



# City of Valdez

212 Chenega Ave.  
Valdez, AK 99686

## Meeting Agenda - Final Planning and Zoning Commission

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Wednesday, February 8, 2017

7:00 PM

Council Chambers

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### Regular Meeting

#### REGULAR AGENDA - 7:00 PM

#### I. CALL TO ORDER

#### II. ROLL CALL

#### III. APPROVAL OF MINUTES

[Approval of Regular Meeting Minutes from January 25, 2017](#)

**Attachments:** [P&Z MeetingMinutes27-Jan-2017-11-49-00](#)

#### IV. PUBLIC APPEARANCES

[Public Appearance: Wendy Goldstein, Zoning Ordinance Change Request to Allow for Subsistence Urban Farming in Single-Family Zoning District](#)

**Attachments:** [LettertoP&ZCommission.pdf](#)

#### V. PUBLIC BUSINESS FROM THE FLOOR

#### VI. PUBLIC HEARINGS

[Public Hearing: Ordinance No. 17-02 Amending Title 17 Zoning of the Valdez Municipal Code related to Breweries, Wineries and Distilleries.](#)

**Attachments:** [Brewery Ordinance.docx](#)

#### VII. UNFINISHED BUSINESS

#### VIII. NEW BUSINESS

#### IX. REPORTS

[Aleutian Village Update Report](#)

**Attachments:** [Aleutian Village Progress Report 2-1-2017.docx](#)

X. COMMISSION BUSINESS FROM THE FLOOR

XI. ADJOURNMENT



## Agenda Statement

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**File #:** TMP-0440      **Version:** 1

**Type:** Minutes      **Status:** Agenda Ready

**File created:** 1/27/2017      **In control:** Planning and Zoning Commission

**On agenda:** 2/8/2017      **Final action:**

**Title:** Approval of Regular Meeting Minutes from January 25, 2017

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [P&Z MeetingMinutes27-Jan-2017-11-49-00](#)

Date	Ver.	Action By	Action	Result
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### **ITEM TITLE:**

Approval of Regular Meeting Minutes from January 25, 2017

**SUBMITTED BY:** Selah Bauer, Senior Administrative Assistant

### **FISCAL NOTES:**

Expenditure Required: N/A  
Unencumbered Balance: N/A  
Funding Source: N/A

### **RECOMMENDATION:**

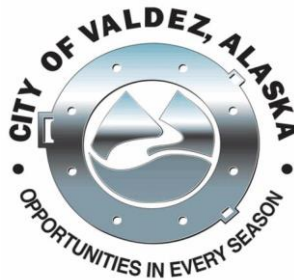
Approve Regular Meeting Minutes from January 25, 2017.

### **SUMMARY STATEMENT:**

Please see the attached meeting minutes from the regular meeting of January 25, 2017 for review and approval by the Commission.

# City of Valdez

212 Chenega Ave.  
Valdez, AK 99686



## Meeting Minutes - Draft

Wednesday, January 25, 2017

7:00 PM

Regular Meeting

Council Chambers

## Planning and Zoning Commission

REGULAR AGENDA - 7:00 PM

## I. CALL TO ORDER

## II. ROLL CALL

**Present** 5 - Chair Donald Haase

Chair Pro Tempore Jess Gondek  
Commission Member Harold Blehm  
Commission Member Kristian Fagerberg  
Commission Member Victor Weaver  
Sr. Office Assistant Selah Bauer  
Sr. GIS Planning Tech AnnMarie Lain

**Excused** 4 - Commission Member Brandon Reese

Commission Member Roger Kipar  
Planning Technician Keri Talbott  
Director of Community & Economic Development Lisa Von Bargaen

## III. PUBLIC BUSINESS FROM THE FLOOR

None.

## IV. NEW BUSINESS

**Approval of Final Plat (SUBD #17-02) of Barney Meyring Parkstrip Subdivision.  
Applicant: City of Valdez**

Motion: Commissioner Fagerberg Moved, Seconded by Commissioner Weaver, to Approve Final Plat (SUBD #17-02) of Barney Meyring Parkstrip Subdivision.

Senior GIS/Planning Technician, AnnMarie Lain, said there are a few minor changes to the final plat; on the cul-de-sac of each of the letters it say 100 feet, but it should read 50 feet. Also, the southern boundary of the park is missing the distance. Ms. Lain said these changes will be made before they are submitted to City Council.

