

Development Code Amendments

Amen dment #	Page # in this packet	Amendment Summary	Proposed By	Staff Recommendation	Article- Page #	Date Submitted	Assembly Action
1	1	Require a "Building Notification Form" be submitted for construction outside SA 1	Finance Director	YES	1-4	12/5/2018	
2	4	Delete reference to "stories" in regard to max building height	Staff (public question)	YES	2-18	10/3/2018	
3	7	Limit encroachment into setback to within 5' of property line	Staff	YES	2-21	10/3/2018	
4	9	Delete size limit of caretaker dwelling	J. Whitethorn	NO	2-41	10/15/2018	
5	11	Clarify caretaker dwelling per parcel or business entity	T. Bensen	YES	2-42	11/26/2018	
6	13	Adjust maximum size of accessory structures so size limit increases as lot size increases.	Planning Commission	YES	2-44	10/3/2018	
7	15	Establish minimum standards for use of container vans in residential districts.	D. Ellis	YES	2-44	10/27/2018	
8	17	Delete limit on commercial sales in market gardens in non residential districts	Farragut Farms	YES	2-45	9/19/2018	
9	19	Allow up to 10,000 sf market gardens in all residential districts.	Farragut Farms; Mary Koppes	NO	2-45	11/5/2018	
10	22	Clarify food production is allowed as a home occupation	Staff	YES	2-29	11/5/2018	
11	24	Allow net sheds as a primary use in historic district overlay	Staff	YES	2-47	10/14/2018	
12	26	Allow max 6' fence in all districts	J. Whitethorn		3-23	10/15/2018	
		Allow max 6' solid fence in all residential districts and 8' solid fence in non-residential districts as long as minimum vision clearance standard is maintained along street corners and driveways.					
13	32	Clarify street standards and required improvements for Subdivisions	Staff		3-23	10/29/2018	
14	38		Staff	Yes	3-39		
15	40	Amend maximum distance for cul-de-sac from 400' to 600'	B. Lynn		3-43	10/26/2018	
16	42	Delete requirement to arrange for year-round maintenance on privately maintained roads	B. Lynn		3-46	10/26/2018	
17	44	Delete option to require insurance policy for privately maintained roads	B. Lynn		3-46/47	10/26/2018	
18	46	Delete 4.1.050 and replace with new version to clarify public hearing requirement	Staff	YES	4-18	10/3/2018	
19	50	Definition of "Automotive, boat services, Major".	Planning Commission		5-X	12/11/2018	
20	52	If Amendment 18 or similar is not adopted, then consider Amendment 19 to delete "Major"			2-29	12/11/2018	
NA	53	Extend 1 year limit on building permits	J. Whitethorn		N/A	10/15/2018	
NA		Establish standards for Timeshares	J. Whitethorn		N/A	10/15/2018	

# Amendment #1

Section 1.2.040 B Compliance and General Scope

Section 1.2.080 D Notification Outside of Service Area 1

Pages 1-4 and 1-7

<b>Amendment Summary</b>	Require a building notification form be submitted for construction projects outside of Service Area 1. Specify there will be no charge for handling of this form.	<b>Staff Recommendation</b> APPROVE
<b>Finance Director Comment</b>	<p>The Borough is not doing ourselves any favors by not requiring notification of new structures outside service area 1. Inside service area 1 it is mandatory to file a building permit, this is how our assessors are notified of any new construction or renovations.</p> <p>The only way our contract assessor knows about a new improvement is by physically inspecting all parcels outside service area 1 each year, which is not reasonable.</p>	
<b>Staff Comments</b>	The Finance Department has a building notification form but there is no requirement for it to be filed.	

**G. Efficient Administration of Code Requirements**, consistent with the needs of the Petersburg Borough, a small municipality with limited administrative capacity.

#### **1.2.030 Authority**

This title is adopted pursuant to authority granted generally by the Alaska Constitution, the Alaska Statutes (A.S.), and the Municipal Charter, and specifically by:

- A. Alaska Constitution, Article X, Sect. 11 (Home rule powers);
- B. Municipal Charter, section 7.01 (Establishes a planning commission);
- C. Municipal Charter, section 7.03 (Requires ordinances for subdivision procedures); and
- D. AS 29.35.180(b) (Requires a home rule borough to provide for planning, platting, and land use regulation).

#### **1.2.040 Compliance and General Scope**

- A. Compliance with the subdivision requirements of the Development Code.** Subdivision policies and procedures of this Code apply throughout the Petersburg Borough outside of the City of Kupreanof. The Petersburg Borough Planning Commission serves as the Platting Authority for all lands within the Petersburg Borough, except within the City of Kupreanof. A subdivision, property line adjustment, re-plat, vacation or lot consolidation may not be filed and recorded except as permitted by this Code.
- B. Compliance with the zoning and development regulations of the Development Code by Service Area.** Within Service Area I, no structure or lot shall hereinafter be used, developed, or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or otherwise altered, except as permitted by this Code. Areas outside of Service Area I are not required to comply with Building Code requirements of Title 17 of the Petersburg Municipal Code or zoning regulations as set out in Article 2 of this Code. Notification of any structure or part thereof erected, moved, reconstructed, extended, enlarged, or otherwise altered outside of Service Area I shall be submitted to Borough Finance Director no later than 6 months following construction. No fee shall be assessed by the borough for reviewing or processing a building notification form.
- C. Obligation by Successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the subdivision, development or the use of land, and to those persons' successors in interest.
- D. Transfer of Development Standards Prohibited.** Except as otherwise specifically authorized by this Code, no lot area, yard, or open space that is used to satisfy a requirement of this Code for one use shall be used to satisfy the same requirement for another use.

#### **1.2.050 Rules of Code Construction**

The following rules shall apply for construing or interpreting the terms and provisions of this Code.

- A. Provisions of this Code Declared to be Minimum Requirements.** The provisions of this Code, in their interpretation and application, are minimum requirements, adopted for the protection of the public health, safety, and general welfare.



- D. Interpreting the Zoning Map.** Except as otherwise specified by this Code, the borough's zoning boundaries are as designated on the Official Zoning Map, which is kept on file at the Borough Clerk's Office. 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, and Notifications**

- 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.
- D. Notification Outside of Service Area I. Notification of any structure or part thereof erected, moved, reconstructed, extended, enlarged, or otherwise altered outside of Service Area I shall be submitted to Borough Finance Director no later than 6 months following construction. No fee shall be assessed by the borough for reviewing or processing a building notification form.**

#### **1.2.090      Official Action**

# Amendment #2

Table 2.2.040 D Lot and Development Standards for Residential zones

Table 2.2.040 E Lot and Development Standards for Non-Residential Districts

Pages 2-18 & 2-19

<b>Amendment Summary</b>	Delete references to “stories” in building height limits	<b>Staff Recommendation</b> APPROVE
<b>Public Comment</b>	Is the maximum building height 35’ or is it 3 stories?	
<b>Staff Comments</b>	Maximum building height set in feet achieves the goal of ensuring buildings are within capability of normal firefighting equipment.  Including the “stories” adds confusion.	

Single-family, attached			24'	24'
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)
Minimum Lot Width at Building Line				
Multi-Family	Use not permitted	Use not permitted	Use not permitted	30'
Minimum Setbacks				
Front Yard	25'	20'	20'	20'
Rear Yard	25'	20'	10'	20'
Yard on tidelands	0'	0'	0'	0'
Side Yard	20'	10'	5'	10'
Maximum Lot Coverage				
All Lots	25%	35%	40%	75%
Maximum Building Height (See 2.2.080)				
All Lots, unless otherwise specified below	30 ft. <del>or 2.5 stories</del>	30' <del>or 3 stories</del>	30' <del>or 3 stories</del>	35' <del>or 3 stories</del> 30' <del>or 3 stories</del> for 1-2 dwelling/lot
Single-family, attached		30' <del>or 2 stories</del>	30' <del>or 2 stories</del>	30'
Fence Height and Non-Building Walls				
Max. Height. – Front Yard	4 ft			
Max. Height. – Interior Side	6 ft			
Max. Height – Rear Yard	6 ft			
Max. Height – Street-Side; or Reverse Frontage Lot (rear)	4 ft.; with 3 ft setback from property line: 6 ft.			
(See Section 3.4.040)				
Garages				
See Section 2.3.240				
Non-Residential Uses				
	Same as Single-family, detached for underlying district.			



**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.				
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)

# Amendment #3

## Section 2.2.050 A. Encroachments

Pages 2-21

<b>Amendment Summary</b>	Increase the minimum distance for any structure or building element from the property line from 36" to 60"	<b>Staff Recommendation</b> APPROVE
<b>Staff Comments</b>	<p>This ensures a minimum 10' separation between dwellings to allow for adequate fire protection and provide clear access for fire personnel, equipment, ladders etc. around and between dwellings.</p> <p>Over the last couple of years, the Planning Commission has applied a minimum distance of 5' from property line for all building elements for fire and safety reasons. This amendment would make future development under the proposed code consistent with commission actions.</p>	



## **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 ~~36-60~~ 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 ~~36-60~~ 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 for all building elements 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.

# Amendment #4

Section 2.3.200

Pages 2-41

Amendment Summary	Delete maximum size of caretaker dwelling	Staff Recommendation Do Not Approve
Public Comments	<p>The 750 sf is too small for a couple. If a size limit must be set, then consider 1,200 sf, which is a good size for two people.</p> <p>Eliminating the size limit will generate more tax revenue.</p>	
Planning Commission	<p>The Planning Commission considered similar amendments during its review of the proposed code:</p> <ul style="list-style-type: none"> <li>• An amendment to increase the size limit from 600 sf to 750 sf was approved.</li> <li>• An amendment to increase the size limit of a caretaker dwelling to 1,200 sf failed.</li> <li>• An amendment to allow residences in industrial districts failed.</li> </ul>	
Staff Comments	<p>This amendment speaks to the larger issue of how to best utilize industrial property. The underlying policy decision is to what extent to allow new residential development within the Industrial District.</p> <p>Currently, there is no maximum size on a caretaker dwelling and it is considered a primary use. A property owner may build a dwelling any size regardless of whether there is an industrial use or activity that needs "caretaking". The end result is a de facto rezoning of land from industrial use to residential use and shrinking the industrial land base available to support new or growing businesses.</p> <p>Once a residential use is established, it is unlikely it will revert to an industrial use. The sunken costs in the residential development...i.e. buying an industrial lot with a house is expensive when what you want is a warehouse or shop.</p> <p>Non-industrial uses, especially residential, can be accommodated in all residential and commercial districts. Industrial land is the only district for 24-hr noisy operations that support our local economy.</p> <p>Businesses seeking industrial, in particular out of town businesses, do not want to locate near residential uses, even if it is industrial land. As a result, there are very few properties available for these uses, especially if they require a waterfront location.</p> <p>The borough continues to invest in harbor infrastructure, particularly in facilitating movement and storage of gear, we should also align land use policies to support the investment and ensure we have industrial land for industrial purposes.</p>	

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

**1. One Unit.** A maximum of one Caretaker Dwelling unit is allowed per parcel or business entity.

**2. Accessory Use.** The use must be accessory to an established industrial use.

**3. Floor Area.** A Caretaker Dwelling unit may be a detached cottage, a unit attached to an existing structure, or in a portion of an existing industrial structure. ~~A Caretaker Dwelling shall not exceed 750 square feet of floor area.~~

**4. Utilities.** Water and Sanitary Sewer facilities shall be provided, pursuant to Chapter 3.6.

**[2.3.210      *RESERVED - Parks and Open Spaces*]**

**2.3.220      Temporary Dwelling during Construction**

**A. Purpose.** This Section provides standards for Temporary Dwellings used during construction, including recreational vehicles.

**B. Standards.** When allowed in the zone applicable to a site, the temporary placement and occupancy of a recreational vehicle as a dwelling during construction of a permanent dwelling, shall be conform to all of the following standards:

**1. Building Permit.** A building permit for the permanent dwelling shall have been issued before the approval of a temporary dwelling and the placement of the temporary dwelling on the site.

**2. Time Limit.** A temporary dwelling shall be allowed for a maximum of two years from the date of approval unless an extension is obtained. An extension beyond the second year shall require approval of the Planning Commission under a Type III review. The criteria for an extension shall be in accordance with those required for an extension of Site Design Review approval, as set out in Subsection 4.2.070.B.

**3. Status of Building Permit, Removal of Temporary Dwelling Required.** The building permit for the permanent dwelling shall be maintained in a current status. In the event that the permit expires, or is suspended or revoked for any reason, a temporary dwelling shall be removed from the parcel within thirty (30) days, and no recreational vehicle shall be occupied or connected to any utilities.

**4. Deed or Subdivision Restrictions.** The temporary dwelling shall not violate any valid existing deed or subdivision restrictions.

**5. Utilities.** The temporary dwelling shall be connected to water supply and sewage disposal facilities approved by the Building Official and Public Works Director. In no event shall permanent connections to such facilities be provided.

**2.3.230      Vacation Rentals**



# Amendment #5

Section 2.3.200

Pages 2-41

<b>Amendment Summary</b>	Clarify the number of caretaker dwellings allowed per lot and per business.	<b>Staff Recommendation</b> APPROVE
<b>Public Comments</b>	Language could be interpreted two different ways and should be clarified.	
<b>Attorney Comment</b>	I agree that we could make that more clear.	
<b>Staff Comments</b>		

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

**1. One Unit.** A maximum of one Caretaker Dwelling unit is allowed per ~~parcel or business entity~~ lot. If a business is operating on multiple adjacent lots, only one Caretaker Dwelling unit is allowed for that business, regardless of the number of lots.

**2. Accessory Use.** The use must be accessory to an established industrial use.

**3. Floor Area.** A Caretaker Dwelling unit may be a detached cottage, a unit attached to an existing structure, or in a portion of an existing industrial structure. A Caretaker Dwelling shall not exceed 750 square feet of floor area.

**4. Utilities.** Water and Sanitary Sewer facilities shall be provided, pursuant to Chapter 3.6.

**[2.3.210      *RESERVED - Parks and Open Spaces*]**

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**2. Time Limit.** A temporary dwelling shall be allowed for a maximum of two years from the date of approval unless an extension is obtained. An extension beyond the second year shall require approval of the Planning Commission under a Type III review. The criteria for an extension shall be in accordance with those required for an extension of Site Design Review approval, as set out in Subsection 4.2.070.B.

**3. Status of Building Permit, Removal of Temporary Dwelling Required.** The building permit for the permanent dwelling shall be maintained in a current status. In the event that the permit expires, or is suspended or revoked for any reason, a temporary dwelling shall be removed from the parcel within thirty (30) days, and no recreational vehicle shall be occupied or connected to any utilities.

**4. Deed or Subdivision Restrictions.** The temporary dwelling shall not violate any valid existing deed or subdivision restrictions.

**5. Utilities.** The temporary dwelling shall be connected to water supply and sewage disposal facilities approved by the Building Official and Public Works Director. In no event shall permanent connections to such facilities be provided.

# Amendment #6

## Section 2.3.240 Accessory Structures

Pages 2-44

<b>Amendment Summary</b>	Sets maximum cumulative size of accessory structures as a percentage of lot size.	<b>Staff Recommendation</b> APPROVE
<b>Planning Commission</b>	This is the Planning Commission's recommendation.	
<b>Staff Comments</b>	The amendment fixes an error in an amendment adopted by the Planning Commission so that the cumulative size of allowed accessory structures increases with lot size.	



### **2.3.240      Accessory Structures in Residential Districts**

**A. Purpose.** This Section provides standards for Accessory Structures in Residential Districts.

**B. Applicability.** Accessory structures, not including Accessory Dwelling Units, such as garages, workshops, warehouses, greenhouses, and net houses, in a residential district are considered an accessory use and are allowed once the primary use, a residential dwelling, is established.

**C. Standards.** Accessory structures, where allowed, shall conform to all of the following standards:

**1. Accessory Structure and Use.** The accessory structure and use must be accessory to an established residential use.

**2. Size.** Accessory structures in residential zones are limited to a cumulative size of:

- a. ~~20~~15% of total lot area on lots up to 15,000 sq. ft.;
- b. ~~15~~25% of total lot area on lots 15,001 to 40,000 sq. ft.; and
- c. 35% total coverage area total on lots over 40,000 sq. ft.

**3. Utilities.** Water and Sanitary Sewer facilities may be provided, pursuant to Chapter 3.6.

# Amendment #7

## Section 2.3.240 Accessory Structures

Pages 2-44

<b>Amendment Summary</b>	Sets minimum design standard for container vans used as sheds in residential areas.	<b>Staff Recommendation</b> Approve
<b>Public Comment</b>	Container vans are inexpensive options for storage but without much effort these could be made to fit in with look of residential area.	
<b>Staff Comments</b>	This is enforceable and language is consistent with what the code requires for other residential structures, for example, manufactured homes.	

## 2.3.240 Accessory Structures in Residential Districts

**A. Purpose.** This Section provides standards for Accessory Structures in Residential Districts.

**B. Applicability.** Accessory structures, not including Accessory Dwelling Units, such as garages, workshops, warehouses, greenhouses, and net houses, in a residential district are considered an accessory use and are allowed once the primary use, a residential dwelling, is established.

**C. Standards.** Accessory structures, where allowed, shall conform to all of the following standards:

**1. Accessory Structure and Use.** The accessory structure and use must be accessory to an established residential use.

**2. Size.** Accessory structures in residential zones are limited to a cumulative size of:

- a. ~~20~~15% of total lot area on lots up to 15,000 sq. ft.;
- b. ~~15~~25% of total lot area on lots 15,001 to 40,000 sq. ft.; and
- c. 35% total coverage area total on lots over 40,000 sq. ft.

**3. Utilities.** Water and Sanitary Sewer facilities may be provided, pursuant to Chapter 3.6.

**4. Shipping containers/Conex boxes.** Where a shipping container, conex box, or similar is used as an accessory structure in a residential district, the structure shall have exterior siding, which in color, material, and appearance, are similar to the exterior siding for single-family dwellings; horizontal wood or horizontal wood-appearance siding is also permitted.



# Amendment #8

## Section 2.3.250 Food Production

Pages 2-45

<b>Amendment Summary</b>	Delete requirement that only food grown on-site may be sold in non-residential districts	<b>Staff Recommendation</b> APPROVE
<b>Public Comment</b>	We propose to cut out i.3 from the Nonresidential Districts category. In commercial districts one should be able to sell whatever they want, there should not be a restriction on food or products that were not grown "on-site".	
<b>Staff Comments</b>	Downtown commercial district allows for all types of retail sales.  This amendment makes market gardens consistent with other downtown commercial uses and allows for sale of all products regardless of whether the products were grown on-site.	

### 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:

I. 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;	<u>Low-Density Residential;</u> <u>Medium-Density Residential;</u> <u>High-Density Residential</u>
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; and

(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

# Amendment #9

Section 2.2.030D (Allowable Use Table)

Section 2.3.250 Food Production

Pages 2-13 and 2-45

<b>Amendment Summary</b>	Allow Market Gardens of < 10,000 sf in all residential districts as a conditional use.	<b>Staff Recommendation</b> <b>OPPOSE</b>
<b>Public Comment</b>	See attached comments from Farragut Farms and Mary Koppes.	
<b>Planning Commission</b>	<p>Planning Commission specifically added Market Gardens as an allowed use in Rural Residential and not in the other residential districts.</p> <p>Primary concern expressed by the commission was that some market gardens could be made up of 10,000 sf of “container farms” and that is not consistent with character and use of residential areas.</p>	
<b>Staff Comments</b>	<p>Under our current code and the original version of this proposed code, agricultural is allowed in the Industrial districts only. During public review, there was a request to expand this into commercial districts, which was done by adding Section 2.3.250 Food Production. The commission then extended this by allowing food production in the Rural Residential District.</p> <p>Under the proposed code, commercial uses in residential areas (aka home occupations) are limited to 525 sf and may increase based on lot size. Allowing up to 10,000 sf of commercial operation in residential districts is a significant amount of area dedicated to a non-residential use. Generally, the non-residential use should be smaller and less important than the main use of the district. When allowing market gardens or urban farms in residential areas, most municipalities limit the size to 1,000 sf or so, require it be accessory (i.e. in addition to) an established residential use, or if on vacant lots limit the size and height of the garden buildings.</p> <p>If the Assembly would like to amend the code to expand market gardens into all residential areas, then recommend a section be crafted specifically for residential areas rather than just include residential into this section, which was created specifically for commercial districts.</p> <p>Also, the underlying issue here is the lack of affordable undeveloped commercial property in the downtown and surrounding area that could be utilized for agricultural purposes.</p>	



		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 Uses <sup>6</sup>																	
Agricultural Uses, including Food Production and Marijuana Cultivation			S + CU	S + CUN	S + CUN	S + CUN	S + CU	S	P	P	N	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	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	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	N			
Chemical, Fertilizer, Insecticide, Paint Product Manufacture, or Similar Uses			N	N	N	N	N	N	N	P	P	N	N	N			
Concrete or Asphalt Batch Plants			N	N	N	N	N	N	N	P	P	N	N	N			
Data Center or Server Farm			N	N	N	N	CU	P	P	P	N	N	N	N			
Dwelling for a caretaker or watchman			N	N	N	N	N	N	N	S	S	N	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	N			

<sup>6</sup>KEY: 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; LI=Light Industry; GI=General Industrial; WI=Waterfront Industrial; PF=Public Facilities;  
OS=Open Space

### 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;	<u>Low-Density Residential;</u> <u>Medium-Density Residential;</u> <u>High-Density Residential</u>
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.~~ – Proposed Amendment

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

# Amendment #10

## Section 2.3.120 B. Home Occupations

Pages 2-29

<b>Amendment Summary</b>	Allow food production is a home occupation in all residential districts.	<b>Staff Recommendation</b> APPROVE
<b>Public Comment</b>	Food production should be allowed in all residential districts.	
<b>Planning Commission</b>	In considering this issue, the Planning Commission had some concerns about proliferation of self-contained hydroponic gardens, which are often housed in a container vans, within the residential area. This has occurred in the Lower48 with relaxation of zoning rules regarding agriculture in residential areas.	
<b>Staff Comments</b>	<p>The amendment specifies that the food production standards only apply when the use exceeds what is allowed under home occupation. This allows food production to be considered a use under home occupation standards in all residential districts.</p> <p>However, food production would have to comply with home occupation standards just like all other commercial activities occurring in residential areas, such as a maximum amount of area that can be used for the commercial activity, limit on the number of customers, hours of operation, etc.</p>	



## 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 exceeding what is allowed under Subsection C.1.c.VIII, 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.

# Amendment #11

## Section 2.4 Overlay Zones

Pages 2-48

<b>Amendment Summary</b>	Allows nethouses as a primary use in historic district (Sing Lee Alley and Hammer Slough)	<b>Staff Recommendation</b> APPROVE
<b>Staff Comments</b>	The underlying zoning district for some of these areas may not allow a nethouse as the main and sole use.  The amendments allows new netsheds to be built within the historic area.	

or erect any structure, or authorize, permit or cause the same to be done within the superimposed Historic District Overlay except in accordance with the provisions of Subsection D below.

**D. Standards for historic district design and development review.**

1. The decision-making authority may approve a site design or development in a historic district when it is satisfied that the design or development as submitted or as ordered changed by the authority will:

- (a) In the case of modifications to existing buildings, preserve the outward historical appearance and original design; or
- (b) In the case of new construction, preserve the harmony of scale, architectural style, sidewalk level use, build-to line, and materials of the existing locale.

2. In reviewing a design or development within an historic district, the decision-making authority shall use applicable guidelines and policies contained in any other plan or program adopted by the Assembly, as recommended by the Historic Preservation Committee. In the case of some parcels, the standards for both the historic district Overlay and the Main Street Overlay (Section 2.4.050) may apply; in such case, the more restrictive or highest standard or requirement shall govern.

**E. Allowable Uses. Notwithstanding Section 2.2.030, net sheds, which comply with the design standards of the district, are permitted within the historic district overlay.**

# Amendment #12

Section 2.2.040 D and E (TABLE)

Section 3.4.040 (C) 1 and (C) 2

Pages 2-18, 2-20, 3-23 and 3-24

<b>Amendment Summary</b>	Set maximum 6' fence height across all districts.	<b>Staff Recommendation</b> None
<b>Public Comments</b>	<ol style="list-style-type: none"> <li>1. Standard fence height throughout is 6'.</li> <li>2. 6' max height should be set across all districts.</li> <li>3. Requiring fence to be set in from property line diminishes available land for owner's use.</li> <li>4. Setting the fence 3' from property line creates potential for 6' empty space between neighbors.</li> <li>5. Language in code is confusing.</li> </ol>	
<b>Staff Comments</b>	<p><b>1. Standard fence height throughout is 6'.</b> Standard fence height may well be 6' throughout, but a solid 6' fence along the front property line is certainly not allowed everywhere. Some places allow the 6' but require the fence to be set back 15' from the front property line or to the building line. Some limit solid front-yard fences to 3' to 4.5'.</p> <p>The requirement to set the fence back from the edge of the front property line is intended to ensure drivers have clear site lines from their driveway along sidewalks and streets of pedestrians, bikers, and other vehicles.</p> <p>The proposed development code does allow a max 6' fence along the front/street-side property line if it is constructed of "chain-link" or other see-through material or set back from the street-side property line. A max 6' fence of any type is allowed along back and interior yard where site lines are not needed.</p> <p><b>2. 6' max height should be set across all districts.</b> Setting a 6' max height across all districts would lower the max height being proposed under the development code in industrial and general commercial districts where 8' is max height if set back 10' front or street-side property line or constructed of chain link or other see-through material, and max height of 8' along rear and interior side property lines.</p> <p><b>3. Requiring fence to be set in from property line diminishes available land for owner's use.</b> For residential lots, setting a fence 3' from the street side property line would fall within the required yard setback. A property owner would not be allowed to build within this area under proposed (&amp; current) lot standards. Therefore, this requirement has no impact on buildable area on residential lots.</p> <p><b>4. Setting the fence 3' from property line creates potential for 6' empty space between neighbors.</b> The requirement to set a fence 3' from the property line only applies along a</p>	



	<p>street side yard, i.e. where the side yard fronts a street. A 6' fence may be constructed along common property lines, i.e. the interior or rear lot line. No 6' gap would exist unless property owners wanted it that way for some reason.</p> <p><b>5. Language in code is confusing.</b> Noted. We can create some illustrations to help.</p>
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Single-family, attached			24'	24'
<b>Table 2.2.040.D – Lot and Development Standards for Residential zones</b> (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)
<b>Minimum Lot Width at Building Line</b>				
Multi-Family	Use not permitted	Use not permitted	Use not permitted	30'
<b>Minimum Setbacks</b>				
Front Yard	25'	20'	20'	20'
Rear Yard	25'	20'	10'	20'
Yard on tidelands	0'	0'	0'	0'
Side Yard	20'	10'	5'	10'
<b>Maximum Lot Coverage</b>				
All Lots	25%	35%	40%	75%
<b>Maximum Building Height (See 2.2.080)</b>				
All Lots, unless otherwise specified below	30 ft. <del>or 2.5 stories</del>	30' <del>or 3 stories</del>	30' <del>or 3 stories</del>	35' <del>or 3 stories</del> 30' <del>or 3 stories</del> for 1-2 dwelling/lot
Single-family, attached		30' <del>or 2 stories</del>	30' <del>or 2 stories</del>	30'
<b>Fence Height and Non-Building Walls</b>				
Max. Height. – Front Yard	4 ft.			
Max. Height. – Interior Side	6 ft.			
Max. Height – Rear Yard	6 ft.			
Max. Height – Street-Side; or Reverse Frontage Lot (rear) (See Section 3.4.040)	4 ft.; with 3 ft setback from property line: 6 ft.			
<b>Garages</b>				
	See Section 2.3.240			
<b>Non-Residential Uses</b>				
	Same as Single-family, detached for underlying district.			

