing in accordance with 17.80.030 and shall recommend the proposed change and make a written report to the Council on the commission's decision within sixty calendar days of receipt of the amendment request.

B. The report of the commission shall give consideration to the following:

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to what effect the proposed change would have on the public health, safety, welfare and convenience, and show whether:

1. The proposed change would be contrary to the goals, objectives and criteria established in the Borough and city comprehensive plans;
 2. The proposed change is contrary to the established land use pattern;
 3. The proposed change would create an isolated district unrelated to adjacent and nearby districts;
 4. The proposed change would materially alter the population density pattern and thereby increase or overtax the load on public facilities such as schools, utilities, streets, and similar facilities;
 5. Existing district boundaries are illogically drawn in relation to existing conditions on the property proposed for change;
 6. Changed or changing conditions make the passage of the proposed amendment necessary;
 7. The proposed change will adversely influence living conditions in the neighborhood;
 8. The proposed change will create or excessively increase traffic congestion or otherwise affect public safety;
 9. The proposed change will create a drainage problem;
 10. The proposed change will seriously reduce light and air to adjacent areas;
 11. The proposed change will adversely affect property values in the adjacent area;
 12. The proposed change will be a deterrent to the improvement or development of adjacent property in accord with existing regulations;
 13. The proposed change will constitute a grant of special privilege to an individual owner as contrasted with the public welfare;
 14. There are substantial reasons why the property cannot be used in accord with existing zoning;
 15. The change suggested is out of scale with the needs of the neighborhood or the city;
 16. It is impossible to find other adequate sites in the city for the proposed use in districts already permitting such use.
- C. The report shall include a summary of the comments heard at the public hearing.

17.80.030 Public hearings. A. Before the commission may act on a proposal for amendment to the zoning map or text of the planning and zoning ordinance, the zoning administrator shall give notice of the public hearing in the following manner:

1. By publication of a notice in a newspaper of general circulation within the city not less than five days nor more than twenty days prior to the date of hearing.
2. For zoning map amendments, additional notice shall be given by sending notices by first class mail at least five days but not more than twenty days prior to the date of hearing to the

property owners within three hundred feet of the exterior boundaries of the property involved, using for this purpose the names and addresses of owners as shown in the records of the Borough Tax Assessor. Where all property located within three hundred feet of the exterior boundaries of the property involved is under the same ownership, owners of all property abutting that of the same ownership shall be notified in the manner provided in this section.

B. Failure to send notices to persons specified in this section or failure of a person to receive a notice shall not invalidate the proceedings.

17.80.040 Council action. A. Upon recommendation and adoption of a zoning amendment by the commission, the city Clerk shall cause an ordinance to be prepared setting forth the details of the proposed amendment. Such ordinance shall be introduced at a regular or special meeting of the Council and a date for a public hearing established. The city Clerk shall give notice of the public hearing in accordance with the procedures of 17.80.00. Notice of the public hearing given to the property owners described in 17.80.080 A 2 shall include a description of the protest right established by 17.80.060.

B. If the commission recommends denial of any proposed amendment, that decision shall be final unless the initiating party, within twenty days of the denial decision, files a written statement with the city Clerk requesting that the amendment be reconsidered by the Council in accordance with the procedures of this section.

C. The Council may adopt by ordinance an amendment to an official map including the entire proposed area or a lesser included area; provided, however, such amendment must be in accordance with the adopted comprehensive plan and this title. The Council shall render its decision on an amendment within thirty (30) days after the conclusion of the public hearing, unless such time limit is extended by common consent and agreement by both the petitioners and the Council.

D. For map and text amendments, the decision of the Council shall be final.

17.80.050 Record of zoning map changes. All ordinances changing district boundaries shall be numbered consecutively. Such changes of zone boundaries shall be filed with and indexed in the city Clerk's office and shall be noted on the zoning map specified in this title.

17.80.060 Property owner's protest. If there is a protest against a zoning map amendment signed by the property owners of twenty percent or more of the area proposed for rezoning, or by owners of twenty percent or more of the area immediately abutting the proposed rezoning, or separated from it by an alley or street, the amendment shall not become effective except by the favorable vote of five-sevenths of all the members of the Council.

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17.80.070 Map changes. A. If, in accordance with the provisions of this title, changes are made in district boundaries or other matter portrayed on the zoning map, such changes shall be entered on the zoning map by the date the amendment becomes effective.