Yays: 5 – Chair Haase, Chair Pro Tempore Gondek, Commission Member Blehm, Commission Member Fagerberg, Commission Member Weaver

Absent: 2 – Commissioner Reese, Commissioner Kipar

**Approval of Final Plat (SUBD# 17-03) of Tract E Public Utility Easement. Applicant:  
City of Valdez**

Motion: Commissioner Fagerberg Moved, Seconded by Commissioner Weaver, to Approve Final Plat (SUBD #17-02) of Barney Meyring Parkstrip Subdivision.

No discussion.

Yays: 5 – Chair Haase, Chair Pro Tempore Gondek, Commission Member Blehm, Commission Member Fagerberg, Commission Member Weaver

Absent: 2 – Commissioner Reese, Commissioner Kipar

V. COMMISSION BUSINESS FROM THE FLOOR

Commissioner Fagerburg requested an update on Aleutian Village. However, there was not one to give. Ms. Lain suggested that they may find one on the website. Ms. Lain also said she would make sure the Commission has an update at the next meeting.

Commissioner Blehm wants to know why the City website hasn't updated their webpage since 2015. He wondered why. Ms. Lain suggested that it may be due to lack of finding someone to work there. She said she'd find out and let Commissioner Blehm know as soon as possible.

Commissioner Haase said he wondered about the details of the Beautification Notice. Ms. Lain replied that she wasn't clear on the details recently released, as it is not something the Community Development Department deals with.

VI. ADJOURNMENT

There being no further business, Commissioner Haase adjourned the meeting at 7:10pm.



## Agenda Statement

**File #:** TMP-0472      **Version:** 1

**Type:** New Business      **Status:** Agenda Ready

**File created:** 2/7/2017      **In control:** Planning and Zoning Commission

**On agenda:** 2/8/2017      **Final action:**

**Title:** Public Appearance: Wendy Goldstein, Zoning Ordinance Change Request to Allow for Subsistence Urban Farming in Single-Family Zoning District

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [LettertoP&ZCommission.pdf](#)

Date	Ver.	Action By	Action	Result
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### **ITEM TITLE:**

Public Appearance: Wendy Goldstein, Zoning Ordinance Change Request to Allow for Subsistence Urban Farming in Single-Family Zoning District

**SUBMITTED BY:** AnnMarie Lain Sr. GIS/Planning

### **FISCAL NOTES:**

Expenditure Required: N/A  
Unencumbered Balance: N/A  
Funding Source: N/A

### **RECOMMENDATION:**

None. Public Appearance.

### **SUMMARY STATEMENT:**

On February 2<sup>nd</sup> Wendy Goldstein, a residential homeowner in Black Gold Subdivision, submitted the attached letter addressed to the Planning & Zoning Commission. Mrs. Goldstein will attend the meeting to speak to the letter and answer any questions the Commission might have.

February 2, 2017

Planning & Zoning Committee, City of Valdez

Donald Haase, Chair

Dear Mr. Haase,

I am hoping to raise 3-4 chickens in my back yard for fun and to augment our subsistence. I live in a single home residential neighborhood in Black Gold Subdivision. I have been told that there is no ordinance to permit me to have chickens at this time, and I would urge you and the Zoning committee to please consider putting forth one to permit it. Or is there a way for me to appeal to receive a special permit?

I do not plan to have roosters, as I know they are a noise issue. I also plan to be sure to keep the chickens clean and in a neat and tidy coop, and not to allow them to roam free. My yard is a 100' x 100' lot, and my house is only 900 square feet, so I do have plenty of room to keep a coop.

Thanks you for your consideration on this matter. I look forward to hearing back from you on your decision.

Sincerely,

Wendy Goldstein

715 North Moraine Drive, P.O. Box 2617

Valdez, AK 99686

907-200-2025





## Agenda Statement

**File #:** TMP-0374      **Version:** 1

**Type:** Public Hearing      **Status:** Agenda Ready

**File created:** 12/20/2016      **In control:** Planning and Zoning Commission

**On agenda:** 2/8/2017      **Final action:**

**Title:** Public Hearing: Ordinance No. 17-02 Amending Title 17 Zoning of the Valdez Municipal Code related to Breweries, Wineries and Distilleries.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [Brewery Ordinance.pdf](#)

Date	Ver.	Action By	Action	Result
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### **ITEM TITLE:**

Public Hearing: Ordinance No. 17-02 Amending Title 17 Zoning of the Valdez Municipal Code related to Breweries, Wineries and Distilleries.

**SUBMITTED BY:** Lisa Von Bargaen, CED Director

### **FISCAL NOTES:**

Expenditure Required: N/A  
Unencumbered Balance: N/A  
Funding Source: N/A

### **RECOMMENDATION:**

None. Public Hearing Only.

### **SUMMARY STATEMENT:**

For the past couple of years individuals in Valdez have expressed an interest in opening breweries in the community. Despite having had one in Old Town, New Town has yet to be home to any commercial "adult beverage" developer. Late last fall the City received an application for a brewery through the Alcohol Beverage Control Board (ABC Board). Applications are required to get approval from the local municipality. The Council approved the application pending amendments to the zoning code. Currently breweries are not allowed in any zoning district.

The attached draft ordinance amends Title 17 (Zoning) of the of the Valdez Municipal Code to allow Breweries, Wineries, Distilleries and Brew Pubs as permitted uses in the Central Business and

General Commercial Zoning Districts. It also provides for Breweries, Wineries, and Distilleries in the Light Industrial Zoning Districts, also as permitted uses. The definitions of these four types of facilities are included in the definitions section of the zoning code by adopting, by reference, the existing State definitions. The definitions and descriptions of all four facilities are outlined below in this agenda statement.

This is a public hearing, designed to take input from the public on this matter. The three zoning districts contemplated for change encompass significant area around the community. Notice had to be sent to everyone owning property within a 300-foot radius of the zoning districts. The mailing was sent to more than 500 commercial and residential property owners.

Please see the State definitions below. The City is not recommending any changes or additions to the existing State license standards.

**Sec. 04.11.130. Brewery license.** (a) A brewery license authorizes the holder to operate a brewery where beer is manufactured and bottled or barreled for sale.

(b) The holder of a brewery license may sell beer in quantities of

(1) not more than five gallons a day to an individual who is present on the licensed premises for consumption off the premises;

(2) more than five gallons a day to a person who is licensed under this title, or in another state or country.

(c) The holder of a brewery license may permit a person to sample small portions of the brewery's product free of charge unless prohibited by [AS 04.16.030 <http://www.legis.state.ak.us/basis/statutes.asp>](#).

(d) The biennial brewery license fee is \$1,000.

(e) Unless prohibited by [AS 04.16.030 <http://www.legis.state.ak.us/basis/statutes.asp>](#), a holder of a brewery license may sell not more than 36 ounces a day of the brewery's product to a person for consumption on the premises if

(1) the brewery does not allow live entertainment, televisions, pool tables, dart games, dancing, electronic or other games, game tables, or other recreational or gaming opportunities on the premises where the consumption occurs;

(2) the brewery does not provide seats at the counter or bar where the product is served; and

(3) the room where the consumption occurs is not open before 9:00 a.m. and serving of the product ends not later than 8:00 p.m.

**Sec. 04.11.135. Brewpub license.** (a) A brewpub license authorizes the holder of a beverage dispensary license to

(1) manufacture on premises licensed under the beverage dispensary license not more than 465,000 gallons of beer in a calendar year;

(2) sell beer manufactured on premises licensed under the beverage dispensary license for consumption on the licensed premises or other licensed premises of the beverage dispensary licensee that are also licensed as a beverage dispensary;

(3) sell beer manufactured on the premises licensed under the beverage dispensary license in quantities of not more than five gallons a day to an individual who is present on the licensed premises for consumption off the premises;

(4) provide a small sample of the brewpub's beer manufactured on the premises free of charge unless prohibited by [AS 04.16.030 <http://www.legis.state.ak.us/basis/statutes.asp>](#);

(5) sell beer manufactured on the premises licensed under the beverage dispensary license to a person licensed as a wholesaler under [AS 04.11.160 <http://www.legis.state.ak.us/basis/statutes.asp>](#); sales under this paragraph may not exceed 37,200 gallons in a calendar year, including sales under (6) of this subsection; and

(6) sell not more than 6,200 gallons in a calendar year of beer manufactured on the premises to a person

who is licensed under this title, or in another state or country, if the premises licensed under the beverage dispensary license are located in a community with a population of 75,000 or more.

