

**Title 17**  
**ZONING**

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## Chapter 17.01

### General Provisions

#### **17.01.010 Title.**

VMC Title 17 shall be known and cited as the “Zoning Ordinance of the City of Valdez, Alaska.” (Ord.

#### **17.01.020 Purpose and Applicability.**

- A. The purpose of VMC Title 17 is to regulate the use of land and improvements by districts in accordance with the city comprehensive plan. These zoning regulations are designed to provide for orderly development; to lessen street congestion; to promote public safety; to protect the public health and general welfare; to provide a high quality of life; to prevent overcrowding; and to stimulate systematic development of transportation, public utilities, educational facilities, parks, and other public facilities.
- B. No building or land within the city shall have the existing use altered, used or occupied, and no building or part thereof shall be erected, moved or altered unless in conformity with the applicable provisions specified in VMC Title 17.
- C. Approval Required to Ensure Conformance. To ensure that public uses and structures conform to the general community pattern and to regulations governing private uses and development, agencies of the federal government, the state and the city shall submit plans and receive approvals in conformance with the requirements outlined in this title.

#### **17.01.030 Comprehensive Plan.**

- A. The Comprehensive Plan of the City of Valdez is the primary policy document to guide land use, transportation, conservation, public services, and capital investment decisions within the city. The zoning districts and associated development standards herein, are intended to implement the goals and policies from the comprehensive plan. The comprehensive plan serves as the guiding document for the zoning ordinance. The provisions of VMC Title 17 have been developed according to the goals and policies of the Plan.
- B. The comprehensive plan shall provide guidance for actions including, but not limited to, rezoning as referenced herein.

#### **17.01.040 Other Plans.**

- A. Other long-range planning documents may be adopted by the City, such as the Local Hazard Mitigation Plan, plans for small areas of the city, and more.
- B. These plans provide context and guidance for land use and development decisions enabled by VMC Title 17.

#### **17.01.050 Code and Land Use Interpretations.**

In their interpretation and application, the provisions of VMC Title 17 shall be minimum regulations and shall apply uniformly within each district, each class or kind of building, structure, land, or water area, except as hereinafter specifically provided.

#### **17.01.060 Conflicts with Other Regulations.**

When the requirements of VMC Title 17 are at variance with the requirements of any other lawfully adopted ordinance of the city, those imposing the higher standards shall apply.

#### **17.01.070 Emergency Situations.**

During a local disaster emergency declaration under AS 26.23.140 or a state disaster emergency declaration under AS 26.23.020(c), provisions of VMC Title 17 may be waived by the city manager or designee if deemed necessary to restore order. See VMC 9.36.060 for emergency declaration information.

## Chapter 17.02

### Definitions

#### 17.01.010 Purpose and Applicability.

- A. Purpose. The purpose of this Chapter is to define specific and notable terms for VMC Title 17 of the VMC.
- B. Applicability. For the purposes of VMC Title 17, the following terms, words and phrases shall have the meanings respectively ascribed to them by this Chapter.
- C. Interpretation. The Planning Director shall have the authority to determine the interpretation or usage of words or terms used in VMC Title 17, subject to appeal as set forth in Table 17.04.030.a Review Matrix. Any person may request an interpretation of any word or term by submitting a written request to the Planning Director.

#### 17.02.030 Definitions—Generally.

The following define the terms, words, and phrases as they apply to VMC Title 17. For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section.

“Abut” means to physically touch or border upon; or to share a common property line.

“Access” means a way or means of approach to provide legal and physical entrance to a lot.

“Accessory Dwelling Unit” means a residential dwelling unit smaller and clearly subordinate to a primary dwelling unit(s) located on the same lot, which is attached or detached.

“Accessory use, building, or structure” means a use or structure incidental and subordinate to the primary use of the property and located on the same lot as the primary use or uses. An accessory use can be one listed as permitted, conditional or accessory in the zoning district in which it is located.

“Adult Entertainment use” means any business that meets the definition of “business that offers adult entertainment” as specified in AS 23.10.350(f).

“Agricultural activity” means farming, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products (except commercial logging and timber harvesting.)

“Alteration” means any change, addition or modification in the construction, location, occupancy or use classification.

“Animal boarding, kennels, and shelters” means any premises where domestic animals, such as dogs and cats, are boarded, trained, or bred.

“Animal hospital and veterinary practices” means a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-term boarding and shall be only incidental to such hospital use.

“Animal husbandry” means the use of land for dairying, animal raising, and pasturage and the necessary accessory uses; provided, however, that such accessory uses shall be secondary to that of normal animal husbandry activities.

“Aquaculture and mariculture operation” means any establishment or facilities where aquatic plants and animals are cultivated.

“Aviation Instruction Facility” means any pilot school, flight training center, air carrier flight training facility, or flight instruction facility.

“Assembly Hall” means a building or portion of a building in which facilities are provided for civic, educational, political, or social purposes.

“Assisted Living Home” means a residential facility that serves three or more adults or that receives state or federal payment for services regardless of the number of adults served as defined by AS 47.32.900(2)(A).

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

“Building area” means the total areas taken on a horizontal plane at the main grade level of the primary building and all accessory buildings, exclusive of external steps.

“Building code” means the International Building Code as adopted by the City in VMC Titles 15, 8, and 13 of this code, including local amendments, applicable to the city. Referred to in VMC Title 17 as Valdez Building Code.

“Existing building” means a building erected prior to the adoption of this code for which a legal building permit has been issued.

“Building facade” means any exterior wall plane and associated windows, openings, and architectural elements that extends from the ground to the top of each wall of a structure but not including roof.

“Building height” means the vertical distance measured from the average ground level prior to construction to the highest point of building.

“Building Material Supply Establishment” means a lot, building, and/or structure used for the wholesale or retail sales of building or construction supplies and accessories, including outdoor storage of building materials.

“Child care facility” means a facility providing day care to children required to be licensed under AS 47.32.

“Clinic” means an establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists, or social workers and where patients are not usually lodged overnight.

“Commercial and Retail Sales” means a commercial enterprise that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

“Community building” means a building or structure owned and operated by an agency or political subdivision of the United States, state of Alaska, City of Valdez, or a tribal organization providing service to the public.

“Comprehensive plan” means an officially adopted document including text, charts, graphics or maps, or any combination, designed to portray general long-range proposals for the arrangement of land uses and development of an economic base and human resources and which is intended to guide government policy towards achieving orderly and coordinated development of the entire community.

“Conditional use” means a provision which allows for flexibility within this chapter by permitting certain specified uses in zoning districts where such uses are generally considered appropriate, but only after additional conditions and safeguards are applied to ensure their compatibility with permitted primary uses. Conditional uses are subject to a permit process, pursuant to 17.04.060.

“Connex” see intermodal shipping container.

“Contiguous” means next to, abutting, or touching and having a boundary, or portion thereof, which is common, coterminous or coextensive.

“Construction yard” means any area used on a temporary basis for the storage or processing of materials and supplies used in the construction of a project for a limited period of time. Includes construction offices necessary for work on the associated project.

“Corral” means the any type of enclosure for confining livestock.

“Correctional facility” means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, and contract jails, and other facilities operated by the department of corrections or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense, not including short-term holding facilities associated with police departments or stations.

“Cultural institution” means a library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts or sciences.

“Density” means the number of inhabitants, or dwellings, per unit of geographical region; may refer to population or housing density.

“Drinking establishment” means a building or place of business involving the retail sale or dispensing of alcoholic beverages by the drink. May include beverage dispensaries, eating establishments, clubs, breweries, brewpubs, wineries, or distilleries. Drinking establishments shall be licensed by the State of Alaska under AS Title 4, Chapter 11, as a retailer of alcoholic beverages.

“Dwelling – Detached” means a dwelling that is not attached to any other dwelling, excluding accessory dwelling units.

“Dwelling – Attached Duplex (up to 2 units per building)” means a dwelling that is attached to one other dwelling unit of equal size (excluding accessory dwelling units) located on a single lot.

“Dwelling – Attached Townhouses” means a dwelling that is attached to another dwelling in a side-by-side fashion, with each dwelling on a separate lot.

“Dwelling – Multi-unit (up to 4 units per building)” means a building or portion thereof containing 3 or 4 dwelling units per building and located on a single lot.

“Dwelling – Multi-unit (more than 4 units per building)” means a building or portion thereof containing more than 4 dwelling units per building and located on a single lot.

“Dwelling – Manufactured Home” means a detached dwelling designed for long-term human habitation and having complete living facilities; constructed and fabricated into a complete unit in a factory and capable of being transported to a location of use on its own chassis and wheels; identified by a model number and serial number by its manufacturer, meeting the manufacturer’s association codes and designed primarily for placement on an impermanent foundation. Manufactured homes, meeting this definition are constructed on or after June 15, 1976.

“Dwelling – Mobile Home” means a detached dwelling designed for long-term human habitation and having complete living facilities; constructed and fabricated into a complete unit in a factory and capable of being transported to a location of use on its own chassis and wheels; identified by a model number and serial number by its manufacturer. Mobile homes, meeting this definition are constructed prior to June 15, 1976.

“Dwelling unit” means a building or portion of a building, that has independent living facilities including provisions for sleeping, cooking and sanitation, and is designed for residential use. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units unless the additional cooking facilities are clearly accessory, such as an outdoor grill.

“Easement” means an interest in land owned by another that entitles the easement holder to a specified limited use or enjoyment.

“Eating establishment” means a place, building or structure where the preparation or serving of food for sale or consumption is conducted.

“Educational Institution” means any public or private property or building or part thereof which is designed, constructed or used for educational purposes or instruction in any branch of knowledge.

“Educational Institution – Vocational” means an educational institution where students learn the specific skills required for a job in the trades. Examples may include educational institutions that teach: auto repair, welding, carpentry, or cosmetology.

“Entitlement” means any permit or approval granted under VMC Title 17, including, but not limited to zoning map amendments, conditional use permits, land use permits, and variances.

“Fence” means a barrier which is constructed of wood, metal, plastics, masonry materials or a combination thereof.

“Fence height” shall be measured as the vertical distance from the ground elevation or finished grade of the property on which the fence is erected to the highest point of the fence. To allow for variation in topography on a parcel, the height of a fence may vary up to six inches. Where there is a difference in the ground elevation or finished grade between two adjoining parcels of less than two feet, the height of any fence constructed along the common property line shall be determined by using the finished grade of the highest contiguous parcel. When there is a difference in the ground level between two adjacent parcels of two feet or more, the height of a fence or wall shall be determined by the Planning Director or designee. The Director shall consider the physical and visual height impact on abutting properties.

“Floor area” means the total horizontal area of each floor of a building within the surrounding outer walls but excluding vent shafts and courts.

“Food production and processing, small scale” means establishments that prepare, process, can, or package food products. Examples of activities include bakeries, dairies, and candy-making.

“Food production and processing, large scale” means establishments that prepare, process, can, or package food products including meat processing facilities.

“Frozen Food Storage” means refrigerated lockers provided for the storage of frozen food, either private or rented, for a fee.

“Fuel and Gas Stations” means facility used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquified flammable gas, or flammable gas into the fuel tanks of automobiles. Includes the storage of fuel, above ground or underground, to serve the gas station. Includes car wash as a primary or accessory use.

“Fuel Pier” means a pier used as an off-load and on-load point for deliveries of fuel oil and petroleum products to and from water-based vessels.

“Fuel storage, small scale” means the storage of flammable or combustible liquids or gases in above- or below-ground containers in conjunction with an approved residential or commercial use for use on-site.

“Fuel storage, medium scale” means the storage of flammable or combustible liquids or gases in above- or below-ground containers serving gas stations and small boat harbors.

“Fuel storage, large scale” means the storage of flammable or combustible liquids or gases in above-ground containers serving industrial uses, either for on-site uses or distribution.

“Garage” means a building or portion thereof in which motor vehicles are stored.

“Grade or ground level” means the average level of the finished ground at the center of all exterior walls of a building.

“Hazardous substance production and storage” means a facility for hazardous substance storage or production, not including the temporary storage and retail sale of consumer products containing hazardous substances.

“Helipad” means a facility without the logistical support provided by a heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, or storage of helicopters.

“Home occupation” means an accessory occupational use which is clearly incidental and subordinate to the use of the dwelling for living purposes and does not change the character thereof.

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

“Hotel, Motel, Inn, or Lodge” means any building or group of buildings in which there are multiple guest rooms, used, designed or intended for use for the purpose of offering public lodging on a day-to-day basis. Does not include short-term rentals or rental cabins, as defined by VMC Title 17.

“Intermodal shipping container” means a pre-fabricated, standardized, reusable, metal container designed and intended for transporting cargo on ocean-going ships, trains, or tractor trailers, also commonly called connex units or cargo containers.

“Industrial, heavy” means activity including heavy manufacturing, shipping terminals, material extraction (not including timber harvesting), and other processes or operations which involve one or more of the following: large numbers of workers, heavy truck traffic, significant environmental effects or large-volume public water and sewer service.

“Industrial, light” means light industrial manufacturing, processing, warehousing, storage, wholesale and distribution operations, and similar processes and operations.

“Kennel” means any enclosure, building, shelter, area or establishment used for the purpose of breeding, buying, selling, keeping or boarding six or more dogs over the age of four months either for profit, pleasure, or as pets.

“Livestock” means generally accepted outdoor farm animals (i.e., cows, goats, horses, pigs, etc.) not to include barnyard fowl, cats, dogs, and other house pets. Livestock under six months of age are considered to be in the weaning process and is not included in the total number of countable livestock on a property.

“Livestock, Large” means livestock whose typical weight for that breed is greater than or equal to two hundred fifty pounds.,

“Livestock, Small” means livestock whose typical weight for that breed is less than two hundred fifty pounds.

“Lot” means a parcel or tract of land shown as an individual unit on the most recent plat of record.

“Lot - Corner lot” means a lot situated at the junction of, and bordering on, two intersecting rights-of-way.

“Lot- Depth of lot” means a mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot line.

“Lot - Interior lot” means a lot located within a group of lots other than on intersecting streets.

“Lot- Front lot line” means the lot line adjacent to a public street. In the case of a corner lot, the front line shall be the shorter of the street lot lines. In the case of a triangular lot located on a curved street, the front lot line shall be the chord line of the curve measured from the points where property intersects the right-of-way.

“Lot - Lot lines” means the property lines bounding a single parcel of property.

“Lot - Lot width” means the mean horizontal distance separating side lot lines of an individual lot.

“Lot - Rear lot line” means the lot line opposite and most distant from the front lot line, and in the case of a triangular, irregular or other odd-shaped lot, the line not less than ten feet in length, within the lot, and at the maximum distance from the front lot line.

“Lot line- Side lot line” means any lot line not a front lot line or a rear lot line.

“Major street” means a roadway which serves as the primary artery of through traffic movement.

“Master plan” means a plan for a subdivision or similar improvement that includes development aspects, including, but not limited to, zoning, lot size, utilities, recreational/public facilities, biological issues, snow removal, geological hazards, drainage, access, streets, public areas, rights-of-way, easements, and future expansion options.

“Marijuana cultivation facility” has the meaning given in AS 17.38.900(8) and is subject to the privileges and prohibitions set out in 3 AAC 306.405.

“Marijuana product manufacturing facility” has the meaning given in AS 17.38.900 and is subject to the privileges set out in 3 AAC 306.305 and prohibitions set out in 3 AAC 306.310.

“Marijuana retail store” has the meaning given in AS 17.38.900 and is subject to the privileges set out in 3 AAC 306.305 and prohibitions set out in 3 AAC 306.310. “Marijuana retail store” and “retail marijuana store” have the same meaning as used herein.

“Marijuana testing facility” has the meaning given in AS 17.38.900 and is subject to the privileges and prohibitions set out in 3 AAC 306.610.

“Minor street” means that which is used primarily for access to the abutting properties.

“Manufacturing and Processing” means the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, the blending of materials, such as lubricating oils, plastics, resins, or liquors, and other processes or operations which involve one or more of the following: large numbers of workers, heavy truck traffic, significant environmental effects or large-volume public water and sewer service. May also include warehousing, storage and distribution of said products.

"Manufacturing and Processing, Artisan" means an establishment where preparation of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items; as well as the incidental storage, sales and distribution of such products.



“Manufacturing and Processing, Light” means manufacturing and processing that does not include a large number of workers, heavy truck traffic, significant environmental effects or large-volume public water and sewer service.

“Manufactured home park” means any area, lot, or portion of a lot where space for two or more manufactured or mobile homes are leased, rented or held out for rent for occupancy, having separate attachments for utilities; this does not include automobile or trailer sales lots on which unoccupied manufactured or mobile homes are parked for inspection and sale.

“Motel” See Hotel, motel, lodge, inn.

“Material resource extraction” means commercial or industrial operations involving removal of topsoil, fill, sand, gravel, rock, or any operations having similar characteristics.

“Mining operation” has the meaning given in 15 AAC 65.990.

“Nonconformity” means any lot, structure, use of land, use of a structure or characteristics of such use which does not conform to the terms of VMC Title 17 or future amendments, but which was lawful when established.

“Nursery” means any land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting.

“Open space” means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

“Common open space” means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

“Office” means a room or group of rooms used for conducting the affairs of a business, profession, studio, service industry, or government.

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

“Park” means a tract of land, designated and used by the public for active and/or passive recreation.

“Passive” means existing, conducting or experiencing without active or concerted effort; receiving an action without responding or initiating a return action.

“Permitted use” means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

“Personal Communication Antennae” means any structure or device used for the purpose of collecting or radiating electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omnidirectional antennas, such as whip antennas, which are located on the exterior of, or outside of, any building, or structure; other than commercial wireless communication towers.

“Personal Services” means services generally related to personal needs, such as barbershops, beauty shops, massage facilities, chiropractic clinics, garment repair/tailoring, laundry cleaning, shoe repair, and other similar establishments.

“Planned unit development” means a group or combination of uses developed as a functional unit, the plan of which may not conform to the regulations established in any one or more zoning districts with respect to lot size, mixture of uses, dimensional standards, or required open space.

“Port and harbor facilities” means those facilities generally associated with a port or harbor such as docks, piers, floats, harbormaster offices, and any associated accessory uses and maintenance facilities, to include fuel docks for the purpose of fueling vessels for their own operation.

“Primary use” means the primary or predominant use or uses of any lot or tract.

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

“Quasi-public” means in a manner or degree of being public, having some, but not all of the particular attributes of being public.

“Recreation, indoor, commercial/private” means a private/commercially owned and operated recreational land use conducted entirely within a building that includes activities for play, amusement, or relaxation.

“Recreation, indoor, public” means a public recreational land use conducted entirely within a building that includes activities for play, amusement, or relaxation.

“Recreation, outdoor, commercial/private” means a private/commercially owned and operated recreational land use that primarily takes place outdoors that includes activities for play, amusement, or relaxation and which may include related buildings or structures.

“Recreation, outdoor, public” means a public recreational land use that primarily takes place outdoors that includes activities for play, amusement, or relaxation and which may include related buildings or structures.

“Recreational vehicle” means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel, or other temporary occupancy use, which either has its own motive power, or is mounted on or drawn by another vehicle. Examples include travel trailer, camping trailer, truck camper, motor home, and other similar vehicles.

“Recreational vehicle park or campground” means a lot or portion of a lot where two or more recreational vehicles or tents are parked, camped, leased or rented for temporary occupancy for recreation or vacation purposes. A recreational vehicle park or campground may be improved or unimproved providing remote, rural or nonrural settings that may or may not include improvements and amenities such as water, showers, electricity, a dump station, cable television, Internet service or similar services.

“Recreational vehicle park or campground site” means a plot of ground within a recreational vehicle park or campground intended for the accommodation of a recreational vehicle, a tent, or other individual camping unit on a temporary basis.

“Religious institution” means a place of gathering for the purpose of religious worship or related activities, including the permanent place of residence of a pastor, minister or equivalent religious leader.

“Rental cabins” means detached cabins for temporary lodging that are available for rent on a nightly basis as part of a group of three (3) or more cabins for rent. Rental cabins are considered a primary use only. Detached accessory dwelling units utilized as short-term rentals are excluded from rental cabins.

“Residential” means activity involving the occupation of a building for living, cooking, sleeping, and recreation.

“Right-of-way” means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

“Scrap yard” means any lot or portion of a lot used for the storage, salvage, keeping or abandonment of junk or waste material including worn out, wrecked, scrapped, partially or fully dismantled discarded tangible materials, combination of materials, or items, such as automobiles, machinery, metal, rags, rubber, paper, plastics, chemicals and building materials which cannot, without further reconditioning, be used for their original purpose.

“Self-storage” means a building or group of buildings in a controlled-access and secured site that contains individual compartmentalized and controlled-access storage spaces which are leased or rented for storage purposes on an individual basis.

“Setback” means that line that is the required minimum distance from the street right-of-way or any other lot line that establishes the area within which a structure must be erected or placed.

“Shelter (e.g. homeless, victims, emergency)” means a facility providing temporary protective sanctuary for victims of crime, abuse, or other events that necessitate temporary shelter, including emergency housing during crisis intervention for individuals.

“Shooting range” means a facility or area used for controlled, live discharge at a target by firearm instruments, including, but not limited to, archery items, rifles, pistols, air guns and shotguns.

“Short-term rental” means a transient lodging establishment, located within a residential structure, engaged in providing temporary accommodations for the general public. Stay duration is less than 30 days. These may include, but are not limited to: entire dwellings, rooms within a dwelling, attached and detached accessory dwelling units, and bed and breakfast establishments. Short-term rentals do not include worker housing as defined in VMC Title 17, which is strictly for transient workers.

“Short-term rental, owner occupied” means a short-term rental where the owner is the primary resident and their residence is located on the same property as the short-term rental. On such properties, the short-term rental may be located within/attached to the primary residence or within an accessory dwelling unit associated with the primary residence.

“Sign” means any device, flat, light, figure, picture, letter, message, symbol, plaque or poster visible outside the lot on which it is located and which is designed to inform or attract the attention of the public, excluding murals or architectural designs which do not advertise a business, product or service.

“Small wind or solar energy system” means any mechanism or device designed for the purpose of converting wind or solar energy into electrical or mechanical power.

“Solid waste disposal” means an area used for the disposal or storage of solid waste material, including garbage, sewage, trash, rubble, construction debris, and all other kinds of organic or inorganic refuse by abandonment, discarding, dumping, reduction, burial, incineration, or any other similar means.

“Solid waste processing facility” means a facility where solid that is derived primarily from off-site is to be processed. Activities may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of the waste.

“State highway” means all public vehicular ways designated as state highways in accordance within Title 19 of the Alaska Statutes.

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

“Street” means a permanently designed major, collector, or minor way, open to public use, which affords the primary means of access to abutting property, such as an avenue, place, drive, boulevard, highway and any other similar public thoroughfare.

“Street, collector” means a street designed and intended to carry traffic from residential street systems to arterial street systems or state highways.

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

“Subdivision” means the division of a lot, tract, or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease.

“Tent” means a portable, collapsible, enclosed shelter made of canvas or nylon, or comparable material, which has been specifically designed and manufactured for temporary use.

“Trail” means a marked, worn or beaten path, through woods or wilderness.

“Trailer” means a utility structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office.

“Timber harvesting” means the commercial cutting of timber.

“Use” means the purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

See “Accessory use.”

See “Primary use.”

See “Conditional use”

“Utility, Class I” means utility installations including substations and indoor processing that do not create noise, odor, or vibration impacts that negatively affect surrounding properties.

“Utility, Class II” means power generation facilities and facilities that include outdoor processing that may generate noise, odor, or vibration impacts on surrounding properties.

“Utility installation” means an installation owned by any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, water, sewage collection and treatment, or other similar service.

“Variance” grants an exception to a standard of a zoning district but not to the use restriction of that zoning district, and then only when the criteria for variance approval within VMC Title 17 are met.

“Vehicle sales (motor vehicles)” means the use of any building, land area or other premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair work and other minor repair service conducted as an accessory use.

“Vehicle Service (automobiles, boats and marine equipment)” means general repair, rebuilding, or reconditioning of engines, motor vehicles, boats, marine equipment, or trailers, including body work, framework, welding, and major painting service.

“Warehouse” means a building used primarily for the storage of goods and materials.

“Wireless Communication Towers (commercial)” means a tower, pole, or similar structure that supports a telecommunications antenna operated for commercial purpose above ground in a fixed location, freestanding, guyed, or on a building or other structure.

“Worker Housing” means accommodation that is used solely for the purpose of providing cooking, sanitary, and sleeping facilities to house transient workers associated with a particular business, institution or industry. Housing types may include, but are not limited to, bunkhouses, boarding houses, dormitories, attached dwelling units, mobile and manufactured homes.

“Yard, Front” means a yard extending the full width of the lot across the front of a lot adjoining a public street and measured horizontally at right angles to the front lot line, extending to the edge of the nearest structure on the lot.

“Yard, Rear” means a yard extending the full width of the lot across the rear of the lot and measured horizontally at right angles to the rear lot line, extending to the edge of the nearest structure on the lot.

“Yard, Side” means a yard extending from the front yard to the rear yard and measured horizontally at right angles to the side lot line. In the case of a corner lot or side yard abutting a public street, the side yard shall be measured horizontally at right angles to the side lot line extending to the edge of the nearest structure on the lot.

**Chapter 17.03**

*Reserved*

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## Chapter 17.04

### Administration and Enforcement

#### 17.04.010 Purpose and Applicability

- A. Purpose. The purpose of this Chapter is to establish the decision-making authorities, review procedures, and enforcement actions that shall apply the provisions of VMC Title 17.
- B. Applicability. The provisions of this Chapter shall apply to situations that apply to the establishment of a new use on a lot, expansions of an existing use on a lot, new development projects, subdivision activities, construction activities, and modifications to previous approvals. These provisions are also applicable to situations where a use is in violation with VMC Title 17.

#### 17.04.020 Decision-making Authorities

- A. General. This section establishes the decision-making authorities and their powers to interpret the provisions of VMC Title 17, review and act on specified land use and development proposals, and/or recommend certain actions to a higher-level decision-making authority. Decision-making authorities are established in VMC Title 2.
- B. City Council.
  - 1. Powers and Duties. The Council possesses the following authority as it relates to various land use permits/applications associated with VMC Title 17. The Council shall follow the review criteria, process, and standards outlined in VMC Title 17.
    - a. Zoning and Code Amendments. The Council shall review and take action on requests to amend, update, or replace the official zoning map, code text, and other regulatory provisions. The Council may approve, approve with modifications, or deny requests affecting the City's zoning map and code.
    - b. Comprehensive Plan. The Council shall review and take action on requests to amend, update, or replace the Comprehensive Plan including maps, text, and exhibits therein. The Council may approve, approve with modifications, or deny requests amending the City's Comprehensive Plan.
    - c. Other Permits. The Council shall review and take action on other permits designated by VMC Title 17.
    - d. Appeals. The Council shall review and take action on appeals related to reviews pursuant to Table 17.04.030.a Review Matrix. In this review, The Council may adhere to the decision made by the previous decision-making authority or issue a new finding on the subject case.
    - e. Other Plans. The Council may review and take action on other planning documents.
    - f. Developer Agreements. The Council may review and take action on developer agreements as it relates to land use and development.
- C. Planning and Zoning Commission.
  - 1. Powers and Duties. The Planning and Zoning Commission possesses the following authority as it relates to the various land use permits/applications associated with VMC Title 17. The Planning & Zoning Commission shall follow the review criteria, process, and standards, as outlined in VMC Title 17. The following lists powers and duties granted to the Planning and Zoning Commission.
    - a. Conditional Use Permits. The Planning and Zoning Commission shall review and take action on conditional use permits and amendments thereto. The P&Z shall approve, approve with conditions, or deny conditional use permits.
    - b. Variances. The Planning and Zoning Commission shall review and take action on variance requests and amendments thereto. The Planning and Zoning Commission shall approve, approve with conditions, or deny variance requests.

- c. Zoning and Comprehensive Plans. The Planning and Zoning Commission shall provide the City Council with a recommendation to approve, approve with limitations, or deny requests to amend VMC Title 17, the City's official zoning map, and/or the City's Comprehensive Plan.
- d. Other plans. The Planning and Zoning Commission shall provide the City Council with a recommendation to approve, approve with limitations, or deny special studies/plans related to land use, zoning, and land development.
- e. Other Permits. The Planning and Zoning Commission shall review and take action on other permits designated by VMC Title 17, the VMC, and/or as directed by the City Council.
- f. Appeals. The Planning and Zoning Commission shall review and take action on appeals as set forth into Table 17.04.030.a Review Matrix. The Planning and Zoning Commission shall adhere the department review decision or issue a new finding on the subject appeal.

