

Title 18

LAND DEVELOPMENT CODE

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Chapter 18.00**DEFINITIONS**

Sections:

18.00.010 Interpretation of unlisted meanings.

18.00.020 Definitions.

18.00.010 Interpretation of unlisted meanings.

When a word or term is not specifically stated, the city shall have the authority to interpret the meaning based on the most appropriate dictionary definition. [Added during 11/95 supplement. Formerly 18.16.010.]

18.00.020 Definitions.

As used in this title:

“Abandonment” means a use which has not been operated or maintained for one year or more.

“Accessory to” means a use not essential to the primary use but which adds to the convenience or efficiency of the primary use.

“Accessory uses or buildings” means buildings or uses characteristically associated with primary uses. Accessory uses or buildings in regard to residential uses include but are not limited to noncommercial garages, workshops, wood sheds, storage sheds, etc. Accessory uses or buildings in regard to industrial uses include but are not limited to bunkhouses, watchman houses, administrative offices, etc.

“Agencies affected” means agencies which regulate or have responsibility for areas which may be affected by land use actions. Affected agencies include but are not limited to:

1. City fire department;
2. Public works department;
3. U.S. Fish and Wildlife, for land uses which may affect bald eagle nest sites;
4. Alaska Department of Fish and Game;
5. Alaska Department of Transportation;
6. Alaska Power and Telephone;
7. Alascom;
8. U.S. Army Corps of Engineers;
9. Alaska Department of Environmental Conservation;
10. Alaska Department of Natural Resources;
11. U.S. Forest Service.

“Bed and breakfast” means an accessory to a principal residential use meeting all of the following conditions:

1. An owner-occupied residential structure;
2. Three or fewer rental rooms;
3. Maximum length stay of 30 days;
4. The residential character of the neighborhood is retained.

“Building.” See “structure.”

“Building height.” Building height for structures within low density residential, medium density residential, high density residential, high density residential – 1, commercial, public, forestry and residential suburban zones will be measured as the average height of three sides of a building measured from the finished grade to highest point of the roof. Building height for all other zones shall be measured as the average height of three sides of a building measured from the finished grade to lowest extension of roof eaves.

“Building height – buildings on pilings.” Building height of buildings on pilings within low density residential, medium density residential, high density residential, high density residential – 1, commercial, public, forestry and residential suburban zones will be measured as the height from the access way giving access to the building to the highest point of the roof. Building height for buildings on pilings for all other zones shall be measured from the access way giving access to the building to the lowest extension of roof eaves.

“Bunkhouse” means a building providing sleeping quarters and sanitary facilities which may contain a common kitchen unit.

“Business support” means establishments primarily engaged in the provision of services of a clerical, employment, maintenance, protective or minor processing nature which do not involve externally perceptible noise, odor, smoke, dust or other objectionable pollutants.

“Commercial” means the purchase, sale, rental, or other transaction involving the handling or disposition of an article, substance or commodity or service for compensation or profit.

“Common wall” means a wall or walls extending from the footing of a building to the roof along a lot line between two lots on which the building is located.

“Community education” means educational services provided by public, private and parochial schools.

“Community recreation” means recreational facilities including but not limited to bowling alleys, skating rinks, health clubs, aerobic studios and other indoor or outdoor related uses which do not generate excessive dust, noise, or other objectionable pollutants or hazards.

“Conditional uses” means a land use in a zoning district which is not specifically permitted but may be compatible with existing and proposed uses under certain conditions.

“Craig proper from the harbors west” means that portion of Craig delineated in United States Survey 1429 and 1430.

“Cul-de-sac” means a short street with one end open to traffic and terminated at the other end by a vehicle turn-around. Measurement shall be along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

“Day care center” means separate facility or home which charges to provide day care for more than five children. Day care of five children or less is defined as a home occupation.

Depth. See “lot depth.”

“Development” means any division of land through subdividing, the carrying out of any building, timber, or mining operation, excavation, or the construction, erection, relocation, or the making of any material change in the use or appearance of any structure or land or a change in the intensity of the use of land.

“Disturbances” means any use which causes recurring sound, noise, vibration, odor, or flashing perceptible without instruments more than 200 feet from the boundaries of the originating premises except for warning devices, construction work, maintenance, utilities, air taxi services, and other special circumstances during working hours.

“Duplex” means a structure or portion thereof, designed for the occupancy of two families living independently of each other, containing two dwelling units.

“Dwelling unit” means a structure or portion of a structure which provides separate living quarters for an independent family unit. In the case of bunkhouses and similar structures, each separate sleeping room shall be considered one dwelling unit.

Equipment, heavy. “Heavy equipment” means heavy construction equipment, trucks over two tons, aircraft, and other similar, large equipment generally not owned by the general public for personal use.

Equipment, light. “Light equipment” means automobiles, noncommercial trucks, motorcycles, motorhomes, travel trailers, small engines, cement mixers, rototillers, lawn mowers and other equipment often owned by the general public for non-commercial, personal use.

“Essential services” means services and facilities which are necessary for development and involve only minor structures such as sewer and water lines, pump/lift stations, powerlines, distribution feeders, poles, and other low impact facilities of a similar nature serving to provide utilities for surrounding properties.

“Excessive” means a degree exceeding that caused in their customary manner of operation by uses permitted in the zone designation, or a degree injurious to the public health, safety or welfare.

“Family” means persons living together as a single nonprofit housekeeping unit.

Finished grade. See “grade.”

Flag lot. See “lot, flag.”

“Floathouse” means a dwelling constructed on a floating structure.

“Forestry” means the management and use for human benefit of the natural resources that occur on and in association with forest lands.

“Forest uses” means logging in accordance with the Forest Practices Act; fish and wildlife management; watershed protection; recreational uses (fishing, hunting, camping, picnicking, RV campgrounds, lodges, and resorts); administrative offices and residential uses needed for forestry uses, research areas; the manufacturing, wholesaling, storage, and distribution of forest products if located at least one-quarter mile from existing or proposed residential development including lodges and resorts or residentially zoned land; mineral extraction if located at least 300 feet from streams, tidelands, other wetlands, and eagle nest trees and if located at least one-quarter mile from existing or proposed development or residentially zoned land.

“Government complexes” means and includes but is not limited to Forest Service, Coast Guard, BLM, state of Alaska complexes providing for

administrative, maintenance and other duties related to the purpose of government entity.

“Grade” means the lowest point of elevation of the finished surface of the ground between the building and a line five feet from the building.

For buildings on pilings, the finished grade shall be considered the elevation from the land which gives access to the building or property. See “building height – buildings on pilings.”

“Group residential” means boarding houses of four or more rental rooms, bunkhouses of five or more bed spaces, foster care homes with more than five foster children, retirement homes and other similar use types.

“Hazards” means uses which create danger due to explosion, fire, visual obstruction or other causes when potentially hazardous conditions are not rendered safe.

Heavy equipment. See “equipment, heavy.”

“Home occupation” means a nonresidential use conducted in a dwelling unit; provided, that:

1. The use of the dwelling unit or the home occupation shall be clearly incidental and subordinate to its use for the residential purposes by its occupants, have no employees and have not more than 50 percent of the floor area of the dwelling used in the conduct of the home occupation;

2. There shall be no change in the outside appearance of the building or premises, nor shall there be other visible evidence of the conduct of such home occupation other than one sign not exceeding three square feet in area, nonilluminated, and mounted flat against the principal building;

3. No traffic or parking needs shall be generated by such home occupation in greater volume than would normally be found in the neighborhood and shall be accommodated off street and on the premises;

4. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the site of the home occupation;

5. Day care of five children or less shall be considered a home occupation.

6. Marijuana establishments licensed under 3 AAC 306 shall not be considered a home occupation.

“Industrial” means an activity including manufacturing, processing, warehousing, storage, distri-

bution, shipping, or the reduction or destruction of any article, substance, or commodity or any other treatment thereof which changes the characteristics or appearance of the article, substance or commodity.

Industrial, light. “Light industrial” means industrial uses of a nature which do not produce dust, traffic, noise, odor, vibration or other objectionable pollutants of a substantially greater intensity or duration than those commonly associated with surrounding land uses.

“Junkyard” or “salvage yard” means any lot or portion thereof which is used for the purpose of the outdoor storage, handling, dismantling, wrecking, keeping or sale of used, discarded, wrecked, abandoned, unlicensed, or unregistered appliances, vehicles, boats, building materials, machinery, equipment, or parts thereof, including but not limited to scrap metals, wood, lumber, plastic, fiber, or other tangible materials such as rags, rubber, paper, plastics, chemicals, etc.

“Kenel” means any lot, parcel, premises, or establishment on which more than four dogs or other animals more than one year old are housed, groomed, bred, boarded, trained or sold with the exception of animals raised entirely inside the home when no noise or odor can be detected from surrounding properties.

“Landing” means a deck or floor located at the top and bottom of internal or external stairways.

Light equipment. See “equipment, light.”

Light manufacturing. See “manufacturing, light.”

“Lodges and resorts” means structures or a group of structures which provide housing, recreation and entertainment for seasonal visitors.

“Lodges for residential use” means structures or a group of structures designed to provide temporary housing for seasonal visitors.

“Logging” means to cut trees and sell them or hold them for sale at a later date.

“Lot” means a continuous parcel of land under one ownership with legally definable boundaries. A unit of land that is created by a subdivision of land, except that when used in conjunction with other terms, such as “lot area” or “lot depth,” may refer to both a parcel as well as a lot as defined here.

“Lot area” means the total area, measured in a horizontal plane included within the lot lines of a lot or parcel of land.

Lot, corner. “Corner lot” means a lot or parcel of land situated at the intersection of two or more streets and/or highways.

Lot coverage. Coverage is the percentage of the lot area, exclusive of setbacks, covered by principal and accessory structures.

“Lot depth” means the horizontal distance measured between the mid-points of the front and rear lot lines.

Lot, flag. “Flag lots” means a unit of land whose main body is connected to a street, road or easement with access to a street or road by a narrow strip of land.

Lot, interior. “Interior lot” means a lot or parcel of land other than a corner lot.

Lot, island. “Island lot” means a parcel or lot which is completely surrounded on all four sides by another lot or parcel.

Lot line, front. “Front lot line” means, in the case of an interior lot, the lot line separating the lot from the street and in the case of a corner lot, or double frontage lot, a line separating the lot from the street on which the development or contemplated development will face.

Lot line, rear. “Rear lot line” means a lot line which is opposite and most distant from the front lot line. For a triangular shaped lot the rear lot line shall mean a line having a length of not less than 10 feet within the lot which is parallel to the front lot line, or parallel to the chord of a curved front lot line, and at the maximum distance from the front lot line.

Lot line, side. “Side lot line” means any lot boundary line which is not a front lot line or a rear lot line.

“Lot of record” means a lot legally created prior to the effective date of this code.

Lot, substandard. “Substandard lot” means a lot whose area, width or depth is less than that required by the zone in which it is located.

Lot, through. “Through lot” means an interior or double frontage lot having a frontage of two streets and/or highways.

“Lot width” means the horizontal distance between the side lot lines measured at right angles to the lot depth line at a distance midway between the front and rear lot lines.

“Low intensity uses” means uses which do not cause traffic, noise, vibration, smoke, dust or other pollutants of a substantially greater intensity and duration than commonly associated with surrounding uses without mitigative measures which alleviate potential conflicts.

Manufacturing, light. “Light manufacturing” means on-site production of goods by hand manufacturing which involves only the use of hand tools, domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts and which does not create smoke, noise, odor, dust or other objectionable pollutants of a greater degree than normally associated with residential uses.

Measurement, mobile home or travel trailer length. The length shall be measured from the tip of the tongue of the mobile home or trailer to the rear corner of the structure.

“Mobile building” means a single modular building designed to be transported on its own wheels and chassis.

“Mobile home” means a single modular building at least eight feet wide by 38 feet long which is designed to be transported on its own wheels and chassis and which has sleeping, cooking, and plumbing and sanitary facilities.

“Mobile home accessory building” means buildings characteristically associated with residential uses such as noncommercial garages, workshops, storage sheds, etc. Other travel trailers or mobile buildings.

“Mobile home park” means three or more mobile homes, travel trailers and/or motor homes located on one lot or parcel.

“Mobile home space” means a designated portion of a mobile home park designed for the accommodation of one mobile home and its accessory structures for the exclusive use of its occupants.

“Mobile home stand” means that portion of the mobile home space reserved for the location of the mobile home.

“Modular building” means a prefabricated transportable structure designed to be used by itself or to be combined, on-site, with similar units to form a single building. Modular buildings include mobile buildings, mobile homes, travel trailers, motor homes, sectional buildings and modular homes.

“Modular home” means a structure which is partially assembled at a manufacturing plant and placed together on a lot or parcel on a permanent foundation.

“Motor home” means a factory-built portable dwelling powered by its own motor designed to be used for travel, recreation and vacation uses and containing sleeping, cooking, sanitary and plumbing facilities.

“Necessary” means absolutely needed or required.

“Nonconforming use” means any use or structure lawfully existing at the effective date of the ordinance codified in this chapter which does not conform to this code.

“Nonpreemptive uses” means uses which can easily and economically be moved, relocated or converted to conforming uses. Uses including but not limited to a limited number of mobile homes, a small RV park and buildings, the accumulative number of which can be moved easily and economically due to special construction for the purpose of being moved at a later date.

“Offices in residential area” means offices in which:

1. Not more than 50 percent of the floor area of residential building is used for office space;
2. There is no change in outside appearance of the building or premises, and no other visible evidence of the office use other than one sign not exceeding three square feet in area, nonilluminated, and mounted flat against the principal building;
3. No traffic or parking needs are generated by such office in greater volume than would normally be found in the neighborhood and parking is accommodated off street and on the premises;
4. No equipment or process is used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the site.

“Officially planned” means a concept or actual plan for a parcel or area which has been discussed and officially approved at a public hearing.

“Overlay” means an overlying zone which imposes special conditions over and above the basic zone designation.

“Owner, record owner or owner of record” means owner of record or purchaser of record

according to the system of land title recording established pursuant to AS 44.37.

“Parking space” means a site for parking an individual motor vehicle. Generally, parking spaces should be approximately eight feet by 20 feet in size.

Planned, officially. See “officially planned.”

“Planned unit development” means a unit of land five acres or larger in size innovatively developed so that strict application of subdivision design standards and the zoning ordinance may be varied without negative impacts on the community or environment.

“Premises” means a lot or parcel plus any buildings thereon.

“Primarily residential” means uses which are chiefly intended to provide for living, cooking, and sleeping and incidentally provide for other uses such as recreation, counseling, instruction and other similar uses.

“Religious assembly” means a structure the primary purpose of which is to accommodate religious services such as customarily occurs in synagogues, temples and churches for the purpose of worship.

“Residential” means an activity involving the occupation of buildings for living, cooking and sleeping.

Residential, primarily. See “primarily residential.”

“Retail sales and rentals” means business, primarily engaged in the sale and/or rental of commonly used and accepted goods and merchandise, which do not generate excessive controversy, noise, pollutants or pose potential hazards to health and safety. This use type includes but is not limited to gift shops, appliance sales, book stores, department stores, general stores, flower shops, pet stores, music and video stores, bakeries, grocery stores, hardware stores, second hand stores, etc.

“Sectional building” means two or more modular buildings designed to be combined on-site and to be placed on a permanent foundation.

“Setback” means the minimum horizontal distance between a lot line and the wall of a structure, the mean high water mark of a stream and a specific distance, or the tree line and a specifically prescribed distance. See “structure.”

“Street” means and includes streets, avenues, roads, lanes, alleys and other ways.

“Structure” means any manmade thing constructed or erected or moved onto a lot when the use requires a fixed location on the ground or attachment to something located on the ground or is not easily moved by one person without the aid of motorized equipment; including but not limited to buildings, mobile homes, travel trailers, billboards, tanks, etc., but not including paving, decks built 30 inches or lower above grade, lawn accessories, fences six feet or under, licensed and registered vehicles in good mechanical condition operated at least on a weekly basis, and other similar things.

“Subdivision” means the division of any land, vacant or improved, into lots, parcels, sites, units, plats, or interests for the purpose, immediate or future, of sale, lease, or transfer of title, where the act of division creates two or more parcels. Subdivision regulations also include provisions for right-of-way vacations, dedications, street naming and public improvements.

“Travel trailer” means a portable dwelling designed to be transported by another vehicle originally built on wheels (less than eight feet by 38 feet) designed to be used for travel, recreational and vacation uses, which has sanitary, cooking, and sleeping facilities.

Travel trailer, measurement. See “measurement, mobile home or travel trailer length.”

“Triplex” means a structure or portion thereof designed for the occupancy of three or more families living independently.

Uses, water-dependent. “Water-dependent use” means a use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body (6 AAC 80.900(17)).

Uses, water-related. “Water-related use” means a use or activity which is not directly dependent on access to a water body but which provides goods or services that are directly associated with water-dependent uses and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered.

“Uses which degrade air, water or land resources quality” means uses which increase the potential for siltation, pollution, landslides or blowdown within or near 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; or which interfere with adequate water flow, natural circulation and drainage patterns, nutrient, temperature, and oxygen levels, streamside vegetation; or uses which promote the harassment of wildlife; reduction in the quality or quantity of fish and wildlife food supplies, or necessary nesting, denning, or protective habitat; or introduction of destructive species or predators.

“Variance” means an exception to a standard of a district but not to the use restriction of that district.

“View-obscuring screening” means screening which shields development from view from roadways. Vegetative screening must be planted and maintained to become view obscuring within two years of planting and thereafter.

Water-dependent and water-related uses. See “uses, water-dependent” and “uses, water-related.”

“Watershed” (inside city limits) means an area of approximately 160 acres lying in the north half of Sections 8 and 9T. 74 S. R. 81 E. more particularly described as an area located on the west face of Sunnahae Mountain from the city impoundment dam at an elevation of approximately 60 feet to an elevation of approximately 2,200 feet between the adjacent streams (measured from the center of each stream) on each side of the impoundment dam including all surface and subsurface drainage which enters the area.

Width. See “lot width.”

“Wind-firm buffer” means the natural shoreline vegetation of trees above the high tide line approximately 50 to 100 feet in width which provides a wind shield, a sediment filter, shading and a visual buffer.

“Zero lot line development” means a development on adjoining lots where units abut one property line with no setbacks. Development may have common walls. [Ord. 682 § 4, 2016; Ord 676 § 4, 2015; Ord. 550 § 4, 2005; Ord. 544 § 4, 2005; added during 11/95 supplement. Formerly 18.16.020.]

Chapter 18.01

ADMINISTRATION

Sections:

- 18.01.001 Consistency with plans and laws.
- 18.01.002 Official zoning maps.
- 18.01.003 Uncertainties of zone boundaries.
- 18.01.004 Fees required.
- 18.01.005 Rules of interpretation – Effects of provisions.
- 18.01.006 Language.
- 18.01.007 Personnel.

18.01.001 Consistency with plans and laws.

A. Actions initiated under this code shall be consistent with the adopted Craig Comprehensive Plan, Craig Coastal Management Program, the Craig Reconveyance Plan and with applicable state and federal laws and regulations as these plans, laws, and regulations may now or hereafter provide.

B. Whenever reference is made to any portion of this code, or of any other law or ordinances, the reference shall apply to all amendments and additions now or hereafter made.

C. If any provisions or portions of any provisions of this code, or the application thereof to any property or person is held invalid, the remainder of the code and the application of such provision to other persons or lands shall not be affected.

D. The rights granted by any variance, conditional use permit, temporary use permit, building permit, or other land use permit pursuant to any ordinances repealed by this code shall not be affected by such repeal; however, such permit or approval shall be contained or maintained in accordance with the provisions of this code.

E. Any use established or conducted, or any building or structure existing in violation of any duly enacted ordinance upon the effective date of this code, shall not be deemed to have acquired status of rights of a nonconforming classification by reason of the adoption of this code or any provisions thereof. To the extent that such use, building or structure was in violation of such ordinance, statute or law, or in violation of this code, such shall be deemed a continuing violation. [Added during 11/95 supplement.]

18.01.002 Official zoning maps.

The various zones defined in this code are denoted on the official zoning map (or maps) of Craig, Alaska, and are adopted as a part of this code, and any other zoning map or maps denoting any type of zoning are declared null and void and are superseded by the official zoning map (or maps) of the city of Craig. Future plan and zone changes shall be recorded on the official maps. The zoning maps are on file in the office of the city clerk. [Added during 11/95 supplement.]

18.01.003 Uncertainties of zone boundaries.

Where uncertainties exist as to boundaries of any zone shown upon the official zoning map (or maps) of Craig, the following provisions shall apply:

A. Where boundaries are indicated as approximately following lot lines, rights-of-way of highways, streets, alleys, roads, or contours and the like, such lines shall be construed to be such boundaries.

B. In the case of unsubdivided property where a zone boundary divides a lot or parcel of land, the location of such boundary which is not indicated by dimension or legal description shall be determined by the city planning official.

C. Where a public highway, street, or alley or any portion thereof is officially vacated or abandoned, the area comprising such vacated highway, street, or alley shall have applied thereto the same zone as that of the property to which it reverts. Existing or functioning highway and road rights-of-way and areas used primarily for automobile and truck transportation shall be deemed to permit the continued use as such, as well as other uses supportive of the primary use.

D. Easements or land areas used solely for electric power lines and poles, and telephone lines and poles shall be deemed to be zoned to permit the continued use as such. [Added during 11/95 supplement.]

18.01.004 Fees required.

Application for a land use or development decision shall be accompanied by a fee, the amount of which shall be adopted by resolution of the city council. [Added during 11/95 supplement.]

18.01.005 Rules of interpretation – Effects of provisions.

A. Minimum Requirements. The regulations and standards set forth in this code are to be considered minimum requirements, which are binding upon all persons and bodies charged with administering or enforcing this code.

B. Effect Upon Private Agreements. It is not intended that these regulations are to interfere with, abrogate or annul any easements, covenants or other agreement. [Added during 11/95 supplement.]

18.01.006 Language.

A. Construction. When used in this code, the words “shall,” “will,” and “is to” are always mandatory and not discretionary. The words “should” or “may” are permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural, and the plural the singular.

B. Time of Day. Whenever a certain hour or time of day is specified in this code, or any permit, condition of approval or notice issued or given as set forth in this code, such hour shall be standard time or daylight savings time, whichever is in current use in the City.

C. Number of Days. Whenever a number of days is specified in this code, or in any permit, condition of approval or notice issued or given as set forth in this code, such number of days shall be deemed to be consecutive calendar days, unless the number of days is specifically identified as business days.

D. Rounding of Quantities. Whenever this code requires consideration of distances, numbers of dwelling units, parking spaces or other aspects of development or the physical environment expressed in numerical quantities which are fractions of whole numbers, such numbers are to be rounded to the next highest whole number when the fraction is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5.

E. The term “this code” when found within this title refers only to the Craig Land Development Code. [Added during 11/95 supplement.]

18.01.007 Personnel.

The mayor shall appoint and council shall confirm a person or persons to serve as the code

enforcement officer, the platting official, the planning official, and the building official to administer the provisions of this code. [Added during 11/95 supplement.]

Chapter 18.02**PLANNING COMMISSION**

Sections:

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- 18.02.002 Planning and zoning duties.
- 18.02.003 Platting duties.
- 18.02.004 Membership.
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- 18.02.007 Officers.
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- 18.02.100 Planning functions.
- 18.02.110 Comprehensive plan – Composition – Review.
- 18.02.120 Purpose of zoning regulations.
- 18.02.130 Board of adjustment.

18.02.001 Established.

There is established the planning commission for the city to perform the functions of planning, platting and zoning for the city. [Added during 11/95 supplement.]

18.02.002 Planning and zoning duties.

It shall be the duty of the commission to hold public hearings where necessary and make recommendations to the council on matters concerning or relating to planning and zoning, the enforcement of appropriate regulations and amendments to ordinances or other matters within the scope of the planning and zoning power. [Added during 11/95 supplement.]

18.02.003 Platting duties.

The function of platting shall be performed from time to time by the commission, convened as the platting authority for the city and completed upon it having approved or rejected proposed plats,

replats and vacations of public ways according to law. [Added during 11/95 supplement.]

18.02.004 Membership.

The voting members of the planning commission shall be five citizens who are residents of the city. The mayor shall be an ex officio member but may not vote. [Added during 11/95 supplement.]

18.02.005 Appointment.

Members shall be appointed by the mayor and confirmed by the council. Appointments to fill vacancies shall be for the unexpired term only. [Added during 11/95 supplement.]

18.02.006 Term of office.

Members shall be appointed for a term of three years; except of those first appointed, two shall be appointed for three years, two for two years and one for one year. Such members first appointed shall draw lots for the foregoing terms. [Added during 11/95 supplement.]

18.02.007 Officers.

The commission shall designate a member as its presiding officer to conduct the affairs of the commission, a deputy presiding officer to serve in the absence of the presiding officer, and a clerk. The commission clerk shall prepare the journal of the commission's proceedings. [Added during 11/95 supplement.]

18.02.008 Vacancies.

A. A vacancy shall be declared, and filled for the unexpired term as above provided, when a member:

1. Fails to qualify and take his office within 30 days after his confirmation by the council;
2. Departs from the city with the intent to remain away for a period of 90 or more days or is physically absent from the city for a period of 90 or more days;
3. Submits his resignation and the resignation is accepted by the mayor;
4. Is physically or mentally unable to attend commission meetings for a period of more than 90 days;
5. Misses three or more consecutive regular meetings, unless excused by the commission; or

6. Is convicted of a felony or of an offense involving or in a violation of his oath of office.

B. The clerk of the planning commission shall keep attendance records and notify the mayor when vacancies occur. [Added during 11/95 supplement.]

18.02.009 Oath of office.

The oath of office shall be signed by each new planning commission member. The oath of office shall read:

OATH OF OFFICE PLANNING COMMISSION

I, _____, do solemnly affirm that I will honestly, faithfully, and impartially perform my duties as planning commission member for the City of Craig, Alaska, to the best of my ability and that I will support and comply with the land use ordinances of the City of Craig, Alaska, to the best of my knowledge.

[Added during 11/95 supplement.]

18.02.010 Quorum.

A majority of voting membership constitutes a quorum. Any act of the commission requires a majority affirmative vote of those voting members present. [Added during 11/95 supplement.]

18.02.020 Meetings.

Regular meetings shall be held on Thursday of the fourth week of each month. Special meetings may be called by the presiding officer or shall be called by him at the request of three members, including nonvoting members. [Added during 11/95 supplement.]

18.02.030 Record of meetings.

Meetings shall be public and minutes shall be kept. Minutes and records shall be filed with the city clerk and retained as public records. [Added during 11/95 supplement.]

18.02.040 Rules of proceedings.

Meetings shall be conducted under Robert's Rules of Order, and such modified or amended rules as may be adopted by the commission.

A. Contacts. Except for legislative matters (e.g. concerning either a code amendment for a plan review which involves a substantial area and number of property owners, or an issue of broad public policy), the general public has a right to have hearing body members free from prehearing or ex parte contacts on matters heard by them which involve nonlegislative proceedings. It is recognized that a countervailing public right is free access to public officials on any matter.

Therefore, hearing body members shall reveal any significant prehearing or ex parte contacts with regard to any matter at the commencement of the public hearing on the matter. If such contacts have not impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall participate or abstain in accordance with subsection (B) of this section.

B. Abstention or Disqualification. A commission member shall abstain if he stands to make a personal financial gain or financial gain for a spouse, child, mother, father, or business with which the member is associated or in which the member owns stock.

Except for hearings involving a legislative, non-adjudicatory matter concerning either a code amendment or a plan revision which involves a substantial area and number of property owners, or an issue of broad public policy, disqualification for reasons other than the member's own judgment may be ordered by a majority of the members of a hearing body present and voting. The member who is the subject of the motion for disqualification may not vote on the motion.

C. Burden and Nature of Proof. Except for hearings involving a legislative, nonadjudicatory matter concerning either a change of zone or comprehensive plan designation revision which involves a substantial area and number of property owners, the burden of proof is upon the applicant. The more drastic the change or the greater the impact of the proposal in the area, the greater is the burden upon the applicant. The proposal must be supported by proof that it conforms to the applicable elements of the comprehensive plan and to applicable provisions of this code, especially the specific criteria set forth for the particular type of decision under consideration.

D. Record of Proceedings. Hearings shall be recorded and filed for future reference. In addition,

minutes shall be taken and presented to the reviewing body for their approval. [Added during 11/95 supplement.]

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 meeting, as amended or corrected;
4. Public comment on nonagenda items;
5. Public hearing;
6. New business;
7. Old business;
8. Correspondence;
9. Adjourn.

B. The order of business at special meetings shall be prescribed by the presiding officer. [Ord. 539 § 4, 2004; added during 11/95 supplement.]

18.02.060 Office and staff.

A. The commission shall be provided office space suitable for its needs and adequate to file its journals, resolutions, records, reference materials, correspondence and maps, plats and charts, all of which shall constitute public records of the city.

B. The commission shall be furnished clerical assistance at each meeting to assist in preparing its minutes, journals and resolutions, and as required to prepare its correspondence under the direction of the commission presiding officer and commission clerk. [Added during 11/95 supplement.]

18.02.070 Resolutions.

A. All formal actions of the commission shall be by resolution bearing:

1. The heading, "City of Craig Planning Commission";
2. The space for the serial number to be assigned, "Resolution, Serial No. _____";
3. A short and concise title descriptive of its subject and purposes;
4. A short premise or whereas clause descriptive of the reasons for the resolution, if necessary;
5. A listing of the "Criteria for Approval" required for approval of an application under this code and a review of the application by these criteria;

6. The resolving clause, "Be It Resolved:"; and

7. Provision for signature after the text, "Adopted (date)," and designated lines for the signatures of the commission presiding officer and the city clerk.

B. All resolutions adopted by the commission, whether at the instance of and presented by third parties, or on the motion of and instance of the commission, shall conform to that set forth in subsection (A) of this section and shall be on white eight and one-half by 11 paper with one and one-half inch left margin suitable for permanent filing. [Added during 11/95 supplement.]

18.02.080 Funds.

All funds of the commission received as fees and charges or otherwise shall be deposited in the general fund of the city as receipts of the activities of the commission. [Added during 11/95 supplement.]

18.02.090 Compensation.

Compensation and expenses of the planning commission and its staff are paid as directed by the council. [Added during 11/95 supplement.]

18.02.100 Planning functions.

A. The planning commission shall prepare and recommend to the city council a comprehensive plan which may include but is not limited to:

1. Statements of goals, policies, standards;
2. A land use plan;
3. A community facilities plan and transportation plan;
4. Implementation measures.

B. With the recommendations of the planning commission, the city council shall adopt by ordinance a comprehensive plan and shall undertake an overall review of the comprehensive plan as necessary.

C. The commission shall publish notice of and hold at least one public hearing before submitting its recommendations under subsection (A) of this section to the council. Notice shall be published in the same manner as in the case of ordinances.

D. The planning commission shall:

1. Act as the platting board and review subdivisions, mobile home parks and recreational vehicle parks;

2. Act upon requests for variances;
 3. Act upon requests for conditional uses;
- and
4. Act upon requests for land use and zone changes and other land use actions prescribed by this code. [Added during 11/95 supplement.]

18.02.110 Comprehensive plan – Composition – Review.

A. The comprehensive plan shall be a compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the city.

B. The planning commission shall undertake an overall review of the plan periodically as necessary and shall present recommendations based on the review to the council. [Added during 11/95 supplement.]

18.02.120 Purpose of zoning regulations.

A. In accordance with the comprehensive plan, the council shall regulate and restrict the use of land and improvements by districts. Regulations shall be uniform for each class or kind of building, structure, land or water area within each district but the regulations may differ among districts, may differ within the same district through the use of overlays, and exceptions may be made in order to provide for the preservation, maintenance and protection of historic sites, buildings and monuments.

B. Zoning regulations adopted under subsection (A) of this section may include, but are not limited to, restrictions of the following:

1. Land use;
2. Building location and use;
3. The height and size of structures;
4. The number of stories in buildings;
5. The percentage of lot which may be covered;
6. The size of open spaces; and
7. Population density and distribution.

C. Zoning regulations are designed to do the following:

1. Provide for orderly and aesthetic development;
2. Lessen street congestion;
3. Promote fire safety and public order;
4. Protect the public health and general welfare;

5. Prevent overcrowding, and land use conflicts;
6. Stimulate systematic development of transportation, water, sewer, school, park, and other public facilities;
7. Provide for natural resource protection;
8. Provide for protection from natural hazards. [Added during 11/95 supplement.]

18.02.130 Board of adjustment.

A. The council is the board of adjustment. Meetings of the board are held at the call of the mayor. The mayor may administer oaths and compel attendance of witnesses. Meetings and hearings of the board shall be open to the public. The city clerk shall keep minutes of the proceedings of the board of adjustment as a public record.

B. The board of adjustment shall hear and decide:

1. Appeals regarding alleged errors in enforcement of the land development code and building codes;
2. Appeals from the decisions of the planning commission on requests for variances, subdivisions, mobile home parks, RV parks, zone changes, conditional use permits and other land use actions decided by the planning commission. [Added during 11/95 supplement.]

Chapter 18.03

ENFORCEMENT

Sections:

- 18.03.001 Enforcement responsibility.
- 18.03.002 Revocation of permit or approval –
Forfeiture of bonds or deposits.
- 18.03.003 Service of citation.
- 18.03.004 Release of citation.
- 18.03.005 Interference prohibited.
- 18.03.006 Parties.
- 18.03.007 Penalties and remedies.

18.03.001 Enforcement responsibility.

The responsibility for the enforcement of the provisions of the Craig Land Development Code is assigned as follows:

A. City Police Chief. It is the duty of the city police chief and of all police officers of the city to assist the code enforcement officer in enforcing the land development code.

B. Code Enforcement Officer. The mayor or city administrator shall designate a person or persons to act as the code enforcement officer to enforce this code. The code enforcement officer has the following responsibilities and powers in the enforcement of this title:

1. To review with affected individuals the provisions of applicable city ordinances through initiation of administrative hearings and other methods to support voluntary compliance with its provisions;
2. To issue citations for violations of this title and to obtain compliance with this title;
3. To initiate by citation all necessary proceedings to forfeit bond or cash deposits;
4. To initiate by citation proceedings to revoke approvals granted under this code;
5. To initiate all other enforcement proceedings authorized under this code. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.03.002 Revocation of permit or approval – Forfeiture of bonds or deposits.

A. Authority.

1. The code enforcement officer may initiate proceedings by citation to revoke the approval, or enforce a condition of approval, of any permit or land use approval issued pursuant to this code in

any case where a use of land has been established or conducted in a manner which violates or fails to observe the provisions of this code or a condition of approval.

2. The code enforcement officer may initiate proceedings by citation to forfeit all or a portion of a bond or cash deposit. Forfeiture of a bond or cash deposit requires a public hearing before the planning commission.

B. Content. A citation may order:

1. The discontinuance of any activity which does not comply with terms of this title or with a term or condition of a permit or approval issued or bond or cash deposit posted under this title;

2. The removal or abatement of buildings or structures, and the restoration of a site, developed or disturbed in violation of this title or a term or condition of a permit or approval issued hereunder;

3. Any other action necessary to ensure compliance with all provisions of this title and permits issued hereunder, including, but not limited to, suspension of permits until the condition of noncompliance has been remedied.

C. Review. Upon written application of the owner/developer, the commission shall review the citation at the first regular meeting after the date of such citation, providing for adequate public notice. Adequate public notice is completed when the notice of the meeting is posted in City Hall, at the post office and in one other public place. The review shall be limited to the presence of the violations stated in the citation, and in such review the burden of proof shall be upon the owner/developer as appellant of the order. The commission shall make findings of fact, which shall be reduced to writing, together with its decision, in the form of a resolution. The decision of the commission may be to affirm, modify or rescind the citation. The decision of the planning commission shall be final unless appealed to the city council in writing within 30 days after the date the decision is mailed; or, if the person subject to the citation was present at the hearing at which the commission issued its decision, then within 30 days thereafter. Such further appeal shall be in accordance with Chapter 18.04 CMC, Appeals.

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 10 days prior to an enforcement action. A notice of citation is to contain the following:

- i. The heading reading, "Notice of Enforcement Action";
 - ii. A list of the provisions of this code and/or conditions violated and the means to correct such violation(s), if any;
 - iii. The penalties for noncompliance;
 - iv. An explanation of the appeal procedure.
- b. Any person who initiated the action or complaint which led to the issuance of the citation shall also be notified by certified mail, return receipt requested.

2. Forfeiture of Bond or Cash Deposit.

a. The code enforcement officer is to notify the person posting the bond or cash deposit of the intention to cause forfeiture of the bond or deposit at least 20 days prior to a forfeiture hearing. Such notice is to contain the following:

- i. The heading reading, "Notice of Forfeiture Hearing";
- ii. The reasons for seeking forfeiture and the remedial action required by the person posting the bond or deposit;
- iii. The date, time and place of the forfeiture hearing;
- iv. The required penalties for noncompliance.

b. Notice of all citation issuances and forfeiture hearings shall be posted in City Hall, at the post office and in one other public place. [Ord. 539 § 4, 2004; Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.03.003 Service of citation.

Notice of citation, or a citation, issued under this section is to be done by the code enforcement officer.

A. Service.

1. A copy of the citation is to be either served personally or by mail, postage prepaid, certified mail, return receipt requested, to the owner of the affected premises as shown on the last equalized assessment roll. If no address can be found or is known to the code enforcement officer, then the citation is to be mailed to such person at the address

of the premises affected by the proceedings. The refusal of any person who receives a citation to acknowledge its receipt in writing does not affect the validity of any proceedings taken hereunder. The code enforcement officer shall submit a sworn statement relating to attempts to serve a citation which is refused. This sworn statement can be used to show proof of service.

2. If the citation is delivered by hand, and the owner or developer cannot be found, it shall be posted (in a rainproof envelope) in a conspicuous place on the site. Notice of the citation shall also be posted at City Hall, the post office and one other public place for seven consecutive days. The code enforcement officer shall transmit a copy of the citation to the chairman of the planning commission, and shall keep a copy of the order in a permanent record.

3. A copy of the notice is to be recorded with the city clerk. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.03.004 Release of citation.

Where a citation has been served pursuant to this code, and the planning commission has determined that the owner of an affected premises has corrected the condition which was the basis for initiation of enforcement action, the code enforcement officer shall record a release of citation with the city clerk and shall provide a copy to the owner. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.03.005 Interference prohibited.

No person shall hinder, interfere with or impede the code enforcement officer in the performance of duties assigned by this title, or other codes and ordinances of the city of Craig. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.03.006 Parties.

A proper party for any enforcement action under this title includes, but is not limited to, the owner of the site or any part thereof, any lessee or occupant of the site or any part thereof; and the developer and its agents, contractors, subcontractors and employees, who participate in, assist, commit or maintain a violation. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.03.007 Penalties and remedies.**A. Civil Remedies.**

1. Upon violation of any of the provisions of this title or of a permit or any conditions thereon issued pursuant hereto, the code enforcement officer on behalf of the city, or any aggrieved citizen, may institute or cause to be instituted any appropriate civil action to prevent, enjoin, abate, estop, remove or punish such violation and to obtain monetary damages suffered by such party.

2. In addition to injunctive and compensatory relief, each violation shall be subject to a civil penalty not to exceed \$1,000 and attorney's fees as provided by law.

3. Each day a violation continues, following issuance of a citation requiring its cessation, shall constitute an additional violation for purposes of assessing civil penalties.

4. An action to enjoin a violation of this chapter may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and the fording of an existing or threatened violation, the court shall grant injunctive relief to restrain the violation.

B. Criminal Remedies.

1. Unless otherwise specifically provided, any violation of the provisions of this title or failure to comply with its requirements, including a violation of any condition placed on any permit or approval issued under this title, and including the wilful violation of any citation issued hereunder, is a misdemeanor. Any person convicted of a misdemeanor under the ordinances of the city shall be punished by a fine not to exceed \$300.00.

2. Each violation of this title occurring on a separate day and each failure to comply with the mandatory requirements of an ordinance on separate days constitutes a separate offense and the person found guilty of such repeated offenses shall be punished accordingly. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

Chapter 18.04**APPEALS**

Sections:

18.04.010 Administrative appeals.

18.04.020 Judicial review.

18.04.010 Administrative appeals.

A. Purpose. The purpose of this chapter is to ensure that all parties are granted due process for land use actions.

B. Appellant Bodies. An affected party may appeal administrative decisions to the planning commission, decisions of the planning commission or platting board to the city council, and from the city council to the superior court.

C. 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 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.

D. Record of Appeal. The city shall provide the hearing body with all pertinent records, which shall become a part of the record for the appeal. The city may require the appellant to pay the costs of providing the record, before the hearing.

E. Board of Adjustment. The city council is the board of adjustment. The mayor shall act as the presiding officer of the board of adjustment, and shall exercise such control over the board's proceedings as is reasonable and necessary. In addition to his other duties, he shall rule upon the admissibility of evidence before the board and may limit presentations before the board to a reasonable period of time.

F. Quorum. A quorum of the board shall consist of a majority of its voting members. Decisions by the board must be made and rendered by a quorum. Only those members of the board of adjustment who have been present throughout the hearing on an appeal or who have read the complete record on the appeal may vote on that appeal.

G. Notice of Appeal. Notice of the appeal shall be sent to all members of the reviewing body and to all who responded orally or in writing at the hearing. Notice shall be posted in three public places at least five days prior to the hearing. The party filing the appeal and the applicant shall be notified by certified mail or in person.

H. Basis of Record of Appeal. All appeals shall be heard on the basis of the record of the original hearing and additional evidence presented at the hearing on the appeal.

I. Procedure. The following procedure shall be followed at any hearing on an appeal before the board of adjustment:

1. The appeal number and the name of the party appealing shall be read into the record;

2. The mayor shall then determine if the appellant or his agent is present. If no such person is present, the board will proceed with the hearing in such person's absence, unless the presiding officer rules that there were extenuating circumstances which prevented the appellant or his agent from appearing;

3. The presiding officer shall require the appellant to give his presentation first;

4. After the conclusion of the appellant's presentation, the official involved shall then make a presentation. That official shall answer any questions by any member of the board or planning commission concerning his comments or appellant's comments;

5. The appellant shall then have the right to respond to the official's presentation;

6. All comments made by the official or the appellant shall be directed to the mayor. All questions directed toward the appellant or official shall be only by a member of the board or the planning commission; and

7. All testimony before the board shall be under oath, to be administered by the city clerk.

J. Presentation of Appeal.

1. An appellant may in lieu of a personal appearance before the board of adjustment present his appeal in writing supported by any affidavits appellant considers necessary. Such affidavits shall be filed by appellant at the time of filing the notice of appeal.

2. Appellant, other interested persons, and any official may be represented by legal counsel at the board of adjustment.

K. Burden of Proof. The burden of proof is upon the appellant to prove his case by a preponderance of the evidence.

L. Rules of Evidence. The formal rules of evidence applicable to an action at law do not apply to hearings before the city council. Evidence and testimony shall be relevant to the appeal.

M. Decisions.

1. The decision of the board of adjustment on an appeal shall be by an affirmative motion, and shall include all findings of fact required to explain the council's decision in regard to all applicable criteria.

2. The decision and findings of fact shall be reduced to writing and a copy shall be sent to the appellant and all other parties to the appeal, along with a notice identifying the procedure for appeal to the superior court and stating the time limit for taking such appeal. [Ord. 539 § 4, 2004; added during 11/95 supplement.]

18.04.020 Judicial review.

A. Notice of Appeal. Judicial review by the superior court of a final administrative order may be had by filing a notice of appeal in accordance with the applicable rules of the court governing appeals in civil matters. Except as otherwise provided in this section, the notice of appeal shall be filed within 30 days after the board of adjustment announced its decision in the appellant's presence or mailed its decision to the appellant, whichever occurred first.

B. The Record of Appeal. The complete record of the proceedings, or the parts of it which the appellant designates, shall be prepared by the city. A copy shall be delivered to all parties participating in the appeal. The original shall be filed in the superior court within 30 days after the appellant pays the cost (as estimated by the city) of preparing the complete or designated record. The complete record includes:

1. The pleadings;
2. All notices and orders issued by the city;
3. The proposed decision by a hearing officer (if a hearing officer was appointed);
4. The final decision;
5. A transcript of all testimony and proceedings;
6. The exhibits submitted or rejected;
7. The written evidence; and

8. All other documents in the case.

C. Scope of Review.

1. An appeal shall be heard by the superior court sitting without a jury.

2. Inquiry on appeal extends to the following questions:

a. Whether the city has proceeded without, or in excess of, jurisdiction;

b. Whether there was a fair hearing; and

c. Whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the city has not proceeded in the manner required by ordinance, the order or decision is not supported by the findings, or the findings are not supported by the evidence.

3. The court may exercise its independent judgment of the evidence. If it is claimed that the findings are not supported by the evidence, abuse of discretion is established if the court determines that the findings are not supported by:

a. The weight of the evidence; or

b. Substantial evidence in light of the whole record.

4. The court may augment the record in whole or in part, or hold a hearing de novo. If the court finds that there is relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the hearing, the court may:

a. Enter judgment as provided in subsection (C)(5) of this section and demand the case to be reconsidered in the light of that evidence; or

b. Admit the evidence at the appellate hearing without remanding the case.

5. The court shall enter judgment setting aside, modifying, remanding or affirming the order or decision, without limiting or controlling in any way the discretion legally vested in the city.

6. The court in which proceedings under this section are started may stay the operation of the administrative order or decision until:

a. The court enters judgment;

b. A notice of further appeal from the judgment is filed; or

c. The time for filing the notice of appeal expires.

7. No stay may be imposed or continued if the court is satisfied that it is against the public interest.

8. If further appeal is taken, the supreme court may, in its discretion, stay the superior court's judgment or city's order.

9. If a final administrative order of decision is the subject of a proceeding under this section, and the appeal is filed while the penalty imposed is in effect, finishing or complying with the penalty imposed by the city during the pendency of this proceeding does not make the determination moot. [Added during 11/95 supplement.]

Chapter 18.05**ZONE DESIGNATIONS**

Sections:

- 18.05.001 Residential – Low density (RL) zone.
- 18.05.002 Residential – Medium density (RM) zone.
- 18.05.003 Residential – High density (RH) zone.
- 18.05.004 Residential – High density I (RH-I) zone.
- 18.05.005 Commercial zone.
- 18.05.006 Light industrial zone.
- 18.05.007 Marine industrial zone.
- 18.05.008 Heavy industrial zone.
- 18.05.009 Public zone.
- 18.05.010 Forestry.
- 18.05.011 Planned unit development zone.
- 18.05.020 Special considerations overlay.
- 18.05.030 Limited marine industrial overlay.
- 18.05.040 Mobile building restricted (MBR) overlay.
- 18.05.050 Residential suburban (RS) zone.

18.05.001 Residential – Low density (RL) zone.

The purpose of the RL zone is to maintain property values and provide for aesthetically pleasing neighborhoods by permitting only single-family houses, modular homes and a limited range of compatible uses.

A. Permitted Uses.

1. Single-family houses or duplex;
2. Modular homes or modular duplex;
3. Home occupation;
4. 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;
5. Essential services;
6. Travel trailer or motor home occupied by nonpaying guests accessory to a residence for a term not to exceed 90 days in any 120-day period.

B. Temporary Uses. See CMC 18.06.005, Temporary use permit.

C. Conditional Uses.

1. Religious assembly;

2. Electrical utility substations and related uses;
3. Day care center;
4. Community education;
5. Public housing;
6. Group residential;
7. Parking truck or other equipment over two tons;
8. Buildings built above maximum height;
9. 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. Bed and breakfast;
11. Tideland fill above maximum height;
12. Stairs and landings built within property setbacks.

D. Prohibited Uses. Include but are not limited to:

1. Disturbances;
2. Uses not qualifying as permitted or conditional;
3. Marijuana establishments not specifically allowed as permitted or conditionally permitted uses in this zone.

E. Property Development Standards.

1. Minimum Lot Size. Nine thousand square feet;
2. Minimum Lot Width.
 - a. Sixty-foot minimum lot width,
 - b. Corner lots: 65-foot minimum lot width,
 - c. See also CMC 18.15.020, Nonconforming lots of record;
3. Parking. All parking demand must be accommodated off-street and on the premises. See Chapter 18.14 CMC, Parking;
4. Setbacks. Ten feet from all lot lines. In addition, development on corner lots shall not impede visibility.

Interior Setbacks. Six feet between structures unless fire wall is approved and built according to adopted building and fire codes;

5. Building Heights. Maximum of 30 feet for homes and 16 feet for accessory buildings.

Measurement. Building height shall be measured as the average height of three sides of the

building measured from the finished grade to the highest point of the roof. (See Chapter 18.00 CMC, Definitions, Building height – buildings on pilings.)

C.U.P. A conditional use permit may be requested to build higher. See CMC 18.06.002(I), Required Findings;

6. Density.

a. Nine thousand square feet for the first dwelling structure and 9,000 square feet for an additional dwelling structure.

No more than two separate dwelling structures permitted per lot or parcel without submission of a plot plan conforming to the applicable standards of CMC 18.09.004, Preliminary plot requirements. Lot size and shape, the width and location of proposed access for roadways and utilities shall conform to code requirements.

b. Maximum Lot Coverage. Fifty percent of the lot area remaining when the setback area is subtracted from the total lot area.

7. Filled Tideland Lots.

a. Development Standards. Development standards for additional structures or dwelling units for all tideland lots shall be computed based upon the combined total developed area of the lot. This includes the square footage of the filled area of the lot and the square footage of the area defined by the outside perimeter of pilings that are intended to support a structure.

b. As-Built Surveys Required. When submitting plans for property development of tideland lots (building permit applications, construction plans, use permit applications, etc.) the applicant must submit an as-built survey or a construction plan of the lot showing the average grade of the road at the intersection of the sidelines of the property and the centerline of the platted right-of-way, grade of highest point of fill (not including armor or rip-rap wall), location of toe and top of fill and location of all pilings. The as-built survey or the construction plan must show property lines, all existing improvement and utilities, clearly give the square footage of the area encompassed by the outer perimeter of the toe of fill and the square footage of the area encompassed by the outer perimeter of pilings. If a construction plan is submitted prior to fill or pilings being placed on the lot the city may require that an as-built survey be completed prior to beginning construction of any structures.

c. Density and Maximum Lot Coverage. Density and maximum lot coverage for additional structures or dwelling units will be based on the area of fill plus the area defined by the outer perimeter of pilings shown on the as-built survey or construction plan.

d. Maximum Combined Fill and Building Height. Maximum combined permitted fill and building height is 32 feet above the average grade of the centerline of the road, measured as the average of the grades at the intersection of the sidelines of the property and the centerline of the platted right-of-way. Maximum combined fill and building height may be exceeded by a conditional use permit. Grade of road for maximum fill shall be fixed at the time the ordinance codified in this section is passed using existing engineering and public works records.

F. Fences, Walls and Hedges. Property line fences and walls not exceeding six feet in height may occupy any portion of a yard in residential districts except as provided in subsection (G) of this section, Visibility at Intersections, and also provided that such fence, wall or hedge projecting forward of the front yard setback line shall not obstruct visibility.

G. Visibility at Intersections.

1. On corner lots, no fence, wall or hedge or other planting or structure that will impede visibility between a height of two feet, six inches, and eight feet above the centerline grades of the intersecting streets shall be erected, planted, placed or maintained.

2. No vehicle shall be parked within 20 feet of any intersection. If the relationship of the surface of a corner lot to the street is such that visibility is already impaired, nothing shall be done to increase the impediment to visibility within the 20 feet mentioned above. [Ord. 682 § 4, 2016; Ord 676 § 4, 2015; Ord. 617 § 4, 2010; Ord. 544 § 4, 2005; Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.05.002 Residential – Medium density (RM) zone.

The purpose of the RM zone is to maintain property values and improve neighborhoods while providing for a variety of housing types and a limited range of compatible uses.

A. Permitted Uses.

1. All uses permitted in the residential low density zone;
2. Mobile homes which meet the following:
 - a. Minimum size of 12 feet by 40 feet,
 - b. Skirting required;
3. Zero lot line development of two dwelling units or less.

B. Temporary Uses. See CMC 18.06.005, Temporary use permit.

C. Conditional Uses.

1. Religious assembly;
2. Day care center;
3. Apartments (three units or more);
4. Zero lot line development of more than two dwelling units;
5. Community education;
6. Public housing;
7. Group residential;
8. Utility substations and related uses;
9. Parking truck or equipment over two tons on property;
10. Home occupation in accessory building;
11. Buildings built above maximum height;
12. 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. Bed and breakfast;
14. Tideland fill above maximum height;
15. Stairs and landings built within property setbacks.

D. Prohibited Uses. Included but are not limited to:

1. Disturbances;
2. Uses not qualifying as permitted or conditional;
3. Marijuana establishments not specifically allowed as permitted or conditionally permitted uses in this zone.

E. Property Development Standards.

1. Minimum Lot Size. Eight thousand square feet;
2. Minimum Lot Width.
 - a. Fifty feet,
 - b. Corner lots: 60 feet,

c. See also CMC 18.15.020, Nonconforming lots of record;

3. Density.

a. For separate single-family dwellings:

- i. Eight thousand square feet for each dwelling structure,

ii. No more than two separate dwelling structures permitted per lot or parcel without submission of a plot plan conforming to the applicable standards of CMC 18.09.004, Preliminary plat requirements. Lot size and shape, the width and location of proposed access for roadways and utilities, and building location shall conform to code requirements,

iii. Three or more mobile homes on one lot or parcel are defined as a mobile home park,

b. For multifamily dwellings:

i. Eight thousand square feet for each dwelling structure,

ii. Maximum density of one dwelling unit per 3,000 square feet of lot area. Maximum density not permitted unless all other applicable standards of this code are met (i.e., parking requirements, setback requirements, etc.),

iii. Requirement to submit plot plan as stated in subsection (E)(3)(a)(ii) of this section,

c. Lodges. Eight thousand square foot minimum lot size for a maximum of six units,

d. Maximum Lot Coverage. Fifty percent of the lot area remaining when the setback area is subtracted from the total lot area;

4. Parking. All parking demand must be accommodated off street and on the premises (see Chapter 18.14 CMC, Parking);

5. Setbacks.

a. Ten feet from all lot lines,

b. Development on corner lots shall not impede visibility,

c. Interior Setbacks.

i. Six feet between structures unless fire wall is approved,

ii. Ten feet between two mobile homes or trailers;

6. Building Heights. Maximum of 30 feet for homes and 16 feet for accessory buildings.

Measurement. Building height shall be measured as the average height of three sides of the building measured from the finished grade to the highest point of the roof. (See Chapter 18.00 CMC,

Definitions, Building height – buildings on pilings.)

C.U.P. A conditional use permit may be requested to build higher. See CMC 18.06.002(I), Required Findings.

7. Filled Tideland Lots.

a. Development Standards. Development standards for additional structures or dwelling units for all tideland lots shall be computed based upon the combined total developed area of the lot. This includes the square footage of the filled area of the lot and the square footage of the area defined by the outside perimeter of pilings that are intended to support a structure.

b. As-Built Surveys Required. When submitting plans for property development of tideland lots (building permit applications, construction plans, use permit applications, etc.) the applicant must submit an as-built survey or a construction plan of the lot showing the average grade of the road at the intersection of the sidelines of the property and the centerline of the platted right-of-way, grade of highest point of fill (not including armor or rip-rap wall), location of toe and top of fill and location of all pilings. The as-built survey or the construction plan must show property lines, all existing improvement and utilities, clearly give the square footage of the area encompassed by the outer perimeter of the toe of fill and the square footage of the area encompassed by the outer perimeter of pilings. If a construction plan is submitted prior to fill or pilings being placed on the lot the city may require that an as-built survey be completed prior to beginning construction of any structures.

c. Density and Maximum Lot Coverage. Density and maximum lot coverage for additional structures or dwelling units will be based on the area of fill plus the area defined by the outer perimeter of pilings shown on the as-built survey or construction plan.

d. Maximum Combined Fill and Building Height. Maximum combined permitted fill and building height is 32 feet above the average grade of the centerline of the road, measured as the average of the grades at the intersection of the sidelines of the property and the centerline of the platted right-of-way. Maximum combined fill and building height may be exceeded by a conditional use permit. Grade of road for maximum fill shall be

fixed at the time the ordinance codified in this section is passed using existing engineering and public works records.

F. Fences, Walls and Hedges. Property line fences and walls not exceeding six feet in height may occupy any portion of a yard in residential districts except as provided in subsection (G) of this section, Visibility at Intersections, and also provided that such fence, wall or hedge projecting forward of the front yard setback line shall not obstruct visibility.

G. Visibility at Intersections.

1. On corner lots, no fence, wall or hedge or other planting or structure that will impede visibility between a height of two feet, six inches, and eight feet above the centerline grades of the intersecting streets shall be erected, planted, placed or maintained.

2. No vehicle shall be parked within 20 feet of any intersection. If the relationship of the surface of a corner lot to the street is such that visibility is already impaired, nothing shall be done to increase the impediment to visibility within the 20 feet mentioned above. [Ord. 682 § 4, 2016; Ord 676 § 4, 2015; Ord. 637 § 4, 2011; Ord. 544 § 4, 2005; Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.05.003 Residential – High density (RH) zone.

The purpose of the RH zone is to maintain property values and improve neighborhoods while providing for a variety of housing types, income levels and a limited range of compatible uses.

A. Permitted Uses.

1. Uses permitted in the residential medium density zone;
2. Four-plex (four dwelling units in one structure);
3. Mobile homes which meet the following:
 - a. Minimum size of 10 feet by 38 feet,
 - b. Skirting;
4. Zero lot line development of four dwelling units or less;
5. Recreational vehicle park.

B. Temporary Uses. See CMC 18.06.005, Temporary use permit.

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. Group residential;
7. Home occupation in accessory building;
8. Mobile home parks (see Chapter 18.07 CMC, Mobile Home Park Ordinance);
9. Parking truck or equipment over two tons on property;
10. Off-premises signs;
11. Utility substations and related uses;
12. Buildings built above maximum height;
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;
14. Bed and breakfast;
15. Tideland fill above maximum height;
16. Stairs and landings built within property setbacks.

D. Prohibited Uses. Include but are not limited to:

1. Disturbances;
2. Uses not qualifying as permitted or conditional;
3. Marijuana establishments not specifically allowed as permitted or conditionally permitted uses in this zone.

E. Property Development Standards.

1. Minimum Lot Size. Eight thousand square feet;
2. Minimum Lot Width.
 - a. Fifty-foot minimum lot width,
 - b. Corner lots: 65-foot minimum lot width,
 - c. See CMC 18.15.020, Nonconforming lots of record;
3. Density.
 - a. For separate single-family dwellings:
 - i. Eight thousand square feet for each single-family dwelling structure,
 - ii. No more than two separate single-family dwelling structures permitted per lot or parcel without submission of a plot plan conforming to the applicable standards of CMC 18.09.004, Preliminary plat requirements. Lot size and shape, the

width and location of proposed access for roadways and utilities, and setbacks shall conform to code requirements,

iii. Three or more mobile homes on one lot or parcel are defined as a mobile home park and must be reviewed according to Chapter 18.07 CMC, Mobile Home Park Ordinance,

b. For multifamily dwellings:

- i. Eight thousand square feet for each multifamily dwelling structure,
- ii. Maximum density of one dwelling unit per 3,000 square feet of lot area,
- iii. Requirement to submit plot plan as stated in subsection (E)(3)(a)(ii) of this section,

c. For lodges, 6,000 square foot minimum lot size for a maximum of six units,

d. Maximum Lot Coverage. Fifty percent of the lot area remaining when the setback area is subtracted from the total lot area;

4. Parking. All parking demand must be accommodated off street and on the premises (see Chapter 18.14 CMC, Parking);

5. Setbacks.

a. Ten feet from all lot lines. In addition, development on corner lots shall not impede visibility,

b. Interior Setbacks.

i. Six feet between structures unless fire wall is approved and built according to adopted building and fire codes,

ii. Ten feet between mobile homes or trailers;

6. Building Heights. Maximum of 30 feet for homes and 16 feet for accessory buildings.

Measurement. Building height shall be measured as the average height of three sides of the building measured from the finished grade to the highest point of the roof. (See Chapter 18.00 CMC, Definitions, Building height – buildings on pilings.)

C.U.P. A conditional use permit may be requested to build higher. See CMC 18.06.002(I), Required Findings.

7. Filled Tideland Lots.

a. Development Standards. Development standards for additional structures or dwelling units for all tideland lots shall be computed based upon the combined total developed area of the lot. This includes the square footage of the filled area of the lot and the square footage of the area defined

by the outside perimeter of pilings that are intended to support a structure.

b. **As-Built Surveys Required.** When submitting plans for property development of tideland lots (building permit applications, construction plans, use permit applications, etc.) the applicant must submit an as-built survey or a construction plan of the lot showing the average grade of the road at the intersection of the sidelines of the property and the centerline of the platted right-of-way, grade of highest point of fill (not including armor or rip-rap wall), location of toe and top of fill and location of all pilings. The as-built survey or the construction plan must show property lines, all existing improvement and utilities, clearly give the square footage of the area encompassed by the outer perimeter of the toe of fill and the square footage of the area encompassed by the outer perimeter of pilings. If a construction plan is submitted prior to fill or pilings being placed on the lot the city may require that an as-built survey be completed prior to beginning construction of any structures.

c. **Density and Maximum Lot Coverage.** Density and maximum lot coverage for additional structures or dwelling units will be based on the area of fill plus the area defined by the outer perimeter of pilings shown on the as-built survey or construction plan.

d. **Maximum Combined Fill and Building Height.** Maximum combined permitted fill and building height is 32 feet above the average grade of the centerline of the road, measured as the average of the grades at the intersection of the sidelines of the property and the centerline of the platted right-of-way. Maximum combined fill and building height may be exceeded by a conditional use permit. Grade of road for maximum fill shall be fixed at the time the ordinance codified in this section is passed using existing engineering and public works records.

f. **Fences, Walls and Hedges.** Property line fences and walls, not exceeding six feet in height, may occupy any portion of a yard in residential districts except as provided in subsection (G) of this section, Visibility at Intersections, and also provided that such fence, wall or hedge projecting forward of the front yard setback line shall not obstruct visibility.

G. **Visibility at Intersections.**

1. On corner lots, no fence, wall, or hedge or other planting or structure that will impede visibility between a height of two feet, six inches, and eight feet above the centerline grades of the intersecting streets shall be erected, planted, placed or maintained.

2. No vehicle shall be parked within 20 feet of any intersection. If the relationship of the surface of a corner lot to the street is such that visibility is already impaired, nothing shall be done to increase the impediment to visibility within the 20 feet mentioned above. [Ord. 682 § 4, 2016; Ord 676 § 4, 2015; Ord. 544 § 4, 2005; Ord. 412 § 4, 1995; added during 11/95 supplement. Formerly 18.05.003(A).]

18.05.004 Residential – High density I (RH-I) zone.

The purpose of the RH zone is to maintain property values and improve neighborhoods while providing for a variety of housing types, income levels and a limited range of compatible uses.

The RH-I zone modifies the RH zone to allow greater intensity of development on the smaller lots in the portion of Craig from the harbors west (U.S. Survey 1429, 1430).

A. **Permitted Uses.** Uses permitted in the residential high density zone.

B. **Temporary Uses.** See CMC 18.06.005, Temporary use permit.

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. Group residential;
7. Home occupation in accessory building;
8. Mobile home parks (see Chapter 18.07 CMC, Mobile Home Park Ordinance);
9. Parking truck or equipment over two tons on property;
10. Off-premises signs;
11. Utility substations and related uses;
12. Buildings built above maximum height;
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;

14. Bed and breakfast;
15. Tideland fill above maximum height;
16. Stairs and landings built within property setbacks.

D. Prohibited Uses. Include but are not limited to:

1. Disturbances;
2. Uses not qualifying as permitted or conditional;
3. Marijuana establishments not specifically allowed as permitted or conditionally permitted uses in this zone.

E. Property Development Standards.

1. Minimum Lot Size. Six thousand square feet;
2. Minimum Lot Width.
 - a. Fifty-foot minimum lot width,
 - b. Corner lots: 60-foot minimum lot width,
 - c. See CMC 18.15.020, Nonconforming lots of record;
3. Density.
 - a. For separate single-family dwellings:
 - i. Six thousand square feet for each single-family dwelling structure,
 - ii. No more than two separate single-family dwelling structures permitted per lot or parcel without submission of a plot plan conforming to the applicable standards of CMC 18.09.004, Preliminary plat requirements.

Lot size and shape, the width and location of proposed access for roadways and utilities, and setbacks shall conform to code requirements,

iii. Three or more mobile homes on one lot or parcel are defined as a mobile home park and must be reviewed according to Chapter 18.07 CMC, Mobile Home Park Ordinance,

- b. For multifamily dwellings:
 - i. Six thousand square feet for each multifamily dwelling structure,
 - ii. Maximum density of one dwelling unit per 3,000 square feet of lot area,
 - iii. Requirement to submit plot plan as stated in subsection (E)(3)(a)(ii) of this section,
- c. For lodges, 6,000 square foot minimum lot size for a maximum of six units,

d. Maximum Lot Coverage. Sixty-five percent of the lot area remaining when the setback area is subtracted from the total lot area;

4. Parking. All parking demand must be accommodated off street and on the premises (see Chapter 18.14 CMC, Parking);

5. Setbacks.

a. Ten feet from all lot lines. In addition, development on corner lots shall not impede visibility,

b. Interior Setbacks.

i. Six feet between structures unless fire wall is approved and built according to adopted building and fire codes,

ii. Ten feet between mobile homes or trailers;

6. Building Heights. Maximum of 30 feet for homes and 16 feet for accessory buildings.

Measurement. Building height shall be measured as the average height of three sides of the building measured from the finished grade to the highest point of the roof. (See Chapter 18.00 CMC, Definitions, Building height – buildings on pilings.)

C.U.P. A conditional use permit may be requested to build higher. See CMC 18.06.002(I), Required Findings.

7. Filled Tideland Lots.

a. Development Standards. Development standards for additional structures or dwelling units for all tideland lots shall be computed based upon the combined total developed area of the lot. This includes the square footage of the filled area of the lot and the square footage of the area defined by the outside perimeter of pilings that are intended to support a structure.

b. As-Built Surveys Required. When submitting plans for property development of tideland lots (building permit applications, construction plans, use permit applications, etc.) the applicant must submit an as-built survey or a construction plan of the lot showing the average grade of the road at the intersection of the sidelines of the property and the centerline of the platted right-of-way, grade of highest point of fill (not including armor or rip-rap wall), location of toe and top of fill and location of all pilings. The as-built survey or the construction plan must show property lines, all existing improvement and utilities, clearly give the square footage of the area encompassed by the

outer perimeter of the toe of fill and the square footage of the area encompassed by the outer perimeter of pilings. If a construction plan is submitted prior to fill or pilings being placed on the lot the city may require that an as-built survey be completed prior to beginning construction of any structures.

c. Density and Maximum Lot Coverage. Density and maximum lot coverage for additional structures or dwelling units will be based on the area of fill plus the area defined by the outer perimeter of pilings shown on the as-built survey or construction plan.

d. Maximum Combined Fill and Building Height. Maximum combined permitted fill and building height is 32 feet above the average grade of the centerline of the road, measured as the average of the grades at the intersection of the sidelines of the property and the centerline of the platted right-of-way. Maximum combined fill and building height may be exceeded by a conditional use permit. Grade of road for maximum fill shall be fixed at the time the ordinance codified in this section is passed using existing engineering and public works records.

F. Fences, Walls and Hedges. Property line fences and walls not exceeding six feet in height may occupy any portion of a yard in residential districts except as provided in subsection (G) of this section, Visibility at Intersections, and also provided that such fence, wall or hedge projecting forward of the front yard setback line shall not obstruct visibility.

G. Visibility at Intersections.

1. On corner lots, no fence, wall or hedge or other planting or structure that will impede visibility between a height of two feet, six inches, and eight feet above the centerline grades of the intersecting streets shall be erected, planted, placed or maintained.

2. No vehicle shall be parked within 20 feet of any intersection. If the relationship of the surface of a corner lot to the street is such that visibility is already impaired, nothing shall be done to increase the impediment to visibility within the 20 feet mentioned above. [Ord. 682 § 4, 2016; Ord 676 § 4, 2015; Ord. 544 § 4, 2005; Ord. 412 § 4, 1995; added during 11/95 supplement. Formerly 18.05.003(B).]

18.05.005 Commercial zone.

The purpose of this zone is to accommodate a wide range of commercial and compatible light industrial uses in appropriate areas.

A. Permitted Uses. The following uses are permitted when the city planning official determines that design and operation of proposed uses will not interfere with the efficiency of, proposed expansion of or access to water-dependent or water-related uses unless (1) there is a documented public need for the proposed use, (2) there is no alternative site, and (3) the public good will be served better by the proposed use than the water-dependent/water-related use.*

1. Administrative services and offices;
2. Ambulance services;
3. Residential uses (apartments, watchman's quarters, etc.) accessory to other permitted uses. Residential uses within this zone must be accommodated within commercial buildings. Residential uses may not occupy street frontage at ground level;
4. Auto and other light vehicle sales and rentals;
5. Banks and other financial institutions;
6. Building materials and supplies;
7. Restaurants and other eating establishments;
8. Light equipment sales, rentals;
9. Government complexes;
10. Lodges and resorts;
11. Gunsmiths, locksmiths, and related sales and services;
12. Lodging (hotels, motels);
13. Laundromat, laundries, dry cleaning establishments;
14. Medical services;
15. Lodges of fraternal orders, labor and social organizations;
16. Newspaper offices;
17. Post office;
18. Professional, finance, real estate and brokerage offices;
19. Community recreation;
20. Retail sales and rentals;
21. Taxi stands;

* Determination to be made administratively by the city planning official or referred to the planning commission for decision if the findings in CMC 18.05.008(A)(2) must be made.

22. Theaters;
23. Veterinary office – no outdoor kennels;
24. Mini-storage units;
25. Essential services;
26. Marine sales;
27. Recreational vehicle park;
28. Religious assembly.

B. Limitation of Zone Change. Zone changes to this zone may be limited to one or more permitted uses.

C. Temporary Uses. See CMC 18.06.005, Temporary use permit.

D. Conditional Uses.

1. Commercial and light industrial uses meeting the criteria of CMC 18.06.002(C), Required Criteria for Approval, and definitions of Chapter 18.00 CMC, commercial and light industrial;

2. Veterinary office (outdoor kennels);
3. Fish processing;
4. Utility generation plants, substations, etc.;
5. Off-premises signs;
6. Bars, restaurants and other establishments providing for the sale of alcoholic beverages;
7. Transportation and trucking and moving and storage facilities;
8. Gas stations;
9. Storage or retail sales of gases and other explosive or hazardous materials;
10. Auto, auto body, marine, and light equipment repair;
11. Buildings built above maximum height;
12. Bed and breakfast;
13. Licensed marijuana retail establishments, excluding those commercial zoned properties adjacent to Hamilton Drive.

E. Required Findings for Approving or Denying Conditional Use Permits. See CMC 18.06.002(C), Required Criteria for Approval.

F. Prohibited Uses. Include but are not limited to:

1. Uses not qualifying as permitted or conditional;
2. Marijuana establishments not specifically allowed as permitted or conditionally permitted uses in this zone.

G. Property Development Standards.

1. Minimum Lot Width.
 - a. Fifty-foot minimum lot width,

- b. Corner Lots. Sixty-foot minimum lot width for corner lots,
- c. See CMC 18.15.020, Nonconforming lots of record;

2. Density and Minimum Lot Size.

- a. Minimum lot size: 6,000 square feet,
- b. Density for permitted residential uses determined indirectly by height restrictions, setbacks, number of apartments permitted per commercial building, parking standards, etc.;

3. Parking. See Chapter 18.14 CMC, Parking. Planning commission approval is required for all off-site commercial parking;

4. Setbacks. Front, rear, interior and sideyard setbacks as required by the Uniform Building Code and State Fire Marshal. In addition:

- a. When abutting a residential or public zone, setbacks shall be 10 feet for all adjacent yards,
- b. Common wall development may be allowed,

c. Setbacks shall be 10 feet from state and federal highways with the exception of Craig proper from the harbors west (U.S. Survey 1430),

d. When structures are placed or built in this zone which are not reviewed by the State Fire Marshal, setbacks shall be 10 feet from all property lines and six feet between structures for interior setbacks unless both structures are mobile homes, in which case the interior setback shall be 10 feet;

5. Landscaping or view-obscuring screening may be required by the building official for commercial uses along major public streets or adjacent to public or residential areas in order to promote the compatibility of land uses and improve the looks of the city;

6. Building height: 30 feet maximum.

a. Measurement. Building height shall be calculated as the average height of three sides of the building measured from finished grade to lowest extension of the roof eaves,

b. C.U.P. A conditional use permit may be requested to build higher. See CMC 18.06.002(I), Required Findings;

7. Signs.

- a. Must be on premises,
- b. No sign or group of signs may be of a total combined size larger than 10 percent of the area of the wall on which they are mounted or front with a maximum of 200 square feet of sign per business,

c. Off-premises signs may be allowed by conditional use permit,

d. No signs shall flash or move, cause glare on any public way or surrounding residential property, or be illuminated between the hours of 11:00 p.m. and 7:00 a.m. unless relating to an establishment open during those hours.

H. Fences, Walls and Hedges. Property line fences and walls not exceeding six feet in height may occupy any portion of a yard except as provided in subsection (I) of this section, Visibility at Intersections, and also provided that such fence, wall or hedge projecting forward of the front yard setback line shall not obstruct visibility.

I. Visibility at Intersections.

1. On corner lots, no fence, wall or hedge or other planting or structure that will impede visibility between a height of two feet, six inches, and eight feet above the centerline grades of the intersecting streets shall be erected, planted, placed or maintained.

2. No vehicle shall be parked within 20 feet of any intersection. If the relationship of the surface of a corner lot to the street is such that visibility is already impaired, nothing shall be done to increase the impediment to visibility within the 20 feet mentioned above. [Ord. 682 § 4, 2016; Ord. 550 § 4, 2005; Ord. 412 § 4, 1995; added during 11/95 supplement. Formerly 18.05.004.]

18.05.006 Light industrial zone.

The purpose of this zone is to accommodate low intensity industrial and commercial uses which will be relatively compatible with existing and proposed residential uses. The shortage of available land in Craig necessitates land use mixtures which may conflict. It is the intent of this zone to allow industrial and commercial uses which do not cause excessive traffic noise, vibration, smoke, dust or other pollutants. Excessive is defined as of a substantially greater intensity and duration than commonly associated with surrounding uses.

A. Permitted Uses.

1. Mini-storage units;
2. Moving and storage firms;
3. Offices, professional or administrative services;
4. Veterinary office (no outdoor kennels);
5. Communication services which do not interfere with local reception (typically including

TV and radio studios, telegraph office, telecommunication centers);

6. Retail sales of building materials, auto, marine, logging or aircraft supplies;

7. Motel/hotel: 20 units or less;

8. Light equipment sales, storage and rentals for off-site use;

9. Plant nurseries;

10. Car washes, laundromats: 20 washers or less, dry cleaning services;

11. Small appliance repair;

12. Business support;

13. Residential uses (apartments, watchman's quarters, etc.) accessory to other permitted uses. Residential uses within this zone must be accommodated within industrial buildings. Residential uses may not occupy street frontage at ground level;

14. Boat and RV storage;

15. Computer and office equipment sales and service;

16. Gunsmiths, locksmiths and related services;

17. Essential services;

18. Parking truck or other equipment over two tons.

B. Limitation of Zone Changes. Zone changes to the light industrial zone may be limited to one or more permitted uses.

C. Temporary Uses. See CMC 18.06.005, Temporary use permit, and owner's dwelling in a mobile home.

D. Conditional Uses.

1. Fish processing;

2. Light custom manufacturing;

3. Hotel/motel greater than 20 units;

4. Laundromat greater than 20 washers;

5. Vehicle and equipment storage and parking;

6. Community recreation;

7. Heavy and light equipment repair and service;

8. Other low intensity commercial and industrial uses which satisfy the criteria of CMC 18.06.002(C), Required Criteria for Approval;

9. Sale and storage of fuels and gases in compliance with applicable fire codes;

10. Repair and sales of recreational boats and motors;

11. Off-premises signs;

12. Transportation and trucking excluding air transport;

13. Buildings built above maximum height;

14. Bed and breakfast;

15. Licensed marijuana retail establishments, excluding those light industrial zoned properties adjacent to Hamilton Drive.

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;

3. Disturbances;

4. Hazards;

5. Mobile home parks;

6. Marijuana establishments not specifically allowed as permitted or conditionally permitted uses in this zone.

F. Property Development Standards.

1. Minimum Lot Size. Ten thousand square feet;

2. Minimum Lot Width.

a. Fifty-foot minimum lot width,

b. Sixty-foot minimum lot width for corner lots,

c. See CMC 18.15.020, Nonconforming lots of record;

3. Parking. See Chapter 18.14 CMC, Parking. Planning commission approval is required for all off-site light industrial parking.

4. Setbacks. Front, rear, interior and sideyard setbacks as required by the Uniform Building Code and State Fire Marshal. In addition:

a. When abutting a residential or public zone, setbacks shall be 10 feet for adjacent yards,

b. Common wall development may be allowed,

c. Setbacks shall be 10 feet from state and federal highways with the exception of Craig proper from the harbors west (U.S. Survey 1430),

d. When structures are placed or constructed in this zone which are not reviewed by the State Fire Marshal, setbacks shall be 10 feet from all property lines with six-foot interior setbacks between structures unless both structures are mobile homes, in which case interior setbacks shall be 10 feet;

5. Landscaping or view-obscuring screening may be required by the building official for uses

along major public streets or adjacent to public or residential areas in order to promote the compatibility of land uses and improve the looks of the city. Junk, trash and debris shall be removed;

6. Building height: 30 feet maximum.

Measurement. Building height shall be calculated as the average height of three sides of the building measured from the finished grade to the lowest extension of the roof eaves. (See Chapter 18.00 CMC, Definitions: Building height – buildings on pilings.)

C.U.P. A conditional use permit may be requested to build higher. See CMC 18.06.002(I), Required Findings;

7. Density.

a. Density for accessory residential uses: 8,000 square feet of vacant lot area for each dwelling structure,

b. Density for permitted residential uses is determined indirectly by building height, parking standards, setbacks, etc. No more than two separate dwelling structures are permitted per lot;

8. Signs.

a. Must be on premises,

b. No sign or group of signs may be of a total combined size larger than 10 percent of the area of the wall on which they are mounted or front with a maximum of 200 square feet of sign per business,

c. Off-premises signs may be allowed by conditional use permit,

d. No signs shall flash or move, cause glare on any public way or surrounding residential property, or be illuminated between the hours of 11:00 p.m. and 7:00 a.m. unless relating to an establishment open during those hours.

G. Fences, Walls and Hedges. Property line fences and walls not exceeding six feet in height may occupy any portion of a yard except as provided in subsection (H) of this section, Visibility at Intersections, and also provided that such fence, wall or hedge projecting forward of the front yard setback line shall not obstruct visibility.

H. Visibility at Intersections. On corner lots, no fence, wall or hedge or other planting or structure that will impede visibility between a height of two feet, six inches, and eight feet above the centerline grades of the intersecting streets shall be erected, planted or placed. No vehicle shall be parked within 20 feet of any intersection. If the relation-

ship of the surface of a corner lot to the street is such that visibility is already impaired, nothing shall be done to increase the impediment to visibility within the 20 feet mentioned above. [Ord. 682 § 4, 2016; Ord. 412 § 4, 1995; added during 11/95 supplement. Formerly 18.05.005.]

18.05.007 Marine industrial zone.

The purpose of the marine industrial zone is to reserve areas with direct access to navigable tidal waters, giving first priority to water-dependent industrial uses and second priority to water-related industrial and commercial uses while providing for nonpreemptive interim uses.

A. Permitted Uses. The following uses are permitted when the city planning official determines* that:

1. Facility design makes the most efficient use of the waterfront area without interfering with efficient facility operation; and

2. The design and operation of proposed uses will not interfere with the efficiency of, the proposed expansion of, or access to water-dependent or water-related uses unless:

a. There is a documented public need for the proposed use,

b. There is no alternative site,

c. The public good will be served better by the proposed use than the water-dependent or water-related use.

i. Barge freight terminals and accessory uses,

ii. Ferry terminals and accessory uses,

iii. Fuel piers – bulk fuel storage and accessory uses,

iv. Port facilities and accessory uses,

v. Seafood processing plants and facilities,

vi. Cold storage plants and facilities,

vii. Marine research or experiment stations,

viii. Ice manufacture, storage and sales primarily for fishing and fish processing,

ix. Boat storage yards and sale facilities,

x. Shipyards,

xi. Marine Way facilities,

xii. Docks and harbor facilities including floatplane operations and accessory uses,

xiii. Administrative offices accessory to permitted uses,

xiv. Boat charter services,

xv. Recreational boat marina, and other buildings necessary to the operation of the boat marina,

xvi. Residential uses accessory to permitted uses such as watchman's apartment, owner-operator's home, or bunkhouses,

xvii. Uses not listed as permitted or conditionally permitted uses when established prior to the effective date of this code in accordance with applicable federal, state and city statutes,

xviii. Essential services,

xix. Nonpreemptive homes for residential use when in conformance with density standards of subsection (E)(2) of this section.

Note: Three or more mobile homes on one lot or parcel are defined as a mobile home park and must be reviewed according to Chapter 18.07 CMC, Mobile Home Park Ordinance (and accompanied by a change to a residential zone unless accessory to permitted uses).

B. Temporary Uses. See CMC 18.06.005, Temporary use permit.

C. Conditional Uses.

1. Other water-dependent/related industrial uses or other water-dependent/related commercial uses;

2. Other nonpreemptive commercial or industrial uses;

3. Helipad and heliport facilities;

4. Buildings built above maximum height;

5. Bed and breakfast;

6. Licensed marijuana retail establishments, excluding those marine industrial zoned properties adjacent to Hamilton Drive.

D. Prohibited Uses. Include but are not limited to:

1. Uses which degrade air, water or land resources quality without mitigative measures which alleviate impacts;

2. Subdivision for residential purposes;

3. Disturbances;

4. Hazards;

* Determination to be made administratively by the city planning official or referred to the planning commission for decision if the findings in CMC 18.05.008(A)(2) must be made.

5. Marijuana establishments not specifically allowed as permitted or conditionally permitted uses in this zone.

E. Property Development Standards.

1. Minimum Lot Width.

- a. Fifty-foot minimum lot width,
- b. Sixty-foot minimum lot width for corner lots,
- c. See CMC 18.15.020, Nonconforming lots of record;

2. Density and Minimum Lot Size.

- a. Six thousand square foot minimum lot size,
- b. Density for nonpreemptive homes: 6,000 square feet of vacant lot area for one dwelling unit and 3,500 square feet for one additional dwelling unit per lot,
- c. Density for permitted residential uses determined indirectly by building height, setbacks, parking requirements, etc.;

3. Parking. See Chapter 18.14 CMC, Parking;

4. Setbacks. Front, rear, interior and sideyard setbacks as required by the Uniform Building Code and State Fire Marshal. In addition:

- a. When abutting a residential or public zone, setbacks shall be 10 feet for adjacent yards,
- b. Common wall development may be allowed,
- c. Setbacks shall be 10 feet from state and federal highways with the exception of Craig proper from the harbors west (U.S. Survey 1430),
- d. When structures are placed or built in this zone which are not reviewed by the State Fire Marshal, setbacks shall be 10 feet from all property lines with six-foot interior setbacks between structures unless both structures are mobile homes, in which case interior setbacks shall be 10 feet;

5. Landscaping or view-obscuring screening may be required by the building official for uses located along major public streets or adjacent to public or residential areas in order to promote the compatibility of land uses and improve the looks of the city;

6. Building height: 30 feet maximum.

Measurement. Building height shall be calculated as the average height of three sides of the building measured from finished grade to the lowest extension of the roof eaves. See Chapter 18.00

CMC, Definitions: Building height – buildings on pilings.

C.U.P. A conditional use permit may be requested to build higher. See CMC 18.06.002(I), Required Findings;

7. Signs.

- a. Must be on premises,
- b. No sign or group of signs may be of a total combined size larger than 10 percent of the area of the wall on which they are mounted or front with a maximum of 200 square feet of sign per business (one face),
- c. Off-premises signs may be allowed by conditional use permit,
- d. No signs shall flash or move, cause glare on any public way or surrounding residential property, or be illuminated between the hours of 11:00 p.m. and 7:00 a.m. unless relating to an establishment open during those hours.

F. Fences, Walls and Hedges. Property line fences and walls not exceeding six feet in height may occupy any portion of a yard except as provided in subsection (G) of this section, Visibility at Intersections, and also provided that such fence, wall or hedge projecting forward of the front yard setback line shall not obstruct visibility.

G. Visibility at Intersections.

1. On corner lots, no fence, wall or hedge or other planting or structure that will impede visibility between a height of two feet, six inches, and eight feet above the centerline grades of the intersecting streets shall be erected, planted, placed or maintained.

2. No vehicle shall be parked within 20 feet of any intersection. If the relationship of the surface of a corner lot to the street is such that visibility is already impaired, nothing shall be done to increase the impediment to visibility within the 20 feet mentioned above. [Ord. 682 § 4, 2016; Ord. 412 § 4, 1995; added during 11/95 supplement. Formerly 18.05.006.]

18.05.008 Heavy industrial zone.

The purpose of the heavy industrial zone is to accommodate heavy industrial uses in areas which limit conflicting uses due to location, topographical conditions, and planned adjacent land uses. Due to the limited availability of these lands, priority will be given to heavy industrial uses.

A. Permitted Uses. The following uses are permitted when the city planning official determines* that:

1. Facility design makes efficient use of the waterfront area without interfering with efficient facility operation; and that
2. The design and operation of proposed uses will not interfere with the efficiency of, the proposed expansion of or access to water-dependent or water-related uses unless:
 - a. There is a documented public need for the proposed use,
 - b. There is no alternative site,
 - c. The public good will be served better by the proposed use than the water-dependent or water-related use.
 - i. Essential services,
 - ii. The manufacture, warehousing, compounding, processing, assembling, packaging, treatment or fabrication of materials or property,
 - iii. Heavy, light and marine equipment repair and maintenance,
 - iv. Moving and storage facilities,
 - v. Transportation and trucking firms,
 - vi. Vehicle and equipment storage,
 - vii. Storage of fuels and propane in compliance with applicable fire codes (specific fencing may be required),
 - viii. Junkyards and salvage yards screened from view from adjacent residences or public ways,
 - ix. Uses allowed in marine industrial zone, excepting nonpreemptive uses,
 - x. Administrative offices, accessory to permitted uses,
 - xi. Residential uses (apartments, watchman's quarters, etc.) accessory to other permitted uses. Residential uses within this zone must be accommodated within industrial buildings. Residential uses may not occupy street frontage at ground level,
 - xii. Fish processing.

B. Limitation of Zone Change. Zone changes to the heavy industrial zone may be limited to one or more permitted uses.

C. Temporary Uses. See CMC 18.06.005, Temporary use permit.

D. Conditional Uses.

1. Uses allowed in commercial and light industrial zones;
2. Other heavy or light industrial uses;
3. Off-premises signs;
4. Helipad and heliport facilities;
5. Buildings built above maximum height;
6. Dog pound, veterinary facilities and kennels;
7. Licensed marijuana retail establishments, excluding those heavy industrial zoned properties adjacent to Hamilton Drive.

Note: Criteria in CMC 18.06.002(C) and (G), Conditional use permits, required criteria for approval, must be met.

E. Prohibited Uses. Include but are not limited to:

1. Uses which degrade air, water or land resources quality without mitigative measures which alleviate impacts;
2. Subdivision for residential purposes;
3. Hazards;
4. Mobile home park;
5. Marijuana establishments not specifically allowed as permitted or conditionally permitted uses in this zone.

F. Property Development Standards.

1. Minimum Lot Size. Ten thousand square feet;
2. Minimum Lot Width.
 - a. Sixty-five-foot minimum lot width for interior lots,
 - b. Seventy-five-foot minimum lot width for corner lots,
 - c. See CMC 18.15.020, Nonconforming lots of record;
3. Parking. See Chapter 18.14 CMC, Parking. Planning commission approval is required for all off-site heavy industrial parking;
4. Setbacks. Front, rear, interior and sideyard setbacks as required by the Uniform Building Code and State Fire Marshal. In addition:
 - a. When abutting a residential or public zone, setbacks shall be 10 feet for adjacent yards,
 - b. Common wall development may be allowed,

* Determination to be made administratively by the city planning official or referred to the planning commission for decision if the findings in CMC 18.05.008(A)(2) must be made.

c. Setbacks shall be 10 feet from state and federal highways with the exception of Craig proper from the harbors west (U.S. Survey 1430),

d. When structures are placed or built in this zone which are not reviewed by the State Fire Marshal, setbacks shall be 10 feet from all property lines with six-foot interior setbacks between structures unless both structures are mobile homes, in which case the interior setbacks shall be 10 feet;

5. Landscaping or view-obscuring screening may be required by the building official for uses located along major public streets or adjacent to public or residential areas in order to promote the compatibility of land uses and improve the looks of the city. Junk, trash and debris shall be removed;

6. Building height: 30 feet maximum.

Measurement. Building height shall be calculated as the average height of three sides of the building measured from finished grade to the lowest extension of the roof eaves. See Chapter 18.00 CMC, Definitions: Building height – buildings on pilings.

C.U.P. A conditional use permit may be requested to build higher. See CMC 18.06.002(I), Required Findings;

7. Signs.

a. Must be on premises,

b. No sign or group of signs may be of a total combined size larger than 10 percent of the area of the wall on which they are mounted or front with a maximum of 200 square feet of sign per business,

c. Off-premises signs may be allowed by conditional use permit,

d. No signs shall flash or move, cause glare on any public way or surrounding residential property, or be illuminated between the hours of 11:00 p.m. and 7:00 a.m. unless relating to an establishment open during those hours;

8. Density. Same as marine industrial zone.

G. Fences, Walls and Hedges. Property line fences and walls not exceeding six feet in height may occupy any portion of a yard except as provided in subsection (H) of this section, Visibility at Intersections, and also provided that such fence, wall or hedge projecting forward of the front yard setback line shall not obstruct visibility.

H. Visibility at Intersections.

1. On corner lots, no fence, wall or hedge or other planting or structure that will impede visibil-

ity between a height of two feet, six inches, and eight feet above the centerline grades of the intersecting streets shall be erected, planted, placed or maintained.

2. No vehicle shall be parked within 20 feet of any intersection. If the relationship of the surface of a corner lot to the street is such that visibility is already impaired, nothing shall be done to increase the impediment to visibility within the 20 feet mentioned above. [Ord. 682 § 4, 2016; Ord. 412 § 4, 1995; added during 11/95 supplement. Formerly 18.05.007.]

18.05.009 Public zone.

The purpose of this zone is to reserve public lands for uses which benefit the public health, safety, and welfare, and the local economy.

A. Permitted Uses.

1. Hospital complex facilities, clinics and other medical facilities and offices;

2. Court and police facilities, detention centers, jail facilities;

3. Community buildings;

4. Museum, visitor center, chamber of commerce facilities;

5. Public offices/community service offices;

6. Public maintenance shops;

7. Day care centers;

8. Public utilities and associated low-impact buildings or facilities including electrical substations and generators located more than 300 feet from residential zones and residences;

9. Community education;

10. Fire station/ambulance services;

11. Cemeteries;

12. Libraries;

13. Parks, beaches, golf courses, open space, fish and wildlife areas;

14. Essential services;

15. Government complexes and facilities;

16. Convalescent homes, nursing homes, children homes and other group residential facilities;

17. Natural resource extraction when at least one-quarter mile (1,320 feet) from other public, residential, commercial or industrial zones and 300 feet from streams or other habitat areas;

18. General offices;

19. Community recreation indoor;

20. Residential uses accessory to permitted uses.

B. Temporary Uses. See CMC 18.06.005, Temporary use permit.

C. Conditional Uses.

1. Communication facilities and TV dishes;
2. Dog pound/Humane Society;
3. Utility substations/facilities/communication facilities, generation plants located closer than 300 feet to residential zones;
4. Tourist camping area/RV park;
5. Public housing;
6. Natural resource extraction closer than one-quarter mile (1,320 feet) to other public, residential, commercial or industrial zones or closer than 300 feet to streams or other habitat areas;
7. Heliport and airport sites;
8. Shooting range;
9. Solid waste disposal sites;
10. Uses allowed or conditionally allowed in commercial and industrial zones;
11. Other municipal uses in keeping with the character and requirements of this zone;
12. Buildings built above maximum height.

D. Prohibited Uses. Include but are not limited to:

1. Uses not qualifying as permitted or conditional;
2. Marijuana establishments not specifically allowed as permitted or conditionally permitted uses in this zone.

E. Property Development Standards.

1. Minimum Lot Size. No minimum lot size.
2. Parking. See Chapter 18.14 CMC, Parking.
3. Setbacks. Front, rear, interior and sideyard setbacks as required by the Uniform Building Code and State Fire Marshal. In addition:
 - a. When abutting a residential zone, setbacks shall be 10 feet for adjacent yards.
 - b. Common wall development may be allowed.
 - c. Setbacks shall be 10 feet from state and federal highways with the exception of Craig proper from the harbors west (U.S. Survey 1430).
 - d. When structures are placed or constructed in this zone which are not subject to review by the State Fire Marshal, setbacks shall be 10 feet from all property lines with six-foot interior setbacks between structures unless both structures

are mobile homes, in which case the interior setback shall be 10 feet.

4. Height. Thirty feet maximum.

Measurement. Building height shall be calculated as the average height of three sides of the building measured from finished grade to the lowest extension of the roof eaves. See Chapter 18.00 CMC, Definitions: Building height – buildings on pilings.

5. Signs.

- a. Must be on premises;
- b. No sign or group of signs may be of a total combined size larger than 10 percent of the area of the wall on which they are mounted or front with a maximum of 200 square feet of six per business;
- c. Off-premises signs may be allowed by conditional use permit;
- d. No signs shall flash or move, cause glare on any public way or surrounding residential property, or be illuminated between the hours of 11:00 p.m. and 7:00 a.m. unless relating to an establishment open during those hours.

F. Fences, Walls and Hedges. Property line fences and walls not exceeding six feet in height may occupy any portion of a yard except as provided in subsection (G) of this section, Visibility at Intersections, and also provided that such fence, wall or hedge projecting forward of the front yard setback line shall not obstruct visibility.

G. Visibility at Intersections.

1. On corner lots, no fence, wall or hedge or other planting or structure that will impede visibility between a height of two feet, six inches, and eight feet above the centerline grades of the intersecting streets shall be erected.

2. No vehicle shall be parked within 20 feet of any intersection. If the relationship of the surface of a corner lot to the street is such that visibility is already impaired, nothing shall be done to increase the impediment to visibility within the 20 feet mentioned above.

H. Change of Plan and Zone From Public to Private or Private to Public. See CMC 18.06.004, Change of land use and/or zone designation. [Ord. 682 § 4, 2016; Ord. 550 § 4, 2005; added during 11/95 supplement. Formerly 18.05.008.]

18.05.010 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.

A. Permitted Uses.

1. Forestry and logging in compliance with the Alaska Forest Resources and Practices Act;
2. Fish and wildlife management;
3. Watershed protection;
4. Mineral and aggregate extraction when located at least one-quarter mile (1,320 feet) from development or residential, commercial, or public zones and 300 feet from streams and other habitat areas;
5. Recreational uses (hunting, fishing, hiking, hiking trails, camping, picnicking, RV parks, and similar low intensity uses);
6. Public research areas;
7. Administrative services needed for permitted uses;
8. Fire stations.

B. Temporary Uses. See CMC 18.06.005, Temporary use permit.

C. Conditional Uses.

1. Mineral extraction within one-quarter mile of development or residential or public zones or within 300 feet of streams and other habitat areas;
2. Wholesaling, storage, distribution and manufacture of forest products;
3. Power generating plants;
4. Solid waste disposal sites and junkyards;
5. Uses permitted or conditionally permitted in industrial and commercial zones;
6. Airstrips and helipads;
7. House or mobile home as residence when needed for forestry uses.

D. Required Findings for Granting or Denying Conditional Use Permits. See CMC 18.06.002(C) and (E), Conditional use permits.

E. Prohibited Uses.

1. Subdivision for residential use;
2. Uses not qualifying as permitted or conditional;

3. Marijuana establishments not specifically allowed as permitted or conditionally permitted uses in this zone.

F. Property Development Standards.

1. Minimum Lot Size. Forty acres;
2. Parking. See Chapter 18.14 CMC, Parking;
3. Setbacks: 25 feet from all property lines. Interior setbacks: six feet between structures unless fire wall is approved and built according to adopted building and fire codes unless both structures are mobile homes, in which case the interior setback shall be 10 feet.

4. Storage, Loading, Service Areas. Open storage and loading or service areas shall be screened from the view of adjacent residences or public ways;

5. Building Heights. Thirty feet maximum.

Measurement. The building height shall be calculated as the average of three sides of the building measured from finished grade to the lowest extension of the roof eaves.

C.U.P. A conditional use permit may be requested to build higher. See CMC 18.06.002(I), Required Findings;

6. Signs.

- a. Must be on premises,
- b. No sign or group of signs may be of a total combined size larger than 10 percent of the area of the wall on which they are mounted or front with a maximum of 200 square feet of sign per business,

c. Off-premises signs may be allowed by conditional use permits,

d. No signs shall flash or move, cause glare on any public way or surrounding residential property, or be illuminated between the hours of 11:00 p.m. and 7:00 a.m. unless relating to an establishment open during those hours. [Ord. 682 § 4, 2016; Ord. 550 § 4, 2005; Ord. 412 § 4, 1995; added during 11/95 supplement. Formerly 18.05.009.]

18.05.011 Planned unit development zone.

The purpose of the planned unit development zone is to provide flexibility within the zoning and subdivision ordinance for development which provides for a mixture of uses in a well planned manner which avoids land use conflicts. This zone may be requested in any residential land use district.

A. Permitted Uses.

1. Uses permitted in the low density residential zone.

B. Temporary Uses. See CMC 18.06.005, Temporary use permit.

C. Conditional Uses.

1. Uses permitted or conditionally permitted in any zone.

D. Required Findings for Granting or Denying Conditional Use Permits. See CMC 18.06.002(C) and (D), Conditional use permits, criteria for approval.

E. Property Development Standards.

1. Property development standards of the low density residential zone shall apply except that the minimum acreage for a planned unit development shall be five acres.

2. Variances from the subdivision ordinance and setback requirements may be requested. The application for variances shall be submitted and reviewed according to the requirements of CMC 18.06.003, Variances.

3. A density transfer may be approved which would allow a reduction in the minimum lot size for an equal amount of land left in open space. Land greater than 25 percent slope shall not be considered as land left in open spaces for purposes of this density transfer.

4. Nonresidential uses may be requested. The application for nonresidential uses shall be submitted and reviewed according to the requirements of CMC 18.06.002, Conditional use permits.

5. Building heights: maximum of 30 feet for homes and 16 feet for accessory buildings. Building height shall be calculated as the average height of three sides of the building measured from the finished grade to the roof eaves or a conditional use permit shall be requested. [Added during 11/95 supplement. Formerly 18.05.010.]

cific soil tests or other relevant evaluations be made to ensure the stability and safety of the development.

18.05.020 Special considerations overlay.

Proposed uses within this overlay are subject to the following:

A. Slopes Greater Than 25 Percent. When this overlay is applied to areas with slopes greater than 25 percent, the design and construction plans for all proposed development shall be certified by a professional engineer licensed by the state of Alaska. The city building official may require that site-spe-

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See comprehensive plan zoning map for areas subject to this overlay. (For further reference see “natural hazards” section and natural hazards map in the Craig Comprehensive Plan.)

B. Within the Landslide Hazard Area. Proposed development and uses are subject to review under CMC 18.06.002, Conditional use permits, subsections (C) (Required Criteria for Approval), and (G)(1) (Additional Criteria for Approval for Proposals in the Special Considerations Overlay – Within the Landslide Hazard Area).

See comprehensive plan zoning map for areas subject to this overlay. (For further reference see “natural hazards – mass movement” section and natural hazards map in the Craig Comprehensive Plan.)

C. Within Identified Habitat Areas. Proposed development and uses are subject to review under CMC 18.06.002, Conditional use permits, subsections (C) (Required Criteria for Approval), and (G)(2) (Additional Criteria for Approval for Proposals in the Special Considerations Overlay – Within Identified Habitat or Resource Areas).

See Comprehensive Plan zoning map for areas subject to this overlay. (For further reference see “natural features and natural resources” section and habitats, natural resources, and historic sites map in the Craig Comprehensive Plan.)

D. Within Designated Historic Areas. Proposed uses other than original traditional uses are subject to review under CMC 18.06.002, Conditional use permits, subsections (C) (Required Criteria for Approval), and (G)(3) (Additional Criteria for Approval for Proposals in the Special Considerations Overlay – Within Identified Historic Areas).

See Craig Comprehensive Plan zoning map for areas subject to this overlay. (See “history and the planning process” and the habitats, natural resources, and historic sites map in the Craig Comprehensive Plan.)

E. On the Hillside Above Craig. (Portions of Sections 4, 5, 8, and 9T. 74 R. 81 extending from contour lines as indicated on the city topographical map up the hillside to the easterly city limits line which extends through the center of Sections 4, 9, and 16.) This area includes the city watershed which is described as:

An area of approximately 160 acres lying in the north half of Sections 8 and 9 T. 74

S. R. 81 E. within the city limits of Craig, Alaska more particularly described as an area located on the west face of Sunnahae Mountain from the City impoundment dam at an elevation of approximately 60 feet to an elevation of approximately 2,200 feet between the adjacent streams on each side of the impoundment dam including all surface and subsurface drainage which enters the area.

All uses are conditional uses which may be approved if the findings of CMC 18.06.002, Conditional use permits, subsections (C) (Required Criteria for Approval), and (G)(4) (Additional Criteria for Approval for Proposals in the Special Considerations Overlay – On the Hillside Above Craig).

The procedures of CMC 18.06.002, Conditional use permits, shall be followed.

See Craig Comprehensive Plan zoning map for areas subject to this overlay.

F. Shoreline Setbacks. The shoreline setback around Crab Bay extending from the natural stand of timber above the high tide line landward for 100 feet is established. Access through this buffer may be allowed if the findings of CMC 18.06.002, Conditional use permits, subsection (G)(5), Additional Criteria for Conditional Use Permits in the Special Considerations Overlay – Shoreline Setbacks, are met.

See Comprehensive Plan zoning map.

G. Stream Side Setbacks. Stream side setbacks are established as follows:

1. One hundred feet on each side of Crab Creek from the mouth to the boundary of the Craig Coastal Management Program;

2. Fifty feet on each side of other anadromous fish streams from the mouth to the boundary of the Craig Coastal Management Program.

See Craig Comprehensive Plan zoning map. Also see habitats, natural resources, and historic sites map in the Craig Comprehensive Plan to identify catalogued anadromous fish streams.

H. Protected Area of Crab Bay. No development will be allowed on the east side of Crab Bay within the wind-firm buffer or waterward from the buffer to the line identified on the Craig Comprehensive Plan zoning map as the protected area of Crab Bay.

See Craig Comprehensive Plan zoning map and map of the protected area of Crab Bay. [Added during 11/95 supplement.]

18.05.030 Limited marine industrial overlay.

A. Purpose. The purpose of this overlay is to ensure that marine industrial uses will be as compatible as possible with residential uses in the vicinity.

B. Procedure. The application, notification and reviewing body procedures of CMC 18.06.002(B) shall apply.

C. Purpose of Hearing. Marine industrial uses will be allowed as designated by the marine industrial use. However, before a marine industrial use is established, a public hearing will be held to determine which conditions or limitations, if any, will be placed on the proposed use.

D. Attachment of Conditions. Possible conditions of approval may include but are not limited to:

1. Setbacks in excess of those required by the code;
2. Vegetative buffers or other screens;
3. Requiring street, road or alley dedication to improve access;
4. Regulation of access and ingress and egress;
5. Requirements for landscaping and maintenance;
6. Regulation of time for certain activities;
7. Regulation of signs, building location and design;
8. Regulation of type of traffic generated;
9. Other regulations which make the use more compatible with the neighborhood without making the marine industrial use infeasible. [Added during 11/95 supplement.]

18.05.040 Mobile building restricted (MBR) overlay.

The purpose of this overlay is to combine the underlying zone requirements with a restriction on mobile buildings. Except for mobile buildings, the underlying zone controls the uses and development standards. Mobile buildings are prohibited in this zone except for permitted temporary uses.

A. Permitted Uses. Permitted principal and accessory uses are the same as those permitted in the underlying zone with the exception of mobile

buildings. Storage and accessory use are as permitted in the underlying zone.

B. Conditional Uses. Conditional uses are the same as those conditionally permitted in the underlying zone with the exception of mobile buildings.

C. Temporary Uses. Those temporary uses allowed under CMC 18.06.005, Temporary use permit, except that no permit may be issued without a public hearing. A temporary use permit for a mobile residential structure is limited to a single one-year period, except for a travel trailer or mobile home used as a residence for a person needing special care or for a caretaker for a person needing special care.

D. Prohibited Uses.

1. Those uses prohibited in the underlying zone;
2. Travel trailer for residential use on a lot which does not meet square footage requirements for additional dwelling units;
3. Mobile building unless otherwise permitted.

E. Property Development Standards. The property development standards are the same as those for the underlying zone.

F. Fences, Walls and Hedges. The restrictions on fences, walls and hedges are the same as for the underlying zone.

G. Visibility at Intersections. The intersection visibility requirements are the same as for the underlying zone. [Added during 11/95 supplement.]

18.05.050 Residential suburban (RS) zone.

The purpose of the RS zone is to provide for a pleasant, very low density neighborhood by permitting compatible low intensity uses on larger lots.

A. Permitted Uses.

1. Uses permitted in the residential low density zone;
2. Mobile homes:
 - a. Twelve-foot by 40-foot minimum,
 - b. Placed upon a permanent foundation and skirted with appropriate material,
 - c. Wood or vinyl siding required. Gabled roofs required;
3. Public ballparks, cemetery and community picnic areas.

B. Temporary Uses. See CMC 18.06.005, Temporary use permit.

C. Conditional Uses.

1. Religious assembly;
2. Electrical utility substations and related uses;
3. Day care center;
4. Public housing;
5. Group residential;
6. Parking truck or other equipment over two tons;
7. Home occupation in accessory building;
8. Buildings built above maximum height;
9. Bed and breakfast.

D. Prohibited Uses.

1. Any use or structure not listed under permitted uses, temporary use or conditional uses;
2. Disturbances;
3. Hazards;
4. Marijuana establishments not specifically allowed as permitted or conditionally permitted uses in this zone.

E. Property Development Standards.

1. Minimum lot size: 10,000 feet;
2. Minimum lot width: 75 feet;
3. Setbacks.
 - a. Ten feet from all lot lines,
 - b. Development on corner lots shall not impede visibility;
 - c. Interior Setbacks.
 - i. Six feet between structures unless fire wall is approved and built according to adopted building and fire codes,
 - ii. Ten feet between mobile homes or trailers;

4. Parking. All parking demand must be accommodated off-street and on the premises. See Chapter 18.14 CMC, Parking;

5. Building Heights. Maximum of 30 feet for homes and 16 feet for accessory buildings.

Measurement. Building height shall be measured as the average height of three sides of the building measured from the finished grade to the highest point of the roof. (See Chapter 18.00 CMC, Definitions, Building height – buildings on pilings.)

C.U.P. A conditional use permit may be requested to build higher. See CMC 18.06.002(I), Required Findings;

6. Density.

- a. Ten thousand square feet per dwelling structure.
- b. Three thousand square feet per dwelling unit.
- c. Maximum Lot Coverage. Twenty-five percent of the lot area remaining when the setback area is subtracted from the total lot area.

F. Fences, Walls and Hedges. Property line fences and walls not exceeding six feet in height may occupy any portion of a yard in residential districts except as provided in subsection (G) of this section, Visibility at Intersections, and also provided that such fence, wall or hedge projecting forward of the front yard setback line shall not obstruct visibility.

G. Visibility at Intersections.

1. On corner lots, no fence, wall or hedge or other planting or structure that will impede visibility between a height of two feet, six inches, and eight feet above the centerline grades of the intersecting streets shall be erected, planted, placed or maintained.

2. No vehicle shall be parked within 20 feet of any intersection. If the relationship of the surface of a corner lot to the street is such that visibility is already impaired, nothing shall be done to increase the impediment to visibility within the 20 feet mentioned above. [Ord. 682 § 4, 2016; Ord. 544 § 4, 2005; Ord. 412 § 4, 1995; added during 11/95 supplement.]

Chapter 18.06

REVIEW PROCEDURES

Sections:

- 18.06.001 Occupancy, mobile home placement, and building permits.
- 18.06.002 Conditional use permits.
- 18.06.003 Variances.
- 18.06.004 Change of land use and/or zone designation.
- 18.06.005 Temporary use permit.
- 18.06.006 Legislative amendment to the Craig Municipal Code and Craig Comprehensive Plan.

18.06.001 Occupancy, mobile home placement, and building permits.

A. Purpose. The purpose of this procedure is to upgrade the quality of the housing stock and neighborhoods in Craig, to ensure that buildings are structurally sound, that site preparation is adequate and that uses and buildings conform to the Craig Land Development Code.

B. Powers and Duties of the Building Official.

1. General. The building official shall be appointed by the city. The building official is authorized and directed to enforce all the provisions of applicable adopted codes. For the purpose of enforcement, the building official shall have the powers of a police officer.

2. Stop Orders. Whenever any building work is being done contrary to the provisions of a code, the building official, or the coordinating fire chief, if appropriate, may order the work stopped by notice in writing posted in a conspicuous location on the site and served on any persons engaged in doing or causing such work to be done, and any such person shall forthwith stop such work until authorized by the building official to proceed with the work. No person may do or cause any such work to be done at a site so posted until authorized by the building official to proceed.

3. Occupancy Violations. Whenever any structure is being used contrary to the provisions of the codes, the building official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued.

4. Liability. The building official or any employee charged with the enforcement of the codes acting in good faith and without malice for the city in the discharge of his duties shall not thereby render himself liable personally and he is relieved from all personal liability for any damage he may cause to persons or property as a result of any act acquired or by reason of any act or omission in the discharge of his duties. Any suit brought against the building official because of such act or omission performed by him in the enforcement of any provisions of the codes shall be defended by the city until final termination of the proceedings.

5. Unsafe Buildings. The building official may condemn unsafe buildings. All buildings or structures which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment, as specified in the codes or any other effective ordinance, are, for the purpose of this section, unsafe buildings. All such unsafe buildings are declared to be public nuisances and may be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in the Uniform Code for the Abatement of Dangerous Buildings.

6. Conditions of Approval.

a. The building official may require conditions of approval which ensure the safety or welfare of persons or property.

b. Landscaping or view-obscuring screening may be required for commercial or industrial uses along major streets or adjacent to public or residential areas in order to promote the compatibility of land uses and to improve the appearance of the city.

7. Plans Signed by a Registered Engineer. The building official may require the submission of plans signed by a registered engineer if the safety or welfare of persons or property may be threatened.

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.

a. Plot plan is required to ensure that setbacks are met. If setback requirements are met, the following do not require a building permit:

i. One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the projected roof area does not exceed 120 square feet;

ii. Fences not over 10 feet high placed on or within the property line;

iii. Retaining walls not over four feet in height measured from the bottom of the footing to the top of the wall unless impounding flammable liquids may be placed on or within the property line;

iv. Platforms, walls and driveways not more than 30 inches above grade and not over any basement or story below;

v. Temporary stage and movie sets, booths, or other similar structures.

3. Occupancy Permit. No use or occupancy of land or a building with the exception of single-family residential uses shall be begun or changed without an occupancy permit issued by the city.

4. Placement Permit. No mobile home, modular building, trailer or other structure shall be placed on a lot or parcel without a placement permit issued by the city.

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.

D. Validity of Permit, Suspension or Revocation, Expiration. (UBC Section 303c and e.)

1. Validity of Permit. The issuance or granting of a permit or approval or plans, specifications and computations shall not be construed to be a permit for, or approval of any violation of this code or of any other ordinance of the jurisdiction.

2. Suspension or Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any

ordinance or regulation or any of the provisions of this code.

3. Expiration. Every permit issued under the provisions of this section shall expire if the building, work or use authorized is not begun within 180 days of the date the permit was issued or if the building or work authorized is suspended or abandoned for a period of 180 days.

E. Application.

1. Application for permits shall be made on forms provided by the city. All applications shall be accompanied by a plot plan which includes:

a. Existing and proposed use;

b. Exterior property boundaries, and approximate dimensions;

c. Scale, north point, date;

d. All existing and proposed structures and their dimensions;

e. Distances of structures from all lot lines;

f. Easements, streets, alleys on or adjacent to the lot;

g. Water and sewer line locations and sizes, and electric poles;

h. Parking spaces and dimensions;

i. Access and driveways;

j. Major topographic features which may affect the development of the property, if applicable;

k. Buffers and landscaping, if applicable;

l. Signs, if applicable;

m. Other information the city building official considers necessary for review of the permit application.

2. All applications shall be accompanied by construction drawings or other documentation which provides evidence of compliance with adopted building codes, housing codes, plumbing codes, electrical codes, fire codes, and other applicable codes or ordinances.

3. All applications shall be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

F. Fees.

1. Fees for all permits shall be set by resolution of the city council.

2. The Building Valuation Data from the International Conference of Building Officials as published in "Building Standards" may be used to

determine the value of the construction for which a permit is sought.

3. When work for which a permit is required is started prior to obtaining a permit and a stop work order is issued, fees shall be doubled.

G. Verifications to be Made Prior to Permit Issuance.

1. That the property has adequate access located in the best location for safety considerations and traffic flow;

2. That adequate off-street parking is provided in accordance with Chapter 18.14 CMC, Parking;

3. That appropriate lot size, dimensions, and setbacks are met;

4. That buildings are not located within existing easements;

5. That appropriate utilities are available to the site;

6. That the use is allowed in the zone;

7. That plans have been submitted to the State Fire Marshal for review if required;

8. That plans conform to all applicable adopted codes, including but not limited to the Uniform Building Code, Uniform Fire Code, Uniform Plumbing Code, National Electrical Code, National Fire Protection Association Standards;

9. That adequate site preparation for excavation, support, fill, drainage, etc., have been planned;

10. That all plans are signed by a registered engineer if the proposal is located in the area subject to the special considerations overlay;

11. That building height requirements are not exceeded;

12. That buildings or structures moved into or within the jurisdiction comply with the provisions of the codes for new buildings or structures.

H. Inspections.

1. All construction or work for which a permit is required shall be subject to inspection by the building official or his designee unless this requirement is waived by the building official.

2. No part of any building, structure, framework or excavation may be covered or concealed without first obtaining written approval of the building official. The building official upon notification from the permit holder or his agent shall designate a time to make the following required inspections. The requested inspection shall be per-

formed within four days, state holidays and Sundays excluded, of the designation or the permit holder may consider that phase of the work as approved. The inspector shall either approve or reject that portion of work inspected. If work is rejected, the building official shall designate in writing that portion which fails to comply and, if requested, refer to applicable code sections.

3. The building official may require verification to assure the location of the structure in relation to the lot lines to ensure compliance with zoning and code requirements.

I. Permits Required Prior to Utility Hookups.

1. No hookups for sewer, water or electricity shall be made for any structure, use, mobile home or trailer within the city of Craig until a building, occupancy or placement permit is issued and posted in a conspicuous place on the site.

2. No person shall engage in or procure, aid, or abet any other person to engage in any conduct or activity for which a permit is required under this section without such permit first having been obtained.

J. Enforcement. The procedures and penalties of Chapter 18.03 CMC, Enforcement, shall apply [Ord. 539 § 4, 2004; added during 11/95 supplement.]

18.06.002 Conditional use permits.

A. Purpose. The purpose of the conditional use permit is to provide for uses which may be suitable only in certain locations or only if designed or operated in a specific manner.

B. Procedure.

1. Application.

a. All applications shall be initiated by the property owner or his authorized representative by paying the required fee and by filing an application on city forms no less than 15 days prior to the hearing date.

b. Applications must be accompanied by a plot plan indicating:

i. Date, north point, and scale;

ii. Exterior property boundaries and approximate dimensions;

iii. Location of all existing and proposed buildings on the property and their approximate distance from lot lines;

iv. Access for ingress and egress;

v. Sewer and water lines serving the property; power poles;

vi. All easements on the property;

vii. Approximate dimension of parking areas and spaces, if applicable.

2. Notification.

a. Notice of the hearing shall be made by first class mail to property owners within 300 feet of the exterior property boundary and shall be posted in three public places no less than 10 days prior to the hearing date. Notice may be published in a newspaper of general circulation in the area.

b. The notice shall contain:

i. The name of the applicant;

ii. The date, time and place of the hearing;

iii. A descriptive location of the property and the legal description of the property if available;

iv. A description of the nature and purpose of the use;

v. The location where information may be examined;

vi. The reference number of the sections of the ordinance which pertain to the application;

vii. An explanation of the appeal procedure.

c. Notices shall be sent to the most recent address indicated on the property tax roll of the city's tax assessor's records. The failure of a property owner to receive notice shall not invalidate a decision reached at a public hearing if a good faith attempt was made to comply with the requirements of this code for notice.

d. A copy of the property owner notification list shall be kept in the file along with a notarized affidavit that notification letters were sent.

e. Notification of conditional use permit applications made in reconveyance reserve zones or the special considerations overlay shall be published in a newspaper of general circulation in the area prior to the hearing date.

f. A copy of the resolution approving or denying the application shall be sent to the applicant and any affected party who requests notification in writing.

Resolutions denying an application shall be mailed within five days of the date the decision

was made by the reviewing body and shall explain appeal procedures.

3. Reviewing Body.

a. The reviewing body shall be the planning commission.

b. All formal actions of the reviewing body shall be made by a resolution conforming to the standards of CMC 18.02.070, Resolutions, and shall address all required criteria for approval.

4. Appeals.

a. In the event a majority of the notified property owners have registered an objection, the conditional use permit shall be appealed before the board of adjustment at the next regularly scheduled council session.

b. See Chapter 18.04, Appeals.

C. Required Criteria for Approval. The following criteria shall be met by all proposals for projects before a conditional use permit may be issued:

1. That the proposal is consistent with the Craig Comprehensive Plan, the Craig Coastal Management Program, the Craig Municipal Code, Craig Reconveyance Plan, and other applicable ordinances;

2. That the proposed use is conditionally permitted in the zone;

3. That the proposed use is compatible with other existing or proposed uses in the area affected by the proposal;

4. That the proposed use would not create noise, odor, smoke, dust or other objectionable pollutants creating impacts on surrounding areas;

5. That the proposed use would not affect the health and safety of persons or property;

6. That the location, size, design and operating characteristics will mitigate conflicting uses;

7. That unsightliness, building height, or structural incompatibility would not significantly affect surrounding areas or the designated viewshed;

8. That the proposal would not have a significant detrimental effect on property values in the area;

9. That all utilities required by the proposed use are adequate or will be made adequate by the applicant at no additional expense to the city and will not interfere with utility capacity to serve other areas of the city;

10. That access is adequate to serve the additional volume and type of traffic generated and would not threaten health and safety by significantly altering traffic volumes and patterns;

11. That adequate off-street parking is provided (see Chapter 18.14 CMC, Parking);

12. That the proposed use would not degrade land, air, water or habitat quality;

13. That the proposed use will not interfere with the efficiency of, the planned expansion of, or access to water-dependent or water-related uses unless: (a) there is a documented public need for the proposed use, (b) there is no alternative site, and (c) the public good will be served better by the proposed use than by the water dependent or water related use;

14. That other relevant objections made evident at the public hearing are addressed;

15. That the proposed use and development do not disturb trees or shrubs which are designated for habitat or resource protection; wind, noise, sediment or pollution buffers; recreation or open space; protection from natural hazards, watershed protection, or visual considerations unless a plan is approved which will mitigate potential adverse impacts.

D. Additional Criteria for Conditional Use Permits in the Forestry Zone.

1. That the use does not interfere seriously with accepted forestry practices on surrounding forest land;

2. That the proposed use does not significantly increase the cost of forestry operations on surrounding forest lands;

3. That the use does not promote air and water pollution, soil erosion or other degradation of air, water, habitat or land resources quality without mitigative measures which alleviate negative impacts.

E. Additional Criteria for Conditional Use Permits in the Marine Industrial Zone.

1. That the use is designed to make the most efficient use of the waterfront area;

2. Nonwater-dependent and nonwater-related uses are prohibited on the waterfront unless:

a. Access to the waterfront is legally or physically restricted, or

b. Waterfront area is too shallow for water-related/dependent uses, or

c. Storm winds or tidal currents prevent the establishment of water-dependent/related uses, or

d. There is no available alternative upland site or uses are necessary for or accessory to permitted uses, and

e. There is a significant public need for the use, or

f. The use is a nonpreemptive interim use.

F. Additional Criteria for Conditional Uses in the Heavy Industrial Zone.

1. That the proposed use will not interfere with future heavy industrial uses in the area;

2. That alternative sites zoned for less intensive uses are not available in the case of light industrial or commercial uses or that the use is a nonpreemptive use;

3. That the proposal is designed and located to make the most efficient use of industrial land.

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, 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, 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, and oxygen levels, streamside vegetation;

c. The harassment of wildlife, reduction in the nesting, denning, or protective habitat or reduction in the quality or quantity of fish or wildlife food supplies, or the introduction of destructive species or predators.

See Craig Comprehensive Plan zoning map and habitats, natural resources, and historic sites map for areas subject to this overlay.

3. Within Identified Historic Areas and Areas Recorded on the Alaska Heritage Resource Survey or National Register of Historic Places. That the proposed use does not degrade the integrity or significance of the historic site in that the site could not be used or developed for its traditional use or for the public's education or enjoyment of the historical significance of the site.

See Craig Comprehensive Plan zoning map and habitats, natural resources, and historic sites map for areas subject to this overlay.

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 for:

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, or trees identified as visual, wind, noise, sediment, or pollution buffers;

b. Interference with adequate water flow, natural circulation and drainage patterns; nutrient, temperature, and oxygen levels, or streamside vegetation or vegetation around the impoundment dam area;

c. Increases in the natural rate of peak discharge of streams and drainage ways lying above the elevation of the impoundment reservoir or existing or proposed development;

d. Significant degradation of the view on the hillside from Craig.

See Craig Comprehensive Plan map for areas subject to this overlay.

5. Shoreline Setbacks. The shoreline setback around Crab Bay extending from the natural stand of timber above the high tide line landward for 100

feet is established by the Craig Coastal Management Program. Access through this buffer will be allowed for water-dependent and water-related uses only if it is determined by the reviewing body that:

a. There is a significant public need for the access;

b. There is no feasible and prudent alternative access;

c. All feasible and prudent steps are taken to protect the resources and habitats of Crab Bay;

d. The project and its operation will, to the extent it is feasible and prudent, maintain the integrity of the wind-firm buffer.

H. Additional Criteria Required for Approval of Temporary Use Permits when a Hearing is Required.

1. There is no feasible alternative site;

2. That there is no available mobile home park space or conforming lot or parcel for travel trailer placement.

I. Required Findings for Conditional Use Permits for Buildings to Be Built Over Thirty Feet in Height. No other findings are required in order to grant a conditional use permit under this section except the following:

1. That the building can be protected by the Craig volunteer fire department;

2. That the building height would not cause conflicts with surrounding land uses.

J. Attachment of Conditions. The reviewing body may approve the conditional use subject to reasonable conditions necessary to ensure that the proposed use satisfies the criteria for approval. Conditions of approval may include but are not limited to:

1. Regulation of use or uses;

2. Setbacks in excess of those required by the code;

3. Vegetative buffers or other screens;

4. Requiring street, service road or alley dedication;

5. Requiring other improvements;

6. Regulation of access and ingress and egress;

7. Requirements for landscaping and maintenance;

8. Regulation of time for certain activities;

9. Duration of Use. Temporary conditional use permits should be issued if it is uncertain proposed conditions will alleviate potential conflicts;

10. Regulation of signs;

11. Regulation of the size and shape of clear-cuts;

12. A signed agreement to comply with proposed conditions of approval including, if applicable, construction drawings, plans approved by an engineer registered in the state of Alaska, financial statements, etc.;

13. Performance bonds or certificates of deposit to guarantee required improvements, if applicable. [Ord. 539 § 4, 2004; added during 11/95 supplement.]

18.06.003 Variances.

A. Purpose. The purpose of a variance is to permit justifiable exceptions to the requirements of this code when their strict application of the code would result in unnecessary hardship or practical difficulties. No variance shall be granted which authorizes a use or activity not permitted by the land use zone regulations governing the parcel of property.

B. Procedure.

1. Application.

a. All applications shall be initiated by the property owner or his authorized representative by paying the required fee and by filing an application on city forms no less than 15 days prior to the hearing date.

b. Applications must be accompanied by a plot plan indicating:

i. Date, north point, and scale;

ii. Exterior property boundaries and approximate dimensions;

iii. Location of all existing and proposed buildings on the property and their approximate distance from lot lines;

iv. Access for ingress and egress;

v. Sewer and water lines serving the property; power poles;

vi. All easements on the property;

vii. Approximate dimension of parking areas and spaces, if applicable.

2. Notification.

a. Notification of the application for a variance shall be made by first class mail to surrounding property owners (adjacent property own-

ers and property owners located across the street or alley from exterior property boundaries) no less than 10 days prior to the planning commission hearing date.

b. The notice shall contain:

i. The date, time and place of the hearing;

ii. A descriptive location of the property and the legal description of the property if available;

iii. A description of the nature and purpose of the variance;

iv. The location where information may be examined;

v. The reference number of the sections of the ordinance which pertain to the application;

vi. An explanation of the appeal procedure.

c. Notices shall be sent to the most recent address indicated on the property tax roll of the city's tax assessor's records. The failure of a property owner to receive notice shall not invalidate a decision reached at a public hearing if a good faith attempt was made to comply with the requirements of this code for notice.

d. A copy of the property owner notification list shall be kept in the file along with a notarized affidavit that notification letters were sent.

e. A copy of the resolution approving or denying the proposal shall be sent to the applicant and any affected party who requests notification in writing. Resolutions denying an application shall be mailed within five days of the date the decision was made by the reviewing body and shall explain appeal procedures.

3. Reviewing Body.

a. The reviewing body shall be the planning commission.

b. All formal actions of the reviewing body shall be made by a resolution conforming to the standards of CMC 18.02.070, Resolutions, and shall address all required criteria for approval.

4. Appeals.

a. In the event a majority of the notified property owners have registered an objection, the variance shall be appealed before the board of adjustment at the next regularly scheduled council session.

b. See Chapter 18.04 CMC, Appeals.

C. Required Criteria for Approval. No variance may be granted unless all of the following criteria are met:

1. That there are exceptional physical circumstances or conditions applicable to the property or to its intended use or development which made the variance necessary;
2. That the strict application of the provisions of this title would result in practical difficulties or unnecessary hardship;
3. That granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety or welfare;
4. That the granting of the variance is consistent with the objectives of the comprehensive plan;
5. That the variance will not permit a land use in a zone in which that use is prohibited;
6. That the special conditions that require the variance are not caused by the person seeking the variance;
7. That the variance is not sought solely to relieve monetary hardship or inconvenience.

D. Attachment of Conditions. The reviewing body may approve the variance subject to reasonable conditions necessary to ensure that the proposed variance satisfies the criteria for approval. [Added during 11/95 supplement.]

18.06.004 Change of land use and/or zone designation.

A. Purpose.

1. The purpose of the change of land use and/or zone designation is to provide for revisions in response to individual land use changes as a result of changing public needs and desires, changing development patterns and economic factors.

2. When a change of zone is requested, special limitations may be imposed which restrict structures or the use of land and/or structures to a greater degree than otherwise provided for in the uses applicable to the property. Special limitations are described in subsection (F) of this section.

B. Procedure.

1. Application.

a. Applications may be initiated by the city planning commission or city council. Property owners or their authorized representative(s) may initiate a land use and/or zone designation change by paying the required fee and by filing an applica-

tion on city forms no less than 15 days prior to the hearing date. Applications initiated by the property owner(s) must include the signatures of the owners of 50 percent of the property requested for the land use and/or zone designation change.

b. Applications must be accompanied by a plot plan indicating:

- i. Date, north point, scale and name of applicant;
- ii. Exterior property boundaries and approximate dimensions;
- iii. Location of all existing and proposed buildings on the property and their approximate distance from lot lines;
- iv. Existing and proposed access for ingress and egress;
- v. Sewer and water lines serving the property; power poles;
- vi. All easements on the property;
- vii. Approximate dimension of parking areas and spaces, if applicable.

c. A legal description of the property affected.

d. An explanation of the reasons for making the change which address the specific criteria listed in subsection (C) of this section.

e. Any limitations proposed by the applicant.

2. Notification.

a. Notice of the hearing before the planning commission shall be made by first class mail to property owners within 300 feet of the exterior property boundary and shall be posted in three public places no less than 10 days prior to the hearing date. Notice may be published in a newspaper of general circulation in the area.

b. The notice shall contain:

- i. The date, time and place of the hearing and name of applicant;
- ii. A descriptive location of the property and the legal description of the property if available;
- iii. A description of the nature and purpose of the proposed use and change;
- iv. The location where information may be examined;
- v. The reference number of the sections of the ordinance which pertain to the application;
- vi. An explanation of the land use/zone designation change procedure.

c. Notices shall be sent to the most recent address indicated on the property tax roll of the city's tax assessor's records. The failure of a property owner to receive notice shall not invalidate a decision reached at a public hearing if a good faith attempt was made to comply with the requirements of this code for notice.

d. A dated copy of the property owner notification list and a copy of the notice shall be kept in the file.

e. A copy of the planning commission resolution recommending approval or denial of proposal shall be sent to the applicant and any affected party who requests notification in writing. Resolutions denying an application shall be mailed within five days of the date the decision was made by the reviewing body and shall explain how to have the proposed change forwarded to the city council.

3. Reviewing Body.

a. The reviewing body shall be the planning commission. Land use and zone designation changes require ordinance adoption by the city council.

b. All formal actions of the reviewing body shall be made by a resolution conforming to the standards of CMC 18.02.070, Resolutions, and shall address all required criteria for approval.

c. Land use or zone designation changes recommended for approval by the planning commission shall be forwarded to the city council, with the planning commission resolution attached, within five days of the reviewing body action.

d. Upon written request by the applicant or the applicant's representative, proposed land use or zone designation changes recommended for denial by the reviewing body shall be forwarded to the city council, with the resolution recommending denial. The request to forward the recommendation must:

i. Be received at the city within 30 days of the date the notice of planning commission action was mailed to the applicant or the applicant's representative;

ii. Include the specific points of disagreement with the planning commission, with factual reasons why the applicant does not agree with the planning commission recommendation;

iii. Include the name, address and contact phone number of the applicant or the applicant's representative.

4. City Council.

a. As required by AS 29.40.030 and 29.40.040, a land use or zone designation change is not effective until adopted by ordinance by the city council.

b. The notification requirements for an ordinance to change a land use and/or zone designation shall be the same as for other ordinances.

c. The city clerk shall inform the planning commission of the action taken by the city council on proposed land use and/or zone designation changes.

d. In the event the city council does not agree with a planning commission recommendation, specific findings stating the reason(s) and area(s) of disagreement shall be sent to the planning commission.

C. Required Criteria for Approval. The following criteria shall be met before a land use or zone designation change may be issued.

1. That the proposal is consistent with the policies of the Craig Comprehensive Plan, the Craig Coastal Management Program, the Craig Municipal Code, the Craig Reconveyance Plans and other applicable ordinances;

2. That the proposed designation is compatible with other existing or proposed designations in the area affected by the proposal. Compatibility is evaluated based on the permitted uses and their effects on the following:

a. The level of noise, odor, smoke, dust or other objectionable pollutants that would be created and their effects on surrounding areas,

b. The health and safety of persons or property,

c. The land, air, and water or habitat quality,

d. Property values in the area,

e. Volume and type of traffic generated and the effect alterations in traffic volumes and patterns would have on health and safety,

f. Availability of adequate off-street parking for the uses permitted in the land use or zone designation,

g. Trees or shrubs designated for: habitat protection; wind, noise, sediment or pollution buffers; recreation or open space; protection from natural hazards, watershed protection, or visual considerations;

3. That additional utilities required by the proposed designation will be made adequate by the applicant at no additional expense to the city and will not interfere with utility capacity to serve other areas of the city;

4. That the land use or zone change does not create a shortage of land in the current land use or zone designation;

5. That there is a community need for the change;

6. That the proposed designation will not interfere with the efficiency of, the planned expansion of, or access to water-dependent or water-related uses unless:

a. There is a documented public need for the proposed use,

b. There is no alternative site, and

c. Public good will be served better by the proposed use than by a water-dependent or water-related use;

7. That other relevant objections made evident at the public hearing are addressed.

D. Change From Public to Private Ownership and Expiration of Lease.

1. If public lands are transferred to private ownership, or if a lease for a public use expires, the planning commission shall recommend to the city council a land use and zone designation change from the public zone to the land use and zone designations of the majority of the contiguous land abutting the parcel or lot.

2. If no appropriate contiguous land use and zone designation abuts the property, or if the planning commission objects to the change as stated in subsection (D)(1) of this section, the planning commission shall recommend the most appropriate land use and zone designations for the property based on the standards of subsection (C) of this section, required criteria for approval.

E. Change From Private to Public Ownership.

1. If the land use and/or zone change involves a substantial area affecting a substantial number of residents, the change shall be made in accordance with CMC 18.06.006, legislative amendments.

2. If the land use and/or zone change involves a small area or single lot, the city may retain the current zoning or post its intent to change the existing land use and zone designation to public. If the city intends to change the zone to public:

a. A public notice in accordance with subsection (B)(2) of this section, change of land use and zone designation, procedure notification, shall be posted and mailed;

b. In addition, the notice shall explain that the planning commission will recommend that the existing land use and zone designations will change to public unless written objections are received within 10 days of posting and mailing of notices, or oral objections are made during the public hearing before the planning commission;

c. If no written objections are received within the 10-day period or if no oral objections are made at the hearing before the planning commission, the planning commission shall recommend that the city council apply the public land use and zone designations;

d. If written objections are received, the proposed land use and zone designation change to public shall be reviewed by the planning commission according to the standards of subsection (C) of this section, land use and zone changes, required criteria for approval, and the planning commission recommendation and resolution forwarded to the city council as described in subsection (B)(3) of this section;

e. The city council shall take final action as described in subsection (B)(4) of this section.

F. Special Limitations.

1. To assure compatibility of land uses, special limitations may be imposed on land use and zone changes.

2. Special limitations may restrict structures, or the use of land and structures, to a greater degree than otherwise allowed for in the restrictions applicable to the property. A special limitation shall do one or more of the following:

a. Limit residential density or prohibit structures or uses of land and/or structures otherwise permitted in the zone;

b. Require compliance with design or development standards for structures and other site features;

c. Impose time limits for taking subsequent development actions.

3. No change in zone designation with a special limitation shall be effective unless specifically agreed to in writing by the owner(s) of the property subject to the land use or zone change.

4. Any area subject to special limitations shall be shown on the land use plan and zoning maps by the suffix "SL" followed by the number of the ordinance applying the special limitation.

5. Where a special limitation conflicts with a less restrictive provision of the code, the special limitation governs.

6. The special limitation may provide for reversion to the original zoning designation unless the terms of the special limitation are implemented.

7. An ordinance imposing the special limitation may require that the ordinance be recorded at the district recording office. Costs for recording the special limitations ordinance at the district recording office will be paid by the property owner. [Added during 11/95 supplement.]

18.06.005 Temporary use permit.

A. Purpose. The purpose of the temporary use permit is to allow short-term temporary uses to satisfy community needs. No temporary use permit shall be issued for more than one year.

B. Temporary Uses.

1. Temporary uses which may be permitted without a hearing:

a. Travel trailer or motor home or mobile home for residential use while a house is being constructed or a conforming mobile home is purchased;

b. Travel trailer or mobile home as a residence for person needing special care or for a caretaker for a person needing special care;

c. Travel trailer placed on lot or parcel zoned for residential use.

2. Temporary uses requiring a hearing:

a. Travel trailer for residential use on a lot which does not meet square footage requirements for additional dwelling units;

b. Other requested temporary uses which meet the criteria of CMC 18.06.002(C)(3) through (14), Conditional use permits, Required Criteria for Approval;

c. Uses listed in subsection (B) of this section, temporary uses, on which a written objection is received within the 10-day posting period.

C. Procedure.

1. Application.

a. All applications shall be initiated by the property owner or his authorized representative by

paying the required fee and by filing an application on city forms.

b. Applications must be accompanied by a plot plan indicating:

i. Date, north point, and scale;

ii. Exterior property boundaries and approximate dimensions;

iii. Location of all existing and proposed buildings on the property and their approximate distance from lot lines;

iv. Access for ingress and egress;

v. Sewer and water lines serving the property; power poles;

vi. All easements on the property;

vii. Approximate dimension of parking areas and spaces, if applicable.

c. The applicant shall write and sign a statement regarding the time frame and intent of the temporary use. The statement shall describe:

i. Plans to build a house or purchase a conforming mobile home;

ii. The extent of the care required by the relative needing special care;

iii. The process that will be followed to find a mobile home park space or conforming lot or parcel;

iv. The characteristics and scope of the proposed temporary use.

2. For Temporary Uses Which May Not Require a Hearing. (See subsection (B)(1) of this section.)

a. When application is made (i) to place a travel trailer on a lot or parcel as indicated in subsection (B)(1)(c) of this section or (ii) to place a travel trailer on a lot which does not meet minimum square footage requirements for additional dwelling units:

i. The city shall advertise in a newspaper of general circulation in the area or by other means assess the availability of mobile home park spaces or conforming lots or parcels.

ii. If spaces or conforming lots are reported available within 10 days of the date the city first advertised or otherwise attempted to locate spaces or conforming lots, the temporary use permit shall not be issued.

b. For all temporary uses which may be permitted without a hearing, (subsection (B)(1) of this section), a notice shall be posted in three public places for 10 days.

c. If no written objection is received within the 10-day period, a temporary use permit may be issued. If a written objection is received, a hearing shall be required.

3. For Temporary Uses Requiring a Hearing.

a. CMC 18.06.002(C)(3) through (15), Conditional use permits, Required Criteria for Approval, shall apply.

b. In addition, a temporary use permit shall not be issued:

i. If there is a feasible alternative site for nonresidential temporary uses; or

ii. If there is a mobile home park space or conforming lot or parcel available for a travel trailer, unless it is requested for a residence while a conforming home is built or purchased.

4. Notification.

a. Notice of the temporary use shall be posted in three public places for 10 days prior to permit issuance. Notice may be published in a newspaper of general circulation in the area.

b. The notice shall contain:

i. Name of the applicant;

ii. Deadline for requesting a hearing on the use;

iii. A descriptive location of the property and the legal description of the property if available;

iv. A description of the nature, purpose and duration;

v. The location where information may be examined;

vi. The reference number of the sections of the ordinance which pertain to the application.

D. Location of Temporary Uses. Temporary uses shall:

1. Meet all setback requirements or request a variance;

2. Conform to applicable plumbing, fire, electrical, and building codes, and other codes adopted by the city;

3. Be located where they are most compatible with neighborhood surroundings.

E. Duration. Temporary use permits may be issued for periods of up to one year.

F. Expiration.

1. The date of expiration shall be recorded on the permit and filed with the city clerk.

2. The applicant must reapply for a temporary use permit when the original permit expires. [Added during 11/95 supplement.]

18.06.006 Legislative amendment to the Craig Municipal Code and Craig Comprehensive Plan.

A. Purpose. The purpose of this section is to provide for code and plan revisions in response to changing conditions, needs, and public opinion.

B. Procedure.

1. The planning commission shall recommend amendments to the city council. Both reviewing bodies shall hold at least one public hearing or one joint hearing regarding the amendments.

2. Notice of the public hearing describing the proposed amendments shall be advertised for two consecutive weeks prior to the hearing date in a newspaper of general circulation in the area and shall be posted in the post office, at City Hall, and on two other publicly used bulletin boards at least 15 days prior to the hearing date.

C. Criteria for Approval.

1. That the amendments are consistent with the Craig Comprehensive Plan (see policies), Craig Coastal Management Program (see enforceable rules), and Craig Reconveyance Plan;

2. That the proposed amendments are supported by specific studies or other factual information which documents the public need for the amendment.

D. Adoption. Plan and code amendments shall be adopted by ordinance and in accordance with Alaska Statutes. [Added during 11/95 supplement.]

Chapter 18.07**MOBILE HOME PARK ORDINANCE**

Sections:

- 18.07.010 Purpose.
- 18.07.020 Procedure.
- 18.07.030 Required criteria for approval.
- 18.07.040 Mobile home parks – Standards.
- 18.07.050 Occupancy and building permit requirements.
- 18.07.060 Enforcement and penalties.
- 18.07.070 Nonconforming use provision.

18.07.010 Purpose.

The purpose of the mobile home park ordinance is to provide for safe, sanitary, and aesthetically pleasing mobile home parks. All mobile home parks (three or more mobile homes on one lot) or mobile home park extensions or additions are subject to review under this chapter. [Added during 11/95 supplement.]

18.07.020 Procedure.

A. Application. All applications shall be initiated by the property owner or his authorized representative by paying the required fee and by filing an application on city forms no less than 15 days prior to the hearing date, along with the following:

1. A plot plan which includes:
 - a. Name, address and phone of property owner,
 - b. Scale of one inch equals 50 feet or other approved scale,
 - c. North point and date,
 - d. Reference to survey lot corner, section, township, and range,
 - e. Park boundary and approximate dimensions,
 - f. Location and dimensions of all park improvements and all park spaces including but not limited to:
 - i. Sewer and water lines, pump stations and fire hydrants,
 - ii. Electrical systems and power poles,
 - iii. Existing and proposed buildings,
 - iv. Garbage dumpsters,
 - v. Open spaces, play areas, storage areas, etc.,
 - g. Drainage ways and easements,

- h. Hazard and problem areas (high water table, steep topography, muskeg areas, etc.),
- i. Width and approximate grade of park access roads and their connection with other streets,

j. Vicinity map,

k. Proposed easements, if applicable;

2. A management plan for the MHP which includes:

a. Proposed regulations inside the park,

b. Method for ensuring that water, sewer and electrical hookups conform to adopted health and safety standards,

c. Landscape plan for the vegetative screen indicating the type of vegetation, spacing of plants, and maintenance provisions for screen which shall be view obscuring within two years or description of type of fencing to be used as view-obscuring screen and provisions for maintenance of the fence,

d. Once approved by the planning commission this agreement shall be signed by the developer and planning commission and filed with the city clerk.

B. Notification.

1. The notice shall contain:

a. Name of applicant, date, time, and place of hearing;

b. Descriptive location of property and legal description, if available;

c. Number of spaces, size of spaces;

d. Description of nonresidential uses, if proposed;

e. Type of screening proposed;

f. Location where information may be examined;

g. Reference sections of ordinance which pertain;

h. Explanation of appeal procedure.

2. Notice of the hearing shall:

a. Be made by first class mail to property owners within 200 feet of the exterior property boundary and shall be posted in three public places no less than 10 days prior to the hearing date;

b. Be sent to the most recent address indicated on the property tax roll of the city's tax assessor's records. The failure of a property owner to receive notice shall not invalidate a decision reached at a public hearing if a good faith attempt

was made to comply with the requirements of this code for notice;

c. A copy of the property owner notification list shall be kept in the file with a notarized affidavit that notification letters were sent.

3. Additional Notification.

a. Mobile home park applications made in reconveyance reserve zones or within the special considerations overlay shall be published in a newspaper of general circulation in the area prior to the hearing date.

b. Notice of other mobile home park requests may be published in a newspaper of general circulation in the area.

4. Resolution to Approve or Deny.

a. A copy of the resolution shall be sent to the applicant and any affected party who requests notification in writing.

b. Resolutions denying an application shall be mailed within five days of the date the decision was made and shall explain appeal procedures. [Added during 11/95 supplement.]

18.07.030 Required criteria for approval.

Criteria for approval are as follows:

A. That the proposed mobile home park will have no adverse effect on property values in the area;

B. That the proposed mobile home park will not change the general nature and character of the area;

C. That the proposed mobile home park will not conflict with the development of land zoned for industrial or public uses;

D. That access is adequate and safe;

E. That the park would not alter the existing traffic volume and patterns in the area to an extent which would threaten health and safety;

F. That the site can be served by water and sewer and by electricity;

G. That the city has utility capacity to serve the area without interfering with utility capacity to serve other areas or the developer finances the upgrading of utility systems to ensure adequate capacity;

H. That the park conforms to adopted health, safety and design standards;

I. That the park will be compatible with surrounding uses when considering:

1. The population density of the park compared to surrounding areas;

2. Physical effects on surrounding properties such as increased drainage, or increased fire hazard, wind hazard, etc.,

3. Noise, smoke or other objectionable pollutants;

J. That the proposed use and development do not disturb trees or shrubs which are designated for habitat or resource protection; wind, noise, sediment, or pollution buffers; recreation or open space; protection from natural hazards, watershed protection, or visual considerations unless a plan is approved which will mitigate potential adverse impacts;

K. That other relevant concerns raised during the public hearing have been addressed;

L. That the proposal is consistent with the Craig Coastal Management Program and the Craig Comprehensive Plan. [Ord. 539 § 4, 2004; added during 11/95 supplement.]

18.07.040 Mobile home parks – Standards.

A. Adopted Codes. Mobile home parks shall:

1. Comply with all applicable adopted codes including but not limited to:

a. Uniform Fire Code Sections 10.207 and 10.301 through 302,

b. National Fire Protection Association No. 58 and 501A,

c. National Electrical Code Article 550,

d. Plumbing Code Appendix E, Uniform Building Code;

2. Comply with National Fire Protection Association Standards including but not limited to the following:

a. Wannigans shall have at least one exterior opening directly to the outside without passing through the mobile home,

b. When a wannigan encloses two doors or a door and emergency exit window of a mobile home, two exterior doors shall be installed,

c. No liquefied petroleum gas vessel should be stored or located inside of or beneath any structure,

d. All areas shall be kept free of dry brush, leaves, weeds, or other things which might spread fires within a mobile home park,

e. Access roads in mobile home parks shall have a minimum width of 20 feet of stabilized surface and shall conform to standards of the Uniform Fire Code.

B. Minimum Space Standards.

1. The minimum mobile home space size shall be 5,000 square feet for mobile homes more than 38 feet in length.

2. The minimum mobile home space size shall be 2,500 square feet for mobile homes 38 feet or less.

C. Health and Safety Standards – General. All mobile home parks shall:

1. Provide animal-proof refuse containers;

2. Be responsible for ensuring that all facility hook ups are made in accordance with city and state regulations;

3. Control objectionable noises which disturb tenants (generators, chain saws, etc.);

4. Prohibit the rent or lease of park spaces to any unit which does not have sanitary facilities unless approved sanitary facilities are provided and maintained by the mobile home park;

5. Provide for topping or removal of all trees which have the potential to fall onto mobile homes within the park;

6. Provide for the removal and proper disposal of cut trees, timber, debris, rubbish, or other waste materials;

7. Recommend or require that all mobile homes have stabilizing and anchoring devices if potential wind problems are evident;

8. Provide that all mobile homes be situated so that a fire truck can approach within 100 feet of each mobile home;

9. Ensure that wannigans are no higher than 15 feet measured from finished grade to roof eaves;

10. Provide drainage which prevents adverse impacts on surrounding properties and which prevents standing water within the park. Drainage shall be maintained by the park owner and preserved by drainage easements.

D. Access. All mobile home parks shall:

1. Provide access from MHP spaces onto park access roads wherever possible;

2. Have mobile home park access roads with at least two access points onto street to allow for escape in case of fire, or shall provide a cul-de-sac (maximum length 600 feet) with a turn-around diameter of 60 feet or larger if necessary to provide for an adequate fire truck turn-around;

3. Provide driveway entrances and exits which must be spaced at least 200 feet measured

centerline to centerline apart and be as close to right angles as possible, whenever possible.

E. Parking. All mobile home parks shall:

1. Provide at least one off-street parking space per mobile home park space.

F. Pads and Spaces. All mobile home parks shall:

1. Provide mobile home pads with a crushed rock or hard surfaced area;

2. Allow only one mobile home per space;

3. Physically indicate mobile home space corners on the ground.

G. Setbacks.

1. Setbacks from mobile home space lines for all structures:

a. Front: 10 feet. If a variance is requested, the minimum setback permitted shall be four feet.

b. Side: 10 feet. If a variance is requested, the minimum setback permitted shall be five feet.

c. Rear: 10 feet. If a variance is requested, the minimum setback permitted shall be four feet.

d. The purpose of the minimum variance requirement is to ensure that minimum distances between mobile homes required by the N.F.P.A. are maintained.

2. Setbacks from streets and surrounding property lines shall be 25 feet.

H. Screening. Mobile home parks shall:

1. Provide a screen of view-obscuring fencing or vegetation completely surrounding the mobile home park except where natural features such as natural tree cover or topography provide view-obscuring screening;

2. Where fencing is intended as screening, the planning commission shall approve the type, color and height of fencing material which shall be sight-obscuring, well maintained, and aesthetically pleasing;

3. Where vegetation is intended as screening, the screen shall be a minimum of 10 feet wide and spacing and vegetation size shall be planned to be sight-obscuring within two years of planting. Minimum tree height at planting shall be five feet. Evergreen species to predominate;

4. The developer shall prepare and submit a landscape plan for the screen indicating the type of vegetation, spacing of plants, width of the screen, and maintenance provisions for the screen or fencing. When approved by the planning commission,

this plan shall be filed with the MHP application and recorded with the city clerk.

I. Significant Features. Mobile home parks shall:

1. Provide that existing features which are significant to the community or are required to be protected by law (such as bald eagle nest trees), be preserved in the design and protected as required. Appropriate agencies shall be notified at least 10 days prior to the mobile home park hearing date.

J. Nonresidential Uses. Mobile home parks shall:

1. Provide that uses other than mobile home park space rental be advertised in the public notice and approved by the reviewing body.

K. Additional Design Standards. The planning commission or the city may impose other design standards which would make the MHP more compatible with surrounding land uses or better protect the public health, safety or welfare.

L. Additional Standards for Parks of 10 or More Mobile Homes. In addition to the standards contained in this section, mobile home parks which will accommodate 10 or more mobile homes, or additions to existing mobile home parks which will result in a total of 10 or more mobile homes accommodated within the existing park and addition, shall be subject to the following additional standards:

1. If mobile home park spaces are to be less than 5,000 square feet, the mobile home park shall provide:

a. An area of at least 100 square feet for each mobile home space for the storage of boats, trailers, campers, etc. The storage space shall be enclosed with a sight-obscuring fence of not less than six or more than eight feet in height;

b. A park area of at least 100 square feet for each mobile home space, unless a public park lies within one-half mile of the mobile home park.

2. Mobile home park spaces shall not have direct access onto streets or highways other than park access roads.

3. Landscaping shall be provided within the park consisting of a combination of ground cover, shrubs and trees which cover a minimum of 15 percent of each mobile home park. For purposes of this determination, the vegetative screen shall not be counted as the required 15 percent landscaping.

4. Driveway entrances and exits which must be spaced at least 200 feet apart measured centerline to centerline and as close to right angles as possible shall be provided. [Ord. 539 § 4, 2004; added during 11/95 supplement.]

18.07.050 Occupancy and building permit requirements.

A. After the land use permit for the park has been approved, the developer must obtain a building permit from the city building official. The developer must submit construction drawings, layouts and specifications sufficient to verify that proposed construction and improvements conform to adopted codes and to the Craig Municipal Code.

B. The city will review the mobile home park for conformance with the plot plan and mobile home park ordinance.

C. No mobile homes shall be placed in the park until an occupancy permit has been issued by the city.

D. The occupancy permit will be issued when the city determines that the park meets requirements of the mobile home park ordinance and other requirements which may have been requested at the public hearing.

E. The occupancy permit will not be issued until all required improvements, including the view-obscuring screen, have been installed or a bond or security deposit for their ultimate installation has been provided as required by CMC 18.10.050, Guarantee of required improvements. [Added during 11/95 supplement.]

18.07.060 Enforcement and penalties.

When a violation occurs within a mobile home park, the procedures of Chapter 18.03 CMC, Enforcement, shall be followed. [Added during 11/95 supplement.]

18.07.070 Nonconforming use provision.

A. Parks existing at the time of the adoption of this chapter may have their existing use continued if:

1. Such use was legal at the time of the adoption of those rules, provided such continued use is not a threat to the public health, safety or welfare as specified in CMC 18.07.040(A)(1), (A)(2)(c) and (d), (C) and (F)(2); and if

2. Minimum setbacks required by the National Fire Protection Association for all structures (front four feet, side five feet, and rear four feet) are ensured; and if

3. Access roads of adequate quality, width and turn-around capacity to provide for fire protection as required by the city fire chief and state law are provided; and if

4. Electrical, sewer and water facilities are provided in accordance with state law and standards.

B. Relocated mobile homes in a mobile home park shall comply with the health and safety standards of this chapter as specified in CMC 18.07.040 and with minimum setbacks required by the National Fire Protection Association for all structures (front four feet, side five feet, rear four feet). [Ord. 539 § 4, 2004; added during 11/95 supplement.]

Chapter 18.08

RECREATIONAL VEHICLE PARK ORDINANCE

Sections:

- 18.08.010 Purpose.
- 18.08.020 Procedure.
- 18.08.030 Required criteria for approval.
- 18.08.040 Standards.
- 18.08.050 Requirements for recreational vehicles within parks.
- 18.08.060 Responsibilities of management.
- 18.08.070 Permits required – Conditional use permit, building permit and occupancy permit.
- 18.08.080 Enforcement.

18.08.010 Purpose.

The purpose of the recreational vehicle park ordinance is to provide for functional, sanitary, and aesthetically pleasing recreational vehicle parks. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.08.020 Procedure.

A. Application. All applications shall be initiated by the property owner or his authorized representative by paying the required fee and by filing an application on city forms no less than 15 days prior to the hearing date along with the following:

1. A plot plan which includes:
 - a. Name and address of property owner,
 - b. Scale one inch equals 50 feet or other approved scale,
 - c. North point and date,
 - d. Reference to survey lot corner, section, township and range,
 - e. Park boundary and approximate dimensions,
 - f. Location and dimensions of all park improvements including but not limited to:
 - i. RV park space dimensions,
 - ii. Sewer and water lines, pump stations, fire hydrants, dump stations, etc.,
 - iii. Power poles,
 - iv. Existing and proposed buildings,
 - v. Garbage dumpsters,
 - vi. Open spaces, play areas, storage areas, etc.,

- g. Drainage ways and easements,
- h. Hazard and problem areas (high water table, steep slopes, etc.),
- i. Width and approximate grade of park access roads and their connection with main access roads,
- j. Vicinity map,
- k. Existing and proposed easements;
- 2. A management plan which includes:
 - a. Proposed regulations inside the park,
 - b. Method for operating and maintaining toilet facilities, garbage collection, etc.,
 - c. Method for ensuring that water, sewer, and electrical hookups conform to adopted health and safety standards,
 - d. Management plan for nonresidential uses inside the park,
 - e. If required, landscape plan for the vegetative screen indicating the type of vegetation, spacing of plants, and maintenance provisions for the screen which shall be view-obscuring within two years or description of type of fencing and provision for fence maintenance,
 - f. Once approved by the planning commission, this agreement shall be signed by the developer and filed with the city clerk.
- B. Notice. Notice shall be given as required by CMC 18.06.002(B)(2), conditional use permit, procedure, notification. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.08.030 Required criteria for approval.

The required criteria for approval shall be the same as required by CMC 18.06.002(C) (and (D) through (J) as applicable), conditional use permits, required criteria for approval. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.08.040 Standards.

A. Required Facilities.

1. Water and sewage disposal facilities as follows:
 - a. Each park shall provide or there shall exist within a 10-mile radius one sanitary dump station or all recreational vehicle spaces shall be provided with sewer and water hookups.
 - b. Each park shall provide and maintain a minimum of one tenant toilet facility for each 12 spaces.

- c. Water and greywater disposal shall be provided within 300 feet of each park space.
- d. Where sewage hookups are provided to each space, water shall also be provided.
- e. Shower facilities shall be provided in parks which provide 25 or more RV park spaces.
- f. Sewage hookups shall be made to either the city sewer system or to a community system approved by the city in accordance with applicable state and local standards.
2. Garbage Disposal. Each park shall provide and maintain animal-proof garbage disposal facilities.
3. Parking. Each park shall provide at least one off-street parking space per recreational vehicle.
4. Minimum Space Size. Each park shall provide recreational vehicle park spaces a minimum of 1,500 square feet in size. Park designs may include tent camping and other special use areas which vary from this standard if approved by the planning commission.
5. Vehicle Pads. Each park shall provide recreational vehicle pads with a surfaced area which minimizes mud and provides a suitable parking area for recreational vehicles.
6. Setbacks. Each park shall provide minimum setbacks as follows:
 - a. Setbacks from RV space lines for all structures, recreational vehicles, etc.: five feet;
 - b. Setback of all structures, recreational vehicles, etc., from streets and access ways other than park access roads: 20 feet;
 - c. Setbacks for all structures, recreational vehicles, etc., from adjacent property lines: 15 feet.
7. Access. Parks shall provide access as follows:
 - a. Access for individual park spaces from internal park access roads;
 - b. Park access roads which are a minimum width of 20 feet of improved surface approved by the city and city fire chief;
 - c. Two access points from the park to allow for escape in case of fire, where ever possible;
 - d. Access designed to minimize congestion and hazards (access to be approved by the city);
 - e. Access which ensures that a fire truck can approach within 100 feet of each park space.

8. Health and Safety, General.

a. Each park shall provide for the topping or removal of trees which have the potential to damage property within the park.

b. Each park shall provide for the removal and proper disposal of cut trees, timber, debris, rubbish, or other waste materials.

c. Each park shall provide a drainage plan for the park which eliminates standing water within the park and provides adequate drainage.

d. In areas where recreational vehicles would be exposed to strong winds, the planning commission may require the installation of stabilizing or anchoring devices.

9. Significant Features.

a. Each park shall provide that existing features which are significant to the community or are required to be protected by law (such as bald eagle nest trees), be preserved in the design and protected as required by law or as required by the planning commission.

b. Appropriate agencies shall be notified at least 10 days prior to the hearing date for the park.

10. Other Requirements. All recreational vehicle parks shall:

a. Limit occupancy of any single RV to a maximum of 90 days within any 120-day period within the RV park;

b. Comply with all applicable adopted codes including but not limited to:

i. Uniform Fire Code,

ii. National Fire Protection Association "Standard for Fire Safety Criteria for Recreational Vehicle Parks and Campgrounds" and "Standard on Fire Safety Criteria for Recreational Vehicles,"

iii. National Electrical Code,

iv. Plumbing Code;

c. Comply with the Craig Coastal Management Program (Enforceable Rules), and Craig Comprehensive Plan (Policies and Craig Land Development Code);

d. At all times, document the arrival date, departure date and exact length of stay of every RV located within the boundaries of the RV park. Said documentation shall be made immediately available to the city planning official or city police upon their request;

e. The planning commission or the city planning official may impose other design stan-

dards which would make the recreational vehicle park more compatible with surrounding land uses, the Comprehensive Plan goals, or to protect the public health, safety or welfare.

11. Screening if Required. If a screen of view-obscuring fencing or vegetation is required, the standards shall be as follows:

a. Where fencing is intended as screening, the planning commission or city planning official shall approve the type, color and height of fencing material which shall be sight-obscuring, well-maintained and aesthetically pleasing.

b. Where vegetation is intended as screening, the screen shall be a minimum of 10 feet wide and spacing and vegetation size shall be planned to be sight-obscuring within two years of planting. Minimum tree height at planting shall be five feet. Evergreen species to predominate.

c. Within the required RV park management plan, the developer shall indicate maintenance provisions for the screen or fencing.

B. Dumpsites, if Required. Dumpsites shall:

1. Conform to applicable state standards (plans to be reviewed by Department of Environmental Conservation);

2. Be surrounded by a curbed concrete apron or trough of at least three feet by three feet and provided with a suitable hinged cover milled to fit tight;

3. Have a means for flushing the immediate area and the camping vehicle holding tank. It shall consist of a properly supported water rinser pipe, terminating two feet above the ground with a three-fourths-inch valved outlet and attached hose. The water outlet shall be protected against back-siphonage and backflow by an approved vacuum breaker installation located downstream from the shut-off valve. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.08.050 Requirements for recreational vehicles within parks.

A. Recreational vehicles must be licensed to operate on state highways while located within a recreational vehicle park.

B. The removal of wheels of a recreational vehicle (except for the temporary purpose of repair) is prohibited.

C. The installation of skirting and the installation of wannigans or other structures is prohibited. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.08.060 Responsibilities of management.

A. The person to whom a permit for a recreational vehicle park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.

B. The park management shall notify park occupants of all applicable provisions of this chapter.

C. The park management shall supervise the placement of each recreational vehicle in its park space. Placement may include securing, stabilizing and installing utility connections. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.08.070 Permits required – Conditional use permit, building permit and occupancy permit.

A. An applicant must obtain a conditional use permit in accordance with CMC 18.06.002, Conditional use permits.

B. After the conditional use permit has been obtained, the developer must obtain a building permit from the city. The developer must submit construction drawings, layouts and specifications sufficient to verify that proposed construction and improvements conform to adopted codes and ordinances.

C. After the building permit is issued, the applicant must apply for an occupancy permit.

1. The occupancy permit will not be issued until all required improvements, including the view-obscuring screen, if required, have been installed or a bond or security deposit for their ultimate installation provided as required by CMC 18.10.050, Guarantee of required improvements.

2. The occupancy permit will be issued when the city determines that the park meets the requirements of the recreational vehicle park ordinance and other requirements which may have been made.

3. The occupancy permit shall be valid for one year. The permit shall be renewed if the city inspects the park and finds it to be in conformance

with applicable ordinances. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.08.080 Enforcement.

When it is determined that the recreational vehicle park may be in violation of this chapter or other applicable codes, the procedures and penalties of Chapter 18.03 CMC, Enforcement, shall apply. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

Chapter 18.09**SUBDIVISION ORDINANCE –
PLATTING PROCEDURES
FOR MAJOR AND MINOR PLATS**

Sections:

- 18.09.001 Definitions.
- 18.09.002 Pre-application.
- 18.09.003 Preliminary plat notification and procedure.
- 18.09.004 Preliminary plat requirements.
- 18.09.005 Supporting information.
- 18.09.006 Required criteria for approval.
- 18.09.007 Preliminary plat – Action.
- 18.09.008 Final plat – Generally.
- 18.09.009 Final plat – Requirements.
- 18.09.010 Final plat – Other requirements.
- 18.09.020 Final plat – Procedure.
- 18.09.030 Vacation, alteration or replat.
- 18.09.040 Expiration of approval.
- 18.09.050 Violations and remedies.

18.09.001 Definitions.

As used in this title, the following definitions apply:

“Major plat” means a subdivision of land which does not qualify as a minor plat.

“Minor plat” means a subdivision of land which:

1. Creates a total of four lots or less;
2. Creates all lots with existing legal and physical access to a public highway or street;
3. Does not contain or require a dedication of a street, roadway or other area;
4. Does not require a vacation or public dedication of land or a variance from subdivision regulation; and
5. Contains no more than one flag lot.

Subdivisions. A “subdivision” is the division of any land, vacant or improved, into lots, parcels, sites, units, plats, or interests for the purpose, immediate or future, sale, lease, or transfer of title, where the act of division creates two or more parcels. Subdivision regulations also include provisions for right-of-way vacations, dedication, street naming, and public improvements. [Added during 11/95 supplement.]

18.09.002 Pre-application.

A. A pre-application shall be required for all proposed subdivisions. The application shall include all the land under contiguous ownership unless contiguous land has been previously subdivided, regardless of whether all of the land is intended for immediate development.

B. The purpose of the pre-application is to provide guidelines to the subdivider concerning developmental policies of the city and to acquaint the subdivider with the platting procedure and requirements of the city.

The subdivider shall contact the designated city platting official to discuss his proposed development and application requirements. The subdivider shall prepare:

1. A sketch of the development with approximate lot location and sizes;
2. Existing buildings and their setback from proposed lot lines;
3. Problem areas (steep slopes, wet or marshy areas, etc.).

C. The city and the developer should reach an agreement, if possible, regarding the general layout, arrangement and design of streets, lots and other development proposals. [Added during 11/95 supplement.]

18.09.003 Preliminary plat notification and procedure.**A. Major and Minor Plats – Notification.**

1. Notices required by this title shall contain:
 - a. Name of subdivider;
 - b. Date, time and location of hearing;
 - c. Number and approximate size of proposed lots;
 - d. Descriptive location of property to be subdivided and legal description of property;
 - e. Reference numbers of applicable ordinance sections;
 - f. Explanation of appeal procedures;
 - g. Location where information may be examined.

2. Notices shall be sent to adjacent property owners as indicated by the most recent address on the property tax roll of the city’s tax assessor’s records. The failure of a property owner to receive notice shall not invalidate a decision reached at a public hearing if a good faith attempt was made to

comply with the requirements of this code for notice.

3. Notices shall be mailed to adjacent property owners and posted in at least two public places at least 10 days prior to the hearing date. The notice may be posted in a newspaper of general circulation in the area.

4. A copy of the property owner and agency notification list shall be kept in the file along with a notarized affidavit that notification letters were sent.

5. A copy of the resolution approving or denying the application shall be sent to the applicant and any affected party who requests notification in writing. Resolutions denying an application shall be mailed within five days of the date the decision was made by the reviewing body and shall explain appeal procedure.

6. The application shall be submitted at least 15 days prior to the next regularly scheduled planning commission hearing. The 15-day period shall be used to give the required public notice to surrounding property owners, department of public works, the fire department, affected utility companies and other affected local, state or federal agencies.

B. Minor Plats.

1. If no written objections are received within 15 days of the date of the mailing and posting of the public notices as specified in subsection (A) of this section, the preliminary minor plat may be administratively and conditionally approved by the city platting official, the platting board chairman, and one other platting board member.

2. If comments are received, the applicant shall agree to conditions which satisfy objections or a public hearing shall be scheduled before the planning commission with notice of the hearing given to any person or agency who objected to the proposal.

C. Scope – Major and Minor Plats. This chapter applies to all land within the city limits of Craig, Alaska.

D. Reviewing Body.

1. Major Plats. The reviewing body for major plats shall be the planning commission.

2. Minor Plats. The reviewing body for minor plats approved administratively shall be the city platting official, the planning commission chairman, and one other member of the planning

commission. If a hearing is required, the reviewing body shall be the planning commission. [Added during 11/95 supplement.]

18.09.004 Preliminary plat requirements.

A. Minor Plat – Exception. The preparation, submission for approval, and recording of a plat shall be waived on satisfactory evidence that the subdivision meets the requirements of minor plats as stated in CMC 18.09.001, creates lots which are five acres or larger, and has installed or has provided a financial guarantee in accordance with CMC 18.10.050, Guarantee of required improvements, to install the improvements required by CMC 18.10.003, Required improvements. The city platting official shall review the application which shall include a sketch of the proposed subdivision drawn to scale showing the lots and their dimensions and construction plans as required by CMC 18.10.002, Approval of construction plans. On determinations that the application meets the requirements for the exception and improvements, the city platting official shall sign the waiver and file the waiver and application with the city clerk.

B. Major and Minor Plats. The requirements for submitting a preliminary plat are:

1. Required application form and fee and eight copies of the preliminary plat;

2. If proposed, copies of protective covenants, deed restrictions and home owners association bylaws;

3. The preliminary plat shall include:

a. Date of map preparation and north arrow,

b. Total site acreage,

c. Approximate scale (one inch equals 50 feet or appropriate scale approved by the city),

d. Subdivision tract number assigned by the city,

e. Subdivision name which shall not be so similar to the name of any plat previously recorded so as to cause confusion. A numbered addition to an adjacent plat recorded by the same subdivider is permissible,

f. Approximate street grades,

g. Location of the subdivision by reference to survey and lot number or section corner number, township and range,

h. Approximate dimensions of lots and blocks and approximate area of each lot,

- i. Lot and block numbers,
- j. Location of existing buildings and their setback from proposed lot lines,
- k. Location of existing or proposed improvements within the proposed subdivision such as sewer and water lines, power poles, drainage systems, streets, fire hydrants, etc.,
- l. All existing and proposed easements (right-of-way, utility, etc.), patent reserves and roadways and their width and purposes. Road easements for future streets indicated on the transportation plan shall be reserved,
- m. The location of streams, lakes, muskeg, marshy areas, flood hazard areas, mean high tide lines, etc.,
- n. Location of any hazard areas,
- o. Topographic lines at intervals of two feet for the proposed subdivision,
- p. Drainage pattern of the plat area,
- q. Location of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land,
- r. Location of any historic buildings or sites or any significant natural resources within 600 feet of the proposed subdivision,
- s. A vicinity map inset on the preliminary plat or drawn separately showing the relationship of the proposed subdivision to existing major streets,
- t. All information must be indicated in enough detail to enable the platting board to make a preliminary determination as to applicable city and state standards. [Added during 11/95 supplement.]

18.09.005 Supporting information.

A. The following supporting information shall be submitted with the preliminary plat and reviewed by the platting board in the case of major plats or minor plats requiring a hearing and reviewed by the city platting official in the case of minor plats exempt from a hearing or exceptions.

1. When city sewer will not serve the subdivision, the subdivider shall submit percolation and water table depth data which provide for analysis of the feasibility of proposed sanitary facilities by a licensed, registered engineer and in accordance with the Alaska DEC.

2. If a community water system is not to be provided, the developer must submit a written

hydrology report by a licensed, registered engineer documenting the quality and quantity of water in the vicinity.

3. If the subdivider proposes community sewer or water systems, he shall submit documentation and plans by a licensed, registered engineer which verify that proposed systems meet all applicable local, state and federal standards. Water systems must deliver not less than 75 gallons per person per day. Proposed systems shall be compatible with city systems in the event they are incorporated into the city systems in the future. A bond or other guarantee as provided by CMC 18.10.050 must be posted for these improvements if the subdivider requests final approval prior to their being in operation.

4. The bond shall be executed by a surety company qualified to do business in the state and shall be an adequate financial guarantee for the ultimate installation of required improvements.

B. The platting board or city platting official may require the subdivider to submit for review:

1. A drainage plan showing detailed drainage and topographic information including culverts, drainage ditches, etc., the effect of increased drainage from the subdivision on other properties in the area, and proposed mitigative measures. The plan must be certified by an engineer licensed in the state;

2. A soils report stating soils characteristics and land-bearing capacity and plans for removing muskeg, filling areas, etc. This report must be certified by an engineer licensed in the state;

3. Detailed construction plans, condition data, methods and design of proposed improvements certified by an engineer licensed in the state;

4. Other data determined to be necessary by the platting authority to protect the public health, safety or welfare;

5. If the hearing must be continued in order to review additional data, the platting board shall request that the subdivider consent to an extension of the 60-day period for action by the platting board. [Added during 11/95 supplement.]

18.09.006 Required criteria for approval.

A. That the proposed subdivision is consistent with the Craig Coastal Management Program and Craig Comprehensive Plan;

B. That historic buildings or sites or natural features which are significant to the community or required to be protected by law (such as eagle nest trees) are preserved in the design of the development;

C. That the proposed subdivision will not interfere with existing or officially planned development;

D. That the future street plan and utilities for the proposed subdivision will permit the development of adjoining land;

E. That proposed access, drainage, sanitary and water facilities, and fire protection are available and adequate for the subdivision;

F. That the city has utility capacity to serve the area without interfering with utility capacity to serve other areas if city utilities are proposed;

G. That the proposed subdivision does not disturb trees or shrubs which are designated for habitat or resource protection; wind, noise, sediment or pollution buffers; recreation or open space; protection from natural hazards, watershed protection, or visual considerations unless a plan is approved which will mitigate potential adverse impacts. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.09.007 Preliminary plat – Action.

A. Major and Minor Plats Requiring Hearings. The platting board shall approve, disapprove or return the preliminary plat for modification or correction within 60 days of its submittal by the subdivider. The platting board shall state its decision in a resolution and will return a written copy of its decision and comments and one copy of the preliminary plat to the subdivider. If the platting board takes no action within 60 days, the preliminary plat is considered approved and a certificate of approval shall be issued on demand.

The platting board shall request the subdivider to consent to an extension of the 60-day period for action by the platting board if it is anticipated that no action will be taken within the 60-day period.

B. Minor Plats – Administrative Approval. Within 60 days of the date of preliminary plat submittal, the city platting official shall mail a notice of conditional approval specifying the necessary requirements for final plat approval as stated in CMC 18.09.008, 18.09.009, 18.09.010, 18.09.020, and Chapter 18.10 CMC.

C. The date of preliminary plat submittal shall be the date on which all required materials are submitted and all fees are paid. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.09.008 Final plat – Generally.

After approval of the preliminary plat and compliance with any and all conditions on the approval of the preliminary plat, the subdivider shall submit a final plat for approval along with other required materials. [Added during 11/95 supplement.]

18.09.009 Final plat – Requirements.

The final plat shall be drawn on high-quality reproducible material and be at least 18 inches by 24 inches in size. All lines and printing shall be made with nonfading black ink, using a scale of 100 feet to the inch unless otherwise specified by the platting board. Information shown on the plat shall include:

A. The date, scale and north arrow;

B. The initial point of survey, original, or reestablished corners and their description and actual traverse calculations required to determine initial point, corner and distances of the plat; the exact length and bearing of the exterior boundaries of the subdivision; and all monuments as required in this title;

C. Within the subdivision, the final plat shall show the centerlines of all streets, lengths, tangents, radii and central angles of all curves; the total width of each street; the width of the portion being dedicated and the width of the existing dedications, and width of portions of streets each side of the centerline; also, the width of rights-of-way of patent reserves, section line easements, flood control and drainage channels, and any other easements appearing on the plat;

D. The width, bearing and other data necessary to delineate all easements to which the lots are subject. If the easement is not definitely located on record, a statement referring to the easement shall appear on the plat. Easements for storm drains, sewers, utilities and other purposes shall be denoted by broken lines;

E. The exact boundaries of all areas to be dedicated or reserved for public use or for the common use of property owners. The purpose of the dedication or reservation shall be set forth on the map;

F. The names and lot numbers of adjacent subdivisions. If the adjacent land is not subdivided, it should be so noted on the plat;

G. Any streets or other areas dedicated to the city for public use shall be indicated by a signed dedication on the face of the plat;

H. An acceptance by the city of areas dedicated to the public shall be placed on the plat;

I. All lot and block numbers. Sufficient data shall be shown to determine readily the bearing and distance of each line;

J. Easements for proposed roads and utility lines or easements necessary to guarantee vehicular or utility access to surrounding properties shall be reserved and indicated on the final plat;

K. Easements for roads proposed in the transportation plan must be reserved and dedicated to the public. Location of roads on the transportation plan may be adjusted to fit subdivision design. [Added during 11/95 supplement.]