(b) Except as provided under [AS 04.11.360 <http://www.legis.state.ak.us/basis/statutes.asp>](#)(10), the brewpub license is not transferable, shall remain the property of the state, and is not subject to any form of alienation.

(c) The biennial brewpub license fee is \$500.

(d) Notwithstanding (a) of this section, the holder of a brewpub license who, under the provisions of [AS 04.11.450 <http://www.legis.state.ak.us/basis/statutes.asp>](#)(b), formerly held a brewery license and a restaurant or eating place license and who, under the former brewery license, manufactured beer at a location other than the premises licensed under the former restaurant or eating place license may

(1) manufacture not more than 465,000 gallons of beer in a calendar year on premises other than the premises licensed under the beverage dispensary license;

(2) provide a small sample of the manufactured beer free of charge at the location the beer is manufactured unless prohibited by [AS 04.16.030 <http://www.legis.state.ak.us/basis/statutes.asp>](#); and

(3) sell the beer authorized to be manufactured under this subsection

(A) on the premises licensed under the beverage dispensary license or other licensed premises of the beverage dispensary licensee that are also licensed as a beverage dispensary;

(B) to a wholesaler licensed under [AS 04.11.160 <http://www.legis.state.ak.us/basis/statutes.asp>](#); sales under this subparagraph may not exceed 37,200 gallons in a calendar year, including sales under (D) of this paragraph;

(C) to an individual who is present on the premises described under (A) of this paragraph, or where the beer is manufactured, in quantities of not more than five gallons a day for consumption off the premises; and

(D) to a person licensed under this title, or in another state or country, if the premises where the beer is manufactured are located in a community with a population of 75,000 or more; sales under this subparagraph may not exceed 6,200 gallons in a calendar year.

(e) Notwithstanding (a) of this section, a brewpub license authorizes the holder of a restaurant or eating place license to (1) manufacture on premises licensed under the restaurant or eating place license not more than 465,000 gallons of beer in a calendar year; (2) sell beer manufactured on premises licensed under the restaurant or eating place license for consumption on the licensed premises; (3) sell beer manufactured on the premises licensed under the restaurant or eating place license in quantities of not more than five gallons a day for consumption off the premises to an individual who is present on the licensed premises; and (4) provide a small sample of the brewpub's beer manufactured on the premises free of charge unless prohibited by [AS 04.16.030 <http://www.legis.state.ak.us/basis/statutes.asp>](#). A person who holds a brewpub license under this subsection may not hold more than one brewpub license.

**Sec. 04.11.140. Winery license.** (a) A winery license authorizes the holder to operate a winery where wine is manufactured and bottled or barreled for sale.

(b) The holder of a winery license may sell wine in quantities of

(1) not more than five gallons

(A) to an individual who is present on the licensed premises; or

(B) by shipping to an individual if the shipment is not to an area that has prohibited the importation or possession of alcoholic beverages under this chapter or to an area that has limited the importation or possession of alcoholic beverages unless the sale complies with the limitation;

(2) more than five gallons to a person who is licensed under this title, or in another state or country.

(c) The holder of a winery license may permit a person to sample small portions of the wine free of charge unless prohibited by [AS 04.16.030 <http://www.legis.state.ak.us/basis/statutes.asp>](#).

(d) The biennial winery license fee is \$500.

**Sec. 04.11.170. Distillery license.** (a) A distillery license authorizes the holder to operate a distillery where alcoholic beverages are distilled and bottled or barreled for sale.

- (b) A distillery license authorizes the holder to sell alcoholic beverages in
  - (1) quantities of not more than one gallon a day to a person who is present on the licensed premises for consumption off the premises;
  - (2) any amount to a person who is licensed under this title or in another state or country.
- (c) The biennial distillery license fee is \$1,000.
- (d) The holder of a distillery license may permit a person to sample small portions of the distillery's product free of charge unless prohibited by [AS 04.16.030 <http://www.legis.state.ak.us/basis/statutes.asp>](http://www.legis.state.ak.us/basis/statutes.asp).
- (e) Unless prohibited by [AS 04.16.030 <http://www.legis.state.ak.us/basis/statutes.asp>](http://www.legis.state.ak.us/basis/statutes.asp), a holder of a distillery license may sell not more than three ounces a day of the distillery's product to a person for consumption on the premises if
  - (1) the distillery does not allow live entertainment, televisions, pool tables, dart games, dancing, electronic or other games, game tables, or other recreational or gaming opportunities on the premises where the consumption occurs;
  - (2) the distillery does not provide seats at the counter or bar where the product is served; and
  - (3) the room where the consumption occurs is not open before 9:00 a.m. and serving of the product ends not later than 8:00 p.m.

