

ARTICLE 1 — INTRODUCTION AND GENERAL PROVISIONS

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1.2 – Title, Purpose, and General Administration

Chapter 1.2 — Title, Purpose, and General Administration

Sections:

- 1.2.010 Title
- 1.2.020 Purpose
- 1.2.030 Authority
- 1.2.040 Compliance and General Scope
- 1.2.050 Rules of Code Construction
- 1.2.060 Development Code Consistency with Comprehensive Plan and Other Laws
- 1.2.070 Development Code and Zoning Map Implementation
- 1.2.080 Reviews, Approvals and Coordination of Building Permits
- 1.2.090 Official Action

1.2.010 Title

The official name of this Title is “The Petersburg Borough Development Code.” It may also be referred to herein as “Development Code” and “Code.” When this Code is cited, it shall include an “18” immediately preceding the section number. For example, this section would be cited as Section 18.1.2.010 of the Petersburg Municipal Code.

1.2.020 Purpose

This Code is enacted to promote the public health, safety, and welfare of borough residents, and to encourage the orderly and efficient subdivision, development and use of land within the Petersburg Borough, consistent with the Petersburg Borough Comprehensive Plan and the following principles:

- A. Compact Development**, which promotes the efficient provision of public services and infrastructure;
- B. Mixed-Use**, which places homes, jobs, stores, parks, and services within walking distance of one another;
- C. Full Utilization of Public Services** (e.g., electricity water, sewer, storm drainage, parks, and transportation facilities), which maximizes the return on public investments in infrastructure;
- D. Transportation Efficiency**, or development of an interconnected street system supporting multiple modes of transportation, which yields more direct routes (shorter distances) between local destinations, conserves energy, reduces emergency response times, and provides alternatives to the automobile for those who are unable or choose not to drive a car;
- E. Human-Scale Design**, or development in which people feel safe and comfortable walking from place to place because buildings, streetscapes, parking areas, lighting, and other components of the built environment are designed foremost with pedestrians in mind;
- F. Environmental Health**, which requires adequate light and air circulation, management of surface water runoff, and treatment and disposal of waste; and

I.2 – Title, Purpose, and General Administration

regulation shall govern. The Borough Planning Official or Planning Commission, as applicable, shall determine which provision or regulation sets the more restrictive or highest standard or requirement. Where the applicability of a Code provision is unclear, the Planning Official may issue a formal interpretation pursuant to Section I.5.020.

- C. Meaning and intent.** All provisions, terms, phrases, and expressions contained in this Code shall be construed according to the general purposes set forth in Section I.2.020 and the specific purpose statements set forth throughout this Code. When, in a specific section of this Code, a different meaning is given for a term defined for general purposes in Chapter 5.1, the specific section's meaning and application of the term shall control.
- D. Purpose statements.** Statements of purpose or intent in this Code are provided to guide interpretations and understanding of the legislative intent behind the substantive regulations of this Code.
- E. Examples.** Unless otherwise specifically indicated, examples or lists of examples that use terms such as "for example", "e.g.", "including", "such as", or other similar language are intended to provide examples and are not exhaustive lists of all possibilities.
- F. Computation of Time.** The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the borough, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the borough. References to days are calendar days unless otherwise specifically indicated.
- G. References to other regulations.** Whenever reference is made to a regulation, statute, ordinance, resolution, or other similar law, rule or publication, it shall be construed as a reference to the most recent version or edition of such regulation, statute, ordinance, resolution, or other law, rule, or publication, except where this Code, Borough Assembly policy or applicable law require otherwise.
- H. Tenses.** Words used in the present tense include the future; the singular form includes the plural; and the plural includes the singular.
- I. Requirements versus Guidelines.** The use of the words "shall," "must," "required," or similar directive terms, means the Code provision is a mandatory requirement, establishing an obligation or duty to comply. The use of the words "may", "encouraged," "recommended," or similar terms, means the provision is a permissive guideline, indicating compliance is optional, but which may be discretionarily imposed as a mandatory requirement where the applicable Code provision allows the decision-making body to exercise such discretion.
- J. Interpreting Illustrations.** This Code contains illustrations which are intended to serve as examples of development design that either meet or do not meet particular Code standards. Except where an illustration contains a specific numerical standard or uses, or the accompanying text uses the word "shall," "must," "required," or "prohibited," strict adherence to the illustration is not required.
- K. Severability.** The provisions of this Code are severable. If any section, sentence, clause, or phrase is judged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the Code.

1.2 – Title, Purpose, and General Administration

The borough may adopt and publish supplemental zoning maps where it is impractical to illustrate all regulated features on one map. Examples of regulated features include, but are not limited to, historical landmarks, base flood (flood plain) elevation, local wetland inventories, and specific area plans. In addition, the borough may require field verification and mapping (e.g., survey) of a regulated feature as part of an application, where the feature is thought to exist on or adjacent to the subject property but its exact location is unknown.

E. Boundary Lines. Zoning district boundaries are determined in accordance with Section 2.1.030.

F. Changes to Official Zoning Map. Changes to the Official Zoning Map are made under Chapter 4.5.

1.2.080 **Reviews, Approvals, and Coordination of Building Permits**

A. Land Use and Development Approvals and Building Permits. Land use and development approvals are processed by two borough officials: The designated Building Official administers Building Codes under Title 17 of the Petersburg Municipal Code, and including floodplain regulations under Section 2.4.030 (PMC 17.14), and issues building permits; and the Planning Official administers the Development Code, processes land use and development approvals, and coordinates with the designated Building Official on development and building projects to ensure compliance with the Development Code.

B. Zoning Compliance Required for Building Permits. A building permit shall not be issued by the Building Official until the Planning Official has confirmed that all applicable requirements of this Code are met, or appropriate conditions of approval are in place to ensure compliance.

C. Type I procedure. Any new use or development requires, at a minimum, borough review and approval under a Type I procedure, pursuant to Section 4.1.020. The Building Official shall not issue any building permit without such approval. If in conducting a review, the Planning Official determines that other approvals are required before development or use may commence, or a building permit may be issued, the Planning Official shall advise the applicant accordingly.

1.2.090 **Official Action**

A. Official Action. The Petersburg Borough Planning Official, Building Official, Public Works Director, Planning Commission, and Borough Assembly are vested with authority in conformance with this Code. Borough officials shall issue no permit and grant no approval for any development or use that violates or fails to comply with conditions, requirements or standards imposed under this Code.

B. Void Future Actions. Any permit or approval issued or granted in conflict with the provisions of this Code shall be void, unless the borough modifies it in conformance with the Code. The Planning Official shall determine when a permit or approval is void and, as applicable, refer it back to the decision-making body for modification to ensure Code compliance.

Chapter 1.3 — Lot of Record and Lot Determination

Sections:

- 1.3.010 Purpose and Intent
- 1.3.020 Criteria
- 1.3.030 Lot of Record Determination Procedure

1.3.010 Purpose and Intent

The purpose of Chapter 1.3 is to establish criteria and a process for determining when a lot of record exists for the purpose of allowing a use or development on a non-conforming lot under Chapter 1.4 (e.g., substandard lot that does not meet lot area or other development regulations).

1.3.020 Criteria

A lot of record is a plot of land that meets one or more of the following criteria:

- A.** The plot of land was lawfully created through a subdivision plat approved by the Alaska Department of Natural Resources (DNR) or the US Bureau of Land Management (BLM), where the plat submittal was accepted by DNR or BLM prior to date of enactment of this Code.
- B.** For property located within the boundaries of what is currently Service Area I, the plot of land was lawfully created through a subdivision recorded with the state recorder's office prior to enactment of this Code.
- C.** Where the approval of DNR, BLM or the former City of Petersburg was not required, and the plot of land was lawfully created through a deed or land sales contract and recorded with the state recorder's office prior to date of enactment of this Code.

1.3.030 Lot of Record Determination Procedure

Review of Lot of Record Determinations shall be conducted using a Type I procedure, pursuant to Section 4.1.020.

1.4 – Non-Conforming Situations

a period of more than 24 consecutive months shall be deemed abandoned and its legal, non-conforming status is terminated. For purposes of calculating the 24 month period, the following is conclusive evidence that a use has been discontinued:

1. the use of land is physically vacated;
2. the use ceases to be actively utilized (e.g., the premises are destroyed or damaged and the use ceases as a result; sale or manufacture of merchandise or the provision of services ceases as evidenced by the removal of signs, goods, stock, or office equipment, or the disconnection of telephone or utility service);
3. any lease or contract under which the non-conforming use has occupied the building or land is terminated;
4. a request for final reading of water and power meters is made to the applicable utilities;
5. the user's utility bill or property tax bill account became delinquent; or
6. an event occurs similar to those listed in Subsections 1-5, above.

D. Application of Code Criteria and Standards following Abandonment. Once a use has been abandoned pursuant to Subsection 1.4.020.C, the use shall not be allowed to resume or be reestablished, in whole or in part, under the same or different ownership or management, and any subsequent use of the site shall conform to the current regulations of this Code for the district in which it is located.

E. Extension for Repairs or Renovation of Non-Conforming Status for Discontinued Use. An owner, or owner's agent, may request an extension of the twenty-four period month set out in Subsection (C) above, where there has been ongoing, active repairs or renovation of the use structure. An extension is at the sole discretion of the Planning Commission. Review of a request for an extension is conducted using a Type III procedure, pursuant to Section 4.1.040. The owner must request the extension within the initial twenty-four-month period of discontinuance.

F. Not Applicable to Junkyards. Notwithstanding the provisions of this chapter, no junked vehicle or junk shall be stored outside and no junkyard shall be maintained in a location which is visible from a public right-of-way unless it is screened from view by a sight obscuring fence of good appearance or hedge of good appearance under the provisions of Chapter 3.4. For the purposes of this section, "junk" includes worn out and discarded material in general that may be turned to some use, especially old rope, chain, iron, copper, parts of machinery and bottles, and shall further include parts of buildings, fixtures and appliances, rubbish of any kind and odds and ends.

1.4.030 Non-conforming Physical Development

This Section regulates non-conforming development, such as structures, fences, or other elements of the built environment. A non-conforming development is a development which was lawfully built or installed according to the applicable zoning or other development regulations of the time, but that could not be built under the current provisions of the Code, for example, by reason of restrictions on lot area, lot coverage, location on a lot, setbacks, height, yard, equipment, access, parking, or other physical restriction or requirement. A legal non-conforming development may remain on the site so long as it remains otherwise lawful, and subject to the

I.4 – Non-Conforming Situations

requirements existing at the time it was created, but that does not conform to the current regulations established in this Code for the zoning district in which it is located, shall be a legal non-conforming lot, and may be used or developed as permitted in the district, subject to other requirements of the district. Physical Development on a non-conforming lot which would deviate from development standards of the district, such as setbacks, height limits, or lot coverage, is subject to approval of a Variance under Chapter 4.4. If there is a minimum lot area deficiency, residential use shall be limited to a single-family dwelling and customary accessory buildings, provided applicable Building Code requirements are met.

I.6– Enforcement

Chapter I.6 — Enforcement

Sections:

I.6.010 Violation

I.6.020 Other Remedies

I.6.010 Violations

Except as provided under Subsection I.6.020, any person violating or causing the violation of any of the provisions of this Code is responsible for creating a nuisance under Chapter 9.16. Any person who fails to abate said nuisance is guilty of a violation and punishable as prescribed in Chapter 9.16.120 of the Petersburg Borough Municipal Code. Such person is guilty of a separate violation for each and every day during any portion of which a violation of this Code is committed or continued. A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation.

I.6.020 Other Remedies

The Borough, in addition to finding a Code violation is a nuisance, may use any of the other remedies available to it, including, but not limited to, the following:

A. Stop Work Order. The Borough may issue a stop work order. Violation of a stop work order constitutes a nuisance violation under Chapter 9.16.

B. Dangerous Building. The Borough may declare a structure a Dangerous Building under Chapter 9.20.

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2.1 – Establishment of Zoning Districts

Chapter 2.1 – Establishment of Zoning Districts

Sections:

- 2.1.010 Purpose and Classification of Zoning Districts
- 2.1.020 Classification of Base Zoning Districts
- 2.1.030 Determination of Zoning District Boundaries

2.1.010 Purpose and Classification of Zoning Districts

Chapter 2.1 establishes base zoning districts, consistent with the Petersburg Borough Comprehensive Plan. Land (parcel, lot, tract, and right-of-way) to be zoned shall be designated with a base zoning district or “zone,” and may also be designated with one or more Overlay Zones. The use of land is limited to the uses allowed by the applicable zone(s) and any applicable Special Use Standards (Chapter 2.3).

2.1.020 Classification of Base Zoning Districts

Zoning designations are as depicted on the Petersburg Borough Zoning Map. The Borough Clerk maintains official copies of the Zoning Map and Comprehensive Plan. Where a conflict between documents arises, the Comprehensive Plan shall govern.

A. Waterfront Districts.

1. The **Waterfront Industrial (WI)** recognizes the intrinsic value of waterfront property, particularly for industrial/employment uses in our community. The waterfront industrial district permits water-dependent industrial and some commercial uses. The use should be dependent on its waterfront location, such as seafood processing, marine based industrial manufacturing, repair, or fabrication, and port and harbor uses. See also, Chapter 2.2, Zoning District Regulations and Chapter 2.3, Special Use Standards.

B. Residential Districts (RR, RL, RM, RH). Residential zoning districts are intended to accommodate a mix of residential uses at planned densities, consistent with the diverse housing needs of the borough; promote the orderly development and improvement of neighborhoods; facilitate compatibility between dissimilar land uses; allow residences in proximity, and with direct connections, to schools, parks, and community services; and to ensure efficient use of land and public facilities. The following summarizes the purpose of each residential district. See also, Chapter 2.2, Zoning District Regulations and Chapter 2.3, Special Use Standards.

1. The **Rural Residential (RR)** district permits residential uses at densities of 1 dwelling unit per gross acre. Permitted residential uses consist primarily of detached single-family housing, and parks and playgrounds. The minimum lot size for rural residential is larger to accommodate need for onsite utilities. The RR classification may be changed to a higher density upon provision of services.
2. The **Residential Low Density (RL)** district permits residential uses at densities between 1 and 4 dwelling units per gross acre. Permitted residential uses consist primarily of detached housing (i.e. single-family and duplex), and parks and playgrounds. The RL district also allows, subject to Special Use Standards, accessory structures, accessory dwelling units, and home occupations.

2.1 – Establishment of Zoning Districts

F. Development Reserve (DR). The **Development Reserve** district provides a zoning reserve option for primarily public lands with limited access and limited near-term development pressure. Decisions on future uses will respond to market opportunities, community needs, and environmental considerations. No development may occur until the subject land is otherwise designated within a zoning district set out in Subsections A through E above and the zoning map is amended, and no use commenced subsequent to the date of adoption of this Code and during such time as the property in question shall be unrestricted shall create any grandfather right or other right to continue such use if inconsistent with any subsequently enacted zoning regulation. Zoning amendments are a Type IV legislative decision (Section 4.1.050). See also, Chapter 2.2 Zoning District Regulations.

2.1.030 Determination of Zoning District Boundaries

Where due to the scale, lack of scale, lack of detail, or illegibility of the Zoning Map, or due to any other reason, there is uncertainty, contradiction, or conflict as to the intended location of a zoning district boundary, using a Type II procedure (Section 4.1.030), the Planning Official or, upon referral, the Planning Commission, shall determine the boundary in accordance with the following:

- A. Right-of-way.** Boundaries that approximately follow the centerlines of a street, highway, alley, bridge, or other right-of-way shall be construed to follow such centerlines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning district designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a zoning district boundary, the vacated lands within the former right-of-way shall be allocated proportionately to the abutting zoning districts.
- B. Parcel, lot, tract.** Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries.
- C. Jurisdiction boundary.** Boundaries indicated as approximately following a borough boundary, or service area boundary, shall be construed as following said boundary.
- D. Dividing parcel, lot or tract.** Boundaries dividing a parcel, lot, or tract shall be avoided; if existing, it shall be determined by the use of the scale appearing on such map, unless otherwise determined by dimensions based on a plat or survey map.

2.2 – Zoning District Regulations

- B. Permitted Uses and Uses Permitted Subject to Special Use Standards.** Uses listed as “Permitted (P)” are allowed provided they conform to the Lot and Development Standards in Sections 2.2.040-.070 and any applicable requirements of Article 3. Uses listed as “Permitted Subject to Special Use Standards (S)” are allowed, provided they conform to the Chapter 2.3 Special Use Standards, the Lot and Development Standards in Sections 2.2.040-.070, and any applicable requirements of Article 3. Uses listed as “Not Allowed (N)” are prohibited.
- C. Conditional Uses.** Uses listed as “Conditional Use Permit Required (CU)” are allowed subject to the requirements of Chapter 4.3 Conditional Use Permits.
- D. Uses Regulated by Overlay Zones.** Notwithstanding the provisions of Chapter 2.2, additional standards may apply to uses within Overlay Zones. In addition, an Overlay Zone may allow exceptions to some standards of the underlying zone. See Chapter 2.4.
- E. Master Planned Developments.** Uses that are not otherwise allowed by the underlying zone may be permitted through the Master Planned Development procedure under Chapter 4.7.
- F. Accessory Uses.** Uses as defined in Section 5.1.030, and identified as “Permitted (P)” in a zoning district, are permitted as accessory uses within that district, subject to the Special Use Standards of 2.3, the Lot and Development Standards in Sections 2.2.040-.070 and any applicable requirements of Article 3.
- G. Mixed-Use.** Uses allowed individually are also allowed in combination with one another, in the same structure, or on the same site, provided all applicable development standards and Building Code requirements are met for both uses.
- H. Disclaimer.** Property owners, users and developers are responsible for verifying whether a specific use is allowed on a particular site. Submittal of an application for review and approval by the Borough Planning Official, using a Type I procedure, is required in order to determine whether a use is allowed on a given site, and whether further land use review and approvals are required.

