

**PETERSBURG BOROUGH
ORDINANCE #2018-18**

**AN ORDINANCE AMENDING THE PETERSBURG MUNICIPAL CODE BY
REPEALING TITLES 18, SUBDIVISION, AND 19, ZONING, AND ADOPTING A NEW
BOROUGH DEVELOPMENT CODE.**

WHEREAS, on March 21, 2016, the Petersburg Borough adopted a comprehensive plan in accordance with AS 29.40.030 for the systematic and orderly development of the borough; and

WHEREAS, the Petersburg Borough Comprehensive Plan identifies long-term goals and objectives related to land use and development; and

WHEREAS, the Petersburg Borough Comprehensive Plan recommends specific actions such as increasing options for moderate priced, close-in and downtown housing while protecting neighborhood character, improving downtown zoning to strengthen downtown as a destination for residents and visitors, and improving and establishing a subdivision code borough wide; and

WHEREAS, a rewrite of Title 18 and Title 19 was initiated in December 2016 by the Planning Commission to modernize the code, implement the comprehensive plan, and address the contemporary needs of the community; and

WHEREAS, the Planning Commission held seven work session and four public hearings in 2017 and 2018; and

WHEREAS, at their March 6, 2018 meeting, the Planning Commission recommended the Borough Assembly adopt the new development code; and

WHEREAS, since the date of Planning Commission review and recommendation, the draft development code has been further reviewed and edited by staff and legal counsel.

THEREFORE THE PETERSBURG BOROUGH ORDAINS:

Section 1 Classification: This ordinance is of a permanent nature and shall be codified in the Petersburg Borough Code.

Section 2 Purpose: To adopt a new borough development code to address zoning regulation and subdivision.

Section 3 Substantive Provisions:

A. Petersburg Municipal Code Title 18 and Title 19 are repealed in their entirety and replaced with new Title 18, entitled *the Petersburg Borough Development Code*, attached hereto as Exhibit A.

B. Notwithstanding Paragraph A, all land use permits and approvals granted by the Borough (or the preceding City of Petersburg) under Title 19 on or before the effective date of *the Petersburg Borough Development Code* shall remain valid until their expiration or other termination. This applies to conditional use permits, special use permits and variances.

1. Any development or use for which such a land use permit or approval was granted shall be permitted to continue, and/or proceed to construction, in accordance with the development or use standards in effect at the time the permit or approval was granted, provided that the permit or approval remains otherwise valid and does not expire or terminate. Notwithstanding the language of PMC Sections 19.72.100, 19.76.110 and 19.80.080, any such permit or approval may be extended a maximum of two times.
2. If the development or use for which the land use permit or approval was issued fails to comply with the time periods for development or use established for the permit or approval, including any approved extensions, the land use permit or approval shall expire and future development or use shall be subject to the requirements of *the Petersburg Borough Development Code*.
3. This Section shall apply to permits or approvals which are the subject of an appeal at the time of the effective date of *the Petersburg Borough Development Code*, provided that the permit or approval is affirmed or granted upon final appeal.

C. Notwithstanding Paragraph A, all building permits granted by the Borough (or the preceding City of Petersburg) under Title 17 on or before the effective date of the *Petersburg Borough Development Code* shall remain valid until their expiration or other termination.

1. Any development for which such a building permit was granted shall be permitted to proceed to construction in accordance with the development standards in effect at the time the permit was granted, provided that the permit remains otherwise valid and does not expire or terminate. Notwithstanding any language to the contrary in the codes adopted under PMC Section 17.02.005, the permit may be extended a maximum of two times.
2. If the development for which the building permit was issued fails to comply with the time periods for development established for the permit, including any approved extensions, the building permit shall expire and future development shall be subject to the requirements of *the Petersburg Borough Development Code*.
3. Expiration or other termination of such a building permit shall simultaneously revoke any land use permit or approval upon which the building permit was issued.
4. This Section shall apply to permits which are the subject of an appeal at the time of the effective date of *the Petersburg Borough Development Code*, provided that approval of the permit is affirmed or granted upon final appeal.

D. Notwithstanding Paragraph A, and except for preliminary plat approvals which are governed by Paragraphs E and F below, all subdivision approvals granted by the Borough (or the preceding City of Petersburg) under Title 18 on or before the effective date of *the Petersburg Borough Development Code* shall remain valid unless otherwise terminated. This applies to minor lot consolidations, boundary survey maps, replats, minor subdivisions, planned use and zero lot line developments, and vacations.

1. Any such subdivision action for which approval was granted shall be permitted to continue in accordance with the subdivision standards in effect at the time the approval was granted, provided that the approval remains otherwise valid and does not terminate.
2. This Section shall apply to approvals which are the subject of an appeal at the time of the effective date of *the Petersburg Borough Development Code*, provided that the approval is affirmed or granted upon final appeal.

E. Notwithstanding Paragraph A, any preliminary plat application accepted for submittal for property located within Service Area 1 of the Borough, upon which no final action has been taken by the appropriate decision-making body prior to the effective date of *the Petersburg Borough Development Code*, shall within twelve months of the date of acceptance be processed

and reviewed in accordance with the subdivision standards and procedures in effect on the date the application was accepted.

1. The final plat for such subdivision shall also be processed and reviewed in accordance with the subdivision standards and procedures in effect on the date the preliminary plat application was accepted.

2. Approvals granted of such preliminary plats may be extended under PMC Section 18.24.045B(1) for no more than two 12-month periods.

F. Notwithstanding Paragraph A, any preliminary plat application accepted for submittal by the Alaska Department of Natural Resources for property located outside Service Area 1 of the Borough, upon which no final action has been taken prior to the effective date of *the Petersburg Borough Development Code*, shall be reviewed in accordance with the provisions of the state regulations in effect on the date the application was accepted.

1. Unless the State determines otherwise, the final plat for such subdivision shall also be processed and reviewed in accordance with the subdivision standards and procedures in effect on the date the preliminary plat application was accepted.

Section 4 Severability Clause: If any provision of this ordinance or any section of *the Petersburg Borough Development Code* adopted by this ordinance, or portion thereof, is deemed contrary to law, that portion shall be severable and the remainder shall continue in full force and effect.

Section 5 Applicability: Upon the effective date of *the Petersburg Borough Development Code* a) the subdivision standards and procedures shall apply throughout the Borough outside of the City of Kupreanof, and b) the zoning and development design regulations shall apply within Service Area 1 only, except that Chapter 3.6, unless otherwise specifically indicated, applies throughout the Borough outside of the City of Kupreanof.

Section 6 Effective Date: This Ordinance shall become effective upon passage and approval by the Assembly, however repeal of existing Titles 18 and 19, and enactment of *the Petersburg Borough Development Code*, shall not go into effect until the Assembly adopts, by ordinance, the official Petersburg Borough Zoning Map establishing the boundaries of the *Development Code's* zoning districts. That ordinance shall establish the effective date for both the *Development Code* and the Zoning Map.

PASSED AND APPROVED by the Petersburg Borough Assembly, Petersburg, Alaska this ____ day of _____, 2018.

Mark Jensen, Mayor

Attest:

Debra K. Thompson, Borough Clerk

Adopted:
Noticed:
Effective: