

CITY OF CRAIG
ORDINANCE NO. 539

AN ORDINANCE AMENDING TITLE 18, CRAIG LAND DEVELOPMENT CODE,
CHAPTERS 18.02, 18.03, 18.04, 18.05, 18.06 AND 18.07

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CRAIG, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and the code sections adopted hereby shall become a part of the code of the City of Craig, Alaska.

Section 2. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance and the application of other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall be effective immediately upon adoption.

Section 4. Action. This ordinance amends Sections 18.02, 18.03, 18.04, 18.05, 18.06 and 18.07 of the Craig Land Development Code by deleting the items shown with strikethrough text and surrounded by square brackets (~~strikethrough~~) and by adding the underlined items, as follows:

18.02.050 ORDER OF BUSINESS

A. The order of business at regular meetings shall be:

1. Roll call;
2. Special Business (if any);
3. Approval of minutes of previous meetings, as amended or corrected;
4. Public comment on non-agenda items;
5. Public hearing;
6. New Business;
7. Old Business;
8. Correspondence.
9. Adjourn.

18.03.002 REVOCATION OF PERMIT OR APPROVAL, AND FORFEITURE OF
BONDS OR DEPOSITS

D. Procedures

1. Land Use Violations.
 - a. The Code Enforcement Officer shall notify the violator of all violations, and may order cessation of activity to take

place immediately. Notice of intention to issue a citation to enforce or revoke shall be made in writing at least ten (10) days prior to an enforcement action. [Sueh] A notice of citation is to contain the following:

18.04(A) (3) TIME LIMIT FOR APPEAL

The person or agency requesting the appeal shall file a written request for the appeal within 30 days of the announcement of the decision at a public hearing in the presence of the party initiating the appeal or within thirty (30) days of the date of the mailing of the notice of the decision being appealed, whichever occurs first. An appeal stays an appellant's alleged illegal activities and enforcement proceedings unless the board or a court issues an enforcement order based on a certificate of imminent peril to life or property made by the Code Enforcement Officer.

18.05.001 RESIDENTIAL - LOW DENSITY (RL)

C. CONDITIONAL USES

1. Religious Assembly*.
2. Electrical Utility Substations and related uses.
3. Day Care Center*.
4. Community Education*.
5. Public Housing
6. ~~Logging*~~
- 6[7]. Group Residential*
- 7[8]. Parking truck or other equipment over two tons
- 8[9]. Buildings built above maximum height
- 9[10]. On lots which do not have an established principal use, normal accessory buildings* for private/residential uses such as a garage, shed, private storage of a recreational vehicle, travel trailer, recreational boat, truck up to two tons when reasonably consistent with neighborhood surroundings or screened from view.
- 10[11]. Bed and Breakfast

D. PROHIBITED USES Include[~~d~~] but are not limited to:

1. Disturbances*
2. ~~Hazards*~~
3. ~~Mobile homes~~
4. ~~Mobile home park*~~
2. Uses not qualifying as Permitted or Conditional.

18.05.002 RESIDENTIAL - MEDIUM DENSITY (RM)

C. CONDITIONAL USES

1. Religious Assembly*.
2. Day Care Center*.
3. Apartments. (Four units or more)
4. Zero Lot Line Development* of more than two dwelling units.
5. Community Education*
6. Public Housing.
7. ~~Logging*~~
- 7[~~8~~]. Group Residential*.
- 8[~~9~~]. Utility Substations and related uses.
- 9[~~10~~]. Parking truck or equipment over two tons on property.
- 10 [~~11~~]. Home occupation* in accessory building*.
- 11 [~~12~~]. Buildings built above maximum height.
- 12[~~13~~]. On lots which do not have an established principal use, normal accessory buildings* for private/residential uses such as a garage, shed, private storage of a recreational vehicle, travel trailer, recreational boat, truck up to two tons when reasonably consistent with neighborhood surroundings or screened from view.

13 [~~14~~]. Bed and Breakfast.

D. PROHIBITED USES (Included but are not limited to:)

~~1.~~ ~~Hazards*~~.

1 [~~2~~]. Disturbances*.

~~3.~~ ~~Mobile home park*~~

2. Uses not qualifying as Permitted or Conditional.

18.05.003(A) RESIDENTIAL - HIGH DENSITY (RH)

C. CONDITIONAL USES

1. Religious Assembly*.

2. Day Care Center*.

3. Apartments. (Five units or more)

4. Zero Lot Line Development* of five or more dwelling units.

5. Community Education*.

~~6.~~ ~~Logging*~~

6 [~~7~~]. Group Residential*.