B. The land area affected by the amendment shall be shown on the map and the change identified by a serial number. An entry shall be made in tabular column on the map recording the serial number of the amendment, the ordinance number, the date of adoption of the ordinance, together with the signature of the Clerk attesting the recording of the change. No such change shall become effective until such entry has been made on the zoning map.

17.80.080 Comprehensive plan. The comprehensive development plan for the city is part of the comprehensive development plan of the Borough and, as such, any change in the goals, policies, objectives, criteria, standards or elements within such plan will require the review by the Borough Planning Commission and adoption by the Borough Assembly. All amendments to the zoning map or ordinance must be in accordance with the comprehensive development plan.

Chapter 17.84

PLANNED UNIT DEVELOPMENT (PUD)

Sections:

- 17.84.010 Intent.
- 17.84.020 Permitted locations.
- 17.84.030 Site area.
- 17.84.040 Permitted uses.
- 17.84.050 Standards and criteria.
- 17.84.060 Informal review.
- 17.84.070 Formal review.
- 17.84.080 Contents of application.
- 17.84.090 Action on preliminary plan application.
- 17.84.100 Action on final PUD plan.
- 17.84.110 Permissive variations.
- 17.84.120 Minor adjustments.
- 17.84.130 Density bonus and parking reduction.
- 17.84.140 Common open space and facilities.

17.84.010 Intent. The intent of the Planned Unit Development (PUD) conditional use process is to:

A. Permit flexibility in design, placement of buildings, and use of open spaces, including modification in requirements for lot frontage, building setbacks, and design of circulation facilities to best use site potentials afforded by special features of geography, topography, size, or shape; and

B. Encourage creative approaches in land development that will result in a more efficient, aesthetic, and desirable en-

vironment in harmony with that of the surrounding area, while the same time providing a slightly higher population density increased intensity of use than is permitted in the zone in which the project is located. Appropriate mixing of uses and alternative approaches to development are permitted through the process.

17.84.020 Permitted locations. A. Planned Unit Development projects may be approved only in R-1, R-2 and C zones.

B. The site must abut, and the major internal street serving the Planned Unit Development project must be directly connected to a public road which has been improved, established, and maintained by the city, Borough, or State.

C. In the R-1 district, commercial uses must front on a major arterial, arterial or commercial street.

17.84.030 Site area. The required minimum area for a Planned Unit Development is eighty thousand square feet. The minimum area may be waived if a Planned Unit Development is used to facilitate redevelopment in a downtown redevelopment area, as described in the city Comprehensive Development Plan.

17.84.040 Permitted uses. In a residential, nonresidential or mixed land use PUD, various land uses may be permitted, subject to conditions, if such uses are deemed by the commission to be appropriate in furtherance of the goals of the city Comprehensive Development Plan. The following uses may be permitted in a Planned Unit Development:

A. One-family, two-family, and multifamily residences;

B. Commercial uses as may be specifically and selectively authorized;

C. Recreational facilities including, but not limited to, tennis courts and playgrounds;

D. Schools, libraries, public buildings and community halls;

E. Shopping malls;

F. Any permitted or conditional use in the underlying zoning.

17.84.050 Standards and criteria. All standards established in 17.72.050 for approval of a conditional use and the following must be met:

A. Each development must provide space for private use and reasonable visual and acoustical privacy for dwelling units on and off the site. Mitigating measures may include fences, insulating walls, walks, barriers, and landscaping.

B. Building spacing, setbacks, lot coverage, and height must be designed to provide adequate provisions for natural light and air.

C. The PUD must be integrated with surrounding land uses to minimize any negative impacts on them.

D. The landscaping and grading plan must provide for the incorporation of suitable vegetation and provide for landscape treatment. The commission may require a surety bond to guarantee development and one year of maintenance of these improvements.

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E. The PUD must be shown not to overload the street system or result in unsafe access or danger to pedestrians and must be in conformance with the 1984 City of Palmer Traffic Study, prepared by Datum Engineering.

F. Parking and loading spaces must be adequate and safe for the proposed use and in conformance with the requirements of the underlying zone, unless a reduction is approved under 17.84.130 B.

G. The PUD must provide an attractive mix of designs, setbacks, elevations and floor plans. Generally, identical designs should not be proposed on adjoining lots.