2.2 – Zoning District Regulations

Uses	Residential Zones				Commercial Zones and Employment Zones						Public Use		Special Use Standards
	RR	RL	RM	RH	DC	GC	LJ	GI	WI	PF	OS		
B. Public and Institutional Uses ²													
	Automobile Parking, Public Off-street Parking	N	N	N	N	N	CU	CU	N	CU	N		
	Cemetery	N	N	N	N	N	N	N	N	CU	CU		
	Child Care Center or Child Care Group Home	N	CU	CU	CU	CU	CU	CU	N	N	N	Sec 2.3.100	
	Club Lodge, Fraternal Organization	N	N	N	N	P	P	P	N	N	N	N	
	Community Service; includes Governmental Offices	N	N	P	P	P	P	CU	N	N	P	N	
	Clinic, Outpatient Only	N	N	CU	CU	P	P	CU	N	N	P	N	
	Emergency Services; includes Police, Fire, Ambulance	CU	CU	CU	CU	CU	CU	CU	CU	N	CU	N	
	Long-Term Care Facility	N	N	N	CU	CU	CU	CU	N	N	CU	N	
	Hospital, including Acute Care Center	N	N	N	CU	CU	CU	CU	N	N	CU	N	
	Non-Profit Member Organization Offices	N	N	CU	CU	P	P	CU	P	N	N	N	
	Parks and Open Space, including Playgrounds, Trails, Nature Preserves, and similar uses	P	P	P	P	P	N	N	N	N	P	P	
	Prison	N	N	N	N	N	N	N	CU	N	CU	N	
	Public Works Utilities Storage Yards; includes Vehicle and Equipment Storage, Maintenance, and Repair	N	N	N	N	N	CU	CU	P	N	P	N	

²KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

Zoning District Abbreviations: RR=Rural Residential; RL=Residential Low Density; RM=Residential Medium Density; RH=Residential High Density; DC=Downtown Commercial; GC=General Commercial; LJ=Light Industry; GI=General Industry; WI=Waterfront Industrial; PE=Public Facilities; OS=Open Space

2.2 – Zoning District Regulations

	Zones													
Uses	Residential Zones					Commercial Zones and Employment Zones						Public Use		Special Use Standards
	RR	RL	RM	RH	DC	GC	L I	GI	WI	PF	OS			
C. Commercial Uses ⁴														
Amusement, Entertainment, and Commercial Recreation; includes theaters, bowling alleys, miniature golf, concert venues, arcades, similar uses	N	N	N	N	P	P	P	CU	N	CU	N			
Artisanal and Light Manufacture Uses in Commercial zones – includes craftsman studios; and uses providing instruction and/or retail sales related to painting, sculpting, photography, picture framing, knitting, sewing, literature, theater, music, specialty foods or catering, or similar uses.	N	N	N	N	S or CU +S	S or CU + S	P	P	P	N	N		Sec 2.3.040;	
Automobile Parking, Commercial Parking	N	N	N	CU	CU	P	P	P	N	P	N			
Vehicle Repair and Service, includes fueling station, car wash, tire sales and repair or replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	N	N	N	N	CU+S	S	P	P	P	N	N		Sec 2.3.050	
Vehicle Sales and Rental; includes motorcycles, boats, recreational vehicles, and trucks	N	N	N	N	CU+S	S	P	P	P	N	N			
Bed and Breakfast Inn	S or CU+S	S or CU+S	S or CU+S	S or CU+S	S	S	S	N	N	N	N		Sec 2.3.180	
Commercial Retail Sales and Services	N	N	N	N	P	P	P	P	P	N	N			

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DC=Downtown Commercial; GC=General Commercial; LI=Light Industry; GI=General Industry; WI=Waterfront Industrial; PF=Public Facilities;
OS=Open Space

2.2 – Zoning District Regulations

Uses	Residential Zones					Commercial Zones and Employment Zones					Public Use		Special Use
	RR	RL	RM	RH		DC	GC	LI	GI	WI	PF	OS	
D. Industrial and Related Uses⁶													
Agricultural Uses, including Food Production and Marijuana Cultivation	S + CU	N	N	N		S + CU	S	P	P	N	N	N	Sec 2.3.250
Beverage and Bottling Facility, except as allowed for Commercial Uses	N	N	N	N		N	CU	CU	P	P	N	N	
Bulk Storage of Flammable Liquids or Gases; Petroleum Products Storage and Distribution; Wood or Biomass Fuel Dealers	N	N	N	N		N	N	CU	P	P	N	N	
Cement, Glass, Clay, and Stone Products Manufacture; except as allowed for Artisanal and Light Manufacture Uses	N	N	N	N		N	N	N	P	P	N	N	
Chemical, Fertilizer, Insecticide, Paint Product Manufacture, or Similar Uses	N	N	N	N		N	N	N	P	P	N	N	
Concrete or Asphalt Batch Plants	N	N	N	N		N	N	N	P	P	N	N	
Data Center or Server Farm	N	N	N	N		CU	P	P	P	N	N	N	
Dwelling for a caretaker or watchman	N	N	N	N		N	N	N	S	S	N	N	Sec. 2.3.200
Finished Textile and Leather Products Manufacture; except as allowed for Artisanal and Light Manufacture Uses	N	N	N	N		N	N	CU	P	P	N	N	

⁶KEY: P = Permitted Use; S = Permitted with Special Use Standards; CU = Conditional Use Permit Required; N = Not Allowed.

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2.2 – Zoning District Regulations

Uses	Residential Zones					Commercial Zones and Employment Zones					Public Use		Special Use Standards
	<u>RR</u>	<u>RL</u>	<u>RM</u>	<u>RH</u>		<u>DC</u>	<u>GC</u>	<u>LI</u>	<u>GI</u>	<u>WI</u>	<u>PF</u>	<u>OS</u>	
Wrecking, Demolition, Junk Yards, Recycling Centers	N	N	N	N		N	N	CU	P	N	CU	N	

2.2 –Zoning District Regulations

D. Lot and Development Standards for Residential Districts. The development standards in Table 2.2.040.D apply to all new development as of in Residential zones.

Table 2.2.040.D – Lot and Development Standards for Residential zones (Except as otherwise provided by 2.2.050 through 2.2.070, as modified under Chapter 4.4 Variances, or as approved under Chapter 4.7 Master Planned Developments.)				
STANDARD	RURAL RESIDENTIAL (RR)	RESIDENTIAL LOW-DENSITY (RL)	RESIDENTIAL MEDIUM-DENSITY (RM)	RESIDENTIAL HIGH-DENSITY (RH)
LOT SIZE (in square feet unless otherwise specified)				
Single-family, detached	1 acre	8,000	5,000	5,000
Twin-house family	Use not permitted	5,000	5,000	5,000
Single-family, attached (Zero Lot Line Townhouses)	Use not permitted	Use not permitted	Use not permitted	2,500 end lot 2,000 interior lot
Duplex	1 acre	8,000	5,000	5,000
Detached Accessory Dwelling	1 acre	8,000	5,000	5,000
Multi-family (including condominiums)	Use not permitted	Use not permitted	Use not permitted	Per dwelling unit: 1 story - 1,000 2 stories – 800 3 stories - 700, with a 10,000 minimum;
Manufactured Home	Same as Single-family, detached for underlying district where allowed.			
Manufactured Home Park	Use not permitted	Use not permitted	Use not permitted	1 acre; max. 9 spaces per acre 4,000 per space 4,500 per double-wide space
Minimum Lot Width at Frontage				
All Lots, unless otherwise specified below.	200'	80'	50'	100' for multi-family 50' for < 3 dwelling/lots
Twin-house family		40'	40'	40'

2.2 -Zoning District Regulations

E. Lot and Development Standards for Non-Residential Districts. The development standards in Table 2.2.040.E apply to all new development as of in the Borough's Non-Residential zones, as follows.

Table 2.2.040.E – Lot and Development Standards for Non-Residential zones (Except as otherwise provided by 2.2.050 through 2.2.070, as modified under Chapter 4.4 Variances, or as approved under Chapter 4.7 Master Planned Developments.)					
STANDARD	DOWNTOWN COMMERCIAL(DC)	GENERAL COMMERCIAL (GC)	LIGHT- INDUSTRIAL (LI)	GENERAL INDUSTRIAL (GI)	PUBLIC FACILITIES (PF)
LOT SIZE (in square feet unless otherwise specified)					
Minimum Lot Size	None	None	None	None	8,000
Minimum Lot Width	None	None	None	None	80
Maximum Lot Coverage	100%	100%	100%	100%	35%
Building Structure and Height Limits					
		3 stories, not to exceed 35'		75'	30' or 2 stories
		Not to exceed 25' in Historic District. See Ch. 3.2.050			
Minimum Yard Setback					
	Where an industrial or commercial zone abuts or is separated by an alley from a residential zone, the commercial or industrial use shall have a setback requirement only on those sides that abut the residential zone equal to the rear yard requirement in the abutting zone.				Front: 20' Side: 10' Rear: 20'
Build-to Line New Buildings Only: At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a Planned Street Improvement, then the build-to line increases proportionately.					
	0' on Main Street and Historic District Overlays. See Chapters 3.2.030 and 3.2.050	None	None	None	None
Table 2.2.040.E – Lot and Development Standards for Non-Residential zones (Except as otherwise provided by 2.2.050 through 2.2.070, as modified under Chapter 4.4 Variances, or as approved under Chapter 4.7 Master Planned Developments.)					
STANDARD	DOWNTOWN COMMERCIAL(DC)	GENERAL COMMERCIAL (GC)	LIGHT- INDUSTRIAL (LI)	GENERAL INDUSTRIAL (GI)	PUBLIC FACILITIES (PF)

2.2 –Zoning District Regulations

2.2.050 Setback Yards Exceptions

A. Encroachments

1. Except as otherwise restricted by applicable Building Codes, building elements such as eaves, chimneys, bay windows, overhangs, heating, cooling and ventilation systems, and similar incidental structures, may extend into the required setback yards by no more than 36 inches, provided that a setback of not less than 36 inches is maintained, all applicable Building Codes are met, and the clear vision standards in Section 3.3.030 are met.
2. Uncovered Porches, decks, patios, stairways, and similar features not exceeding 30 inches in height may encroach into setbacks, provided a minimum setback of not less than 36 inches is maintained and all applicable Building Codes are met.
3. Fences may be placed within setback yards, subject to the standards of Sections 2.2.040 and 3.4.040.
4. Sheds, greenhouses, playhouses and other detached accessory buildings, under 200 sf in area, may extend into the required rear yard setback, provided a minimum setback of not less than five feet is maintained and all applicable Building Codes are met.

B. Reverse Frontage Lots. Buildings on reverse-frontage lots (through lots) are required to meet the build-to line standard on only one street. Reverse frontage lots are subject to the fence height and setback requirements of Sections 2.2.040 and 3.4.040.

C. Flag Lots

The Planning Official shall designate the front yard of a flag lot to ensure compatibility with adjacent land uses, based on existing development patterns and location of adjacent driveways, utilities, and natural features, as either:

1. front yard parallel to the street providing automobile access; or
2. front yard parallel to the flagpole from which driveway access is received.

The borough shall review proposals for flag lots pursuant to the standards in Section 4.6.050 and may impose reasonable conditions to ensure development is compatible with adjacent uses.

2.2 – Zoning District Regulations

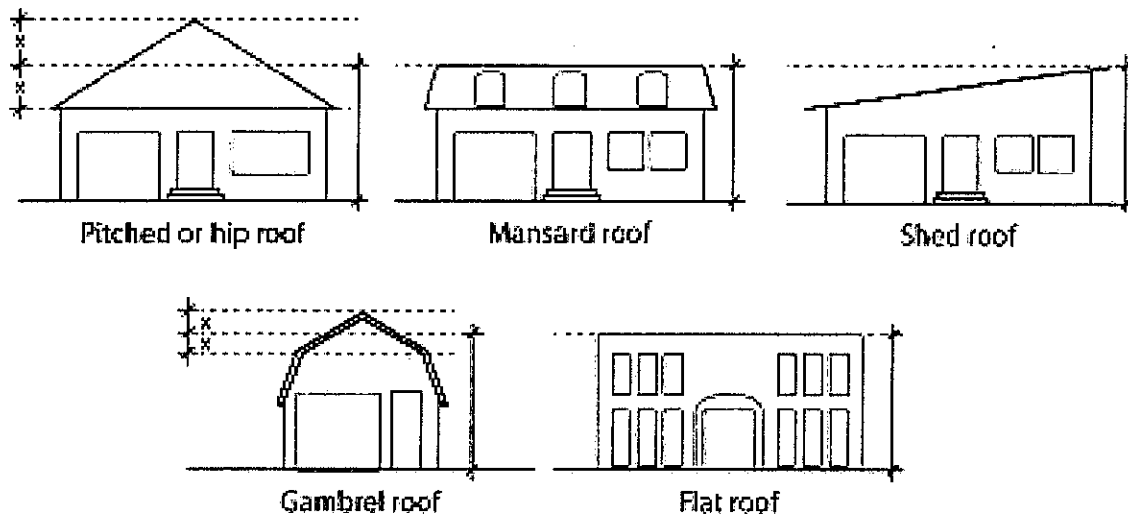
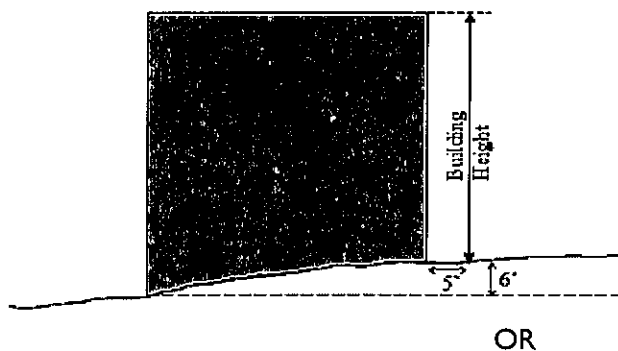
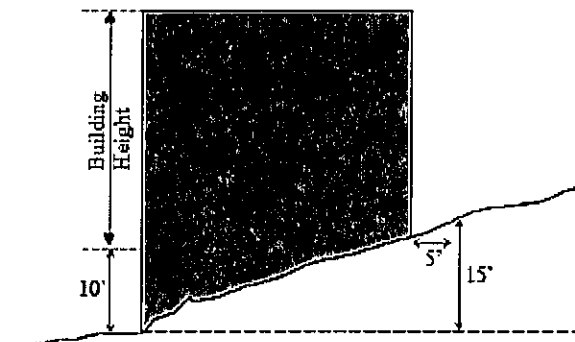


Figure 2. Determining the reference datum.

The reference datum shall be whichever of the following yields the greater building height:



1. 2.2.070(A)(1), summarized as: The highest point within a horizontal distance of five feet from the exterior of the building, when such point is not more than ten feet above the lowest point within a five foot radius.



2. 2.2.070(A)(2), summarized as: An elevation ten feet higher than the lowest grade, when the highest point described above is more than ten feet above the lowest point.

2.3 – Special Use Standards

may approve a Variance from these standards, pursuant to Chapter 4.4 Variances and any additional criteria set out herein, however a Variance is not permitted to be made to allow a use which is prohibited, or otherwise not allowed, within a zoning district.

2.3.030 Review Process

Except as otherwise specifically indicated, compliance with the provisions of Chapter 2.3 shall be determined using a Type I procedure under Section 4.1.020.

2.3.040 Artisanal and Light Manufacture Uses

A. Purpose. The following provisions are intended to encourage mixed-use development, including cottage industries and business incubators, by integrating small-scale manufacturing with commercial uses. For the purposes of this Section, artisanal uses are those that blend small-scale manufacturing and retail uses such as brewpubs, winery tasting rooms, artist studios, wood and metal working, and similar uses, on the same site.

B. Applicability. The following standards apply where artisanal and light manufacturing uses are allowed in commercial zones. A Conditional Use Permit is required if the manufacturing use occurs outside of any building. See, Subsection C.2, below.

C. Standards.

1. Where an artisanal or light manufacturing use is allowed in a commercial zone, it shall be permitted only in conjunction with a primary commercial use and shall not exceed the floor area of the primary commercial use.
2. Where an artisanal or light manufacturing use is allowed in a commercial zone, it shall be wholly enclosed in a building, unless unenclosed operations are authorized by a Conditional Use Permit, under Chapter 4.3.
3. Where an artisanal or light manufacturing use is allowed in a commercial zone and the subject site is located within 100 feet of a residential zone, the decision-making authority may limit the hours of operation of the artisanal or light manufacturing uses to between 7:00 a.m. and 9:00 p.m. where it has identified concerns about noise, parking, or other impacts related to the use.

2.3.050 Drive-Through Service

A. Purpose. Drive-up or drive-through uses and facilities, where allowed, shall conform to all of the following standards, which are intended to calm traffic, provide for adequate vehicle queuing space, prevent automobile turning movement conflicts, and provide for pedestrian comfort and safety.

2.3 – Special Use Standards

B. Applicability. New multifamily developments where allowed, are subject to review and approval using a Type II procedure, pursuant to Section 4.1.030.

C. Standards. Multifamily development, where allowed, shall conform to all of the following standards:

- 1. Common Open Space and Landscaping.** A minimum of 15 percent of the site area (defined in a. below) shall be designated and permanently reserved as common area or open space, in accordance with all of the following criteria:
 - a. "Site area" for the purposes of this Section is defined as the subject lot or lots after subtracting any required dedication of street right-of-way.
 - b. The common area or open space may contain one or more of the following: outdoor recreation area, tree grove (e.g., existing mature trees), turf play fields or playgrounds, sports courts, walking fitness course, picnic benches, or similar open space amenities as appropriate for the intended residents.
 - c. In order to be counted as eligible toward the minimum common area or open space, such areas shall have dimensions of not less than 20 feet.
 - d. Open space and common areas not otherwise developed with recreational facilities shall be landscaped; alternatively, the decision-making authority may approve a plan to retain mature trees or vegetation in lieu of landscaping.
- 2. Private Open Space.** Private open space areas shall be required for dwelling units based on the following criteria:
 - a. A minimum of 40 percent of all ground-floor dwelling units shall have front or rear patios or decks containing at least 48 square feet of usable area. Ground floor housing means the housing unit entrance (front or rear) is within five feet of the finished ground elevation (i.e., after grading and landscaping).
 - b. A minimum of 40 percent of all upper-floor housing units shall have balconies or porches containing at least 48 square feet of usable area. Upper-floor housing means housing units that are more than five feet above the finished grade.
- 3. Design Standards.** The standards of Chapters 3.2 through 3.6, as applicable, shall be met.
- 4. Trash Storage.** Trash receptacles, recycling, and storage facilities shall be oriented away from building entrances, setback at least 10 feet from any public right-of-way and adjacent residences, and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet in height. Receptacles must be accessible to trash pick-up trucks.

2.3 – Special Use Standards

2.3.120 Home Occupations

A. Purpose. The following provisions provide recognition of the needs or desires of many people to engage in small scale business ventures at home. It is also recognized that such uses, if not carefully regulated, may be incompatible with the purposes of Residential districts. It is the intent of this Section that these uses be allowed so long as they are not in violation of the terms of this Section and do not alter the residential character of the neighborhood, infringe upon the right of neighboring residents to the peaceful enjoyment of their neighborhood homes, or otherwise be detrimental to the community at large.

B. Applicability and Prohibitions. The provisions of this Section apply to all home occupations as defined in Chapter 5 of this Code, except for the following situations:

1. Garage, Yard, or Estate sales from the site that occur for no more than three (3) consecutive days on not more than two (2) occasions during a calendar year.
2. Food Production, see Section 2.3.250
3. Bed and Breakfast Inns, see Section 2.3.180
4. Child Care Homes, Child Care Group Homes, and Child Care Centers, see Section 2.3.100

Prohibited home occupation uses are:

- a. Any use not conducted within a wholly enclosed building.
- b. Automotive, boat services, Major[SHI].
- c. Junk and Salvage Operations.
- d. Storage or sale of fireworks.
- e. Any use that consists of the manufacturing, processing, generation, or storage of materials that constitute a fire, explosion, or health hazard, as defined by the Building Code, Fire Code, or both, in excess of what would normally be found at a residential location.

C. Application. Home Occupations require an approved application. There are two (2) Home Occupation applications which are as follows: Home Occupation One and Home Occupation Two.

I. Home Occupation One.

- a. Threshold. An application for Home Occupation One is required when no outside customers or employees visit the premises.
- b. Procedure Type. Review of a Home Occupation One application shall be conducted using a Type I procedure, pursuant to Section 4.1.020.
- c. Approval Criteria. In order to approve a Home Occupation One application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:
 - I. The proposal satisfies the threshold requirements for a Home Occupation One application.
 - II. There are no outside volunteers or employees who do not reside on the premises.

2.3 – Special Use Standards

XIV. There is no signage associated with the proposed home occupation aside from what is allowed by Chapter 3.4 of the Code.

d. Submission Requirements. An application for a Home Occupation One shall be made by the owner of the subject property, or the owner's authorized agent, on a form provided by the borough and shall be filed with the Planning Official. The Home Occupation One application shall be accompanied by the information required by the application form, and any other information identified through a Pre-Application Conference.

e. Conditions of Approval. The decision-making authority may impose conditions on the approval of a Home Occupation One application to ensure compliance with the approval criteria.

f. Expiration of a Decision. Home Occupation One approval expires five years from the date of approval. Additionally, approval expires if any one of the following are met:

- I. the privilege is not used within one year of the decision approving the application;
- II. the applicant no longer resides at the approved location;
- III. any conditions of the home occupation approval are violated; or
- IV. the application was approved based on false or incorrect information.

Once expired, a new application is required.

2. Home Occupation Two.

a. Threshold. An application for Home Occupation Two shall be required when outside customers or employees visit the premises.

b. Procedure Type. Review of a Home Occupation Two application shall be conducted using the Type II procedure, pursuant to Section 4.1.030.

c. Approval Criteria. In order to approve a Home Occupation Two application, the decision-making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

- I. The proposal satisfies the threshold requirements for a Home Occupation Two application.
- II. The proposal satisfies criteria V. – XIV for a Home Occupation One permit.
- III. The proposed home occupation shall have a maximum of one (1) volunteer or employee who is not a resident on the premises.
- IV. The proposed home occupation shall have no more than 8 daily customers or clients on the premises. All customer and client visits to the proposed home occupation shall occur only between the hours of 8:00 a.m. and 8:00 p.m.
- V. Exterior remodeling will not alter the residential character of the building.

2.3 – Special Use Standards

than 650 square feet.

2. Roof. The manufactured home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14.04 degrees). Roof shall be certified by manufacturer to meet the snow and wind load requirements equivalent to those for a single-family dwelling constructed under the borough Building Code.

3. Residential Building Materials. The manufactured home shall have exterior siding and roofing which in color, material, and appearance are similar to the exterior siding and roof material for single-family dwellings; horizontal wood or horizontal wood-appearance siding and composite roofing is also permitted.