7 [~~8~~]. Home occupation* in accessory building*.

8 [~~9~~]. Mobile Home Parks*. (See MHP ordinance.)

9 [~~10~~]. Parking truck or equipment over two tons on property.

10 [~~11~~]. Off-premises signs.

11 [~~12~~]. Utility Substations and related uses.

12 [~~13~~]. Buildings built above maximum height.

13 [~~14~~]. On lots which do not have an established principal use, normal accessory buildings* for private/residential uses such as a

garage, shed, private storage of a recreational vehicle, travel trailer, recreational boat, truck up to two tons when reasonably consistent with neighborhood surroundings or screened from view.

14 [15]. Bed and Breakfast

D. PROHIBITED USES Include but are not limited to:

1. Disturbances*.
- ~~2. Hazards*.~~
2. Uses not qualifying as Permitted or Conditional.

SECTION 18.05.003(B) RESIDENTIAL HIGH DENSITY I (RH-I)

D. PROHIBITED USES Include but are not limited to:

1. Disturbances*.
- ~~2. Hazards*.~~
2. Subdivisions creating lots less than 6,000 square feet. Uses not qualifying as Permitted or Conditional.

18.05.004 COMMERCIAL ZONE

A. PERMITTED USES

28. Religious Assembly*

F. PROHIBITED USES (Include but are not limited to:)

- ~~1. Subdivision for residential use.~~
- ~~2. Uses which degrade air, water, or land resources quality* without mitigative measures which alleviate impacts.~~
- ~~3. Disturbances* and/or Hazards*~~
- ~~4. Mobile home park~~
1. Uses not qualifying as Permitted or Conditional.

18.05.005 LIGHT INDUSTRIAL ZONE

E. PROHIBITED USES Include but are not limited to:

- ~~1. Uses which degrade air, water, or land resources quality* without mitigative measures which alleviate negative impacts.~~
- ~~2. Subdivision for residential purposes.~~
- ~~2. Disturbances*.~~
- ~~3. Hazards*.~~
- ~~4. Mobile home parks.~~
1. Uses not qualifying as Permitted or Conditional.

18.05.008 PUBLIC ZONE

D. PROHIBITED USES (Include but are not limited to:)

- ~~1. Uses which degrade air, water, or land resources quality* without mitigative measures which alleviate negative impacts.~~
- ~~2. Disturbances*.~~
- ~~3. Hazards*.~~
1. Uses not qualifying as Permitted or Conditional.

18.05.009 FORESTRY

The purpose of this zone is to maintain forest lands for forest uses. Forest uses include the use of land for the production of trees and processing of forest products; drilling, blasting and/or crushing rock; fish and wildlife habitat; watershed protection; soil protection from wind and water; outdoor recreational activities and related support services; open space, noise, visual, and wind buffers; stream side buffers for habitat protection.

E. PROHIBITED USES

- ~~1. Uses which degrade air, water, or land resources quality* without mitigative measures which alleviate negative impacts.~~
- 1 [2]. Subdivision for residential use.
2. Uses not qualifying as Permitted or Conditional.

18.05.050 RESIDENTIAL SUBURBAN ZONE (RS)

C. CONDITIONAL USES

1. Religious Assembly*.
2. Electrical Utility Substations and related uses.
3. Day Care Center*.
4. ~~Community Education*~~.
- 4 [~~5~~]. Public Housing
6. ~~Logging*~~
- 5 [~~7~~]. Group Residential*
- 6 [~~8~~]. Parking truck or other equipment over two tons
- 7 [~~9~~]. Home occupation* in accessory building*
- 8 [~~10~~]. Buildings built above maximum height
11. ~~Libraries, museums, art galleries and similar uses.~~
12. ~~Outdoor recreation facilities~~
13. ~~RV Park/tourist camping facility~~
14. ~~Veterinary office no outdoor kennels~~
- 9 [~~15~~]. Bed and Breakfast

18.06.001 OCCUPANCY, MOBILE HOME PLACEMENT, AND BUILDING PERMITS

C. PERMITS REQUIRED.

1. BUILDING PERMITS REQUIRED - No structure* shall be erected, constructed, converted, relocated, extended, or internally or externally altered without a building permit issued by the City. No logging may occur within the Craig city limits without submission of a logging plan to the city and the subsequent issuance of a City of Craig building permit. No tideland fill may occur within Craig city limits without issuance of a City of Craig building permit.
2. EXEMPTIONS FROM BUILDING PERMITS.
 - (2) Fences not over [~~six~~] ten feet high placed on or within the property line.
5. ELECTRONIC SUBMITTAL OF AS-BUILTS AND CONSTRUCTION PLANS. All as-builts and construction plans prepared using electronic drafting software for building permit application shall be provided in electronic format.

