

Title 18

Zoning*

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*Ord. 98-07 replaces former Title 18 in its entirety

Chapter 18.04 PLANNING COMMISSION*

Sections:

- 18.04.010 Created-Officers.
- 18.04.020 Terms of members.
- 18.04.030 Powers and duties.

18.04.010 Created-Officers. A. There is created a city planning and zoning commission, which shall be called the Planning Commission and which shall consist of five members nominated by the Mayor and confirmed by the City Council. The Mayor and City Manager shall serve as *ex officio* members of the Commission and, as consultants, may attend all meetings but they shall have no vote.

B. A chairman and vice-chairman of the Commission shall be selected annually and shall be appointed from and by the appointive members. (Ord. 03-06)

18.04.020 Terms of members. The term of a member of the Commission is three years. Of the members first appointed, two shall be appointed for a three year term; two for a two-year term; and three for one year terms. Appointments to fill vacancies shall be for the unexpired term only.

18.04.030 Powers and duties. A. Advisory to City Council and Borough. The Commission shall sit as an advisory planning and zoning commission to the City Council and the Planning and Zoning Commission of the Borough.

B. Administration of Borough Ordinances. To administer and enforce planning and zoning ordinances and regulations of the Borough when authorized to do so by contract approved by the Council.

C. Administration of City Ordinances. To administer or provide for the administration of any ordinances or programs relating to planning, zoning or building codes, adopted by the Council.

D. Overall Plan. The Commission shall prepare, and from time to time amend, a plan for the systematic development and betterment of the city as a place of residence and for business; such plan and any amendments thereto shall be presented to the Council for its approval.

E. Investigations. The Commission may consider and investigate subject matter attending to the development and betterment of the city and make recommendations as it considers advisable to the Council.

F. Building and Land Use. The Commission may prepare and present to the Council proposed ordinances or programs for the promotion of the public health, safety and morals by restricting the height, number of stories, and size of buildings and other structures, the percentage of a lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes, and proposals for a building code regulating minimum construction, heating, lighting and other requirements or specifications within specified zoning districts. Such proposed ordinances or programs shall be consonant with the plan approved by the City Council pursuant to subsection D. Such a program shall be made with reasonable consideration as to the character of the district and its peculiar suitability for particular uses, and with a view to enhancing the value of buildings and lots and encouraging the most appropriate use of land throughout the City.

G. Rules and regulations. The Commission may adopt such rules and regulations as are appropriate or necessary in the carrying out of its duties.

H. Expenses. It may employ engineers, attorneys, clerks and a secretary or other personnel considered necessary subject to the approval of the Council. The Council shall fix the compensation of persons employed by the Commission. The necessary expenses of the Planning Commission and the compensation and expenses of its employees shall be paid out of the city treasury in the same manner as other expenses of the city government, within the limits of appropriations by the Council for that purpose.

*For statutory provisions authorizing delegation to a city of planning and zoning administrative functions, see AS Sec. 29.40.010(B); for Kenai Peninsula Borough delegation of Planning Commission functions see KPB Chapter 21.112.

Chapter 18.08 Design and Platting Requirements

Sections:

- 18.08.010 Construction design investigation.
- 18.08.020 Building permit review.
- 18.08.030 Platting.
- 18.08.040 Plan adoption.
- 18.08.050 House numbering system.

18.08.010 Construction design investigation. Before action is taken by the city on the location and design of any public building, dock, park, street or alley, or the grade thereof, walkway, sidewalk, playground or memorial, the matter shall be submitted to the Commission for investigation and report.

18.08.020 Building permit review. No permit shall be issued under Chapter 11.04 or section 17.04.020 without the application being first submitted to the City Manager for its approval or rejection. If all requirements are met, the City Manager may approve the application and the City Office will issue a building permit. All variances, conditional use permits, platting, right of way and nonconformity permits will be reviewed by the Planning Commission at their regularly scheduled meetings, prior to issuing a permit. (Ord. 00-08; Ord. 10-07 Sec 2, 2010)

18.08.030 Platting. All plans, plats or replats of land laid out in lots or plats, and the streets, alleys or other portions of them intended to be dedicated to public or private use, shall first be submitted to the Commission for its approval or rejection. Any action so taken shall be communicated to the Borough Planning Commission together with the reasons for such action.

18.08.040 Plan adoption. The Council may adopt the plan provided for in section 18.04.030(D) and may endorse the proposals of the Planning Commission made under section 18.04.030(F) together with an official map or maps as the zoning regulations of the city and may forward them to the Borough Planning Commission or it may return them to the local Commission for further study, amendment or supplementation. No regulation, restriction or boundary is effective until after a public hearing at which parties in interest and citizens have an opportunity to be heard. The Council shall notify the Borough Planning Commission of its intention to hold hearings, so notice of hearing and hearing may be given jointly by the City and Borough. At least five days' notice of the time and place of the hearing shall be posted at three public places within the City.

18.08.050 House numbering system. A. The city shall be divided into a grid, with the north-south line between section 31 and section 32, of township 8 S., Range 14 W., S.M., as a north/south baseline, and with the quarter corner line of sections 31 and 32, township 8 S., Range 14 W., as the east/west baseline. Method of computing: one number shall be assigned to every parcel often thousand square feet, as applicable. Odd and even numbers shall be on alternate sides of the street.

B. The numbers on buildings fronting the streets running east and west shall be designated by direction from the east/west baseline. The numbers on buildings fronting the streets running northerly and southerly shall be designated by direction from the north/south baseline.

C. Maintenance and implementation. The City Manager, or his designee, is directed to implement and maintain all provisions of this section.

D. Effective date. The ordinance codified in this section shall become effective upon passage by the City Council. All provisions of this section must be fully implemented within ninety days of its passage.

E. Enforcement and penalty.

1. Any person(s) failing to comply with the provisions of this section shall be punished by a fine not to exceed twenty-five dollars. Each such person shall be guilty of a separate offense for each and every day during any portion of which any individual is not in compliance with the provisions herein.

2. In addition, the City may proceed to affix the appropriate numbers to those dwellings, not in compliance after ninety days, and charge the owner of such premises a fee of twenty-five dollars, which amount will become a lien against said property if not paid in full within ten days from date of notification by City Clerk that City has in fact installed said numbers. Such action by the City in no way mitigates or relieves the property owner from any liability under subdivision one (1) of this subsection.

F. Number specifications. All numbers shall be of a minimum height of three inches and shall be permanently affixed in a prominently conspicuous location on the street front, entrance side of the building or dwelling. (Ord. dated 4-23-80, 1980; Ord. 80-1, 1980)

Chapter 18.12 Title and Purpose

Sections:

18.12.010 Title for citation -Jurisdiction.

18.12.020 Purpose of provisions.

18.12.010 Title for citation -Jurisdiction. Chapters 18.04 through 18.96 of the Seldovia City Code of Ordinances shall be known and cited as the "Seldovia Zoning Code," and are applicable to all lands within the municipal boundaries of the City of Seldovia.

18.12.020 Purpose of provisions. The Seldovia Zoning Code is adopted in order to enhance the public health, safety and welfare by providing local authority to:

A. Designate, regulate and restrict the location and use of buildings, structures and land, for residence, commerce, trade, industry or other purpose;

- B. Regulate and limit the height, number of stories, and size of buildings and other structures hereinafter erected or alterations of any existing buildings;
- C. Regulate and determine the size of yards and other open spaces;
- D. Regulate and limit the density of population;
- E. Conserve and stabilize the value of property;
- F. Provide adequate open spaces for light and air, and to prevent and fight fires;
- G. Lessen congestion on streets and highways.

Chapter 18.16 Administration and Enforcement

Sections:

- 18.16.010 Administrative official.
- 18.16.020 Duties of the City Manager.
- 18.16.030 Procedures for abating violations.
- 18.16.040 Violation and Penalties.

18.16.010 Administrative official.

- A. The City Manager shall be the administrative official relating to all actions taken by the City Planning Commission and the City Council sitting as the board of adjustment.
- B. This chapter shall govern all enforcement of the Seldovia Zoning Code.

18.16.020 Duties of the City Manager. The City Manager or appointed staff shall be responsible for:

- A. Interpreting and enforcing this zoning code; and
- B. Maintaining records of all activity related to this zoning code; and
- C. Processing appeals and applications made under this zoning code.

18.16.030 Procedures for abating violations.

A. When a violation is discovered, the City Manager or appointed staff shall notify in writing via certified mail or by notice posted at the site of the violation the person responsible for the violation. The notice shall specify the violation and order abatement within a reasonable period of time, to be no longer than 90 days. All purported violations known to the City Manager, including interpretation and abatement action, shall be presented to the Seldovia Planning Commission at its next regular meeting.

B. If the violation is not corrected within the stated period, the City Manager is authorized to retain an attorney to represent the City by initiating action to abate the violation, including the filing of criminal charges as necessary.

18.16.040 Violation and Penalties.

A. Every act prohibited by this title or any rule or regulation adopted in pursuance thereof is declared unlawful and every violation of this zoning code constitutes an infraction. Every person convicted of a violation of any provision or any rule or regulation adopted or issued in pursuance thereof shall be punished by the fine established in section 1.08.040 of this code. For an offense not on the fine schedule in Section 1.08.040, the offense is punishable under the general penalty provision of the Seldovia City Code. Each act of violation and every day upon which such violation continues constitutes a new and separate offense

B. The penalties provided by this section shall, unless other penalty is expressly provided, apply to every portion of Seldovia Zoning Code, Chapters 18.04 through 18.96 inclusive, and to all amendments to that zoning code. (Ord, 16-06)

Chapter 18.20 Definitions

Sections:

- 18.20.010 Definitions and Construction of Terms Generally.
- 18.20.015 Abandoned Sign.
- 18.20.020 Accessory Use or Structure.
- 18.20.023 At Large.
- 18.20.024 Bee Keeping
- 18.20.030 Building.
- 18.20.035 Temporary Structure
- 18.20.040 Building Height.
- 18.20.050 Building Setback.
- 18.20.053 Business Specific Office
- 18.20.055 Combined Signage.
- 18.20.060 Dwelling.
- 18.20.070 Dwelling Unit.
- 18.20.080 Family.
- 18.20.090 Home Occupation.
- 18.20.096 Livestock
- 18.20.100 Loading Space.
- 18.20.110 Lot.
- 18.20.120 Lot Area.
- 18.20.130 Lot Coverage.
- 18.20.140 Mobile Home.
- 18.20.150 Mobile Home Park.
- 18.20.053 Business Specific Uses
- 18.20.160 Nonconforming Lot, Use and Structure.
- 18.20.170 Open Space.