4. Garages and Carports. If the manufactured home has a garage or carport, the garage or carport shall be constructed of materials like those used on the home, and similar in color and appearance.

5. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the borough Building Code.

6. Placement. The manufactured home shall be placed on a permanent foundation as approved by the borough Building Official.

7. Floodplain. Manufactured homes shall comply with Chapter 2.4.030 Floodplain Management Overlay and the following standards.

a. The stand shall be a minimum of 12 inches above Base Flood Elevation (BFE) unless the foundation wall is opened on one side or end so that floodwater cannot be trapped.

b. The bottom of the longitudinal chassis frame beam in A zones, and the bottom of the lowest horizontal structural member supporting the dwelling in V zones shall be a minimum of 12 inches above BFE.

c. The manufactured dwelling shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for anchoring techniques).

d. Electrical crossover connections shall be a minimum of 12 inches above BFE.

8. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted with concrete, horizontal wood or vinyl siding, or other materials, pursuant to applicable Building Codes.

9. Prohibited. The manufactured home shall not be located in the Historic District Overlay or in any other designated historic district, except where the historic district regulations specifically provide for manufactured homes.

2.3 – Special Use Standards

shrubs shall be required to the extent needed to provide a buffer to surrounding properties. Planted vegetation shall be of a sufficient density to provide a substantial visual barrier from public lands and adjacent properties. The minimum buffer width shall be fifteen feet.

4. Manufactured and Mobile Home Dwelling Design In Small Developments. In manufactured and mobile home dwelling parks that are smaller than two acres, manufactured and mobile homes shall meet both of the following standards:

- a. The manufactured or mobile home shall have a pitched roof with a slope not less than three feet in height for each 12 feet in width (14.04 degrees).
- b. The manufactured or mobile home shall have exterior siding and roofing which in color, material, and appearance are similar to the exterior siding and roof material used on nearby residences; horizontal wood or horizontal wood-appearance siding and composite roofing is also permitted.

5. Floodplain. Compliance with Chapter 2.4.030 Floodplain Management Overlay is required.

6. Park Operations. Operation of Mobile Home and Manufactured Home Dwelling Parks shall be consistent with requirements of Sections 19.40.080, 19.48.100, and 19.40.110, and Chapter 17.24, as appropriate, of the Petersburg Municipal Code.

7. Non-conforming Parks. Mobile Home and Manufactured Home Dwelling Parks in existence prior to the effective date of this Code may be non-conforming in density and spacing requirements. Notwithstanding Subsection 1.4.030.A of this Code, no expansion or alteration to, or construction or placement of new, substitute or additional dwelling units in, non-conforming parks is permitted except in compliance with the current standards of this Code.

2.3 – Special Use Standards

2.3.160 Tiny House Dwellings

A. Purpose. This Section provides standards for Tiny House Dwellings.

B. Standards. Tiny House Dwellings, where allowed, shall conform to all of the following standards:

1. Applicability. This Special Use Standard is to be used for a dwelling unit on a permanent foundation that is 400 square feet or less in floor area, excluding lofts. Dwelling may be constructed off-site and moved onto a permanent foundation.

2. Standards of Construction and Placement. Construction or placement of tiny house dwellings shall comply with applicable Building, Electrical and Plumbing Codes.

3. Minimum ceiling height. Habitable space and hallways in tiny house dwellings shall have a ceiling height of not less than 6 feet 8 inches. Bathrooms, toilet rooms, and kitchens shall have a ceiling height of not less than 6 feet 4 inches. Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting and other obstructions. Ceiling heights in lofts are permitted to be less than 6 feet 8 inches.

4. Lofts. A loft is a floor level located more than 30 inches above the main floor and open to it on at least one side with a ceiling height of less than 6 feet 8 inches, used as a living or sleeping space.

a. Minimum loft area and dimensions. Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements below:

i. Minimum area. Lofts shall have a floor area of not less than 35 square feet.

ii. Minimum dimensions. Lofts shall be not less than 5 feet in any horizontal dimension.

b. Height effect on loft area. Portions of a loft with a sloping ceiling measuring less than 3 feet from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft; except that under gable roofs with a minimum slope of 6:12, portions of a loft with a sloping ceiling measuring less than 16 inches from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

c. Loft access. The access to and primary egress from lofts shall be any type described below.

i. Stairways. Stairways accessing lofts shall comply with the borough Building Code or with paragraphs i.1 through i.6 below.

i.1. Width. Stairways accessing a loft shall not be less than 17 inches in clear width at or above the handrail. The minimum width below the handrail shall be not less than 20 inches.

i.2. Headroom. The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches, as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

i.3. Treads and risers. Risers for stairs accessing a loft shall be not less than 7 inches and not more than 12 inches in height. Tread depth and riser height shall be calculated

2.3 – Special Use Standards

7. **Foundation.** The tiny house dwelling shall be placed on a permanent foundation as approved by the borough Building Official.
8. **Use as Detached Accessory Dwelling.** A tiny house dwelling may be used as a detached accessory dwelling unit pursuant to requirements of this Chapter and Section 2.3.170.

2.3.170 Detached Accessory Dwellings.

A. Purpose. This Section provides standards for Detached Accessory Dwelling Units.

B. Standards. Detached accessory dwelling units, where allowed, shall conform to all of the following standards:

1. **One Unit.** A maximum of one detached accessory dwelling unit is allowed per legal lot. No more than two dwellings units per legal lot, including an accessory dwelling, are allowed in the RL and RM districts.
2. **Floor Area.** A detached accessory dwelling unit shall not exceed 800 square feet of floor area, or the percentage of the primary dwelling unit's floor area, whichever is smaller, as follows: 40% of the primary dwelling unit's floor area on lots 0.5 acre or less, 60% on lots greater than 0.5 acre but less than 1 acre, and 80% on lots greater than 1 acre. The floor area of any garage associated with the primary dwelling is not included in the calculation of maximum floor area. Accessory dwellings must comply with maximum lot coverage requirements for the district. Notwithstanding Chapter 4.4, lot coverage variances shall not be granted for construction of an accessory dwelling unit.
3. **Lot Size.** The minimum lot size for a lot with an detached accessory dwelling is 5,000 square feet, or as required by the district if a minimum lot size is provided. Notwithstanding Chapter 4.4, lot size variances shall not be granted for construction of a detached accessory dwelling.
4. **Location on Lot.** A detached accessory dwelling shall be either a minimum of 40' from the front property line or no closer to the front property line than the primary dwelling while still meeting setback requirements for the district.
5. **Building Design.** The detached accessory dwelling shall be constructed of materials that are the same or similar to the materials used on the primary dwelling.
6. **Building Height.** The height of a detached accessory dwelling shall not exceed the height of the primary dwelling.
7. **Utilities.** Sharing utilities with the primary dwelling is subject to approval of utility provider.
8. **Parking.** A minimum of two off-street parking spaces are required, total, for a site containing a detached accessory dwelling.

2.3 – Special Use Standards

2.3.180 Bed and Breakfast Inns

A. Purpose. This Section provides standards for Bed and Breakfast Inns.

B. Standards. Bed and Breakfast Inns, where allowed, shall conform to all of the following standards:

1. Accessory Use. Bed and Breakfast Inns are allowed only in single-family dwellings, one unit of a duplex, or in an accessory dwelling. The use must be accessory to a permitted residential use and the residence must be owner-occupied.

2. Maximum Size. A maximum of two bedrooms for guests, and a maximum of 4 guests are permitted per night, except that Bed and Breakfast Inns with more than two bedrooms, up to a maximum of four bedrooms for guests, may be permitted under a Conditional Use Permit, pursuant to Chapter 4.3. A Bed and Breakfast Inn which exceeds 4 bedrooms for guests is prohibited.

3. Length of Stay. The maximum length of stay is fewer than 30 consecutive days per guest.

4. Employees. The Inn shall have not more than two non-resident employees on-site at any one time. There is no limit on residential employees.

5. Food Service. Food service shall be provided only to overnight guests of the Inn.

6. Signs. Signs shall not exceed a total of three square feet of surface area on each side of one or two faces of the Inn. See also Chapter 3.4 Signs.

7. Screening and Buffering. The decision-making authority may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single-family dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Chapter 3.4.

8. Additional Reviews & Licenses.

a. State Fire Marshal review is required as provided for in state law and regulations.

b. All Bed and Breakfast Inns are required to register with the Petersburg Borough for collection of sales tax and transient room tax.

[2.3.190 *RESERVED - Cottage Housing*]

2.3.200 Caretaker Dwelling

A. Purpose. This Section provides standards for Caretaker Dwellings, which are permitted only in the General Industrial and Waterfront Industrial Districts.

2.3 – Special Use Standards

A. Purpose. This Section provides standards for private residences used as Vacation Rentals.

B. Standards. Vacation Rentals, where allowed, shall conform to all of the following standards:

1. **Maximum Size.** A maximum of two bedrooms for guests, and a maximum of 4 guests are permitted per night, except that a Vacation Rental with more than two bedrooms, up to a maximum of four bedrooms for guests, may be permitted under a Conditional Use Permit, pursuant to Chapter 4.3. A Vacation Rental which exceeds 4 bedrooms for guests is prohibited.

2. **Length of Stay.** The maximum length of stay is fewer than 30 consecutive days per guest.

3. **Employees.** The vacation rental shall have not more than two non-resident employees on-site at any one time.

4. **Local Representative.** The business name, and name, physical address, phone number, and email address of owner and local representative shall be submitted with application materials. This information must be kept current with the Petersburg Borough Police Department. The owner or local representative must be available to physically respond to the rental dwelling whenever occupied.

5. **Signs.** Signs shall not exceed a total of three square feet of surface area on each side of one or two faces of the dwelling. See also Chapter 3.4 Signs.

6. **Screening and Buffering.** The decision-making authority may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single-family dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Chapter 3.4.

7. Additional Reviews & Licenses.

a. State Fire Marshal review is required as provided for in state law and regulations.

b. All Vacation Rentals are required to register with the Petersburg Borough for collection of sales tax and transient room tax.

2.3 – Special Use Standards

2.3.250 Food Production

A. Purpose. The purpose of the regulations in this Section is to increase access to affordable, healthful food for all. The regulations encourage Market Gardens, as defined in Chapter 5.1, at a scale that is appropriate to neighborhoods and support small-scale agricultural use of land that is not otherwise developed.

The regulations ensure that these uses and activities are compatible with the surrounding area by limiting potential negative effects, particularly in residential neighborhoods, and take into consideration neighborhood character, scale, visual impacts, traffic, noise, fumes, and hours of operation.

B. Market Garden Special Use Standards. Market Gardens, where allowed as a special use, shall conform to all of the following standards:

1. Maximum Area. Where allowed, the maximum area allowed for a Market Garden is specified in the table below. The planting area of a Market Garden includes the area under cultivation, the area covered by any structures associated with the garden, the compost pile, any off-street parking, or any other area associated with the activities of the garden.

Type of Market Garden	Permitted with Special Use Standards	Special Use Standards + Conditional Use
Planting Area < 10,000 sf	Rural Residential; Downtown Commercial; General Commercial;	
Planting Area ≥ 10,000 sf	General Commercial;	Rural Residential; Downtown Commercial

2. Sales.

a. On-site sales.

i. Nonresidential Districts. Where allowed in nonresidential zones, on-site sales are a Retail Sales And Service Use; and the following regulations apply:

(i.1) No parking is required in the Downtown Commercial district;

(i.2) Exterior display is allowed; and

(i.3) Only food and value-added products made from produce grown on site, such as jams and pickles, may be sold.

ii. Residential Districts. Where allowed in residential zones, on-site sales are allowed as accessory to the Agriculture use, and the following regulations apply:

(ii.1) No parking is required;

(ii.2) Exterior display is allowed;

(ii.3) Only food and value-added products made from produce grown on site, such as jams and pickles, may be sold; and

(ii.4) Sales are permitted a maximum of four hours a day, twice a week.

b. Off-site sales. Off-site sales are not limited by the regulations of this Section.

3. Operation in residential zones.

a. Where allowed in residential zones, operation may begin at 8 AM and must end at 9 PM. A Market Garden is operating if people are on the site. Automatic equipment functioning, such as sprinklers, is not considered operation.

2.4 – Overlay Zones

Chapter 2.4 – Overlay Zones

Sections:

- 2.4.010 Purpose
- 2.4.020 Applicability
- 2.4.030 Floodplain Management Overlay
- 2.4.040 Historic District Overlay
- 2.4.050 Main Street District Overlay

2.4.010 Purpose

This Chapter establishes the borough's different Overlay Zones. The Overlay Zones may be used to impose supplemental restrictions on uses in these areas, permit uses otherwise disallowed, or implement some form of site or architectural design program in order fulfill specific community objectives.

2.4.020 Applicability

Overlay Zones are established and applicable as shown in Sections 2.4.040 and .050, and on the borough's official zoning map. Overlay Zone standards apply in addition to the standards of the base zone, or, in some cases, may supersede them. Unless specifically prohibited, the decision-making authority may approve a Variance from these standards, pursuant to Chapter 4.4 Variances and any additional criteria set out herein, however a Variance is not permitted to be made to allow a use which is prohibited, or otherwise not allowed, within a zoning district.

2.4.030 Floodplain Management Overlay

The provisions of Chapter 17.14 of the Petersburg Municipal Code shall apply as the Floodplain Management Overlay to all designated areas of special flood hazards within the jurisdiction of the borough.

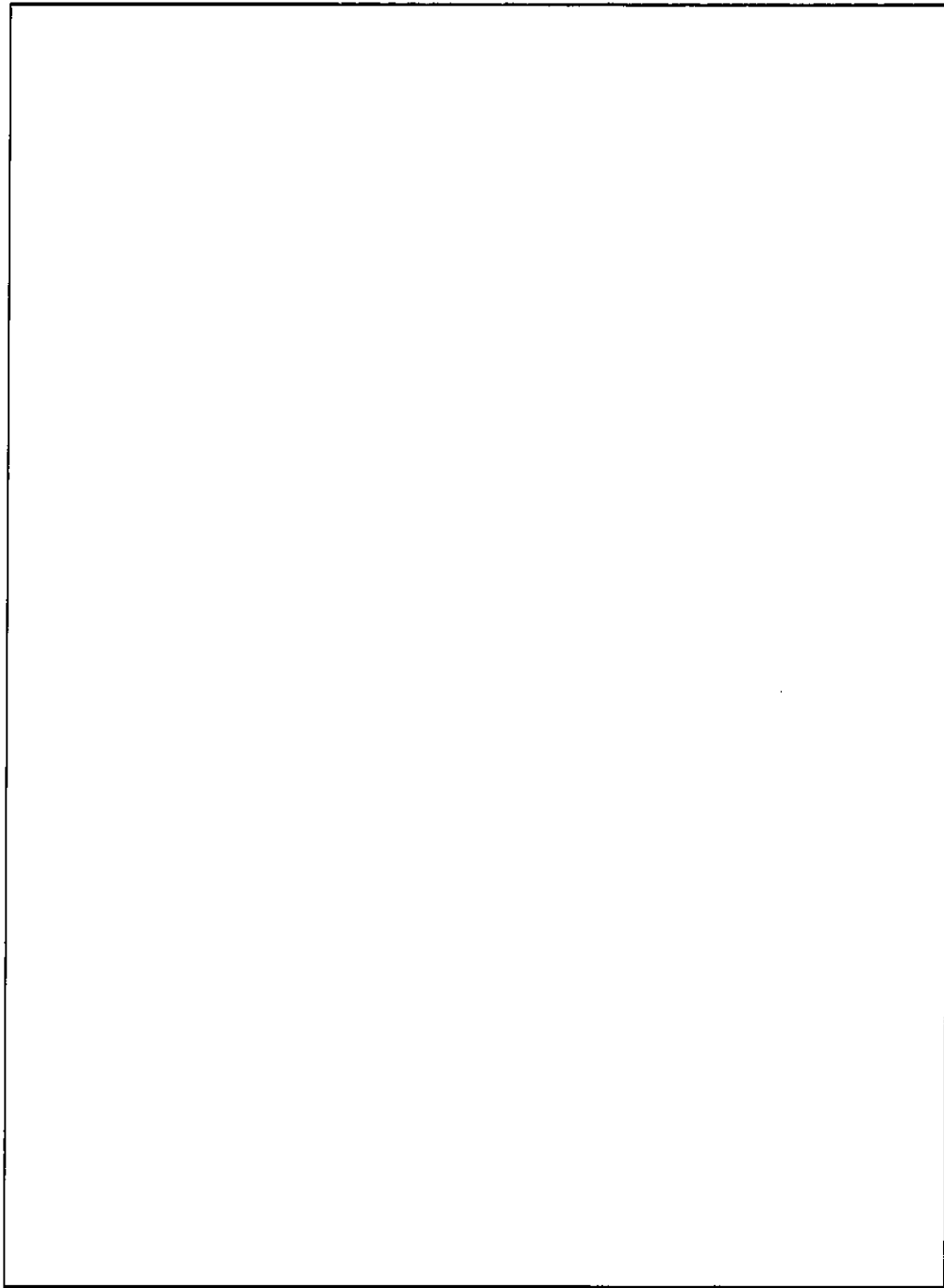
2.4.040 Historic District Overlay

A. Purpose. The superimposed Historic District Overlay shall be used in conjunction with the base zoning districts and is established to define those areas of the borough that meet state or federal standards for historic districts or that otherwise have special historic significance that merit additional consideration in land use regulation.

B. Map. There is adopted, for the purpose of defining the Historic District Overlay in the borough, the Petersburg Downtown Historic District map, included herein, and as the same may be amended from time to time by the Assembly by ordinance. The map, as adopted or as amended, may identify special historic districts within the general historic district for the purpose of applying further special regulations aimed at preserving or enhancing the special characteristics of the identified districts.

C. Historic district design review and approval required. No person may alter or change the exterior of,

2.4 – Overlay Zones



Petersburg Downtown Historic District Map

2.4 – Overlay Zones



Main Street District Overlay

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Chapter 3.1 - Design Standards Administration

Sections:

3.1.010 Purpose

3.1.020 Applicability

3.1.010 Purpose

Article 3 contains design standards for the built environment. The standards are intended to protect the public health, safety, and welfare by providing for safe, functional, attractive development, supporting mobility, and through the provision of parking, adequate public facilities, and appropriate signage.

3.1.020 Applicability

The provisions of Chapters 3.2 through 3.5 apply to all subdivisions and developments within Service Area I, except where otherwise noted. Chapter 3.6, except where specifically limited, applies throughout the borough outside of the City of Kupreanof.

3.2 – Building Orientation and Design

3.2.030 Main Street District Overlay Standards

A. Purpose and Applicability. The following requirements, adopted pursuant to Section 2.4.050, apply within the Main Street District Overlay to create and maintain a built environment that is conducive to pedestrian accessibility, reducing dependency on the automobile for short trips, supporting natural surveillance of public spaces, and creating human-scale design. The standards require buildings be placed close to streets, with storefront windows (where applicable), with large building walls divided into smaller planes, and with architectural detailing.

1. The standards are intended to enhance the continued development of the downtown commercial area, reinforcing it as an attractive place to work, shop, and conduct business.
2. It is not the Borough's intent to create an architectural theme, but rather to ensure that new buildings and exterior alterations fit within the context of their surroundings and contribute toward the development of compact, walkable commercial and mixed-use districts. Specifically, the standards:
 - a. promote a storefront character (windows, pedestrian shelter, etc.);
 - b. promote corner lots as focal points; and
 - c. preserve the historic character of the downtown area.

B. Building Orientation.

1. Buildings shall conform to the applicable build-to line standard in Table 2.2.040.E. The standard is met when at least 80 percent of the abutting street frontage has a building placed no farther from at least one street property line than the build-to line in Table 2.2.040.E. The decision-making authority may approve a Variance from the build-to line standard, under Chapter 4.4, where it finds that one or more of the conditions in paragraphs (a)-(f), below, occurs.
 - a. A proposed building is adjacent to an existing single-family dwelling, and an increased setback promotes compatibility with the adjacent dwelling.
 - b. The standards of the roadway authority preclude development at the build-to line.
 - c. The applicant proposes, and the decision-making authority approves, extending an adjacent sidewalk or plaza for public use, or some other pedestrian amenity is proposed to be placed between the building and public right-of-way.
 - d. A significant tree or other environmental feature precludes strict adherence to the standard and will be retained and incorporated in the design of the project.
 - e. A public utility easement or similar restricting legal condition that is outside the applicant's control makes conformance with the build-to line impracticable. In this case, the building shall instead be placed as close to the street as possible given the legal constraint, and pedestrian amenities (e.g., plaza, courtyard, landscaping, outdoor seating area, etc.) shall be provided within the street setback

3.2 – Building Orientation and Design

between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane 72 inches above the sidewalk grade.