Fence Height and Non-Building Walls				
<u>Fences and Non-Building Walls</u> Maximum Heights (See Section 3.4.040)  6 Feet	Front Yard and Street Side Yard: 4 feet;	Front Yard and Street Side Yard: 4 feet; with 5' setback from property line: 6 feet; with 10' setback from property line: 8 feet (See Section 3.4.040)		
	Interior Side Yard: 6 feet	Interior Side Yard: 6 feet		
	Rear Yard: 6 feet	Rear Yard: 6 feet		
	Reverse Frontage Lot (Rear): Same as Front Yard	Reverse Frontage Lot (Rear): Same as Front Yard		

### 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~~



~~link or other "see-through" composition.~~

~~b. Within an Interior Side or Rear Yard Setback: six feet.~~

- 2. Non-Residential Zones.** Fences and freestanding walls (i.e., exclusive of building walls) for non-residential uses shall not exceed the following height 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 for properties located within an WI, LI, GI, GC, or PF zone:~~

~~(1) A fence or wall may be constructed to a maximum height of six feet where the fence is set back not less than five feet from the front or street side property line.~~

~~(2) A fence or wall may be constructed to a maximum height of eight feet where the fence or wall is set back not less than ten feet from the front or street side property line.~~

~~(3) Where approved by the decision-making authority as part of the review procedure, a fence constructed of open chain link or other "see-through" composition may be constructed to a maximum height of eight feet.~~

~~b. Within an Interior Side or Rear Yard Setback: eight six feet.~~

- 3. All Zones.** Fences and walls shall comply with the vision clearance standards of Section 3.3.030.G. Other provisions of this Code, or the requirements of the roadway authority, may limit allowable height of a fence or wall below the height limits of this Section.

**D. Prohibited Materials.** Prohibited fence and wall materials include straw bales, tarps, barbed or razor wire (except in an Industrial zone); scrap lumber, untreated wood (except cedar or redwood), corrugated metal, sheet metal, and scrap materials; dead, diseased, or dying plants; and materials similar to those listed herein.

**E. Permitting.** No further approval is required to install a fence of six feet or less in height, or a wall that is four feet or less in height, provided that the vision clearance requirements of Subsection 3.3.030.G are met. All other walls and fences require review to be conducted using a Type I procedure, pursuant to Section 4.1.020. The decision-making authority, as part of the review procedure, may require installation of walls or fences as a condition of approval for development, as provided by other Code sections. A building permit may be required for some fences and walls, pursuant to applicable Building Codes.

**F. Maintenance.** Fences and walls shall be maintained in good condition, or otherwise replaced by the property owner.

**3.4.050 Signs - Purpose.** The purpose of .050-.070 is to maintain and enhance the aesthetic environment and the Borough's ability to attract tourists and sources of economic development, to ensure the business community quality signs to adequately identify and market their businesses, and to protect and promote the public health, safety, and welfare. All signs erected, constructed, altered, or changed within Service Area I of the borough must comply with the requirements of .060 of this Chapter.

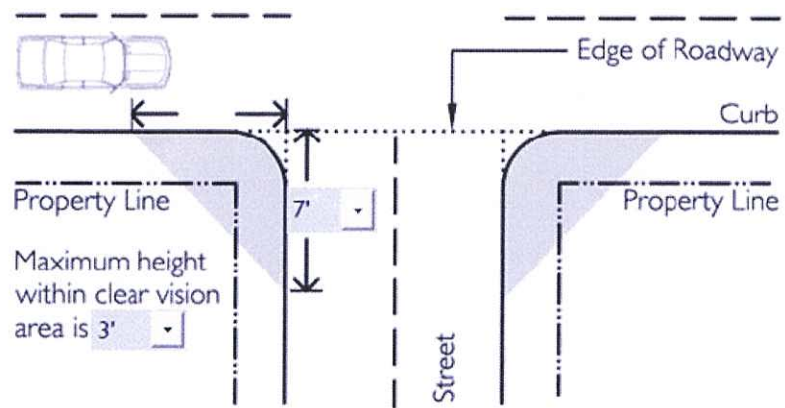
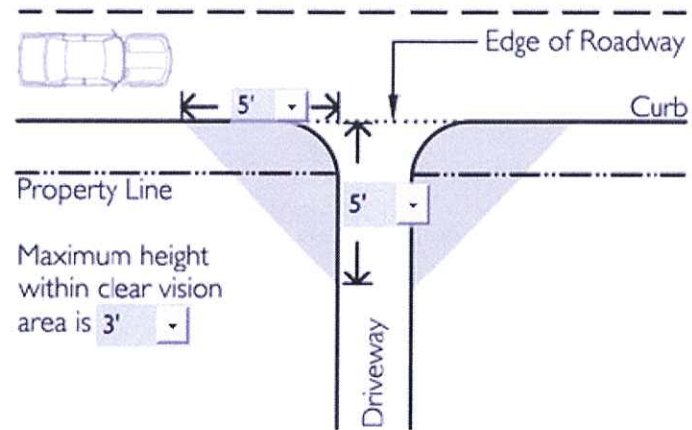
# Amendment #13

Section 2.2.040 D and E (TABLES)

Section 3.4.040 (C) 1 and (C) 2

Pages 2-18, 2-20, 3-23 and 3-24

<b>Amendment Summary</b>	Allow max 6' solid fence in all residential districts and 8' solid fence in non-residential districts as long as minimum vision clearance standard is maintained along street corners and driveways.	<b>Staff Recommendation</b> None
<b>Public Comments</b>		
<b>Staff Comments</b>	<p>As an alternative to allowing a 6' solid fence along all property lines. This amendment allows a solid 6' fence to be constructed along the property line as long as the vision clearance standards are met.</p> <p>The vision clearance standard would need to be met regardless of fence height and location but this provides more fence options and allows the measurement to begin at the edge of the roadway rather than the property line. In most cases, this will allow the fence to be installed closer to the property line.</p>	