18.20.180 Parking Area.
18.20.190 Parking Space.
18.20.200 Planned Unit Development.
18.20.210 Principal Use or Structure.
18.20.220 Service Station.
18.20.230 Sign.
18.20.235 Street frontage.
18.20.240 Structure.
18.20.250 Intertidal Zone.
18.20.260 Intersections.

18.20.010 Definitions and Construction of Terms Generally. A. When used in this zoning code, the following words used herein shall be interpreted or defined as set forth in this chapter.

A. When not inconsistent with the context, words used in the present tense shall include the future; the singular number includes the plural; and the word "person" includes a firm, partnership or corporation as well as an individual; the word "lot" includes the words "plot," "piece," "parcel"; the term "shall" is always mandatory; and the words "used" or "occupied" shall be construed to include the words "intended," "arranged," or "designed" to be used or occupied.

18.20.015 Abandoned Sign. Any sign containing copy that refers to a business or activity that is no longer being conducted or pursued. (Ord. 01-01)

18.20.020 Accessory Use or Structure. "Accessory use or structure" means a use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.

18.20.023 At large. At large means an animal is at large when it is off the premises of the owner or keeper and is not in the company of or under the control of the owner or keeper, a member of his family or other person to which the animal has been entrusted, by leash, cord or chain; provided, however, that such animal shall be deemed to be under control when under competent voice control while actively engaged in an organized activity which requires that the animal not be physically restrained. (Ord. 17-05)

18.20.024 Bee Keeping. Bee Keeping means the keeping of stinging winged insects that collect nectar and pollen, produce wax and honey, and are kept in large communities (hives). (17-05)

18.20.025 Below Grade Walls. Any area or space which falls below grade. (Ord. 06-10)

18.20.030 Building. "Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind, containing walls on at least three sides.

18.20.035 Temporary Structure. "Temporary Structure" means any structure constructed or erected on the ground, on skids or movable with the assistance of a vehicle, piece of equipment or suitable winch system. A temporary structure is treated as if it were a building, see SMC 18.20.030. (Ord. 16-10)

18.20.040 Building Height. "Building height" means a vertical distance from the specified reference point to the highest point of the structure not including venting. (Ord. 06-10)

18.20.050 Building Setback. "Building setback" means the distance from a lot line or right-of-way centerline, whichever is specified, that a principal and accessory structure must be located.

18.20.053 Business Specific Office. "Business Specific Office" means office space directly pertaining to the retail or service business use of the building. (Ord. 06-10)

18.20.055 Combined Signage. The total square footage of all signs on any lot. (Ord. 01-01)

18.20.060 Dwelling. "Dwelling" means a structure containing one or more dwelling units and designed to be affixed to a permanent foundation. This term includes prefabricated structures that are not constructed on a chassis that is an integral part of the structure.

18.20.070 Dwelling Unit. "Dwelling unit" means one or more rooms in addition to a bathroom, which include kitchen facilities and are arranged, designed or used for living quarters by a family.

18.20.080 Family. "Family" means one or more persons occupying a dwelling unit.

18.20.090 Home Occupation. "Home occupation" means any use entirely within a dwelling or accessory structure and carried on by the occupants of the dwelling, which is clearly incidental to the use of the dwelling and lot for residential purposes and does not change the character thereof. It shall not cause any noise, odors, effluent, smoke, dust, vibrations, electrical interference, bright or flashing light, or other objectionable conditions which would interfere with the quiet enjoyment of a residential neighborhood. A home occupation shall not include automobile or machinery repair, welding, sheet metal, or other similar work, and shall not require regular or frequent deliveries of goods or materials of such bulk or quantity, nor the parking of customer or client vehicles in numbers or frequency

over and above the normal traffic associated with the dwelling as a residence. It allows for one exterior sign and display or stock in trade is limited to local articles and produce. (Ord. 01-01)

18.20.096 Livestock. Livestock is generally accepted as large (over 250 pounds) and small (under 250 pounds) outdoor farm animals (i.e., cows, goats, horses, pigs, barnyard fowl, etc.). This definition does not include cats, dogs, other common household pets, or bee keeping. (Ord. 17-05)

18.20.095 Incidental Secondary Uses. "Incidental Secondary Uses" means additional uses of the building of a subordinate or ancillary nature, i.e. second floor apartment. Not the main reason for the building. (Ord. 06-10)

18.20.100 Loading Space. "Loading space" means an off-street space on the same lot with a building or contiguous to a group of buildings, designated or intended for the temporary parking of commercial vehicles while loading and unloading, and which abuts upon a street, alley or other appropriate means of access.

18.20.110 Lot. "Lot" means a legally described land parcel or combination thereof that meets the minimum size and design requirements of this zoning code for the type and number of principal and accessory uses and structures proposed.

18.20.120 Lot Area. "Lot area" means the total horizontal net area within the lot lines exclusive of streets, highways, roads and other rights-of-way.

18.20.130 Lot Coverage. "Lot coverage" means the amount of land covered by principal and accessory structures exclusive of open porches and patios as well as parking area.

18.20.140 Mobile Home. "Mobile home" means a factory-assembled structure or combination thereof which contains the necessary service connections to support one or more dwelling units, is made so as to be readily movable as a unit or units on individual chassis and running gear, and which is designed to be used without a permanent foundation.

18.20.150 Mobile Home Park. "Mobile home park" means a parcel of land which has been designated and improved so that it contains three or more mobile home spaces available for rent or purchase.

18.20.160 Nonconforming Lot, Use and Structure. "Nonconforming lot, use and structure" shall be any lot, use or structure that does not conform to the requirements for the zoning district in which it is located.

18.20.170 Open Space. "Open space" means the ground area and the space above which is unimpeded from the ground to the sky by any structure

except as provided in this zoning code. Open space does not include area used for parking or outside storage.

18.20.180 Parking Area. "Parking area" means an off-street area containing one or more parking spaces with aisles and driveways necessary for maneuvering without use of public rights-of-way. In general, there shall be an average of at least 350 square feet of parking area per parking space to insure adequate maneuvering area.

18.20.190 Parking Space. "Parking Space" means an area, enclosed or unenclosed, sufficient in size to store a motor vehicle. At a minimum, each space shall contain 200 square feet measuring 10 feet by 20 feet. (Ord. 00-02)

18.20.200 Planned Unit Development. "Planned unit development" means a group or combination of certain specified residential, commercial or industrial uses developed as a functional and integral unit in a district where some or all the uses might not otherwise be permitted.

18.20.210 Principal Use or Structure. "Principal use or structure" means the uses or structures for which the district is primarily designed.

18.20.220 Service Station. "Service station" means any building, structure, premises or other space used primarily for the retail sale and dispensing of motor fuels, tires, batteries and other small accessories.

18.20.230 Sign. "Sign" means any words, letters, parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks, by which anything is made known; such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from any public street or highway and used to attract attention, either attached to a structure or free-standing. (Ord. 01-01)

18.20.235 Street frontage. The length of a property line that borders a public right of way which provides the principal means of access: Alleys, public parking lots, emergency access and/or pedestrian easements are not considered as public rights-of-way for the purposes of this definition. (Ord. 01-01)

18.20.240 Structure. "Structure" means anything constructed or erected on the ground or which is attached to something located on the ground including but not limited to buildings, radio and TV towers, sheds and permanent signs, and excluding fences.

18.20.250 Intertidal Zone. The intertidal zone, also known as the foreshore and seashore and sometimes referred to as the littoral zone, is the area that is above water at low tide and under water at high tide (in other words, the area between tide marks). (Ord. 17-06)

18.20.260 Intersections. An intersection is any point where one road meets another. Types of intersections include four-way intersections including offset approaches and three-way intersections which includes T junctions and Y junctions and includes both sides of the road of the intersecting streets. (Ord. 18-12)

Chapter 18.24 Zoning Districts

Sections:

18.24.010 Zoning Districts

18.24.020 Zoning Map

18.24.010. Zoning Districts. A. Section 21.04.010 of the borough code divides the borough into two zoning districts, rural and municipal. The municipal district of the city is further divided into zoning districts and within each district, only certain uses and standards are allowed as prescribed in this zoning code.

B. The Seldovia district is divided into the following types of use districts:

1. RG General Residential
2. RSM Residential, Special Multifamily
3. WCR Waterfront Commercial Residential
4. C Commercial
5. I Industrial
6. CM Commercial Marine
7. CR Commercial Residential
8. P Public
9. A Airport

C. The zoning districts established by ordinance shall be bounded as shown on a zoning map entitled "Seldovia Zoning Map."

18.24.020. Zoning Map. A. The official zoning map shall be kept in the City offices. The Seldovia Zoning Map presented with this zoning code is adopted by reference and declared to be part of this zoning code in the exact form as it exists on the date this zoning code is adopted.

B. If the zoning map becomes lost or damaged, the map or significant parts thereof remaining after partial destruction shall be preserved. The City Council may, by ordinance, adopt a new zoning map that shall be consistent with and supersede the old zoning map.