D. Planning Department.

- 1. Planning Department. The Valdez Planning Department is designated as the primary administrator of VMC Title 17 of the VMC. The Planning Director, or designee, shall have the authority to interpret the standards outlined in VMC Title 17. The Planning Director may designate a person (designee) to carry out the functions and duties of the Planning Director identified in this chapter.
- 2. Powers and Duties. The Planning Department is granted the following authority as it relates to the various land use actions associated with VMC Title 17.
  - a. Conditional Use Permits. The Planning Director, or designee, shall review and make recommendations to the decision-making authority pertaining to conditional use permits and amendments thereto; the process shall include review and comment from other City departments, as appropriate.
  - b. Variances. The Planning Director, or designee, shall review and make recommendations pertaining to variance requests.
  - c. Administrative Adjustments. The Planning Director, or designee, shall review and take action on administrative adjustments.
  - d. Zoning Code and Comprehensive Plan Amendments. The Planning Director, or designee, shall review and make recommendations to the Planning and Zoning Commission and City Council pertaining to amendments to the zoning code, the City's official zoning map, and the City's Comprehensive Plan.
  - e. Special Studies. The Planning Director, or designee, shall review and make recommendations to the decision-making authority pertaining to special studies or other plans affecting the City.
  - f. Zoning Review and Zoning Interpretations. The Planning Director, or designee, shall make land use clearance determinations. The Planning Director shall make interpretations relating to VMC Title 17 and the official zoning map.
  - g. Enforcement. The Planning Director, or designee, is primarily responsible for enforcement of VMC Title 17.
- 3. Other Departments. Other municipal departments may provide additional technical review and guidance related to land use and enforcement matters. The Planning Director, or designee, may solicit reviews by various departments as appropriate.

**17.04.030 Review Matrix**

- A. General. Review procedures established in this section are applicable to any development or land use located within the City of Valdez.
- B. Review Matrix. The review matrix is provided as Table 17.04.030.a. The review matrix identifies each land use action along with the corresponding review authority, decision-making authority and appellate authority.

<b>Table 17.04.030.a Review Matrix</b>			
<b>Permit/Application Type</b>	<b>Reviewing Authority (recommendation)</b>	<b>Decision-making Authority</b>	<b>Appellate Authority</b>
Comprehensive Plan Amendments	Planning Department Planning and Zoning Commission	City Council	Superior Court or Court of Competent Jurisdiction
Zoning Code and Zoning Map Amendments	Planning Department Planning and Zoning Commission	City Council	Superior Court or Court of Competent Jurisdiction
Conditional Use Permits	Planning Department	Planning and Zoning Commission	1 <sup>st</sup> Appeal: City Council 2 <sup>nd</sup> Appeal: Superior Court or Court of Competent Jurisdiction
Variances	Planning Department	Planning and Zoning Commission	1 <sup>st</sup> Appeal: City Council 2 <sup>nd</sup> Appeal: Superior Court or Court of Competent Jurisdiction
Administrative Adjustments	Planning Staff	Planning Director	1 <sup>st</sup> Appeal: Planning and Zoning Commission 2 <sup>nd</sup> Appeal: City Council
Zoning Clearances (stand-alone applications)	Planning Staff	Planning Director or designee	1 <sup>st</sup> Appeal: Planning and Zoning Commission 2 <sup>nd</sup> Appeal: City Council
Code Interpretation	Planning Staff	Planning Director	1 <sup>st</sup> Appeal: Planning and Zoning Commission
Temporary Land Use Permits – Short-Term	Planning Staff	Planning Director	1 <sup>st</sup> Appeal: Planning and Zoning Commission 2 <sup>nd</sup> Appeal: City Council
Temporary Land Use Permits – Long-Term	Planning Department	Planning and Zoning Commission	1 <sup>st</sup> Appeal: City Council 2 <sup>nd</sup> Appeal: Superior Court or Court of Competent Jurisdiction
Minor Permit Amendments	Planning Staff	Planning Director	1 <sup>st</sup> Appeal: Planning and Zoning Commission 2 <sup>nd</sup> Appeal: City Council
Major or Other Permit Amendments	See Section 17.04.140	See Section 17.04.140	Other Amendments: See Appellate Authority for the specific Permit/Application Type.
Enforcement Orders	Planning Staff	Planning Director	1 <sup>st</sup> Appeal: Planning and Zoning Commission 2 <sup>nd</sup> Appeal: City Council



**17.04.031 – 17.04.034     *Reserved***

**17.04.035     *Schedule of fees, charges and expenses.***

- A. General. The City Council shall adopt a schedule of fees that shall be paid by the applicant for the specific requests/applications outlined in VMC Title 17. The schedule of fees shall be adopted by resolution and is hereby referenced by VMC Title 17.
- B. Payment of Fees. The City, its staff, and departments shall not take action on any request/application until all applicable fees, charges, and expenses have been paid in full by the applicant.
- C. Fee Refunds. The City may issue a refund for any request/application that is withdrawn by the applicant so long as no final action has been made by the decision-making authority pursuant to Table 17.04.030.a.
- D. Associated Expense. The City may charge the applicant any associated expenses that may be warranted to conduct a thorough and complete review of a request/application that are in addition to standard staff time. These expenses may include, but not limited to, third-party consultants, technical advisors, technical studies, and other scientific/engineering studies. In those situations, the city shall notice the applicant of the additional review expense and provide a good faith estimate of the costs before expenses are incurred.

**17.04.036     *Permit Applications***

- A. General. The City shall make available an application with detailed submittal requirements for each land use permit listed in VMC Title 17. Applicants shall be required to submit a complete application and the associated technical materials so that the City staff and the decision-making authorities may conduct a thorough review and take action on said requests/applications.
- B. Review Procedures. The City shall process all applications pursuant to Table 17.04.030.a and the provisions listed under each of the subsequent sections as they relate to the specific request/application type.
- C. Submittal Allowances. The Planning Director may waive some of the submittal requirements listed in VMC Title 17 when they determine the information is not warranted for the subject request/application.

**17.04.037     *Permit and Application Records***

- A. General. The City Clerk shall maintain records of formal permits and applications relating to VMC Title 17. The Planning Director shall create and implement internal procedures for providing the City Clerk with current and past permit and application documentation.
- B. Action Records. The City shall be responsible for maintaining records regarding the final decision-making authority's actions pertaining to permits and applications associated with VMC Title 17.

**17.04.038 – 17.04.039     *Reserved***

**17.04.040     *Comprehensive Plan Amendments***

- A. Purpose. The purpose of this section is to identify the limitations and procedure for amending or updating the Comprehensive Plan.
- B. Applicability. The provisions of this section apply to any changes, updates, or revisions to the City's Comprehensive Plan including changes to its text, exhibits, and associated maps. For applications initiated by City staff, Planning and Zoning Commission or City Council, all provisions of 17.04.040 apply except for fee requirements.
- C. Approval Considerations.
  - 1. Limitations. The City Council shall have the authority to limit its approval of amendments to the Comprehensive Plan to protect the surrounding character, limit certain land use activities, protect public health, safety, and welfare, the environment, and preserve the goals and intent of the community's long-range vision for the City.
- D. Submittal Requirements. Applicants for a Comprehensive Plan amendment shall provide the following items to the City to commence the review.
  - 1. Application and Fee(s). Applicants shall provide a complete application and pay associated fees at the time of submittal. Additional expenses incurred by the City that are associated with the review may be paid at a later date but prior to action being taken on the application.

2. Narrative. Applicants shall provide a project narrative that describes the location, surrounding land uses, environmental features, proposed use(s), and proposed development activity (as applicable). The narrative shall describe how the proposed amendments align with other goals and objectives within the Comprehensive Plan.
  3. Proposed Amendments Documentation. Applicants shall provide documentation that clearly explains the proposed amendments.
    - a. Text Amendments. Applicants shall provide proposed text amendments in underline/strikethrough format to demonstrate how the proposed changes compare with existing text. Proposed additions shall be displayed as underline text and proposed omissions shall be displayed as strikethrough text.
    - b. Map Amendments. Applicants shall provide proposed map amendments on a figure that clearly delineates the proposed changes.
  4. Map Set. At the discretion of the Planning Director, and depending on the amendment proposed, applicants may be required to provide a map set to graphically illustrate the surrounding context. When required, map set may include the following.
    - a. Property Location Map. This shall be a scaled drawing or current aerial photograph that identifies/delineates the subject properties and show the surrounding context.
    - b. Natural Resources Map. This shall be a scaled drawing or aerial photograph identifying and labeling natural resources in and around the subject properties. Where natural resources are present, the map shall show/label streams, wetlands, shorelines, forested areas, protected habitat (pursuant to state and federal law), areas with steep slopes, groundwater recharge areas, and similar features.
    - c. Natural Hazards Map. This shall be a scaled drawing or aerial photograph identifying and labeling natural hazards on and around the subject property. Where hazards are present, the map shall show/label flood zones, avalanche zones, areas of unstable soils/landslide areas, and other similar hazards that should be considered.
    - e. Utilities Map. This shall be a scaled drawing or aerial photograph identifying and labeling existing utilities service lines on and around the subject property. Where utilities are present, the map shall show/label potable water lines, sanitary sewer lines, reservoirs, treatment plants, and public stormwater management facilities.
    - f. Zoning Map. This shall be a scaled drawing the current zoning designations on and around the subject property.
  5. Technical Studies. At the discretion of the Planning Director, and depending on the amendment proposed, the applicant may be required to submit technical studies to justify the proposed Comprehensive Plan amendment and to demonstrate consistency with other goals and policies therein. These may include, but not limited to, traffic studies, drainage studies, environmental impact statements, environmental site assessments (ESAs), natural hazard studies, and/or visual impact studies.
- E. Amendment Procedure. Applications to amend the Comprehensive Plan shall be reviewed pursuant to Table 17.04.030.a. The City shall process the application pursuant to the following procedures.
1. Initial Submittal and Completeness Review. Upon receipt of an application submittal, the Planning Department shall review the submittal for completeness. Where the submittal lacks the required information, the Planning Department shall cease its review and notify the applicant of deficient information/items. After the applicant addresses the deficient items, the Planning Department may restart its review.
  2. Sufficiency Review. The Planning Department will conduct a thorough review of the application's consistency with other goals and policies within the Comprehensive Plan, other applicable regulatory and policy documents. The review shall also assess potential impacts relating to public safety, natural resource protection, natural hazards, public services, and existing land uses. The Planning Department may circulate the application submittal to other City departments for comment. The Planning Department shall provide written comments to the applicant detailing elements of the application that are inconsistent with City

standards or fail to address potential negative impacts to humans, the environment, infrastructure, and surrounding land uses.

3. **Application Revisions.** As applicable, the applicant may revise their application submittal to address the Planning Department's comments. After the applicant provides a revised application packet, the Planning Department shall review the revised application for regulatory and policy compliance.
4. **Staff Report.** The Planning Director, or designee, shall write a staff report to the decision-making authority that (i) summarizes the proposed amendment(s) in terms of location, environmental conditions, existing land use, and proposed land use(s), (ii) provides findings to the applicable Comprehensive Plan goals and policies, (iii) provides analysis of potential changes to VMC Title 17 that could occur as a result of the amendment, (iv) provides findings related to potential impacts to public services, and (v) provides a recommendation to approve, approve with limitations, or deny the request. The staff report shall include the applicant's complete submittal and any public comments as attachments.
5. **Public Notice Required.** The City shall provide public notice and document public comments regarding the Comprehensive Plan amendment application pursuant to Section 17.04.180.
6. **Planning and Zoning Commission Hearing & Recommendation.** The Planning and Zoning Commission shall conduct a public hearing to review the Comprehensive Plan amendment application, review the staff report, hear staff, applicant, and public testimony, discuss the proposal, and make a formal recommendation to City Council. Following the hearing, the Planning Department shall update its staff report to include the Planning and Zoning Commission's recommendation.
6. **City Council Hearing & Decision.** The City Council shall conduct a public hearing to review the Comprehensive Plan amendment application, review the Planning & Zoning Commission recommendation, review the staff report, hear staff, applicant, and public testimony, discuss the proposal, and take formal action to approve, approve with limitations, or deny the application.

**17.04.041 – 17.04.049      *Reserved***

**17.04.050      *Zoning Ordinance Text and Map Amendments***

- A. **Purpose.** The City's zoning code and the official zoning map are intended to implement the Comprehensive Plan, state and federal rules, protect health/safety, enforce environmental protection, and reduce conflicts amongst neighboring land uses. The purpose of this section is to outline the procedure for amending the zoning code and the official zoning map.
- B. **Applicability.** The provisions of this section apply to any changes, updates, or revisions to the City's zoning code including changes to its text, exhibits, and the official zoning map. These provisions apply to both city- and public-initiated amendments, with the exception that fees are not required for city-initiated applications. City-initiated amendments include those directed by City Council, the Planning & Zoning Commission, and/or the City Manager.
- C. **Approval Considerations.**
  1. **Limitations.** The City Council shall retain the authority to limit its approval of amendments to the zoning code and the official zoning map to limit certain land use activities, protect public health, safety, and welfare of humans and the environment, and ensure its ability to serve properties/individuals with adequate public services.
  2. **Comprehensive Plan Consistency.** Amendments to VMC Title 17 and/or the official zoning map shall be consistent with the Comprehensive Plan.
- D. **Submittal Requirements.** Application involving amendments to the zoning code and/or the official zoning map shall provide the following items to the City to commence the review.
  1. **Application and Fee(s).** Applicants shall provide a complete application and pay associated application fees at the time of application filing. Additional expenses incurred by the City that are associated with the review may be paid at a later date but prior to action being taken on the application.
  2. **Narrative.** Applicants shall provide a project narrative that describes the location, surrounding land uses, environmental features, proposed use(s), and proposed development activity, as applicable. The narrative

shall describe how the proposed amendments align with the goals and policies within the Comprehensive Plan. For map amendments, the narrative shall identify whether the proposal will result in nonconforming situations that involve the existing structure and land uses within the subject property.

3. Proposed Amendments Documentation. Applicants shall provide documentation that clearly explains/delineates the proposed amendments.
  - a. Text Amendments. Applicants shall provide proposed text amendments in underline/strikethrough format to demonstrate how the proposed changes compare with existing text. Proposed additions shall be displayed as underline text and proposed omissions shall be displayed as strikethrough text.
  - b. Map Amendments. Applicants shall provide proposed map amendments on a figure that clearly delineate and labels the proposed changes.
4. Map Set. At the discretion of the Planning Director, and depending on the amendment proposed, applicants may be required to graphically illustrate the surrounding context, existing structures/land uses, relationship with other regulatory/policy maps, and to identify natural resources. The map set may include the following.
  - a. Property Location Map. This shall be a scaled drawing or a current aerial photograph that identifies/delineates the subject properties and shows the surrounding context in terms of structures, built features, and land uses, as applicable.
  - b. Natural Resources Map. This shall be a scaled drawing or aerial photograph identifying and labeling natural resources in and around the subject properties. Where natural resources are present, the map shall show/label streams, wetlands, shorelines, forested areas, protected habitat (pursuant to state and federal law), areas with steep slopes, groundwater recharge areas, and similar features.
  - c. Natural Hazards Map. This shall be a scaled drawing or aerial photograph identifying and labeling natural hazards on and around the subject property. Where natural hazards are present, the map shall show/label flood zones, avalanche zones, areas of unstable soils/landslide areas, and other similar hazards that should be considered.
  - e. Utilities Map. This shall be a scaled drawing or aerial photograph identifying and labeling existing utilities service lines on and around the subject property. Where utilities are present, the map shall show/label potable water lines, sanitary sewer lines, reservoirs, treatment plants, and public stormwater management facilities.
  - f. Comprehensive Plan Map (Place Types). This shall be a scaled drawing depicting the Place Type designations from the Comprehensive Plan. The subject property shall be delineated on the map.
5. Technical Studies. At the discretion of the Planning Director, the applicant may be required to submit technical studies to justify the proposed zoning code and/or official zoning map amendment and to demonstrate consistency with the Comprehensive Plan, mitigation of potential adverse impacts, and to address other state/federal requirements. These may include, but not limited to, traffic studies, drainage studies, environmental impact statements, environmental site assessments (ESAs), land use studies, natural hazard studies, and/or visual impact studies.
  - a. Rezone Requests in the Future Industrial/Working Waterfront Place Type. Requests for rezoning of land within the Future Industrial/Working Waterfront Place Type shown in the Comprehensive Plan shall be accompanied by a study that presents the risks, costs and benefits of allowing development of the area. The study shall include data on the expected costs of extending and maintaining public infrastructure and services and an assessment of natural hazards.
  - b. Rezone Requests in the Future Residential/Recreation Place Type. Requests for rezoning of land within the Future Residential/Recreation Place Type shown in the Comprehensive Plan shall be accompanied by a study that presents the risks, costs and benefits of allowing development of the area. Lands within the Future Residential/Recreation place type are intended as second-priority development areas; therefore, the study shall include information showing that the area is appropriate for residential or recreational development at the time of application. The study shall include data on the expected costs of extending and maintaining public infrastructure and services and an assessment of natural hazards.

- c. Rezone requests to Planned Resort (PR) District. Only lands within the Destination Resort Overlay place type within the Valdez Comprehensive Plan are eligible for rezoning to the PR district. Requests for rezoning to PR shall be accompanied by a study demonstrating feasibility for development, land use compatibility and sustainability, efficient provision of transportation and utility infrastructure and to suitably protect environmentally sensitive resources, community character, and natural features. Once the PR district has been established, a Planned Unit Development (PUD) shall be approved prior to development. The PUD shall be accompanied by a detailed master plan for the development.
- E. Review Procedure. Applications to amend the zoning code and/or the official zoning map shall be reviewed pursuant to Table 17.04.030.a. The City shall process the application pursuant to the following procedures.
  1. Initial Submittal and Completeness Review. Upon receipt of an application submittal, the Planning Department shall review the submittal for completeness. Where the submittal lacks the required information, the Planning Department shall cease its review and notify the applicant of deficient information/items. After the applicant addresses the deficient items, the Planning Department may restart its review.
  2. Sufficiency Review. The Planning Department shall conduct a review of the application's consistency with other Municipal Code provisions, the Comprehensive Plan, and other applicable regulatory and policy documents. The review shall also assess potential adverse impacts relating to public safety, natural resource protection, natural hazards, public services, and existing land uses. The Planning Department may circulate the application to other city departments for comment. The Planning Department shall provide written comments to the applicant detailing elements of the application that are inconsistent with City policies and/or fail to address potential negative impacts to humans, the environment, infrastructure, and surrounding land uses.
  3. Application Revisions. As applicable, the applicant may revise their application submittal to address the Planning Department's comments. After the applicant provides a revised application packet, the Planning Department shall review the revised application for regulatory and policy compliance.
  4. Staff Report. The Planning Director, or designee, shall write a staff report to the decision-making authority that (i) summarizes the proposed amendment(s) in terms of location, environmental conditions, existing land use, and proposed land use(s), (ii) provides findings to the applicable Comprehensive Plan goals and policies, (iii) provides findings related to potential impacts to public services, and (iv) provides a recommendation to approve, approve with limitations, or deny the request. The staff report shall include the applicant's complete submittal and any public comments as attachments.
  5. Public Notice Required. The City shall provide public notice and document public comments regarding zoning code and/or the official zoning map amendment application pursuant to Section 17.04.180.
  6. Planning and Zoning Commission Hearing & Recommendation. The Planning and Zoning Commission shall conduct a public hearing to review the application, review the staff report, hear staff, applicant, and public testimony, discuss the proposal, and make a formal recommendation to City Council. Following the hearing, the Planning Department shall update its staff report to include the Planning and Zoning Commission's recommendation.
  7. City Council Hearing & Decision. The City Council shall conduct a first and second reading of the proposed amendment pursuant to the Valdez City Charter, Chapter IV, to review the application, Planning & Zoning Commission recommendation, staff report, hear staff, applicant, and public testimony, discuss the proposal, and take formal action to approve, approve with limitations, or deny the application.

**17.04.051 – 17.04.059      *Reserved***

**17.04.060      Conditional Use Permits**

- A. Purpose. Conditional Use Permits are intended to establish a process to review specific land uses on a case-by-case basis through a public hearing process to examine and address potential impacts and compatibility concerns to the immediate vicinity.
- B. Applicability. The provisions of this section apply to new uses or expansions of existing uses that are listed as "C" on the Land Use Table contained in Section 17.06.060.

- C. Approval Criteria. The Planning and Zoning Commission shall evaluate whether the conditional use permit application complies with the criteria established in this section in determining to approve, approve with conditions, or deny the request. The Planning and Zoning Commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest.
1. Criterion 1: Site Suitability. The subject site shall be suitable to support the proposed conditional use and its associated structure(s) and site improvements. The Planning and Zoning Commission shall consider topography, slope and soil stability, geophysical hazards, surface and subsurface drainage, and water quality conditions on and around the subject site and the probable effects of the proposed conditional use upon these factors.
  2. Criterion 2: Utility, Sanitation, and Public Service Needs. The conditional use and the associated site improvements shall be adequately served by utilities, emergency responders, and a sanitation facility to ensure long-term safety for its occupants and surrounding populations. The Planning and Zoning Commission shall consider whether adequate sewer/sanitation, storm drainage, potable water, fire protection, public safety, access, and electrical power exist to serve the proposed use and associated structures/site improvements.
  3. Criterion 3: Zoning District Standards. With the exception of Planned Unit Developments (PUDs), the proposed conditional use and its associated site improvement(s) shall comply with the dimensional standards of the zone it is in. Notwithstanding, those zoning standards may be adjusted pursuant to a separate variance and/or administrative adjustment application.
  4. Criterion 4: Specific Use Standards. The proposed conditional use and its associated site improvement(s) shall comply with the applicable specific use standards pursuant to Chapter 17.08.
  5. Criterion 5: Comprehensive Plan Consistency. The proposed conditional use and its associated site improvement(s) shall be consistent with the Comprehensive Plan's goals, policies, and maps in terms of land uses, development character, and scale.
  6. Criterion 6: Nuisance Mitigation. The proposed conditional use and its associated site improvement(s) shall provide mitigation measures to address potential nuisances relating to excessive noise, lighting, vibration, traffic, debris and litter, and outdoor material storage.
  7. Criterion 7: Access and Circulation. The proposed conditional use and its associated site improvement(s) shall provide adequate site access for motor vehicles, pedestrians, and cyclists. Applications shall not be approved where the proposed use would create undue traffic congestion or pose a safety hazard to motorists, pedestrians, and/or cyclists.
- D. Submittal Requirements. Applications for a conditional use permit shall provide the following items to the City to commence the review.
1. Application and Fee(s). Applicants shall provide a complete application and pay associated application fees at the time of application filing. Additional expenses incurred by the City that are associated with the review may be paid at a later date but prior to action being taken on the application.
  2. Legal Description. Applicants shall provide a legal description of the property that is subject of the conditional use application.
  3. Narrative. Applicants shall provide a project narrative that describes the location, proposed use(s), proposed site improvements, and zoning district. The narrative shall describe the existing and proposed building sizes, proposed density (as applicable), parking and access, and environmental conditions on and adjacent to the subject site. The narrative shall list all the specific use standards that are applicable to the proposal and provide a response describing how the proposal complies with those standards. The narrative shall list all of the conditional use review criteria and provide a response describing how the proposal complies with those criteria.
  4. Plan Set. Applicants shall provide a plan set to illustrate the proposed site improvements. A plan set may only be required where the proposed conditional use application includes new buildings and/or site improvements. At the discretion of the Planning Director, the plan set may include the following.

- a. Property Survey. This shall be a scaled drawing with a surveyor's seal that graphically depicts the current parcel configuration with boundary dimensions, depicts current easements, and illustrates the exact location and dimensions of existing site improvements (e.g., structures, pavement areas, etc.). The survey shall also include a legal description.
  - b. Site Plan. This shall be a scaled drawing that depicts the proposed site layout, building locations, vehicular and pedestrian circulation, open space and recreation areas, parking layout, and any other information necessary to visually describe the proposed project.
  - c. Subdivision Plat. This shall be a scaled drawing showing the proposed lot configurations, easements, tracts, and rights-of-way. This shall only be required where subdivision activities are proposed as part of the conditional use permit request.
  - d. Grading and Drainage Plan. This shall be a scaled drawing showing existing and proposed contours, and proposed drainage features.
  - e. Utilities Plan. This shall be a scaled drawing showing existing and proposed utility service line, connection points, and sanitation elements.
  - f. Building Elevations. This shall be scaled drawings showing the proposed building elevations for primary structures. The elevations shall include dimensions and material labels. Elevations are not required for accessory structures under 1,000-sf.
5. Technical Studies. At the discretion of the Planning Director, the applicant may be required to submit technical studies to demonstrate compliance with the conditional use review criteria. These may include, but are not limited to, traffic studies, drainage studies, noise and vibration studies, and/or visual impact studies.
- E. Review Procedure. Conditional use applications shall be reviewed pursuant to Table 17.04.030.a. The City shall process the application pursuant to the following procedures.
1. Initial Submittal and Completeness Review. Upon receipt of an application submittal, the Planning Department shall review the submittal for completeness. Where the submittal lacks the required information, the Planning Department shall cease its review and notify the applicant of deficient information. After the applicant addresses the deficient items, the Planning Department may restart its review.
  2. Sufficiency Review. The Planning Department shall conduct a review of the application's consistency with the approval criteria, pursuant to Section 17.04.060.C, other Municipal Code provisions, the Comprehensive Plan, and other applicable regulatory and policy documents. The Planning Department may circulate the application to other city departments for comment. The Planning Department shall provide written comments to the applicant detailing elements of the application that are inconsistent with City standards.
  3. Application Revisions. As applicable, the applicant may revise its application submittal to address the Planning Department's comments. If the applicant provides a revised application submission, the Planning Department shall review the revised application for regulatory and policy compliance.
  4. Staff Report. The Planning Director, or designee, shall write a staff report to the Planning and Zoning Commission that (i) summarizes the proposed conditional use in terms of location, proposed land use(s), and proposed structures, (ii) provides findings to the conditional use approval criteria, (iii) provides findings to the specific use standards, as applicable, and (iv) provides a recommendation to approve, approve with conditions, or deny the request. The staff report shall include the applicant's complete submittal and any public comments as attachments.
  5. Public Notice Required. The City shall provide public notice and document public comments regarding the conditional use permit application pursuant to Section 17.04.180.
  6. Hearing & Decision. The Planning and Zoning Commission shall conduct a public hearing to review the conditional use application, review the staff report, hear staff, applicant, and public testimony, discuss the

proposal, adopt findings of fact (from staff or establishing their own), and take action on the application. The Commission may approve, approve with conditions, or deny the application.

7. Use Within Twelve Months Required. Any conditional use approved by the planning and zoning commission must be utilized within twelve months after the effective date of the approval. In the event construction work is involved, it must commence within the stated period and must be diligently pursued to completion, otherwise the approval is automatically voided. The planning and zoning commission may extend the time the construction is to start if satisfactory evidence of planning progress is presented.
- F. Conditional Use Permit Amendments. The permit amendment procedures are established to allow applicants to revise and/or modify permits within VMC Title 17 to respond to unique site conditions, changes in the proposal, and/or respond to unique situations. The permit amendment process is not intended to circumvent conditions of approval imposed by the original decision-making authority.
1. Applicability. The provisions of this section are applicable to land, projects, and areas within the municipal limits that have an approved permit under VMC Title 17, and where future land uses, construction or development activities are subject to that permit.
  2. Amendment Options. Applicants may request to amend plans/permits pursuant to the following options and subject to the associated allowances/limitations for each.
    - a. Option 1: Minor Amendments. The applicant may apply for a minor amendment to an approved plan/permit as an administrative review through the Planning Department. Under this option, the applicant shall submit revised plans and other documents detailing the proposed changes, a cover letter describing the changes and reasoning, and pay associated fees. The Planning Director or designee shall take action to approve or deny the proposed amendment(s) based on compliance with the applicable code and policy standards.
    - i. Minor Amendment Determination. A minor amendment may be allowed for situations/site elements associated with a Conditional Use Permit or Planned Unit Development that include the following, notwithstanding, the proposed amendments shall fully comply with the Municipal Code:
      - 1) Increase in the building height by 10%.
      - 2) Expansion of the building floor area up to 20% or 1,500 square feet, whichever is less.
      - 3) Expansion or reduction in the quantity of vehicle parking areas for nonresidential and multi-unit projects by up to 10%.
      - 4) Expansion or reduction of designated open space areas by up to 10%.
      - 5) Increase in project site area by up to 10% or 1 acre, whichever is less. This shall not include applications for Rezones, Comprehensive Plan amendments, Conditional Uses, or subdivisions.
      - 6) Designation of additional uses that only involve those listed as permitted ("P") in the land use table for the zoning district pursuant to Section 17.06.060.
      - 7) Changes in the building facade design, floorplan layout, and/or exterior materials.
      - 8) Construction activities, land use, and/or other situations that are not in conflict with any condition of approval imposed as part of the original plan/permit.
    - ii. Planning Director Determination. In the event the proposed minor amendment application does not clearly align with the allowances listed in subsection a. above, the Planning Director shall deem the application as a major amendment.
    - iii. Approval Criteria. The following criteria apply when evaluating minor permit amendments.
      - 1) The granting of the minor amendment will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.