18.09.010 Final plat – Other requirements.

A. The following shall accompany the final plat when submitted by the subdivider for approval and shall be shown on the face of the plat when feasible:

1. A notarized certificate from the owners of the subdivision stating ownership, acknowledging all dedications and describing all easements;

2. A certificate by the registered surveyor attesting to the accuracy of the survey to the installation and correct location of all monuments required;

3. A certificate from the tax collecting official stating that all taxes levied against the property at that date have been paid;

4. A guarantee of improvements if required public improvements have not been completed at the date of submittal of the final plat; required improvements are listed in Chapter 18.10 CMC, Subdivision Ordinance – Improvements;

5. A certificate of approval of the Alaska Department of Environmental Conservation as to domestic water supply and sewage disposal, if required by the state of Alaska;

6. Final, approved permits required by state and federal law;

7. Other data requested by the platting board;

8. A certificate of plat or current title insurance policy from a title company showing the legal

and equitable owners, all grants, reservations, covenants, deed restrictions, easements and encumbrances shall be provided. The certificate shall be current within 30 days of the final map submittal. All issues made evident by the certificate of plat which affect the subdivision of land must be resolved prior to the final plat approval.

In the case of minor plats, the requirement to obtain a certificate of plat may be waived by the planning commission. If there is a question regarding ownership, grants, reservations, covenants, deed restrictions, easements or encumbrances, or any other thing relevant to the land subdivision, the waiver shall not be granted. The applicant shall furnish deeds or other verifications requested by the planning commission or the waiver shall not be granted.

Public notice of the application for the waiver shall be posted in the post office, City Hall, and on one other publicly used bulletin board five days prior to the hearing date.

9. Plats drawn on drafting software will be provided to the city of Craig via disk or another electronic format acceptable to the city.

B. All applicable requirements made mandatory by Alaska statutes governing subdivisions (AS 40.15) and Alaska statutes governing the proper form of acknowledgement for a conveyance of an interest in real property (AS 34.15). [Ord 541 § 4, 2004; added during 11/95 supplement.]

18.09.020 Final plat – Procedure.

A. The subdivider shall submit two reproducible originals and three copies of the final plat for approval. The final plat must be submitted by the subdivider for approval within two years of the approval of the preliminary plat by the platting authority or the preliminary approval will expire. The subdivider may request up to two time extensions as provided by CMC 18.09.040, Expiration of approval.

B. The city planning official and two designated platting board members shall review the final plat for conformance with this code. They shall obtain comments from the department of public works, fire department and any affected utility company. They shall approve the plat, return it to the subdivider for modification, or disapprove the plat within 60 days of its submittal if it does not conform to this chapter. The platting authority

shall request that the subdivider consent to an extension of the 60-day period for action if it is anticipated that no action will be taken within the 60-day period.

C. When the final plat is approved, it will be stated in writing on the final plat and copies thereof that the plat has been approved, the date and the signatures of the chairman of the platting board, platting board member, and clerk of the platting board and the city platting official.

D. The city clerk will then return one copy of the approved final plat to the subdivider. The city clerk shall collect recording fees from the subdivider and record the original of the final plat with the district recording office, pursuant to AS 40.15. The city clerk shall retain one copy of the approved and recorded final plat in the city's records.

E. Examples of plat certificates and notes:

CERTIFICATE OF IMPROVEMENTS	
All improvements have been examined and approved by City of Craig this ____ day of _____, 2004.	
_____	_____
Public Works Director	City Platting Official

CERTIFICATE OF IMPROVEMENTS	
A bond/cash deposit has been executed/deposited in an amount determined by the City of Craig to provide for the ultimate installation of required subdivision improvements.	
_____	_____
Public Works Director	Date
_____	_____
City Platting Official	Date

CERTIFICATE OF IMPROVEMENTS	
No improvements are required for this vacation/replat.	
_____	_____
Public Works Director	Date
_____	_____
City Platting Official	Date

estate is recorded at Book 260, pages 282
– 285 in the Ketchikan Recording District.

[Ord. 541 § 4, 2004; added during 11/95 supplement.]

18.09.030 Vacation, alteration or replat.

A. No recorded plat may be altered or replatted except by the platting authority on petition of the state, the city, a public utility, or the owners of a majority of the land affected by the alteration or replat.

B. No platted street, easement, alley or other public way may be vacated except upon petition of the city, state, public utility or owners of the majority of the front feet of the land fronting the part of the street sought to be vacated.

C. The petition shall be filed with the platting board. It shall be accompanied by a copy of the existing plat showing the proposed alteration or replat.

D. Vacations, when granted, require that the plat be altered or replatted.

E. Title to Vacated Areas.

1. The title to a street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the city. If the property vacated is a lot or tract, title vests in the rightful owner.

2. If the city acquired the street or other public area vacated for legal consideration or by express dedication to and acceptance by the city other than required subdivision platting, before the final act of vacations, the fair market value of the street or public area shall be deposited with the platting authority to be paid over to the city on final vacation.

F. Submittal and mapping requirements:

1. Application form and fee;

2. Preliminary plat map with all applicable information required by CMC 18.09.004;

3. Supporting information which may be required by the planning commission;

4. Final map must conform to applicable final plat requirements of CMC 18.09.008, 18.09.009 and 18.09.010.

G. Notice of Hearing. The platting board shall fix a time for a hearing on the petition for vacation, alteration, or replat not more than 60 days after the filing. The board shall publish a notice stating when and by whom the petition was filed, its purpose and the time and place of the hearing. This notice shall be published once a week for three consecutive weeks in a newspaper of general circulation in the area per AS 40.15.150. The board shall also mail by certified mail a copy of the notice to each affected property owner not signing the petition for vacation, alteration, or replat.

H. Hearing and Determination.

1. At the hearing, the platting board shall consider the vacation, alteration or replat and make its decision on the merits of the proposal.

2. No vacation of a city street, alley or easement may be made without the consent of the council.

3. The council shall have 30 days from the decision in which to veto the board decision. If no veto is received by the board within the 30-day period, the consent of the city shall be considered to have been given to the vacation.

I. Recording. If the alteration or replat or vacation is approved, the revised plat must be recorded with the district recording office pursuant to AS 40.15. [Added during 11/95 supplement.]

18.09.040 Expiration of approval.

A. Approvals for preliminary plats, vacations, alterations and replats shall expire if the proposal is not finalized within two years of the date of planning commission or city council approval.

B. Request for Time Extensions.

1. Time extension requests may be requested prior to the expiration date.

2. The time extension may be administratively approved by the city or may be referred to the planning commission for approval or denial.

3. A limit of two, two-year time extensions may be granted.

C. Required findings for time extension approvals:

1. That the facts on which the approval was based have not changed sufficiently to warrant refile of the application.

2. That no other development proposals will be affected. [Added during 11/95 supplement.]

18.09.050 Violations and remedies.

A. Violations.

1. It is unlawful for the owner of land located in a subdivision to transfer, sell, offer to sell, or enter into a contract to sell land in a subdivision before a plat of the subdivision has been prepared, approved and filed in accordance with this chapter. If the plat has been approved for recording and has been recorded, but the process of installing required subdivision improvements mandated by Chapter 18.10 CMC and obtaining official approval of them has not been completed, it is unlawful for the subdivider to transfer, sell, offer to sell, or enter into a contract to sell land in that subdivision without providing prior written disclosure (in a form approved by the city) to the buyer or transferee, and filing a copy of such written disclosure, signed by the buyer or transferee, with the city clerk.

2. It is unlawful for a person to file a plat or other document depicting subdivided land in a public recorder's office unless the plat or document has been approved by the platting authority.

3. It is unlawful for a person to violate a subdivision regulation of this code, or a term, condition, or limitation imposed by the platting authority.

B. Remedies.

1. **Civil Penalties.** Any person who commits an act or omission that is a violation under subsection (A) of this section will be subject to a civil penalty of up to \$1,000. Each day that an unlawful act or condition continues constitutes a separate violation.

2. **Other Remedies.** The city or an aggrieved person may institute a civil action against a violator to enjoin the violation. Upon application for injunctive relief and a finding of a violation or threatened violation, the superior court shall (pursuant to AS 29.40.190) grant the injunction. [Added during 11/95 supplement.]

Chapter 18.10

SUBDIVISION ORDINANCE – IMPROVEMENTS

Sections:

- 18.10.001 Purpose.
- 18.10.002 Approval of construction plans.
- 18.10.003 Required improvements.
- 18.10.004 Monumentation.
- 18.10.005 Streets.
- 18.10.006 Water supply and fire hydrants.
- 18.10.007 Sanitary sewer systems.
- 18.10.008 Oversize utility lines.
- 18.10.009 Surface drainage.
- 18.10.010 Easements.
- 18.10.020 Extent of improvements.
- 18.10.030 Approval and inspection.
- 18.10.040 Dedication.
- 18.10.050 Guarantee of required improvements.
- 18.10.060 Written disclosure.
- 18.10.070 Maintenance agreement.
- 18.10.080 Public improvements variance.

18.10.001 Purpose.

The purpose of this chapter is to establish and define the improvements required of the subdivider as a condition of final plat approval; to outline the procedures and responsibilities of the subdivider and public officials and agencies concerned with the administration, planning, designing, construction, and financing of public facilities; and to establish procedures for assuring compliance with these requirements. [Ord. 541 § 4, 2004; added during 11/95 supplement.]

18.10.002 Approval of construction plans.

It shall be the responsibility of the subdivider to have prepared by a registered engineer a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data for the hereinafter required public streets, utilities, and other facilities. Said plans shall be reviewed and approved by the city public works director prior to the beginning of construction. Such construction plans shall be based on data contained in the approved preliminary plat. Construction plans shall include design for curb, gutter, buried storm drain and asphalt surfacing.

Construction plans drawn on drafting software will be provided to the city of Craig via disk or another electronic format acceptable to the city.

Upon completion of subdivision streets, utilities and other facilities, the subdivider shall provide to the city of Craig a complete set of as-built documents, prepared by a registered engineer or licensed surveyor. The as-built documents must show accurately the placement of streets, utilities and other facilities, and detail specific components installed. The as-built documents must be printed on mylar or similar material. Approval of as-builts by the city public works director is necessary prior to final plat approval or release of subdivision improvement guarantee. [Ord. 541 § 4, 2004; added during 11/95 supplement.]

18.10.003 Required improvements.

Prior to the city's granting approval of the final plat, or the signing of a waiver for a minor plat exception, the subdivider shall have installed or shall have furnished an adequate financial guarantee for the ultimate installation of the improvements in CMC 18.10.004 through 18.10.010. [Added during 11/95 supplement.]

18.10.004 Monumentation.

All exterior corners of each subdivision lot shall be permanently monumented. [Added during 11/95 supplement.]

18.10.005 Streets.

A. All streets shall be surfaced in accordance with applicable standard specifications of the city. All streets shall be cleared, graded and surfaced with gravel.

B. Curbs, gutters or other drainage structures for all streets shall be provided in accordance with applicable standard specifications of the city.

C. Streetlights will be installed by the developer. One streetlight will be placed at every intersection, one streetlight will be placed in each cul-de-sac and one streetlight will be placed on every other utility pole along a street. If the utilities are underground, a pole and streetlight will be placed along the right-of-way no more than 300 feet apart. [Ord. 541 § 4, 2004; added during 11/95 supplement.]

18.10.006 Water supply and fire hydrants.

A. Where the community water system is available within 600 feet of the proposed subdivision, each lot within the subdivision shall be provided with a connection thereto.

B. Where a community water system is not available, the subdivider shall provide wells or a water-supply system for each lot. All improvements shall be made in accordance with the requirements of the state of Alaska, Department of Environmental Conservation and other appropriate agencies.

C. Fire hydrants shall be installed in all subdivisions with a community water system within 150 feet of each residence (300 feet apart). [Added during 11/95 supplement.]

18.10.007 Sanitary sewer systems.

A. Where community sewer facilities are available within 300 feet of the proposed subdivision, the subdivider shall supply both collectors and laterals and provide for connection to the community system.

B. Where a community sewer system does not exist, the subdivider shall provide either individual or collective sewage facilities. All improvements shall be made in accordance with the requirements of the state of Alaska and city of Craig, Alaska. [Added during 11/95 supplement.]

18.10.008 Oversize utility lines.

The platting board may require the subdivider to install oversize water and/or sewer lines in order to accommodate probable and desirable growth in the immediate area. When such oversize lines are required, the subdivider will be reimbursed by the city for the excess cost in materials for providing oversize utility lines above the costs of providing standard utility lines. [Added during 11/95 supplement.]

18.10.009 Surface drainage.

The subdivider shall be responsible for a total surface drainage plan showing all drainage facilities and slopes. [Added during 11/95 supplement.]

18.10.010 Easements.

A. Utility easements (including but not limited to easements for sewer, water, electricity and telephones) along rear or side lines of all lots will be

provided and will be at least 15 feet wide, although utilities shall be placed in public rights-of-way whenever possible.

B. Drainage easements will be provided whenever the subdivision is traversed by a water course, drainage way, channel, or stream conforming to the course of that feature and wide enough to provide access for maintenance and improvement. [Added during 11/95 supplement.]

18.10.020 Extent of improvements.

All the required improvements shall be installed to the boundaries of the subdivision and shall be designed to provide for future extension to and service of contiguous areas, except for minor streets providing access to lots within the subdivision. [Added during 11/95 supplement.]

18.10.030 Approval and inspection.

A. The city shall approve the quality and installation of all improvement which will be dedicated to the city.

B. The city shall inspect all improvements to ensure that the requirements of this chapter are met. [Added during 11/95 supplement.]

18.10.040 Dedication.

All streets, facilities and improvements shall be expressly dedicated to public use and maintenance at the time of the approval of the final plat. [Added during 11/95 supplement.]

18.10.050 Guarantee of required improvements.

A. Before considering the final plat of a subdivision, the platting board and city platting official must verify that all required improvements have been constructed as required by this chapter.

B. If the required improvements have not been completed, inspected and approved by the city and any applicable state agency and officially accepted and approved, the subdivider shall be required to include with the final plat a guarantee for the ultimate installation of required improvements. The guarantee will be subject to the condition that the improvements will be completed within two years after the approval of the final plat.

C. The subdivider shall guarantee the improvements by one of the following methods. Subsection (C)(3) of this section, Deed of Trust/Warranty

Deed, must be approved by the planning commission.

1. Performance Bond.

a. The developer may furnish and file with the city clerk a surety bond in an amount equal to the cost of the required improvements as specified by the city to assure the actual construction of such improvements within two years of final plat approval.

b. Such bond shall be approved in amount and form by the city. If legal assistance is determined to be necessary to review the bond, the subdivider shall be responsible for legal fees incurred by the city.

c. When improvements are completed, inspected and accepted, the city will return the full amount of the guarantee to the subdivider; if not completed, the city shall complete construction of the improvements with the guarantee.

d. Any amount of the guarantee in excess of the costs of completing the required improvements will be returned to the subdivider, but the subdivider cannot be charged with any amount in excess of the original guarantee.

2. Bank Deposit or Certificate of Deposit.

a. The subdivider may post a bank deposit held in trust for the city or post a certificate of deposit for the city to guarantee the completion of required subdivision improvements. If the developer fails to complete the required improvements within two years, funds sufficient to complete the improvements as required shall be released to the city on its demand up to the maximum amount of the deposit.

b. The bank deposit or certificate of deposit, as applicable, shall be made payable or issued to the city of Craig. The funds shall remain on deposit available to the city of Craig until the city notifies the bank in writing of its acceptance of required improvements. The bond or certificate of deposit and agreement between the city, the bank and the developer shall be reviewed and approved in form by legal council for the city. All legal fees incurred for this purpose shall be paid by the subdivider.

3. Deed of Trust/Warranty Deed.

a. If approved by the platting board with public notice being posted at least five days prior to the platting board hearing date, the guarantee for improvements may be secured by a deed of trust or

warranty deed for real property other than the proposed subdivision or the total subdivision parcel, the market value of which is greater than or equal to the total amount necessary to complete all required improvements.

b. The city assessor shall be consulted in order to determine the market value of real property. Any fees which may be incurred shall be paid by the subdivider.

c. The city shall determine the cost of required improvements and shall determine the real property to be held in trust.

d. The developer at his expense shall secure title insurance with the city as the insured.

e. Current taxes on the property must be paid.

f. A deed of trust or warranty deed and a reconveyance document agreement for release of real property to the developer by quit claim deed after improvements are installed must be approved as to form by the city legal counsel. All legal fees incurred for this purpose shall be paid by the developer. The developer shall indicate in writing:

i. A time frame for completion of improvements which shall not exceed two years from the date of final plat approval;

ii. Construction drawings for required improvements. The planning commission or city may require that these be signed by a registered engineer;

iii. Method for financing the improvements;

iv. Financial statement if requested by the city or planning commission.

g. The deed of trust or warranty deed granting real property to the city shall be signed and recorded prior to the signing of the final plat.

4. Council Resolution. Improvements for subdivisions or replats of city owned property may be guaranteed by the Craig city council with a resolution passed by the city council. [Ord. 683 § 4, 2016; added during 11/95 supplement.]

18.10.060 Written disclosure.

If improvements are guaranteed but not installed, the subdivider shall provide prior written disclosure in a form approved by the city to the buyer or transferee that the utilities are not installed. This disclosure signed by the buyer or

transferee shall be filed with the city clerk. [Added during 11/95 supplement.]

18.10.070 Maintenance agreement.

The subdivider shall guarantee that the required improvements provided will remain in good condition for a period of one year after the date of conditional acceptance by the city and agrees to make all repairs to and maintain said improvements in good condition during the one-year period at no cost to the city. The subdivider may be required by the planning commission to include with the final plat a surety bond or certified check in an amount equal to five percent of the cost of improvements for payment of costs for any correction, reconstruction, repair or maintenance of the improvements during the one-year warranty period. Any amount of the maintenance guarantee in excess of the costs of correction, reconstruction, repair or maintenance will be returned to the subdivider. [Added during 11/95 supplement.]

18.10.080 Public improvements variance.

A. The planning commission may grant a variance from the provisions requiring the installation of any required public improvement where, in its best judgment, such installation would be impractical and undesirable to the general public.

B. Application for any such variance shall be submitted in writing by the subdivider at the time the preliminary plat is submitted to the platting board. The application shall state fully the reasons for requesting a variance and shall be subject to the findings required by CMC 18.06.003(C), Variances, Required Criteria for Approval, and in subsection (A) of this section.

C. Public notice shall be given in accordance with CMC 18.06.003(B)(2), Variances, Notification. [Added during 11/95 supplement.]

Chapter 18.11

SUBDIVISION ORDINANCE – DESIGN STANDARDS

Sections:

- 18.11.001 Generally.
- 18.11.002 Streets generally.
- 18.11.003 Types of streets.
- 18.11.004 Right-of-way and pavement widths.
- 18.11.005 Grades.
- 18.11.006 Sight distances.
- 18.11.007 Tangents.
- 18.11.008 Cul-de-sacs.
- 18.11.009 Half streets.
- 18.11.010 Reserve strips.
- 18.11.020 Street names.
- 18.11.030 Intersections.
- 18.11.040 Blocks – Size and shape.
- 18.11.050 Crosswalks.
- 18.11.060 Lots – Generally.
- 18.11.070 Flag lots.
- 18.11.075 Lot width and depth.
- 18.11.080 Minimum lot size.
- 18.11.090 Lot – Off-street service parking.
- 18.11.100 Residential lots.
- 18.11.110 Corner lots.
- 18.11.120 Access.
- 18.11.130 Lot lines.
- 18.11.140 Double frontage.
- 18.11.150 Lot remnants.
- 18.11.160 Uninhabitable lots.
- 18.11.170 Land allocation for open space.

18.11.001 Generally.

The proposed subdivision shall conform to:

- A. The provision of AS 29.40;
- B. All applicable ordinances of the city; and
- C. The requirements of the state of Alaska.

[Added during 11/95 supplement.]

18.11.002 Streets generally.

A. The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features, such as streams and existing growth, to public convenience and safety, and in their appropriate relation to the proposed uses of the lands to be served by such streets.

B. Construction of all streets shall conform to the current standard specifications as established by the city. All streets shall be cleared, graded and surfaced with gravel. [Added during 11/95 supplement.]

18.11.003 Types of streets.

A. Major streets shall be properly integrated with the existing and proposed system of major streets and highways.

B. Collector streets shall be properly related to traffic generated by such uses as schools, churches, small shopping areas, population centers and the access to major streets.

C. Minor streets, including cul-de-sacs, shall be laid out to conform as much as possible to topography, to discourage use by through traffic, to provide the minimum amount of street necessary to provide convenient, safe access to residential lots, and to provide an efficient route for utility systems. Cul-de-sacs shall not exceed 600 feet in length.

D. Alleys should be used only in commercial areas for delivery and services. Alleys may not be used in residential areas unless necessitated by exceptional conditions and approved by the planning commission.

E. Dead end roads in excess of 150 feet in length shall be provided with cul-de-sacs, except when streets are extended to the subdivision boundary in order to provide for the extension of future roads. The fire chief shall approve all such dead end roads. A temporary turn-around capable of supporting the imposed loads of the fire apparatus shall be provided. [Added during 11/95 supplement.]

18.11.004 Right-of-way and pavement widths.

A. Street right-of-way shall be wide enough to provide for the present pavement widths, future road expansion, sidewalks and access for installation and maintenance of street drainage facilities or other utilities. Rights-of-way shall not have permanent structures built upon them by property owners.

B. Pavement width shall be determined by present and future traffic patterns, provision for parking, or other considerations.

C. Right-of-way and surface widths, unless otherwise specified by the planning commission, are:

Width ¹	Right-of-Way Width	Surface
Major Streets	60 ft.	30 ft.
Collectors	50 ft.	30 ft.
Minor Streets	40 ft.	30 ft.
Alleys	20 ft.	16 ft.

1. Cul-de-sacs shall have a turn-around with a right-of-way diameter of 80 feet.

[Ord. 541 § 4, 2004; added during 11/95 supplement.]

18.11.005 Grades.

Street grades for major streets shall not exceed eight percent. Street grades for collectors and minor streets shall not exceed 15 percent. The minimum grade of all streets shall not be less than two percent with a two percent crown to provide for proper drainage. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.11.006 Sight distances.

A minimum sight distance, with visibility measured along the centerline of the street, shall be provided for both vertical and horizontal curves as follows:

	Minor (Incl. Cul-De-Sac)	All Others
Horizontal	100 ft.	200 ft.
Vertical	100 ft.	200 ft.

[Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.11.007 Tangents.

A straight section of street at least 100 feet in length shall be built between reverse curves on major and collector streets. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.11.008 Cul-de-sacs.

Cul-de-sacs shall have a maximum length of 600 feet and a minimum right-of-way width of 40 feet with a turn-around diameter of 80 feet. Mea-

surement of cul-de-sacs shall be along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac. [Ord. 541 § 4, 2004; Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.11.009 Half streets.

Where a half street is adjacent to a subdivision, the other half of that street shall be dedicated by the subdivider. Half streets in new subdivisions will be disallowed. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.11.010 Reserve strips.

Reserve strips controlling access to streets shall be prohibited except where their control is placed in the city under conditions approved by the platting board. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.11.020 Street names.

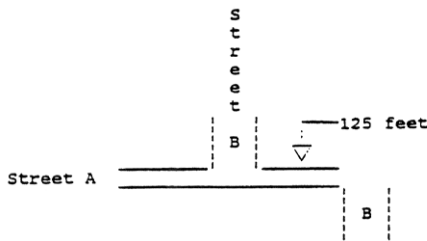
A. New street names shall not duplicate the names of existing streets, but streets that are continuations of other streets already named shall bear the same name.

B. Designations of streets as ways, places, avenues, roads, etc., should follow a definite pattern. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.11.030 Intersections.

A. Streets shall intersect as nearly as possible at right angles except where topography requires a lesser angle, but in no case less than 60 degrees unless there is a special intersection design. Streets which intersect at an angle of 70 degrees or less shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle. Right-of-way lines at intersections with collector or arterial streets shall have a corner radius of not less than 20 feet. Not more than two streets shall intersect at one point.

B. Offset intersections shall have a minimum of 125 feet between the centerlines of the intersecting street:



[Added during 11/95 supplement.]

18.11.040 Blocks – Size and shape.

The length, width and shape of blocks shall be such as are appropriate for the topography, locality and type of development. [Added during 11/95 supplement.]

18.11.050 Crosswalks.

Pedestrian crosswalks not less than 15 feet wide may be required by the platting board where deemed necessary to provide for pedestrian access to schools, shopping centers, playgrounds or other community facilities. [Added during 11/95 supplement.]

18.11.060 Lots – Generally.

The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. [Added during 11/95 supplement.]

18.11.070 Flag lots.

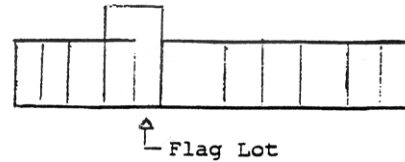
A. The use of panhandle or flag lots as a means of access for subdivision shall be permitted only where:

1. The “flagpole” shall not exceed in length two and one-half times the average lot width, excluding the flagpole, or twice the depth of the lot, whichever dimension is the lesser.
2. The “flagpole” shall maintain a constant minimum width of 30 feet.
3. The natural grade of the “flagpole” shall not be so steep as to prevent the construction of a driveway with a grade not exceeding 15 percent.

4. The “flagpole” shall be parallel to the closest existing lot line.

5. The “flagpole” shall not cross a stream, ravine or similar topographic feature without provision of an adequate structure or culvert to carry residential traffic, according to standards established by the city, state or federal government.

6. The flag lot would not interfere with future access to surrounding properties.



B. The use of panhandle or flag lots as a means of access for a subdivision shall be subject to the following conditions:

1. No more than one parcel or lot shall be permitted to the rear of another parcel or lot, which fronts on an approved road. Both parcels or lots shall meet all applicable requirements of zoning.
2. The flagpole strip shall be conveyed with the ownership of the rear lot or parcel and shall be considered a permanent part of that lot or parcel. No redivision or property line adjustment shall be allowed to alter the status of the driveway unless other access, meeting all the requirements of the city, is first provided.
3. Two adjoining flag lot divisions shall not be allowed where their driveways are abutting. Where one flag lot is preexisting, the adjoining lot or parcels shall not be divided onto a flag lot shape with an abutting driveway.
4. A flag lot division shall not be approved which would create a flagpole that would be generally parallel to a public or private road, unless the flagpole is separated from the road by not less than 275 feet. This standard may be modified where unique topographic conditions exist which would effectively prevent access from the proposed lot(s) or parcel(s) to the existing private or public road.
5. Access to the rear lot or parcel shall be by way of the panhandle portion of that lot or parcel, as recorded.
6. The requirements of the land development code relative to access and other requirements shall be observed. [Added during 11/95 supplement.]

18.11.075 Lot width and depth.

Lots should be designed with a suitable proportion between width and depth. Neither long and narrow nor wide and shallow lots are normally desirable. Normal depth should not exceed two and one-half times the width nor be less than 85 feet. Width of residential lots shall not be less than 50 feet. [Added during 11/95 supplement.]

18.11.080 Minimum lot size.

See each zone designation. [Added during 11/95 supplement.]

18.11.090 Lot – Off-street service parking.

Lots laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of development. See Chapter 18.14 CMC, Parking. [Added during 11/95 supplement.]

18.11.100 Residential lots.

Residential lots abutting on major streets and highways shall have sufficient depth to permit adequate separation between future residences and the street traffic. [Added during 11/95 supplement.]

18.11.110 Corner lots.

Corner lots should be large enough to allow full setback of buildings from both streets as required and shall not be less than 60 feet in width. [Added during 11/95 supplement.]

18.11.120 Access.

Every lot shall have access directly from a public right-of-way. All sites should design their street access in accordance with the guidelines of the state of Alaska, Department of Highways. Access from lots directly onto a state highway or a major arterial may be restricted to protect public safety. [Added during 11/95 supplement.]

18.11.130 Lot lines.

Side lines of lots shall be substantially at right angles or radial to the side of the streets. [Added during 11/95 supplement.]

18.11.140 Double frontage.

Double frontage lots shall be prohibited except where necessary to provide for separation of residential traffic from major streets or highways or

other exceptional conditions and are approved by the platting board. [Added during 11/95 supplement.]

18.11.150 Lot remnants.

All remnants of lots left over after subdividing of a larger tract must be added to adjacent lots rather than be allowed to remain as unusable parcels. [Added during 11/95 supplement.]

18.11.160 Uninhabitable lots.

Lots deemed by the platting board to be uninhabitable due to natural conditions shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property, or aggravate natural hazards. [Added during 11/95 supplement.]

18.11.170 Land allocation for open space.

Subdividers are encouraged to provide open space within subdivisions for use as parks and/or recreation areas by subdivision residents. [Ord. 541 § 4, 2004; Ord. 412 § 4, 1995.]

Chapter 18.13

SETBACKS

Sections:

- 18.13.010 Purpose.
- 18.13.020 Setback measurements.
- 18.13.030 Setback requirements in specific zones.
- 18.13.040 Setback requirements for mobile home parks and recreational vehicle parks.
- 18.13.050 Interior setbacks.
- 18.13.060 Streamside setbacks.
- 18.13.070 Shoreline setbacks.

18.13.010 Purpose.

The purpose of this chapter is to ensure that structures are separated by adequate distances to provide for fire safety and privacy, access to and around buildings, and to create and maintain vegetative noise buffers, and visual, sediment, pollution and wind buffers. [Added during 11/95 supplement.]