C. The map shall be signed by the City Clerk with a note of the date of adoption by the City Council. Amendments shall be immediately added to the official zoning map with a notation of the date of adoption by the City Council. (Ord. 99-09)

Chapter 18.28 General Provisions

Sections:

18.28.010 Compliance.

18.28.020 Unlisted Uses.

18.28.030 Parking, Garage and Loading Facilities

18.28.010 Compliance. A. Except as otherwise provided in this zoning code, all land and structures within the city shall be constructed, used, occupied or altered in conformance with the requirements of the zoning district in which they are located. Failure to comply with the conditions set forth in Title 18 may result in a \$500.00 fine.

B. No building permit shall be issued for any new structure or alteration of an existing structure unless the structure or alteration complies with the provisions of the Seldovia Zoning Code.

C. All structures shall be built to the Building Codes in effect at the time of construction.

D. Any violation of this section constitutes an infraction, punishable by the fine established in Section 1.08.040. (Ord. 16-06; Ord. 17-05)

18.28.020 Unlisted Uses. Unlisted uses may be allowed within a district upon written decision by the City Planning Commission, providing that each unlisted use meets all of the following conditions:

A. The use is not specifically permitted in any other district;

B. The use is not more appropriate to another district; and

C. The use is consistent with the purpose of the district in question, and is similar to other uses permitted outright.

18.28.030 Parking, Garage and Loading Facilities. Every building hereafter erected, enlarged or converted to another use shall conform to the parking, garage, and loading facility requirement of this zoning code and city ordinances.

Chapter 18.32 RG--Residential General District

Sections:

- 18.32.010 Purpose.
- 18.32.020 Permitted Uses.
- 18.32.030 Conditional Uses.
- 18.32.040 Minimum Lot Size and Width.
- 18.32.050 Parking Area.
- 18.32.060 Lot Coverage.
- 18.32.070 Building Setback.
- 18.32.080 Building Height.
- 18.32.090 Signage.
- 18.32.100 Visibility at Intersections.

18.32.010 Purpose. This district is designed to provide an area for residential development.

18.32.020 Permitted Uses. In the RG district, permitted uses are as follows:

- A. Structures containing less than five dwelling units
- B. Home occupations
- C. Mobile homes
- D. Rental units
- E. Accessory uses

18.32.025 Prohibited Uses. In the RG district, prohibited uses are as follows:

A. Any use which causes excessive odors, effluent, smoke, dust, vibrations, electrical interference, bright or flashing light, or other objectionable conditions which would interfere with the quiet enjoyment of a residential neighborhood.

18.32.030 Conditional Uses. The following uses shall be permitted if it is determined the conditions set forth in this chapter and Chapters 18.64 and 18.68 are met:

- A. Structures containing more than four dwelling units
- B. Fraternal organizations
- C. Hospitals
- D. Mobile home parks
- E. Public school and recreation facilities
- F. Churches
- G. Private schools
- H. Public utilities and approved fuel storage
- I. Accessory uses related to fishing industry

J. Signage uses in excess of those specified in Section 18.32.090, subsection A. (Ord. 01-01; Ord. 02-02;)

K. Keeping of livestock may be permitted provided the provisions set forth in Chapters 18.32, 18.68, 18.72 are satisfied. (Ord. 02-02 repealed 2016; Ord. 17-05)

L. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law, SMC 18.78 and SM Ord. 16-09. (Ord 17-07)

18.32.040 Minimum Lot Size and Width. A. 5000 square feet for a structure containing one dwelling unit.

B. 2500 square feet per dwelling unit for structures containing two or more dwelling units, provided all other standards are met.

C. Residential developments utilizing a common open space design shall contain a total area equal to that required by subsections A or B of this section, and each dwelling unit which is sold on a lot within the development shall have at least a 2000 square foot lot.

18.32.050 Parking Spaces. Two off-street parking spaces each measuring 20 by 10 feet are required for each dwelling unit. This area does not include any area required for driveways and maneuvering in parking areas.

18.32.060 Lot Coverage. Principal and accessory structures shall not cover more than 50 percent of the lot area.

18.32.070 Building Setback. A. Along any lot boundary bordering a right-of-way, the building setback required is 10 feet measured from the property line.

B. Buildings shall be set back five feet from all other lot boundaries.

18.32.080 Building Height. The maximum building height is twenty-eight (28) feet measured from where the final grade meets the average of the two highest foundation corners. Below grade walls shall not exceed ten (10) feet and shall not cause the vertical height of the structure to exceed twenty-eight (28) feet from where the final grade meets the average of the two highest foundation corners and not to exceed an overall height of thirty-eight (38) feet. (Ord. 06-10)

18.32.090 Signage. A. Combined signage serving the Residential General District shall not exceed six square feet in area and shall be located so as not to impede visibility or traffic.

B. Combined signage serving Conditional Uses shall not exceed 20 square feet in area and shall be located so as not to impede visibility or traffic. (Ord. 0101)

18.32.100 Visibility at Intersections. A. No vehicle shall be parked within thirty feet (30') of any existing municipality street intersection;

B. To ensure that a vehicle's driver has good visibility at street intersections, on corner lots both public and privately owned, there shall not be a fence, wall, hedge, planting or structure, or other obstacle including vehicles that will impede visibility between a height of 2-1/3 feet and 8 feet and greater than one foot wide above the centerline grades of the intersecting streets unless parked in already approved and designated parking area. (Ord. 06-10; Ord 18-12)

Chapter 18.36 RSM--Residential, Special Multifamily District

Sections:

- 18.36.010 Purpose.
- 18.36.020 Conditional Uses.
- 18.36.025 Prohibited Uses
- 18.36.030 Minimum Lot Size and Width.
- 18.36.040 Parking Area.
- 18.36.050 Lot Coverage.
- 18.36.060 Building Setback.
- 18.36.070 Building Height.
- 18.36.080 Signage.
- 18.36.090 Visibility at Intersections.

18.36.010 Purpose. This district is designed to accommodate multifamily structures that are developed for occupants requiring fewer parking spaces and less outdoor recreation area because of age and limitations on the number of occupants per dwelling unit.

18.36.020 Conditional Uses. The following uses shall be permitted if it is determined the conditions in Chapter 18.68 and 18.72 and design standards of this chapter are met:

- A. Structures containing more than four dwelling units.
- B. Signage uses in excess of those specified in Section 18.36.080, subsection A. (Ord. 01-01)
- C. Keeping of livestock may be permitted provided the provisions set forth in Chapters 18.36, 18.68, 18.72 are satisfied. (Ord. 17-05)
- D. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law, SMC 18.78 and SMC Ord. 16-09. (Ord. 17-07)

18.36.025 Prohibited Uses. In the RSM district, prohibited uses are as follows:

A. Any use which causes excessive odors, effluent, smoke, dust, vibrations, electrical interference, bright or flashing light, or other objectionable conditions which would interfere with the quiet enjoyment of a residential neighborhood. (Ord. 06-10)

18.36.030 Minimum Lot Size and Width. In the RSM district, the minimum lot size and width is 1800 square feet per dwelling unit, provided all other standards are met.

18.36.040 Parking Area. One off-street parking space measuring 20 by 10 feet is required for each unit. This area does not include any area required for driveways and maneuvering in parking areas. The number of parking spaces required may be reduced if it is determined in the conditional use procedures that occupants require fewer parking spaces.

18.36.050 Lot Coverage. Principal and accessory structures shall not cover more than 70 percent of the lot area.

18.36.060 Building Setback.

A. Along any lot boundary bordering a right-of-way, the building setback required is 10 feet measured from the property line.

B. Buildings shall be set back five feet from all other lot boundaries. (Ord. 00-08)

18.36.070 Building Height. The maximum building height is twenty-eight (28) feet measured from where the final grade meets the average of the two highest foundation corners. Below grade walls shall not exceed ten (10) feet and shall not cause the vertical height of the structure to exceed twenty-eight (28) feet from where the final grade meets the average of the two highest foundation corners and not to exceed an overall height of thirty-eight (38) feet. (Ord. 06-10)

18.36.080 Signage. A. Combined signage serving the Residential Special Multi-family District shall not exceed six square feet in area and shall be located so as not to impede visibility or traffic.

B. Combined signage serving Conditional Uses shall not exceed 20 square feet in area and shall be located so as not to impede visibility or traffic. (Ord. 0101)

18.36.090 Visibility at Intersections. A. No vehicle shall be parked within thirty feet (30') of any existing municipality street intersection;

B. To ensure that a vehicle's driver has good visibility at street intersections, on corner lots both public and privately owned, there shall not be a fence, wall, hedge, planting or structure, or other obstacle including vehicles that will impede

visibility between a height of 2-1/3 feet and 8 feet and greater than one foot wide above the centerline grades of the intersecting streets unless parked in already approved and designated parking area. (Ord. 06-10; Ord 18-12)

Chapter 18.40 WCR--Waterfront Commercial Residential District

Sections:

- 18.40.010 Purpose.
- 18.40.020 Permitted Uses.
- 18.40.030 Prohibited Uses.
- 18.40.040 Performance Standards.
- 18.40.050 Minimum Lot Area and Width.
- 18.40.060 Parking Area and Off-Street Loading Space.
- 18.40.070 Building Setback.
- 18.40.080 Visibility at Intersections.
- 18.40.090 Building Height.
- 18.40.100 Conditional Uses.
- 18.40.110 Signage.

18.40.010 Purpose. A. This district is designed to preserve and enhance the following characteristics of Seldovia:

1. Marine orientation of the community
2. Pedestrian orientation
3. Variety of compatible mixed use development
4. Scenic features due to the natural terrain and vegetation

B. The district provides an area for the service and commercial activities which support water-dependent activities related to commercial and sport fishing, tourism, recreation and transportation. The district also provides the opportunity for people to enjoy waterfront living.

18.40.020 Permitted Uses. In the WCR district, permitted uses are as follows:

- A. Residential uses
- B. Home occupations
- C. Retail
- D. Service
- E. Office
- F. Accessory uses

18.40.030 Prohibited Uses. A. In the WCR District, prohibited uses are as follows:

Motor vehicle sales and service;

B. Extraction of natural resources for sale not incidental to development of the area for a permitted use.

18.40.040 Performance Standards. Each permitted use shall meet the following performance standards:

A. All permits required for work done in the tidelands shall be obtained prior to granting a building permit.

B. Street and utilities must be adequate to safely accommodate the proposed use presently and in the future.

18.40.050 Minimum Lot Area and Width. A. No minimum lot area is established, but the actual lot area shall be sufficient to meet the parking, open space, natural area and setback standards of this chapter.