- 2) The granting of the minor amendment will not be contrary to the goals, policies, and objectives of the Comprehensive Plan.
- b. Option 2: Major Amendments. The applicant may apply for a major amendment to an approved permit subject to the allowances and limitations of this section. The major amendment shall be reviewed as the same application type that would have been required for the original approval. Under major amendments, the City shall only require submittal items applicable to the proposed changes.
  - i. Major Amendment Determination. A major amendment may be allowed for situations and site elements that do not constitute a “Minor Amendment” pursuant to this section.
- c. New Application. The applicant may apply for a new permit for the property where no development and land use activity has commenced pursuant to the original permit. Under a new application, the applicant shall comply with all the submittal requirements and subject to the review procedures identified in Table 17.04.030.a.

**17.04.061 – 17.04.069     *Reserved***

**17.04.070     Variance and Administrative Adjustments**

- A. Purpose. The variance and administrative adjustments procedures are established to allow applicants to seek deviations and modifications from certain requirements of VMC Title 17 to overcome unique site impediments and area conditions. Deviations or waivers to the City’s development standards may be specifically necessary to accommodate infill projects, adaptive use activities, and redevelopment projects in established areas of the City where existing site and area conditions may limit an applicant’s ability to fully comply with City requirements. Variances are intended to allow applicants to seek regulatory relief through a public hearing process, whereas administrative adjustments are intended to allow applicants to seek minor regulatory relief through an administrative process.
- B. Applicability. The provisions of this section apply to any applicant that seeks regulatory relief for a specific development project or construction activity subject to the allowances and limitations set forth herein.
- C. Allowances. Applicants may seek regulatory relief through application for a variance or an administrative adjustment and as allowed by the provisions of this section. The City may not grant deviations or waivers to land use restrictions in any zone except as allowed in Chapter 17.20 and in 17.04.120.
  1. Variances. Variances include a formal process where applicants may seek deviations, waivers, and/or modifications from certain VMC Title 17 dimensional or site design standards. Variances may be approved through a formal application, and a public hearing before the Planning and Zoning Commission pursuant to Table 17.04.030.a.
    - a. Allowances. Applicants may seek variances to the following code provisions:
      - i. Zoning district dimensional standards including lot size, setbacks, and height.
      - ii. Parking requirements including dimensional standards and parking ratios.
      - iii. Landscaping and buffering standards.
      - iv. Sign standards including size and location on a lot.
      - v. Fence and wall standards including material, size, location, and height.
      - vi. Specific use standards, except applications for additional accessory dwelling units (ADUs).
      - vii. Expansions of a legal nonconforming use as allowed and limited pursuant to Chapter 17.20
    2. Administrative Adjustments. An administrative adjustment is a process where applicants may seek minor and limited reductions, deviations or modifications from certain VMC Title 17 dimensional or site design standards. Administrative adjustments may be approved through application and approval from the Planning Director pursuant to Table 17.04.030.a.
      - a. Allowances. Applicants may seek administrative adjustments to the following code provisions:

- i. Up to twenty percent (20%) of the zoning district dimensional standards including lot size, setbacks and height.
  - ii. Up to twenty percent (20%) of the required minimum parking ratio requirements for a specific use.
  - iii. Up to fifty percent (50%) of the required landscaping and buffering standards.
  - iv. Up to twenty percent (20%) of the required sign setback or sign size requirements.
  - v. Up to twenty percent (20%) of the required wall/fence height requirements.
  - vi. Up to twenty percent (20%) of the accessory structure size limitations.
  - vii. Expansions of legal nonconforming uses pursuant to VMC Title 17.20.G.1.
- D. Approval Criteria. The Planning Department and the final decision-making authority shall evaluate whether the variance or administrative adjustment application complies with the criteria established in this section in determining to approve, approve with conditions, or deny the request. The decision-making authority may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest and demonstrate consistency with the review criteria.
  1. Criterion 1: There are exceptional physical characteristics or conditions pertaining to the property which may affect intended land use or development thereon which do not generally apply to other properties in the same zoning district. This criterion is only applicable to variance requests; this does not apply to administrative adjustments.
  2. Criterion 2: The strict application of the provisions of VMC Title 17 would result in practical difficulties or an unnecessary hardship to the applicant.
  3. Criterion 3: The granting of the variance or administrative adjustment will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare.
  4. Criterion 4: The granting of the variance or administrative adjustment will not be contrary to the goals, policies, and objectives of the Comprehensive Plan.
- E. Submittal Requirements. Applicants for a variance or administrative adjustment shall provide the following items to the City to commence the review.
  1. Application and Fee(s). Applicants shall provide a complete application and pay associated application fees at the time of application filing. Additional expenses incurred by the City that are associated with the review may be paid at a later date but prior to action being taken on the application.
  2. Legal Description. Applicants shall provide a legal description of all the property that is subject of the variance or administrative adjustment application.
  3. Narrative. Applicants shall provide a project narrative that describes the location, proposed use(s), proposed site improvements, and zoning district. The narrative shall describe the existing and proposed building sizes, proposed density, as applicable, parking and access, and environmental conditions on and adjacent to the subject site. The narrative shall describe the requested deviations, waivers, or modifications. The narrative shall list all of the variance/administrative adjustment review criteria and provide a response describing how the proposal complies with those criteria.
  4. Plan Set. Applicants shall provide a plan set, at the discretion of the Planning Director, to illustrate the proposed site improvements. The plan set may include the following.
    - a. Property Survey. This shall be a scaled drawing with a surveyor's seal that graphically depicts the current lot/tract configuration with boundary dimensions, depicts current easements, and illustrates the exact location and dimensions of existing site improvements. The survey shall also include a legal description.
    - b. Site Plan. This shall be a scaled drawing that depicts the existing and proposed site conditions with a specific focus on the construction elements that are subject of the variance/administrative adjustment application. The site plan shall include the proposed building setbacks, as applicable to the variance/administrative adjustment application.

- c. Building Elevations. This shall be scaled drawings showing the proposed building elevations for subject structure(s) of the variance/administrative adjustment application. The elevations shall include dimensions and material labels. Building elevations are only required for variances/administrative adjustments that involve an increase in building height beyond what is allowed in the zoning district.
5. Technical Studies. The applicant may be required to submit technical studies at the discretion of the Planning Director to demonstrate compliance with the variance and administrative adjustment review criteria. These may include, but are not limited to, traffic studies, drainage studies, noise and vibration studies, and/or visual impact studies.
- F. Review Procedure. Variance and administrative adjustment applications shall be reviewed pursuant to Table 17.04.030.a. The City shall process the application pursuant to the following procedures.
  1. Initial Submittal and Completeness Review. Upon receipt of an application submittal, the Planning Department shall review the submittal for completeness. Where the submittal lacks the required information, the Planning Department shall cease its review and notify the applicant of deficient information/items. After the applicant addresses the deficient items, the Planning Department may restart its review. The Planning Department shall provide written comments to the applicant detailing elements of the application that do not comply with regulations and policies.
  2. The Planning Department shall conduct a review of the application's consistency with the approval criteria, pursuant to Section 17.04.070.D, other Municipal Code provisions, the Comprehensive Plan, and other applicable regulatory and policy documents. The Planning Department may circulate the application to other city departments for comment. The Planning Department shall provide written comments to the applicant detailing elements of the application that are inconsistent with approval criteria.
  3. Application Revisions. As applicable, the applicant may revise its application submittal to address the Planning Departments comments. If the applicant provides a revised application packet, the Planning Department shall review the revised application for regulatory and policy compliance.
  4. Staff Report. The Planning Director, or designee, shall write a staff report that (i) summarizes the proposed variance/administrative adjustment in terms of location, proposed land use(s), and proposed structures, (iii) describes the deviations, waivers or modifications sought, (iii) provides findings to the variance and administrative adjustment approval criteria, (iv) provides findings to the specific use standards, as applicable, and (iv) provides a recommendation to approve, approve with conditions, or deny the request. The staff report shall include the applicant's complete submittal and any public comments as attachments.
- G. Public Notice Required for Variance. The City shall provide public notice and document public comments regarding the variance application pursuant to Section 17.04.180.
- H. Decision for Administrative Adjustments. The Planning Director shall review the administrative adjustment application, review the staff report, and take action on the application. The Planning Director may approve, approve with conditions, or deny the application. The Planning Director, in their sole discretion, may provide public notice of an administrative adjustment application, provide opportunity for written public comments, and hold a public meeting for purposes of taking oral public comment.
- I. Hearing & Decision for Variances. The Planning and Zoning Commission shall conduct a public hearing to review the variance application, review the staff report, hear staff, applicant, and public testimony, discuss the proposal, and take action on the application. The Commission may approve, approve with conditions, or deny the application.

**17.04.071 – 17.04.089      *Reserved***

**17.04.090      *Zoning Clearance Review***

- A. Purpose. A zoning clearance review is a formal process for the Planning Department to determine whether a land use or subdivision complies with VMC Title 17. A zoning clearance is intended to provide certainty to property owners, renters, occupants, and other interested parties that specific activities on a property comply with VMC Title 17.

- B. **Applicability.** A zoning clearance review is required for any new land use activity, expanded land use activity, a change of use on a property, and platting actions. A zoning clearance is a written determination granted to an applicant indicating that the property, land usage(s), and improvements conform to zoning requirements.
- C. **Review Process.** A zoning clearance application shall be reviewed pursuant to the following provisions.
  - 1. A zoning clearance must be determined prior to (1) establishing a new use on any land or within a structure or (2) the expansion of any use of land or structure. A zoning clearance shall be determined prior to the issuance of a building permit.
  - 2. A zoning clearance review may occur concurrently with other applications such as a building permit, subdivision, business registration, conditional use permit, and variance/administrative adjustment application. A separate zoning clearance application is not required during a concurrent review if sufficient information is included in the other application request.
  - 3. The Planning Director, or designee, shall review the zoning clearance application and issue a determination based on its consistency with VMC Title 17.
    - a. The issuance of a zoning clearance does not exempt an applicant from complying with all laws properly affecting the use or development of land.
  - 4. Issuance and conditions.
    - a. The resulting determination may require that the applicant make site modifications and/or secure the required permit approval for the requested outcome.
    - b. Planning staff may request additional information pertaining to the project in order to conduct a thorough review and ensure full compliance with VMC Title 17.

**17.04.100 – 17.04.119      *Reserved***

**17.04.120      *Temporary Land Use Permits***

- A. **Purpose.** A temporary land use permit allows interim, nonpermanent, and/or seasonal uses of land that does not exceed six months in duration.
- B. **Applicability.** The provisions of this section apply to an interim, nonpermanent, and/or seasonal uses of land including but not limited to events, races, carnivals, concerts, outdoor sales events, markets, off-site construction yards, and similar uses that are not otherwise permitted outright in the zoning district in which the subject land is located or in conjunction with a legally established land use for said lot.
- C. **City-Owned Land.** Temporary land use permits shall be required for all interim, nonpermanent, and/or seasonal uses of city-owned land whether conforming or nonconforming except as otherwise provided herein.
- D. **Private, Federal, or State-Owned Land.** Temporary land use permits shall be required for all interim, nonpermanent, and/or seasonal uses on private, federal, or state-owned land that do not conform with permitted uses within the zoning district where the temporary use will occur.
- E. **Exceptions.** The following uses and situations are exempt from the temporary use standards and the associated review/approval standards of this section.
  - 1. **City use of City-owned Land.** Uses associated with municipal operations, services, and maintenance are not subject to a temporary land use permit.
  - 2. **On-Site Construction Yard.** On-site construction yards, storage structures/vehicles, and offices, in conjunction with an approved construction project on the same parcel are not subject to a temporary land use permit. When allowed, said activities/structures/materials shall be removed within 30 days upon completion of the construction project, or the expiration of the building permit authorizing the construction project, whichever first occurs.
  - 3. **Emergency Response Activities.** Emergency public health and safety land use activities, as determined by resolution of the City Council, or authorized under an emergency declaration, or during an active response by emergency service agencies, shall not require a temporary land use permit.

4. Short-term Events at Specific Locations. Events or uses occurring less than ten consecutive days at the City of Valdez Civic Center, City of Valdez Recreation Center, Kelsey Dock, the Valdez Airport, or other facilities specifically designated by the Planning Director, shall not require a temporary land use permit.
  5. Garage or Yard Sales. Garage sales or yard sales that occur at a personal residence shall not require a temporary land use permit subject to the following provisions:
    - a. Only one garage or yard sale may be conducted within any one-month period and the sale shall be limited to not more than three consecutive days or to two consecutive weekends not to exceed four days in all.
    - b. The sale shall not be conducted between the hours of eight p.m. of any day and seven a.m. of the following day.
    - c. The sales shall not encroach or be made on or from public streets or rights-of-way.
    - d. No licensed retail or wholesale dealer shall be allowed to consign or offer for sale any goods or merchandise or participate in any private sale authorized by this subsection.
  6. Events at Personal Residences. Small events such as celebrations, social engagements, weddings, and/or parties at personal residences shall not require a temporary land use permit.
- F. Permit Types. Temporary land use permits are allowed by the provisions of this section and pursuant to the following:
1. Short-term Permits. Applicants may request a short-term permit for temporary uses that occur less than 10 consecutive days each year at a specific location. Short-term permits may be approved through an application, internal review, and a decision from the Planning Director pursuant to Table 17.04.030.a.
  2. Long-term Permits. Applicants may request a long-term permit for temporary uses that occur 10 or more consecutive days at a specific location. The duration of the permit shall not exceed six months unless the permit is issued to a contractor working on a city project. No more than one long-term permit shall be issued each calendar year for the same location to the same applicant. Long-term permits may be approved by the Planning and Zoning Commission pursuant to Table 17.04.030.a. Long-term permit activities that reoccur on an annual basis may be renewed annually, with approval by the Planning Director, if the duration of the use exceeds one year, and may be renewed for a maximum of four years. After four years the reoccurring use must go through the full application and approval process. Minor changes to the original permit may be reviewed and approved by the Planning Director during the renewal process if the changes do not change the extent, intensity, or use approved in the original permit.
  3. Prohibited Land Uses/Events. The following land uses may not be approved as a temporary land use permit.
    - a. Any land use that requires a Conditional Use Permit.
  4. City-owned Property Liability Insurance Requirements. Applicants that seek to conduct a temporary use on city-owned land shall maintain liability insurance as set forth herein naming the City as an additional insured party for the duration of the permit. The minimum insurance requirements are as follows:
    - a. General Liability. Applicants shall provide general liability insurance covering the permittee and the City for any and all claims for personal injury, bodily injury (including death) and property damage (including environmental degradation or contamination) arising from any activity occurring as a result of this temporary land use permit agreement.
    - b. Auto Liability (If Applicable). Permittee shall maintain business auto liability insurance covering liability arising out of any auto (including owned, hired, and non-owned autos).
    - c. Minimum limits: Applicants shall provide insurance equaling at least one million dollars combined single limit each accident and subject to the following other minimum limits.
      - i. \$100,000,000 each occurrence
      - ii. \$100,000 damage to rented premises

- iii. \$5,000 medical payments
  - iv. \$1,000,000 personal and advertising injury
  - v. \$2,000,000 general aggregate
  - vi. \$2,000,000 products and completed operations aggregate
  - d. Waiver of Subrogation. For the purpose of waiver of subrogation, Permittee releases and waives all rights to claim or recover damages, costs or expenses against Valdez for any casualty of any type whatsoever in, on or about the Premises if the amount of such damage, cost or expense has been paid to such damaged party under the terms of any policy of insurance required herein.
  - e. Worker Compensation. The City may require proof of workers compensation issuance for activities that are subject to state and/or federal law.
  - f. Alternatives and Waivers of Insurance Requirements. At the discretion of the Planning Director, event insurance may be accepted for short-term permits. Upon a showing of good cause, in the discretion of the Planning Director, insurance policies not fully conforming with the minimum requirements set forth herein may be accepted where the nature of the use under the temporary land use permit poses a low risk of liability for the city. For permits on private, state, or federally owned land, the Planning Director may require insurance as a condition of permit approval.
- G. Approval Criteria. The Planning Department and the final decision-making authority shall evaluate whether the temporary land use permit application complies with the criteria established in this section in determining to approve, approve with conditions, or deny the request. The decision-making authority may require the applicant to submit whatever reasonable evidence may be needed to demonstrate compliance.
- 1. Criterion 1: Use of the property under the permit shall not constitute a nuisance, substantially interfere with the use and enjoyment of adjacent property, or adversely impact public access or city operations.
  - 2. Criterion 2: The proposed property shall be adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the temporary land use is reasonably expected to generate.
  - 3. Criterion 3: Adequate temporary parking to accommodate vehicular traffic generated by the use shall be available either on the property or at alternate locations acceptable to the city.
  - 4. Criterion 4: All permits must be for a fixed period of time identified in the permit.
  - 5. Criterion 5: No permanent structures shall be erected on the property.
  - 6. Criterion 6: No permanent alteration of land shall occur.
  - 7. Criterion 7: The permittee shall obtain all required permits for the proposed use from the city or other required agencies.
  - 8. Criterion 8: The permittee shall clear the property of any debris, litter, or other evidence of the temporary use upon expiration or termination of the permit.
  - 9. Criteria 9: For permits on city owned land, the permittee shall pay fees as established by resolution of the city council. No fees shall be charged for permits issued to contractors for the purpose of completing city-owned projects.
  - 10. Criterion 10: The proposed use will not jeopardize, endanger, or substantially interfere with the public convenience, health, safety, or general welfare.
- H. Submittal Requirements. Applicants for a temporary land use permit shall provide the following items to the City to commence the review.
- 1. Application and Fee(s). Applicants shall provide a complete application and pay associated application fees at the time of application filing. Complete applications for short-term permits must be submitted at least fourteen days before the date that the proposed temporary use is scheduled to take place in order to ensure applications are processed in time. Complete applications for long-term permits must be submitted at least

forty-five days before the date that the proposed temporary use is scheduled to take place in order to ensure applications are processed in time. The application deadlines may be waived, at the sole discretion of the Planning Director.

2. Narrative. Applicants shall provide a project narrative that describes the location, proposed use(s), associated structures/vehicles, hours/dates of the use/event, and proposed parking arrangements. The narrative shall describe the existing site improvements, and site conditions. The narrative should address the temporary use review criteria and provide a response describing how the proposal complies with those criteria.
3. Site Plan. Applicants shall submit a scaled site plan, as applicable, that graphically illustrates the site location, access locations, proposed temporary use location on the site, and major geographical features.
- I. Review Procedure. Temporary land use permits shall be reviewed pursuant to Table 17.04.030.a. The City shall process the application pursuant to the following procedures.
  1. Initial Submittal and Completeness Review. Upon receipt of an application submittal, the Planning Department shall review the submittal for completeness. Where the submittal lacks the required information, the Planning Department shall cease its review and notify the applicant of deficient information/items. After the applicant addresses the deficient items, the Planning Department may restart its review.
  2. Sufficiency Review. As applicable to the size and location of the proposed temporary use, the Planning Director may circulate the application submittal to other city departments to conduct a review of the application's consistency with the approval criteria pursuant to 17.04.120.G.
  3. Staff Report. For long-term permits, the Planning Director or designee shall draft a report summarizing the request, any compliance concerns, and a recommendation to the Planning and Zoning Commission.
  3. Action for Short-term Permits. The Planning Director shall review the short-term temporary land use permit application, review staff comments, and take action on the application. The Planning Director may approve, approve with conditions, or deny the application. Issuance of short-term permits shall be reported to the planning and zoning commission and city council at the next regularly scheduled meetings.
  4. Action for Long-term Permits. The Planning and Zoning Commission shall review the long-term temporary land use permit application, review staff comments, and take action on the application. The Commission may approve, approve with conditions, or deny the application. Issuance of long-term permits shall be reported to the city council at the next regularly scheduled meeting.

**17.04.121 – 17.04.129     *Reserved***

**17.04.130     Pre-Application Meeting**

- A. Purpose. A pre-application meeting is a process for applicants to seek guidance and preliminary advising from city staff pertaining to a proposed land use or development plan for a property before submitting an application for review. The pre-application meeting is intended to allow applicants to obtain preliminary staff comments on their proposal before creating detailed construction documents and technical studies/analysis. Under this provision, City staff is expected to conduct a preliminary review of the proposal's compliance with the applicable City of Valdez code and permitting standards; this process is not intended to be a detailed analysis or constitute an approval.
- B. Applicability. A pre-application meeting is a voluntary process for any individual seeking guidance for proposed land use and development activity within the municipal limits. A formal pre-application meeting is not required for general inquiries to the City.
- C. Response. City staff will provide a written response to the applicant regarding materials reviewed during the preapplication meeting.

**17.04.131 – 17.04.139      *Reserved***

**17.04.140      Appeals**

- A. Purpose. This section establishes the process, allowances, and limitations for interested parties/individuals to appeal the decision-making authority's action(s) for a specific permit, application or any action of the Planning Director or other administrative official in enforcement of VMC Title 17.
- B. Applicability. The provisions of this section apply to any appeal pursuant to Table 17.04.030.a. An appeal may be sought only under the provisions of this section by a person affected or aggrieved by the action being appealed. These procedures apply to appeals to the Planning and Zoning Commission or City Council (together "City Appellate Authority").
- C. Filing Limit. The appeal must be filed within fifteen days of the date of the action or decision being appealed. The notice of appeal must be filed with the city clerk. The notice of appeal shall be in the form of a written statement containing detailed and specific allegations of error and describe how the appellant will be affected or aggrieved by the action or decision.
- D. Appeals Hearing. Upon a determination by the city clerk that a notice of appeal is properly filed, the City Clerk shall schedule an appeal hearing before the City Appellate Authority within 60 days of the appeal request. The appeals hearing may be scheduled during a regular or special Planning and Zoning Commission or City Council meeting as deemed appropriate by the City Clerk.
- D. Notice of Hearing. A notice of the date, time, and place of the appeals hearing before the City Appellate Authority shall be served on the appellant and shall be titled "NOTICE OF HEARING," and shall set forth the nature of the appeal to be heard. At least 14 days prior to the hearing, the City Clerk shall cause the notice of hearing to be posted on the City's public notice web page and City Hall notice board, and notice shall be mailed to the appellant. The City Appellate Authority may prescribe rules of procedure for additional notification in cases where a decision of the board would have a substantial effect on surrounding properties.
- E. Stay of Proceedings. The filing of an appeal shall stay all proceedings in the matter until a determination is made by the City Appellate Authority, unless the court issues an enforcement order based on a certificate of imminent peril to life or property or in the case of an emergency as set forth in VMC Title 17.
- F. Staff Report. The Planning Director shall write a staff report that (i) summarizes the original application and its approval, (ii) provides findings for each of the appellate claims, and (iii) provides a recommendation to approve, approve with conditions, or deny the appeal claim. All data pertaining to the case shall accompany the staff report. The report shall be provided to the City Clerk.
- G. Procedure for Hearing. An appeal before the City Appellate Authority shall be conducted in accordance with the following procedures:
  - 1. Failure of Appellant to Appear. If an appellant fails to appear in person, the City Appellate Authority may proceed with the hearing.
  - 2. Oath to Be Administered. Anyone testifying before the City Appellate Authority shall be administered an oath prior to giving testimony.
  - 3. Record. The city clerk shall be ex officio clerk of the City Appellate Authority and shall keep verbatim stenographic records or electronic recordings of the board's proceedings, showing the vote of each member on every question and all of the evidence presented.
  - 4. Burden of Proof. The burden of proof rests with the appellant. The city shall make available to the appellant all reasonably pertinent documents requested for presentation of the appeal.
  - 5. Rules of Evidence. The hearing of an appeal shall be conducted informally. The City Appellate Authority shall not be restricted by the formal rules of evidence; however, the chair may exclude evidence irrelevant to the issues appealed. Hearsay evidence may be considered, provided there are adequate guarantees of its trustworthiness and that it is more probative on the point for which it is offered than any other evidence which the proponent can procure by reasonable efforts.
  - 6. General Procedure. Each side shall have a total of no more than thirty minutes to present their case. Each side shall be responsible for dividing their thirty minutes between oral presentation, argument,



testimony (including witness testimony), and rebuttal. The board may expand or limit the length of the hearing depending on its complexity, or take other action to expedite the proceedings.

7. **Order of Presentation.** The appellant shall present argument first. Following the appellant, the Planning Director, or designee, shall present the city's argument. The appellant may, at the discretion of the chair, make rebuttal presentations directed solely to the issues raised by the Planning Director, or designee. The members of the City Appellate Authority may ask questions through the chair of either the appellant or the Planning Director at any time during the hearing.

8. **Witnesses and Exhibits.** The appellant and the Planning Director, or designee, may offer oral testimony of witnesses and documentary evidence during the hearing. All testimony before the City Appellate Authority shall be under oath.

9. **Decision of City Appellate Authority.**

- a. At the conclusion of the appeal hearing, the City Appellate Authority, shall, based on the information received at the hearing, affirm or reverse the appealed action or decision in whole or in part.
- b. It shall require a majority of the full membership of the City Appellate Authority, minus those members who disqualify themselves with conflicts of interest.
- c. Every decision of the City Appellate Authority to affirm or reverse an action or decision shall be in writing setting forth the findings and conclusions adopted. Such findings must be reasonably specific so as to provide the community and, where appropriate, reviewing authorities, with a clear and precise understanding of the reasons for the City Appellate Authorities decision.
- d. Decisions of the City Appellate Authority may be appealed pursuant to Table 17.04.030.a Review Matrix.

H. **Judicial Appeal.**

1. Final decisions of the highest City Appellate Authority set forth in VMC Title 17 may be appealed to the superior court or a court of competent jurisdiction.
2. **Filing Timeline Requirement.** The appellant shall file an appeal within 30 days to the superior court by filing with the court, and provide a copy to the Valdez City Clerk.
3. **Appeal Procedures.** The appeal claim shall be subject to the rules, allowances, limitations, and procedures established by the superior court.
4. **Stay of Proceedings.** The filing of an appeal to superior court does not stay any proceedings in the matter, nor the effect of the decision of the City's decision-making authority or City Appellate Authority.

**17.04.151 – 17.04.159      *Reserved***

**17.04.160      VMC Title 17 Violations**

- A. **Purpose.** This chapter establishes code violation rules and enforcement procedures to ensure compliance with VMC Title 17 and remedy violations.
- B. **Applicability.** The provisions of this section apply to the following violations and unlawful acts, whereas nuisance violations within the municipal limits are addressed in VMC Title 8.
  1. **Use of Land.** Any land use activities that are not allowed pursuant to the property's zoning code designation and/or require specific City approvals which have not been granted.
  2. **Development Activities.** Any development activities that are not allowed or require specific City approvals/permits which have not been granted pursuant to VMC Title 17.
  3. **Permit Violations.** Any land use, development activities, subdivision activities, and/or land modifications that are a direct violation to a permit issued pursuant to VMC Title 17.
  4. **Violation not condoned by permit issuance or plan approval.** The issuance or granting of a building permit or approval of plans or specifications under the authority of the Valdez Building Code) herein shall not be

deemed or construed to be a permit for or an approval of any violation of the provisions of VMC Title 17 or any amendment thereto. No permit presuming to give authority to violate or cancel any of the provisions of VMC Title 17 shall be valid except insofar as the work or use which is authorized is lawful and permitted.