5. **Window Trim.** At a minimum, windows shall contain trim, reveals, recesses, or similar detailing. The use of rosemal or Native Alaskan decorative detailing and ornamentation around windows is encouraged.
6. **Projecting Windows, Display Cases.** Windows and display cases shall not break the front plane of the building (e.g., projecting display boxes are discouraged). For durability and aesthetic reasons, display cases, when provided, shall be flush with the building façade (not affixed to the exterior) and integrated into the building design with trim or other detailing. Window flower boxes are allowed provided they do not encroach into the pedestrian through-zone.
7. **Window Exceptions.** The decision-making authority may approve a Variance from the above standards, under Chapter 4.4, where existing topography makes compliance impractical. Where an exception to the window transparency requirement is made for parking garages or similar structures, the building design must incorporate openings or other detailing that resembles the window patterns (rhythm and scale).

D. Articulation. All building elevations that orient to a street or civic space must have breaks in the wall plane (articulation) of not less than one break for every 30 feet of building length or width, as applicable, as follows:

1. A “break” for the purposes of this Subsection is a change in wall plane of not less than 24 inches in depth. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, frieze, pediment, cornice, parapet, gable, dormer, eave, coursing, building base, balcony, permanent awning or canopy, marquee, or similar architectural feature.
2. The decision-making authority may approve a Variance, under Chapter 4.4, from the 24-inch break-in-wall-plane standard where it finds that proposed detailing is more consistent with the architecture of buildings existing in the vicinity.
3. Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not meet the 24-inch break-in-wall-plane standard.
4. Building elevations that do not orient to a public right-of-way or civic space need not comply with the 24-inch break-in-wall-plane standard but should complement the overall building design.

E. Pedestrian Shelters.

1. **Minimum Pedestrian Shelter Coverage.** Permanent awnings, canopies, recesses, or similar pedestrian shelters shall be provided along at least 75 percent of the ground floor elevation(s) of a building where the building abuts a sidewalk, civic space, or major pedestrian access way. Pedestrian shelters used to meet the above standard shall extend at least five feet over the pedestrian area; except that the decision-making authority may approve a Variance, under Chapter 4.4, from the above standards where it finds that existing right-of-way dimensions, easements, or Building Code requirements preclude standard shelters. Corner buildings may meet the standard by providing a

3.2 – Building Orientation and Design

- I. **Historic District Overlay Standards.** In addition to standards set out in this Section, development in the Main Street District Overlay is also subject to the standards for the Historic District Overlay, to the extent that the Main Street District Overlay overlaps the boundaries of the Historic District Overlay; in such a case, the more restrictive or highest standard or requirement shall govern. See Section 3.2.050.

3.2 – Building Orientation and Design

not improved with a sidewalk and the decision-making authority determines that sidewalk improvements to the public street cannot or should not be required as a condition of approval.

- I. Off-street parking shall be oriented internally to the site to the extent practicable, and shall meet the Access and Circulation requirements of Chapter 3.3 and Section 3.6.010, and the Parking and Loading requirements of Chapter 3.5.
- J. All zoning district regulations and other provisions of Article 3 of this Code apply to large-format developments; in the case of conflict, the more restrictive or highest standard shall apply.

3.3 – Access and Circulation

Chapter 3.3 - Access and Circulation

Sections:

- 3.3.010 Purpose
- 3.3.020 Applicability
- 3.3.030 Vehicular Access and Circulation
- 3.3.040 Pedestrian Access and Circulation

3.3.010 Purpose

Chapter 3.3 contains standards for legal and practical subdivision and pedestrian access, circulation, and connectivity. The standards promote safe, reasonably direct, and convenient options for walking and bicycling, while accommodating access to individual properties, as needed. Subdivision Access is addressed in Section 3.6.010.

3.3.020 Applicability

Chapter 3.3 applies to new development or use, and changes in land use, necessitating new or modified access. Except where the standards of an agency or authority other than the borough supersede borough standards, Chapter 3.3 applies to all such access. Unless specifically prohibited, the decision-making authority may grant a Variance from the requirements of Chapter 3.3, pursuant to Chapter 4.4 Variances, and any additional criteria set out herein; however a Variance is not permitted to be made to allow a use which is prohibited, or otherwise not allowed, within a zoning district.. For Subdivision access, refer to Section 3.6.010. For street improvement requirements, refer to Section 3.6.020.

3.3.030 Vehicular Access and Circulation

A. Purpose and Intent. Section 3.3.030 is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations. "Safety," for the purposes of this Chapter, extends to all modes of transportation.

B. Approval Required. Vehicular access to a public right-of-way (e.g., a new or modified driveway connection to a street or highway) requires approval by the Public Works Director or the applicable roadway authority.

C. [Reserved]

D. Approach and Driveway Development Standards. Approaches and driveways shall conform to all of the following development standards:

- I. The number of approaches on higher classification streets (collector and arterial streets) shall be

3.3 – Access and Circulation

13. Approaches and driveways shall be located and designed to allow for safe maneuvering in and around loading areas, while avoiding conflicts with pedestrians, parking, landscaping, and buildings.
14. Where concrete sidewalks or walkways occur adjacent to a roadway, driveway aprons constructed of concrete shall be installed between the driveway and roadway edge. All curb cuts shall be consistent with Americans with Disabilities Act (ADA) requirements, and to manage surface water runoff and protect the roadway surface.
15. Where an accessible route is required pursuant to ADA, approaches and driveways shall meet accessibility requirements where they coincide with an accessible route.
16. The roadway authority may require alterations to a proposed configuration and design of an approach, including the number of drive aisles or lanes, surfacing, traffic-calming features, allowable turning movements, and other changes or mitigation, to ensure traffic safety and operations.
17. Where a new approach onto a state highway or a change of use adjacent to a state highway requires ADOT approval, the applicant is responsible for obtaining ADOT approval. The decision-making authority may approve a development conditionally, requiring the applicant to first obtain required ADOT permit(s) before commencing development, in which case the Borough will work cooperatively with the applicant and ADOT to avoid unnecessary delays.
18. Where an approach or driveway crosses a drainage ditch, culvert, or other feature that is under the jurisdiction of another agency, the applicant is responsible for obtaining all required approvals and permits from that agency prior to commencing development.
19. Where a proposed driveway crosses a culvert or drainage ditch, the decision-making authority, as part of the review procedure and in consultation with the Public Works Director, may require the developer to install a culvert extending under and beyond the edges of the driveway on both sides of it, pursuant to Petersburg Borough Standard Construction Specifications.
20. Except as otherwise required by the applicable roadway authority or waived by the Public Works Director, driveways providing access to a construction site or staging area shall be graveled to prevent tracking of mud onto adjacent paved streets. If tracking occurs, the developer or property owner shall be responsible for daily street cleaning.
21. Development that increases impervious surface area shall conform to the storm drainage and surface water management requirements of Section 3.6.050.

E. Approach Separation from Street Intersections. Except as provided by Subsection H, below, or the applicable roadway authority, the following minimum distances shall be maintained between approaches and street intersections, where distance is measured from the edge of an approach surface to the edge of the roadway at its ultimate designated width:

1. On an arterial street, 30 feet, except as otherwise required by ADOT for state highways (e.g. South Nordic Dr., Mitkof Hwy).
2. On a collector street: 30 feet (e.g. Haugen Dr, Main St., Sandy Beach Road).
3. On a local street: 20 feet (all other streets).

3.3 – Access and Circulation

3.3.030. E & F Approach Separation Illustration



G. Vision Clearance. No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) greater than three in height shall be placed in “vision clearance areas” at street intersections, as illustrated. The minimum vision clearance area may be modified by the decision-making authority, as part of the review procedure and in consultation with the Public Works Director, upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). Placement of light poles, utility poles, and tree trunks should be avoided within vision clearance areas.

3.3 – Access and Circulation

- I. **Joint Use Driveway Access Easement and Maintenance Agreement.** Where the borough approves a joint use driveway, the property owners shall record an easement with the deed, allowing joint use of the driveway and cross access between adjacent properties, and a joint maintenance agreement, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the borough for its records, but the borough is not responsible for maintaining the driveway or resolving any dispute between property owners.
- J. **Frontage Driveways and Street-Side Parking Bays.** The decision-making authority, as part of the review procedure and in consultation with the roadway authority, as applicable, may permit an open access with perpendicular or angled parking adjacent to a public street where an existing street does not contain parallel parking, and the proposed development does not warrant a street widening to provide parallel parking pursuant to Chapter 3.6, except in the downtown commercial (DC) and historic district overlay. The open access area shall conform to the borough's street construction standards for paving, storm drainage and surface water management, and the requirements of the roadway authority, if different from the borough's. The decision-making authority may also require, based on existing and projected pedestrian activity, that a sidewalk or a walkway be installed along the full frontage of the site pursuant to Subsections 3.3.040.B.3 and .4.

3.3 – Access and Circulation

to Chapter 4.6, shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface as approved by the Public Works Director, and not less than five feet wide. The decision-making authority may, as part of the review procedure and in consultation with the Public Works Director, also require six-foot wide, or wider, concrete sidewalks in other developments where pedestrian traffic warrants walkways wider than four feet.

- 6. Multi-Use Pathways.** Multi-use pathways, where approved, shall be 10 feet wide and consistent with the applicable Petersburg Borough Standard Construction Specifications.

3.4 - Screening, Fences, and Walls; Signs

3.4.030 Screening

A. Screening Requirements. Where screening is required for outdoor storage areas, or as required in other situations by the decision-making authority as part of the review procedure, it shall be provided pursuant to paragraphs 1-2, below:

1. **Outdoor Storage.** Within the RH, DC, GC, LI, and I districts, all areas of a site containing or proposed to contain outdoor storage of goods, materials, equipment, and vehicles (other than parking lots and service and delivery areas), and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential uses by a sight-obscuring fence, wall, landscape screen, or combination of screening methods. See also Section 3.4.040 for related fence and wall standards.
2. **Landscape Screening.** Evergreen plants shall be used where a sight-obscuring landscape screen is utilized.

B. Other Uses Requiring Screening. The decision-making authority, as part of the review procedure, may require screening in other situations as authorized by this Code, including, but not limited to, blank walls, Conditional Uses, Special Uses pursuant to Chapter 2.3, Overlay Zones pursuant to Chapter 2.4, and as mitigation where an applicant has requested a Variance pursuant to Chapter 4.4.

C. Maintenance. All screening shall be maintained in good condition, or otherwise replaced by the property owner.

3.4.040 Fences and Walls

A. Purpose. This Section provides general development standards for fences, and for walls that are not part of a building, such as screening walls and retaining walls.

B. Applicability. Section 3.4.040 applies to all fences, and to walls that are not part of a building, and including modifications to existing fences and walls. This Section supplements the development standards of Table 2.2.040.

C. Height.

1. **Residential Zones.** Fences and freestanding walls (i.e., exclusive of building walls) for residential uses shall not exceed the following heights above grade, where grade is measured from the base of the subject fence or wall:
 - a. Within Front or Street-Side Yard Setback: four feet; except the following additional height is allowed:
 - (1) A fence may be constructed to a maximum height of six feet where it is located on a street-side yard and is set back not less than three feet from the street-side property line.
 - (2) A fence may be constructed to a maximum height of six feet where the fence is of open chain

3.4 - Screening, Fences, and Walls; Signs

3.4.060 Standards

A. In general, signs should not be placed as to interfere with vehicle or pedestrian access or circulation. See, Sections 3.3.030 and 3.3.040.

B. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited in all districts, unless required by FAA regulations or other applicable agency requirements.

C. All signs proposed for placement in the historic district overlay must comply with the historic district overlay sign standards set forth in Section 3.2.050.

D. Signs in Residential districts.

1. Signs may not exceed three square feet, containing the name of the occupant and the name of the lawful home occupation;

2. Temporary signs, for example "For Sale, For Rent and For Lease signs" and political signs, not to exceed eight square feet in area, shall be permitted if located back of the setback or building line;

3. Signs of not more than twenty square feet shall be permitted for multiple-family dwellings, hotels, clubs, lodges, hospitals and public buildings, and similar uses, if mounted against the building or more than fifteen feet back of the front lot line;

4. Churches and charitable institutions may, for their own use, maintain a sign or bulletin board not exceeding twenty square feet in area, if located five or more feet back of the front lot line.

5. Governmental directional and regulatory signs installed by the borough or the applicable roadway authority shall not be subject to these regulations.

E. Signs in Non-Residential Districts.

1. Wall signs (including awning signs) shall be limited to no more than two main signs per wall face with the total area of the signs not to exceed fifty square feet. No one sign may exceed thirty-two square feet. In the Downtown Commercial (DC) District, signs may only be used to identify the business currently occupying the premises. The uppermost part of a facade mounted sign shall not project above the roof line where the sign is placed. Signs attached to architectural projections shall be treated as wall signs.

2. Marquee signs (signs placed above a walkway and under a weather-protecting awning, marquee, or parapet) are limited to one per entrance and must be securely fastened, safely constructed and shall not obstruct vision for the purpose of safe pedestrian and vehicular traffic. The bottom of the marquee sign must be at least eighty-eight inches above the sidewalk.

3. Freestanding signs (signs which are attached to or a part of a completely self-supporting structure) are permitted, provided there is no more than one sign per building. Freestanding signs south of the cemetery and north of 4-mile Mitkof Highway can be no larger than fifty square feet and the maximum

3.5 - Parking and Loading

Chapter 3.5 - Parking and Loading

Sections:

3.5.010 Purpose

3.5.020 Applicability and General Regulations

3.5.030 Automobile Parking

3.5.040 Bicycle Parking

3.5.050 Loading Areas

3.5.010 Purpose

Chapter 3.5 contains requirements for automobile and loading areas, and recommendations for bicycle parking. The Code is intended to be flexible in requiring adequate parking, rather than a minimum number of parking spaces, for each use. It provides standards for the location, size, and design of parking areas to ensure such areas can be accessed safely and efficiently. The Code also encourages non-motorized transportation by including recommended standards for bicycle parking for some uses.

3.5.020 Applicability and General Regulations

- A. Where the Regulations Apply.** The regulations of this Chapter apply to all parking areas in all zones, at all times, whether parking is required by this Code or put in for the convenience of property owners or users.
- B. Occupancy.** All required parking areas must be developed in accordance with the requirements of this Code prior to occupancy of any structure on the subject site. Where screening or other improvements are required as part of a parking area or loading zone, all such improvements must be installed and approved by the decision-making authority as part of the review procedure prior to occupancy.
- C. Calculations of Amounts of Required Parking.**
1. When computing parking spaces based on floor area, parking structures and non-leasable floor spaces, such as storage closets, mechanical equipment rooms, and similar spaces, are not counted.
 2. The number of parking spaces is computed based on the primary uses on the site except as stated in paragraph 3, below. When there are two or more separate primary uses on a site, the minimum parking for the site is the cumulative sum of the required parking for the individual primary uses. For shared parking, see Subsection 3.5.030.D below.
 3. When more than 20 percent of the floor area on a site is in an accessory use, the required parking is calculated separately for the accessory use. An example would be a 10,000 square foot building with a 7,000 square foot warehouse and a 3,000 square foot accessory retail area. The minimum parking would be computed separately for the retail and warehouse uses.
 4. Required parking spaces periodically used for the storage of equipment or goods may be counted

3.5 - Parking and Loading

3.5.030 Automobile Parking

A. Minimum Number of Off-Street Automobile Parking Spaces. Except as otherwise provided in this Section, by Special Use Standard or Overlay Zone under Chapters 2.3 and 2.4, or as required for Americans with Disabilities Act compliance under Subsection G below, off-street parking shall be provided pursuant to one of the following two standards:

1. The standards in Table 3.5.030.A; or
2. A standard from Table 3.5.030.A for a use that the decision-making authority determines is similar to the proposed use under Section 1.5.010:

Table 3.5.030.A – Automobile Parking Spaces by Use	
Use Categories (Chapter 5 contains examples of uses and definitions.)	Minimum Parking per Land Use (Fractions are rounded down to the closest whole number.)
Residential Categories	
Household Living	
Single-Family Dwelling	one space per dwelling
Duplex	two spaces per duplex (one space per dwelling unit)
Accessory Dwelling (second dwelling on a single-family lot)	two spaces total for primary dwelling and accessory dwelling or one space per dwelling unit
Multifamily	one space per dwelling unit
Group Living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing	0.5 space per four bedrooms

3.5 – Parking and Loading

Table 3.5.030.A – Automobile Parking Spaces by Use

Use Categories (Chapter 5 contains examples of uses and definitions.)	Minimum Parking per Land Use (Fractions are rounded down to the closest whole number.)
Institutional Categories	
Basic Utilities	Parking based on applicant's projected parking demand, subject to Borough approval
Community Service, including Government Offices and Services	Parking based on applicant's projected parking demand, subject to Borough approval, except as specifically required elsewhere in this table for individual uses (See public assembly, office, retail, housing, etc.)
Daycare	Child Daycare: 1 space, plus required parking for dwelling Child Care Center: 1 space per 400 sq. ft. of floor area
Medical Center or Hospital	one space per 300 sq. ft. floor area
Parks and Open Space	Parking based on projected parking demand for planned uses
Public Assembly	one space per 75 sq. ft. of public assembly area; or as required by Conditional Use Permit (Chapter 4.3)
Religious Institutions and Houses of Worship	one space per 75 sq. ft. of main assembly area; or as required by Conditional Use Permit (Chapter 4.3)
Schools	Pre-School through Middle-School: one space per classroom High Schools: seven spaces per classroom Colleges: one space per 400 sq. ft. of floor area exclusive of dormitories, plus one space per two dorm rooms
Other Categories	
Accessory Uses	Parking standards for accessory uses are the same as for primary uses, but are pro-rated based on the percentage of estimated overall parking demand, subject to Borough review and approval.
Agriculture	None, except as required for accessory uses
Radio Frequency Transmission Facilities	None, except as required by Conditional Use Permit (Chapter 4.3)
Transportation Facilities (operation, maintenance, preservation, and construction)	None, except for park-and-ride facilities; and where temporary parking is required for construction staging areas

3.5 – Parking and Loading

Table 3.5.030.E - Parking Area Minimum Dimensions*

PARKING ANGLE < °	CURB LENGTH	STALL DEPTH		AISLE WIDTH		BAY WIDTH		STRIPE LENGTH
		SINGLE D1	DOUBLE D2	ONE WAY A1	TWO WAY A2	ONE WAY B1	TWO WAY B2	
90°	8'-6"	18'	36'	23'	23'	59'	59'	18'
60°	10'	20'	40'	17'	18'	57'	58'	23'
45°	12'	18'-6"	37'	13'	18'	50'	55'	26'-6"
30°	17'	16'-6"	33'	12'	18'	45'	51'	32'-8"
0°	22'	8'-6"	17'	12'	18'	29'	35'	8'-6"

*See also, Chapter 3.2 Building Orientation and Design for parking location requirements for some types of development; Chapter 3.3 Access and Circulation for driveway standards; and Chapter 3.4 for requirements related to Screening, Fences, and Walls.

F. Adjustments to Parking Area Dimensions. The dimensions in Subsection E above are minimum standards. The decision-making authority, as part of the review procedure and in consultation with the Public Works Director, may adjust the dimensions based on evidence that a particular use will require more or less maneuvering area.

G. Americans with Disabilities Act (ADA). Parking shall be provided consistent with 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.

Table 3.5.030.G Minimum Number of Accessible Spaces

ADA Standards for Accessible Design

Total # of spaces provided in Lot	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3

3.5 – Parking and Loading

3.5.040 Bicycle Parking

- A. Standards.** Bicycle parking spaces are encouraged with new development and, where a change of use occurs. Where it is provided, the standards in Table 3.5.040.A are the recommended minimum for the stated uses. Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automobile-parking standard, pursuant to Subsection 3.5.030.B, the decision-making authority may mandate bicycle parking spaces in addition to those in Table 3.5.040.A.