B. Residential uses shall provide at least 1000 square feet of open space per dwelling unit. The open space may not be used for parking or permanent structures, however 50 percent may be a covered patio or similar structure.

C. 25 percent of the land area involved shall be left with the natural vegetation and terrain existing prior to development.

18.40.060 Parking Area and Off-Street Loading Space. A. Two off-street parking spaces are required for any dwelling unit, otherwise parking requirements are the same as the Commercial District. For residential use only, the parking spaces may be made of dirt, gravel, asphalt, concrete or wood and, if unenclosed, may be within the setback from an adjacent right-of-way. If the applicant adequately demonstrates that the use will be residential, or serve customers who are not dependent on motor vehicles to reach the business, the parking requirements may be reduced accordingly by the City Planning Commission. (Ord. 00-01)

B. Off-street loading space requirements are the same as Section 18.44.050.

C. Decks or Docks in this section shall be constructed to allow for the docking of water craft within the lot boundaries and in compliance with the provisions set forth in Chapter 18.40 (Ord. 00-01; Ord. 17-06)

18.40.070 Building Setback. In the WCR District, building setback requirements shall be as follows:

A. Five (5) feet from all rights-of-way if the right-of-way meets existing requirements;

B. If the adjacent right-of-way is less than required by existing standards, the setback shall be equal to ½ the required right-of-way width plus 5 feet measured from the right-of-way centerline. Required right-of-way shall be that required by City plans or ordinance. If no City plan or ordinance exists, the right-of-way requirements of the Borough subdivision requirements shall apply;

C. Six (6) feet from all property boundaries not bordering right-of-way, unless adequate fire-walls are provided and adequate access to the rear of the building is otherwise provided. (Ord. 00-08)

18.40.080 Visibility at Intersections. A. No vehicle shall be parked within thirty feet (30') of any existing municipality street intersection;

B. To ensure that a vehicle's driver has good visibility at street intersections, on corner lots both public and privately owned, there shall not be a fence, wall, hedge, planting or structure, or other obstacle including vehicles that will impede visibility between a height of 2-1/3 feet and 8 feet and greater than one foot wide above the centerline grades of the intersecting streets unless parked in already approved and designated parking area. (Ord. 00-08; Ord 18-12)

18.40.090 Building Height. The maximum building height is twenty-eight (28) feet measured from where the final grade meets the average of the two highest foundation corners. Below grade walls shall not exceed ten (10) feet and shall not cause the vertical height of the structure to exceed twenty-eight (28) feet from where the final grade meets the average of the two highest foundation corners and not to exceed an overall height of thirty-eight (38) feet. (Ord. 06-10)

18.40.100 Conditional Uses. The following uses shall be permitted if it is determined that the requirements of chapters 18.68 and 18.72 are met:

A. Signage in excess of those specified in Section 18.40.110, subsection A. (Ord. 01-01)

B. Keeping of livestock may be permitted provided the provisions set forth in Chapters 18.40, 18.68, 18.72 are satisfied.(Ord. 17-05)

C. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law, SMC 18.78 and SMC Ord. 16-09. (Ord. 17-07)

18.40.110 Signage. A. Combined signage serving the Waterfront Commercial Residential District shall not exceed six square feet in area and shall be located so as not to impede visibility or traffic.

B. Combined signage serving Conditional Uses shall not exceed 20 square feet in area and shall be located so as not to impede visibility or traffic. (Ord. 0101)

Chapter 18.44 C--Commercial District

Sections:

- 18.44.010 Purpose.
- 18.44.020 Permitted Uses.
- 18.44.030 Conditional Uses.
- 18.44.040 Minimum Lot Size and Width.
- 18.44.050 Parking Area and Off-Street Loading Space.
- 18.44.060 Lot Coverage.
- 18.44.070 Building Setback.
- 18.44.080 Visibility at Intersections.
- 18.44.090 Building Height.
- 18.44.100 Signage.

18.44.010 Purpose. This district is designed to preserve or establish consolidated business areas that are primarily intended for retail, financial, entertainment and professional services occurring within enclosed structures. Integration of residential uses with commercial structures is desirable. District standards are designed to encourage development that will serve future customers driving to the area as well as pedestrian traffic from surrounding residential area.

18.44.020 Permitted Uses. The following uses shall be permitted when they occur primarily within an enclosed structure:

- A. Service
- B. Retail
- C. Wholesale
- D. Entertainment
- E. Residential structures containing more than four units
- F. Offices

18.44.030 Conditional Uses. The following uses shall be permitted if it is determined that the requirements of this chapter and Chapters 18.68 and 18.72 are met:

- A. Gas stations
- B. Drive-in and fast food restaurants
- C. Manufacturing
- D. Schools
- E. Service business with outside storage
- F. Vehicle sales and service
- G. Warehouses and transportation facilities
- H. Residential
- I. Signage uses in excess of those specified in Section 18.44.100

J. Keeping of livestock may be permitted provided the provisions set forth in Chapters 18.44, 18.68, 18.72 are satisfied. (Ord. 01-01, Ord, 17-05)

K. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law, SMC 18.78 and SMC Ord. 16-09. (Ord. 17-07)

18.44.040 Minimum Lot Size and Width. In the C District, the minimum lot size and width shall be as follows:

- A. For residential uses, the standards for the residential district shall apply;
- B. 5000 square feet for uses other than residential.

18.44.050 Parking Area and Off-Street Loading Space. In the C District, parking areas and off-street loading space requirements shall be as follows:

- A. Residential uses, same as required in the residential district;
- B. Retail sales, one space per 200 square feet of gross usable floor area;
- C. Service business and offices one space for each 300 square foot of gross usable floor area;
- D. Restaurants, bars and other entertainment establishments, one parking space for each four seats based on maximum seating capacity;
- E. Transient housing, one parking space for each three rooms;
- F. In addition to the above requirements, one parking space for every four employees shall be provided;
- G. If the applicant adequately demonstrates that the use will serve customers who are not dependent on motor vehicles to reach the business, the parking requirements may be reduced accordingly by the City Planning Commission. (Ord. 06-10)

18.44.060 Lot Coverage. No limit except coverage for requirements for residential uses shall be the same as for the residential district.

18.44.070 Building Setback. In the C District, building setback requirements shall be as follows:

A. Five (5) feet from all rights-of-way if the right-of-way meets existing requirements;

B. If the adjacent right-of-way is less than required by existing standards, the setback shall be equal to 1/2 the required right-of-way width plus 5 feet measured from the right-of-way centerline. Required right-of-way shall be that required by city plans or ordinance. If no city plan or ordinance exists, the right-of-way requirements of the borough subdivision requirements shall apply;

C. Six (6) feet from all property boundaries not bordering rights-of-way, unless adequate fire walls are provided and adequate access to the rear of the building is otherwise provided.

18.44.080 Visibility at Intersections. A. No vehicle shall be parked within thirty feet (30') of any existing municipality street intersection;

B. To ensure that a vehicle's driver has good visibility at street intersections, on corner lots both public and privately owned, there shall not be a fence, wall, hedge, planting or structure, or other obstacle including vehicles that will impede visibility between a height of 2-1/3 feet and 8 feet and greater than one foot wide above the centerline grades of the intersecting streets unless parked in already approved and designated parking area. (Ord 18-12)

18.44.090 Building Height. The maximum building height is twenty-eight (28) feet measured from where the final grade meets the average of the two highest foundation corners. Below grade walls shall not exceed ten (10) feet and shall not cause the vertical height of the structure to exceed twenty-eight (28) feet from where the final grade meets the average of the two highest foundation corners and not to exceed an overall height of thirty-eight (38) feet. (Ord. 06-10)

18.44.100 Signage. Combined signage serving the Commercial District shall not exceed 15% of wall surface area as viewed from any lot line. (Ord. 01-01)

Chapter 18.48 I--Industrial District

Sections:

- 18.48.010 Purpose.
- 18.48.020 Permitted Uses.
- 18.48.030 Conditional Uses.
- 18.48.040 Minimum Lot Size and Width.
- 18.48.050 Parking Area and Off-Street Loading Space.
- 18.48.060 Lot Coverage.
- 18.48.070 Building Setback.
- 18.48.080 Visibility at Intersections.
- 18.48.090 Building Height.
- 18.48.100 Special Requirements.
- 18.48.110 Signage.

18.48.010 Purpose. This district is located and designed to provide an area suitable for the development of a viable industrial base for the community. Land adjacent the shoreline and located in Industrial Zone, shall be reserved for waterdependent and marine uses.

18.48.020 Permitted Uses. In the I District, permitted uses shall be as follows:

- A. Marine equipment sales, service, repair, construction and storage;
- B. Equipment sales, repairs and service;
- C. Seafood processing;
- D. Transportation and storage except for flammable, explosive or corrosive materials not for use on the site;
- E. Public utility plants;
- F. Manufacturing;
- G. Wholesale outlets and warehouses; H. Accessory uses;
- I. Retail sales.
- J. Attached residential dwelling units

18.48.030 Conditional Uses. The following uses shall be permitted if it is determined the requirements of Chapters 18.68 and 18.72 are met:

- A. Transportation and storage of flammable, explosive or corrosive materials;
- B. Gas stations.
- C. Signage uses in excess of those specified in Section 18.48.110
- D. Keeping of livestock may be permitted provided the provisions set forth in Chapters 18.48, 18.68, 18.72 are satisfied (Ord. 01-01, Ord. 17-05)
- E. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law, SMC 18.78 and SMC Ord. 16-09. (Ord. 17-07)

18.48.040 Minimum Lot Size and Width. Lots shall be at least 20,000 square feet and have a width equal to or greater than 1/3 the length.