5. Activity inconsistent with VMC Title 17. Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any building, structure, or sign, or development or subdivision of any land, in contravention of any provision of VMC Title 17 or in any way inconsistent with the terms and conditions of any entitlement required to engage in such activity.
- C. Continuing violations. Each day that a violation occurs or remains uncorrected shall constitute a separate and distinct violation of VMC Title 17, provided however the director has the authority to enter into a civil compromise as to the amount of the fine.
- D. VMC Title 17 Violation Enforcement Process.
  1. Primary Responsibility. The Planning Director, or designee, shall have primary responsibility for enforcement of VMC Title 17.
  2. Inspections.
    - a. The Planning Director, or designee, may at any reasonable time, upon presentation of proper identification, enter upon and inspect any land, structure, or premises where he or she has reasonable cause to believe there exists a violation of VMC Title 17, or enter upon such a building or premises to perform a duty of the director under VMC Title 17.
    - b. At any reasonable time, the Planning Director may enter upon and inspect any land or structure where any entitlement has been applied for or issued. The purpose of such inspection shall be to verify conformity with the application or entitlement.
    - c. Where the Constitution of the United States or of the state so requires, the Planning Director shall obtain an administrative search warrant authorizing an inspection and exhibit the warrant to the person in charge of the premises before conducting the inspection. The director or representative shall apply to the trial courts of the state to obtain a warrant, stating in the application the name and address of the premises to be inspected, the authority to conduct the inspection, the nature and extent of the inspection, and the facts and circumstances justifying the inspection. Warrants issued under this section shall be returned within ten days.
  3. Enforcement Orders.
    - a. In the case of a violation of VMC Title 17, the Planning Director, or designee, may issue an enforcement order pursuant to this section mandating:
      - i. Discontinuation of a use of land or a structure that is in violation of VMC Title 17;
      - ii. Abatement or removal of a structure or part of a structure that is a violation of VMC Title 17;
      - iii. Discontinuation of construction or other activity preparatory to a structure or use of land or a structure that is a violation of VMC Title 17;
      - iv. Suspension or revocation of an entitlement issued under VMC Title 17.
      - v. Restoration of any structure, vegetation, land, water body, or other thing upon the land that is destroyed, damaged, altered, or removed in violation of VMC Title 17; and
      - vi. Any other action necessary to prevent, abate, or discontinue a violation of VMC Title 17.
    - b. No penalty or fine shall be assessed pursuant to VMC Title 17 unless and until the violator has been notified of the enforcement order in accordance with this section.
    - c. The enforcement order shall be in writing and shall describe the violation, shall identify the provision or provisions of VMC Title 17 that are being violated, shall specify what actions must be taken to correct the violation, shall direct the person to correct the violation within a specified reasonable time period, and shall state that penalties, civil claims, or criminal violations may be assessed or brought against the violator if he

or she fails to take appropriate action to cure or correct the violation. If no other violator can be ascertained, then the notice of violation shall be sent to the record owner of the land on which the violation occurs.

- d. An enforcement order may be directed to one or more violators. An enforcement order that is served on a violator personally or by certified mail is final with respect to that violator if not timely appealed.
- e. Upon receipt of a written request for an extension of time to cure or correct the violation, the Planning Director may grant extensions in their sole discretion.
- f. Compliance Agreement. The Planning Director, or designee, may enter into a voluntary compliance agreement with the property owner or violator that is subject of the code violation. The voluntary compliance agreement is a written, signed commitment by the property owner to correct/address the code violations. The voluntary compliance agreement shall include the following:
  - i. The name and address of the property owner or violator;
  - ii. The address or other identification of the location of the violation;
  - iii. A description of the violation and a reference to the applicable code provisions;
  - iv. A description of required corrective action and the date and time within by which compliance must be completed;
  - v. An acknowledgment that if the city determines that the terms of the voluntary compliance agreement are not met, the City may impose any remedy authorized by this chapter or other applicable code section(s);
  - vi. A list of fine and penalties that the property owner shall pay as allowed under this section and/or Section 8.20.
  - vii. An acknowledgment that by entering into the voluntary compliance agreement, the property owner admits that the conditions described in the voluntary compliance agreement existed and constituted a code violation.
- g. Corrective action taken. If the violation is cured or corrected within the time period specified in the enforcement order or compliance agreement, or within any extension of time granted, then the municipality shall take no further action against the violator.
- h. Options upon noncompliance. Whenever a written enforcement order has become final or the term for compliance under a compliance agreement has run and the violation continues to exist, the Planning Director, or designee, may pursue any of the forms of relief under Section 17.04.160(C).
- 4. Private Enforcement Actions. Whenever a violation occurs, any aggrieved or affected person may file a written complaint in regard thereto. All such complaints shall be brought to the attention of the Planning Director who may cause such complaint to be properly recorded, investigated and reported upon. City staff who observe violations while on duty may also file complaints to be investigated. The Planning Director, or designee, has sole discretion regarding whether to pursue investigation and enforcement proceedings.
  - a. Investigation. Upon receipt of a code violation complaint, the Planning Director, or designee, may investigate the claim and determine whether a violation has occurred. The Planning Director, or designee, shall prepare a memorandum documenting the complaint, an analysis of the land activities/development associated with the complaint, and a finding to whether the violation has occurred.
  - b. Remedy Request. In the event the complaint results in the identification of a violation, the Planning Director, or designee, may issue an enforcement order or pursue other remedies.

E. Remedies and Penalties.

- 1. Fines. The City may impose fines for code violations subject to the schedule set forth in this section.

<b>Table 17.04.160.a Fine and Penalties Schedule</b>		
<b>Code Section</b>	<b>Violation Description</b>	<b>Fine / Penalty</b>
VMC Title 17, Chapter 17.06	Unlawful use of land.	\$200.00 per violation/per day.
VMC Title 17, Chapter 17.04	Development and/or land use in violation of an associated permit.	\$200.00 per violation/per day.
17.04.160	Situations where the property owner fails to satisfy the provisions and terms of a Compliance Agreement.	\$200 per violation PLUS any other associated fine/penalty listed above/per violation per day.
VMC Title 17 – Generally	Failure to comply with the requirements of Title 17 aside from the violations specifically identified above.	\$200 per violation/day

2. Civil remedies and enforcement powers.

- a. Deny/withhold entitlements. The Planning Director may deny or withhold all entitlements, including any authorization to use or develop any land, structure, or improvements, until a violation, associated civil penalty, and/or lien resulting from a previous final order related to such property, use, or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit or other approval is responsible for the violation.
- b. Revoke entitlements. The Planning Director may revoke any entitlement or other form of authorization required under VMC Title 17. Written notice of revocation shall be served on the property owner and/or the person to whom the entitlement was issued or such notice may be posted in a prominent location at the place of violation.
- c. Restoration. The Planning Director may require a violator to restore land or premises damaged as a result of a violation to its original condition.
- d. Judicial Relief. The Planning Director may seek injunctive relief, damages, or other appropriate relief in superior court or other court of competent jurisdiction against any person who fails to comply with any provision of VMC Title 17 or any requirement or condition imposed pursuant to VMC Title 17.
- e. Fines. A person who violates this title shall be subject to a civil fine as set forth in Table 17.04.060.a. When such a fine remains unpaid after 30 days of issuance, the fine may be recorded as a lien against the subject property or otherwise recovered by the City in any manner legally permissible.
- f. Abatement. The Planning Director may abate a violation of VMC Title 17.
  - i. Before action is taken to abate a violation, a final warning notice shall be posted on the property and served personally or by certified mail with return receipt required to the violator and the owner of record of the property.
  - ii. Unless this notice is appealed, pursuant to section 17.04.140, the Planning Director may proceed to abate the violation.
  - iii. The Planning Director, or designee, shall keep an accounting of the cost of abatement, including incidental expenses. The Planning Director will forward a bill for collection to the violator and record owner of the property specifying the nature of the costs and work performed. For purposes of this chapter incidental expenses shall include preparation of the notices, legal fees and costs, specifications and contracts, work inspection, and interest from the date of completion at the rate prescribed by law for delinquent real property taxes.
  - iv. The responsibility for payment of the charges for abatement as set forth in this section shall rest solely with the owner of the property upon which the abatement occurred. Such charges become a lien upon the real property where the violation occurred. When charges for abatement remain unpaid after 30 days from billing, the Planning Director, or designee, may record

a claim of lien at the district recorder's office. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state or municipal property taxes. The lien shall continue until the charges and all interest due and payable thereon are paid.

- v. The lien created under this section may be enforced as provided in AS 34.35.005—34.35.045.
3. Remedies cumulative. The remedies provided for violations of VMC Title 17 shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

**17.04.161 – 17.04.179      *Reserved***

**17.04.180      Public hearings and notification requirements.**

- A. Purpose. The purpose of this section is to define the requirements of public hearings and notice as they relate to the review and approval procedures for VMC Title 17.
- B. Public Hearings. When conducting a public hearing, the Planning and Zoning Commission shall hear and consider relevant evidence and facts from any person at the public hearing or written communication (received prior to the hearing) from any person relative to the matter. The City Clerk shall document and record public testimony, the actions of the decision-making authority, and the application package.
- C. Notification. Notices required by VMC Title 17 shall include the date, time, and location of the hearing, as well as the description of the action requested and the property for which the action has been requested. The names of the property owners and the parties filing the application shall also be included. The following notices shall be given:
  - 1. Published Notices. The notice shall be published on the City of Valdez website in a designated section with reasonable navigation links thereto. At least 14 days before the public hearing, the city clerk shall provide notice to local media outlets to the extent deemed reasonable by the city clerk and post on the city website a notice of such election.
  - 2. Mail Notices. A notice shall also be sent by mail at least 14 days prior to the public hearing to each owner of property within a distance of three hundred feet of the exterior boundary of the lot or parcel of land described in the application for the requested action. Mail notices are not required for city-initiated legislative actions that involve multiple properties or the City as a whole (e.g., Comprehensive Plan amendments, city-wide rezones, Municipal Code text amendments).
  - 3. Site Postings. For any rezone, comprehensive plan amendment, or conditional use permit that involves a specific lot, the Planning Department staff shall post the property with a document holder containing public notice flyers on a public roadway that abuts the property at least 14 days before the scheduled hearing. The flyers shall list the date, time and location of the hearing and summarize the application request. The following exemptions shall apply to site posting standards.
    - a. City-initiated Applications. This is not required for city-initiated rezones or Comprehensive Plan amendments involving more than one lot.
    - b. Non-roadway Accessible Land. Site posting is not required where the lot subject of the application does not abut a public roadway (e.g., land only accessible by water or access easements).

**17.04.181 – 17.04.189      *Reserved***

**17.04.190      Annexation**

- A. Purpose. The annexation describes the process to bring land into the official Valdez municipal limits; where such land would be applicable to the City's rules, laws, and governing structure.
- B. Requirements and Procedure. Annexations shall be processed pursuant to the State of Alaska boundary changes review procedures and through the Local Boundary Commission.

**Chapter 17.05**

***Reserved***

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## Chapter 17. 06

### Zoning Districts

#### 17.06.010 Zoning Established.

A. Purpose. The purpose of VMC Title 17 is to regulate the use of land and improvements by districts in accordance with the city comprehensive plan. These zoning regulations are designed to provide for orderly development; to lessen street congestion; to promote public safety; to protect the public health and general welfare; to provide a high quality of life; to prevent overcrowding; and to stimulate systematic development of transportation, public utilities, educational facilities, parks, and other public facilities.

B. Generally.

1. Conformance with title required. No building or land within the city shall have the existing use altered, used or occupied, and no building or part thereof shall be erected, moved or altered unless in conformity with the applicable provisions specified in VMC Title 17. Whenever private use is made of any public land or public structures, such use shall fully conform to the regulations set forth in VMC Title 17.
2. Interpretation and application of provisions. In their interpretation and application, the provisions of VMC Title 17 shall be minimum regulations and shall apply uniformly within each district, each class or kind of building, structure, land, or water area, except as hereinafter specifically provided.
3. Conflicts with other regulations. Whenever the requirements of VMC Title 17 are at variance with the requirements of any other lawfully adopted ordinance of the city, those imposing the higher standards shall apply.

#### 17.06.011 – 17.06.019 *Reserved*

#### 17.06.020 Official maps.

- A. Generally. The use districts are bounded and defined on official zoning maps of the city entitled “Zoning Maps of the City of Valdez, Alaska” and identified by the signature of the mayor and attested to by the city clerk. The Planning Department shall also maintain a digital version of the official zoning maps. These maps are by this reference made a part of VMC Title 17.
- B. Changes.
1. No changes of any nature shall be made to the official zoning maps or matter shown thereon except in conformity with the procedures set forth in VMC Title 17. Any unauthorized change of any kind whatsoever by any person or persons shall be considered a violation of VMC Title 17 and punishable as provided in Section 17.06.170.
  2. Regardless of the existence of proposed copies of the official zoning maps which may from time to time be made or published, the official zoning maps shall be located in the Planning Department office, where they can be kept current and shall be the final authority as to the current zoning status of lands and water areas.
- C. Replacement. If the official zoning maps become damaged, destroyed, lost or difficult to interpret because of the nature or number of the changes and additions, the city council, after recommendation from the planning and zoning commission, may by ordinance adopt new official zoning maps which shall supersede the prior official zoning maps.

#### 17.06.021 – 17.06.029 *Reserved*

#### 17.06.030 Interpretation of boundaries

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

- A. Zoning district boundaries are assumed to extend to the centerline of any public right-of-way adjacent to the parcel.
- B. Boundaries indicated as approximately following the centerline of streets and highways shall be construed as following such centerlines.
- C. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines in effect at the time the zoning district was approved.
- D. Boundaries indicated as approximately following section or section subdivision lines shall be construed as following such section or section subdivision lines; boundaries indicated as approximately following city limits shall be construed as following city limits.
- E. Boundaries indicated as following shorelines shall be construed as following the mean water line of that shore. In the event of change, the boundary shall be construed as moving with the actual shoreline affected by that change. Boundaries indicated as approximately following the centerlines of streams, rivers, lakes or other bodies of water shall be construed to follow such centerlines.
- F. Tidelands, as defined in Section 14.04.020 , shall be construed as taking on the zoning district of the adjacent lot(s).
- G. Navigable Rivers shall be zoned as P Public Lands district. The stream channels and meandering beds of Mineral Creek, Valdez Glacier Stream, and Lowe River shall be assumed to be zoned as P Public Lands district.
- H. Where interpretation is needed as to the exact location of the boundaries of a district, as shown on the official zoning map, as for example, where there appears to be a conflict between a mapped district boundary and actual field conditions, the Planning Director shall make the necessary interpretation.
- I. Where any public street or alley is officially vacated or abandoned, the zoning district on the abutting property shall apply to the newly vacated or abandoned area.

**17.04.131 – 17.04.139      *Reserved***

**17.06.040      Zoning Districts**

- A. Purpose. Zoning districts are designed to assist in carrying out the intent and purpose of the Comprehensive Plan and to protect the public health, safety, and general welfare of the community.
- B. Allowed Uses by Zoning District. The following table (17.06.040.a) provides the allowed uses in each zoning district.

<b>Table 17.06.040.a Allowed Uses by Zoning District</b>															
<i>Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)</i>															
	RR	R1	R2	NMU	CB	G	WI	LI	HI	A	P	UL	CO	NH	Specific Use Standards (Y = applicable)
<b>Residential</b>															
Accessory Dwelling Units	A	A	A	A	-	-	A	A	A		C				Y
Assisted Living Homes	P	P	P	P	P	P									
Dwellings - Detached	P	P	P	P	-	-									
Dwellings - Attached - Duplex (2 units per building)	P	P	P	P	-	-									



<b>Table 17.06.040.a Allowed Uses by Zoning District</b>															
<i>Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)</i>															
	<b>RR</b>	<b>R1</b>	<b>R2</b>	<b>NMU</b>	<b>CB</b>	<b>G</b>	<b>WI</b>	<b>LI</b>	<b>HI</b>	<b>A</b>	<b>P</b>	<b>UL</b>	<b>CO</b>	<b>NH</b>	<b>Specific Use Standards (Y = applicable)</b>
and town-houses (2 units)															
Dwellings - Attached - Townhouse (more than 2 units per building)		P	P	P	P	P									
Dwellings - Multi-unit (up to 4 units per building)		P	P	P	P	P									
Dwellings - Multi-unit (more than 4 units per building)		C	P	P	P	P									Y
Dwellings - Manufactured Home (built after June 15, 1976)	P	P	P	P											
Dwellings - Mobile Home (built prior to June 15, 1976)	P	P	P	P											
Home occupations	A	A	A	A	A	A									Y
Manufactured home parks			P												
Planned Unit Development	C	C	C	C	C	C									Y
Shelters (e.g., homeless, victims, emergency)	P	P	P	P	P	P					P				Y
Short term rentals	P	P	P	P	P	P									Y
Worker Housing	C		P			C	C	C	C		C				Y
<b>Lodging</b>															
Hotels, Motels, Inns, Rental Cabins	C		C	P	P	P		C			C				
<b>Commercial</b>															

<b>Table 17.06.040.a Allowed Uses by Zoning District</b>															
<i>Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)</i>															
	RR	R1	R2	NMU	CB	G	WI	LI	HI	A	P	UL	CO	NH	Specific Use Standards (Y = applicable)
Adult Entertainment Uses						C	C	C							Y
Building material supply establishments					P	P	P	P	P						
Commercial and Retail Sales (all uses unless otherwise listed in this table)			A	P	P	P	P	P	A	P	A				
Food production and processing, small scale				P	P	P	P	P							
Frozen food storage				P	P	P	P	P	P						
Fuel and Gas Stations				C	C	P	P	P	P						Y
Marijuana retail stores				C	P	P	P	P	A	P					
Self-Storage							P	P	P						
Vehicle Parts and Tire sales				P	P	P	P	P							
Vehicle Sales (motor vehicles)				C	C	P	P	P							
<b>Eating and Drinking</b>															
Drinking establishments			A	C	P	P	P	P	P						
Eating establishments			A	P	P	P	P	P	A						Y
<b>Office and Services</b>															
Animal hospitals, veterinary practices	C			P	P	P	P	P	P						
Animal boarding, kennels and shelters	C			C	C	C	P	P	P		C				Y
Boat charter services	C			P	P	P	P	P	P						

<b>Table 17.06.040.a Allowed Uses by Zoning District</b>															
<i>Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)</i>															
	<b>RR</b>	<b>R1</b>	<b>R2</b>	<b>NMU</b>	<b>CB</b>	<b>G</b>	<b>WI</b>	<b>LI</b>	<b>HI</b>	<b>A</b>	<b>P</b>	<b>UL</b>	<b>CO</b>	<b>NH</b>	<b>Specific Use Standards (Y = applicable)</b>
Government Offices and Services	C			P	P	P	P	P	P		P				
Laundries, laundromats	C		A	P	P	P	A	A	A						
Mortuaries/ funeral homes				C	P	P	C	C	C		C				
Offices (Business, Professional, Medical) - all similar uses unless otherwise listed in this table				P	P	P	-	-		P					
Public Services (non-office oriented)			A	P	P	P	P	P	P		C				
Personal-Services (all similar uses unless otherwise listed in this table)				P	P	P	-	-							
Vehicle Service (automobiles, boats, and marine equipment)				C	C	P	P	P	P						Y
Vehicle Rental				P	P	P	P	P	P	P					
<b>Public and Quasi-Public</b>															
Assembly halls, Community buildings, Religious institution	P	P	P	P	P	P	C	C	-		C				
Cemeteries	A	A	A								P				
Child Care Facilities	P	P	P	P	P	P	C	C			C				Y
Correctional facilities					C			C	C		C				
Dams, water reservoirs and	C	C	C	C	C	C	P	P	P		P	P	C	P	

Table 17.06.040.a Allowed Uses by Zoning District															
Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)															
	RR	R1	R2	NMU	CB	G	WI	LI	HI	A	P	UL	CO	NH	Specific Use Standards (Y = applicable)
water towers															
Educational Institution or school	P	P	P								P				
Educational Institution - Vocational	P		C	P	P	P		C			P				
Hospital					P	P					C				
Library, Museum, Cultural Institution, and Art Gallery	C	C	C	P	P	P	C	C			C		-		
Small wind or solar energy systems	A	A	A	A	A	A	A	A	A		A				
Utilities (service lines and small transformers)	P	P	P	P	P	P	P	P	P		P	P	P	P	
Utilities Class I (substations, indoor processing)	C	C	C	C	C	C	C	C	C		C	-	-	-	
Utilities Class II (power generation, outdoor processing)	C			C	C	P	P	P	P		C	-	-	-	
Waste Disposal Facility							C	C	P		C				
Wireless Communication Tower (commercial)	C	C	C	C	C	C	C	C	C		C	C	C	C	Y
<b>Recreation</b>															
Indoor recreation, private/commercial				C	P	P	C								
Indoor recreation, public		C	C	C	P	P					P				

<b>Table 17.06.040.a Allowed Uses by Zoning District</b>															
<i>Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)</i>															
	<b>RR</b>	<b>R1</b>	<b>R2</b>	<b>NMU</b>	<b>CB</b>	<b>G</b>	<b>WI</b>	<b>LI</b>	<b>HI</b>	<b>A</b>	<b>P</b>	<b>UL</b>	<b>CO</b>	<b>NH</b>	<b>Specific Use Standards (Y = applicable)</b>
Outdoor recreation, private /commercial				P	P	P					P			P	Y
Outdoor recreation, public	P	P	P	C	C	C	P	P	C		P	P	P	P	
Recreation equipment rental				C	P	P	C				P			C	
Recreational vehicle park or campground	C	C	C	C	C	C	C	C			C		C	C	Y
Shooting range								C	C		C				
<b>Industrial, Production and Storage</b>															
All industries dependent on marine transportation							P	P	P						
Asphalt and concrete plant								C	P						
Barge freight terminal							P	P	P						
Boat and RV sales and storage				C		C	P	P	P						
Construction yard				C	-	C	P	P	P						
Docks and harbor facilities						P	P								
Explosive ammunition, gunpowder manufacture and storage									C						
Ferry terminals and cruise ship landing						C	P								
Food production and processing, large scale				-		C	P	P	P						Y

<b>Table 17.06.040.a Allowed Uses by Zoning District</b>															
<i>Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)</i>															
	RR	R1	R2	NMU	CB	G	WI	LI	HI	A	P	UL	CO	NH	Specific Use Standards (Y = applicable)
Freight staging and handling areas							P	P	P						
Fuel storage, small scale	A	A	A	A	A	A	A	A	A	A					
Fuel storage, medium scale				A	A	A	P	P	P						
Fuel storage, large scale							P	P	P						
Fuel piers						C	P	P	P						
Hazardous substance production and storage							C	C	C		C				
Ice manufacture, storage and sales						P	P	P	P						
Junkyards, auto wrecking and scrap yards conducted within an enclosure							C	C	C						
Manufacturing and processing							P	P	P						
Manufacturing and processing - Artisan				-	C	P	P	P	P						
Manufacturing and processing - Light				-	-	P	P	P	P						
Marijuana cultivation							P	P	P						
Marijuana manufacturing				C	C	C	P	P							
Marine equipment and repair facilities						P	P	P	P						
Material resource extraction							C	C	C		C				Y
Seafood processing				C		C	P	P	P						

<b>Table 17.06.040.a Allowed Uses by Zoning District</b>															
<i>Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)</i>															
	<b>RR</b>	<b>R1</b>	<b>R2</b>	<b>NMU</b>	<b>CB</b>	<b>G</b>	<b>WI</b>	<b>LI</b>	<b>HI</b>	<b>A</b>	<b>P</b>	<b>UL</b>	<b>CO</b>	<b>NH</b>	<b>Specific Use Standards (Y = applicable)</b>
Mining operation	-										C				Y
Mining support services	-								P		C				
Oil refineries and petrochemical plants, gas liquefaction and fractionation plants							C		C						
Petroleum products, docks and related facilities							P		P						
Sawmills							P	P	P						
Solid waste disposal									P		C				
Solid waste processing facility								C	P		C				
Timber harvesting											C				
Warehouse				-	C	P	P	P	P		C				
<b>Aviation</b>															
Aircraft maintenance and repair operations						-				P					Y
Aircraft parking in conjunction with permitted or conditional uses						-			-	P					Y
Aircraft rental agencies, lots and hangars						-				P					Y
Aircraft sales						-			-	P					Y
Airport									-	P					Y
Aviation electronics and radio sales and repair										P					Y

<b>Table 17.06.040.a Allowed Uses by Zoning District</b>															
<i>Allowed/permitted (P), Allowed Accessory (A), Conditional (C), and Not Allowed (blank)</i>															
	RR	R1	R2	NMU	CB	G	WI	LI	HI	A	P	UL	CO	NH	Specific Use Standards (Y = applicable)
Aviation instruction facility										P					Y
Aviation products and petroleum sales										P					Y
Helipad				C		C	C	C	C	P	C			C	Y
<b>Agriculture</b>															
Agricultural activity	P	C	C			P	P	P	P		P				
Aquaculture operations						-	P	P	P		C				
Nursery	C		C	P		P	P	P	P		P				
Raising of livestock	P	C	C	C		-		C	C		P		-		Y
<b>Accessory Uses</b>															
Personal Communication Antennae (PCA)	A	A	A	A	A	A	A	A	A		A	A	A	A	

C. Districts Established.

1. Public lands district (P). The P (public lands) district is intended to contain major open space areas, watershed management areas and major public and quasi-public, recreational, educational and institutional uses. Private, commercial recreational uses that are open to the public are also intended for this district, including private lands and uses that are essentially public in character and of specific value to the entire community.
  - a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
    - i. Shelters (e.g., homeless, victims, emergency)
    - ii. Government offices and services
    - iii. Cemeteries
    - iv. Dams and Water reservoirs
    - v. Educational institution
    - vi. Educational institution, vocational
    - vii. Utilities (service lines and small transformers)
    - viii. Recreation equipment rental
    - ix. Indoor recreation, public
    - x. Outdoor recreation, private/commercial
    - xi. Outdoor recreation, public
    - xii. Nurseries
    - xiii. Agricultural activities



- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
    - i. Commercial and Retail Sales (all uses unless otherwise listed in this table)
    - ii. Small wind or solar energy systems
    - iii. Accessory Buildings
    - iv. Personal Communication Antennae (PCA)
  - c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
    - i. Accessory Dwelling Units
    - ii. Worker Housing
    - iii. Hotels, Motels, Inns, and lodges, and Rental Cabins
    - iv. Animal boarding, kennels and shelters
    - v. Public services (non-office oriented)
    - vi. Mortuaries/funeral homes
    - vii. Assembly halls, Community buildings, Religious institutions
    - viii. Child Care Facilities
    - ix. Correctional facilities
    - x. Hospitals
    - xi. Libraries, Museums, Cultural Institutions, and Art Galleries
    - xii. Utilities Class I (substations, indoor processing)
    - xiii. Utilities Class II (power generation, outdoor processing)
    - xiv. Wireless Communication Towers (commercial)
    - xv. Recreational vehicle parks or campgrounds
    - xvi. Shooting ranges
    - xvii. Warehouses
    - xviii. Hazardous substance production and storage
    - xix. Mining operations
    - xx. Mining support services
    - xxi. Solid waste disposal
    - xxii. Solid waste processing facilities
    - xxiii. Timber harvesting
    - xxiv. Helipads
    - xxv. Aquaculture operations
2. Rural Residential district (RR). The RR district is intended to include lands where public utilities may not be available, but topography and soil conditions allow development at low population densities that can rely on on-lot water and sewer without creating a public health hazard. The RR district is intended to be rural in character with low-density living options.
- a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
    - i. Assisted Living Homes
    - ii. Dwellings – Detached
    - iii. Dwellings - Attached - Duplex (2 units per building) and townhouse (2 unit)
    - iv. Dwellings - Manufactured Home (built after June 15, 1976)
    - v. Dwellings - Mobile Home (built prior to June 15, 1976)
    - vi. Shelters (e.g., homeless, victims, emergency)
    - vii. Short term rentals
    - viii. Assembly halls, Community buildings, Religious institutions