18.13.020 Setback measurements.

Setbacks are to be measured at right angles to the front side or rear property line to form a line parallel to the property line. The measurement shall be made from the property line to the nearest wall of the structures. [Added during 11/95 supplement.]

18.13.030 Setback requirements in specific zones.

See each zone. [Added during 11/95 supplement.]

18.13.040 Setback requirements for mobile home parks and recreational vehicle parks.

See Chapter 18.07 CMC, Mobile Home Park Ordinance; see Chapter 18.08 CMC, Recreational Vehicle Park Ordinance. [Added during 11/95 supplement.]

18.13.050 Interior setbacks.

Six feet between structures unless an appropriate fire wall is constructed according to adopted

building and fire codes. [Added during 11/95 supplement.]

18.13.060 Streamside setbacks.

A. One hundred feet along each side of Crab Creek from mouth to area managed by Craig Coastal Management Program.

B. Fifty feet along each side of other anadromous fish streams.

C. Measurement of stream setbacks shall be the horizontal distance from the mean high water line. [Added during 11/95 supplement.]

18.13.070 Shoreline setbacks.

A. Crab Bay. One-hundred-foot setback extending from the natural shoreline vegetation above the high tide line landward for 100 feet.

Access through this buffer will be allowed for water-dependent and water-related uses if the planning commission determines that:

1. There is a significant public need for the access;
2. There is no feasible and prudent alternative access;
3. All feasible and prudent steps are taken to protect the resources and habitats of Crab Bay;
4. The project and its operation will, to the extent it is feasible and prudent, maintain the integrity of the wind-firm buffer. [Ord. 541 § 4, 2004; added during 11/95 supplement.]

Chapter 18.14**PARKING**

Sections:

- 18.14.010 Off-street parking.
- 18.14.020 Joint-use parking facilities.
- 18.14.030 Required parking spaces.

18.14.010 Off-street parking.

All parking demand created by new structures or uses, additions to existing structures or uses and change of use in existing structures shall be accommodated on the premises entirely off street with the following exceptions:

A. In commercial and industrial zones off-site parking may be approved by the planning commission:

1. If the site is owned or leased by the applicant and located within 300 feet of the facility which it will serve, measured from the nearest point to the property which it will serve along the route of access between the properties; and
2. If the property is appropriately zoned for commercial and industrial use; and
3. If access to the parking area is adequate to serve the additional volume and type of traffic generated and would not threaten health and safety by significantly altering traffic volumes and patterns. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.14.020 Joint-use parking facilities.

Required parking facilities for two or more uses or structures may be satisfied by the same parking facilities used jointly if it can be verified that the parking requirements of CMC 18.14.030 satisfy both requirements or will be used at different hours, and that the right of joint use is evidenced by a deed, lease, contract or similar written instrument establishing such joint use, and the proposed parking is within 300 feet as indicated in CMC 18.14.010(A)(1). [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.14.030 Required parking spaces.

A. Banks, office buildings, professional offices or clinics: one public parking space per each 300 square feet of gross floor area, but not less than five spaces.

B. Bowling alley: three parking spaces per each alley or lane.

C. Churches: one public parking space for each five seats, based on maximum seating capacity. Each 25 inches of pews or similar facilities shall be counted as one seat.

D. Community buildings, assembly halls, lodges or union or social halls: one parking space for each 300 square feet of gross floor area.

E. Food markets, grocery stores or shopping centers: one parking space per each 400 square feet of gross floor area.

F. Automobile repair garage, service station or dealership: four parking spaces for each service stall or facility; provided, that all vehicles in the custody of the operator or the business for service, storage, sale or other purpose shall be stored on the premises or on a separate vehicle parking lot and shall not be parked on a public right-of-way.

G. General, high school, college auditorium, theater, eating and drinking establishment: one parking space for each three seats, based on the maximum seating capacity or one space for each 400 square feet of gross floor area, depending on the nature of the business.

H. Hospital: one parking space for each five beds based upon maximum capacity.

I. Hotel/motel: one parking space for each two guest rooms or part thereof, based upon maximum capacity.

J. Industrial or manufacturing: one space for each 400 square feet of gross floor area or for every three employees, depending upon the nature of the establishment and necessity for loading or other type of facilities.

K. Launderette: one parking space per every two washing machines.

L. Retail store or service shop: one public parking space for each 400 square feet of gross floor area.

M. Residential uses: one parking space for each one and one-half bedrooms.

N. In addition, the uses listed above must provide one parking space for each person employed by or within the premises, but in no event shall the number of parking spaces for use by such persons be fewer than one space.

Or, if the above standards are judged to be inadequate or unreasonable in a particular case, the parking requirement shall be the number of parking

spaces that the planning commission determines to be necessary considering the nature and type of the business and use involved, specific parking needs and loading areas.

Variances from parking standards are subject to review under CMC 18.06.003, Variances. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

Chapter 18.15

NONCONFORMING USES

Sections:

18.15.010 Purpose.

18.15.020 Nonconforming lots of record.

18.15.030 Nonconforming uses and structures.

18.15.010 Purpose.

The purpose of this chapter is to continue to permit lawfully established uses and structures which do not conform to the currently adopted Craig Land Development Code without encouraging their perpetuation. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.15.020 Nonconforming lots of record.

A. A single lot of record which fails to meet the minimum lot size requirements of its zone designation shall be considered a usable lot. Uses established or buildings constructed on such lots shall meet parking and setback requirements and shall not exceed the maximum allowable density for its zone designation.

B. A lot of record which fails to meet the requirements of CMC 18.09.006, Required criteria for approval, shall be considered a nonconforming lot of record. Nonconforming lots of record not meeting the requirements of CMC 18.09.006 shall be required to conform to the requirements of that section prior to transfer of ownership. [Ord. 567 § 4, 2006; Ord. 412 § 4, 1995; added during 11/95 supplement.]

18.15.030 Nonconforming uses and structures.

Any use or structure not conforming with this code may be continued if the use or structure was lawfully existing at the time it became nonconforming. Nonconforming uses are subject to the following limitations:

A. Alteration. A nonconforming structure may be altered as directed by the building official to make it safe. It may be altered to the extent that the cost of such alterations does not exceed 25 percent of the assessed value of the structure or may be altered to decrease its nonconformity.

B. Extension. No increase in area or extent of the nonconforming use of a structure or land may

be made unless the extension decreases the non-conformity.

C. Abandonment or Destruction. A nonconforming use which has been abandoned for one year or more shall not be reestablished except in conformance with this code.

D. Damage. A structure which has been damaged to an extent equal to more than 75 percent of its assessed value shall not be reconstructed except in conformity with the provisions of this code.

E. Changes. A nonconforming use may be changed to a conforming use and once changed may not revert to a nonconforming use.

F. Mobile Home Replacement. Nonconforming mobile homes shall be replaced only by conforming mobile homes unless the temporary use permit procedure provides a temporary alternative.

G. Setback Requirements. Replacement structures shall meet the setback requirements and density limitations of their respective zone designations. [Ord. 412 § 4, 1995; added during 11/95 supplement.]

Chapter 18.20

CRAIG COASTAL MANAGEMENT PLAN

Sections:

18.20.010 Chapter 5 – Enforceable Rules and Implementation.

18.20.010 Chapter 5 – Enforceable Rules and Implementation.

Chapter 5

ENFORCEABLE RULES AND IMPLEMENTATION

This chapter presents the policies or enforceable rules of the Craig Coastal Management Program, summarizes the authority of the district, and identifies the parties responsible for implementing the Craig Coastal Management Program. It also contains a discussion of the consistency determination procedure, which is the key to implementing the program. The chapter concludes with procedures for the appeal of decisions, field checking, and enforcement within the district. Information included in this chapter provides the basis for all decisions under the coastal program.

The basic framework for district management decisions is the enforceable provisions of the program outlined in this chapter. Policy development was drawn from the inventory and analysis and was guided by the city's issues, goals, and objectives. Many policies were made directly from the public survey undertaken in early 1983.

The coastal management plan is a dynamic and flexible tool that can be used to manage existing and emerging issues. As new information and conditions arise, the original plan may require amendment. Appendix D contains a summary of Alaska Coastal Management Program (ACMP) regulations for making amendments to the Craig Coastal Management Plan.

AUTHORITY

Local Projects

The Craig coastal district has the authority to implement and enforce the coastal management plan for all local actions within the district. This includes municipal and private actions that are not initiated or regulated by a state or federal agency.

Craig has adopted a planning and zoning ordinance that establishes a planning and zoning commission with the authority to develop a comprehensive plan, zoning ordinance, and subdivision ordinance. The commission can also develop and recommend to the city council any other plans or ordinances related to planning functions for the city. The city adopted a comprehensive plan in 1976. Following approval of the coastal management plan, the comprehensive plan was updated in 1987 to be consistent with the goals and policies of the coastal management plan. Zoning and subdivision ordinances were revised to implement the updated comprehensive plan. The comprehensive plan and ordinances provide the means and authority for local implementation of the coastal management plan.

State and Federal Projects

The city of Craig will also review state and federal projects for consistency with district policies. In accordance with procedures outlined in 6 AAC 50.010 – 50.190, the state of Alaska will coordinate the consistency review and will prepare a single, conclusive consistency determination for each project. The coordinating state agency must give “due deference” to the district plan in making a determination of consistency. This means that deference will be given to the consistency recommendation prepared by Craig, within the city’s expertise and area of responsibility.

State and federal laws and regulations will serve as a means and authority for implementation of the plan through the consistency process. A listing of laws and regulations that could fall within the coastal

management program is contained in Appendix D. The city of Craig will provide interpretation and application of the Craig district program in consistency review.

Responsible Parties

The mayor is the city’s chief administrative officer. As such, he will be responsible for implementing the coastal management plan. He may be assisted by the city administrator and/or city planner if the mayor assigns those duties to him. In either case, the mayor has final responsibility for ensuring day-to-day implementation of the plan.

In conducting consistency reviews, the mayor, city administrator or planner will use appropriate city council members or citizens in a consulting or liaison capacity to the fullest extent possible. For local actions that are appealed (see Appeals section), the city council will sit as the board of adjustment.

ENFORCEABLE RULES (6 AAC 85.080 – .090)

All proposed uses and activities will be evaluated for consistency with the enforceable rules of the district program. The new zoning ordinance clarifies certain uses and activities referred to in the rules. The new zoning ordinance was developed in conjunction with the comprehensive plan update.

General Rule

1. The standards and policies of the ACMP, under 6 AAC 80.010 – 6 AAC 80.900, Register 79, October 1981 (included in this chapter), are formally adopted under this program.

COASTAL DEVELOPMENT AND LAND USE RULES (6 AAC 80.040)

- (a) In planning for and approving development in coastal areas, districts and state agencies shall give, in the following order, priority to:

- (1) water-dependent uses and activities;
- (2) water-related uses and activities; and
- (3) uses and activities which are neither water-dependent nor water-related for which there is no feasible and prudent inland alternative to meet the public need for the use or activity.

NEW POLICIES: Coastal Development and Land Use Rules

1. Waterfront property suitable for water-dependent or water-related uses have been identified as:

- * The Columbia Ward Fisheries Parcel (industrial/commercial)
- * North Cove (commercial moorage)
- * South Cove (recreational moorage)
- * False Island (industrial)

These areas provide adequate water depths close to shore, which most other shoreland areas in Craig do not. These areas will be reserved for water-dependent and water-related uses. The southern part of Graveyard Island provides good water depths, but storm and wind exposure would prohibit water-dependent or water-related development. Several areas of shorelands of the district are already committed to nonwater-related activities. As these uses are discontinued, these areas will be considered for water-related or water-dependent uses if water access is adequate to support water-related or water-dependent uses.

Waterfront property uniquely suited for water-dependent or water-related uses, will be reserved for the following, listed in order of priority:

- * Water-dependent uses and activities

* Water-related uses and activities

* Uses and activities necessary to meet the public need for which there is no feasible and prudent inland alternative.

Non-preemptive interim uses will be permitted when appropriate.

The areas listed above are specifically designated for water-dependent and water-related uses. Uses that are not water-dependent or water-related are prohibited unless overriding public need can be demonstrated. Because of limited residential opportunities inland in Craig, other coastal areas will be available for residential development. The siting of other nonwater-dependent or water-related uses will be evaluated on a case-by-case basis to ensure that a future potential water-related or water-dependent use for that site is not preempted.

This policy is stated as such to recognize that the majority of Craig’s waterfront lands do not provide reasonable access to water uses of public concern because of shallowness, storm fetch and winds, and other features that do not warrant a restriction to water-related or water-dependent uses.

- 2. Expansion of the existing sewage treatment plant at the existing site, as required to serve future needs of the city, shall be permitted.
- 3. Commercial activities will be centralized in the Old Craig and north East Craig commercial areas for the most efficient use of parking, support services, public facilities, and transportation, and to minimize conflicting uses.
- 4. Development of new residential areas will be allowed only through phased extension of services and land availability.
- 5. Existing floathomes are a grandfathered use, assuming there is no illegal activity associated with that use. Existing, nonconforming floathomes,

their location and current owner, will be inventoried to establish grandfather rights. As the existing float-homes outside of the designated floathome area within the city of Craig are moved, sold or rebuilt, they will lose their respective grandfather rights. Any abandoned floats or rafts will be salvaged when possible, and the owner (if known) assessed a fee by the city.

All future floathomes will be located in the city-designated floathome zone. This zone will be located in water off-shore of city property on the north side of East Craig, facing Crab Bay as indicated in figure 16. This zone will be provided municipal sewer and water, and moorage slips will be leased when development monies are available and when city, state and federal permits are issued.

6. Existing floathomes will be permitted when located in the designated area or in other areas where upland owners grant permission and when city, state and federal permits are issued and when consistent with the Craig Coastal Management Program.
7. The designated floathome area will not preclude adjacent industrial uses which are consistent with the Craig Coastal Management Program.

ACPC Finding: These policies replace existing standard 6 AAC 80.040(a).

- (b) The placement of structures and the discharge of dredged or fill material into coastal water must, at a minimum, comply with the standards contained in Parts 320323, Title 33, Code of Federal Regulations (Vol. 42 of the Federal Register, pp. 37133-47 [July 19, 1977]). (Eff. 7/18/78, Reg. 67; am 8/18/79, Reg. 71) Authority: AS 44.19.893; AS 46.40.040.

ACPC Finding: The Craig program retains the existing standard 6 AAC 80.040(b).

GEOPHYSICAL HAZARD AREAS (6 AAC 80.050.)

- (a) Districts and state agencies shall identify known geophysical hazard areas and areas of high development potential in which there is a substantial possibility that geophysical hazards may occur.
- (b) Development in areas identified under (a) of this section may not be approved by the appropriate state or local authority until siting, design, and construction measures for minimizing property damage and protecting against loss of life have been provided. (Eff. 7/18/78, Reg. 67) Authority: AS 44.19.893; AS 46.40.040.

NEW POLICIES: Geophysical Hazard Areas Rules

1. Development in geophysical hazard areas will be prohibited unless no feasible or prudent alternatives can be identified.
2. Where no feasible or prudent alternative exists, development in geophysical hazard areas will be allowed only if siting, design, and construction are demonstrated to minimize damage and protect against loss of life.

ACPC Finding: These policies replace existing standard 6 AAC 80.050(b).

RECREATION (6 AAC 80.060.)

- (a) Districts shall designate areas for recreational use. Criteria for designation of areas of recreational use are:
 - (1) the area receives significant use by persons engaging in recreational pursuits or is a major tourist designation; or
 - (2) the area has potential for high quality recreational use because of physical, biological, or cultural features.

- (b) Districts and state agencies shall give high priority to maintaining and, where appropriate, increasing public access to coastal water. (Eff. 7/18/78, Reg. 67; am 8/18/79, Reg. 71) Authority: AS 44.19.893; AS 40.40.040.

NEW POLICIES: Recreation Rules

1. The city will protect recreation and open space areas for public use.
2. The city will maintain existing rights-of-way and easements for public access to beaches, and will provide for new accesses as recreation planning and future developments may require.
3. The city will provide for existing and future parks and recreation use.

ACPC Finding: These policies supplement existing standard 6 AAC 80.060.

ENERGY FACILITIES (6 AAC 80.070.)

- (a) Sites suitable for the development of major energy facilities must be identified by districts and the state in cooperation with districts.
- (b) The siting and approval of major energy facilities by districts and state agencies must be based, to the extent feasible and prudent, on the following standards:
- (1) Site facilities so as to minimize adverse environmental and social effects while satisfying industrial requirements;
 - (2) Site facilities so as to be compatible with existing and subsequent adjacent uses and projected community needs;
 - (3) Consolidate facilities;
 - (4) Consider the concurrent use of facilities for public or economic reasons;

- (5) Cooperate with landowners, developers, and federal agencies in the development of facilities;
- (6) Select sites with sufficient acreage to allow for reasonable expansion of facilities;
- (7) Site facilities where existing infrastructure, including roads, docks, and airstrips, is capable of satisfying industrial requirements;
- (8) Select harbors and shipping routes with least exposure to reefs, shoals, drift ice, and other obstructions;
- (9) Encourage the use of vessel traffic control and collision avoidance systems;
- (10) Select sites where development will require minimal site clearing, and dredging and construction in productive habitats;
- (11) Site facilities so as to minimize the probability, along shipping routes, of spills or other forms of contamination, which would affect fishing grounds, spawning grounds, and other biologically productive or vulnerable habitats, including marine mammal rookeries and hauling out grounds and waterfowl nesting areas;
- (12) Site facilities so that design and construction of those facilities and support infrastructures in coastal areas of Alaska will allow for the free passage and movement of fish and wildlife with due consideration for historic migratory patterns and so that areas of particular scenic, recreational, environmental, or cultural value will be protected;
- (13) Site facilities in areas of least biological productivity, diversity, and vulnerability and where effluents

and spills can be controlled or contained;

(14) Site facilities where winds and air currents disperse airborne emissions which cannot be captured before escape into the atmosphere;

(15) Select sites in areas which are designated for industrial purposes and where industrial traffic is minimized through population centers; and

(16) Select sites where vessel movements will not result in overcrowded harbors or interfere with fishing operations and equipment.

(c) Districts shall consider that the uses authorized by the issuance of state and federal leases for mineral and petroleum resource extraction are uses of state concern. (Eff. 7/18/78, Reg. 67; am 8/18/79, Reg. 71) Authority: AS 44.19.893; AS 46.40.040.

NEW POLICY: Energy Facilities Rule

1. Future generators and storage areas will be sited to minimize potential safety hazards to the public and to minimize conflicts with adjacent land uses.

ACPC Finding: This policy supplements existing standard 6 AAC 80.070.

TRANSPORTATION AND UTILITIES (6 AAC 80.080.)

(a) Transportation and utility routes and facilities in the coastal area must be sited, designed, and constructed so as to be compatible with district programs.

(b) Transportation and utility routes and facilities must be sited inland from beaches and shorelines unless the route or facility is water-dependent or no feasible and prudent inland alternative exists to meet the public need for the route or facility.

NEW POLICIES: Transportation Rules

1. All planning, design, and construction of roads will be required to minimize adverse impacts, and to minimize safety hazards and traffic-related problems in accordance with state and federal regulations.

2. North Cove will be the site for the deep-water marina to serve the commercial fishing fleet needs. The city recognizes that dredging and filling will be required for such development, and will support reasonable development proposals that are consistent with applicable state and federal laws.

3. South Cove will be the location for recreational moorage. The city recognizes that dredging and filling will be required for such development, and will support reasonable development proposals that are consistent with applicable state and federal laws.

4. False Island will be reserved for a marine terminal for industrial development and island-wide transportation purposes. The city recognizes that dredging and filling will be required for such development, and will support reasonable development proposals that are consistent with applicable state and federal laws.

5. Access through the wind-firm buffer for permitted water related and water-dependent uses will be allowed in designated areas of Crab Bay (Figure 16) when it is determined that there is a significant public need for the access and that there is no feasible and prudent alternative access, and all feasible and prudent steps are taken to protect the resources and habitats of Crab Bay. Project design, construction and operation will be reviewed to insure that the project and its operation will, to the extent feasible and prudent, maintain the integrity of the wind-firm buffer.

ACPC Finding: These policies supplement existing standard 6 AAC 80.080.

FISH AND SEAFOOD PROCESSING 6 AAC 80.090.

Districts shall identify and may designate areas of the coast suitable for the location or development of facilities related to commercial fishing and seafood processing. (Eff. 7/18/78, Reg. 67) Authority: AS 44.19.893; AS 46.40.040.

NEW POLICY: Fish and Seafood Processing Rules

1. The city will provide adequate industrial land at North Cove, False Island, Columbia Ward Fisheries, Craig Fisheries, and on the southwest shore of Crab Bay to allow for expansion of the fishing industry in Craig, to maintain a regional position in the industry.

ACMP Finding: The requirement has been met.

TIMBER HARVEST AND PROCESSING 6 AAC 80.100.

AS 41.17, Forest Resources and Practices, and the regulations and procedures adopted under that chapter with respect to the harvest and processing of timber, are incorporated into the Alaska Coastal Management Program and constitute the components of the coastal management program with respect to those purposes. (Eff. 7/18/78, Reg. 67; am 8/18/79, Reg. 71) Authority: AS 44.19.893; AS 46.40.040.

NEW POLICY: Timber Harvest and Processing

1. Timber related activities will be consistent with the Alaska Forest Resources and Practices Act.

ACPC Finding: The existing standard 6 AAC 80.100 is retained.

MINING AND MINERAL PROCESSING 6 AAC 80.110.

- (a) Mining and mineral processing in the coastal area must be regulated, designed, and conducted so as to be compatible with the standards contained in this chapter, adjacent uses and activities, statewide and national needs, and district programs.
- (b) Sand and gravel may be extracted from coastal waters, intertidal areas, barrier islands, and spits, when there is no feasible and prudent alternative to coastal extraction that will meet the public need for the sand or gravel. (Eff. 7/18/78, Reg. 67; am 8/18/79, Reg. 71) Authority: AS 44.19.893; AS 46.40.040.

ACPC Finding: No new policy is proposed. The existing standard, 6 AAC 80.110, is retained.

SUBSISTENCE (6 AAC 80.120.)

- (a) Districts and state agencies shall recognize and assure opportunities for subsistence usage of coastal areas and resources.
- (b) Districts shall identify areas in which subsistence is the dominant use of coastal resource.
- (c) Districts may, after consultation with appropriate state agencies, Native corporations, and any other persons or groups, designate areas identified under (b) of this section as subsistence zones in which subsistence uses and activities have priority over all nonsubsistence uses and activities.
- (d) Before a potentially conflicting use or activity may be authorized within areas designated under (c) of this section, a study of the possible adverse impacts of the proposed potentially conflicting use or activity upon subsistence usage must be conducted and appropriate safeguards to assure subsistence usage must be provided.
- (e) Districts sharing migratory fish and game resources must submit compat-

ible plans for habitat management. (Eff. 7/18/78, Reg. 67) Authority: AS 44.19.893; AS 46.40.040.

ACPC Finding: No new policy was adopted. The existing standard, 6 AAC 80.120, is retained.

HABITATS 6 AAC 80.130

- (a) Habitats in the coastal area which are subject to the Alaska Coastal Management Program include:
- (1) offshore areas;
 - (2) estuaries;
 - (3) wetlands and tideflats;
 - (4) rocky islands and seacliffs;
 - (5) barrier islands and lagoons;
 - (6) exposed high energy coasts;
 - (7) rivers, streams, and lakes; and
 - (8) important upland habitat.
- (b) The habitats contained in (a) of this section must be managed so as to maintain or enhance the biological, physical, and chemical characteristics of the habitat which contribute to its capacity to support living resources.
- (c) In addition to the standard contained in (b) of this section, the following standards apply to the management of the following habitats:
- (1) offshore areas must be managed as a fisheries conservation zone so as to maintain or enhance the state's sport, commercial, and subsistence fishery;
 - (2) estuaries must be managed so as to assure adequate water flow, natural circulation patterns, nutrients, and oxygen levels, and avoid the discharge of toxic wastes, silt, and destruction of productive habitat;
 - (3) wetlands and tideflats must be managed so as to assure adequate water flow, nutrients, and oxygen levels and avoid adverse effects on natural drainage pat-
- terns, the destruction of important habitat, and the discharge of toxic substances;
- (4) rocky islands and seacliffs must be managed so as to avoid the harassment of wildlife, destruction of important habitat, and the introduction of competing or destructive species and predators;
 - (5) barrier islands and lagoons must be managed so as to maintain adequate flows of sediments, detritus, and water, avoid the alteration or redirection of wave energy which would lead to the filling in of lagoons or the erosion of barrier islands, and discourage activities which would decrease the use of bather islands by coastal species, including polar bears and nesting birds;
 - (6) high energy coasts must be managed by assuring the adequate mix and transport of sediments and nutrients and avoiding redirection of transport processes and wave energy; and
 - (7) rivers, streams, and lakes must be managed to protect natural vegetation, water quality, important fish or wildlife habitat and natural water flow.
- (d) Uses and activities in the coastal area which will not conform to the standards contained in (b) and (c) of this section may be allowed by the district or appropriate state agency if the following are established:
- (1) there is a significant public need for the proposed use or activity;
 - (2) there is no feasible prudent alternative to meet the public need for the proposed use or activity which would conform to the standards contained in (b) and (c) of this section; and

- (3) all feasible and prudent steps to maximize conformance with the standards contained in (b) and (c) of this section will be taken.
- (e) In applying this section, districts and state agencies may use appropriate expertise, including regional programs referred to in sec. 30(b) of this chapter. (Eff. 7/18/78, Reg. 67) Authority: AS 44.19.893; AS 46.40.040.

NEW POLICIES: Habitats Rules

1. Crab Bay resources will be protected by the following measures:

- (a) The eastern portion of Crab Bay has been designated as a Protected Area (Figure 16). No development will occur within the tidelands or aquatic areas of the protected area. No development will occur within a wind-firm buffer extending from the south end of Crab Bay around the bay to the southwest shore of False Island unless it is determined that there is significant public need and no feasible and prudent alternative site. All feasible and prudent steps must be taken to protect the resources and habitats of Crab Bay. Project design, operation and construction will be reviewed to ensure that the project and its operation will, to the extent feasible and prudent, maintain the integrity of the wind-firm buffer.

The wind-firm buffer is defined as the natural shoreline vegetation above the high tide line approximately 50 to 100 feet in width which provides a wind shield, a sediment filter, shading, and a visual buffer.

- (b) No development will be allowed on the east side of Crab Bay within the wind-firm buffer or water-ward from the buffer to the line shown in Figure 16 and identified as Protected Area.

- (c) Access to False Island will be designed and developed to minimize impacts to the natural resources. The vehicular access to False Island will be designed to provide fish passage between False Island and the main island.

- (d) All inland development between the Craig-Klawock Highway and a shoreline wind-firm buffer shall be designed, constructed and maintained to minimize erosion, sedimentation, and discharges into Crab Bay.

- (e) Industrial facilities at False Island will be designed and maintained to minimize impacts on the natural resources of Crab Bay.

2. A 100-foot undisturbed natural buffer measured from the line of high water will be maintained on each side of Crab Creek.

3. All other catalogued anadromous streams will be protected with a 50-foot-wide buffer zone of riparian vegetation along each bank. The area within this buffer zone will not be altered or disturbed unless all feasible and prudent steps are taken to minimize disturbances and such activity is judged to be in the public interest.

ACPC Finding: These policies supplement existing standard 6 AAC 80.130. The requirements of 6 AAC 80.130 will continue to apply within the Craig district. The more stringent policies listed above will apply to the areas noted in each policy.

AIR, LAND, AND WATER QUALITY (6 AAC 80.140.)

Notwithstanding any other provision of this chapter, the statutes pertaining to and the regulations and procedures of the Alaska Department of Environmental Conservation with respect to the protection of air, land, and water quality are incorporated into the Alaska Coastal Management Program and, as administered by that

agency, constitute the components of the coastal management program with respect to those purposes. (Eff. 7/18/78, Reg. 67) Authority: AS 44.19.893; AS 46.40.040.

NEW POLICY: Air, Land and Water Rules

1. The city will comply with state requirements to protect air, land, and water quality.

ACPC Finding: The existing standard, 6 AAC 80.140, is retained.

HISTORIC, PREHISTORIC, AND ARCHAEOLOGICAL RESOURCES (6 AAC 80.150.)

Districts and appropriate state agencies shall identify areas of the coast which are important to the study, understanding, or illustration of national, state, or local history or prehistory. (Eff. 7/18/78, Reg. 67) Authority: AS 44.19.893; AS 46.40.040.

NEW POLICIES: Historic, Prehistoric, and Archaeological Resources Rules

1. Historic and archaeological resources will be protected.
2. The cemetery area on Graveyard Island will be protected for long-term use.

ACPC Finding: These policies replace existing standard, 6 AAC 80.150.

AREAS WHICH MERIT SPECIAL ATTENTION (6 AAC 80.160.)

- (a) Any person may recommend to a district or to the council areas to be designated as areas which merit special attention. Districts shall designate in district programs areas which merit special attention. Areas which are not in districts and which merit special attention shall be designated by the council with the concurrence of appropriate state agencies, municipalities, and villages affected by the designation.

(Note: The entire text of the standard for areas which merit special attention is not reprinted here.)

ACPC Finding: The Craig district program designates no areas which merit special attention.

[Added during 11/95 supplement.]