CITY OF VALDEZ, ALASKA  
ORDINANCE NO. 17-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALDEZ ALASKA  
AMENDING TITLE 17 ZONING OF THE VALDEZ MUNICIPAL CODE  
RELATING TO BREWERIES, WINERIES AND DISTILLERIES

WHEREAS, the state of Alaska has experienced significant growth in the craft of beer, wine and spirit making; and

WHEREAS, local entrepreneurs wish to develop such business in Valdez; and

WHEREAS, there is currently no provision for these types of establishments within Title 17 Zoning of the Valdez Municipal Code; and

WHEREAS, to facilitate this type of business development in Valdez amendments to Title 17 Zoning are necessary; and

WHEREAS, the State of Alaska has definitions of these types of establishments that can be adopted in Valdez; and

WHEREAS, sound zoning practices suggest these types of establishments are most suited to the business and light industrial zoning districts of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, that:

Title 17 Zoning of the Valdez Municipal Code is amended to read as follows:

Section 1: Chapter 17.04 of the Valdez Municipal Code is hereby amended to read as follows:

**Chapter 17.04**

**DEFINITIONS**

Sections:

- 17.04.010 Rules of construction.
- 17.04.020 Definitions—Generally.
- 17.04.030 Abut.
- 17.04.040 Access.
- 17.04.050 Accessory use or accessory structure.
- 17.04.060 Administrative officer.
- 17.04.070 Affected persons.

17.04.090 Alteration.  
17.04.100 Apartment.  
17.04.110 Apartment house.  
17.04.120 Aquaculture operation.  
17.04.140 Automobile sales.  
17.04.150 Automobile service station.  
17.04.160 Automobile wrecking yard.  
17.04.170 Bed and breakfast home.  
17.04.180 Boardinghouse.  
17.04.190 Boat repair facility.  
17.04.192 Brewery.  
17.04.193 Brewpub.  
17.04.200 Building.  
17.04.210 Building, accessory.  
17.04.220 Building, agricultural.  
17.04.230 Building area.  
17.04.240 Building code.  
17.04.250 Building, existing.  
17.04.260 Building height.  
17.04.270 Building line, front.  
17.04.280 Building, principal or main.  
17.04.290 Bunkhouse.  
17.04.300 Child care center.  
17.04.310 Child care home.  
17.04.320 Church.  
17.04.330 Church services.  
17.04.340 Clinic.  
17.04.350 Club.  
17.04.360 Cluster housing development.  
17.04.370 Collector street.  
17.04.380 Commercial.  
17.04.390 Commercial cold storage.  
17.04.400 Community building.  
17.04.405 Commercial antenna.  
17.04.410 Comprehensive plan.  
17.04.420 Conditional use.  
17.04.430 Condominium.  
17.04.435 Co-generation facility.  
17.04.440 Contiguous.  
17.04.445 Corral.  
17.04.446 Correctional facility.  
17.04.450 Country club.  
17.04.460 Coverage.  
17.04.470 Day care.