- ix. Child Care Facilities
    - x. Educational institutions
    - xi. Educational institutions, vocational
    - xii. Utilities (service lines and small transformers)
    - xiii. Outdoor recreation, public
    - xiv. Agricultural activities
    - xv. Raising of livestock
  - b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
    - i. Home Occupations
    - ii. Accessory Dwelling Units (ADUs)
    - iii. Cemeteries
    - iv. Small wind or solar energy systems
    - v. Fuel storage, small scale
    - vi. Accessory Buildings (Non-residential)
    - vii. Personal Communication Antennae (PCA)
  - c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
    - i. Planned Unit Developments
    - ii. Worker Housing
    - iii. Hotels, Motels, Inns, and lodges, and Rental Cabins
    - iv. Animal hospitals, veterinary practices
    - v. Animal boarding, kennels and shelters
    - vi. Boat charter services
    - vii. Government Offices and Services
    - viii. Laundries, laundromats
    - ix. Dams and water reservoirs
    - x. Libraries, Museums, Cultural Institutions, and Art Galleries
    - xi. Utilities Class I (substations, indoor processing)
    - xii. Utilities Class II (power generation, outdoor processing)
    - xiii. Wireless Communication Towers (commercial)
    - xiv. Recreational vehicle parks or campgrounds
    - xv. Nurseries
- 3. Moderate density residential district (R1). The R1 district is intended primarily for detached dwellings and duplexes at moderate densities in areas with public utilities. Structures and uses required to serve recreational and other noncommercial needs of residential areas are allowed as permitted or conditional uses. These uses must be designed to be compatible with the residential uses in the R1 district.
  - a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
    - i. Assisted Living Homes
    - ii. Dwellings – Detached
    - iii. Dwellings - Attached - Duplex (2 units per building) and townhouse (2 units)
    - iv. Dwellings - Attached - Townhouse (more than 2 units per building)
    - v. Dwellings - Multi-unit (up to 4 units per building)
    - vi. Dwellings - Manufactured Home (built after June 15, 1976)
    - vii. Dwellings - Mobile Home (built prior to June 15, 1976)
    - viii. Shelters (e.g., homeless, victims, emergency)
    - ix. Short term rentals

- x. Assembly halls, Community buildings, Religious institutions
    - xi. Child Care Facilities
    - xii. Educational institutions
    - xiii. Utilities (service lines and small transformers)
    - xiv. Outdoor recreation, public
  - b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
    - i. Home Occupations
    - ii. Accessory Dwelling Units (ADUs)
    - iii. Cemeteries
    - iv. Small wind or solar energy systems
    - v. Fuel storage, small scale
    - vi. Accessory Buildings
    - vii. Personal Communication Antennae (PCA)
  - c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
    - i. Dwellings - Multi-unit (more than 4 units per building)
    - ii. Planned Unit Developments
    - iii. Dams and water reservoirs
    - iv. Libraries, Museums, Cultural Institutions, and Art Galleries
    - v. Utilities Class I (substations, indoor processing)
    - vi. Wireless Communication Tower (commercial)
    - vii. Recreational vehicle parks or campgrounds
    - viii. Indoor recreation, public
    - ix. Agricultural activities
    - x. Raising of livestock
4. High density residential district (R2). The R2 district is intended for a wide variety of housing types including multi-unit dwellings. Structures and uses required to serve recreational and other noncommercial needs of residential areas are allowed as permitted or conditional uses. These uses must be designed to be compatible with the residential uses in the R2 district.
- a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
    - i. Assisted Living Homes
    - ii. Dwellings - Detached
    - iii. Dwellings - Attached - Duplex (up to 2 units per building)
    - iv. Dwellings - Attached - Townhouse (more than 2 units per building)
    - v. Dwellings - Multi-unit (up to 4 units per building)
    - vi. Dwellings - Multi-unit (more than 4 units per building)
    - vii. Dwellings - Manufactured Home (built after June 15, 1976)
    - viii. Dwellings - Mobile Home (built prior to June 15, 1976)
    - ix. Manufactured home parks
    - x. Shelters (e.g., homeless, victims, emergency)
    - xi. Short term rentals
    - xii. Worker Housing
    - xiii. Assembly halls, Community buildings, Religious institutions
    - xiv. Child Care Facilities
    - xv. Educational institutions
    - xvi. Utilities (service lines and small transformers)

- xvii. Outdoor recreation, public
- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
  - i. Home occupations
  - ii. Accessory Dwelling Units (ADUs)
  - iii. Commercial and Retail Sales (all uses unless otherwise listed)
  - iv. Eating establishments
  - v. Drinking establishments
  - vi. Public Services (non-office oriented)
  - vii. Laundries, laundromats
  - viii. Cemeteries
  - ix. Small wind or solar energy systems
  - x. Fuel storage, small scale
  - xi. Accessory Buildings
  - xii. Personal Communication Antennae (PCA)
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
  - i. Planned Unit Developments
  - ii. Hotels, Motels, Inns, and lodges, and Rental Cabins
  - iii. Dams and water reservoirs
  - iv. Educational Institution - Vocational schools
  - v. Libraries, Museums, Cultural Institutions, and Art Galleries
  - vi. Utilities Class I (substations, indoor processing)
  - vii. Wireless Communication Tower (commercial)
  - viii. Recreational vehicle parks or campgrounds
  - ix. Nurseries
  - x. Agricultural activities
  - xi. Raising of livestock
  - xii. Indoor recreation, public
- 5. Neighborhood Mixed Use district (NMU). The NMU district is intended primarily for areas with utilities that include residential and supporting commercial and institutional uses that serve the convenience shopping needs for local residents. Business establishments should be developed in a small and compact format to serve adjacent neighborhoods. Both vertical and horizontal mixed-use configurations are encouraged. Some non-residential uses are allowed as conditional uses so that their compatibility with surrounding neighborhoods can be evaluated on a case-by-case basis. All uses shall be compatible in terms of scale and design.
  - a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
    - i. Assisted Living Homes
    - ii. Dwellings - Detached
    - iii. Dwellings - Attached - Duplex (up to 2 units per building) and townhouse (2 units)
    - iv. Dwellings - Attached - Townhouse (more than 2 units per building)
    - v. Dwellings - Multi-unit (up to 4 units per building)
    - vi. Dwellings - Multi-unit (more than 4 units per building)
    - vii. Dwellings - Manufactured Home (built after June 15, 1976)
    - viii. Dwellings - Mobile Home (built prior to June 15, 1976)
    - ix. Shelters (e.g., homeless, victims, emergency)
    - x. Short term rentals

- xi. Hotels, Motels, Inns, and lodges, and Rental Cabins
  - xii. Commercial and Retail Sales (all uses unless otherwise listed)
  - xiii. Frozen food storage
  - xiv. Food production and processing, small scale
  - xv. Vehicle Parts and Tire sales
  - xvi. Eating establishments
  - xvii. Personal Services - all similar uses unless otherwise listed
  - xviii. Offices (Business, Professional, Medical) - all similar uses unless otherwise listed
  - xix. Animal hospitals, veterinary practices
  - xx. Boat charter services
  - xxi. Government Offices and Services
  - xxii. Public Services (non-office oriented)
  - xxiii. Laundries, laundromats
  - xxiv. Vehicle Rentals
  - xxv. Assembly halls, Community buildings, Religious institutions
  - xxvi. Child Care Facilities
  - xxvii. Libraries, Museums, Cultural Institutions, and Art Galleries
  - xxviii. Utilities (service lines and small transformers)
  - xxix. Outdoor recreation, private/commercial
  - xxx. Outdoor recreation, public
  - xxxi. Nurseries
  - xxxii. Educational institutions, vocational
- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
- i. Home occupations
  - ii. Accessory Dwelling Units (ADUs)
  - iii. Small wind or solar energy systems
  - iv. Fuel storage, small scale
  - v. Fuel storage, medium scale
  - vi. Accessory Buildings
  - vii. Personal Communication Antennae (PCA)
  - viii. Construction yards
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
- i. Planned Unit Developments
  - ii. Fuel and Gas Stations
  - iii. Marijuana retail stores
  - iv. Vehicle Sales (motor vehicles)
  - v. Drinking establishments
  - vi. Animal boarding, kennels and shelters
  - vii. Mortuaries/funeral homes
  - viii. Vehicle Services (automobiles and boats)
  - ix. Dams and water reservoirs
  - x. Utilities Class I (substations, indoor processing)
  - xi. Utilities Class II (power generation, outdoor processing)
  - xii. Wireless Communication Towers (commercial)
  - xiii. Recreation equipment rental
  - xiv. Indoor recreation, private/commercial
  - xv. Indoor recreation, public
  - xvi. Outdoor recreation, public

- xvii. Meat processing
  - xviii. Raising of livestock
  - xix. Recreational vehicle park/campground
  - xx. Helipads
  - xxi. Marijuana manufacturing
  - xxii. Boat and RV sales, storage
6. Central business district (CB). The CB district blends commercial, moderate- to high-density residential, cultural, institutional and entertainment uses with walkability and connections to other live/work/play destinations. Uses in the CB are designed to satisfy the needs of residents of the entire community in one central location. The unique character of the CB is enhanced by buildings and entrances oriented to the street, off-street parking located at the side or rear of buildings, and small gathering spaces throughout the district.
- a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
    - i. Assisted Living Homes
    - ii. Dwellings - Multi-unit (up to 4 units per building)
    - iii. Dwellings - Multi-unit (more than 4 units per building)
    - iv. Dwellings - Attached - Townhouse (more than 2 units per building)
    - v. Shelters (e.g., homeless, victims, emergency)
    - vi. Short term rentals
    - vii. Hotels, Motels, Inns, Lodges, and Rental Cabins
    - viii. Building material supply establishments
    - ix. Commercial and Retail Sales (all uses unless otherwise listed in this table)
    - x. Frozen food storage
    - xi. Food production and processing, small scale
    - xii. Marijuana retail stores
    - xiii. Vehicle Parts and Tire sales
    - xiv. Eating establishments
    - xv. Drinking establishments
    - xvi. Personal Services - all similar uses unless otherwise listed
    - xvii. Offices (Business, Professional, Medical) - all similar uses unless otherwise listed
    - xviii. Animal hospitals, veterinary practices
    - xix. Boat charter services
    - xx. Government Offices and Services
    - xxi. Public Services (non-office oriented)
    - xxii. Laundries, laundromats
    - xxiii. Mortuaries/funeral homes
    - xxiv. Vehicle Rentals
    - xxv. Assembly halls, Community buildings, Religious institutions
    - xxvi. Child Care Facilities
    - xxvii. Hospitals
    - xxviii. Libraries, Museums, Cultural Institutions, and Art Galleries
    - xxix. Utilities (service lines and small transformers)
    - xxx. Recreation equipment rentals
    - xxxi. Indoor recreation, private/commercial
    - xxxii. Indoor recreation, public
    - xxxiii. Outdoor recreation, private/commercial

- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
    - i. Home occupations
    - ii. Small wind or solar energy systems
    - iii. Fuel storage, small scale
    - iv. Fuel storage, medium scale
    - v. Accessory Buildings (Non-residential)
    - vi. Personal Communication Antennae (PCA)
  - c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
    - i. Dwellings- Attached- Townhouse (more than 2 units per building)
    - ii. Planned Unit Developments
    - iii. Fuel and Gas Stations
    - iv. Vehicle Sales (motor vehicles)
    - v. Animal boarding, kennels and shelters
    - vi. Vehicle Services (automobiles and boats)
    - vii. Correctional facilities
    - viii. Dams and water reservoirs
    - ix. Utilities Class I (substations, indoor processing)
    - x. Utilities Class II (power generation, outdoor processing)
    - xi. Wireless Communication Tower (commercial)
    - xii. Recreational vehicle parks or campgrounds
    - xiii. Outdoor recreation, public
    - xiv. Manufacturing and processing, artisan
    - xv. Warehouses
    - xvi. Marijuana manufacturing
7. General commercial district (G). The G district includes those areas which are heavily exposed to automobile traffic and where public utilities are available. The district is intended specifically for those areas surrounding major intersections where personal services, convenience goods and auto-related service facilities are desirable and appropriate land uses. The extension of the G district commercial uses along arterials in a “strip” fashion is discouraged.
- a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
    - i. Assisted Living Homes
    - ii. Dwellings - Multi-unit (up to 4 units per building)
    - iii. Dwellings - Multi-unit (more than 4 units per building)
    - iv. Dwellings - Attached - Townhouse (more than 2 units per building)
    - v. Shelters (e.g., homeless, victims, emergency)
    - vi. Short term rentals
    - vii. Hotels, Motels, Inns, Lodges, and Rental Cabins
    - viii. Fuel and Gas Stations
    - ix. Building material supply establishments
    - x. Commercial and Retail Sales (all uses unless otherwise listed in this table)
    - xi. Frozen food storage
    - xii. Food production and processing, small scale
    - xiii. Marijuana retail stores
    - xiv. Vehicle Parts and Tire sales
    - xv. Vehicle Sales (motor vehicles)

- xvi. Eating establishments
- xvii. Drinking establishments
- xviii. Personal Services - all similar uses unless otherwise listed
- xix. Offices (Business, Professional, Medical) - all similar uses unless otherwise listed
- xx. Animal hospitals, veterinary practices
- xxi. Boat charter services
- xxii. Government Offices and Services
- xxiii. Public Services (non-office oriented)
- xxiv. Laundries, laundromats
- xxv. Mortuaries/funeral homes
- xxvi. Vehicle Services (automobiles and boats)
- xxvii. Vehicle Rentals
- xxviii. Assembly halls, Community buildings, Religious institutions
- xxix. Child Care Facilities
- xxx. Hospitals
- xxxi. Libraries, Museums, Cultural Institutions, and Art Galleries
- xxxii. Utilities (service lines and small transformers)
- xxxiii. Utilities Class II (power generation, outdoor processing)
- xxxiv. Recreation equipment rental
- xxxv. Indoor recreation, private/commercial
- xxxvi. Indoor recreation, public
- xxxvii. Outdoor recreation, private/commercial
- xxxviii. Manufacturing and processing, Artisan
- xxxix. Warehouses
- xl. Docks and harbor facilities
- xli. Ice manufacture, storage and sales
- xlii. Nurseries
- xliii. Agricultural activities
- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
  - i. Home occupations
  - ii. Small wind or solar energy systems
  - iii. Fuel storage, small scale
  - iv. Fuel storage, medium scale
  - v. Accessory Buildings (Non-residential)
  - vi. Personal Communication Antennae (PCA)
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
  - i. Planned Unit Developments
  - ii. Worker Housing
  - iii. Adult Entertainment Uses
  - iv. Animal boarding, kennels and shelters
  - v. Dams and water reservoirs
  - vi. Utilities Class I (substations, indoor processing)
  - vii. Wireless Communication Towers (commercial)
  - viii. Recreational vehicle parks or campgrounds
  - ix. Outdoor recreation, public
  - x. Construction yards
  - xi. Boat sales and storage
  - xii. Ferry terminals and cruise ship landings
  - xiii. Food and Seafood Processing, large scale
  - xiv. Fuel piers



- xv. Marijuana manufacturing
  - xvi. Meat processing
  - xvii. Helipads
8. Light Industrial district (LI). The LI district is intended for light industrial development including light manufacturing, processing, warehousing, storage, wholesale and distribution operations, and similar processes and operations. Limited commercial uses and accessory residential uses are allowed in the LI district to serve the uses for which the district is primarily intended. Limited recreation (including motorized sports facilities) are allowed.
- a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
    - i. Fuel and Gas Stations
    - ii. Building material supply establishments
    - iii. Commercial and Retail Sales (all uses unless otherwise listed in this table)
    - iv. Frozen food storage
    - v. Food production and processing, small scale
    - vi. Marijuana retail store
    - vii. Self-Storage
    - viii. Vehicle Parts and Tire sales
    - ix. Vehicle Sales (motor vehicles)
    - x. Eating establishments
    - xi. Drinking establishments
    - xii. Animal hospitals, veterinary practices
    - xiii. Animal boarding, kennels and shelters
    - xiv. Boat charter services
    - xv. Government Offices and Services
    - xvi. Public Services (non-office oriented)
    - xvii. Vehicle Service (automobiles and boats)
    - xviii. Vehicle Rentals
    - xix. Dams and water reservoirs
    - xx. Utilities (service lines and small transformers)
    - xxi. Utilities Class II (power generation, outdoor processing)
    - xxii. Outdoor recreation, public
    - xxiii. Manufacturing and processing
    - xxiv. Manufacturing and processing, Artisan
    - xxv. Manufacturing and processing, Light
    - xxvi. Warehouses
    - xxvii. All industries dependent on marine transportation
    - xxviii. Construction yards
    - xxix. Barge freight terminals
    - xxx. Boat sales and storage
    - xxxi. Fabrication facilities
    - xxxii. Food and Seafood Processing, large scale
    - xxxiii. Freight staging and handling areas
    - xxxiv. Fuel storage, medium scale
    - xxxv. Fuel storage, large scale
    - xxxvi. Fuel piers
    - xxxvii. Ice manufacture, storage and sales
    - xxxviii. Marijuana cultivation
    - xxxix. Marijuana manufacturing
    - xl. Marijuana retail

- xli. Meat processing
  - xlii. Material resource extraction
  - xliii. Sawmills
  - xliv. Nurseries
  - xlvi. Agricultural activities
  - xlvi. Aquaculture operations
  - xlvi. Outdoor recreation, private
- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
- i. Accessory Dwelling Units
  - ii. Laundries, laundromats
  - iii. Small wind or solar energy systems
  - iv. Fuel storage, small scale
  - v. Accessory Buildings
  - vi. Personal Communication Antennae (PCA)
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
- i. Worker Housing
  - ii. Hotels, Motels, Inns, Rental Cabins
  - iii. Adult Entertainment Uses
  - iv. Mortuaries/funeral homes
  - v. Assembly halls, Community buildings, Religious institutions
  - vi. Child Care Facilities
  - vii. Correctional facilities
  - viii. Educational Institution - Vocational schools
  - ix. Libraries, Museums, Cultural Institutions, and Art Galleries
  - x. Utilities Class I (substations, indoor processing)
  - xi. Helipads
  - xii. Wireless Communication Tower (commercial)
  - xiii. Recreational vehicle parks or campgrounds
  - xiv. Shooting ranges
  - xv. Asphalt and concrete plants
  - xvi. Hazardous substance production and storage
  - xvii. Scrap yard conducted within an enclosure
  - xviii. Solid waste processing facilities
  - xix. Raising of livestock
9. Heavy industrial district (HI). The HI district is intended for industrial development, including heavy manufacturing, shipping terminals, natural resource extraction and other processes or operations which involve one or more of the following: employs large numbers of workers, heavy truck traffic, significant environmental effects or large-volume public water or sewer service or storage of hazardous materials under a conditional use permit. Limited recreation (including motorized sports facilities) are allowed.
- a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
- i. Fuel and Gas Stations

- ii. Building material supply establishments
  - iii. Frozen food storage
  - iv. Self-Storage
  - v. Drinking establishments
  - vi. Animal hospitals, veterinary practices
  - vii. Animal boarding, kennels and shelters
  - viii. Boat charter services
  - ix. Government Offices and Services
  - x. Public Services (non-office oriented)
  - xi. Vehicle Services (automobiles and boats)
  - xii. Vehicle Rentals
  - xiii. Dams and water reservoirs
  - xiv. Utilities (service lines and small transformers)
  - xv. Utilities Class II (power generation, outdoor processing)
  - xvi. Manufacturing and processing
  - xvii. Manufacturing and processing, Artisan
  - xviii. Manufacturing and processing, Light
  - xix. Warehouses
  - xx. All industries dependent on marine transportation
  - xxi. Construction yards
  - xxii. Asphalt and concrete plants
  - xxiii. Barge freight terminals
  - xxiv. Boat sales and storage
  - xxv. Fabrication facilities
  - xxvi. Food and Seafood Processing, large scale
  - xxvii. Freight staging and handling areas
  - xxviii. Fuel storage, medium scale
  - xxix. Fuel storage, large scale
  - xxx. Fuel piers
  - xxxi. Ice manufacture, storage and sales
  - xxxii. Marijuana cultivation
  - xxxiii. Meat processing
  - xxxiv. Material resource extraction
  - xxxv. Mining support services
  - xxxvi. Petroleum products, docks and related facilities
  - xxxvii. Sawmills
  - xxxviii. Solid waste disposal
  - xxxix. Solid waste processing facilities
  - xl. Nurseries
  - xli. Agricultural activities
  - xl. Aquaculture operations
- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
- i. Accessory Dwelling Units
  - ii. Commercial and Retail Sales (all uses unless otherwise listed in this table)
  - iii. Marijuana retail stores
  - iv. Eating establishments
  - v. Laundries, laundromats
  - vi. Small wind or solar energy systems
  - vii. Fuel storage, small scale
  - viii. Accessory Buildings (Non-residential)
  - ix. Personal Communication Antennae (PCA)
- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.

- i. Worker Housing
  - ii. Mortuaries/funeral homes
  - iii. Correctional facilities
  - iv. Utilities Class I (substations, indoor processing)
  - v. Wireless Communication Towers (commercial)
  - vi. Outdoor recreation, public
  - vii. Shooting ranges
  - viii. Explosive ammunition, gunpowder manufacture and storage
  - ix. Hazardous substance production and storage
  - x. Scrap yards conducted within an enclosure
  - xi. Oil refineries and petrochemical plants, gas liquefaction and fractionation plants
  - xii. Raising of livestock
  - xiii. Helipads
10. Waterfront Industrial District (WI): The WI district is intended to be applied to lands with direct access or close proximity to navigable waters within the city. Uses within the WI district are intended to be water-related and primarily those uses that are particularly related to marine industries. The WI district is intended to make the city waterfront as productive and efficient as possible for the allowable uses. Commercial establishments that support the marine uses are also permitted. Limited recreation uses (including motorized sports facilities) are allowed.
- a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
    - i. Fuel and Gas Stations
    - ii. Building material supply establishments
    - iii. Commercial and Retail Sales (all uses unless otherwise listed in this table)
    - iv. Frozen food storage
    - v. Food production and processing, small scale
    - vi. Marijuana retail stores
    - vii. Self-Storage
    - viii. Vehicle Parts and Tire sales
    - ix. Vehicle Sales (motor vehicles)
    - x. Eating establishments
    - xi. Drinking establishments
    - xii. Animal hospitals, veterinary practices
    - xiii. Animal boarding, kennels and shelters
    - xiv. Boat charter services
    - xv. Government Offices and Services
    - xvi. Public Services (non-office oriented)
    - xvii. Vehicle Services (automobiles and boats)
    - xviii. Vehicle Rentals
    - xix. Dams and water reservoirs
    - xx. Utilities (service lines and small transformers)
    - xxi. Utilities Class II (power generation, outdoor processing)
    - xxii. Outdoor recreation, public
    - xxiii. Manufacturing and processing
    - xxiv. Manufacturing and processing, Artisan
    - xxv. Manufacturing and processing, Light
    - xxvi. Warehouses
    - xxvii. All industries dependent on marine transportation
    - xxviii. Construction yards

- xxix. Barge freight terminals
  - xxx. Boat sales and storage
  - xxxi. Docks and harbor facilities
  - xxxii. Fabrication facilities
  - xxxiii. Ferry terminals and cruise ship landings
  - xxxiv. Food and Seafood Processing, large scale
  - xxxv. Freight staging and handling areas
  - xxxvi. Fuel storage, medium scale
  - xxxvii. Fuel storage, large scale
  - xxxviii. Fuel piers
  - xxxix. Ice manufacture, storage and sales
    - xl. Marijuana cultivation
    - xli. Marijuana manufacturing
    - xl.ii. Meat processing
    - xl.iii. Material resource extraction
    - xl.iv. Petroleum products, docks and related facilities
    - xl.v. Sawmills
    - xl.vi. Nurseries
    - xl.vii. Agricultural activities
    - xl.viii. Aquaculture operations
  - b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
    - i. Accessory Dwelling Units
    - ii. Laundries, laundromats
    - iii. Small wind or solar energy systems
    - iv. Fuel storage, small scale
    - v. Accessory Buildings (Non-residential)
    - vi. Personal Communication Antennas (PCA)
  - c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
    - i. Worker Housing
    - ii. Adult Entertainment Uses
    - iii. Mortuaries/funeral homes
    - iv. Assembly halls, Community buildings, Religious institutions
    - v. Child Care Facilities
    - vi. Libraries, Museums, Cultural Institutions, and Art Galleries
    - vii. Utilities Class I (substations, indoor processing)
    - viii. Wireless Communication Towers (commercial)
    - ix. Recreational vehicle parks or campgrounds
    - x. Recreation equipment rental
    - xi. Indoor recreation, private/commercial
    - xii. Hazardous substance production and storage
    - xiii. Scrap yard conducted within an enclosure
    - xiv. Oil refineries and petrochemical plants, gas liquefaction and fractionation plants
    - xv. Helipads
11. Airport district (A): The A district is intended to include aviation lands and areas directly adjacent to the airport which, because of their proximity to the airport, are directly influenced by aviation-related uses. Primary land uses within these areas should be aviation-related or of a character that does not conflict with the safe and efficient operation of the airport.
- a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards

indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.

- i. Commercial and Retail Sales (all uses unless otherwise listed in this table)
- ii. Marijuana retail stores
- iii. Offices (Business, Professional, Medical) - all similar uses unless otherwise listed
- iv. Vehicle Rentals
- v. Aircraft maintenance and repair operations
- vi. Aircraft rental agencies, lots and hangars
- vii. Airports
- viii. Helipads

- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.

- i. Fuel storage, small scale
- ii. Aircraft parking in conjunction with permitted or conditional uses
- iii. Aircraft sales
- iv. Aviation facilities
- v. Aviation electronics and radio sales and repair
- vi. Aviation products and petroleum sales

12. Unclassified lands district (UL): The UL district is intended to include lands which are undeveloped, not served by public utilities, and the suitability of the land to support development is unknown. Lands must be rezoned prior to development.

- a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.

- i. Dams and water reservoirs, water towers
- ii. Utilities (service lines and small transformers)
- iii. Outdoor recreation, public

- b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.

- i. Accessory Buildings (Non-residential)
- ii. Personal Communication Antennae

- c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.

- i. Wireless communication towers (commercial)

13. Conservation district (CO): The CO district is intended to include lands designated for conservation that are intended to remain in their natural state. The primary use of these lands will be for the enhancement and protection of existing fish and wildlife habitats, as well as preservation of historic sites. Acceptable uses in this district would include parks whose recreation activities and facilities would be passive in nature. "Passive" is defined as those activities which include wildlife viewing, nature walks, educational and interpretive uses and other uses that do not change the character of the land, disrupt fish and wildlife. Passive activities would be secondary to habitat protection, enhancement, and historic preservation.

- a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that

the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.

- i. Utilities (service lines and small transformers)
    - ii. Outdoor recreation, public
  - b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
    - i. Accessory Buildings (Non-residential)
    - ii. Personal Communication Antennae
  - c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
    - i. Dams and water reservoirs
    - ii. Wireless communication towers (commercial)
    - iii. Recreational vehicle parks or campgrounds
- 14. Natural Hazard district (NH). The NH district is intended to establish the high natural hazard areas within the city. The NH district is appropriate for lands highly susceptible to natural hazards such as avalanches, landslides, significant erosion, and flooding. Uses within the NH district will be restricted to recreation and open space to maintain life safety of the public.
  - a. Permitted primary uses and structures. The use is permitted by-right in the district and is subject only to the general standards throughout this ordinance (and any Specific Use Standards indicated). Permitted Uses requiring Specific Use Standards are permitted by right provided that the specific use standards set forth for that use are met. The Planning Director or designee shall review proposed permitted uses against applicable Specific Use Standards in accordance with Section 17.04.090 Zoning Clearance.
    - i. Dams and water reservoirs
    - ii. Utilities (service lines and small transformers)
    - iii. Outdoor recreation, private/commercial
    - iv. Outdoor recreation, public
  - b. Permitted accessory uses and structures. The use is permitted by-right as an accessory to an established primary permitted use on that lot.
    - i. Personal Communication Antennae
  - c. Conditional uses. The use is permitted only when a Conditional Use Permit has been issued in accordance with Section 17.04.060 Conditional Use Permits.
    - i. Wireless communication towers (commercial)
    - ii. Recreational vehicle parks or campgrounds
    - iii. Recreation equipment rental
    - iv. Helipads
    - v. Accessory Buildings (non-residential)
- 15. Planned Resort district (PR). The PR district is intended to allow for the development of a Planned Resort consistent with its intended purpose in the Comprehensive Plan. The PR is also intended to promote economic opportunity while achieving a balance with environmental characteristics of the land.