18.48.050 Parking Area and Off-Street Loading Space.

- A. One (1) parking space is required for each four employees anticipated at peak operation levels plus 1 customer parking space for each 1,000 square foot of service area for uses which have local customers visiting the site.
- B. One (1) off-street loading space measuring at least 60 feet long by 10 feet wide by 15 feet high, inside dimensions, shall be provided for each 20,000square foot of gross floor area.
- C. Decks or Docks in this section shall be constructed to allow for the docking of water craft within the lot boundaries and in compliance with the provisions set forth in Chapter 18.48. (Ord. 17-06)

18.48.060 Lot Coverage. No minimum.

18.48.070 Building Setback. In the I District, building setback requirements shall be as follows:

- A. Five (5) from all rights-of-way if the right-of-way meets existing requirements;
- B. If the adjacent right-of-way is less than required by existing standards, the setback shall be equal to 1/2 the required right-of-way width plus 5

feet measured from the right-of-way centerline. Required right-of-way shall be that required by City plans or ordinance. If no City plan or ordinance exists, the right-of-way requirements of the Borough subdivision requirements shall apply;

C. Six (6) feet from all property boundaries not bordering right-of-way, unless adequate fire-walls are provided and adequate access to the rear of the building is otherwise provided. (Ord. 00-08)

18.48.080 Visibility at Intersections. A. No vehicle shall be parked within thirty feet (30') of any existing municipality street intersection;

B. To ensure that a vehicle's driver has good visibility at street intersections, on corner lots both public and privately owned, there shall not be a fence, wall, hedge, planting or structure, or other obstacle including vehicles that will impede visibility between a height of 2-1/3 feet and 8 feet and greater than one foot wide above the centerline grades of the intersecting streets unless parked in already approved and designated parking area. (Ord. 00-08; Ord. 06-10; Ord 18-12)

18.48.090 Building Height. Maximum building height shall be thirty-five (35) feet measured from where the final grade meets the average of the two highest foundation corners. Below grade walls shall not exceed ten (10) feet and shall not cause the vertical height of the structure to exceed thirty-five (35) feet from where the final grade meets the average of the two highest foundation corners and not to exceed an overall height of forty-five (45) feet. (Ord. 00-08), (Ord. 0610).

18.48.100 Special Requirements.

A. Industrial uses located adjacent to Main Street shall provide pedestrian access from the ferry dock along Main Street

B. Water-dependent industrial uses shall be preferred along the waterfront. To be water-dependent, a use must meet the following criteria:

1. Requires a waterfront location or direct access to the waterfront to operate;
2. Provides goods and services essential to fishing, fish processing and marine transportation; and
3. Must be located in close proximity to fishing, fish processing and marine transportation activities to provide goods and services required by these activities.

18.48.110 Signage. Combined signage serving the Industrial District shall not exceed 15% of wall surface area as viewed from any lot line. (Ord. 01-01)

Chapter 18.52 CM--Commercial Marine

Sections:

- 18.52.010 Purpose.
- 18.52.020 Permitted Uses.
- 18.52.030 Prohibited Uses.
- 18.52.040 Performance Standards.
- 18.52.050 Minimum Lot Area and Width.
- 18.52.060 Parking Area and Off-Street Loading Space.
- 18.52.070 Building Setback.
- 18.52.080 Visibility at Intersections.
- 18.52.090 Building Height.
- 18.52.100 Conditional Uses.
- 18.52.110 Signage.

18.52.010 Purpose. This district provides an area for the service and commercial activities which support water dependent activities related to commercial and sport fishing, tourism, recreation and transportation.

18.52.020 Permitted Uses. In the CM District, permitted uses are as follows:

- A. Retail
- B. Service
- C. Incidental Secondary Uses
 - 1. Attached residential dwelling unit.
 - 2. Attached multi-residential dwelling unit.
 - 3. Business specific office. (Ord. 06-10)

18.52.030 Prohibited Uses. In the CM District, prohibited uses are as follows:

- A. Motor vehicle sales and service
- B. Extraction of natural resources for sale not incidental to development of the area for a permitted use.

18.52.040 Performance Standards. Each permitted use shall meet the following performance standards:

A. All permits required for work done in the tidelands shall be obtained prior to granting a building permit.

B. Street and utilities must be adequate to safely accommodate the proposed use presently and in the future.

18.52.050 Minimum Lot Area and Width. In the CM District, the minimum lot size and width shall be as follows:

- A. 5000 square feet. (Ord. 00-08), (Ord. 06-10)
- B. Lot area shall be sufficient to meet the parking and setback standards of this chapter. (Ord. 06-10)

18.52.060 Parking Area and Off-Street Loading Space. In the CM District, parking areas and off-street loading space requirements shall be as follows:

- A. Residential uses, same as required in the Residential District;
- B. Retail sales, one space per 200 square feet of gross usable floor area;
- C. Service business and offices, one space for each 300 square feet of gross usable floor area;
- D. Restaurants, bars and other entertainment establishments, one parking space for each four seats based on maximum seating capacity;
- E. Transient housing, one parking space for each three rooms;
- F. In addition to the above requirements, one parking space for every four employees shall be provided;
- G. If the applicant adequately demonstrates that the use will serve customers who are not dependent on motor vehicles to reach the business, the parking requirements may be reduced accordingly by the City Planning Commission;
- H. One off-street loading space at least 30 feet long by 10 feet wide by 16 feet high inside dimensions shall be provided for each 10,000 square foot of usable floor area.
- I. Decks or Docks in this section shall be constructed to allow for the docking of water craft within the lot boundaries and in compliance with the provisions set forth in Chapter 18.52. (Ord. 00-08; Ord. 06-10; Ord. 17-06)

18.52.070 Building Setback. In the CM District, building setback requirements shall be as follows:

- A. Ten (10) from all rights-of-way if the right-of-way meets existing requirements;
- B. If the adjacent right-of-way is less than required by existing standards, the setback shall be equal to ½ the required right-of-way width plus ten

(10) feet measured from the right-of-way centerline. Required right-of-way shall be that required by City plans or ordinance. If no City plan or ordinance exists, the right-of-way requirements of the Borough subdivision requirements shall apply;

C. Six (6) feet from all property boundaries not bordering right-of-way, unless adequate fire-walls are provided and adequate access to the rear of the building is otherwise provided.

D. The setback for a deck or dock proposed along the shore of the Seldovia Small Boat Harbor (defined as any waterfront lot on Main St. between lots 19307917 and 19203059) shall be the mean high tide line. Any deck or dock proposed beyond the mean high tide shall be heard by the Planning and Zoning Commission under the conditional use permitting process (Ord. 00-08; Ord. 06-10; Ord. 17-06)

18.52.080 Visibility at Intersections. A. No vehicle shall be parked within thirty feet (30') of any existing municipality street intersection;

B. To ensure that a vehicle's driver has good visibility at street intersections, on corner lots both public and privately owned, there shall not be a fence, wall, hedge, planting or structure, or other obstacle including vehicles that will impede visibility between a height of 2-1/3 feet and 8 feet and greater than one foot wide above the centerline grades of the intersecting streets unless parked in already approved and designated parking area. (Ord. 00-08; Ord. 06-10; Ord 18-12)

18.52.090 Building Height. The maximum building height is twenty-eight (28) feet measured from the centerline of Main Street. (Ord. 06-10)

18.52.100 Conditional Uses. The following uses shall be permitted if it is determined that the requirements of Chapters 18.68 and 18.72 are met:

- A. Signage uses in excess of those specified in Section 18.52.110.
- B. Seafood processing (Ord. 17-13)
- C. Keeping of livestock may be permitted provided the provisions set forth in Chapters 18.52, 18.68, 18.72 are satisfied.
- D. Building of decks or docks within the Seldovia Small Boat Harbor (as defined by SMC 18.52.070 D) beyond the mean high tide may be permitted if the provisions set forth in Chapter 18.52, and 18.68 are met (Ord. 01-01; Ord. 17-05; Ord. 17-06)
- E. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law, SMC 18.78 and SMC Ord. 16-09. (Ord. 17-07)

18.52.110 Signage. Combined signage serving the Commercial Marine District shall not exceed 15% of wall surface area as viewed from any lot line. (Ord. 01-01)

Chapter 18.56 CR--Commercial Residential

Sections:

- 18.56.010 Purpose.
- 18.56.020 Permitted Uses.
- 18.56.030 Prohibited Uses.
- 18.56.040 Minimum Lot Area and Width.
- 18.56.050 Parking Area and Off-Street Loading Space.
- 18.56.060 Building Setback.
- 18.56.070 Visibility at Intersections.
- 18.56.080 Building Height.
- 18.56.90 Conditional Uses.
- 18.56.100 Signage.

18.56.010 Purpose. A. This district is designed to provide an area for residential development.

B. This district is designed to preserve or establish areas that are primarily intended for retail, financial, entertainment and professional services occurring within enclosed structures. Integration of residential uses with commercial structures is desirable. District standards are designed to encourage development that will serve future customers.

18.56.020 Permitted Uses. In the CR District, permitted uses are as follows:

- A. Residential uses
- B. Home occupations
- C. Retail
- D. Service
- E. Office
- F. Accessory uses

18.56.030 Prohibited Uses. In the CR District, prohibited uses are as follows:

- A. Motor vehicle sales and service;
- B. Any use which causes excessive noise, odors, effluent, smoke, dust, vibrations, electrical interference, bright or flashing light, or other objectionable

conditions which would interfere with the quiet enjoyment of a residential neighborhood.

18.56.040 Minimum Lot Area and Width. Lot area shall be sufficient to meet the parking and setback standards of this chapter.

A. For residential uses, the standards for the Residential District shall apply;

B. 5000 square feet for uses other than residential. (Ord. 06-10)

18.56.050 Parking Area and Off-Street Loading Space. A. Two (2) off-street parking spaces are required for any dwelling unit, otherwise parking requirements are the same as the commercial district. If the applicant adequately demonstrates that the use will serve customers who are not dependent on motor vehicles to reach the business, the parking requirements may be reduced accordingly by the City Planning Commission.