17.04.475 Density.  
17.04.477 Distillery.  
17.04.480 Dormitory.  
17.04.490 Drinking establishment.  
17.04.500 Dwelling.  
17.04.510 Dwelling, multiple-family.  
17.04.520 Dwelling, single-family.  
17.04.530 Dwelling, two-family.  
17.04.540 Dwelling unit.  
17.04.550 Easement.  
17.04.560 Eating establishment.  
17.04.570 Exception.  
17.04.575 Excessive.  
17.04.580 Factory-built or prefabricated building.  
17.04.590 Family.  
17.04.600 Fence.  
17.04.610 Fence height.  
17.04.620 Floor area.  
17.04.630 Frozen food lockers.  
17.04.640 Garage.  
17.04.650 Garage, body and fender repair.  
17.04.660 Garage, mechanical repair.  
17.04.670 Garage, private.  
17.04.680 Grade or ground level.  
17.04.690 Group care facility.  
17.04.700 Guest room.  
17.04.710 Home occupation.  
17.04.720 Hospital.  
17.04.730 Hospital, animal.  
17.04.735 Hostel.  
17.04.740 Hotel.  
17.04.750 Industrial.  
17.04.755 Industrial, heavy.  
17.04.756 Industrial, light.  
17.04.760 Inn.  
17.04.770 Institutions of higher learning.  
17.04.780 Insure.  
17.04.790 Junkyard.  
17.04.800 Kennel.  
17.04.810 Laboratory.  
17.04.811 Light manufacturing or processing.  
17.04.815 Livestock.  
17.04.820 Loading berth.  
17.04.825 Lodge.

17.04.830	Lot.
17.04.840	Lot, corner.
17.04.850	Lot, depth of.
17.04.860	Lot, interior.
17.04.870	Lot line, front.
17.04.880	Lot line, rear.
17.04.890	Lot line, side.
17.04.900	Lot lines.
17.04.910	Lot width.
17.04.920	Lot, zero line.
17.04.921	Major street.
17.04.925	Master plan.
17.04.926	Marijuana concentrate manufacturing facility
17.04.927	Marijuana cultivation facility
17.04.928	Marijuana cultivation facility, limited
17.04.929	Marijuana product manufacturing facility
17.04.930	Marijuana store, retail
17.04.931	Marijuana testing facility
17.04.932	Marine equipment and repair facilities.
17.04.933	Minor street.
17.04.940	Mobile home.
17.04.950	Mobile home court.
17.04.960	Mobile home subdivision.
17.04.970	Motel.
17.04.980	Natural resource extraction.
17.04.990	New construction.
17.04.1000	Nonconformity.
17.04.1010	Open space.
17.04.1020	Open space, common.
17.04.1030	Owner or manager apartment.
17.04.1040	Park.
17.04.1050	Parking, public.
17.04.1060	Parking space, off-street.
17.04.1070	Parsonage.
17.04.1075	Passive.
17.04.1080	Permitted use.
17.04.1090	Personal services.
17.04.1100	Pharmacy.
17.04.1110	Planned unit development.
17.04.1120	Playing field.
17.04.1130	Port and harbor facilities.
17.04.1140	Principal use.
17.04.1150	Private club or lodge.
17.04.1160	Profession.



17.04.1170 Professional office.  
17.04.1180 Property line.  
17.04.1190 Quasi-institutional homes.  
17.04.1195 Quasi-public.  
17.04.1200 Recreation camps or resorts.  
17.04.1201 Recreation or youth center.  
17.04.1205 Recreational park trailer.  
17.04.1210 Recreational vehicle.  
17.04.1220 Recreational vehicle park or campground.  
17.04.1225 Recreational vehicle park or campground site.  
17.04.1230 Related.  
17.04.1231 Religious services.  
17.04.1235 Rental cabins.  
17.04.1240 Residential.  
17.04.1245 Retail store.  
17.04.1250 Retirement center.  
17.04.1260 Riding stable.  
17.04.1270 Right-of-way.  
17.04.1280 School.  
17.04.1290 School, private.  
17.04.1300 Setback.  
17.04.1305 Shooting range.  
17.04.1310 Sign.  
17.04.1320 Sign, real estate.  
17.04.1330 Stable.  
17.04.1340 State highway.  
17.04.1350 Story.  
17.04.1360 Street.  
17.04.1370 Street line.  
17.04.1380 Structure.  
17.04.1390 Subdivision.  
17.04.1400 Tank farms.  
17.04.1410 Tent.  
17.04.1420 Townhouse.  
17.04.1425 Trail.  
17.04.1430 Trailer.  
17.04.1460 Tree nurseries.  
17.04.1470 Truck gardening.  
17.04.1480 Use.  
17.04.1490 Use, accessory.  
17.04.1500 Use, principal.  
17.04.1510 Utility installation.  
17.04.1520 Variance.  
17.04.1530 Variety store.