**17.06.041 – 17.06.059      *Reserved***

**17.06.060      *Uses Not Specifically Listed***

- A. Should the Planning Director or designee determine that a requested use of land or of a building or structure does not appear in the district regulations as a permitted, accessory, conditional, the director or designee shall refer the request to the city planning and zoning commission who, upon written decision, may allow the unlisted

use within a district. Such action shall follow the public notice requirements in Section 17.04.180. Each unlisted use meets all of the following criteria:

1. The use is not specifically permitted in any other district;
  2. The use is not more appropriate in another district; and
  3. The use is consistent with the purpose of the district in question and is similar to other uses permitted outright.
- B. Prohibited Uses. If a use is not listed as permitted, accessory, or conditional, and it is not allowed per Section 17.06.060.A, it is assumed to be prohibited.

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**17.04.161 – 17.04.169      *Reserved***

**17.06.070      Dimensional and Intensity Standards**

- A. Dimensional and Intensity Table. The following table (17.06.070.a) provides standards for lots, setbacks, and dimensional standards for uses. If no specific use is listed, the standards provided apply to any use or structure in the district.

Table 17.06.070.a Dimensional and Intensity Standards															
			RR	R1	R2	NMU	CB	G	WI	LI	HI	P	CO	NH	U
Structure Height (maximum)	Primary		35-ft	35-ft	40-ft	40-ft	40-ft	40-ft	40-ft	40-ft	--	40-ft	--	35 ft.	--
	Accessory		35-ft	20-ft	20-ft	20 ft	20-ft	20-ft	35-ft	35-ft	35-ft	35-ft	--	--	--
	Accessory (Agriculture)		45-ft	--	--	--	--	--	--	--	--	--	--	--	--
Lot Area (minimum) <sup>7</sup>			40,000-sf	5,500-sf	4,000-sf	5,500-sf	--	--	6,000-sf		40,000 sf	--	--	--	--
Lot Width (minimum)			120-ft	50-ft	40-ft	100-ft	--	50-ft	50-ft		200-ft	--	--	--	--
Setback (minimum) <sup>2,3,4,5</sup>	Front		20-ft	20-ft	20-ft	20-ft	--	--	20-ft	20-ft	20-ft	20-ft	--	--	--
	Side		10-ft	10-ft	10-ft	10-ft	--	--	10-ft	10-ft	10-ft	10-ft	--	--	--
	Rear		15-ft	15-ft	15-ft	15-ft	--	--	15-ft	15-ft	15-ft	15-ft	--	--	--
Dwelling - Attached, Townhouses	Lot Area Per Unit (minimum)		--	1,500-sf	1,500-sf	1,500-sf	1,500-sf	1,500-sf	--	--	--	--	--	--	--
	Lot Width (minimum)		--	--	--	--	--	--	--	--	--	--	--	--	--
Dwelling – Multi-Unit – up to 4 units per building and more than 4 units per building (units on a shared lot)	Lot Width (minimum)		--	80-ft	60-ft	60-ft	60-ft	60-ft	--	--	--	--	--	--	--
	Setback <sup>3,5</sup> (minimum)	Front	--	20-ft	15-ft	15-ft	15-ft	15-ft	--	--	--	--	--	--	--
		Side <sup>1</sup>	--	10-ft	10-ft	10-ft	10-ft	10-ft	--	--	--	--	--	--	--
		Rear	--	15-ft	10-ft	10-ft	10-ft	10-ft	--	--	--	--	--	--	--

Notes:  
1. Setbacks apply between buildings and property lines. Zero setback is required where units share a wall with an abutting dwelling. Setbacks do not apply to building separation on the same lot.  
2. Setbacks may be reduced by 5-ft if structure roofs are designed to either hold snow or not shed into the setback subject to the reduction, so long as structure does not encroach on a platted easement and remains a minimum of 5 feet from any property line.  
3. Accessory structures two hundred square feet or less, and not on a permanent foundation, may encroach into the rear and side yard setbacks only; provided, the structure is located on the rear 25 percent of the parcel and is a minimum of 5-ft from both the rear and side lot lines.  
4. All lands adjacent to conservation districts will be required to maintain a minimum 25-ft setback.  
5. Setbacks in districts with no minimum shown in this table shall be subject to Building and Fire Code requirements regarding firewalls and separation of buildings.  
6. The Planning Director or designee may permit smaller lot sizes for lots used for utilities.  
7. See VMC 17.13.020 regarding additional height standards.

**17.06.100 Planned Resort District (PR) Standards**

- A. Purpose. The purpose of these standards is to ensure that the Planned Resort District (PR) is developed and used consistent with its intended purpose in the Comprehensive Plan. The PR district is intended to promote economic opportunity while achieving a balance with environmental characteristics of the land. Resort development within the PR district should be self-contained and provide visitor-oriented accommodations and recreational facilities in a setting with high natural amenities. Development in the PR district must complement the physical attractiveness and constraints of the area without significant adverse effects on adjacent residential subdivisions, or the significant natural and cultural features which contribute to the setting.
1. Planned Unit Development (PUD). Land within the PR district is intended to be accompanied by a master plan as part of a PUD review and approval process. This requires the applicant to plan for a thoughtful mix of uses and quality project design prior to most land development activities occurring on the property. This also provides certainty to the City that the resulting project aligns with the Comprehensive Plan.
- B. Applicability.
1. This section shall apply to all lands zoned as PR on the City's Official Zoning Map.
  2. All other provisions of VMC Title 17 apply to land in the PR district unless otherwise exempted by this section or an associated PUD approval.
- C. Establishment and Prerequisite Standards. The following provisions apply to the establishment of a new PR district, adjustments thereto, and/or land development/land use activities within PR designated properties.
1. Planned Unit Development Requirement. The applicant must obtain an approved planned unit development (PUD) pursuant to Chapter 17.09 for properties within the PR district prior to building construction and a land use being established/expanded on the property. The following activities may occur in the PR district prior to a PUD approval but only as allowed by this section.
    - a. Recreational Uses. These uses shall be limited to motorized and non-motorized trails and other passive recreation.
    - f. Temporary land use permits. All temporary land use permits may be allowed pursuant to Section 17.04.120.
  2. Rezone Limitations and Allowance. The following rezone limitations and allowances apply to land areas that are either currently zoned PR or are planned to be designated PR. All rezone activities shall be processed pursuant to Table 17.04.030.a.
    - a. PR Establishment. The following applies to situations involving the establishment of a new PR district designation on the City's Official Zoning Map.
      - i. Comprehensive Plan Consistency. The City may rezone land to PR for those lands designated within the Destination Resort Overlay Place Type on the Comprehensive Plan Land Use Place Type Maps. Any other rezones to PR may only be processed with a concurrent Comprehensive Plan Amendment application to the Destination Resort Overlay Place Type designation.
  3. Subdivision Activities. The City shall limit subdivision and lot modification activities for properties within the PR district to those that align with an approved PUD pursuant to Chapter 17.09. Per Chapter 17.09 herein, subdivision activities within the PR may accompany a phased PUD approval. The platting activities may occur in PR zoned land prior to a PUD approval.
    - a. New lots shall be equal to or greater than 15 acres. The Planning Director may allow exceptions for critical infrastructure and utility services.
- D. Land Use Allowances. The following provisions apply to the land use allowances for PUDs in the PR.
1. PUD Approval. Applicants shall specifically request approval for any land use activity as part of the PUD review process; only those uses approved for the PUD may be allowed within the associated project(s).
  2. Allowable Uses. Applicants may propose any land use that is compatible with the intent of the PR district and is listed as permitted ("P"), conditional ("C"), and/or accessory ("A") in any other district. The

Planning and Zoning Commission may approve those uses that it deems compatible with the Comprehensive Plan, the land's environmental features, and surrounding land uses.

- E. Development/Design Standards. PUDs within the PR are subject to the following development/design standards:
1. Open Space and Conservation. All PUDs in the PR shall designate at least ten percent (10%) of the total land area within its boundary for open space and/or conservation; this shall not be in addition to the minimum open space requirements of Section 17.09.010.E.
  2. Resort Destination Use(s). All PUDs within the PR shall include a destination resort use that will serve as a draw for residents and visitors as well as an anchor for the associated project. The resort destination use shall be recreational or leisure in nature including, but not limited to, lodging, retail, health spas, recreational uses, biking and motorsports, ski activities (including ski lifts), campgrounds, and similar uses. The resort destination use shall include an associated primary structure.
  3. Architectural Theme. All primary structures, wayfinding and entry signage, and street/roadway designs shall be constructed pursuant to a consistent architecture theme. The architecture theme shall be established as part of the PUD approval process. Architectural themes include facade materials and design elements, pavement materials/applications, roof forms, and lettering.
  4. Housing and Residential Uses. The following standards apply to any PUD in the DRO that includes 50 or more dwelling units. Applicants may not apply for multiple PUDs to circumvent this unit standard.
    - a. Housing Variety. The PUD shall include at least two distinct housing types as listed in the underlying zone. (e.g., detached dwellings, attached dwellings, and/or multi-unit). Each of the distinct housing types shall comprise at least ten percent (10%) of the total housing units.
    - b. Architectural Variety. Each attached dwelling and multi-unit building within the PUD shall possess different yet complementary architectural and facade design elements. Design elements may include different window shapes, roof lines, and/or exterior materials to achieve architectural uniqueness from adjacent buildings of these same housing type.
  5. Commercial Center. A commercial center may be designated for a PUD in the PR subject to the following provisions.
    - a. Building Orientation. The buildings within the designated commercial center shall be oriented close to the adjacent streets/roadways.
      - i. All surface parking lots shall be constructed to the side or rear of the buildings they are intended to serve. Surface parking lots shall not be constructed between a front facade of a primary building and the adjacent street.
      - ii. A customer entrance shall be provided on the street-facing facades.
  6. Schools and Colleges. If a schools or colleges are proposed as part of a PUD, it shall be integrated into an existing or planned residential neighborhood within the PR. In those situations, a lot shall be specifically designated for public school or college use with sidewalk connections to the surrounding housing units.
  7. Trail Connections. All residential neighborhoods, commercial service areas, and resort destinations within the PUD shall be interconnected with a multi-use trail and/or sidewalk network to encourage and accommodate non-automobile travel within the PR.
  8. Interim Gravel Extraction and Forestry Activities. Material resource extraction, and/or forestry activities may be approved as an interim use as part of a PUD for the PR subject to the following standards and limitations.
    - a. Time Limits. The Planning and Zoning Commission shall establish the duration these uses may occur on the property (e.g., number of years the activities may occur or limits on material harvesting/extracting).

- b. Buffering and Nuisance Mitigation. The applicant shall employ methods to mitigate compatibility concerns and potential impacts to adjacent uses/property through effective buffering, screening, or other methods as deemed appropriate by the Planning & Zoning Commission.
- c. Reclamation Plan. The applicant shall provide a reclamation plan that defines how the land will be restored after the interim use ceases. The reclamation plan shall address grading, revegetation, site hydrology, and safety hazards. The applicant shall define when the reclamation activities will be completed after the interim use ceases. The decision-making authority may require the applicant to issue a bond or other financial security to ensure the reclamation activities occur after the use ceases.

DRAFT

**Chapter 17.07**

***Reserved***

DRAFT

## Chapter 17.08

### Specific Use Standards

#### 17.08.010 Purpose and Applicability

- A. Purpose. Some uses allowed by this title have special requirements or standards associated with them, as shown in the zoning district descriptions in section 17.06.040. The specific use standards described in this section are generally organized by major types of uses including residential, commercial, industrial, and other major types of uses.
- B. Applicability. Specific use standards apply to uses listed in the Use Tables in section 17.06.060 that are marked as having such standards. These standards are applicable to situations that include the establishment of a new uses and the expansion of an existing use.

#### 17.08.011 – 17.04.019 *Reserved*

#### 17.08.020 Review Process and Application

- A. Generally. The City shall review the specific use standards herein concurrently with the associated building permit, conditional use permit, and/or zoning clearance application.
- B. Submittal Requirements. In addition to other submittal requirements, applicants shall provide materials to demonstrate compliance with the applicable specific use standards.

#### 17.08.021 – 17.04.029 *Reserved*

#### 17.08.030 Residential and Housing Uses

##### A. Accessory Dwelling Units

1. Purpose. Accessory dwelling units (ADUs) are intended to function as an independent housing unit that is subordinate to a primary use on the same lot. Accessory dwelling units are intended to provide guest housing, caretaker residence, or general housing for the Valdez community.
2. Applicability. The standards herein are applicable to all new ADUs and expansions to existing ADUs.
3. Specific Use Standards. The following standards apply to all accessory dwelling units in addition to the zoning district requirements.
  - a. General Standards. All ADUs shall be subject to the following general standards.
    1. The ADU shall be subordinate to a primary use or residence established on the same lot.
    2. The ADU must be smaller in size (floor area) than the primary use.
    3. The ADU may be attached to or detached from the primary use or accessory structure established on the same lot.
    4. The ADU may be connected to the same utility meters/lines as the primary use/building on the lot.
    5. ADUs shall meet the Valdez Building Code standards and are subject to building permit requirements.
    6. Manufactured and mobile homes may be used as ADUs.
    7. Recreational vehicles shall not be used as ADUs.
    8. ADUs may be associated with a detached dwelling, duplex, or townhouse but shall not be established as part of a larger multi-unit dwelling.
  - b. Residential Zones. The following standards apply to all ADUs in the RR, R1, R2, or NMU zoning districts.

1. For residential lots of at least 8,000 sf., one attached ADU and one detached ADU may be established/expanded on each lot where a primary use/residence exists. Additional ADUs are allowed at a rate of one unit per additional 10,000 sf. of lot area up to a maximum of 5 ADUs.
2. For non-residential lots, a maximum of one (1) ADU, either attached or detached, may be established as a caretaker residence.

B. Dwelling – Mobile Home

1. Applicability. The standards herein are applicable to the placement of mobile homes not present within the boundaries of the City of Valdez on the date of [insert date of adoption of this title.]
2. Specific Use Standards.
  - a. No mobile home, as defined in this title, and constructed and fabricated prior to June 15, 1976, may be brought into the City of Valdez after [insert date of adoption of this title.]
  - b. Mobile homes present within the boundaries of the City of Valdez on [insert the date of adoption of this title] may be relocated within the City of Valdez, pursuant to VMC Title 15 and other provisions of this title.

C. Dwelling – Multi-unit (more than 4 units per building)

1. Applicability. The standards herein are applicable to attached dwelling units (more than 4 units per building).
2. Specific Use Standards.
  - a. Parking Lots. New surface parking lots shall be oriented to the side or rear of the multi-unit dwelling building they are intended to serve.
  - c. Facade Design. Twenty percent (20%) of street-facing building facades shall include windows or door openings.

D. Shelters

1. Applicability. The standards herein are applicable to the establishment shelters larger than those located in individual residential dwellings. These standards do not apply in situations where the City, State, or Federal governments provide temporary housing to response to an emergency or catastrophic event.
2. Specific Use Standards.
  - a. Housing Types. Shelters may be provided as manufactured homes, detached/attached dwellings, multi-family, or similar types.
  - b. Unit Types/Living Environments. The living environments within shelter may be provided a sleeping halls, individual units, or dormitories.
  - c. Sanitation and Bathing Facilities. Shelters shall include restrooms, bathing/showering rooms, and similar sanitary facilities consistent with the Valdez Building Code. Those facilities may be provided in individual units or in a shared arrangement.
  - d. Cooking/Dining Facilities. Shelters shall include a cooking and dining facilities to serve the daily needs of the residents. This may include kitchens in individuals dwelling units and/or as common dining halls with a shared kitchen.
  - e. Resident Services. Shelters may include resident service activities such as mental health counseling, childcare, job training, victims' resources, and similar activities. Those activities shall be subject to applicable state and City of Valdez licensing standards.
  - f. Parking Lots. When proposed, new surface parking lots shall be oriented to the side or rear of the shelter building they are intended to serve.

- g. **Building Design.** Twenty percent (20%) of street-facing building facades shall include windows or door openings. In residential zones, shelter buildings shall be limited to three stories.
- E. **Worker Housing**
  - 1. **Applicability.** The standards herein are applicable to the establishment of new worker housing for temporary employees in districts where it is a conditional use.
  - 2. **Specific Use Standards.**
    - a. **Building Types.** Worker housing units may be in the form of detached homes, manufactured homes, attached multi-unit dwellings.
    - b. **Recreational Vehicle Parks and Campgrounds.** Recreational vehicle parks and campgrounds may be used for summer seasonal worker housing subject to the approval requirements for recreational vehicle parks and campgrounds.
- F. **Home Occupations**
  - 1. **Purpose.** The purpose of this section is to establish what constitutes a home occupation and the conditions under which they are permitted. Generally, a home occupation may include any time of office, service, or commercial use that is of a scale that meets the standards herein. Commercial activities that are larger in scale than described herein are required to be located in an appropriate zoning district.
  - 2. **Applicability.** The standards herein apply to all Home Occupations allowed in dwelling units pursuant to the standards in this section.
  - 3. **Specific Use Standards**
    - a. **Review.** Home occupations shall be established through the issuance of a City of Valdez business registration, pursuant to VMC Title 5.
    - b. **Location.** Home occupations may take place within a dwelling or associated accessory structure.
    - c. **Employees.** Employees associated with the home occupation business may include those individuals residing on the property plus one additional individual that does not reside on the property.
    - d. **Incidental Scale.** The home occupation business must be clearly subordinate to the primary residential use of the property. The property shall be the primary residence of the business owner. There shall be no visible evidence of the conduct of such home occupation other than one sign as specified in Section 17.13.090(I)(1). No change to the outside of the building or premises shall be made for the purpose of accommodating or enhancing the home occupation that would change the residential character of the building or premises.
    - e. **Compatibility.** The home occupation shall not cause any noise, odors, effluent, smoke, dust, vibrations, electrical interference, bright or flashing light, or other objectionable conditions that would interfere with the quiet enjoyment of the residential neighborhood in which it is located.
    - f. **Parking and Deliveries.** A home occupation shall not require regular or frequent deliveries of goods or materials of such bulk or quantity, nor the parking of customer or client's vehicles in numbers or frequency, over and above the normal traffic associated with the dwelling as a residence.
    - g. **Allowed Uses & Standards.** Home occupations may include, but are not limited to, the uses listed in this section. Any home occupation may be permitted if in conformance with all provisions of Title 17.
      - i. **Home-based instructors/tutors.** Instruction services such as, but not limited to, tutoring, music classes, crafts classes, meditation guidance, and small-scale yoga classes, may be allowed between the hours of 8 a.m. and 9 p.m. for up to three students per class.
      - ii. **Offices.**
      - iii. **Personal services,** salon, barber, nails, tattoo, dog grooming, massage, acupuncture, chiropractic, etc.
      - iv. **Contractors,** subject to the following requirements:



1 – Outdoor storage of materials: In the R1 and R2 districts, no outdoor storage of materials is permitted unless associated with a permitted construction project. In the RR district, all materials must be stored either within a structure or completely screened from view from neighboring properties.

2 – Commercial vehicles. In the R1 and R2 districts, the number of commercially licensed vehicles shall be limited to two. In the RR district, the number of commercially licensed vehicles shall be limited to four.

3 – Outdoor Storage of Heavy equipment associated with the contractor operation. No heavy equipment shall be stored in the public right of way in any district. The number of heavy equipment machines shall be limited as follows: one in the R1 and R2 districts. Two in the RR district.

4 - All waste shall be disposed of off-site at either a city baler/landfill facility or the city construction and demolition pit.

- v. Wood working and Furniture Repair/Fabrication. Small scale wood working, and furniture repair/fabrication may be allowed as a home occupation. These activities shall be conducted within an enclosed structure. Associated debris and materials shall be stored in a structure or within a fenced area on the property.
- vi. Small Engine and Appliance Repair. Small engine and appliance repair may be allowed as a home occupation. These activities shall be conducted within an enclosed structure. Associated debris and materials shall be stored in a structure. This shall not include marine craft, automobile, or aviation service and repair.
- vi. Arts and Crafts. The creation of arts and crafts, including but not limited to painting, sculpture, drawing, ceramics, printmaking, needle and yarn works may be allowed as a home occupation.
- h. Prohibited Uses. Examples of occupations (businesses) that shall not be permitted as home occupations include, but are not limited to: vehicle/boat sales, vehicle/boat repair, general retail, eating establishments, drinking establishments, heavy industrial activities, activities including explosives and hazardous materials, kennels, medical services, self-storage (third party storage) and similar uses that detract from the neighborhood's residential uses.

#### J. Short-Term Rentals

1. Purpose. The purpose of this section is to establish rules, regulations, and limitations on housing arrangements which are typically an alternative to traditional lodging/accommodation establishments such as hotels and motels. Short-term rentals provide lodging or housing for terms less than 30 days.
2. Applicability. The standards herein apply to all short-term rentals as allowed as accessory uses in residential and commercial zones pursuant to Table 17.06.060.a. The provisions of this section shall be applicable to all short-term rentals that (i) provide accommodations for terms less than 30 days. Motels, hotels, lodges, inns, rental cabins, and long term residential rentals (30 days or more) are not subject to the provisions of this section.
3. Specific Use Standards
  - a. Review. Short-term rentals shall be established through a short-term rental application and permit, provided by the Planning Department. The City may establish or modify a limit on the number of short-term rental permits it allows within the municipal limits, as established by resolution of City Council.
  - b. Issuance. Permits will be issued and require renewal on an annual basis. During annual permit renewal period, the applicant must demonstrate that the short-term rental has been active (in both advertising and use) during the prior permit period.
  - c. Types of Rental Situations. Short-term rentals may be permitted as one of the following:
    - i. Dwelling Units – In these situations, a temporary tenant/guest may rent and occupy an entire dwelling unit which may include a house or apartment. These units typically possess a kitchen,

bathroom, and any number of sleeping rooms. Dwelling units have the capacity to support multiple temporary tenants.

- ii. Rooms within Dwelling Units – In these situations, individual sleeping rooms within a dwelling unit are rented/leased to temporary tenants/guests and the larger dwelling unit may be shared with the permanent resident. Rooms have limited tenant/guest capacity due to their size.
- c. Business Registration. Permitted short-term rentals shall maintain an active business registration pursuant to City of Valdez Title 5.
- d. Owner/Caretaker Registration. The owner shall register the name and contact information of the responsible caretakers/property manager with the City of Valdez so that public safety officials can effectively respond to neighborhood complaints or safety-related events. The owner shall also post the caretaker/property manager contact information within each rental.
- e. Inspection Required. Prior to issuance of a short-term rental permit, the unit will be subject to an inspection to determine that the rental unit is safe for human occupancy and in compliance with the Valdez Building Code. Each rental unit shall have a working smoke detector, carbon monoxide monitor, and fire extinguisher. Approved units may be subject to inspection during subsequent renewals.
- f. Transferability. Short-term rental permits are for specific properties and are not transferable to any other properties. Short-term rental permits are transferable to a new owner, if the property on which the short-term rental is located changes ownership.

#### **17.08.040 Nonresidential Uses**

##### **A. Adult Entertainment Uses.**

1. Applicability. The standards herein apply to adult entertainment uses allowed pursuant to Table 17.06.060.a.
2. An adult entertainment use shall not be allowed within 1,000 feet of another existing adult entertainment use.
3. An adult entertainment use shall not be located within 500 feet of any property with an existing residential dwelling and any property within the RR, R1, R2, or NMU zoning districts, or property in a PUD that includes or is projected to include residential uses.
4. An adult entertainment use shall not be located within 500 feet from the building to an existing school, religious institution, group day care facility or nursery school.
5. All distance requirements shall be measured along a straight line from the nearest property lines of each use.
6. No adult entertainment establishment shall engage in any activity or conduct or permit any other person to engage in any activity or conduct in or about the adult use establishment which is prohibited by any ordinance of the City of Valdez, the laws of the State of Alaska or the United States of America. Nothing in this section shall be construed to authorize or permit conduct which is prohibited or regulated by other statutes or ordinances, including but not limited to statutes or ordinances prohibiting the exhibition, sale or distribution of obscene material generally or the exhibition, sale or distribution of obscene material to minors.
7. No adult entertainment use shall be conducted in any manner that is visible to minors outside the property.
8. All adult uses shall prominently display a sign located within two feet of the door-opening device at the entrance of the adult entertainment use establishment or section of the establishment devoted to adult books or materials which states: "This business sells or displays material containing adult themes. Persons under 18 years of age shall not enter." Said sign shall have letters at least one inch and no more than two inches high.

9. No person under the age of 18 shall be permitted access to material displayed or offered for sale or rent by an adult entertainment establishment.

B. Animal husbandry, boarding, kennels, animal shelters.

1. Animal husbandry, boarding, kennels, and animal shelter uses must comply with VMC Title 6.
2. Animal husbandry uses are restricted to zoning districts where agricultural uses are permitted, except for the keeping of poultry and fowl pursuant to VMC Title 6.
3. Raising of Livestock. The raising of livestock, when allowed as a permitted use, shall comply with the following:
  - a. On lots one (1) acre and larger: the number of large livestock does not exceed two AND the number of small livestock does not exceed three;
  - b. On lots smaller than one (1) acre, either the number of small livestock does not exceed three OR the number of large livestock does not exceed two (2);
  - c. An approved surface water drainage plan is submitted;
  - d. An approved manure disposal plan is submitted;
  - e. The manure storage pile and corral are located at least one hundred feet from any private well;
  - f. The manure storage pile shall not be closer than twenty-five feet from any property line;
  - g. The corral will be set back a minimum of five feet from the property line;

C. Aviation-related uses

1. Applicability. The standards herein apply to aviation-related uses within the A Airport district pursuant to Section 17.06.040.B.11. These uses are aviation-related or of a character that does not conflict with the safe operation of the airport.
  - a. Aircraft maintenance and repair operations
  - b. Aircraft parking
  - c. Aircraft rental agencies, lots and hangars
  - d. Aircraft sales
  - e. Airport
  - f. Aviation facility
  - g. Aviation electronics and radio sales and repair
  - h. Aviation products and petroleum sales
2. Prohibited Uses. The following uses are prohibited on or adjacent to airport property:
  - a. Any use or structure that obstructs the airport's navigable airspace, navigational aids or facilities as set forth in Part 77 of the Federal Aviation Regulations, as amended.
  - b. Any installation of an object which would create electrical interference with radio communication between the airport and aircraft, or make it difficult for pilots to distinguish between airport lights and other lights, result in a glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

D. Helipads

1. Helipads must demonstrate conformance with current FAA requirements for heliport and helipad design including touchdown and lift areas, final approach and takeoff areas, safety areas, and design for the weight and size of the helicopter.
2. The helipad must not create noise or winds that negatively impact pedestrians.
3. Parcels with helipads shall not exceed permitted noise limits in VMC Title 8.
4. Helicopter landings hours may be restricted as a condition of a conditional use permit depending on the location of the helipad in relation to other uses.
5. The number of landings may be restricted as a condition of a conditional use permit depending on the location of the helipad in relation to other uses.
6. Additional public notice is required to be provided to properties within 500 feet of the proposed helipad and requested flight paths.

E. Recreational Vehicle Parks or Campgrounds

1. Purpose. The purpose of this section is to establish the site development and operations standards for campgrounds and recreational vehicle (RV) parks. These uses are intended to serve as a temporary housing or lodging for visitors.
2. Applicability. The standards herein apply to the establishment of new or expansions of existing campgrounds and RV parks.
3. Specific Use Standards
  - a. Camping and RV Sites. Specific sites shall be designated for camping and RV parking shall be designated pursuant to this subsection.
  - b. RV Site Width. The minimum width per RV site shall be ten (10) feet plus the width of the RV.
  - c. Structures. One cabin is allowed on each camping site. Said structures shall be limited to 500-sf of habitable area.
  - d. Restrooms and Sanitation. Each campground and/or RV park shall provide restroom facilities for the occupants. Said facilities shall remain accessible to occupants 24 hours a day.
  - e. Occupancy Limitations. Occupancy is limited to 180 consecutive days.
  - f. Retail Allowances. Each campground or RV park may contain small retail stores and mobile vendors, intended to serve occupants of the campground or RV park and that are accessory and incidental to RV park operations.

F. Child Care Facilities

1. Applicability. The standards herein apply to the establishment of new child care facilities.
2. Specific Use Standards.
  - a. Child care facilities must meet all current state of Alaska day care facilities license requirements.
3. Child care facility conditional use permits may be conditionally approved prior to the applicant obtaining a state license. The child care center conditional use permit will be issued upon receipt of a state of Alaska child care center license and will be valid as long as the state of Alaska child care license remains valid.

G. Vehicle Service Stations

1. Applicability. The following standards apply to the establishment of fuel and gas stations and vehicle service stations pursuant to Tables 17.06.060.a-e.
2. Oils and grease. All new and used petroleum products and other products, liquids or chemicals used in the operation must be stored indoors, except the bulk storage of fuel.
3. Inoperable vehicles. No inoperable vehicle shall be kept on the site longer than 45 days.