Single-family, attached			24'	24'
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)
Minimum Lot Width at Building Line				
Multi-Family	Use not permitted	Use not permitted	Use not permitted	30'
Minimum Setbacks				
Front Yard	25'	20'	20'	20'
Rear Yard	25'	20'	10'	20'
Yard on tidelands	0'	0'	0'	0'
Side Yard	20'	10'	5'	10'
Maximum Lot Coverage				
All Lots	25%	35%	40%	75%
Maximum Building Height (See 2.2.080)				
All Lots, unless otherwise specified below	30 ft. or 2.5 stories	30' or 3 stories	30' or 3 stories	35' or 3 stories 30' or 3 stories for 1-2 dwelling/lot
Single-family, attached		30' or 2 stories	30' or 2 stories	30'
Fence Height and Non-Building Walls				
Max. Height. – Front Yard	4 ft.			
Max. Height. – Interior Side	6 ft.			
Max. Height – Rear Yard	6 ft.			
Max. Height – Street-Side; or Reverse Frontage Lot (rear) (See Section 3.4.040)	4 ft.; with 3 ft setback from property line: 6 ft.			
Garages				
See Section 2.3.240				
Non-Residential Uses				
Same as Single-family, detached for underlying district.				



Fence Height and Non-Building Walls				
<u>Fences and Non-Building Walls</u> Maximum Heights (See Section 3.4.040) 8 Feet	Front Yard and Street Side Yard: 4 feet;	Front Yard and Street Side Yard: 4 feet; with 5' setback from property line: 6 feet; with 10' setback from property line: 8 feet (See Section 3.4.040)		
	Interior Side Yard: 6 feet	Interior Side Yard: 6 feet		
	Rear Yard: 6 feet	Rear Yard: 6 feet		
	Reverse Frontage Lot (Rear): Same as Front Yard	Reverse Frontage Lot (Rear): Same as Front Yard		



### 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: six feet

~~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~~

~~link or other "see-through" composition.~~

~~b. Within an Interior Side or Rear Yard Setback: six feet.~~

- 2. Non-Residential Zones.** Fences and freestanding walls (i.e., exclusive of building walls) for non-residential uses shall not exceed the following height above grade, where grade is measured from the base of the subject fence or wall: eight feet

~~a. Within Front or Street Side Yard Setback: four feet, except the following additional height is allowed for properties located within an WI, LI, GI, GC, or PF zone:~~

~~(1) A fence or wall may be constructed to a maximum height of six feet where the fence is set back not less than five feet from the front or street side property line.~~

~~(2) A fence or wall may be constructed to a maximum height of eight feet where the fence or wall is set back not less than ten feet from the front or street side property line.~~

~~(3) Where approved by the decision-making authority as part of the review procedure, a fence constructed of open chain link or other "see-through" composition may be constructed to a maximum height of eight feet.~~

~~b. Within an Interior Side or Rear Yard Setback: eight feet.~~

- 3. All Zones.** Fences and walls shall comply with the vision clearance standards of Section 3.3.030.G. Other provisions of this Code, or the requirements of the roadway authority, may limit allowable height of a fence or wall below the height limits of this Section.

**D. Prohibited Materials.** Prohibited fence and wall materials include straw bales, tarps, barbed or razor wire (except in an Industrial zone); scrap lumber, untreated wood (except cedar or redwood), corrugated metal, sheet metal, and scrap materials; dead, diseased, or dying plants; and materials similar to those listed herein.

**E. Permitting.** No further approval is required to install a fence or wall of maximum height allowed in the district or less, of six feet or less in height, or a wall that is four feet or less in height, provided that the vision clearance requirements of Subsection 3.3.030.G are met. All other walls and fences require review to be conducted using a Type I procedure, pursuant to Section 4.1.020. The decision-making authority, as part of the review procedure, may require installation of walls or fences as a condition of approval for development, as provided by other Code sections. A building permit may be required for some fences and walls, pursuant to applicable Building Codes.

**F. Maintenance.** Fences and walls shall be maintained in good condition, or otherwise replaced by the property owner.

**3.4.050 Signs - Purpose.** The purpose of .050-.070 is to maintain and enhance the aesthetic environment and the Borough's ability to attract tourists and sources of economic development, to ensure the business community quality signs to adequately identify and market their businesses, and to protect and promote the public health, safety, and welfare. All signs erected, constructed, altered, or changed within Service Area I of

# Amendment #14

## Section 3.6.020(A)5 Transportation Requirements

Pages 2-21

Amendment Summary	Clarify when and what types of street improvements are required or not required in remote subdivisions and outside of Service Area 1	Staff Recommendation APPROVE
Staff Comments	<p>The amendment clarifies the following:</p> <p>There are no street improvements required as part of the plat approval process for a remote subdivision. A remote subdivision is located off Mitkof Island or more than ½ from a public right-of-way.</p> <p>Street improvements required for subdivisions outside of Service Area 1 that do not meet the definition of remote subdivision shall be considered privately maintained roads and can be built to less-than-borough standards. The borough will not accept these roads for maintenance.</p> <p>Street improvements provided voluntarily outside of Service Area 1, i.e. not required as part of the subdivision approval process, shall be considered privately maintained roads and can be built to less than borough standards. The borough will not accept these roads for maintenance.</p> <p>The privately maintained road is subject to approval of the Public Works Director. Approval by the borough ensures that a private road is suitable for emergency services access and running power lines.</p>	



### **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.
5. Construction of the street improvements shall not be required as part of a plat approval or as a condition of development for a Remote Subdivision, as defined in Subsection 5.1.030. All street improvements, both required and voluntarily provided, outside of Service Area I shall be served by a privately maintained access as provided by in Section 3.6.025.

#### **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

# Amendment #15

## Section 3.6.020 5. Cul de Sac

Pages 3-43

Amendment Summary	Increase the minimum distance of a cul-de-sac from 400' to 600'	Staff Recommendation
Public Comments	<p>Cul-de-sac are often preferred by families – 400' seems very limiting.</p> <p>(Staff supplied the 600' number. This allows for 6 standard lots more or less on each side of the street before the cul-de-sac.)</p>	
Staff Comments	<p>Limiting length of cul-de-sac is a way of ensuring streets and neighborhoods are connected for both vehicles and pedestrians. The cul-de-sac is measured from the closest cross street to the end of the cul-de-sac.</p> <p>Currently, cul-de-sacs in Petersburg can be no more than 400' long. The amendment would allow a longer cul-de-sac, which could allow for less expensive development costs (more lots without having to dedicate land to a road) and probably wouldn't have any negative effect on transportation connectivity.</p>	



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~~ 600 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.