Table 3.5.040.A Minimum Recommended Bicycle Parking Spaces	
Use	Minimum Number of Spaces
Multifamily Residential	2 bike spaces per 4 dwelling units
Commercial	2 bike spaces per primary use or 1 per 5 vehicle spaces, whichever is greater
Industrial	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater
Community Service	2 bike spaces
Parks (active recreation areas only)	4 bike spaces
Schools (all types)	2 bike spaces per classroom
Institutional Uses and Places of Worship	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater
Other Uses	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater

- B. Design.** Bicycle parking should consist of staple-design steel racks or other racks, lockers, or storage lids providing a safe and secure means of storing a bicycle.
- C. Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with the vision clearance standards of Section 3.3.030G.

3.6 – Public and Private Facility Improvements

Chapter 3.6 - Public and Private Facility Improvements

Sections:

- 3.6.005 Purpose and Applicability
- 3.6.010 Subdivision Access
- 3.6.020 Transportation Standards
- 3.6.025 Privately Maintained Access in a Right-of-Way
- 3.6.030 Public Use Areas
- 3.6.040 Sanitary Sewer and Water Service Improvements
- 3.6.050 Storm Drainage and Surface Water Management Facilities
- 3.6.060 Utilities
- 3.6.070 Easements
- 3.6.080 Separate Construction Plan Approval
- 3.6.090 Facility Installation
- 3.6.100 Performance Guarantee and Warranty

3.6.005 Purpose and Applicability

- A. Purpose.** The standards of Chapter 3.6 implement the public and private facility improvement policies of the Petersburg Borough Comprehensive Plan and other adopted Borough plans.
- B. Applicability.** Chapter 3.6 applies to all new development where public or private facility improvements are required. All public and private facility improvements within the Borough shall occur in accordance with the standards and procedures of this Chapter. The decision-making authority make grant a Variance from the requirements of Chapter 3.6, pursuant to Chapter 4.4 Variances and any other applicable criteria set out in this Chapter; however a Variance is not permitted to be made to allow a use which is prohibited, or otherwise not allowed, within a zoning district.
- C. Public Works Design Standards.** All facility improvements, including, but not limited to, electricity, sanitary sewer, water, transportation, surface water and storm drainage, and parks projects, whether required as a condition of development or provided voluntarily, shall conform to the Petersburg Borough Standard Construction Specifications. Where a conflict occurs between this Code and the Standard Construction Specifications Manual, the provisions of this Code shall govern.
- D. Public and Private Improvement Requirement.** No building permit may be issued until all required facility improvements are in place and approved by the Public Works Director, Utility Director, or otherwise bonded, in conformance with the provisions of this Code and the Petersburg Borough Standard Construction Specifications. Improvements required as a condition of development approval (i.e., when not being voluntarily provided by the applicant), shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

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3.6.020 Transportation Standards

A. General Requirements.

1. Except as provided by Subsections 4 and 5, below, existing substandard streets and planned streets within or abutting a proposed development shall be improved in accordance with the standards of Chapter 3.6 as a condition of development approval.
2. All street improvements, including the extension or widening of existing streets and public access ways, shall conform to this Section, and shall be constructed consistent with the Petersburg Borough Standard Construction Specifications.
3. All new streets shall be contained within a public right-of-way. Public access ways (e.g., pedestrian or bicycle ways trails, paths) may be contained within a right-of-way or a public access easement, subject to review and approval of the Public Works Director.
4. The decision-making authority may allow, by Variance under Chapter 4.4, modification, waiver or deferral of standard street improvements, including sidewalks, roadways, bicycle lanes, as applicable, where one or more of the following conditions in (a) through (d) is met. Where the decision-making authority agrees to defer a street improvement, it shall do so only where the future payment for development is guaranteed, by bond or agreement.
 - a. The standard improvement conflicts with an adopted capital improvement plan.
 - b. The standard improvement would create a safety hazard.
 - c. It is unlikely due to the developed condition of adjacent property that the subject improvement would be extended in the foreseeable future, and the improvement under consideration does not by itself significantly improve transportation operations or safety.
 - d. The improvement under consideration is part of an approved minor subdivision, lot line adjustment, or lot consolidation in a residential district and does not create any new street or require public dedication of a street, public way, or access.

B. Street Location, Alignment, Extension, and Grades.

1. All new streets, to the extent practicable, shall connect to the existing street network and allow for the continuation of an interconnected street network.
2. Specific street locations and alignments shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.
3. Grades of streets shall conform as closely as practicable to the original (pre-development) topography to minimize grading.
4. New streets and street extensions shall not exceed a grade of 10%. Where such grades are unavoidable, the decision-making authority may allow, as part of the review procedure and in consultation with the

3.6 – Public and Private Facility Improvements

Table 3.6.020.C Street, Sidewalk, and Bikeway Standards*

Street Type	Ave. Daily Trips (ADT)	Right-of-Way Width	Curb-to-Curb Paved Width	Within Curb-to-Curb Area				Curbs	Planting Strips	Side-walks
				Motor Vehicle Travel Lanes	Median or Center Turn Lane	Bike Lanes	On-Street Parking			
Arterials										
Avenues:										
2-Lane Avenue	3,000 to 10,000 ADT	59'-86'	32'-33'	10'-10.5'	none	2 at 6'	8' bays	6"	7'-12'	5'-12'
3-Lane Avenue		70.5'-97.5'	43.5'-44.5'	10'-10.5'	11.5'	2 at 6'	8' bays	6"	7'-12'	5'-12'
Collectors	1,500-5,000 ADT									
Residential:										
No Parking		49'-51'	22'	11'			None	6"	7'-8'	5'-12'
Parking One Side		50'-56'	25'-27'	9'-10'			7' lane	6"	7'-8'	5'-12'
Parking Both Sides		57'-63'	32'-34'	9'-10'			7' lanes	6"	7'-8'	5'-12'
Commercial Streets:										
Parallel One Side		55'-65'	28'	10'		5'-7'	8' lane	6"	7'-8'	6'-12'
Parallel Both Sides		63'-73'	36'	10'		5'-7'	8' lanes	6"	7'-8'	6'-12'
Diagonal Parking One Side		65'-74'	37'	10'		5'-7'	Varies	6"	7'-8'	6'-12'
Diagonal Parking Both Sides		81'-91'	54'	10'		5'-7'	Varies	6"	7'-8'	6'-12'
Local Streets	Less than 1,500 ADT									

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Code standards, as the decision-making authority deems applicable, and shall be designed to facilitate future extension in terms of grading, width, and temporary barricades.

- 4. Street Connectivity and Formation of Blocks.** In order to promote efficient vehicular and pedestrian circulation throughout the borough, subdivisions and site developments shall be served by an interconnected street network, pursuant to the standards in paragraphs (a) through (d) below. Distances are measured from the edge of street rights-of-way. Where a street connection cannot be made due to physical site constraints, approach spacing requirements, access management requirements, or similar restrictions, where practicable a pedestrian access way connection shall be provided pursuant to Chapter 3.3.

 - a. All Residential zones: Minimum of 200-foot block length and maximum of 600-foot block length; maximum 1,400-foot block perimeter;
 - b. Downtown Commercial (DC) zone: Minimum of 200-foot block length and maximum of 400-foot block length; maximum 1,200-foot block perimeter;
 - c. General Commercial (GC) zone and Light Industrial (LI) zone: Minimum of 100-foot block length and maximum of 600-foot block length; maximum 1,400-foot block perimeter; and
 - d. Not applicable to General Industrial (GI), Waterfront Industrial and Public Facilities zones.
- 5. Cul-de-Sac.** A cul-de-sac street shall only be used where the decision-making authority, as part of the review procedure, determines that environmental or topographical constraints, existing development patterns, or compliance with other applicable borough requirements preclude a street extension. Where a cul-de-sac is allowed, all of the following standards shall be met:

 - a. The cul-de-sac shall not exceed a length of 400 feet, except where the decision-making authority, using a Type II procedure pursuant to Section 4.1.030, determines that topographic or other physical constraints of the site require a longer cul-de-sac. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.
 - b. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Uniform Fire Code and the standards of Table 3.6.020.C.
 - c. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands. Such access ways shall conform to paragraph 2 above.
- 6. Future Street Plan.** Where a subdivision is proposed adjacent to other developable land, a future street plan shall be filed by the applicant in conjunction with the proposed subdivision in order to demonstrate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed subdivision and shall include other divisible parcels within 600 feet surrounding and adjacent to the proposed subdivision. The future street plan is not binding, but is intended to show potential street extensions with future development. The plan must demonstrate, pursuant to borough standards, that the proposed development does not preclude future street connections to adjacent developable land.

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- (7) The borough will record a copy of the agreement, at the grantees' expense, with the state recorder's office. The Agreement must identify each lot or parcel of land to be served by a privately maintained access road;
- (8) For access roads located within Service Area I, acknowledgement that in the event the borough proceeds with the future development of the right-of-way, the grantees shall remove from the right-of-way, at their own expense, any improvements, as deemed necessary by the borough, and that the grantees agree not to protest borough assessments for construction and/or installation of streets and roads, in addition to other assessments as may be required by the borough in the right-of-way;
- (9) The grantees are prohibited from subdividing their properties unless the privately maintained access is updated to include additional lots or parcels created during subdivision;
- (10) The grantees authorize the borough to amend this access agreement by adding a new owner; and
- (11) The grantees agree to maintain in full force and effect any insurance policy required by the borough until and unless the roadway is accepted for maintenance by the borough.

D. Standards.

- (1) Agency review. The Planning Official shall forward the request for a privately maintained access road to the fire department, utility department, and public works department.
- (2) Approval criteria. The decision-making authority, as part of the review procedure, may approve a subdivision or development, with or without conditions, with privately maintained access in a public right-of-way if all of the following criteria are met:
 - (a) The subdivision or development is located outside of Service Area I, or the subdivision or development is located within Service Area I and the proposed access would abut and provide access to 4 or fewer lots.
 - (b) The proposed privately maintained access road will be located in a public right-of-way that has not been accepted for public maintenance;
 - (c) The proposed privately maintained access does not endanger public safety or welfare;
 - (d) The proposed privately maintained access road will be improved to provide for emergency service access; and
 - (e) The abutting parcels have alternative and practical frontage on a publicly maintained right-of-way; or the property owners of all abutting parcels are signatories of the access agreement required by this Section.

E. Approval process.

- (1) All of the requirements of this Code and the conditions identified in the preliminary plat or other

3.6 – Public and Private Facility Improvements

3.6.040 Sanitary Sewer and Water Service Improvements.

A. Sewers and Water Mains Required. All new development is required to connect to borough water and sanitary sewer systems, as follows:

1. For developments with 1-4 lots, connection to the water and sanitary sewer is required if the systems are within 150 feet of the property line.
2. For developments with 5 -15 lots, connection to the water and sanitary sewer is required if the systems are within 600 feet of the property line.
3. For developments with 16 or more lots, connection to the water and sanitary sewer is required if the systems are within 1,500 feet of the property line.

Sanitary sewer and water system improvements shall be installed to serve each new development and to connect developments to existing mains in accordance with PMC 14.04 (water), 14.08 (sewer), 14.18 (extension to subdivision) and Petersburg Standard Construction Specifications. It is the responsibility of a property owner and/or developer to provide the municipal utility infrastructure from existing locations to the subdivision and to each lot within the subdivision. Where streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements and other utilities shall also be stubbed with the streets, except as may be waived by the decision-making authority, as part of the review procedure and in consultation with the Public Works Director and Utility Director, where alternate alignment(s) are provided.

B. Sewer and Water Plan Approval. Approval for sewer and water improvements shall not be issued until the Utility Director has approved all sanitary sewer and water plans in conformance with borough standards and codes.

C. Over-Sizing. The decision-making authority may require as a condition of development approval that sewer and water lines serving new development be sized to accommodate future development within the area as projected by the applicable facility master plans, and the borough may authorize other cost-recovery or cost-sharing methods.

D. Inadequate Facilities. Development may be restricted or rationed by the decision-making authority where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which, if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. The Utility Director may require water booster pumps, sanitary sewer lift stations, and other critical facilities be installed.

E. Private Domestic Wastewater Systems. If a proposed development is located at greater distances from the existing public sewer systems than specified in Subsection A above, a private system, of the type specified in (1) or (2) below, is required unless the developer chooses to connect to the public system.

1. Community and cluster wastewater systems. Community wastewater systems, which have shared collection, treatment, and disposal; and Cluster wastewater systems, which have individual on-site

3.6 – Public and Private Facility Improvements

3.6.050 Storm Drainage and Surface Water Management Facilities

- A. General Provisions.** The decision-making authority shall approve development only where adequate provisions for storm water runoff have been made and approved, in consultation with the Public Works Director.
- B. Accommodation of Upstream Drainage.** Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the Public Works Director.
- C. Effect on Downstream Drainage.** Where it is anticipated that the additional runoff resulting from the development will overload an existing drainage facility, the decision-making authority shall withhold approval of the development until provisions have been made for improvement of the potential condition.
- D. Over-Sizing.** The decision-making authority may require as a condition of development approval that storm drainage systems serving new development be sized to accommodate future development within the area.
- E. Existing Watercourse.** Where a proposed development is traversed by a watercourse or drainage way or channel, there shall be provided a minimum 10' wide storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, way or channel. A minimum 25' wide easement shall be provided if the stream is included in ADFG Anadromous Waters Catalog. The decision-making authority may, as part of the review procedure, require such further width as will be adequate for conveyance and maintenance to protect the public health and safety.
- F. Culverts.** The minimum size of culvert is 12" diameter and max length is 40' unless otherwise approved by the Public Works Director.
- G. Remote Subdivisions.** The decision-making authority, as part of the review procedure and in consultation with the Public Works Director, shall waive all storm water drainage requirements, except E, as applicable, where the development under consideration is within a Remote Subdivision (see definition of Remote Subdivision in Section 4.6.010).

3.6.060 Utilities

The following standards apply to new development where extension of electric power or communication lines is desired.

- A. General Provision.** The developer of a property is responsible for coordinating the development plan with the applicable utility service providers and paying for the extension and installation of utilities to the

3.6 – Public and Private Facility Improvements

3.6.070 Easements

- A. Provision.** The developer shall make arrangements with the borough and applicable utility service providers for each utility for the provision and dedication of utility easements necessary to provide full services to the development.
- B. Standard.** Utility easements shall conform to the requirements of the utility service provider. All other easements shall conform to the conditions of approval of the decision-making authority.
- C. Recordation.** All easements for electric, sewer, storm drainage and water quality facilities, natural water courses, water mains, electric lines, or other utilities shall be recorded and referenced on a survey, final plat or other borough-approved document, as applicable. See Chapter 4.2 Site Design Review, and Chapter 4.6, Subdivisions.

3.6 – Public and Private Facility Improvements

3.6.090 Facility Installation

- A. Conformance Required.** Improvements installed by the developer, either as a requirement of these regulations or at the developer's option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the borough.
- B. Adopted Installation Standards.** The Petersburg Borough has adopted Standard Construction Specifications for improvements and utility installations within the public right-of-way.
- C. Commencement.** Work in a public right-of-way shall not begin until all applicable agency permits have been approved and issued.
- D. Resumption.** If work is discontinued for more than six months, it shall not be resumed until the Public Works Director or Utility Director is notified in writing and grants approval of an extension.
- E. Borough Inspection.** Improvements shall be constructed under the inspection of the Public Works Director or Utility Director, as set out in the Borough Code. The Director may approve minor changes to the approved plans if unusual conditions arising during construction warrant such changes in the public interest, except that substantive changes to the approved plans shall be subject to review under Article 4. Any survey monuments that are disturbed by the developer or subdivider shall be replaced or reset prior to final inspection and acceptance of the improvements.
- F. Engineer's Certification and As-Built Plans.** A registered civil engineer shall provide written certification in a form required by the borough that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to the borough's acceptance of the public improvements, or any portion thereof. The developer's engineer shall also provide two sets of "as-built" plans or electronic data for permanent filing with the borough. If required by the borough, the developer or subdivider shall also provide a warranty bond pursuant to Section 3.6.100.

3.6 – Public and Private Facility Improvements

- H. Release of Performance Guarantee.** The performance guarantee shall be released upon the final approval of all the improvements covered by the agreement executed under Subsection D, above, and the posting of the Warranty Bond required under Subsection G, above.
- I. Enforcement.** All provisions of this Chapter are mandatory and may not be altered by a subdivision improvement agreement. The obligations contained in this Chapter shall be enforceable by methods of enforcement of ordinances, as well as all legal options available to the borough

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Article 4 – Application Review Procedures and Approval Criteria

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4.1 – General Review Procedures

Table 4.1.010 – Summary of Particular Approvals by Type of Review Procedure		
Approvals*	Review Procedures	Applicable Regulations
		required. See Section 4.1.020 and 4.2.020.
Child Care Group Homes and Centers	Conditional Use Permit required	Section 2.3.100
Comprehensive Plan Amendment	Type IV	
Conditional Use Permit	Type III	Chapter 4.3
Fences and Walls, over specified height	Type I	Section 3.4.040
Historic District Overlay design and development	Type I or III	Section 2.4.040
Legal Lot Determination	Type I	Chapter 1.3
Main Street District design and development	Type I or III	Section 2.4.050
Master Planned Development Concept Plan Detailed Plan Subsequent applications for same project	Type III Type II Type I	Chapter 4.7 Chapter 4.7
Non-Conforming Use or Development Expansion of	Conditional Use Permit or Variance required	Chapter 1.4
Non-Conforming Use or Development, Extension for Discontinued Use	Type III	Chapter 1.4
Minor Lot Consolidation	Type I	Chapter 4.6
Privately Maintained Access Roads, not as part of a subdivision plat	Type II	Section 3.6.025
Property Line Adjustments, including Lot Consolidations	Type I	Chapter 4.6
Similar Use Determination	Type I	Chapter 1.5
Special Use Standards Compliance	Type I, II or III	Chapter 2.3
Subdivision or Replat Minor Subdivision Remote Subdivision Preliminary Plat Modifications to Preliminary Plat Final Plat	Type III	Chapter 4.6
Vacation of Public Easements (Some easements may also require state approval.)	Type IV	Chapter 4.6

4.1 – General Review Procedures

4.1.020 Type I Procedure (Staff Review - Review without Public Notice or Hearing)

A. Type I Procedure (Staff Review). The borough Planning Official without public notice and without a public hearing, makes decisions through the Type I procedure. The procedure serves as a review that is intended to ensure a project proposal meets the basic and certain specific requirements of Articles 2 (Zoning) and 3 (Design Standards) and to determine whether further applications or approvals are required or more detailed plans are necessary before the borough authorizes the Building Official to issue a building permit. A building permit shall not be issued until the borough Planning Official has approved, at a minimum, a Type I application for a proposed project.

B. Application Requirements. Application Submittal requirements are set out in Chapter 4.2.

C. Effective Date. A Type I Decision is final on the date it is signed by the borough Planning Official. See also, Section 1.2.080, Type I procedure and Coordination of Building Permits.

D. Appeal of Type I decisions.

1. Except as set out in paragraph 3 below, a Type I Decision made by the borough Planning Official may be appealed to the Planning Commission by an applicant or owner of the subject property or any other party in interest. An appeal of a Type I decision is made and conducted under the same rules and procedures as appeals of Type II Decisions made by the borough Planning Official. See, Subsections 4.1.030.D.2-D.6.
2. A decision on appeal made by the Planning Commission from a Type I Decision may be further appealed to the Assembly, acting as the Board of Adjustment, by a person who was an appellant or participating appellee in the appeal before the Planning Commission. The appeal filing procedures of Subsections 4.1.040.E.2(b)-3 apply to such an appeal. The appeal shall be based upon the record created before the Planning Official, and as the record has been or may be supplemented in the manner provided for in Subsection 4.1.040.E.4. Such appeals before the Board of Adjustment shall follow the procedures for submittal of written arguments, hearing on appeal, burden of proof and standard of review as set forth in Subsections 4.1.040.E.5-6 and .F.
3. In the event that a Type I Decision indicates that other reviews and approvals are necessary prior to the proposed use or development (e.g. where a Decision indicates that a Conditional Use Permit is required for the use or development, or a further Type I procedure is necessary to determine whether a Special Use Standard is met), no final land use or development decision has been made, and no appeal can be filed.