4. Vehicle sales. The site shall not be used to sell vehicles unless permitted in that district or a conditional use permit authorizing such use/sales has been granted.
  5. Fencing. Fencing shall be required along with additional landscaping to screen the view of the use from existing residential uses.
  6. Noise. Noise resulting from vehicle repair must comply with VMC Title 8.
- H. Material resource extraction.
1. Applicability. The following standards apply to material resource extraction operations pursuant to Table 17.06.060.a.
  2. Specific use standards.
    - a. Material resource extraction requires a conditional use permit. In addition to meeting the general standards for conditional uses, an applicant for a conditional use permit for material resource extraction shall submit the following:
      - i. Site Plan including:
        - 1- Drainage
        - 2- Existing and proposed contours
        - 3- Work depths
        - 4- Overburden and debris disposition,
        - 5- Erosion and sediment control plan,
        - 6- Revegetation or restoration plan,
        - 7- Water table information,
        - 8- Water quality information for work in waterways,
        - 9- Floodplain alteration information for all work in the special flood hazard area;
      - ii. Final site restoration and revegetation plan;
      - iii. Security plan to prevent trespass;
      - iv. Description of natural resource extraction and processing operations, including:
        - 1- Ingress and egress points,
        - 2- Hours of operation,
        - 3- Estimate of quantities to be extracted and timetable;
      - v. Other materials city staff may require.
    - b. Setbacks:
      - i. The minimum front setback for material resource extraction operations shall be fifty feet (50').
      - ii. The minimum side setback for material resource extraction operations shall be twenty-five feet (25').
      - iii. The minimum rear setback for material resource extraction operations shall be twenty-five feet (25')
    - c. The Planning and Zoning Commission may approve a material resource extraction use only if the commission finds that the use meets the standards for conditional uses and the following:
      - i. The extraction operations will not pose a hazard to the public health and safety;
      - ii. The extraction operations will not generate noise, dust, surface water runoff or traffic that will unduly affect the surrounding land use;

iii. The permittee assures that after extraction operations cease, the site will be left in a safe, stable and aesthetically acceptable condition.

d. The Planning and Zoning Commission shall attach such conditions to the approval as it finds necessary to conform the use to the standards set forth herein.

I. Mining Operations.

1. Mining operations, as defined in 15 AAC 65.990 must be conducted in accord with state and federal law.

J. Wireless Communication Towers and Antennae

1. A conditional use permit is required for the construction of communication towers exceeding thirty-five feet in height within all zoning districts of the city. The planning and zoning commission may grant a conditional use permit for the substantial modification or construction of a telecommunication tower in any zoning district subject to the conditions in this section.

2. Purpose. The purpose of this section is to provide standards and procedures for wireless communications towers, antennae and associated equipment as allowed pursuant to Table 17.06.060.a.

3. Permits. Wireless communication towers that exceed the maximum height of the zoning district must comply with the standards in this section and obtain a Conditional Use permit pursuant to Table 17.06.060.a.

a. The application for a conditional use permit for a telecommunication tower shall include the following information:

- i. A written narrative explaining why the proposed site has been chosen, why the telecommunication tower is necessary, why the requested height was chosen, and a full explanation regarding the telecommunication tower's ability to accommodate other providers;
- ii. Specifications for the telecommunication tower and all antennas to be located on it, including a description of design characteristics and materials;
- iii. A site plan drawn to scale showing property boundaries, telecommunication tower location, telecommunication tower height, guy wires and anchors, existing structures and land uses on the site and on adjacent property, access roads and easements to be used for the site;
- iv. A map showing the locations of the applicant's existing telecommunication towers that serve customers in the city and of all telecommunication towers that the applicant proposes to construct to serve customers in the city;
- v. A report prepared by a person registered as a structural engineer in Alaska showing the capacity by type and number of the telecommunication tower and antennas, and that the telecommunication tower and antennas are designed to withstand winds in accordance with the latest revision of ASI/EIA/TIA/222 standards ("Structural standards for steel communications antenna towers and communications antenna supporting structures");
- vi. Identification of the person or persons who own the telecommunication tower and the equipment that is to be located on it;
- vii. Written authorization for the application from the owner of the site;
- viii. Evidence that the applicant has a valid FCC license for the use of the telecommunication tower;
- ix. A line-of-sight analysis showing the potential visual and aesthetic impacts of the telecommunication tower on adjacent residential districts through the use of photo simulations of the telecommunication tower, including all antennas, structures, and equipment, using the vantage points and number of photo simulations requested by the planning department;
- x. A written agreement, on a form approved by the city attorney, to remove the telecommunication tower and restore the site to its original condition within one hundred eighty days after the telecommunication tower is substantially unused for a period of twelve consecutive months; and providing that if the

telecommunication tower is not removed within this one-hundred-eighty-day period, the city may remove the telecommunication tower at the cost of the owner;

- xi. A cell phone coverage map showing the applicant's proposed cell phone coverage within the city;
  - xii. A certificate from an engineer licensed in Alaska that the telecommunication tower, and all antennas and other equipment located on it, are built and installed to approved specifications and will contain only equipment meeting Federal Communications Commission requirements; and Any additional information required by the planning department during the application process.
- b. The planning and zoning commission may approve an application under this section, with or without conditions, if the application meets the following criteria:
- i. **Location and Visual Impact.** The proposed location of the telecommunication tower will minimize the visual impact on the surrounding area while allowing the telecommunication tower to function in accordance with minimum standards imposed by the applicable telecommunications regulations and the applicant's technical design requirements. Telecommunication towers and attached antennas and equipment must be painted or coated in a color that blends with the surrounding environment. Muted colors, earth tones, and subdued hues, such as gray, shall be used. All associated structures such as equipment buildings, including the roofs, shall be painted with earth tone colors unless otherwise required under this code or other applicable law. Where necessary to make a telecommunication tower compatible with the historical, environmental or cultural character of its location, the planning and zoning commission may require that the telecommunication tower be disguised, hidden or screened, or integrated as an architectural feature of a structure, to reduce its visual impact.
  - ii. **Inability to Collocate.** It is not feasible to locate the applicant's telecommunication antenna and other equipment on any existing structure or tower under the control of the applicant.
  - iii. **Location in a Residential Zoning District.** An applicant seeking to locate a telecommunication tower in a residential zoning district must show that the area cannot be adequately served by a telecommunication tower located in a nonresidential zoning district for valid technical reasons.
  - iv. **Design for Future Use.** A new telecommunication tower shall be designed to allow collocation of telecommunication antennas equal in number to the applicant's present and reasonably foreseeable future requirements.
  - v. **Safety Code Met.** The telecommunication tower meets all applicable laws and code requirements, including without limitation health, nuisance, noise, fire, building and safety code requirements.
  - vi. **Distance from Existing Telecommunication Towers.** A telecommunication tower shall not be approved if it is located within one-half mile (two thousand six hundred forty feet) of an existing telecommunication tower, unless the applicant certifies that the existing telecommunication tower does not meet the applicant's structural specifications and technical design requirements, or that a collocation agreement could not be obtained.
  - vii. **Zoning Requirements.** With the exception of requirements for setback and height, which are established in this section, the telecommunication tower must comply with all applicable zoning laws and regulations.
  - viii. **Signs.** No signs may be located on a telecommunication tower except for identification signage.
  - ix. **Lighting.** No lighting may be located on a telecommunication tower except as reasonably required for safety purposes or as required by the Federal Communications Commission, Federal Aviation Administration or other government agency with jurisdiction.
  - x. **Fencing.** A fence with a minimum height of eight feet must be placed on the perimeter of the site of a telecommunication tower site to limit access by the public.
- c. No decision regulating the placement, construction or modification of a telecommunication tower may be made on the basis of environmental or health effects of radio frequency emission if the antennas and other equipment on the telecommunication tower comply with Federal Communications Commission regulations.

K. Outdoor commercial recreation.

1. Applicability. The following standards apply to outdoor, privately owned and operated recreational businesses located within the Public Lands district.
2. Standards. Commercial recreational uses may be allowed on public lands provided that the use does not negatively impact public access to or availability of public recreational trails and facilities. The operator of said use must obtain permission from the entity that owns the public land.

**17.08.041 – 17.08.049     *Reserved***

**17.08.050     Accessory Structures and Uses**

- A. Applicability. The provisions of this section shall apply to all accessory structures and uses established, added, modified or expanded on a lot, other than accessory dwelling units.
- B. Standards. All accessory structures and uses shall comply with the following standards:
  1. Accessory Building without a Primary Structure. No accessory building or structure shall be constructed on any lot prior to the time of construction of the primary building to which it is accessory. The City may allow, at the discretion of the Planning Director, an accessory structure prior to the construction of a



primary structure if a building permit for the primary structure has been obtained and remains in good standing.

2. Size. The footprint of an accessory structure may exceed that of the primary structure.
  - a. Garages or workshops, attached or detached, are permitted to be larger than the primary residential structure on a lot.
  - b. Garages or workshops may have a dwelling unit, such as an apartment or residential loft, attached. In such cases, where the garage or workshop is located on a lot zoned RR, R1, R2, the dwelling unit is considered the primary use of the property.
3. Separation. Detached accessory structures are subject to the Valdez Building Code regarding fire separation.
4. Location.
  - a. Accessory structures must meet the minimum front setback requirement for the zoning district in which it is located.
  - b. Accessory structures, such as a workshop or storage shed, two hundred square feet or less, and not on a permanent foundation, may encroach into the rear and side yard setbacks only; provided, the structure is a minimum of five feet from both the rear and side lot lines.
  - c. On corner lots, the minimum front setback requirement in a) shall be met along each street frontage.
  - d. Height. No detached accessory structure shall exceed the height of the primary structure with which it is associated.
  - e. Attached accessory structures. When an accessory structure is attached to a primary structure, it shall conform to all regulations of this ordinance applicable to primary structures.
5. Intermodal shipping containers (connex units). The use of a connex unit as an accessory structure is allowed in all zoning districts subject to the following:
  - a. Except in the industrial and commercial districts, connex units shall be screened on sides facing abutting public streets by structures, landscaping, and/or fences at least as high as the unit.
  - b. Connex units must conform with all applicable standards of the Valdez Building Codes.
  - c. In commercial districts, connex units shall be located to the rear of all primary structures or alternately, meet the screening requirements of subsection 17.13.061.
  - d. In the RR, R1, R2, and NMU districts, connex units existing as of [date of adoption] on any size lot may continue as long as the screening requirements of subsection 17.13.061 are met by September 30, 2025.
  - e. Self-storage establishments in compliance with this ordinance are exempt from this section.
  - f. Loading or unloading a connex unit, or the use of a connex during a permitted construction project is exempt from this section, as long as the connex unit is removed promptly at the finish of the loading/unloading or construction activity.
  - g. In the RR, R1, R2, and NMU districts, connex units existing on [date of adoption] that are located between the front plane of the primary structure and the front property line shall be removed or relocated by September 30, 2025.
  - h. The provisions of this section do not apply to connex units incorporated into approved structures.

## Chapter 17.09

### Planned Unit Developments (PUDs)

#### 17.09.010 Purpose and Applicability

- A. Purpose. A Planned Unit Development (PUD) is a type of conditional use permit that allows for design flexibility of the City's zoning dimensional standards with the intent to achieve better project design than could be otherwise achieved through the direct application of those standards. A PUD is different from a variance in that a PUD grants flexibility from ordinance standards in exchange for some community benefit pursuant to the review criteria herein. PUD designs and project elements shall align with the Comprehensive Plan in terms of community vision, land use compatibility, housing variety (as applicable), and environmental conservation.
- B. Applicability. The provisions of this section apply to applicants that seek development approval through the PUD process in the districts where a PUD is listed as an approved use. This section also applies to any changes to any previously approved PUD. Applicants may apply for PUD approval pursuant to the requirements of this section.
- D. Allowances. Applicants may seek regulatory relief or design flexibility from certain dimensional and use standards of the subject property's zoning district pursuant to the allowances and limitations of this section.
1. Lot Dimensions. Applicants may seek to reduce the lot dimensional standards of the property's zoning district, including lot area and width.
  2. Setbacks. Applicants may seek to reduce the building setback standards of the property's zoning district, however the resulting site plans and built conditions must effectively address snow storage.
  3. Height. Applicants may seek to increase the maximum building height of the property's zoning district.
  4. Land Uses. Applicants may propose any land use that is listed as a permitted ("P"), conditional ("C"), and/or accessory use ("A") in any district in the land use table pursuant to Section 17.06.060. For conditional uses, those uses must be specifically requested and approved as part of the PUD application process. The decision-making authority may assign additional limitations to those land uses as part of its final approval.
  5. Roadway Standards. Applicants may propose roadway and multiuse trail designs that may be different from the City's standard street sections; the designs shall effectively and safely accommodate the transportation modes they are intended to serve.
- E. Open Space. The City encourages designation of open space and conservation within PUDs; such designation is considered pursuant to PUD Criterion 1 in 17.09.020.B.1.
1. Residential Zones. For portions of the PUD with an underlying zone of RR, R1, R2, or NMU, five percent (5%) of those areas shall be designated as open space or conservation areas.
  2. Natural Features Priority. The applicant shall prioritize areas of the property that contain natural features for said open space designation. For the purposes of a PUD, "Natural Features" include wetlands, streams, lakes, rock outcroppings, native forest land, and high-value animal habitat pursuant to readily available public studies.
  3. Platting Requirement. All designated open space and conservation areas within a PUD approval shall be assigned a parcel as part of the associated platting process. The Plat shall identify the parcel as open space and list the associated land use restrictions therein. The Planning Department shall apply this requirement as part of any subdivision application associated with the property with a PUD approval.
  4. Management. All designated open space and conservation areas within a PUD shall be managed and maintained by a property owner or neighborhood association unless dedicated to the public during the platting process.
  5. Snow Storage. Designated open space and conservation areas within a PUD do not count toward snow storage areas required pursuant to VMC Title 16.

**17.09.011 – 17.09.019     *Reserved***

**17.09.020     Review Process and Application**

- A. Review Process Generally. The City shall review applications for PUD approval as a conditional use permit pursuant to Section 17.04.060.
- B. Review Criteria. The Planning Department and the final decision-making authority shall evaluate whether the PUD application complies with the review criteria for conditional uses as specified in Section 17.04.060 and the PUD criteria listed in this subsection in determining to approve, approve with conditions, or deny the request.
  - 1. PUD Criterion 1 – Open Space: The project design and spatial layout results in additional open space than could otherwise be achieved with the strict application of the zoning district standards. Open space that meets the standards of 17.09.010.E is required.
  - 2. PUD Criterion 2 – Design Excellence: The project is expected to achieve a better design than could be achieved with the strict application of the zoning district standards in terms of building architecture, pedestrian orientation/access, retaining natural features, and implementing the community vision as articulated in the comprehensive plan.
  - 3. PUD Criterion 3 – Impact Mitigation: The project applies buffering, vegetation, and building placement considerations as methods to mitigate potential adverse impacts onto neighboring properties that may be caused by a reduction in the required building setbacks, or an increase in building height.
- C. Submittal Requirements.
  - 1. General. Applicants shall provide the submittal items as specified in Section 17.04.060 in addition to the other submittal items listed in this subsection.
  - 2. Narrative and Dimensional Standards. The applicant shall provide project narrative that provides findings and responses to each of the PUD review criteria. The narrative shall also list the proposed dimensional standards (e.g., building setbacks, height) that would apply to all development activity within the PUD project boundaries. The narrative shall also list all the proposed land uses that would be allowed within the approved PUD project.
  - 3. Plan Set.
    - a. PUD Master Plan. This shall be a scaled drawing that depicts the proposed site layout, land use areas, vehicular and pedestrian circulation, open space and recreation areas, and any other information necessary to visually describe the proposed project. The master plan shall include a site statistics table listing the dimensional standards and allowable land uses that would apply to all future development and land use activities within the project boundaries. The site statistics data shall also identify the proposed land use areas within the PUD in terms of acreage, number of dwelling units, total proposed square-footage for non-residential uses, and open space area.
    - b. Open Space and Conservation Plan. This shall be a scaled drawing depicting the spatial layout, access points, and configuration for all open space, conservation, and parks areas within the PUD. The Plan shall depict the conceptual site design for areas designated for open space, conservation, and/or park use. The Plan shall include a site statistics table that identifies the recreational uses/elements for each open space area and their land areas.
    - c. Roadway and Circulation Plan. This shall be a scaled drawing that depicts the typical cross sections for all typical roadways, alleys, and multiuse pathways within the PUD. The Plan shall provide the dimensional standards for each roadway/trail element (e.g., travel lane widths, sidewalk widths, on-street parking staff width). Cross sections are not required if the PUD follows the City of Valdez Standards and Specifications.
    - d. Utility Plan. This shall demonstrate the availability of city water and sewer connections or the suitability of the property for proposed sewer and water systems that have the capacity to support the proposed development.

- d. Building Elevations. In lieu of the building elevation requirements of Section 17.04.060, the applicant may provide typical designs for buildings that would be constructed within the PUD boundaries. The elevations shall depict architectural elements such as windows, facade materials, and roof shapes.
- E. Rezones. The applicant may apply for a property rezone concurrently with a PUD application.
- F. Phasing. A PUD may be proposed in phases, such that additional detail (including subdivisions, concurrent rezones, and site plans) may be approved after the initial PUD master plan approval. A PUD master plan for the entire project is required at the initial PUD approval stage.

#### **Chapters 17.10 – 17.12**

*Reserved*

DRAFT

## Chapter 17.13

### Site Development Standards

#### 17.13.010. Purpose and Applicability

- A. Purpose. This chapter is intended to provide additional details on measurements and calculations used throughout this ordinance relating to site development and standards for site development that apply to all zoning districts.
- B. Applicability. This section applies to the establishment or expansion of all uses and structures.

#### 17.13.011 – 17.13.019 Reserved

#### 17.13.020. Measurements and Calculations Methodology.

- A. Yards and setbacks. The following regulations supplement, define and restrict the meaning and intent of the yard and setback provisions set forth in VMC Title 17:
  - 1. Where setbacks are required, they shall be open and unobstructed. Fences, driveways, paved parking lots, and other non-obstructing uses of the property are permitted within the setback area.
  - 2. Unroofed landings, ramps, steps and decks may project into any required setback provided that they maintain a minimum five feet (5') of distance from the nearest property line is maintained and the structure is not located in an easement. No portion other than a handrail shall extend higher than eighteen inches above the finished grade level.
  - 3. Window sills, belt courses, cornices, eaves, and similar incidental architectural features may project into any required setback provided that a minimum five feet (5') of distance from the nearest property line is maintained.
- B. Building Heights. The following regulations supplement, define and restrict the meaning and intent of the building height provisions set forth in this title:
  - 1. Measurement of Building Height. The vertical distance measured from the average ground level prior to construction to the highest point of the building.
  - 2. Exempted Structures.
    - a. Roof structures (located on a rooftop) for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts or similar structures and necessary mechanical appurtenances may be erected above the permitted height limit of buildings but shall not be for the purpose of providing additional floor space.
    - b. Flag poles. The maximum height for a flag pole shall be 25 ft.
    - c. Light poles. Outdoor lighting, including street lights, shall be reflected downwards to reduce light pollution and glare in all districts. Outdoor lighting on freestanding poles shall not exceed 35' in height in residential and commercial districts. Outdoor lighting on freestanding poles shall not exceed 50' in height in industrial districts.

**17.13.021 – 17.13.029      Reserved**

**17.13.030.    Snow Storage**

- A. Purpose. This section is intended to establish basic standards and a review process to ensure adequate snow storage for new developments.
- B. Applicability. These provisions apply to all new or expanded developments except development of one detached dwelling unit, duplex, 2-unit townhouse, or accessory dwelling unit.
- C. Snow Storage Plan. A snow storage plan shall be submitted with all land use or permit applications involving new commercial, industrial, or multi-unit residential construction. The plan shall include:
  - 1. A sketch plan, to scale, showing the area(s) of the site to be used for snow storage. If applicable, any proposed off-site snow storage areas shall also be shown.
  - 2. Amount of parking spaces/area that will be taken up by snow storage, if any.
  - 3. Narrative description of the proposed snow storage plan. Include a description of winter parking demand if required off-street parking spaces are to be used for snow storage.
- D. Standards. The following criteria for snow storage shall be reviewed by Planning Staff during the land use application or zoning clearance review process.
  - 1. Impacts on required parking. Reductions in available parking spaces shall be offset by reductions in seasonal demand for parking.
  - 2. Adequacy of space. Enough snow storage area shall be designated to reasonably handle expected snow storage needs on the site. This includes snow from plowed areas and snow-shedding from roofs.
  - 3. Visibility at intersection(s) with public streets. The site visibility triangle described in section 17.13.065 shall be maintained.
  - 4. Use of publicly-owned snow storage lots, including the proposed means of safely transporting snow from the site to the snow storage lot. Capacity shall exist to accommodate the proposed snow storage, as determined by the public works director.
  - 5. Snow shedding. On all residential dwellings, and non-residential primary structures, roofs shall be designed to either:
    - a. Shed snow into a side or rear yard; or
    - b. Handle the snow load without shedding. Setback reductions are available for buildings with these types of roofs, as described in Table 17.06.070.a.
    - c. Snow shall not shed in a manner that blocks ingress or egress of the structure.

**17.13.031 – 17.13.059      Reserved**

**17.13.060.    Parking and Loading.**

- A. Purpose. This section establishes standards for the amount, location and development of motor vehicle parking, standards for bicycle parking, and standards for on-site loading areas. These regulations are designed to avoid parking shortages, to encourage compact development patterns, to accommodate redevelopment, and to recognize alternative modes of transportation.
- B. Applicability. The parking and loading standards in this section apply to all new development in the city, as well as changes of use and redevelopment.
- C. Parking Lot Design Standards.
  - 1. Dimensional Standards. Table 17.13.060.a provides the minimum parking lot dimensional requirements.

**Table 17.13.060.a Parking Lot Minimum Dimensional Standards**

Parking Angle	Drive Aisle One-Way Width	Drive Aisle Two-Way Width	Stall Width	Stall Depth	Wheel Curb Offset
0-degrees / Parallel	12' 6"	24'	23'	8' 6"	N/A
45-degrees	12' 6"	24'	8' 6"	19'	1' 6"
60-degrees	18'	24'	8' 6"	19'	1' 6"
90-degrees	23'	24'	8' 6"	19'	1' 6"
Notes:					

1. Access.

- a. All motor vehicle parking lots shall be designed to allow vehicles to enter and exit the street in a forward motion. An exception may be allowed in cases where parking is provided abutting an alley.
- b. A tandem parking arrangement may be allowed only when provided in the following situations:
  - i. As part of an associated valet service; and/or
  - ii. As part of a multi-unit development where the set of tandem stalls are assigned to the same unit; and/or
  - iii. As part of designated employee parking.
- c. Motor vehicle parking lots shall provide for internal vehicle connections at logical locations between abutting parking lots and adjacent nonresidential and multi-unit properties. Exceptions to this standard are allowed to protect natural resources, where onerous topographic features exist, and to comply with design restrictions from other governing agencies.

2. Materials. Areas used for parking for more than two vehicles shall be graded and surfaced with a crushed rock, gravel, asphalt, or other suitable material that will provide for a surface that is stable and allowed to reduce dust and erosion.

3. Striping. Paved parking lots are required to be striped in accordance with Table 17.13.060.a.

4. Lighting. Artificial lighting which may be provided shall not shine or create glare in any property zoned RR, R1, R2, or NMU or any existing dwelling. Artificial lighting shall be positioned downward.

5. Electric Vehicle (EV) Charging Infrastructure. Where an EV charging station is provided, the adjacent parking shall be reserved for vehicles that can be electrically charged.

D. Motor Vehicle Parking Ratios.

1. Parking Ratios. Table 17.13.060.b provides the minimum required off-street parking spaces by land use.

**Table 17.13.060.b Motor Vehicle Parking Ratios by Land Use (s)**

Land Use	Motor Vehicle Parking Ratio Standard (min.)
<b><i>Residential Categories</i></b>	
Assisted Living Facility	0.25 space per bed
Dwelling – Detached	2 spaces per unit
Dwelling – Manufactured Homes	2 spaces per unit
Dwelling – Attached	2 space per unit
Dwelling – Multi-unit	1.5 spaces per unit
Group homes and quasi-institutional facilities	0.25 space per bed

**Table 17.13.060.b Motor Vehicle Parking Ratios by Land Use (s)**

Land Use	Motor Vehicle Parking Ratio Standard (min.)
Shelter (e.g., homeless, victims, emergency)	0.25 space per bed
Worker Housing	0.5 spaces per unit
Hotels	0.5 spaces per unit
Rental Cabins	1 space per unit
Notes: 1. INSERT	

3. Administrative Reductions. The Planning Director shall have the authority to grant reductions to the minimum number of off-street parking spaces for a site. Applicants proposing a parking reduction shall provide documentation, including quantitative analysis, that justifies the proposed number of parking spaces based on the site and proposed land use(s). Factors to be considered when reviewing the proposed parking demand shall include, but not be limited to the follow:
  - a. Size of building
  - b. Type of use
  - c. Number of employees
  - d. Projected volume of delivery or service vehicles
  - e. Projected frequency and volume of delivery or service vehicles
  - f. Number of company owned vehicles
  - g. Storage of vehicles on site
  - h. The availability of street parking within the project vicinity
  - i. The availability of on-site bicycle parking
  - j. Shared Parking. Use of Parking Spaces by More Than One Establishment. Notwithstanding the previous subsection, required parking spaces may serve more than one establishment on the same parking lot; provided, that sufficient evidence is presented which shows that the normal hours of operation of such establishments do not overlap.
4. Parking Stall Use. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
5. Location to Use. Off-site parking facilities may be used to supplement required off-street parking. Such parking must be located within six hundred feet of the use to which they are accessory, measured from nearest point to nearest point using parcel lines.
- E. Accessible Parking Spaces. Parking shall be provided consistent with the American with Disabilities Act (ADA) requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.
  1. Applicability. All off-street parking must comply with ADA parking space requirements.
  2. ADA Parking Amount and Design. All off-street parking lots must provide ADA-accessible parking spaces in accordance with the most current ADA Standards for Accessible Design.
- F. Bicycle Parking. Bicycle parking encourages shoppers, customers, employees, and other visitors to use bicycles by providing a convenient and readily accessible place to park and secure bicycles. Bicycle parking should be placed near main entrance(s) of a building and should be accessible to pedestrians and bicyclists.



1. Quantity. All new uses/developments shall provide bicycle parking racks, spaces, or similar features to allow bicycles to be securely attached to the apparatus as follows:
  - a. Multi-unit dwellings: minimum two spaces
  - b. Commercial uses: minimum two spaces
  - c. Industrial uses: minimum spaces to be determined by the Planning Director or designee.
  - d. All other uses: minimum of two spaces.
2. Location.
  - a. For sites with one primary building, the bicycle parking shall be within 50 feet of the main entrance to the building.
  - b. For sites with more than one primary building, the bicycle parking shall be distributed evenly amongst the primary buildings and shall be within 50 feet of a main entrance
3. Design.
  - a. Bicycle racks or similar features shall be provided with the primary purpose to allow bicycles to be securely attached to the apparatus. Sign poles, planters, and utility poles shall not be considered bicycle parking racks or used to satisfy the bicycle parking requirement.
  - b. Bicycle rack design shall accommodate a high security, U-shaped lock.
  - c. Bicycle racks shall be constructed using durable finishes that are not damaged by the constant abrasion from bicycles.

G. Loading.

1. Purpose. This section is intended to establish basic standards and a review process for loading spaces for businesses to ensure that adequate space is provided in a location that does not obstruct traffic or impact pedestrian safety.
2. Applicability. Loading space shall be provided for non-residential new construction or additions greater than 5,000 square feet. Loading spaces are not required for existing buildings that are subject to a change of use.
3. Loading Plan. A loading plan shall be submitted with all land use or permit applications involving new commercial, industrial, or multi-use construction. The plan shall include:
  - a. A sketch plan, to scale, showing the area to be used for loading and deliveries.
  - b. Narrative description of the types of deliveries, typical vehicles making deliveries, timing and frequency of deliveries.
4. Standards. Staff shall review loading plans against the following criteria on a case-by-case basis during the land use application and/or permitting process.
  - a. Adequacy of loading space based on the typical vehicles used for deliveries.
  - b. Impact on traffic and right-of-way based on the frequency, timing, and duration of deliveries.
  - c. Impact on pedestrian access to the business.
  - d. Loading spaces shall not hinder the movement of vehicles and pedestrians over a street, alley or sidewalk.
  - e. Loading spaces shall not create a safety hazard for pedestrians or vehicles within a site.

