

ORDINANCE NO. 311

CITY OF CRAIG

AMENDING THE CRAIG LAND DEVELOPMENT CODE, SECTION
18.06.004, CHANGE OF LAND USE AND/OR ZONE DESIGNATION

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

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

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

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

Section 4. Action. This ordinance amends Section 18.06.004 of the Craig Land Development Code by deleting the items shown in capitals and square brackets and by adding the underlined items, as follows:

SECTION 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, [A LIMITED ZONE CHANGE MAY BE APPROVED WHICH RESTRICTS THE RANGE OF PERMITTED USES ALLOWED BY THE ZONE] 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 Section 18.06.004.F.

B. PROCEDURE

1. APPLICATION

- a. Applications may be initiated by the City Planning Commission or City Council. [ALL APPLICATIONS SHALL BE INITIATED BY THE PROPERTY OWNER OR HIS AUTHORIZED REPRESENTATIVE] 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 application on city forms no less

than Fifteen (15) days prior to the hearing date. Applications initiated by the property owner(s) must include the signatures of the owners of 50% of the property requested for the land use and/or zone designation change.

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

1. Date, north point, [AND] scale and name of applicant
2. Exterior property boundaries and approximate dimensions;
3. Location of all existing and proposed buildings on the property and their approximate distance from lot lines[.];
4. Existing and proposed access for ingress and egress;
5. Sewer and water lines serving the property; power poles;
6. All easements on the property;
7. 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 Section 18.06.004.C.

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 ten days prior to the hearing date. Notice may be published in a newspaper of general circulation in the area.

b. The notice shall contain:

1. The date, time, and place of the hearing and

name of applicant.

2. A descriptive location of the property and the legal description of the property if available;
 3. A description of the nature and purpose of the proposed use and change.
 4. The location where information may be examined;
 5. The reference number of the sections of the ordinance which pertain to the application;
 6. An explanation of the [APPEAL] 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 [ALONG WITH A NOTARIZED AFFIDAVIT THAT NOTIFICATION LETTERS WERE SENT].
- e. A copy of the Planning Commission resolution recommending approval or denial of [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 (5) 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. [APPEAL PROCEDURES.]

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 Section 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 (5) 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:

1. Be received at the city within thirty (30) days of the date the notice of Planning Commission action was mailed to the applicant or the applicant's representative.

2. Include the specific points of disagreement with the Planning Commission, with factual reasons why the applicant does not agree with the Planning Commission recommendation.

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

[4.] [APPEALS]

[a. IN THE EVENT A MAJORITY OF THE NOTIFIED PROPERTY OWNERS HAVE REGISTERED AN OBJECTION, THE APPLICATION SHALL BE APPEALED BEFORE THE BOARD OF ADJUSTMENT AT THE NEXT REGULAR COUNCIL SESSION BEFORE THE APPLICATION IS GRANTED.

[b. SEE CHAPTER 18.04, APPEALS.]

4. CITY COUNCIL

a. As required by AS 29.40.030 and AS 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 [BY ALL PROPOSALS FOR PROJECTS] 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 [USE] designation is compatible with other existing or proposed [USES] 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 THE PROPOSED USE WOULD NOT CREATE NOISE, ODOR, SMOKE, DUST, OR OTHER OBJECTIONABLE POLLUTANTS CREATING IMPACTS ON SURROUNDING AREAS.]
- [4. THAT THE PROPOSED USE WOULD NOT AFFECT THE HEALTH AND SAFETY OF PERSONS OR PROPERTY OR SIGNIFICANTLY AFFECT LAND, AIR, AND WATER OR HABITAT QUALITY.]
- [5. THAT THE LOCATION, SIZE, DESIGN AND OPERATING CHARACTERISTICS ARE SITUATED AND DESIGNED TO MITIGATE CONFLICTING USES.]