4.1 – General Review Procedures

- c. The address and borough contact person for submitting written comments; and the date, time, and location the borough Planning Official or Planning Commission, as applicable, is scheduled to make a decision on the application;
 - d. The street address or other easily understandable reference to the location of the proposed use or development;
 - e. A statement that a copy of the application, and all documents and evidence relied upon by the borough Planning Official or Planning Commission, as applicable, to make its decision is available for public review. Copies of this evidence can be obtained at a reasonable cost from the borough; and
 - f. A statement that after the comment period closes, the borough will issue its decision and the notice of decision shall be mailed to the applicant, property owner (if different), those who provided written comments on the application, and those who requested a copy of the decision.
5. At the conclusion of the comment period, the borough Planning Official shall review the application and the comments received and prepare a decision approving, approving with conditions, or denying the application based on the applicable code criteria. Alternatively, if the application is referred to the Planning Commission, the borough Planning Official will transmit all written comments received, if any, along with a copy of the application to the Planning Commission for review and decision at its next regularly scheduled meeting. If referred to the Planning Commission, the Planning Official shall include a report and recommendation on the application.
6. Where the borough Planning Official refers a Type II application to the Planning Commission, the Planning Commission shall approve, approve with conditions, or deny the application through the Type II procedure based on the applicable Code criteria. The Planning Commission may continue its review to the next meeting to allow the applicant time to respond to questions. Alternatively, the Commission may decide to accept oral and written testimony in a public hearing on the application, pursuant to Section 4.1.040; in which case, a new public notice of the hearing shall be mailed to those who received the original notice under paragraph 2 above, providing notice of the public hearing.
7. Within thirty (30) days of the conclusion of the comment period, or from the date of the last public meeting of the Planning Commission at which the referred application was addressed, whichever is applicable, the borough shall issue a Notice of Decision and mail it to the applicant, property owner (if different), those who provided written comments on the application, and those who requested a copy of the Notice of Decision. The borough Planning Official shall cause an affidavit of mailing the Notice to be prepared and made a part of the file. The affidavit is conclusive evidence that the mailing was made. The affidavit shall show the date the notice was mailed and the names and addresses of those to whom it was mailed.
8. The Notice of Decision shall contain all of the following information:
- a. A description of the applicant's proposal and the borough's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval;

4.1 – General Review Procedures

copy of the appeal to the applicant.

3. Appellees. Permissible appellees to an appeal are limited to the following:

- a. The applicant or owner of the subject property;
- b. The borough Planning Official;
- c. Any person who was entitled to notice under Subsection B.2 above; and
- d. Any other person who participated in the proceeding by submitting written comments on the application to the borough by the specified deadline

In order to participate in an appeal hearing, a permissible appellee must submit a written argument to the Borough Clerk within the time provided for such submittal.

4. Scope of appeal. The appeal of a Type II Decision shall be based upon the record created before the Planning Official or, if referred, the Planning Commission, and as the record may be supplemented on appeal in the manner provided for in Subsection 4.1.040.E.4. The hearing on appeal shall be either before the Planning Commission, where the Decision being appealed was made by the borough Planning Official, or before the Board of Adjustment, where the Decision being appealed was made by the Planning Commission upon referral.

5. Appeal Procedure. Hearings and decisions on appeals of Type II Decisions shall follow the procedures for submittal of written arguments, hearing on appeal, burden of proof and standard of review, as set forth in Subsections 4.1.040.E.5-6 and F.

6. Further Appeal to the Board of Adjustment. A decision on appeal made by the Planning Commission from a Type II Decision made by the borough Planning Official may be further appealed to the Board of Adjustment by a person who was an appellant or participating appellee in the appeal before the Planning Commission. The appeal filing procedures of Subsections 4.1.040.E.2(b)-3 apply to such an appeal. The appeal shall be based upon the record created before the Planning Official, and as the record has been or may be supplemented in the manner provided for in Subsection 4.1.040.E.4. Hearings and decisions before the Board of Adjustment shall follow the procedures for submittal of written arguments, hearing on appeal, burden of proof and standard of review as in Subsections 4.1.040.E.5-6 and .F.

4.1 – General Review Procedures

- b. The date, time, and location of the scheduled hearing;
- c. The street address or other easily understandable reference to the location of the proposed use or development;
- d. A statement that a copy of the application, all documents and evidence submitted regarding the application, and the applicable criteria and standards, shall be available for review at the office of the borough Planning Official, and that copies shall be provided at a reasonable cost;
- e. A statement that a copy of the borough's staff report and recommendation to the Planning Commission shall be available for review at least 7 days before the hearing;
- f. A general explanation of the requirements to submit written comment and testimony, and the procedure for conducting the public hearings; and
- g. A statement that after the public hearing closes, the Planning Commission will issue its Decision.

C. Conduct of the Public Hearing and Decision.

- 1. At the commencement of the hearing, the chairperson of the Commission shall state to those in attendance the following information and instructions:
 - a. A brief description of the proposed use or development and the applicable approval criteria by Code Chapter that apply to the application;
 - b. That testimony and evidence shall address the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the application;
 - c. After the conclusion of the hearing, the commission shall deliberate and make a decision based on the facts and arguments in the public record; and
 - d. Any participant may ask the commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing; if the commission grants the request, it will schedule a date to continue the hearing as provided in paragraph 5 below, or leave the record open for additional written evidence or testimony as provided in paragraph 6 below.
- 2. [Reserved].
- 3. Presenting and receiving evidence.
 - a. The Planning Commission may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence;

4.1 – General Review Procedures

Borough Assembly, acting as the Board of Adjustment, as follows:

1. Who may appeal. The following people have legal standing to appeal:

- a. The applicant or owner of the subject property;
- b. Any person who was entitled to notice under Subsection B.I, above; and
- c. Any other person who participated in the proceedings before the Planning Commission, by submitting written or oral testimony, evidence or arguments before the close of the public record.

2. Appeal filing procedure.

- a. **Notice of appeal.** Any person with standing to appeal, as provided in paragraph 1, above, may appeal a Type III Decision by filing a Notice of Appeal according to the following procedures.
- b. **Time for filing.** A Notice of Appeal shall be filed with the Borough Clerk within twenty (20) days of the effective date of the Decision.
- c. **Content of notice of appeal.** The Notice of Appeal shall be filed with the Borough Clerk on a form prescribed by the borough, accompanied by the required filing fee and shall contain:
 - (i) An identification of the Decision being appealed, including the date of the Decision;
 - (ii) A statement demonstrating the person filing the Notice of Appeal has standing to appeal; and
 - (iii) A statement setting forth detailed and specific allegations of errors.
- d. **Notice to Applicant.** If the appellant is not the applicant, the Borough Clerk shall thereafter mail a copy of the appeal to the applicant.

3. Appellees. Permissible appellees to an appeal are limited to the following:

- a. The applicant or owner of the subject property;
- b. The borough Planning Official;
- c. Any person who was entitled to notice under Subsection B.I above; and
- d. Any other person who participated in the proceedings before the Planning Commission, by submitting written or oral testimony, evidence or arguments before the close of the public record.

In order to participate in an appeal hearing, a permissible appellee must submit a written argument to the Borough Clerk within the time provided for such submittal.

4. Scope of Appeal. The appeal of a Type III Decision shall be based upon the record created before the

4.1 – General Review Procedures

2. **Written Arguments.** The parties to the appeal shall submit written arguments in support of their positions, with appropriate references to the record on appeal, on a schedule to be adopted by the Board. The Board of Adjustment may set page limitations for such written submittals, and establish other requirements for the form of the written submittal. Arguments not made in writing may be deemed to have been waived or abandoned. The party filing the written argument is responsible for mailing a copy in full of the submission to all other parties to the appeal, and must submit with the written argument an affidavit of service demonstrating such mailing.
3. **Appeal Hearing.** The Board of Adjustment shall set a date for and hold a meeting to decide an appeal. At the option of the Board, oral argument may be heard from the parties to the appeal, under such time limitations and other procedures as established by the Board.
4. **Decision on appeal.** The Board of Adjustment may affirm, reverse, reverse and remand for further proceedings, or modify the decision of the Planning Commission, in whole or in part. A decision on the appeal shall be in writing, and include findings of fact and conclusions of law. A decision of the Board of Adjustment shall fully dispose of the matter on appeal, except that the matter may be remanded to the Planning Commission where the Board of Adjustment determines that 1) there is insufficient evidence in the record on an issue material to the decision, or 2) there has been a substantial procedural error which requires further proceedings. A decision remanding the matter shall provide any necessary direction to the Planning Commission.

- G. **Effective Date of Decision on Appeal, and Appeals to Superior Court.** A decision on appeal is effective on the date of mailing. An appeal of a Board of Adjustment decision under this Chapter shall be filed with the superior court, in accordance with the procedures set out in the court rules, within 30 days of the effective date of the decision.

4.1 – General Review Procedures

4.1.060 Time Periods; Consolidated Review; Borough Planning Official's Duties; No Stay Pending Appeal

- A. Time Periods.** In computing time periods prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.
- B. Consolidated Review of Applications.** When an applicant applies for more than one type of land use or development approval for the same one or more contiguous parcels of land, the proceedings shall be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.
- C. Borough Planning Official's Duties.** The borough Planning Official shall perform all of the following duties with regard to administration of this Code:
1. Prepare application forms based on the provisions of this Code and applicable state law;
 2. Prepare required notices and process applications for review and action;
 3. Assist the Planning Commission and Borough Assembly in administering the hearings process;
 4. Answer questions from the public regarding the borough's land use and development regulations;
 5. Prepare staff reports summarizing pending applications, including applicable decision criteria;
 6. Prepare findings consistent with borough decisions on land use and development applications;
 7. Prepare notices of final decisions, file the notices in the borough's records, and mail a copy of the notices to all parties entitled to notice under this Code; and
 8. Maintain and preserve the file and public record for each application.
- D. Mailings.** Any mailing required under this Article shall be addressed to the property owner at the mailing address as it appears on the current assessment roll of the borough.
- E. Stay Pending Appeal.** A decision being appealed under 4.1.020D, 4.1.030D, or 4.1.040E shall not be stayed pending appeal, but action by any person in reliance on the decision shall be at the risk that the decision, may be set aside, on appeal.

4.2 – Site Design Review

4.2.040 Application Submission Requirements

All of the following information is required for Site Design Review application submittal, except where the borough Planning Official determines that certain information is not pertinent.

A. General Submission Requirements

- I. **Submittal Information.** The borough Planning Official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:
 - a. The information requested on the application form;
 - b. Plans, photographs and exhibits required for the specific approval(s) being sought (For example, requirements for a Minor Variance are in Chapter 4.4);
 - c. A written statement or letter explaining how the use or development satisfies each and all of the relevant criteria and standards in sufficient detail;
 - d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and
 - e. The required fee.
2. **Public and Private Improvement Facilities and Services Review.** The Public Works Director and Utilities Director shall advise as to the scope of the review. The review is intended to ensure that all public or private improvement facilities and infrastructure have capacity for the intended use. The review shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; water system; and sewer system. For each system, the review shall propose improvements necessary to meet borough requirements.

B. Additional Information for Type III Procedures. In addition to the general submission requirements, an applicant shall provide the following information for a review under a Type III procedure, as deemed applicable by the borough Planning Official. The borough Planning Official may request any additional information that the Official determines is needed to adequately review the proposal.

- I. **Site map.** The site map shall contain all the following information:
 - a. The entire subject property and the surrounding property to a distance sufficient to determine the location of the use or development in the borough, and the relationship between the proposed site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified;
 - b. Topographic contour lines at two-foot intervals for slopes, as available, except where the planning borough official determines that larger intervals will be adequate for steeper slopes;

4.2 – Site Design Review

to adjacent properties, and any bicycle lanes or trails;

- i. Loading and service areas, including locations for waste disposal, loading, and delivery;
- j. Any proposed outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
- k. Location, type, and height of outdoor lighting or street light plan, if applicable; and
- l. Locations, sizes, and types of signs.

3. **Architectural drawings.** Architectural drawings shall include, as applicable:

- a. Elevations with dimensions, for all buildings and other structures;
- b. Materials, colors, and type, for all buildings and other structures; and
- c. Name and contact information of the architect or designer.

4. **Preliminary grading plan.** A preliminary grading plan prepared by a registered engineer or licensed contractor shall be required for development sites one-half acre or larger, or where otherwise required by the borough. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes, location of culverts, drainage ditches, contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water treatment plans may also be required, in accordance with Section 3.6.050.

5. **Landscape plan.** Where screening is required, it shall show the following, pursuant to Chapter 3.4:

- a. The location and height of existing and proposed fences, walls, buffering, or landscape screening materials.

6. **Deed restrictions.** Copies of all existing and proposed restrictions or covenants, including those for roadway access control and roadway maintenance.

7. **Narrative.** Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 4.2.050, as applicable.

8. **Other information** determined necessary by the borough Planning Official. The borough may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, impact to utilities, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this Code.

4.2 – Site Design Review

4.2.070 Approval Period, Extension, and Modifications

The proposed use or development shall not commence until the applicant has received all applicable land use and development approvals. Construction of public or private facility improvements shall not commence until the borough has approved all required improvement plans (e.g., utilities, streets, public land dedication, etc.). The borough may require bonding or other assurances for improvements, under the provisions of Section 3.6.100. Site Design Review approvals are subject to all of the following standards and limitations:

- A. Initial Approval Period.** Site Design Review approval, including an approval of a Conditional Use Permit or Variance, shall expire 18 months from the date of approval if the approved use has not commenced or a building permit obtained for the approved development, unless an extension has been granted under Subsection B below. An extension request must be submitted within the 18-month approval period. Once approval has expired, a new Site Design Review is required.
- B. Extension.** Upon written request by the applicant, the borough Planning Official, through a Type I procedure under Section 4.1.020, may grant one written extension of the initial approval period, not to exceed 12 months in length; provided that:
1. No changes are made on the original approved plan;
 2. Construction on the site is not in violation of the original approved plan;
 3. The applicant demonstrates that failure to obtain a building permit or to begin use was reasonably beyond the applicant's control, and can show intent of initiating and completing development or commencing use on the site within the extension period; and
 4. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the subject plan does not comply with those changes, then the extension shall not be granted; in such a case, a new Site Design Review is required.
- C. Minor Modifications to Site Design Review Approved Plans and Developments During Approval Period.** A request for a minor modification to an approved plan or development, including a Conditional Use Permit or Variance, submitted during the 18-month approval period, or an extension thereto approved under Subsection B above, is subject to the provisions of this Subsection. Any request for a modification which does not fall within the criteria of paragraph 1 below, or which is submitted after expiration of the initial approval period and an extension, will require a new Site Design Review process.
1. **Minor Modifications.** The Planning Official reviews Minor Modifications to Site Design Review approvals through a Type I procedure under Section 4.1.020. Any one of the following changes constitutes a Minor Modification:

4.3 – Conditional Use Permits

Chapter 4.3 - Conditional Use Permits

Sections:

- 4.3.010 Purpose
- 4.3.020 Approvals Process
- 4.3.030 Application Submission Requirements
- 4.3.040 Criteria, Standards, and Conditions of Approval
- 4.3.050 Revocation and Cancellation of Permit

4.3.010 Purpose

There are certain uses which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. Conditional uses are identified in Articles 1, 2 and 3. The purpose of this Chapter is to provide procedures and standards for permitting conditional uses.

4.3.020 Approvals Process

The Planning Commission, using a Type III procedure per Section 4.1.040, reviews conditional use applications. The Planning Commission may require periodic review and renewal of Conditional Use Permits, or may provide for the expiration of permits.

4.3.030 Application Submission Requirements

Applications for Conditional Use Permits shall comply with Section 4.2.040 Site Design Review Application Submission Requirements.

4.3.040 Criteria, Standards, and Conditions of Approval

The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, including requests to enlarge or alter a conditional use, based on findings of fact with respect to all of the criteria and standards in A. and B., below.

A. Use Criteria

1. The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval;

4.3 – Conditional Use Permits

areas, drainage areas, historic resources, cultural resources, and/or sensitive lands; and

13. Requiring improvements to electric, water, sanitary sewer, or storm drainage systems, in conformance with borough standards.

4.3.050 Revocation and Cancellation of Permit.

- A.** A Conditional Use Permit granted under this Chapter may be revoked and cancelled by the Planning Commission, or a condition of approval may be added or modified, in the event that the property's use violates any condition of approval of the permit, if the circumstances surrounding the granting of a Conditional Use Permit have substantially changed, or the property's use is detrimental to the public health, safety, or welfare or constitutes a public nuisance.
- B.** Before taking action on a permit, the Planning Commission shall hold a public hearing on the matter. The borough Planning Official shall mail notice of the hearing to the holder of the permit, no less than 21 days prior to the hearing. The notice shall also be posted on the borough website.
- C.** The permit holder may, at the hearing, present evidence and testimony, and the guidelines for the hearing shall established by the commission.
- D.** Within 30 days after the hearing, or any continuation of the hearing, has concluded, the Planning Commission may issue a Decision revoking and cancelling the permit. The revocation and cancellation of a Conditional Use Permit shall have the effect of denying all rights granted by the Conditional Use Permit. The Commission may, in lieu of revocation or cancellation, impose additional, or modify existing, conditions of approval of the permit, as the commission determines necessary or appropriate. The Commission's Decision, including its findings of fact, shall be made in writing, and mailed to the permit holder. The Decision is effective upon the date of mailing.
- E.** In the event of revocation and cancellation of a permit, the permit holder shall immediately discontinue the use of the property for which the permit had been granted. In the event of additional or modified conditions of approval, the permit holder shall immediately use the property in conformance with the additional or modified conditions.
- F.** A Decision revoking and cancelling a permit, or adding or modifying a permit's conditions of approval, may be appealed by the permit holder to the Borough Assembly, acting as the Board of Adjustment.. The procedures set out in Subsections 4.1.040.E.2(b) - (c), .4-.6, and 4.1.040.F-G apply to such an appeal, and the Planning Official shall be the appellee for purposes of the written arguments and the appeal hearing. In the event that the permit holder timely and properly appeals the Decision to the Board of Adjustment, such appeal stays enforcement proceedings until a final decision of the Board, unless the Planning Commission has determined, in its Decision, that there is an imminent peril to life or property.

4.4 - Variances

1. **Setbacks:** Up to a 10 percent reduction to a minimum setback.
2. **Lot Coverage:** Up to a 10 percent increase to the maximum lot coverage.
3. **Lot Dimensions:** Up to a 10 percent decrease to a minimum lot dimension.
4. **Lot Area:** Up to a 10 percent decrease in minimum lot area.
5. **Other Dimensional Standards:** Up to a 10 percent increase or decrease in a quantitative (numerical) standard not listed above. This is limited to standards in Article 2 (Table 2.2.040 and Chapter 2.3 Special Use Standards) and Article 3; it does not include Building Code requirements, Standard Construction Specifications, engineering design standards, public safety standards, or standards implementing state or federal requirements, as determined by the Planning Official.

B. Approval criteria. The Planning Official, through a Type II procedure, may approve a Minor Variance upon a finding that it meets all of the following criteria. The burden is on the applicant to demonstrate compliance with the criteria.

1. The Minor Variance allows for a building plan that is compatible with adjacent land uses, or it does not create a conflict with adjacent uses;
2. The Minor Variance is necessary to allow for normal interior building functions, such as mechanical equipment/utility closets, heating and ventilation systems, restrooms, stockrooms, shelving, and similar interior building functions;
3. Approval of the Minor Variance does not create (a) violation(s) of any other adopted ordinance or Code standard, and does not create the need for a Major Variance;
4. The application seeks approval for Variance(s) on only one lot or parcel.
5. Requests for more than one Minor Variance on the same lot or parcel shall be consolidated on one application and reviewed concurrently by the borough, however each requested Variance must separately meet the approval criteria;
6. Not more than three Minor Variances may be approved for one lot or parcel in a continuous 12-month period; and
7. All applicable Building Code requirements and Standard Construction Specifications shall be met.

4.4.040 Major Variances

A. Applicability. A Major Variance is a variance that does not otherwise meet the criteria under Section 4.4.030.

B. Approval Criteria. The Planning Commission, through a Type III procedure, may approve a Major

4.5 – Amendments to Zoning Map, this Code, or the Comprehensive Plan

Chapter 4.5 – Amendments to Zoning Map, this Code, or the Comprehensive Plan

Sections:

- 4.5.010 Purpose
- 4.5.020 Procedure
- 4.5.030 Criteria
- 4.5.040 Record of Amendments

4.5.010 Purpose

The purpose of this Chapter is to provide procedures for legislative amendments to this Code and the Zoning Map.

4.5.020 Procedure. The Borough Assembly, by ordinance, approves the following amendments under this Chapter. The Assembly may seek Planning Commission review and recommendation prior to adoption of an amendment.

- A.** Amendments to the Development Code are Legislative (Type IV) actions.
- B.** Amendments to the Zoning Map are Legislative (Type IV) actions.
- C.** Amendments to the Comprehensive Plan are Legislative (Type IV) actions.