B. One off-street loading space at least 30 feet long by 10 feet wide by 15 feet high inside dimensions shall be provided for each 10,000 square foot of usable floor area. (Ord. 00-08)

18.56.060 Building Setback. In the CR District, building setback requirements shall be as follows:

A. Ten (10) feet from all rights-of-way if the right-of-way meets existing requirements; (Ord. 06-10)

B. If the adjacent right-of-way is less than required by existing standards, the setback shall be equal to ½ the required right-of-way width plus 5 feet measured from the right-of-way centerline. Required right-of-way shall be that required by City plans or ordinance. If no City plan or ordinance exists, the right-of-way requirements of the Borough subdivision requirements shall apply;

C. Six (6) feet from all property boundaries not bordering right-of-way, unless adequate fire-walls are provided and adequate access to the rear of the building is otherwise provided. (Ord. 00-08)

18.56.070 Visibility at Intersections. A. No vehicle shall be parked within thirty feet (30') of any existing municipality street intersection;

B. To ensure that a vehicle's driver has good visibility at street intersections, on corner lots both public and privately owned, there shall not be a fence, wall, hedge, planting or structure, or other obstacle including vehicles that will impede visibility between a height of 2-1/3 feet and 8 feet and greater than one foot wide above the centerline grades of the intersecting streets unless parked in already approved and designated parking area. (Ord. 00-08; Ord. 06-10; Ord 18-12)

18.56.080 Building Height. The maximum building height is twenty-eight (28) feet measured from where the final grade meets the average of the two

highest foundation corners. Below grade walls shall not exceed ten (10) feet and shall not cause the vertical height of the structure to exceed twenty-eight (28) feet from where the final grade meets the average of the two highest foundation corners and not to exceed an overall height of thirty-eight (38) feet. (Ord. 06-10)

18.56.90 Conditional Uses. A. Signage in excess of those specified in Section 18.56.100, subsection A.

B. Keeping of livestock may be permitted provided the provisions set forth in Chapters 18.56, 18.68, 18.72 are satisfied. (Ord. 01-01; Ord. 17-05)

C. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law, SMC 18.78 and SMC Ord. 16-09. (Ord. 17-07)

18.56.100 Signage. A. Combined signage serving the permitted uses of the Commercial Residential District shall not exceed six square feet in area and shall be located so as not to impede visibility or traffic.

B. Combined signage for lots with Main Street frontage shall not exceed 15% of the total square feet of wall surface area as viewed from any lot line.

C. Combined signage serving Conditional Uses shall not exceed 20 square feet in area and shall be located so as not to impede visibility or traffic. (Ord. 0101)

Chapter 18.60 A--Airport District

Sections:

18.60.010 Purpose.

18.60.020 Permitted Uses.

18.60.030 Signage.

18.60.010 Purpose. This district is specified to provide aircraft associated activities.

18.60.020 Permitted Uses. In the A District, the permitted uses are in accordance with Alaska Administrative Code Title 17, Chapter 40, Aviation.

18.60.030 Signage. Signs serving the Airport District shall not exceed 32 square feet in area and shall be located so as not to impede visibility or traffic. (Ord. 01-01)

Chapter 18.64 P--Public Lands

Sections:

- 18.64.010 Purpose.
- 18.64.020 Permitted Uses.
- 18.64.030 Signage.

18.64.010 Purpose. This district is designed to provide areas and buildings for public use.

18.64.020 Permitted Uses. In the P District, permitted uses are as follows:

- A. Parks
- B. Playground areas
- C. Access to waterfront areas
- D. Public buildings
 - 1. Public building requirements are the same as for the Commercial district.
- E. Accessory uses

18.64.030 Signage. Signs serving the Public District shall be limited to the following:

- A. Public signs erected by on or behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic; and
- B. Informational signs of a public utility regarding its poles, lines, pipes, or facilities. (Ord. 01-01)

Chapter 18.68 Supplemental Regulations

Sections:

- 18.68.010 Signs.
- 18.68.020 Mobile Home Parks.

18.68.010 Signs. A. It is the purpose of this section to promote the following:

- 1. The protection of the health, safety, property and welfare of the citizens of Seldovia, and the aesthetics of the community;

2. Commercial and civic communications that accommodate the need of the community to convey information to the public;
3. The protection and enhancement of the historic charm and natural beauty, the visual character and identity of the community, by the thoughtful placement and design of signs;
4. Flexibility and incentive for creative and innovative sign designs;
5. The proper maintenance of signs;
6. Consistency with the goals and objectives of the Seldovia Comprehensive Plan.

B. The following signs shall be prohibited in the City:

1. Any sign of a flashing or animated variety;
2. Abandoned Signs, which shall be removed by the owner or lessee, if any, of the zoned lot upon which the signs are located. If such owner or lessee fail to remove such signs after an opportunity for a hearing before the Planning Commission and forty-five days written notice to remove given by the City, then the City may remove the signs and collect the cost of removal from such owner or lessee, who shall be jointly and severally liable for such cost.

C. The following signs shall be exempt from regulation under Title 18:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance'
2. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located;
3. Works of art that do not contain a commercial message;
4. Traffic control signs on private property, such as "stop," "yield," and similar signs, the face of which meet Department of Transportation's standards and which contain no commercial message of any sort.

D. Off-premise signs are allowed in all nonresidential zoning districts subject to the restrictions of this section, which are in addition to the other requirements of Title 18:

1. No more than one such sign per zone lot, containing up to four separate messages, commercial or non-commercial per sign, may be allowed;
2. No more than one such message per business, product, service or other commercial or non-commercial activity may be allowed on an off-premise sign anywhere in the city;
3. Maximum area of signage per commercial or non-commercial message shall be five square feet, inclusive of a logo, if any, which shall not exceed one square foot in area;
4. Maximum height of a freestanding off-premise sign shall not exceed 12 feet. (Ord. 01-01)

18.68.020 Mobile Home Parks. All mobile home parks shall meet the following conditions in order to obtain a conditional use permit:

- A. The park shall contain a minimum of 1 acre (approximately 16 units).
- B. Each mobile home space shall have a yard of 1000 square feet not including parking area assigned to the space. This yard area may be reduced by up to 500 square feet, provided an equivalent amount of common open area is provided for each unit
- C. A year-round buffer of natural vegetation or terrain features shall be provided along all boundaries that abut land zoned residential. The City Planning Commission may allow a screen of other materials if conditions preclude use of vegetation or terrain features.
- D. A detailed site plan submitted with the application shall show specific layout of spaces, all buildings and structures, access points, vehicular and pedestrian circulation systems, parking areas, recreation areas, buffer system and other data as required by the City Planning Commission.
- E. Safe access from a street with sufficient capacity to handle the traffic generated by the mobile home park shall be provided.
- F. Separation of pedestrian and recreation areas from parking and traffic systems shall be maintained.
- G. Access shall be adequate for fire protection and snow removal.
- H. An anchoring system for each mobile home space that is sufficient to prevent movement during the highest winds experienced to date in the area shall be provided and utilized.
- I. Adequate agreements for maintenance of common grounds and facilities such as recreation areas, and screening shall be established for mobile home parks containing spaces for sale.
- J. Each mobile home shall be skirted to prevent wind from getting underneath the structure.

Chapter 18.72 Conditional Use Permits

Sections:

18.72.010 Intent.

- 18.72.020 General Conditions.
- 18.72.030 Application for Conditional Use Permits.
- 18.72.040 Procedures.
- 18.72.050 Time Limitations.
- 18.72.060 Revocation and Amendment.

18.72.010 Intent. It is the intent of this section to provide the flexibility necessary to permit a use within a district under specified conditions that are in addition to regulations applying to uses permitted outright within the district. Only uses which have been listed as conditional uses for each district may be permitted under this chapter.

18.72.020 General Conditions. Prior to obtaining a conditional use permit, it shall be established that the use satisfies the following conditions:

- A. The use as proposed is consistent with the purpose of this zoning code and the purpose of the zoning district;
- B. The value of the adjoining property will not be significantly impaired;
- C. The proposed use is in harmony with the comprehensive plan and with surrounding land uses;
- D. Public services and facilities are adequate to serve the proposed use;
and
- E. Any and all specific measures deemed necessary by the City Planning Commission to fulfill the above-mentioned conditions shall be met by the applicant. Measures relating to access, screening, site development, building construction, operation of the use and other similar aspects of the proposed use may be utilized by the Commission to assure the specified conditions are met.

F. In approving a conditional use for Livestock as defined in section 18.20.095 , the Commission may impose such conditions on the use as may be deemed necessary to ensure the proposal does and will continue to satisfy the applicable review criteria. Such conditions may include, but are not limited to, one or more of the following:

- (1) Lot size may not be less than 20,000 square feet per large animal, or not less than 5,000 square feet for every small animal (excluding chickens and rabbits).
- (2) Livestock fencing shall not be encroaching into zoning setbacks.
- (3) A drainage plan showing that runoff from the livestock corral or pen will not adversely impact neighboring property or streams.

(4) A manure storage and disposal plan shall be submitted with a conditional use permit application. The manure storage pile shall not be closer than 25 feet from any property line.

(5) Up to seven chickens (6 hens and 1 Rooster) or rabbits are allowed (on properties of 5,000 square feet of property)

(6) Chicken or rabbit coops and enclosures are required and must meet a minimum setback of 25 feet from neighboring homes.

(7) Private stables and the keeping of larger animals not usually considered pets, including paddocks or similar structures or enclosures utilized for keeping of such animals as an accessory use incidental to a primary residential use; such use shall be conditioned on not causing unreasonable disturbance or annoyances to occupants of neighboring property, and on sufficient land to harbor such animals.

G. Bee Keeping; No person may keep honey bees, *Apis mellifera*, in a manner that is inconsistent with the following requirements or that is inconsistent with any other section of this code.

(1) Colonies shall be managed in such a manner that the flight path of bees to and from the hive will not bring the bees into contact with people on adjacent property. To that end, colonies shall be situated at least twenty-five feet (25') from any lot line not in common ownership; or oriented with entrances facing away from adjacent property; or placed at least eight feet (8') above ground level; or placed behind a fence at least six feet (6') in height and extending at least ten feet (10') beyond each hive in both directions.

(2) No person shall keep more than four (4) hives on a lot of ten thousand (10,000) square feet or smaller, nor shall any person keep more than one (1) additional hive for each additional two thousand four hundred (2,400) square feet over ten thousand (10,000) on lots larger than ten thousand (10,000) square feet.

(3) It shall be a violation for any beekeeper to keep a colony or colonies in such a manner or in such a disposition as to cause any unhealthy condition to humans or animals.

(4) Beekeepers shall take appropriate care according to best management practices when transporting hives of bees. Bees being transported shall have entrance screens or be secured under netting.

(5) The term "hive" as used in this section means the single structure intended for the housing of a single bee colony. The term "colony" as used in this section means a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

(H) Lots on which livestock are kept on the effective date of the ordinance codified in this section which are not eligible for the keeping of livestock under this section shall be considered a non-conforming use of land under SMC 18.72.020. No new or replacement livestock may be kept or introduced on such lots after the effective date of the ordinance codified in this section. Offspring of livestock allowed as a non-conforming use under this section may be kept on such lots only until they are old enough to be relocated to a site conforming to this section or outside of the city limits (Ord. 17-05)

18.72.030 Application for Conditional Use Permits. Application for a conditional use permit shall be filed with the city manager. The application shall include, but is not limited to, the following:

- A. Name and address of the party seeking the permit;
- B. A legal description of the land;
- C. A description of the proposed use including a dimensional plot plan, and a description of the neighboring land use including any necessary maps and diagrams;
- D. The fee established by Commission resolution;
- E. Any additional information which the administrative official or the city planning Commission may require to determine if all conditions will be satisfied.

18.72.040 Procedures. A. If the application is in order, the City Manager shall schedule a public hearing of the proposal as specified in Chapter 18.96.

B. The Planning Commission will review and may approve, approve with conditions, or deny an application for conditional use permit. The application shall not be approved unless it is established that the proposal, with conditions if necessary, satisfies the applicable review criteria.

C. Approval of any conditional use permit shall require a concurring majority plus one vote of the City Planning Commission. (Ord. 17-05)

18.72.050 Time Limitations. Failure to meet any time limits imposed by the conditional use permit granted by the City Planning Commission shall void the conditional use permit.

18.72.060 Revocation and Amendment. A. Upon a determination that any required conditions are not being met, the administrative official shall notify the violator via certified mail and order compliance within 90 days. If the violation is not corrected, the conditional use permit shall be deemed administratively revoked

and the administrative official shall begin the procedures for abating a violation specified in Chapter 18.16.

B. The conditional use permit may be amended if it is determined that additions or modifications are required to satisfy the general conditions in section 18.72.020. Proposals to amend the conditional use permit shall be subject to the public hearing, notice and voting requirements of section 18.72.040.

Chapter 18.76 Variances

Sections:

18.76.010 Intent.

18.76.020 Conditions Precedent to Granting a Variance.

18.76.030 Application for a Variance.

18.76.040 Procedures.

18.76.010 Intent. A variance may be granted to provide relief when a literal enforcement of this zoning code would deprive a property owner of the reasonable use of his real property.

18.76.020 Conditions Precedent to Granting a Variance. A. All of the following conditions shall be found before a variance may be granted:

1. A literal interpretation of the provisions of this zoning code would deprive the applicant of rights commonly enjoyed by other properties in the same district

2. Special conditions and circumstances exist which are peculiar to the land or structures involved and which are not applicable to other lands and structures in the same district

3. The special conditions and circumstances have not been caused by actions of the applicant.

B. Financial hardship or inconvenience shall not be the reason for granting a variance.

C. Other nonconforming land use or structures within the district shall not be considered grounds for granting a variance.

D. A variance shall be the minimum variance necessary to permit the reasonable use of the land or structure.

E. A variance shall not be granted which will permit a land use in a district in which that use is otherwise prohibited.

18.76.030 Application for a Variance. Application for a variance shall be filed with the City Manager and the application shall include, but is not limited to, the following:

- A. All of the information required for a conditional use permit; and
- B. A precise description of the variance requested, including the section, paragraph, and sentence of this zoning code from which the applicant wishes to deviate; and
- C. A written item by item response to all of the conditions specified in Section 18.76.020.

18.76.040 Procedures. Procedures shall be as follows:

- A. If the application is in order, the City Manager shall schedule and conduct a public hearing of the proposal as specified in Chapter 18.96.
- B. Approval shall require the concurring majority vote plus 1 of the City Planning Commission.

Chapter 18.77 Vacation of Streets, Alleys, Right-of-Ways or Other Public Areas

Sections:

- 18.77.010 Intent
- 18.77.020 Application – Petition Required for Vacation
- 18.77.030 Procedure
- 18.77.040 Time Limitations

18.77.010 Intent. The purpose of this chapter is to provide a means of evaluating the public necessity for public rights-of-way and other public areas and to establish vacation procedures for the transfer of unnecessary rights-of-way and other public areas to adjoining properties. This chapter is enacted under the authority of AS 29.40.120 to 29.40.160 and KPBC. 20.70.020 (Ord. No. 2014-02, § 1, 2-11-14). (Ord. 16-08, Renumbered to 18.77 from 18.78)

18.77.020 Application- Petition Required for Vacation. The Application and Petition in this chapter is under the authority of KPBC 20.70.040, (Ord. No. 2014-02, § 1, 2-11-14), 20.70.050 (Ord. No. 2014-02, § 1, 2-11-14). (Ord. 16-08, Renumbered to 18.77 from 18.78)

18.77.030 Procedure. Proposed vacation applications and petitions within the incorporated City of Seldovia shall be first submitted to the City Planning and Zoning for review and make recommendations prior to submittal of the plat to the Kenai Peninsula Borough planning department. (Ord. 16-08, Renumbered to 18.77 from 18.78)

18.77.040 Time Limitations. The City of Seldovia Planning and Zoning shall have thirty days from the date of receipt of a completed petition and application in which to review it and take action. (Ord. 16-08, Renumbered to 18.77 from 18.78)

Chapter 18.78 Marijuana Cultivation, Manufacturing, Retail, and Testing Facilities

Sections:

- 18.78.010 Scope.
- 18.78.020 Intent.
- 18.78.030 Definitions.
- 18.78.040 Application Process.
- 18.78.050 Costs.
- 18.78.060 Safety and Security Plan.
- 18.78.070 Buffers.

18.78.010 Scope. A. This chapter applies to the operation of all marijuana cultivation, manufacturing, retail, and testing facilities within the city boundaries.

B. All marijuana facilities in all districts shall comply with Section 18.78.030 of this title and all State Statutes regarding the cultivation, manufacturing and retail sales and testing of marijuana.

C. This chapter in no way protects marijuana facilities from enforcement of federal law nor is it intended to sanction conduct or operations prohibited by law. All persons engaged in the marijuana industry within the city operate at their own risk and have no legal recourse against the City in the event that city laws are preempted, negated or otherwise found unenforceable based upon federal law prohibiting the sale distribution, consumption or possession of marijuana.(Ord. 17-07)

18.78.020 Intent. This chapter is intended to impose regulations that prevent:

1. The distribution of marijuana to minors;
2. Revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;

3. The diversion of marijuana from states where it is legal under state law in some form to other states where it is unlawful;
4. State-authorized marijuana activity from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;
5. Violence and the use of firearms in the cultivation and distribution of marijuana;
6. Drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
7. The growing of marijuana on public lands and the attendant public safety and environmental dangers posed by marijuana production on public land; and
8. Marijuana possession or use on federal property. (Ord. 17-07)

18.78.030 Definitions. *Marijuana and Marijuana products* have the meaning given in AS 17.38.900. (Ord. 17-07)

18.78.040 Application Process. A. Refer to Chapter 18.72 Conditional Use for the process for approval of a marijuana cultivation facility, manufacturing facility, retail facility, or testing facility applications.

B. An application for a conditional use permit under this chapter shall not be approved if the location of the facility violates the regulatory intent in Section 18.78.020. (Ord. 17-07)

18.78.050 Costs. The cost of all permits, studies and investigation required under this chapter shall be borne by the applicant. (Ord. 17-07)

18.78.060 Safety and Security Plan. A conditional use permit for a marijuana facility required by this title shall include an analysis of the ways in which the intent and purpose of this chapter have been met and the safety concerns identified in Sections 18.78.010 and 18.78.020 will be addressed.(Ord. 17-07)

18.78.070 Buffers. A. The Commission may require buffers, including berms, fences, trees, and shrubs, to minimize impacts to adjacent property.

B. The following buffer zones shall be applied to all marijuana facilities in all districts:

1. Schools 500 feet
2. Churches 500 feet

C. For purposes of this section, "schools" mean property primarily used as a private or public elementary or secondary education facility or property primarily used as a post-secondary education facility, including but not limited to private, faith-based, and public colleges and universities. (Ord. 17-07).

Chapter 18.80 Contract Zoning

Sections:

18.80.010 Intent.

18.80.020 Procedures.

18.80.010 Intent. It is the intent of this section to provide a means of insuring that the type of land use proposed in a rezoning request is the one which occurs if the rezoning is granted. "Contract zoning" means a zoning reclassification to a less restricted use when the owner of the rezoned property, either through an agreement with the Council or a covenant in favor of the City, places restrictions on the use of the land beyond the zoning requirements generally attaching to the new district in which the property has been placed.