H. All proposed improvements for roads, storm drains, sewer, water and sidewalks must meet the current standard specifications of the city.

17.84.060 Informal review. A proposed plan must first be submitted for informal review to the commission. The Borough Planning Department must be notified of the informal review so that a representative can be present. The plan must include the location, general layout of streets, parking areas, ingress and egress, building design and type of uses proposed. A written report on the proposed plan will be provided to the developer and the Borough which summarizes the concerns and recommendations of the commission.

17.84.070 Formal review. At any time within six months of the date of the commission report under 17.84.060, the applicant may file to initiate formal review of the PUD request. An application for preliminary PUD plan approval and for a conditional use permit must be filed on forms prescribed by the zoning administrator. The time for hearing, method, types of notice and the time period for decisions are as set out in 17.80.030.

17.84.080 Contents of application. An application for a PUD must include the following:

A. Ten copies of accurate site plans drawn to a scale of one inch to one hundred feet and topographic maps showing present and proposed contours at intervals of not more than two feet unless the zoning administrator requests plans at a different scale or maps with different contour intervals. The maps and plans must be of standard size format as required under the Borough Platting Code and show or contain:

1. Boundaries of the site;
2. The name and dimensions of all streets bounding or touching the site;
3. Proposed location and horizontal and vertical dimensions of all buildings and structures proposed to be located on the site;
4. Proposed location and dimensions of any private open space or trails within the site;
5. Proposed public dedications within the site;
6. Location, dimensions and design of off-street parking facilities showing points of ingress and egress;

7. The location, direction and bearing of any major features such as controlled intersections, public buildings and railroad tracts;

8. Proposed grading, drainage and landscaping plans

9. Existing and proposed utility systems including sewers, water, electric, gas and telephone lines;

10. An approved preliminary plat if a resubdivision of the site is required or proposed;

11. Surrounding zoning and land uses.

B. A statement of objectives to be achieved by the PUD through the particular approach proposed by the applicant. The statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant. The developer shall demonstrate that the PUD conforms to the purposes of the underlying district, the city Comprehensive Development Plan, and the approval criteria.

C. A proposed development schedule indicating the approximate dates when the development of the PUD or stages of the PUD are expected to begin and be completed. The PUD may include two or more phases of development provided that each phase must be developed successively and each succeeding phase is subject to the then current development standards of the city.

D. Quantitative data for the following: total number and type of dwelling units, proposed lot coverage of buildings and structures, approximate residential densities, total amount of nonresidential construction, the location and floor area of existing and proposed buildings, structures and other improvements, and preliminary architectural renderings of typical structures and improvements.

E. Any other material requested by the commission or the zoning administrator.

F. A non-refundable filing fee of two hundred fifty dollars.

17.84.090 Action on preliminary plan application.

A. Both in the written materials submitted with the application and at the hearing on the application, the burden of proof is on the applicant to show and justify how the proposed project meets the applicable approval criteria.

B. The zoning administrator shall transmit copies of the PUD plan to the city Fire and Public Works Departments, Borough Planning Department, and other appropriate agencies and utilities for their advice and comments. The comments must be sent to the zoning administrator no later than fifteen days before the date of the hearing on the PUD application.

C. After the public hearing, the commission may approve the PUD with conditions, or deny a PUD plan according to the plan's consistency with the city Comprehensive Development Plan and the regulations. The decision shall be in accordance with 17.72.010 through 17.72.080 and include written findings of fact to record the reasons for approval or denial. The city shall require the applicant to provide a construction agreement and a bond or surety to guarantee construction of proposed improvements.

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D. A decision of the commission may be appealed under 17.72.080 by any party and by a Borough or city official. The right of appeal is forfeited unless the appeal is filed with the city Clerk within twenty days of mailing of the commission's decision properly addressed to the applicant.

17.84.100 Action on final PUD plan. A. The applicant shall, within one year of the date of commission approval of the preliminary PUD plan, submit a final PUD plan of the proposed development to the zoning administrator, which must incorporate all the changes and conditions required by the commission.

B. The final PUD plan must include a mylar copy of all necessary maps and drawings. The zoning administrator shall recommend approval of the final PUD plan to the commission if the plan is substantially the same as the plan approved by the commission and all changes and conditions of the approval have been satisfactorily met.