# Amendment #16

## Section 3.6.025 C(2) - Privately Maintained Roads

Pages 3-46

<b>Amendment Summary</b>	Delete requirement to arrange for year-round maintenance on privately maintained roads	<b>Staff Recommendation</b>
<b>Public Comment</b>	Many remote properties are only used during the summer, so why should they have to provide for snow plowing.	
<b>Staff Comments</b>	<p>Proposed language requires property owners along a privately-maintained road to arrange for year-round maintenance, including snow plowing.</p> <p>Deleting this requirement does not change the fact that the borough is not going to provide maintenance, including snow plowing.</p>	

### 3.6.025 Privately Maintained Access in a Right-of-Way

**A. Purpose.** Provide for privately maintained access roads in developments outside of Service Area One and for small developments of 4 or fewer lots located within Service Area I. Privately maintained access roads shall be constructed within a dedicated right-of-way and may be constructed to less than full public street construction standards.

**B. Application.** On a preliminary plat application, the applicant must include a request for a privately maintained access road in a right-of-way. If the request is not part of a subdivision process, a review of a request for a privately maintained access road shall be conducted using a Type II procedure, pursuant to Section 4.01.030. The request shall contain the following:

- (1) A preliminary plan and profile of the proposed privately maintained access road and any proposed public or private utilities; and
- (2) A proposed access agreement as required by Subsection C below.

**C. Access agreement.** An access agreement must be executed between by and between the borough and all property owners proposed to be served by a privately maintained access road (collectively referred to "the grantees"). The agreement must identify the parties and the properties, all signatures must be notarized, and the agreement must include the following provisions:

- (1) In exchange for the grantees not being required to construct a road that can be accepted for maintenance by the borough, the parties execute this agreement with the intent for it to run with the land and bind all heirs, successors, and assigns consistent herein;
- (2) The grantees acknowledge that the borough is not obligated to consider or provide any maintenance, including snow removal, for the privately maintained access. ~~The grantees are required to arrange for year-round reasonable maintenance for the privately maintained access, including snow removal, sufficient to meet weather conditions and to allow for safe vehicular traffic;~~
- (3) The grantees and the grantees' heirs, successors, and assigns will defend, indemnify, and hold harmless the borough from any claim or action for any injury, loss, or damage suffered by any person arising from the location, design, maintenance, or use of the privately maintained access. ~~In addition, the borough may require that an insurance policy be obtained insuring against liability related to the access road, in an amount deemed sufficient by the borough, and that the borough be named as an additional insured on any such policy;~~
- (4) The grantees will ensure that use of the privately maintained access road will not block vehicular or pedestrian access by the public in the right-of-way;
- (5) The borough will have unimpeded access in the right-of-way;
- (6) The grantees are required to arrange for maintenance of the right-of-way. The grantees will maintain the privately maintained access road and public right-of-way according to the conditions established in this agreement;

# Amendment #17

## Section 3.6.025 C(3) and C(11) – Privately Maintained Roads

Pages 3-46 and 3-47

<b>Amendment Summary</b>	Delete option for borough to require insurance policy on privately-maintained road	<b>Staff Recommendation</b>
<b>Public Comment</b>		
<b>Staff Comments</b>	<p>Currently, the borough does not require insurance policies as part of a special use permit allowing private use of right-of-ways. The special use permits are generally held by one property owner for development of a driveway.</p> <p>This amendment would eliminate the borough's option to require an insurance policy for use of a right-of-way in the future.</p>	
<b>Borough attorney</b>	<p>Attorney recommends retaining the option to require insurance policy. There may be cases, such as a large subdivision with many families using the road, where the borough would deem it prudent for an entity to have insurance in place in the event there was an accident within the ROW.</p> <p>Proposed language provides the decision-making authority the ability to require insurance on a case-by-case basis.</p>	

(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; and

(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



# Amendment #18

## Section 4.1.050 – Type IV (Legislative Decisions)

Pages 4-18

<b>Amendment Summary</b>	Replace Section 4.1.050 with new language	<b>Staff Recommendation</b> APPROVE
<b>Attorney Comments</b>	Attorney recommends approval of the amendment.	
<b>Staff Comments</b>	<p>The revised version of Article IV clarifies public hearing procedure for applications that are reviewed by the Planning Commission review but decided by the Assembly. Examples are zoning changes, code changes, and comprehensive plan amendments. Without this change, it is not clear whether the Planning Commission has to hold a public hearing or provide notice for these types of actions.</p> <p>The revised version also establishes a process for adopting the initial zoning map under this new code. Without this amendment, the borough would need to provide written notice to each property owner for their own property and for every property within 600' of their property that may be affected by the new zoning map. This would result in residents receiving up to a hundred letters each. As revised, the borough would provide a single notice of proposed zoning change to property owner of record for each lot.</p>	

#### **4.1.050 Type IV (Legislative Decisions)**

Type IV decisions are legislative decisions made by the Borough Assembly. Legislative decisions are adopted by ordinance, unless otherwise specifically indicated.

**A. Timing of Requests.** The Borough Assembly may establish a schedule for when it will accept applications for amendments to this Code, the Zoning Map or the Comprehensive Plan. The Borough Assembly may also initiate its own legislative proposals for amendments at any time. The Assembly shall may seek the advice and recommendation of the Planning Commission on any such proposed amendments, in the manner provided for in paragraph C below.

#### **B. Application Requirements.**

1. Application forms. Applications for proposed amendments shall be made on forms provided by the borough Planning Official.

2. Submittal Information. The application shall contain all of the following information:

a. The information requested on the application form;

b. A clear statement of the amendments requested, and a map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and recommendation decision (as applicable);

c. The required fee; and

d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

#### **C. Procedure.**

1. Planning and Zoning Commission. The Assembly shall refer proposed amendments it wishes to consider to the Planning and Zoning Commission, under the following procedure:

a. The Commission shall hold a public hearing on proposed amendments. Notice of the public hearing shall be provided no less than 21 days before the hearing date to the address of record of the parties listed below. The borough Planning Official shall prepare an affidavit of notice, which shall be made a part of the file. The affidavit shall state the date that the notice was mailed and the names and addresses of those to whom it was mailed. The affidavit is conclusive evidence that the mailing was made.

(i) All owners of record of real property located within 600 feet of the subject site(s) except in Rural Residential (RR) district or areas outside Service Area I where within 1,000 feet;

(ii) Any person who submits a written request to receive a notice; and

(iii) 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. The failure of another agency to respond with written comments on a proposed amendment shall not invalidate a decision made by the borough under this Code.