4.5.030 Criteria

Amendments should be based upon the overall goals and strategies of the Comprehensive Plan or other borough adopted plan, and found to be in the best interests of the public with regard to community conditions and standards.

4.5.040 Record of Amendments

The borough Planning Official shall maintain a record of amendments to this Code, the Zoning Map, and the Comprehensive Plan in a format convenient for public use. In the case of a Zoning Map amendment, the relevant portion of the map shall be made part of the ordinance.

4.6 – Subdivisions and Property Line Adjustments

- a. The proposed subdivision is not located on Mitkof Island; or
 - b. If located on Mitkof Island, the proposed subdivision is solely accessed by either a navigable waterbody or a trail. The boundary of the proposed subdivision must be greater than one-half mile from a public right-of-way on Mitkof Island.
- 4. Property line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots.
 - 5. A lot consolidation is the replatting of two or more adjacent lots into one.
- B.** Carry out the borough's development pattern, as envisioned by the borough's comprehensive plan.
 - C.** Encourage efficient use of land resources and public services, and to provide transportation options.
 - D.** Promote the public health, safety, and general welfare through orderly and efficient development.
 - E.** Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards.

4.6.020 General Requirements

- A. Subdivision Approval.** Applications for subdivision approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following steps:
 - 1. The preliminary plat must be approved before the final plat can be submitted for approval consideration;
 - 2. The final plat must demonstrate compliance with all conditions of approval of the preliminary plat; and
 - 3. For minor subdivisions and remote subdivisions where there are no public facility improvements required and no conditions of approval to comply with, a final plat may be approved at the same time as the preliminary plat.

Note: Property line adjustments and lot consolidation requests are subject to Sections 4.6.120 and 4.6.130; they are not subject to Sections 4.6.020 through 4.6.110.

- B. Compliance With Alaska Statutes.** All subdivision proposals shall conform to applicable state statutes and regulations.
- C. Future Re-division Plan.** When subdividing tracts into large lots (defined for purposes of this Subsection as greater than three times or 300 percent the minimum lot size allowed by the underlying zoning or 3 acres, whichever is smaller), the lots shall be of such size, shape, and orientation as to facilitate future re-

4.6 – Subdivisions and Property Line Adjustments

B. Preliminary Plat Approval Period and Extensions.

1. Preliminary plat approval shall be effective for a period of two years from the date of approval; approval shall lapse if a final plat has not been submitted or other assurance provided, pursuant to Section 4.6.090, within the two-year period, unless an extension is granted under paragraph 2 below. The Planning Commission may approve phased subdivisions, pursuant to Subsection D below, with an overall time frame of more than two years between preliminary and final plat approvals.

2. The Planning Commission may, upon written request by the applicant and payment of the required fee, grant written extensions of the approval period not to exceed one year per extension, provided that all of the following criteria are met:

- a. The applicant has submitted written intent to file a final plat within the requested one-year extension period;
- b. An extension of time will not prevent the lawful development of abutting properties;
- c. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required;
- d. The extension request is made before expiration of the original approval period, or any extension period previously granted; and
- e. No more than two extensions shall be granted without a new public hearing.

C. Modifications. The applicant may request modification(s) to an approved preliminary plat or conditions of approval. Review of the modifications by the Planning Commission shall be conducted using a Type III procedure, pursuant to 4.1.040, and the scope of review is limited to only the modification request(s).

D. Phased Subdivision. The Planning Commission may approve plans for phasing a subdivision, and changes to approved phasing plans, provided the applicant's proposal meets all of the following criteria. (See also, Section 4.6.040 Pre-planning for Large Sites) The proposed phasing plan shall be reviewed in conjunction with the preliminary plat application, and Planning Commission approval is required for any subsequent modifications to phasing plans.

1. In no case shall the construction time period (i.e., for required public facility improvements, including utilities and streets) for the first subdivision phase be more than two years;
2. Public facility improvements shall be constructed in conjunction with or prior to each phase; and
3. The phased development shall not result in requiring the borough or a third party (e.g., owners of lots) to construct public facility improvements that are required as part of the approved development proposal.

4.6 – Subdivisions and Property Line Adjustments

4.6.050 Lot Size Averaging, Flag Lots, Infill Development, Emergency Vehicle Access and Maximum Drive Lane Length

- A. Lot Size Averaging.** To allow flexibility in subdivision design and to address physical constraints, such as topography, existing development, significant trees, and other natural and built features, the Planning Commission, under Section .080 of this Chapter, may grant a 10 percent modification to the lot area and/or lot dimension (width/depth) standards in Chapter 2.2, provided that the overall density of the subdivision does not exceed the allowable density of the district and the Planning Commission finds that all of the following are met:
1. Granting the modification is necessary to achieve planned housing densities, as allowed by the underlying zoning district, or to improve development compatibility with natural features or adjacent land uses;
 2. Where a proposed subdivision would abut an existing subdivision with standard-, or larger-, sized lots, defined here as lots which meet or exceed the requirements of the underlying zoning district, the perimeter of the proposed subdivision shall contain standard-, or larger-, sized lots; except that this provision does not apply where the existing lots are larger than 20,000 square feet; and
 3. The Planning Commission may require screening, buffering, or other transitions in site design where substandard lots are proposed to abut standard-, or larger-, sized lots.
- B. Flag Lots.** Flag lots may be created only when a through street cannot be extended to serve abutting uses or future development. A flag lot driveway ("flag pole") shall serve not more than four dwelling units, including accessory dwellings and dwellings on individual lots. The layout of flag lots, the placement of buildings on such lots, and the alignment of shared drives shall be designed so that future street connections can be made as adjacent properties develop, to the extent practicable, and in accordance with the transportation connectivity and block length standards of Subsection 3.6.020.D.
- C. Infill Development and Mid-Block Lanes.** Infill development is the development or division of vacant, bypassed lands located in an area that is mainly developed. Where consecutive flag lot developments or other infill development could have the effect of precluding local street extensions through a long block, the Planning Commission may require the improvement of a mid-block lanes through the block. For purposes of this Subsection, mid-block lanes are private drives serving more than two dwelling units with reciprocal access easements; such lanes are an alternative to requiring public right-of-way street improvements where physical site constraints preclude the development of a standard street. Mid-block lanes, at a minimum, shall be paved, have adequate storm drainage (surface retention, where feasible, is preferred), meet the construction standards for alleys, and conform to the standards of Subsections D through E, below.
- D. Emergency Vehicle Access.** A shared driveway serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots it serves. No fence, structure, or other obstacle shall be placed within the drive area. Where required, emergency vehicle apparatus lanes, including any required turn-around, shall conform to applicable Building and Fire Code requirements. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants (i.e., due to distance from hydrant or insufficient fire flow).

4.6 – Subdivisions and Property Line Adjustments

owners of the subject property and, as applicable, the name of the licensed engineer and/or surveyor, and the date of the survey;

- f. Identification of the drawing as a "preliminary plat"; and
- g. Supporting ownership information shall be in written form and shall accompany the preliminary plat. It shall include: a title report or certificate to plat that is prepared by a title company authorized to issue policies in the State of Alaska, or the Alaska Department of Natural Resources, or US Bureau of Land Management; the names of the owners of record; and all encumbrances affecting the parent parcel. It shall be executed no more than 30 days before submittal. Prior to the recording of the final plat, such title report or certificate to plat shall also be updated to a date not more than seven days prior to submission of the final plat to the Borough Clerk for signatures prior to recording.

2. Existing Conditions. Except where the Planning Official deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on existing conditions of the site:

- a. Access: Location, name, and present width of all streets, alleys, trails and rights-of-way on and abutting the site;
- b. Easements: Width, location and purpose of all existing easements of record on and abutting the site;
- c. Utilities: Location and identity of all utilities on and abutting the site. If electric service, water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest services.
- d. Contours: Topography shall be shown with contour intervals of: (1) two feet for any portion of the proposed subdivision within the floodplain of any watercourse; (2) five feet outside floodplain areas if the ground slope is less than or equal to ten percent; or (3) intervals of ten feet if the ground slope is greater than ten percent. Requirements (1) and (2) are waived when lot size exceeds 20 acres;
- e. Waters: The location of water bodies, drainage courses, streams, flood hazard areas, and identification of anadromous streams and lakes listed in the State of Alaska's Catalog of Waters Important for the Spawning, Rearing or Migration of Anadromous Fishes;
- f. North arrow and scale;
- g. Other information, as deemed necessary by the Planning Official for review of the application. The borough may require studies or exhibits prepared by qualified professionals to address specific site features and Code requirements.

3. Proposed Development. Except where the Planning Official deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on the

4.6 – Subdivisions and Property Line Adjustments

4.6.070 Preliminary Plat Approval Criteria

- A. Approval Criteria.** The Planning Commission may approve, approve with conditions, or deny a preliminary plat. The Planning Commission decision shall be based on findings of compliance with all of the following approval criteria:
1. The preliminary plat application shall conform to the requirements of Chapter 4.6;
 2. All proposed lots, blocks, and tracts, and proposed land uses, shall conform to the applicable provisions of Article 2, except as modified by the provisions of Chapter 4.6 (e.g., remote subdivisions, lot size averaging, and adequate utilities);
 3. Access to individual lots, and public or private improvements necessary to serve the development, including but not limited to electric, water, sewer, and streets, shall conform to Article 3;
 4. The proposed plat name, or substantially similar name, is not already recorded for another subdivision within the Petersburg Recording District, or the Juneau Recording District if to be recorded in that district;
 5. The proposed streets, utilities, and surface water drainage facilities conform to adopted Petersburg Borough Standard Construction Specifications, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public and private facility improvements and dedications;
 6. All proposed private common areas and improvements, including private drives, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;
 7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development;
 8. Evidence that improvements or conditions required by the borough, road authority, utilities, and/or other service providers, as applicable to the project, have been or can be met.
 9. The Planning Commission shall deny permission to subdivide land within flood hazard areas unless all Floodplain Management Overlay requirements of Section 2.4.030 of this Code (PMC Chapter 17.14) have been fulfilled.
- B. Conditions of Approval.** The Planning Commission may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations.

4.6 – Subdivisions and Property Line Adjustments

8. The final plat shall bear the executed certificates as required by Petersburg Borough Platting Standards.

4.6.100 Filing and Recording

A new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat is recorded for the subdivision containing the lot. The final plat filing and recording requirements are as follows:

- A. Filing Plat with district recorder's office.** Within one year of final plat approval by the Planning Commission, the applicant shall present the original plat for signature of borough officials as required. Failure to adhere to the time limits of this Section shall void the approval of the final plat.
- B. Recording.** When signed by borough officials, as required, the original plat shall be recorded with the appropriate district recorder within ten business days by the Borough Clerk. The Planning Official may authorize the surveyor who prepared the plat to record the plat. The cost of recording shall be borne by the subdivider.
- C. Proof of Recording.** Upon recording with the district recorder, the applicant shall submit to the borough a paper copy of the recorded final plat, if requested. This shall occur prior to the issuance of building permits for the newly created lots.
- D. Prerequisites to Recording the Plat.** No plat shall be recorded unless all required certificates and dedications have been executed and all ad valorem taxes, all special assessments, fees, or other charges which may by law be placed on the tax roll have been paid in full.

4.6.110 Re-platting and Vacation of Plats

A plat or portion thereof may be considered for re-plat or vacation upon receiving an application signed by all of the owners of the subject property. Except as required for a property line adjustment under Section 4.6.120, a minor lot consolidation under Section 4.6.130, or right-of-way and easement vacations under Section 4.6.140, the same procedure and standards that apply to the creation of a plat (preliminary plat followed by final plat) shall be used to re-plat or vacate a plat. A re-plat or vacation application may be denied if it abridges, destroys or otherwise interferes with any public right in any public uses, improvements, or streets, alleys or other access, or if it fails to meet any applicable borough standards.

4.6.120 Property Line Adjustments

A Property Line Adjustment is the modification of a lot boundary when no new lot is created. The borough Planning Official reviews applications for Property Line Adjustments pursuant to the Type I procedure, under Section 4.1.020. The application submission and approval process for Property Line Adjustments is as follows:

- A. Submission Requirements.** All applications for Property Line Adjustment shall be made on forms provided by the borough and shall include information required for a Type I review (see Section 4.1.020). The application shall include a preliminary lot line map drawn to scale identifying all existing and proposed

4.6 – Subdivisions and Property Line Adjustments

Section 4.6.110. The application submission and approval process for Minor Lot Consolidations is as follows:

- A. Submission Requirements.** All applications for Minor Lot Consolidations shall be made on forms provided by the borough and shall include information required for a Type I review (see Section 4.1.020). The application shall include a preliminary lot line map drawn to scale identifying all existing and proposed lot lines and dimensions, footprints and dimensions of existing structures (including accessory structures), location and dimensions of driveways and public and private streets within or abutting the subject lots, location of lands subject to the Petersburg Borough Floodplain Management Overlay, existing fences and walls, and any other information deemed necessary by the borough Planning Official for ensuring compliance with borough codes. If the Official finds that the map or description or drawing does not adequately identify the new lot, the Official may require the applicant to provide a plat prepared by a licensed professional land surveyor. The application shall be signed by all of the owners of the subject property..
- B. Approval Criteria.** The borough Planning Official shall approve or deny a request for a Minor Lot Consolidation in writing, based on all of the following criteria:
1. **Common Ownership.** All lots proposed for consolidation are under common ownership. Lots proposed for Minor Lot Consolidation must be contiguous whole lots within the same recorded subdivision.
 2. **Lot standards.** All lots and parcels conform to the applicable lot standards of the zoning district (Article 2) including lot area, dimensions, setbacks, coverage, and any applicable standards for Special Use (Chapter 2.3), and an accurate new legal description is provided. The lots are located in the same zoning district. As applicable, all lots and parcels conform to the Petersburg Borough Floodplain Management Overlay, or other applicable Overlay Zone; and the adjustment does not create a zoning or Building Code violation.
 3. **Access and Road authority Standards.** All lots and parcels conform to the standards or requirements of Chapter 3.3 Access and Circulation and all applicable road authority requirements are met. If a lot is nonconforming to any borough or road authority standard, it shall not be made less conforming by the Minor Lot Consolidation.
 4. **Taxes Paid.** All ad valorem taxes and all special assessments, fees, or other charges which may by law be placed on the tax roll have been paid.
- C. Recording Minor Lot Consolidations**
1. **Recording.** Upon the borough's approval of the proposed Minor Lot Consolidation, the applicant shall record a notice of the consolidation, in the form required by the borough and signed by all owners and the borough, with the applicable district recorder's office within 60 days of approval; if not recorded within the 60-day approval period, the approval expires and a new approval is necessary.
 2. **Time limit.** Upon recording, the applicant shall promptly submit a copy of the recorded notice to the borough, and prior to any application being filed for a building permit.

4.6 – Subdivisions and Property Line Adjustments

3. A Vacation is not effective unless a final plat or other document depicting the Vacation is approved by the borough and recorded in accordance with this Chapter within 18 months of the date of Assembly approval; if not recorded within the 18-month approval period, the approval expires and a new approval is necessary.

4. The Borough Clerk shall file the final plat or other approved vacation document with the applicable district recorder's Office, at the applicant's expense.

4.7 – Master Planned Developments

4.7.030 Review and Approvals Process

A. Review Steps. There are three required application steps to Master Planned Development approval, which may be completed individually or combined for concurrent review, prior to submittal for final plat approval or for a building permit, as applicable:

1. Application for master planned development concept plan approval;
2. Application for detailed development plan approval; and
3. Application for a preliminary subdivision plat and/or site design review approval.

B. Approval Process.

1. The Master Planned Development concept plan (Subsection A.1 above) shall be reviewed by the Planning Commission pursuant to the Type III procedure in Section 4.1.040, the submission requirements in Section .050, below, and the approval criteria in Section .060, below.
2. The detailed development plan (Subsection A.2 above) shall be reviewed using the Type III procedure in Section 4.1.040, to ensure substantial compliance with the approved concept plan.
3. Applications for preliminary subdivision and/or site design review for approved planned developments shall be reviewed using a Type II procedure in Section 4.1.030.
4. Steps 1-3, above, may be combined in any manner, so long as the decision-making sequence follows the order in A. above. Notification and hearings may be combined.

4.7.040 Modifications to Development Standards

The standards of Article 2 and Article 3 of this Development Code may be modified through the Master Plan Development process without the need for Variance under Chapter 4.4. In evaluating a modification, the decision-making authority shall consider whether the proposal, on balance, exceeds the borough's minimum requirements and provides greater community benefits than would otherwise occur under the base Development Code requirements. In evaluating community benefits, the decision-making authority shall apply the following criteria; the borough may deny an application for Master Planned Development approval that does not meet all of the following criteria:

A. Comprehensive Plan. The modification does not conflict with the Comprehensive Plan. A Master Planned Development may exceed the maximum residential density (minimum lot size) permitted by the underlying zone, provided that the overall density of the project (average of total dwelling units per acre) is not greater than 110 percent of the density permitted by the underlying zone.

B. Purpose and Intent of Development Code. The modification equally or better meets the purpose and

4.7 – Master Planned Developments

5. Maintenance plan for any common areas or lands not dedicated to and actively maintained by a public agency or owned in fee simple; and
6. Additional reports or studies prepared by qualified professionals, as required by the borough Planning Official, to determine potential project impacts and mitigation, if any, related to: transportation; public facilities; geologic or other hazards; architecture; noise, light, solar access, air quality, or similar concerns; and natural features.

B. Additional Information. In addition to the general information described in Subsection A, above, the development concept plan, data, and narrative shall include all of the following exhibits and information:

1. Site map, as defined in Section 4.2.040, Site Design Review Application Submission Requirements;
2. Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);
3. Grading concept (for hillside or sloping properties, or where extensive grading is anticipated);
4. Landscape concept (e.g., shows retention of existing vegetation and general planting areas);
5. Architectural concept (e.g., plans illustrate architectural styles, building heights, and general materials);
6. Sign concept (e.g., locations, general size, style, and materials of signs), as applicable; and
7. Copy of all existing covenants and restrictions, and a general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).

4.7.060 Concept Plan Approval Criteria

The decision-making body, in approving or approving with conditions a concept plan, shall make findings that all of the following criteria are met; an application must be denied in the event that not all of the criteria are met:

- A. Comprehensive Plan.** The proposal conforms to the Comprehensive Plan;
- B. Subdivision Chapter.** Except as may be modified under Section .040, above, all of the requirements for Subdivisions, under Chapter 4.6, are met;
- C. Article 2 and Article 3 Standards.** Except as may be modified under Section .040, above, all of the requirements of Article 2 and Article 3 are met;
- D. Open Space.** The plan shall contain a minimum of 20 percent open space, which may be public, private, or a combination of public and private open space. Such open space shall be integral to the master plan and connect to a majority of the proposed residential lots. Plans shall provide space for both active and passive recreational uses, and may include, but are not limited to, neighborhood parks, pathways/trails, natural

4.7 – Master Planned Developments

4.7.080 Detailed Development Plan Submission

Detailed development plan submittal requirements are determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan submittal shall meet the minimum requirements for final plat submission under Chapter 4.6 and shall contain information demonstrating compliance with the concept plan. The detailed development plan shall be reviewed using the Type III procedure in Section 4.1.040 to ensure substantial conformance to the approved concept plan. The detailed development plan may combine subdivision, site design review, and/or other applications for concurrent review and approval.

4.7.090 Detailed Development Plan Criteria

Approval of the detailed development plan shall be based upon a finding that it substantially conforms to the concept plan, including any concept plan conditions of approval. Minor changes to the approved concept plan may be approved with the detailed plan where the borough Planning Official finds that the modification is necessary to correct an error or to address changes in circumstances beyond the applicant's control that have occurred since the date of project approval.

4.7.100 Site Design Review, Final Plat, and Building Permit Approvals

A. Site Design Reviews. For projects requiring site design review, all such approvals must be final before the Borough issues building permits. See Chapter 4.2, Site Design Review.

B. Subdivisions. For projects requiring a subdivision, the preliminary subdivision plat(s) must be final before a final plat is approved and building permits issued. Final plat(s) must follow final plat procedures and standards, except as modified by the approved concept plan. See Chapter 4.6 Subdivisions.

ARTICLE 5 – DEFINITIONS

Chapter 5.1 — Definitions

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5.1 – Definitions

Access Control. Where the right of access between a property abutting the highway and the highway is controlled by a roadway authority, or eliminated by law pursuant to access or approach spacing standards.