C. If the final plan is not received within one year of the first approval of the preliminary plan, the approval of the preliminary plan expires and the applicant may renew consideration of the PUD project only by filing a new application under this chapter; except, the commission may grant one six-month extension of the deadline for final PUD plan submittal.

D. No permit of any nature may be issued by the city relating to the PUD project until the final PUD plans have been approved by the commission.

E. No activity may commence on the site in furtherance of the approved PUD or PUD phase until all construction guarantees have been posted with and approved by the city, any necessary final plat has been approved and recorded and a notice to proceed has been issued by the zoning administrator.

F. The PUD resulting from application of provisions of this section must be indicated on the official city zoning map and identified thereon by the symbol "PUD" with appropriate reference to the PUD plan and explanatory text.

17.84.110 Permissive variations. The commission may modify the setback standards and lot coverage requirements of the underlying zone or zones in which the project is located. However, all streets, paving, curbs, sidewalks, utilities, lights, and similar facilities must be developed according to city standards unless specifically waived by the commission upon recommendation of the city manager.

17.84.120 Minor adjustments. In issuing building permits for construction within a PUD, the zoning administrator may permit minor adjustments in location and dimensions of buildings, provided such adjustments may not exceed the permitted lot coverage or the total number of dwelling units authorized in the PUD, nor decrease the amount of parking facilities, nor permit buildings to be located closer to the site boundary line, nor change any points of ingress to or egress from the site. The developer must advise the

zoning administrator in writing of any and all minor adjustment
A record of any action under this section must be made a part
the final PUD plan by the zoning administrator.

17.84.130 Density bonus and parking reduction. A. The basic residential density is the maximum number of units per acre permitted within the underlying zone. Approval of the PUD may allow up to a maximum density bonus of 1.3 times the basic density. The term "net acre" means the site area minus the areas proposed for rights-of-way, private streets and utility easements.

B. Approval of the PUD may allow parking requirements for commercial uses in the downtown redevelopment area as designated in the Comprehensive Development Plan to be reduced up to twenty percent.

C. The commission may approve a density bonus, a parking reduction, or both if one or more of the following features are included in the PUD to fulfill the goals and objectives of the city Comprehensive Development Plan and the intent of the underlying district.

1. Recreation facilities such as, but not limited to playgrounds, bike and pedestrian pathways, tennis courts, basketball courts and picnic areas.

2. Fenced storage area for common use of the PUD occupants, adequate to store boats, trailers, snowmobiles, recreational vehicles and other appropriate items.

3. A design theme compatible with the surrounding neighborhood or in compliance with the Comprehensive Development Plan.

4. A part of the net development area of the Planned Unit Development as determined pursuant to paragraph A of this section is dedicated or reserved as common open space land.

5. Provisions for security and/or lighting in pedestrian areas which exceed current city standards.

17.84.140 Common open space and facilities. A. No open area may be accepted as common or public open space under the provisions of this chapter unless it meets the following standards:

1. The location, shape, size, and character of the common open space must be suitable for the planned development.

2. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development, considering its size, density, expected population topography, and the number and type of dwellings and uses to be provided.

3. Common open space must be suitably improved for its intended use, but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and the improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space having regard to its topography and

unimproved condition.

4. No more than one-half of the common open space area requirement may be fulfilled with land having slopes exceeding forty percent or with submerged, marshy, or boggy land.

5. If the final development plan provides for buildings, landscaping, structures, or other improvements in the common open space, the developer must provide a bond or other adequate assurance in accordance with 17.84.090 that such improvements will be completed. The city manager shall release the bond or other assurance when the improvements have been completed according to the development plan.

B. All land shown on the final development plan as common open space must be conveyed under one of the following options:

1. It may be conveyed to a public agency that will agree to maintain the common open space and any buildings, structures, or improvements which have been placed on it.

2. When no maintenance of the common open space is required, it may be conveyed to all new owners in undivided joint ownership.

3. When the land is not dedicated to a public agency and maintenance of the common space is required, an association for maintenance of the common open space must be established. Covenants establishing the association must be approved as to form by the city attorney and by the commission to ensure the covenants provide for maintenance of the common open space in a manner which assures its continuing use for its intended purpose.

4. Conveyance of common open space must be consistent with AS 34.07, the Horizontal Property Regime Act, and AS 34.08, the Uniform Common Interest Ownership Act.

Chapters 17.85 - 17.99

RESERVED