H. Parking on Residential Lots.

1. The following may be parked and stored outside on a residential lot according to the zoning district in which the property is located: commercial vehicles, boats, recreational vehicles, utility trailers, or small

heavy equipment for snow removal such as skid steers or tractors. Additional vehicles or equipment may be permitted if associated with an approved home occupation:.

- a. RR district: maximum of 6
  - b. R1 district: maximum of 4
  - c. R2 district: maximum of 2 per unit
  - d. NMU district: maximum of 4
2. The above vehicles shall be maintained in a safe and orderly manner and separated by at least 5 feet from any property lines.
  3. ATVs, UTVs, side-by sides, and snow machines are excluded from the above requirements.

#### **17.13.061 Outdoor Storage.**

- A. Outdoor storage accessory to a commercial or industrial use.

Outdoor storage of goods, equipment, and/or materials accessory to a commercial or industrial principal use shall be allowed subject to the following standards:

1. Each outdoor storage area shall not be located closer to the front property line than the front façade of the principal building.
2. Goods stored in an approved outdoor storage area shall be limited to those sold or used on the premises as part of an associated primary use.
3. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six and eight feet in height. The fence or wall may exceed eight feet

in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller fence or wall necessary to effectively screen the area.

4. Landscaping. A landscaped earth berm may be used instead of or in combination with a required fence or wall, provided it meets the same height requirements.
5. No goods, equipment, and/or materials may be stored in areas required for vehicular or pedestrian circulation or parking.

B. Outdoor storage accessory to a residential use.

Outdoor storage of equipment, recreational vehicles, and other materials accessory to a residential use shall be allowed subject to the following standards:

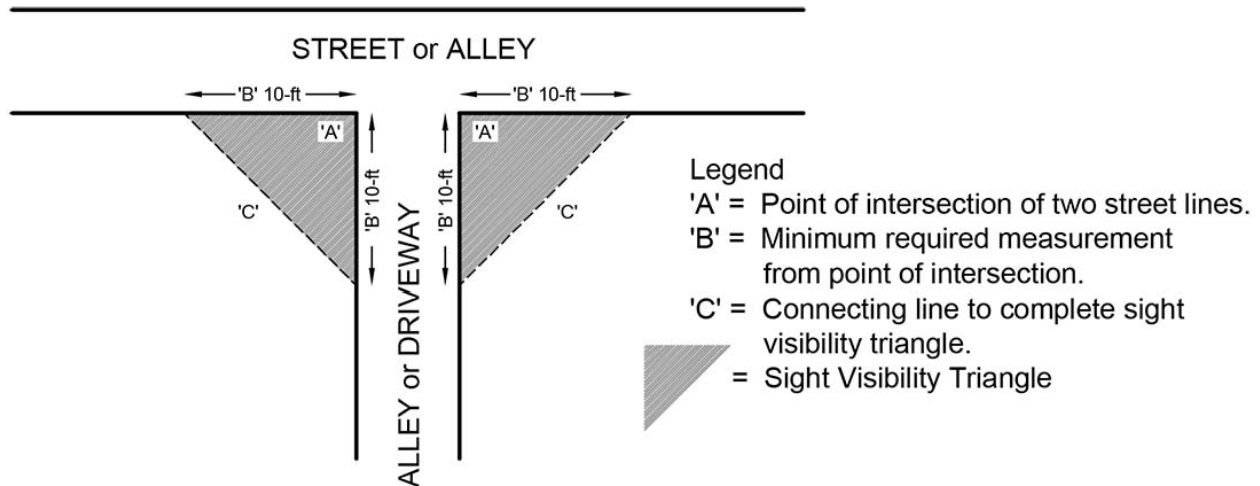
1. The outdoor storage shall not include junk vehicles pursuant to VMC Title 8.
2. Construction and landscaping materials and equipment are allowed if these are used or intended for use on the premises within a period of six (6) months, unless there is an active building permit issued for improvements on the property, or as otherwise approved by the Planning Director.
3. Any outdoor storage shall not become a nuisance as defined in VMC Title 8.

C. Intermodal shipping container (connex unit): see Accessory Structures section 17.08.050.

**17.13.062 – 17.13.064      Reserved**

**17.13.065.    Intersection Sight Visibility.**

- A. Purpose. Sight visibility triangles are designated areas located near streets and/or commercial driveway intersections that shall be free from visual obstruction to maintain safe visibility for vehicles, bicyclists, and pedestrians.
- B. Applicability. All property shall maintain sight visibility triangles as described in this section.
- C. Establishment. Sight visibility triangles shall be provided on all corners at the intersection of any public or private street with another street, an alley or non-residential driveway.
- D. Limitations.
  1. No structure, object, and/or vegetation shall be placed and/or maintained in a manner which materially impedes the visibility from a street, alley or driveway of lawfully oncoming traffic from any direction in the intersecting public street.
  2. On corner lots, no fence, wall, hedge or other planting or structure that will impede visibility between a height of two feet six inches and eight feet above the centerline grade of the intersecting streets shall be erected, planted, placed or maintained.
  3. No vehicle so impeding visibility shall be parked within the sight visibility triangles.
  4. If the relation of the surface of the lot to the street is such that visibility is already obscured, nothing shall be done to increase the impediment to visibility within the vertical and horizontal limits set forth above.
- E. Sight Visibility Triangle Designation. Sight visibility triangles shall be designated pursuant to figure 17.13.065.1 below.
  1. Points of intersections shall be measured along the constructed street or sidewalk.



**Figure 17.13.065.1 – Sight Visibility Diagram.**

- F. Exemptions. The following exemptions may apply to intersection sight visibility standards.
1. Fences up to 2.5 feet in height. Transparent fences that are taller than this, including chain link, wrought iron, and similar styles, may be exempt so long as visibility is maintained through the fence.
  2. Official traffic and street signs, including wayfinding signage approved by the Planning Director, or designee, in the right-of-way.
  3. Fire hydrants, uncovered benches, and traffic control devices in the right-of-way.
  4. Utility poles and one utility transmission or control device in the right-of-way.

#### **17.13.070. Fences and Walls.**

- A. Purpose. The purpose of this section is to regulate the location, height, materials, and maintenance of fences, gates, and walls to prevent the creation of nuisances, allow for privacy, maintain access to light and air, and to protect the safety and general welfare of the public.
- B. Applicability. Fences or walls shall be constructed and maintained pursuant to this section.
- C. Design Standards.
1. Front Yards.
    - a. Residential Zoning Districts. Fences and walls within the required front setback areas shall be limited to four (4) feet in height. This limitation shall not apply to retaining walls intended to hold soil and/or to allow for site grading.
    - b. Commercial and Mixed-Use Zoning Districts. Fences and walls within the required front setback areas, shall be limited to eight (8) feet in height. This limitation shall not apply to retaining walls intended to hold soil and/or to allow for site grading.
    - c. Industrial Zoning Districts. Unrestricted.
  2. Other Lot Locations. Fences and walls shall be limited to nine feet in height for other locations on the lot which are outside of the front setback.
  3. Adjacent Right-of-Way. Fences and walls shall not be constructed in the right-of-way except for masonry or concrete retaining walls, and then only to a height not exceeding six inches above the grade such wall is constructed to retain and with an approved right-of-way permit, pursuant to title 12.
  4. Post Spacing. Fence posts shall not exceed ten feet in spacing.
  5. Measurement of Fence, Hedge, and Wall Height.

- a. General. For the purposes of this title, fence, hedge, and wall height shall be measured as the vertical distance from the ground elevation or finished grade of the property on which the fence, hedge, or wall is erected or planted to the highest point of the fence, hedge, or wall. To allow for variation in topography on a lot, the height of a fence, hedge, or a wall may vary up to six inches.
  - b. Difference in Grade Height between Two Lots. Where there is a difference in the ground elevation or finished grade between two adjoining parcels of less than two feet, the height of any fence or wall constructed along the common property line shall be determined by using the finished grade of the highest contiguous parcel (see [Figure 3-6](#)). When there is a difference in the ground level between two adjacent parcels of two feet or more, the height of a fence or wall shall be determined by the Planning Director. The Planning Director shall consider the physical and visual height impact on abutting properties.
6. Materials.
- a. Allowed Materials. Fences or walls may be constructed of any of the following standard fencing materials: wrought iron, brick, concrete block, plastic, vinyl, chain link, metal wire, or wood products that are typically pre-fabricated and are commercially available.
  - b. Barbed wire and Electrical Strands. Barbed wire or electrical strands or similar type of fencing may be allowed pursuant to the following:
    1. Barbed wire and electrical strand fencing, where allowed, shall be limited to eight feet in height.
    2. Barbed wire and electric strand may be used on security fences for agricultural, livestock keeping, industrial, institutional, and commercial operations.
    3. Barbed wire or electrical strands or similar type of fencing may be used when specifically authorized in conjunction with a conditional use permit and/or a variance.
  - c. Any departure of materials required by this section shall require the approval of the Planning Director.
7. Maintenance. All fences and walls shall be maintained in good repair and all surfaces thereof shall be kept painted or have similar protective coating where customarily necessary. Any departure from the materials prescribed by this section shall require the approval of the Planning Director or designee.

#### **17.13.090 Signs.**

- A. Purpose. The purposes of this sign code are to promote:
1. The protection of the health, safety, property and welfare of the citizens of Valdez, and vision 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, and the visual character and identity of the community, by the thoughtful placement and design of signs;
  4. Flexibility for creative and innovative sign designs;
  5. The proper maintenance of signs; and
  6. Consistency with the goals and objectives of the Valdez Comprehensive Plan.
- B. General Provisions.
1. A sign permit shall be obtained from the Planning Department before any sign is installed in any district, except for those signs exempted from the permit requirement by this section.
- C. Definitions.

The following terms, as used in this section, shall have the meanings stated. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***Awning sign.*** A building sign attached to, affixed to, or painted on an awning.

***Banner sign.*** A sign made of fabric or other similar nonrigid material with no enclosing framework or electrical components that is supported or anchored on two or more edges or at all four corners.

***Billboard.*** An off-premises sign intended by the sign owner to be available for sale, lease, or rental for the purpose of promoting any commercial activity which is not situated on the same property as the billboard or of promoting any product or service which is not primarily available on the same property as the billboard; and incidentally used for the display of public service messages.

***Building sign.*** A building sign is attached to or supported by a building whether it is the wall, window, or roof of the building. This sign type includes awning, canopy, projecting, roof, and wall signs.

***Electronic Message Board (EMB).*** A sign that can display words, symbols, figures, or images that can be electronically changed by remote or automatic means.

***Flag.*** Any fabric or flexible material attached to or designed to be flown from a flagpole or other similar structure.

***Freestanding sign.*** A sign on a frame, pole, or other, support structure not attached to any building. This sign type includes pylon, post and arm, and monument signs.

***Lawn Signs.*** A freestanding sign made of lightweight materials such as cardboard or vinyl that is supported by a frame, pole, or other support structure placed directly in the ground without foundation or other anchor.

***Monument sign.*** A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

***Off-Premise sign.*** A sign whose message is unrelated to the premises or the activity and use occurring on the premises on which the sign is located.

***On-premise sign.*** A sign whose message is related to the premises or the activity and use occurring on the premises on which the sign is located.

***Permanent sign.*** A sign structure that is intended for permanent display due to the construction, materials, placement, or installation. See also building and freestanding sign definitions.

***Portable sign.*** A movable sign that is not attached to a structure or the ground. Portable signs include A-boards, portable readerboards, and similar signs

***Projecting sign.*** A type of building sign extending outward from the face of the building.

***Sign.*** A device, structure, or fixture which communicates a message using words, graphics, letters, figures, symbols, trademarks, or other visual representations. Painted wall designs or patterns are not considered signs.

***Sign face.*** The sign face is that portion of a sign upon which the message, advertisement or similar display is presented, as distinguished from the structural members.

***Snipe sign.*** A sign which is attached to a public utility pole, light fixture poles, canopy supports, or the supports for another sign.

***Temporary sign.*** A sign constructed of cloth, canvas, vinyl, paper, cardboard, plywood, fabric, plastic, or other lightweight material that is neither permanently installed in the ground or permanently affixed to a building or structure. "Temporary signs" include but are not limited to, flags, lawn signs, banners, inflatable signs, and window signs.

***Wall sign.*** A building sign mounted flat against a wall or painted on the wall of a building or structure with the exposed face of the sign in a plane parallel to the face of the wall.

D Type and Size Permitted.

1. The surface area of a sign shall be computed as including the area comprising the entire display but not including forming parts of the display such as frames or standards. The area permitted is the total for all signs on the premises unless otherwise provided.
2. For residential dwellings, the following type and size of signs are permitted:
  - a. One nonilluminated wall sign per dwelling unit not exceeding four (4) square feet.
  - b. Temporary signs with the following conditions:
    - 1) Flags not exceeding fifteen (15) square feet each.
    - 2) Lawn signs not exceeding three (3) square feet each.
    - 3) Banners not exceeding twelve (12) square feet each.
    - 4) Window signs not exceeding twenty percent (20%) of the area of the window within which they are placed.
    - 5) Other temporary signs not exceeding twelve (12) square feet each.
  - c. The total area of all temporary signs shall not exceed thirty (30) square feet per dwelling unit. Temporary signs are not counted in the total square footage of signage allowed at the dwelling unit.
  - d. One announcement sign or bulletin board not exceeding twenty (20) square feet for buildings used for purposes other than as a dwelling including assembly halls, community buildings, and religious institutions; child care facilities; and schools. Such sign shall be located at least five feet back from the front property line and on a lot under the same ownership as the primary use. Announcement signs shall not be located in the right-of-way nor within any sight visibility triangle.
  - e. One sign not exceeding six (6) square feet in area for the purpose of advertising the sale or lease of a building or premises.
    - 1) When a residential lot abuts on more than one street, one such sign may face each street, providing no sign at or near the intersection may obstruct free and clear vision of such involved streets.
  - f. Schools in the RR, R1, R2, and NMU districts may have one free-standing sign not exceeding 60 square feet located at least five feet (5') from the front property line in addition to the announcement sign permitted in subsection 2(d) above.
3. For non-residential or dwelling uses, the following type and size of signs are permitted:
  - a. If there is one business establishment in a building, that business may have three (3) signs, with a maximum total area per sign of three (3) square feet for every lineal foot of primary building façade. Each business is allowed only one (1) freestanding sign.
  - b. If two or more business establishments are located in the same building, each business may have two signs, with a maximum area per sign of three (3) square feet for every linear foot of primary building frontage. Each business is allowed only one (1) freestanding sign.
  - c. Temporary signs with the following conditions:
    - i. Flags not exceeding fifteen (15) square feet each
    - ii. Lawn signs not exceeding six (6) square feet each
    - iii. Banners not exceeding twenty-four (24) square feet each
    - iv. Window signs not exceeding twenty percent (20%) of the area of the window within which they are placed.
    - v. Other temporary signs not exceeding twelve (12) square feet each.

- vi. The total area of all temporary signs shall not exceed thirty (30) square feet per business or the sign area permitted in Subsection 3(a) or (b) above, whichever is less. Temporary signs are not counted in the total square footage of signage allowed at the site.
- d. Signs directing and guiding traffic and parking on public or private property, but bearing no advertising matter.
- e. Signs may be electronic, but shall not blink, flash, or simulate movement so as to create distraction or a hazard to the public health, safety, or welfare. Light from such signs shall not have a brightness level that exceeds 0.3 foot-candles above ambient light as measured from the property line.
- 4. Height: Maximum sign height is fourteen (14) feet or the height of the primary structure on the parcel, whichever is less.
- E. Commercial Marijuana Signs. Commercial marijuana facilities are subject to the requirements of this section to the extent that they are more restrictive than those set out in Section 3 AAC Article 3.
- F. Electronic Message Boards (EMB).
  - 1. EMBs are allowed when associated with the following permitted uses: educational institution, library, museum, cultural institution, art gallery, and government offices/services.
  - 2. Each property shall only be permitted one EMB.
  - 3. EMBs shall only be permitted on freestanding signs, and must adhere to the freestanding sign height standards.
  - 4. EMBs shall comply with size restrictions as set forth in this section.
  - 5. Display.
    - a. EMBs shall maintain no less than an eight second dwell time for any images and messages.
    - b. Any change from one static display to another must be instantaneous and shall not include any distracting effects, such as dissolving, spinning, or fading. Animation, motion, or video displays are prohibited.
    - c. No EMB shall have a brightness level that exceeds 0.3 foot-candles above ambient light as measured from the property line.
    - d. EMBs may use multiple colors within the display, but the use of color shall not create distraction or a hazard to the public health, safety, or welfare.
  - 6. Operation. EMBs shall be equipped with a means to immediately discontinue the display if it malfunctions. The owner of the EMB must immediately cease operation of the EMB when notified by the city that it fails to comply with the standards of this section.
- G. Signs allowed without permits.
  - 1. Signs for home occupations and short-term rentals.
  - 2. City-issued memorial signs and plaques.
  - 3. Legal notices, traffic signs, informational signs, historic signs or directional signs erected by government bodies and signs required by law.
  - 4. Notices and warning signs of not more than two (2) square feet each in area, i.e., vacancy, no trespassing, beware of dog.
  - 5. Signs advertising subdivision tract developments of two (2) or more acres, not exceeding thirty-two (32) square feet and limited to one (1) such sign per street frontage.



6. Sandwich boards not exceeding twelve (12) square feet each provided that they do not exceed two (2) per business, and are located entirely on private property and in accordance with AS 19.25.105.
  7. Temporary Signs permitted under this section.
- H. Prohibited Signs. Unless otherwise and specifically authorized, the following signs are prohibited in all districts:
1. Signs within any sight distance triangle or right-of-way, unless otherwise authorized;
  2. Signs prohibited by state or federal law.
  3. Signs attached to, or placed on, vehicles or trailers which are parked or located for the primary purpose of displaying said sign (see also signs allowed without permits—vehicles with signs used in the normal course of business);
  4. Off-premises signs and/or billboards except the posting of temporary signs relating to civic events subject to the limitations of this section;
  5. Snipe signs;
  6. Portable signs;
  7. Any sign with incandescent lamp bulbs exposed to view, with or without internal or external reflectors.
  8. Banners, clusters of flags, pennants, ribbons, streamers, or balloons, except as allowed as temporary signs
  9. Suspended strings of spinners; twirlers or propellers; flashing, rotating (except barber poles) or blinking light; beacons; chasing or scintillating lights; flares, or signs containing elements creating sound;
  10. Abandoned signs or sign structures;
  11. Signs imitating or resembling a traffic-control sign, signal or device, or the light of an emergency vehicle; or which obstructs the visibility of any traffic or street sign or signal device.

## Chapter 17.20

### Nonconforming Situations

#### 17.20.010 Purpose, Applicability, and General Provisions

- A. Purpose. The provisions of this Chapter are intended to establish the standards, allowances, and limitations relating to nonconforming situations. Nonconforming situations includes land use, structures, site improvements, signs, and lots/parcels that were legally established and remained in continuously existence but do not fully (or partial) comply with the current standards of VMC Titles 16 and 17. The City of Valdez intends to allow nonconforming situations to remain in operation/existence, allow for repairs and maintenance, and to allow for limited expansions thereto.
- B. Applicability. The provisions of this Chapter apply to nonconforming situations relating to land uses, structures, sites improvements, signs and lots/parcels that were lawful at the time they were established. These provisions do not apply to lots, land uses, structures, signs and other site improvements established in violation of the VMC.
- C. Nonconforming Situations Described. This Chapter recognizes the following nonconforming situations that may exist within the municipal limits.
  1. Nonconforming Uses. Land uses or land use activities that may exist within a zoning district that would not be allowed, or that would normally require special approval to establish, under the current code standards.
  2. Nonconforming Structures/Buildings and Other Site Improvements. Any building, structure, and/or site improvement that may exist which does not comply with the dimensional standards and/or building size limitations of the underlying zoning district (e.g., setbacks, building height, and similar standards). This also describes existing developments that do not fully comply with the standards of this code.
  3. Nonconforming Signs. Any sign or collection of signs on a given lot that does not comply with the code's size, area, and quantity limitations.
  4. Nonconforming Lots of Record. Any lot that may exist that does not comply with the minimum size or dimensional standards of district for which it is zoned. This also includes lots that do not comply with the zoning district's access and frontage requirements.
  5. Nonconforming Elements of an Approved Permit/Plan. Any site element and/or land use component that was legally allowed under a City of Valdez land use permit.
- D. Continuation, Repair, and Maintenance.
  1. Continuation. A legally established nonconforming situation may remain in existence; however, the provisions of Section 17.20.020 apply where a nonconforming land use is abandoned or ceases to operate.
  2. Lot. Any legally established nonconforming lot/tract may be used and developed pursuant to the use and dimensional standards of the current zoning district and the other applicable provisions of VMC Title 17. Said lot/tract shall also be subject to the use and development limitations pursuant to any plat in which it is a part.
  3. Repair and Maintenance. Ordinary repairs and maintenance of nonconforming buildings/structures, building/structures supporting a nonconforming use, and nonconforming sites are allowed. This may include, but is not limited to, the repair/maintenance of walls, roofs, fixtures, wiring or plumbing. All repair and maintenance activities shall conform to the applicable Valdez Building Code standards and associated permit requirement. This allowance also includes activities that increase building/structural integrity, seismic ratings, energy efficiency ratings, and/or Americans with Disabilities Act (ADA) accessibility standards. The provisions of 17.20.030.D herein apply where a building is damaged due to a catastrophe.

4. Other Allowances. Sections of this Chapter establish the allowances and limitations for other activities associated with each nonconforming situation.
5. Zoning Clearance. The City shall determine whether a nonconforming situation was legally established and the allowances thereto as a zoning clearance review pursuant to Section 17.04.090.
- E. Verification of Nonconforming Situation(s). The Planning Director may verify whether a nonconforming situation was legally established by reviewing information submitted by the applicant, public records and other readily available information to reach a determination. The Planning Director, or designee, may conduct the initial investigation as part of the corresponding review process pursuant to Chapter 17.04. The Planning Director may request that the applicant provide evidence to be considered in the nonconforming determination, and it shall be the responsibility of the applicant to prove a nonconforming situation was legally established. The following items may be used in confirming a nonconforming situation:
  1. Building and other land use permits.
  2. Zoning maps and past Municipal Code editions.
  3. Property tax records.
  4. Land surveys with surveyor's seal.
  5. Recorded plats.
  6. Lease agreements relating to the subject use/property.
  7. Utility bills relating to the subject use/property.
  8. Insurance policies and/or mortgage contracts for the subject property.
  9. Aerial photography.
  10. Historic land use and/or insurance maps (e.g., Sanborn® Fire Insurance Maps).
  11. Business Licenses.
  12. Witness affidavits.

**17.20.011 – 17.20.019      Reserved**

**17.20.020      Nonconforming Uses.**

- A. General. A nonconforming use that was legally established according to the zoning ordinance in effect at the time the use was established shall be subject to the standards herein.
- B. Continuation. A nonconforming use may continue to operate on the lot where it was legally established provided the use remained in continuous operations pursuant to this section.
- C. Discontinuation Clause. Where a nonconforming use ceases to operate on its lot for a period of twelve consecutive months, any subsequent use of land shall conform to the regulations specified in VMC Title 17 for the zoning district in which the land is located.
- D. Intensity/Density Limitations. A nonconforming use may not be expanded, enlarged, or increased in a manner that would increase its noncompliance with VMC Title 17; unless allowed by this Chapter.
- E. Moving. Nonconforming uses shall not be moved, in whole or part, to any other portion of the lot on which it was originally established.
- F. Nonconforming Detached and Attached Dwellings. Legally existing nonconforming detached and attached dwellings, including manufactured and mobile homes, shall be allowed to remain in existence and are not subject to the expansion limitations or discontinuation clauses of this Chapter. All building additions shall conform to the dimensional standards of the zoning district. No additional units therein may be added unless specifically allowed in the zoning district.
- G. Expansions of a Nonconforming Use. A nonconforming use may only be expanded pursuant to the following standards.

1. Administrative Allowances. Applicants may request a one-time expansion of a nonconforming use as an Administrative Adjustment pursuant to Section 17.04.070 and subject to the review criteria therein. If the request is granted, the City shall not consider future applications for the same use to expand. Said expansions may not exceed five percent of the area the nonconforming use occupies at the time of application.
2. Other Allowances. Applicants may request other expansions of a nonconforming use as a Variance pursuant to Section 17.04.070 and subject to the review criteria therein. Applications under this provision shall be limited in scale and not exceed ten percent of the area the nonconforming use occupies at the time of application.

**17.20.021 – 17.20.029      Reserved**

**17.20.030      Nonconforming Buildings, Structures and Site Improvements.**

- A. General. A nonconforming structure, building or other site improvement that was legally established according to the zoning ordinance in effect at the time the structure was built shall be subject to the standards herein.
- B. Continuation. A nonconforming structure, building or other site improvement may remain on the lot and may continue to be inhabited pursuant to the applicable standards of VMC Title 17 and applicable Valdez Building code.
- C. Expansions, Enlargements, and other Modifications. A nonconforming structure, building, or other site improvement may be expanded, enlarged, modified, or moved pursuant to the standards of VMC Title 17 and the Valdez Building Code (including the dimensional standards of the zoning district in which it is located). Requests to expand, enlarge or modify a building, structure, or other site improvement that would increase its nonconformity, shall be reviewed as a variance or administrative adjustment pursuant to Section 17.04.070.
- D. Damage and Catastrophes. In the event a nonconforming structure, building, or other site improvement is damaged to an extent of more than fifty percent of its assessed value at the time of destruction, it may only be reconstructed in conformity with the provisions of VMC Title 17, the Valdez Building Code, and/or its associated land use permit (e.g., Conditional Use approval).
- E. Repair and Maintenance. Repair and maintenance activities are allowed pursuant to 17.20.010.D herein.

**17.20.031 – 17.20.039      Reserved**

**17.20.040      Nonconforming Signs.**

- A. General. A nonconforming sign that was legally established according to the zoning ordinance in effect at the time the sign was built shall be subject to the standards herein.
- B. Continuation. A nonconforming sign may remain on the lot.
- C. Expansions, Enlargements, and other Modifications. A nonconforming sign be expanded, enlarged, modified, or moved only in a way to conforms to the standards of VMC Title 17 and the Valdez Building Code (e.g., area limitations, setbacks, and structural integrity standards). Requests to expand, enlarge or modify a sign that would increase its nonconformity, shall be reviewed as a variance or administrative adjustment pursuant to Section 17.04.070.
- D. Sign Face/Text. The face/text of a nonconforming sign may be modified to reflect a new business, tenant, or destination on the lot/tract in which it is located so long as the original area is not increased. Face/text modifications shall comply with applicable Valdez Building Code standards.

**17.20.041 – 17.20.049      Reserved**

**17.20.050      Nonconforming lots of record.**

- A. General. A nonconforming lot/tract that was legally established prior to the effective date of VMC Titles 16 and 17 shall be subject to the standards herein.
- B. Use and Continuation. A nonconforming lot may be used and built upon pursuant to the following:
  1. Zoning, Site Specific, and Site Development Standards. Buildings, structures, and uses shall comply with the applicable zoning dimensional standards, site specific standards, and site development requirements

pursuant to VMC Title 17. These may include, but not limited to, building setback requirements, structure height limitations, and buffering standards.

2. Building Code. Buildings, structures, and site improvements shall comply with applicable Valdez Building Code requirements.
  3. Legal Access. Building permits for construction on nonconforming lot may only be granted where the applicant demonstrates there is legal access to the property for both the intended property occupants and emergency responders. This may include direct street frontage, access easements, or other legal instruments.
  4. Contiguous Property of Same Ownership. If two or more existing lots of record with continuous frontage are contained in a single ownership, the lands involved will be considered to be an undivided parcel and no portion shall be used or sold which does not meet the area and width requirements. Any such series or combination of land ownership shall be required to replat the property in order to conform to the existing requirements.
- C. Platting Activities. Any subdivision activity involving a nonconforming lot shall only be allowed where the resulting lots/parcels/tracts meet the size and dimensional standards the current zoning district and associated standards listed in VMC Title 16.