18.06.002 CONDITIONAL USE PERMITS

~~D. [ADDITIONAL CRITERIA FOR APPROVAL FOR CONDITIONAL USE PERMITS IN THE PLANNED UNIT DEVELOPMENT ZONE.~~

- ~~1. That the proposal is consistent with City plans for potential reconveyance lands.~~
- ~~2. If the use is proposed on lands which the City has selected for reconveyance, the following findings must also be made.

 - ~~a. That there is a public need for the use;~~
 - ~~b. That the public need or benefit to the City's economy is of more importance to the public good than the future proposed use for the land by the City;~~
 - ~~c. That there is no alternative site for the proposed use.]~~~~

~~D.[E.] ADDITIONAL CRITERIA FOR CONDITIONAL USE PERMITS IN THE FORESTRY ZONE.~~

~~[F.] E ADDITIONAL CRITERIA FOR CONDITIONAL USE PERMITS IN THE MARINE INDUSTRIAL ZONE.~~

~~[G.] F. ADDITIONAL CRITERIA FOR CONDITIONAL USES IN THE HEAVY INDUSTRIAL ZONE.~~

[H.] G. ADDITIONAL CRITERIA FOR APPROVAL OF PROPOSALS IN THE SPECIAL CONSIDERATIONS OVERLAY.

1. WITHIN THE LANDSLIDE HAZARD AREA:

That the use, type, size, design, location, construction, operation and maintenance of the project as proposed mitigates detrimental impacts by avoiding the potential for:

- a. Increased siltation, pollution, landslides, or blowdown within or near identified habitat areas, eagle nest trees, the city watershed, existing or proposed development, [~~on potential reconveyance lands,~~] near trees which serve as visual noise, wind, sediment, or pollution buffers.
- b. Interference with adequate water flow, natural circulation and drainage patterns, nutrient, temperature, oxygen levels, and streamside vegetation.

SEE CRAIG COMPREHENSIVE PLAN ZONING MAP AND NATURAL HAZARDS MAP FOR AREAS SUBJECT TO THIS OVERLAY.

2. WITHIN IDENTIFIED HABITAT OR RESOURCE AREAS

That the use, type, size, design, location, construction, operation and maintenance of the project as proposed mitigates detrimental impacts by avoiding the potential for:

- a. Increased siltation, pollution, landslides, or blowdown within or near identified habitat areas, eagle nest trees, the city watershed, existing or proposed development, [~~on potential reconveyance lands,~~] near trees which serve as visual noise, wind, sediment, or pollution buffers.

4. ON THE HILLSIDE ABOVE CRAIG.

That the use, type size, design, location, construction, operation, and maintenance of the project as proposed mitigates detrimental impacts by avoiding the potential

- a. Increased siltation, pollution, landslides, blowdown or other damage within areas affecting identified habitat areas, eagle nest trees, the City watershed, existing or proposed development, [~~potential reconveyance lands,~~] or trees identified as visual, wind, noise, sediment, or pollution buffers.

CHAPTER 18.07 MOBILE HOME PARK ORDINANCE

C. REQUIRED CRITERIA FOR APPROVAL

12. That the proposal is consistent with the Craig Coastal Management Program and [the,] the Craig Comprehensive Plan [~~and the Craig Reconveyance Plan~~].

D. MOBILE HOME PARKS - STANDARDS

3. HEALTH AND SAFETY STANDARDS - GENERAL

All mobile home parks shall:

- a. Provide animal proof refuse containers
- b. Be responsible for insuring that all facility hook ups are made in accordance with City and State regulations.
- c. Control objectionable noises which disturb tenants (generators, chain saws, etc.)~~[which does not have sanitary facilities unless approved sanitary facilities are provided and maintained by the mobile home park].~~

G. NONCONFORMING USE PROVISION

2. Relocated mobile homes in a mobile home park shall comply with the health and safety standards of this ordinance as specified in Chapter 18.07 D [~~1. a. 1-4); D 1. b. 1-3); D.3. b., c., d., h., g.; D. 6. b.;~~] and with minimum setbacks required by the National Fire Protection Association for all structures (Front 4 feet, Side 5 feet, Rear 4 feet).