- [6. THAT UNSIGHTLINESS, BUILDING HEIGHT, OR STRUCTURAL INCOMPATIBILITY WOULD NOT SIGNIFICANTLY AFFECT SURROUNDING AREAS.]
- [7. THAT THE PROPOSAL WOULD NOT SIGNIFICANTLY DECREASE PROPERTY VALUES IN THE AREA.]
- 3.[8.] That [ALL] additional utilities required by the proposed [USE] designation [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.
- [9. THAT ACCESS IS ADEQUATE TO SERVE THE ADDITIONAL VOLUME AND TYPE OF TRAFFIC GENERATED AND THAT THE PROPOSED USE WOULD NOT THREATEN HEALTH AND SAFETY BY SIGNIFICANTLY ALTERING TRAFFIC VOLUMES AND PATTERNS.]
- [10. THAT ADEQUATE OFF-STREET PARKING IS PROVIDED]
- 4.[11.] That the [PLAN] land use or zone change does not create a shortage of land in the current [PLAN] land use or zone designation.
- 5.[12.] That there is a community need for the change.
- [13. THAT ALTERNATIVE SITES AT SIMILAR COSTS ARE NOT AVAILABLE.]
- 6.[14.] That the proposed [USE] designation will not interfere with the efficiency of, the planned expansion of, or access to water dependent or water related uses unless:
- a. [1])there is a documented public need for the proposed use,
 - b. [2])no alternative site, and
 - c. [3])the public good will be served better by the proposed use than by [THE] a water dependent or water related use.
- [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.]
- 7.[16.] 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 [SHALL] change from the Public [PLAN AND] Zone to the [PLAN] land use and zone designations of the majority of the contiguous land abutting the parcel or lot.
2. If no appropriate contiguous [PLAN] land use and zone designation abut[TS] the property, or if the Planning Commission objects to the change as stated in subsection #1 above, the Planning Commission shall [DETERMINE] recommend the most appropriate [PLAN] land use and zone designations for the property Based on the standards of Section 18.06.004.C, Required Criteria for Approval. [THE PROPOSED CHANGE SHALL BE REVIEWED BY THE STANDARDS OF SECTION 18.06.004, REQUIRED CRITEIA FOR APPROVAL FOR LAND USE AND ZONE CHANGES.]

E. CHANGE FROM PRIVATE TO PUBLIC OWNERSHIP

1. If the [PLAN] land use and/or zone change involves a substantial area affecting a substantial number of residents, the change shall be made in accordance with Section 18.06.006, Legislative Amendments.
2. If the [PLAN] 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 [ORIGINAL PLAN] existing land use and zone designation to Public. [OR MAY RETAIN THE CURRENT ZONING.]

If the City intends to change the zone to Public:

- a. A public notice in accordance with Section 18.06.004.B.2, 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 [PLAN] land use and zone designations will change to [THE] Public [PLAN AND ZONE] unless written objections are received within ten (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 ten 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 [PLAN] land use and zone designations. [SHALL BE APPLIED.]
- d. If written objections are received, the proposed [PLAN] land use and zone designation change to public shall be reviewed by the Planning Commission according to the standards of Section 18.06.004 C. Land Use and Zone Changes, Required Criteria for Approval[.] and the Planning Commission recommendation and resolution forwarded to the City Council as described in Section 18.06.004.B.3.
- e. The City Council shall take final action as described in Section 18.06.004.B.4

F. [RESTRICTION OF PERMITTED USES] SPECIAL LIMITATIONS

[IN ORDER TO ASSURE COMPATIBILITY OF LAND USES, PLAN AND ZONE CHANGES MAY BE GRANTED WHICH RESTRICT PERMITTED USES TO ONE OR MORE USES LISTED AS "PERMITTED USES" WITHIN THE ZONE.]

- 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.

PASSED AND APPROVED ON 3-26, 1991

Dennis Watson
MAYOR DENNIS WATSON

ATTEST *Delana Shaw*