Access Easement. An easement providing vehicle, bicycle, and/or pedestrian access from a public right-of-way to a lot or parcel across intervening property under separate ownership from the parcel being provided access.

Access, Alternative. The right to access a property by means other than the proposed approach or access point. It may include an existing public right-of-way, another location on the subject street or highway, an easement across adjoining property, a different street, a service road, a local road, or an alley, and may be in the form of a single or joint approach.

Access, Practical. Access that does not require excessive out-of-direction travel or pose a safety hazard.

Access Point or Connection. The area located within the public right-of-way providing for the movement of vehicles between a lot or parcel and a public roadway. It can also mean the place or means by which pedestrians or bicyclists have ingress and egress.

Access Way. A walkway providing a through connection for pedestrians between two streets, between two lots, or between a development and a public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walkway on public or private property (i.e., with a public access easement); it may also be designed to accommodate emergency vehicles. See also, Walkway.

Accessible. Two meanings are possible depending on the specific code provision. In general, accessible means approachable by pedestrians, vehicles, or other transportation modes, as applicable. Accessible may also mean approachable and useable by people with disabilities, in conformance with the federal Americans with Disabilities Act. Either or both definitions may apply in a particular situation.

Accessory Structure. A structure of secondary importance or function on a site. In general, the primary use of the site is not carried on in an accessory structure. Except for certain caretaker/watchmen dwellings under Section 2.3.200, accessory structures are detached from the primary structure. Examples of accessory structures include, but are not limited to, garages, decks, fences, membrane buildings, greenhouses, heat pumps, workshops, caretaker/watchman dwellings, warehouses, net houses, and other structures. See, Section 2.3.240. See also, Primary Structure.

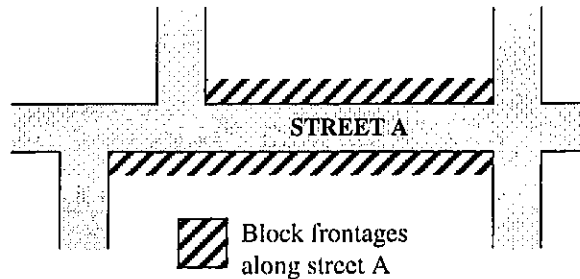
Accessory Use. A use or activity that is a subordinate part of a primary use and that is clearly incidental to a primary use on a site. Examples of accessory use include, but are not limited to, storage, home occupation, and other similar uses. A primary use must be established prior to accessory use. See also, Primary Use.

Adjacent. Abutting, or located directly across a right-of-way or easement.

Alter/Alteration. A change in use or occupancy, or physical change to a structure or site. Alteration does not include normal maintenance and repair. Alterations generally require land use approval, and property owners should check with the Petersburg Borough before preparing project plans or commencing development. Alterations include, but are not limited to, the following:

5.1 – Definitions

Block Frontage



Borough. The Petersburg Borough, Alaska.

Building. See applicable building code.

Building Footprint. The outline of a building, as measured around its foundation.

Building/Structure Height. The vertical distance from the grade plane to the average height of the highest roof structure. See, Chapter 2.2.070, Height Measurement and Exceptions.

Building Line. A line running parallel to a lot line that is the same distance from the lot line as the closest portion of a building on the site, typically used in reference to required setback yards.

Building Official. The person who enforces the adopted building, fire and other code ordinances and regulations for the Borough, and other ordinances and regulations as assigned. See also, Planning Official.

Build-to line. The line at which construction of a building facade is to occur on a lot, running parallel to the front property line without setback. The distance between the front property line and the building.

C

Capacity. Maximum holding or service ability, as used for transportation, utilities, parks, and other public facilities. See also, definition of “Occupancy” in applicable building codes.

Carport. A stationary structure consisting of a roof, its supports, and not more than one wall or storage cabinets substituting for a wall, used to shelter motor vehicles, recreational vehicles, or boats; does not include temporary shelters or canopies not affixed to a permanent foundation per applicable building codes.

Change of Use. Change in the primary type of use on a site.

5.1 – Definitions

Condominium. Ownership of a single unit in a multi-unit structure that may contain common areas and facilities; includes both residential and commercial condominiums.

Corner lot. See Lot, Corner lot.

Corner Radius. The radius of a street corner, as measured around the curb or edge of pavement, except as otherwise specified by applicable engineering design standards.

Cul-de-sac. A dead-end street intended for local traffic that terminates with a bulb or other turnaround suitable for use by appropriate vehicles, including emergency vehicles.

D

Days. Calendar days, unless specifically stated as working days. Working days include Monday through Friday, excluding federal, state, and local holidays.

Decision-making authority. The person or body designated in this Code to make a decision on an application.

Dedication. The designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private homeowners' association.

Density(ies). A measurement of the number of dwelling units in relationship to a specified amount of land based on the minimum lot size per dwelling unit required by the applicable zone.

Develop. To construct or alter a structure, or to make a physical change to the land, including excavations, clearing, and fills. See also, Alter/Alteration.

Development. All improvements on a site, including alterations to land and new or altered structures, parking and loading areas, landscaping, paved or graveled areas, or utilities, and areas devoted to exterior display, storage, or activities.

Discontinued Use. A use that physically left the land it was on, a use that discontinued or ceased, or a use terminated at the end of a lease or contract. See, Chapter 1.4, Non-Conforming Situations.

Discretionary. An action or decision that involves substantial judgment or discretion.

Drive-Through/Drive-Up Facility (Land Use). A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; menu boards; order boards or boxes; gas pump islands; car wash facilities; motor vehicle service facilities, such as air compressor, water, and windshield washing

5.1 – Definitions

- **Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed prior to June 15, 1976.
- **Multifamily Development.** A single lot or parcel containing a multifamily dwelling or grouping of multifamily dwellings.
- **Multifamily Dwelling.** A building on a single lot or parcel containing three or more dwelling units.
- **Residential Trailer.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed before January 1, 1962.
- **Senior Housing.** Housing designated and/or managed for persons over a specified age. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified.
- **Single-Family, Attached (Zero Lot Line Townhome).** A single-family dwelling unit with a private entrance, located on its own lot and that shares one or more common or abutting walls with one or more other single-family dwelling units on adjacent lot(s), generally arranged horizontally in a linear arrangement,.
- **Single-Family, Detached Dwelling.** A detached dwelling unit located on its own lot.
- **Tiny House Dwelling.** A Tiny House Dwelling is a dwelling unit on a permanent foundation that is 400 square feet or less in floor area excluding lofts. Tiny houses shall comply with adopted building, electrical, and plumbing codes except as otherwise stated in Section 2.3.160.

E

Easement. A grant of rights by a property owner that allows others to use the owner's land for a specific purpose, such as access, or to locate utilities. An easement of record is one recorded and on record at the district Recorder's Office.

Emergency Apparatus Lane or Fire Lane. Unobstructed area or driveway meeting adopted Fire Code requirements, typically not to be used for parking or loading area.

F

5.1 – Definitions

H

Hazardous Substances. Any substance, material, or waste listed below:

- Nuclear or radioactive materials or waste
- Chemicals subject to reporting under Title III of the Superfund Amendments and Reauthorization Act (SARA) , or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- Hazardous Materials Table, in the Code of Federal Regulations (CFR), Title 49, Part 172.101
- Other substances as determined by applicable state or federal agency

Home Occupation/Home Occupation Site (Land Use). A business activity that is carried out on the same site as a dwelling unit, and which is accessory to the residential use on the site, subject to the Special Use Standards of Chapter 2.3.

Hotel/Motel (Land Use). A building or group of buildings, containing 5 or more guest rooms designed and used for transient occupancy, with or without meals, for fewer than 30 consecutive days. Bed and Breakfast Inns are not considered hotels/motels.

I

Incidental and Subordinate to. Secondary to, and less apparent than, the primary use or other portion of the development.

Intersection. An at-grade connection of two or more streets, highways, alleys or other roadways.

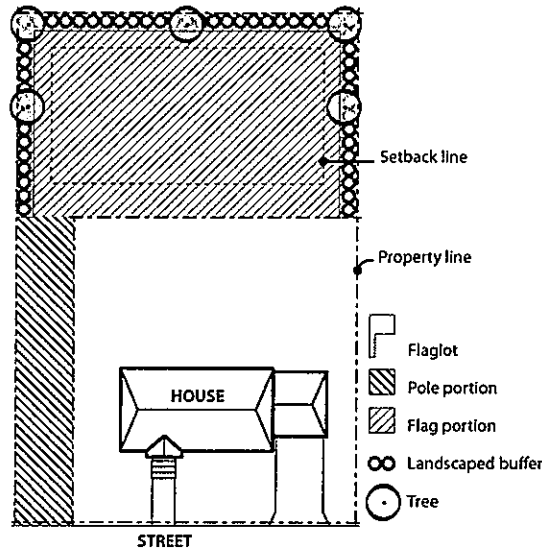
Industrial Service Uses (Land Use). Industrial Service facilities are engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products, and certain industrial-related activities. Examples include welding shops; machine shops; tool repair; engine repair; sales, repair, salvage, or wrecking of heavy machinery, metal, building materials, motor vehicles and vessels (does not include junk yards); towing and temporary vehicle and vessel storage; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing, or electrical contractors; printing, publishing, and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; industrial laundry, dry-cleaning, and carpet cleaning plants; photofinishing laboratories; and similar uses.

J

Junk Yard (Land Use). (1) Any property or establishment on which one or more persons are engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap or waste materials. (2) Any establishment or place of business on which two or more inoperable motor vehicles or an equivalent volume of waste or refuse are maintained, stored, bought, or sold. Includes wrecking yards, motor vehicle

5.1 – Definitions

any point is less than the minimum lot width for the zone.

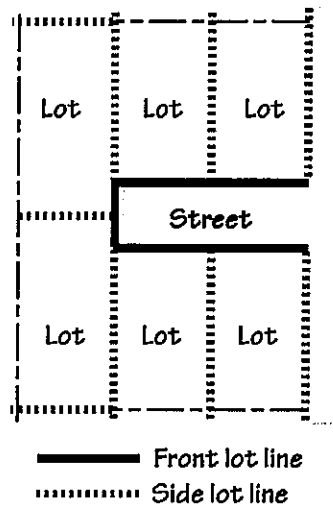


- **Interior Lot.** A lot with an attached single family dwelling (Zero Lot Line Townhome) that is surrounded on each side by other lots with street frontage on one side.
- **Through/Reverse Frontage Lot.** A lot that has frontage on two parallel or approximately parallel streets.

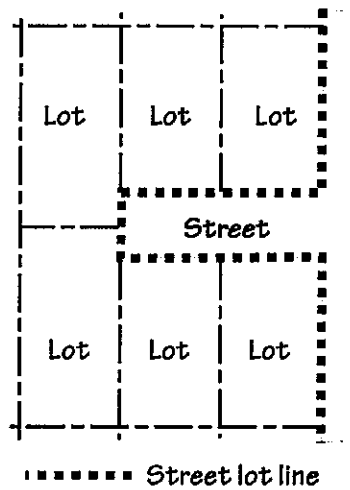
Lot Lines / Property Lines. The property lines along the edge of a lot or site. See figures, below.

- **Front Lot Line.** A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front lot line for the purpose of determining required setbacks. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length. See figures, below.
- **Rear Lot Line.** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line. See figures, below.
- **Side Lot Line.** A lot line that connects front and rear lot lines. On a corner lot, the longer lot line that abuts a street is a side lot line. See figures, below.
- **Side Street Lot Line.** A lot line that is both a side lot line and a street lot line. See figures, below.
- **Street Lot Line.** A lot line, or segment of a lot line, that abuts a street. Street lot line does not include lot lines that abut a dedicated alley. On a corner lot, there are two (or more) street lot lines. Street lot

5.1 – Definitions



Street Lot Lines



5.1 – Definitions

access parking or loading spaces.

Manufactured and Mobile Homes (Land Use). See, definitions under Dwelling.

Manufactured Home and Mobile Home Dwelling Park (Land Use). Any place where three or more manufactured home or mobile home dwellings are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space, or keep space for rent or lease, to any person for a charge or fee paid, or to be paid, for the rental or lease or use of facilities, or to offer space free in connection with securing the trade or patronage of such person. Manufactured home and mobile home dwelling park does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by one manufactured home or mobile home dwelling per lot.

Manufacturing and Production (Land Use). Manufacturing and Production is the manufacturing, processing, fabrication, packaging, or assembly of goods. Examples include processing of food and related products; breweries and distilleries when not accessory to a commercial use; seafood processing or canning; taxidermy; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; concrete batching and asphalt mixing; production or fabrication of metals or metal products, including enameling and galvanizing; manufacture or assembly of machinery, equipment, vehicles, appliances; sign making; production of prefabricated structures, including mobile homes; and the production of energy.

Market Garden (Land Use). An establishment where food or ornamental crops, excluding marijuana, are grown on the ground, on a rooftop or inside a building, to be sold or donated. See, Section 2.3.250.

Minor Subdivision. See, definition under Subdivision.

Mixed-Use. The combination of residential uses with commercial (e.g., office, retail, or services), civic, or light industrial uses on a site.

Multifamily Development and Structure. See, definitions under Dwelling.

N

Nonconforming Development. An element of a development, such as lot area, setback, height, lot coverage, landscaping, sidewalk, or parking area, or lack thereof, that was created in conformance with development regulations but which subsequently, due to a change in the zone or applicable Code standards, is no longer in conformance with the current development regulations. See, Chapter 1.4.

Nonconforming Lot. A Lot which was lawfully created but which, due to a change in the zone or applicable Code Standards, does not conform to the current regulations.

5.1 – Definitions

passenger loading or fire apparatus lanes.

Parking Lot Perimeter. The boundary of a parking lot area.

Parking Space. An improved space designed to provide parking area for a motor vehicle. See, Chapter 3.5 for parking space standards.

Parking Versus Storage. Parking is to leave a motor vehicle for a temporary time. (e.g. on an hourly basis, or for a single overnight) Storage is to place or leave in a location for storage, maintenance, repair, future sale, or rental, or future use for an indefinite period of time.

Party in interest. All owners of record of real property within 600 feet of the subject site, except in Rural Residential (RR) district or areas outside Service Area I, where within 1,000 feet; any person who submits a written request to receive a notice under this Code; and any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the borough and any other affected agencies, including borough departments.

Pathway. A walkway, bikeway, or access way conforming to borough standards and separated from the roadway, that may or may not be within a public right-of-way.

Person. Any natural person or business entity, singular or plural.

Planned Road or Street. A highway, road, street, or alley identified in an adopted plan, comprehensive plan or transportation system plan, but that has not been constructed.

Planning Official. The person who enforces the provisions of this land use and development code, except as otherwise assigned to the Building Official. See also, Building Official.

Planter Strip. A landscape area for street trees and other plantings within the public right-of-way, usually a continuous planter area between the street and a sidewalk.

Plat. Diagrams, drawings, and other writings containing all the descriptions, locations, dedications, provisions, and information concerning a land division. This term includes both final and preliminary plats, and the state law definitions of “abbreviated plat” and “subdivision plat.” See also, Chapter 4.6, Subdivisions.

Posted Speed. The statutory or other designated motor vehicle speed established,

Practicable. Capable of being done after taking into consideration reasonable cost, existing technology, and logistics in light of overall project purposes.

Primary Structure. A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and an accessory structure is determined by comparing the use, size, placement, design, appearance, and the orientation of the structures on a site. See also, Accessory Structure.

5.1 – Definitions

discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.

Recreational Vehicle (RV). A vehicle, with or without motive power that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes and is further defined by state law and/or administrative rules. It includes motor homes and travel trailers

Recreational Vehicle Park (Land Use). A commercial use providing space and facilities for 2 or more motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park, however, the borough may establish the maximum length of stay. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks.

Religious Institutions and Places of Worship (Land Use). Uses primarily providing meeting areas for religious activities; may include schools as an accessory use.

Remodeling, Major. Projects where the floor area or the developed area of the site increases by 25 percent or more.

Remote Subdivision. See, definition under Subdivision.

Residential Use (Land Use). Long-term (i.e., more than 29 days) occupancy of a dwelling unit, which may be owner-occupied or rented. Occupancy of a dwelling unit for shorter periods of time is considered an overnight accommodation.

Retail Sales and Service Uses (Land Use). Retail Sales and Service uses sell, lease, or rent new or used products, goods, or services. They include services such as barber/salon, accountant, restaurant, bar, repair service (non-industrial), and similar uses. See also, Vehicle Servicing.

Right-Of-Way. Real property or an interest in real property owned by a roadway or other authority for the purpose of constructing, operating, and maintaining public facilities.

Road, Privately Maintained. A privately maintained access road serving developments located outside Service Area 1, or 4 or fewer lots located within Service Area 1, constructed within a public right-of-way and to less than full public street construction standards pursuant to Chapter 3.6.025.

Roadway. The portion of a right-of-way that is improved for motor vehicle and bicycle travel, subject to applicable state motor vehicle licensing requirements. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.

Roadway Authority. The Petersburg Borough or other agency (e. g., Alaska Department of Transportation), with jurisdiction over a roadway.

Rock Pit/Sand Pit/Borrow Pit (Land Use). Operation of an open pit or excavation from which any quantity of sand, rock or stone is obtained by blasting or other means of excavation. This term shall also apply to

5.1 – Definitions

Department of Transportation. See also, Approach Spacing; Approach Spacing, Intersection.

Street. A right-of-way that is intended for motor vehicle, pedestrian, or bicycle travel or access to abutting property. For the purposes of this Code, street does not include alleys.

Street Connectivity. Expressed as the number of street and/or access way connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

Street-Facing/Oriented to Street. A wall plane of a structure that faces or is oriented within 45 degrees or less from a street lot line.

Street Stub. A temporary street ending where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Street Tree. A tree that is located within the public street right-of-way, or shown on an approved plan.

Structure. Except as provided by applicable building codes, any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, utility vaults, and other similar objects. Structure does not include paved areas or vegetative landscaping materials.

Subdivision. The division of land into two or more lots and/or tracts by the landowner or by the creation of public access, excluding common carrier and public utility access, for the purpose, whether immediate or future, of sale, lease, or building development or use. See also, Chapter 4.6, Subdivisions.

a. Subdivision. A subdivision in which a single parcel of land is divided into more than four smaller parcels.

b. Minor Subdivision. A subdivision in which a single parcel of land is divided into no more than four smaller parcels that meet the criteria set out in Subsection 4.6.010.A.2.

c. Remote Subdivision. A subdivision in which a single parcel is divided into smaller parcels and meets the criteria set out in Subsection 4.6.010.A.3.

T

Through Street. A street that connects to other streets at both ends or is planned to do so in the future, pursuant to a comprehensive plan, transportation plan, or land use approval.

Topographical Constraint. Where existing slopes, landforms (e.g., streams, canals, rock outcropping, etc.) or existing man-made features (e.g., embankment or berm) make conformance with a Code standard impracticable.

Tract. A piece of land within a platted subdivision which has been reserved for future subdivision, or for open

5.1 – Definitions

motor vehicles such as motorcycles, boats and recreational vehicles, Gas stations, unattended card key stations, car washes, and similar uses.

Vision Clearance Area. Areas near intersections of roadways and motor vehicle access points where a clear field of vision is required for traffic safety and to maintain adequate sight distance. See, Section 3.3.030.G. See also, Sight Distance.

W

Walkway. A sidewalk or path, including any access way, improved to borough standards, or to other roadway authority standards, as applicable. See also, Access Way; Pathway; and Sidewalk.

Warehouse, Freight Movement and Distribution (Land Use). The storage or movement of goods, except as accessory to a primary permitted use on the subject site.

Warehouse, Private. A warehouse maintained and used strictly for the personal storage (including storage of commercial fishing gear) or use by the owner/lessee of the property on which it is located. Where allowed in Residential Zoning Districts, a private warehouse is an accessory structure to a primary residential dwelling, however only after construction of the primary residential dwelling is complete.

Waste/Trash Collection Areas. Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

Waste-Related Use (Land Use). Waste-related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location; uses that collect sanitary wastes; or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-related uses also include uses that receive, store, sort, and distribute post-consumer recyclable materials; and those that receive hazardous wastes from others and are subject to hazardous waste management regulation.

Wireless Communication Equipment (Land Use). Cellular towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.

X [reserved]

Y

Yard. The area defined by setbacks (i.e., between the setback line and nearest property line).