Passed and approved on _____, 2004.

Mayor Dennis Watson

Attest _____
Vicki Hamilton, City Clerk

CITY OF CRAIG MEMORANDUM

To: Mayor and Craig City Council
From: Brian Templin, City Planner
Date: October 12, 2004
RE: Ordinance 539, Amendments to Title 18, Craig Land Development Code
Chapters 18.02 – 18.07

As the council is aware the Craig Planning Commission has submitted a number of changes to the Craig Land Development Code. Due to the number of changes, the complexity and the controversial nature of several of the changes the city council has asked staff to submit the changes in several smaller ordinances. Ordinance 539 is the first of this series of ordinances. Brief descriptions of the changes included in this ordinance are as follows:

1. 18.02.050 Order of Business is changed to reflect the planning commission's desired order of business.
2. 18.03.002 (D)(1)(a) is changed to clarify any notices of violation and allows the Code Enforcement Officer to order cessation of violating activities pending any enforcement action.
3. 18.04 (A)(3) is changed to allow the Code Enforcement Officer to order cessation of violating activities until an appeal is resolved.
4. 18.05.001(C) is changed to remove logging from the list of conditional use activities. Logging is still allowed as part of normal development of a lot.
5. 18.05.001(D) is changed to remove "hazards" from the list of prohibited uses due to the broad scope and difficulty in enforcement. Most specific "hazardous" activities are either managed through other permitting processes or are easier to enforce with the addition of the "Uses not qualifying as Permitted or Conditional" item to the list of prohibited uses. This item is also changed to remove "Mobile Homes" and "Mobile Home Park" because these uses are adequately prohibited or controlled in other areas of the Land Development Code. Removal here makes enforcement and control easier.
6. 18.05.002 (C) and (D) is changed (with the exception of "Mobile Homes" in the prohibited use section) as described in items 4 and 5.
7. 18.05.003A (C) and (D) is changed (with the exception of "Mobile Homes" and "Mobile Home Parks" in the prohibited use section) as described in item 5.
8. 18.05.003B (D) is changed to remove "Hazards" for the same reason as in item 5. "Subdivisions creating lots less than 6,000 square feet" is also removed as this item is adequately addressed in the development requirements of this zone.

9. 18.05.004 (A) is changed to add “Religious Assembly” to the permitted uses in the commercial zone. This use is consistent with other commercial zone uses.
10. 18.05.004 (F), 18.05.005 (E) and 18.05.008 (D) are changed to remove items that are addressed elsewhere in the Land Development Code. This reduced duplication makes enforcement of the code easier.
11. 18.05.009 is changed to add drilling, blasting and/or crushing rock activities a part of the zone.
12. 18.05.009 (E) is changed to remove “Uses which degrade air, water or land resources quality without mitigative measures which alleviate negative impacts”. These qualities are more adequately addressed by State and Federal permitting processes. These permitting processes are also better equipped to provide oversight and enforcement of policy than the city is.
13. 18.05.050 (C) is changed to remove conditional use items that are inconsistent with the residential intent of the zone. Currently there is no property in Craig that is zoned “Residential Suburban”.
14. 18.06.001 (C)(1) – (3) is changed to require building permits for any logging or tideland fill activities in Craig city limits. This change allows the city to monitor preparatory activities for construction on property. Item 2 changes fence heights from 6 to 10 feet. This change reflects a number of screening fences built on residential property and as buffers between residential and other use zones. Item 3 is changed to require electronic copies of as-builts and construction plans. This will allow the city to better track overall development on city master maps.
15. 18.06.002 (D) is removed in its entirety. This area was an intended control on potential ANCSA 14(c)(3) reconveyance lands. Since all reconveyance lands have been issued to the city this section is obsolete. Several items in 18.06.002 are also changed to delete “on potential reconveyance” lands for the same reason.
16. 18.07 is changed to remove reference to reconveyance lands. This chapter is also changed to remove reference to parks which do not have sanitary facilities. Sanitary facilities and utilities are now a primary discussion item for mobile home parks with all mobile homes being connected to city water and wastewater. Section (G)(2) is also changed to remove reference to all of the subsections to section D. The entire section now applies to the provision.

These changes have been discussed at several planning commission workshops and meetings since May of 2000. Letters showing the specific changes to the commercial zone were mailed to Craig commercial landowners in September of 2004. There have been no comments received on these items.

Recommendation: Pass the first reading of Ordinance 539.