The failure of any person or agency to receive any notice mailed under this Section shall not affect the validity of any proceeding under this Section.



b. At least 14 days before the hearing, the borough shall post a copy of the notice of the hearing on the site(s) of the proposed amendments in clear view from a public right-of-way, using a poster format prescribed by the borough Planning Official.

c. At least 14 days before the hearing, the borough shall post a copy of the notice of the hearing on the borough website; and at least 7 days before the hearing, the borough shall submit a copy of the notice to a newspaper with local circulation and request that it be published in its next available publication.

d. Notice of the public hearing before the Commission shall contain the following information:

(i) A summary of the proposed amendments;

(ii) The date, time, and location of the scheduled hearing;

(iii) The street address(es) or other easily understandable reference to the location(s) of the proposed amendment;

(iv) A general explanation of the requirements to submit written comment and testimony, and the procedure for conducting the public hearings; and

(v) A statement that after the public hearing closes, the Commission will consider the amendments and issue its written recommendation on the amendments to the Assembly.

e. Upon conclusion of the public hearing, the Commission shall prepare and adopt a written recommendation on the proposed amendments, to be submitted to the Assembly.

f. The notice requirements of subparagraphs 1(a)-(b) do not apply to public hearings held to recommend the initial boundaries of zoning districts following adoption of this Development Code. Proposals for initial boundaries shall be initiated by the Commission, and notice of the Commission hearings shall be conducted by general mailings to owners of the properties subject to the amendments, as demonstrated by the Borough's tax assessment records, and by posting and publication of the notice as provided for in subparagraph 1(c). The location description called for in subparagraph 1(d)(iii) can be provided by use of a map showing the boundaries to be considered. The recommendations of the Commission may be submitted to the Assembly in one proposal, or in multiple proposals by zoning district or discrete area.

2. Hearings before the Assembly on proposed amendments are conducted and noticed similar to Assembly hearings on other legislative proposals, except that notice of a hearing on a zoning map amendment shall be mailed to the owners of the properties subject to the amendment. If the Planning Commission does not, within 90 days of referral, submit a written recommendation to the Assembly on the amendment, as provided for under paragraph 1(e) above, the Assembly may proceed with consideration of the amendment without Commission input.

**D. Final Decision and Effective Date.** An amendment, if approved, shall take effect and shall become final as specified in the enacting ordinance. Notice of the final action on a proposed amendment shall be mailed to an applicant and all those who requested notice.

#### **4.1.050 — Type IV (Legislative Decisions)**

~~Type IV decisions are legislative decisions made by the Borough Assembly. Legislative decisions are adopted by ordinance, unless otherwise specifically indicated.~~

A. ~~Timing of Requests. The Borough Assembly may establish a schedule for when it will accept applications for amendments to this Code, the Zoning Map or the Comprehensive Plan. The Borough Assembly may initiate its own legislative proposals at any time. The Assembly may seek the advice and recommendation of the Planning Commission on any such proposed amendments.~~

B. ~~Application Requirements:~~

1. ~~Application forms. Applications for proposed amendments shall be made on forms provided by the borough Planning Official.~~

2. ~~Submittal Information. The application shall contain all of the following information:~~

a. ~~The information requested on the application form;~~

b. ~~A clear statement of the amendment(s) requested, and a map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);~~

c. ~~The required fee; and~~

d. ~~One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.~~

C. ~~Procedure. Hearings on proposed amendments are conducted and noticed similar to Assembly hearings on other legislative proposals.~~

D. ~~Final Decision and Effective Date. An amendment, if approved, shall take effect and shall become final as specified in the enacting ordinance. Notice of the final action on a proposed amendment shall be mailed to an applicant and all those who requested notice.~~

# Amendment #19

## Section 5.1 Definitions

Pages 5-4

<b>Amendment Summary</b>	Insert definition of Automotive, boat services, Major	<b>Staff Recommendation</b>
<b>Attorney Comments</b>	A definition for "major" vs "minor" needs to be inserted.	
<b>Planning Comments</b>	Proposed amendment was developed by the Planning Commission.	
<b>Staff Comments</b>	Without a definition, we would not be able to enforce this provision. If this amendment does not pass, recommend adopting Amendment 20.	



- Changes in use or occupancy;
- Changes to the exterior of a building;
- Changes to the interior of a building;
- Increases or decreases in floor area of a building;
- Changes to other structures on the site, or the development of new structures;
- Changes to exterior improvements;
- Changes to landscaping; and
- Changes in the topography of the site.

**Applicant.** A person who applies for a land use or development approval under this Code. An applicant can be the owner of the property, a contract purchaser, or someone who is legally authorized to represent the owner, such as a builder, developer, or contract purchaser.

**Approach.** A public area or improvement between a public roadway and private property, intended to provide access for vehicles from the roadway to the edge of the private property.

**Approach, Driveway.** A driveway connection to a public roadway where it meets an access point. See also, Driveway. Note: The design standards of the applicable roadway authority apply.

**Approach Spacing.** The required minimum distances between approaches to a roadway, where distance is measured from the edge of one approach to the edge of another. See also, Spacing Standards, Street.

**Approach Spacing, Intersection.** The minimum required distance from an intersection of a public or private street to the nearest approach, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the approach along the traveled way.

**Assembly.** The Petersburg Borough Assembly.

**Automotive, Boat Services, Major.** Major automotive services are all work not specified under “automotive services, minor”, including: auto body and paint, welding, grinding and sandblasting, or any work that requires removal of the engine, transmission or other major component of the vehicle or requires large specialty auto repair equipment. Major boat services are all work not specified under “boat services, minor” including hull repair or painting, welding, grinding or sandblasting, any work requiring removal of a major component of the vessel or requiring large specialty marine repair equipment.

**Automotive, Boat Services, Minor.** Minor automotive services are defined as oil/filter change and lube, tune-up, including sensor changing, upholstery, brake part replacement, U or CV joint or half-shaft replacement, shocks or strut replacement, electrical system component repair or replacement, and similar minor repairs. Minor boat services are defined as oil/filter change and lube, tune-up, including sensor change, upholstery, propeller replacement, water pump repair or replacement, control cable installation or replacement, electrical system component repair or replacement, and similar minor repairs.

## B

**Bed and Breakfast Inn (Land Use).** Any establishment located in a structure designed for a single-family residence and structures appurtenant thereto, providing limited overnight lodging and meals in a specified

# Amendment #20

## Section 2.2.120 B. Home Occupations

Pages 2-29

<b>Amendment Summary</b>	Delete word "Major" from "Automotive, boat services, Major"	<b>Staff Recommendation</b> APPROVE, IF NEEDED
<b>Attorney Comments</b>	A definition for "major" vs "minor" needs to be inserted.	
<b>Staff Comments</b>	Without a definition of what constitutes "major", we would not be able to enforce this provision.  The amendment would prohibit Automotive, boat services as a home occupation.	

# Amendment #NA

Section XXXX

Pages XXXXX

<b>Amendment Summary</b>	<b>Not applicable to this code</b>	<b>Staff Recommendation NONE</b>
<b>Public Comments</b>	One-year time limit on building permits is too short. Individuals building their own homes need more time.	
<b>Staff Comments</b>	<p>The development code does not regulate the length of building permits. The time limit on building permits is regulated through adopted building codes, International Building Code and International Residential Code, which are different than the development code currently under consideration.</p> <p>In any case, there is no one-year limit on building permits. Every permit issued is valid as long work is commenced within 180 days and does not cease for more than 180 days once begun. The building official may grant one or more extensions for up to 180 days each.</p>	