18.80.020 Procedures. A. A petition for contract zoning shall be submitted to the City Manager. The applicant's petition shall contain detailed information on the proposed development and use of the land. Proposed covenants, guarantees or other forms of agreement to assure the development and use of the land as proposed shall also be submitted. A time schedule for the development and use shall be included with the petition.

B. The City Manager shall present the petition to the City Planning Commission. The City Planning Commission may consider the petition upon finding that:

1. The proposed land use is beneficial to the public interest and can be developed in a manner to be compatible with development in adjacent zoning districts.
2. Existing public facilities, services and utilities can accommodate the proposed use without any detrimental effect on adjacent zoning districts.
3. Rezoning accomplished under this section does not constitute "spot zoning."
4. Unrestricted rezoning to a district ordinarily permitting the proposed use would permit other uses that would not be compatible with the adjacent land use.

C. The City Planning Commission may reject, modify or accept the applicant's proposals submitted under subsection A of this section. If the applicant agrees, in writing, to the City Commission's acceptance or modification of the applicant's proposal, the Commission shall initiate an ordinance for amendment to

the City Council. Action taken by the Commission pursuant to this section shall not be construed to limit the Commission's authority to reject or modify the applicant's proposal during the zoning ordinance amendment process.

D. The applicant may appeal a City Planning Commission action pursuant to subsection C of this section as provided in Chapter 18.92.

Chapter 18.84 Nonconformity

Sections:

18.84.010 Intent.

18.84.020 Nonconforming Lots.

18.84.030 Nonconforming Structures.

18.84.040 Nonconforming Uses.

18.84.050 Elimination of Nonconforming Lots, Structures and Uses.

18.84.010 Intent. When any lot, Structure, use or occupancy legally exists prior to the adoption of this zoning code (adopted May 27, 1998), but does not meet the requirements of this zoning code, it shall be considered a nonconforming lot, structure or use. Except as provided in this zoning code, nonconformities may continue but may not be expanded.

18.84.020 Nonconforming Lots. Each parcel of land of record on the effective date of this zoning code or amendments thereto may be developed in conformity with all other provisions of this zoning code even though such parcel fails to meet the minimum lot size required. However, owners of contiguous parcels on the effective date of this zoning code or amendments thereto, which parcels would not meet the minimum lot size if considered separately, shall not be permitted to sell or develop the contiguous parcels in a manner which increases the number of nonconforming parcels.

18.84.030 Nonconforming Structures. Nonconforming structures are subject to the following restrictions:

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

B. Any such structure, which is moved for any reason for any distance whatever, shall thereafter conform to the regulations for the zone in which it is located after it is moved.

18.84.040 Nonconforming Uses. Nonconforming uses are subject to the following provisions:

- A. No structure shall be altered except as permitted in this zoning code.
- B. Nonconforming uses shall not be extended to occupy any land outside nonconforming structures.
- C. When a nonconforming use is discontinued for 1 (one) year, the use shall not thereafter be permitted except in conformance with the regulations of this zoning code.
- D. When a nonconforming structure is destroyed, all associated nonconforming uses shall be deemed terminated.
- E. The nonconformity shall not be moved to any other portion of the lot or the parcel.

18.84.050 Elimination of Nonconforming Lots, Structures and Uses. A reasonable schedule for the termination of a nonconforming lot, structure or use, or combination thereof, which significantly impairs the public health, safety and general welfare or the rights of neighboring property owners pursuant to this zoning code, shall be established by amendment to the Seldovia Zoning Code.

Chapter 18.88 Board of Adjustment

Sections:

- 18.88.010 Board of Adjustment established.
- 18.88.020 Powers and duties.
- 18.88.030 Procedures.
- 18.88.040 Appeals to the superior court.

18.88.010 Board of Adjustment Established. The Seldovia City Council is declared to be the Board of Adjustment.

18.88.020 Powers and Duties. The Board of Adjustment shall hear and decide appeals consistent with the provisions of this Zoning Code.

18.88.030 Procedures. Appeals heard by the Board of Adjustment shall be conducted as set forth in Section 18.92.060 and the rules and regulations governing City Council activity as specified in the Seldovia City Code.

18.88.040 Appeals to the Superior Court. All appeals from any actions of the City Council sitting as a Board of Adjustment shall be taken directly to the Superior Court for the State of Alaska. The costs of defending an action taken by

the City Council sitting as the Board of Adjustment shall be borne by the City of Seldovia.

Chapter 18.90 Grievances

Sections:

- 18.90.010 Intent
- 18.90.020 Application
- 18.90.030 Procedure
- 18.90.040 Time Limitations

18.90.010 Intent. The purpose of this chapter is to create a starting point of a process to be used by the public to bring forth lot line, roadway, right-of-way, easement or physical property issues to City leaders while providing for a tracking mechanism and written documentation of any subsequent actions that might have an effect on the subject issue.

18.90.020 Application. The application for Lot Lines, Roadways, Rights of Way, Easement and Physical Property Issue shall be filed with the City Office.

18.90.030 Procedure. Procedures shall be as follows:

A. If the application is in order, it will then be forwarded to City Council and/or Planning and Zoning for consideration.

B. All required documents per the application shall be submitted as a single package.

18.90.040 Time Limitations. A. Applications received the Thursday prior to a Council or Planning & Zoning meeting will be held until the next meeting date.

B. Variances, Conditional Use Permits, or easements, are possible actions the Council or Planning Commission could require to resolve your issue. Those documents require a minimum of 30 business days to process, and fees apply. (Ord. 16-07)

Chapter 18.92 Appeals

Sections:

- 18.92.010 Purpose.
- 18.92.020 Who May Appeal.

18.92.030 Period for Appeal.
18.92.040 Appeal Application.
18.92.050 Body to Hear Appeals.
18.92.060 Appeals Procedure.

18.92.010 Purpose. This section governs all appellate actions and determinations taken under the Seldovia Zoning Code.

18.92.020 Who May Appeal. Any person or persons with interests in land that is affected by an action or determination taken under this zoning code may appeal the action or determination.

18.92.030 Period for Appeal. An appeal must be filed within 30 days of the action or determination being appealed.

18.92.040 Appeal Application.

A. All applications for administrative appeal shall be filed with the City Clerk, shall be in writing, and shall contain, but are not limited to, the following information:

1. The name and address of the applicant;
2. A description of the action or determination from which the appeal is sought;
3. The matter appealed, the reason for the appeal, and must include a description of the harm that the appellant will suffer.

B. The period for decisions specified in Section 18.92.060 shall begin immediately upon receipt of the appeal by the City Clerk.

18.92.050 Body to Hear Appeals. A. Appeals from action or determination of the City Manager are heard by the City Planning Commission, unless otherwise provided by this title.

B. Appeals from the City Planning Commission are heard by the Board of Adjustment, unless otherwise provided by this title.

C. Appeals from Board of Adjustment action are heard by the Alaska Superior Court.

18.92.060 Appeals Procedure. A. This section covers all administrative appeals under this zoning code.

B. All appeals must be decided by the agency with whom the appeal has been filed within 60 days after the appeal has been filed with that agency.

C. The appellant and all parties who have participated in the decision below shall be provided with 15 days' notice of the scheduling of the appeal hearing. Affected property owners shall be notified as set forth in Chapter 18.96.

D. The notice of hearing shall specify that all persons who wish to appear before the agency hearing the appeal notify that agency of their plans at least three days prior to the hearing.

E. All persons taking part in the appeal may be represented by such persons as they desire, may produce additional new evidence as necessary, and may dispute evidence introduced by any party.

F. An electronic recording shall be kept of the entire proceeding and shall be preserved for 1 year unless required for further appeals.

G. All decisions shall be in writing and made solely upon the record before the agency hearing the appeal and shall make reference to evidence contained in the record. The agency shall include in its record the officially adopted minutes and decision of the agency from which the appeal was taken.

H. The agency deciding an appeal shall adopt as part of its decision an official statement of findings and reasons supporting its decision. This statement shall refer to specific evidence in the record and to the controlling sections of this zoning code. Upon express vote, the agency may adopt, as its statement of findings and reasons, those findings and reasons officially adopted by the agency below from which the appeal was taken.

I. Copies of the agency's decision and official statement shall be promptly mailed to all parties participating in the appeal hearing.

J. Any party participating in an appeal hearing shall have 30 days to appeal the decision to a higher agency or court. Any decision not appealed within that period shall become final.

Chapter 18.96 Public Hearings

Sections:

18.96.010 Purpose.

18.96.020 Public hearing procedure.

18.96.030 Notification of neighboring property owners.

18.96.010 Purpose. This chapter governs all public hearings held under the authority of the Seldovia Zoning Code.

18.96.020 Public Hearing Procedure. A. Notice of public hearing shall be posted in locations specified by Seldovia City Code. The notice shall be posted five (5) days prior to the public hearing date.

B. The notice shall contain at least the following information:

1. A brief description of the proposal on which the public body is to act;
2. A legal or common description of the property involved;
3. Date, time and place of the public hearing,
4. Person and place to contact for more detailed information.

C. The rules of order of the body holding the hearing shall prevail.

18.96.030 Notification of Neighboring Property Owners. A copy of the aforementioned notification shall be mailed to real property owners on record on the Borough Assessor's record within a three-hundred-foot periphery of the parcel affected by the proposed action. When a public hearing is to be held about a zoning ordinance amendment involving a change in the text or major district boundary changes, no notification of neighboring property owners shall be required, but notices shall be displayed in at least three public places.

Chapter 18.97 Amendment Procedures

Sections:

18.97.010 Amendment Procedure.

18.97.010 Amendment Procedure. A. Amendments to this Zoning Code shall be adopted by the City Council in accordance with procedures and provisions as provided in Chapter 18.96.

B. The City Planning Commission shall study any application for an amendment and will consider and determine:

1. The need and justification of the proposed amendment;
2. Whether the proposed amendment is in conformance with the Comprehensive Plan or will further the purposes of the Pan;
3. The effect of the proposed change on surrounding properties or the area; and
4. The amount of undeveloped land in the general area having the same district classification as that requested by the proposed amendment.