- 17.04.1540 Vehicle and trailer sales.
- 17.04.1550 Vocational school.
- 17.04.1560 Warehouse.
- 17.04.1570 Watchman or caretaker dwelling.
- 17.04.1575 Watershed.
- 17.04.1577 Winery.
- 17.04.1580 Yard, front.
- 17.04.1590 Yard, rear.
- 17.04.1600 Yard, side.
- 17.04.1610 Zero lot line.

#### **17.04.010 Rules of construction.**

For the purpose of this title, certain terms or words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense.
- B. The singular number includes the plural.
- C. The word “person” includes a partnership and corporation as well as the individual.
- D. The word “lot” also includes the words “plot,” “parcel” or “tract.”
- E. The term “shall” is always mandatory.
- F. The words “used” or “occupied,” as applied to any land or building, include the words “intended,” “arranged” or “designed” to be used or occupied. (Ord. 03-15 § 1 (part): prior code § 30-8(a))

#### **17.04.020 Definitions—Generally.**

For the purposes of this title, the following words and phrases shall have the meanings respectively ascribed to them by this section. When a word or term is not specifically stated, the city manager or designee shall have the authority to interpret the meaning or description most comparable, subject to appeal to the planning and zoning commission, then city council. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

#### **17.04.030 Abut.**

“Abut” means to physically touch or border upon; or to share a common property line. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

#### **17.04.040 Access.**

“Access” means a way or means of approach to provide physical entrance to a lot. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

#### **17.04.050 Accessory use or accessory structure.**

“Accessory use or accessory structure” means a use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.060 Administrative officer.**

“Administrative officer” means a municipal officer appointed by the city manager to administer and enforce this chapter. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.070 Affected persons.**

“Affected persons” means and includes those owners of record of real property located within a distance of three hundred feet, including public street and other rights-of-way. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.090 Alteration.**

“Alteration” means any change, addition or modification in the construction, location, occupancy or use classification. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.100 Apartment.**

“Apartment” means any portion of a building which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of a family unit living and doing their own cooking independently of any other. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.110 Apartment house.**

Apartment house. See “Dwelling, multiple-family.” (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.120 Aquaculture operation.**

“Aquaculture operation” means any establishment or facilities where aquatic plants and animals are regulated and cultivated. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.140 Automobile sales.**

See “Vehicle and trailer sales.” (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.150 Automobile service station.**

“Automobile service station” means a retail place of business engaged primarily in the sale of motor fuels, lubricants and other petroleum products, but also in supplying accessories and services generally required in the normal operation and maintenance of motor vehicles. The servicing of motor vehicles shall be generally limited to lubrication, nonmechanical washing, installation or replacement of accessory items and the performance of minor maintenance and repair. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.160 Automobile wrecking yard.**

“Automobile wrecking yard” means any lot or portion of a lot used for the purpose of dismantling used motor vehicles or trailers or the storage or sale of parts from dismantled or partially dismantled, obsolete or wrecked vehicles. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.170 Bed and breakfast home.**

“Bed and breakfast home” means a home occupation where lodging, and no more than one meal per day, is provided by the homeowner for compensation to transient guests on a day-to-day basis. (Ord. 03-15 § 1 (part): Ord. 98-03 § 1: prior code § 30-8(b) (part))

**17.04.180 Boardinghouse.**

“Boardinghouse” means a building, residential in character, other than a hotel or motel, with not more than five guest rooms where lodging, with or without meals, is provided for compensation for three or more persons, but not exceeding fifteen persons, on other than a day-to-day basis, and which is not open to transient guests. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.190 Boat repair facility.**

“Boat repair facility” means a facility (which could include a boat repair garage, boat storage yard) where boats are repaired and stored until repairs are completed. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.192 Brewery.**

“Brewery” has the meaning given in AS 04.11.130. A brewery must have a valid brewery license under AS 04.11.130 and comply with all requirement set forth therein.

**17.04.193 Brewpub.**

“Brewpub” has the meaning given in AS 04.11.135. A brewpub must have a valid brewpub license under AS 04.11.135 and comply with all requirements set forth therein.

**17.04.200 Building.**

“Building” means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.210 Building, accessory.**

“Accessory building” means a detached building, the use of which is appropriate, subordinate and customarily incidental to that of the main building or to the use of land and which is located on the same lot as the main building or use. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.220 Building, agricultural.**

“Agricultural building” means a building used to shelter agricultural equipment, implements, hay, grain, poultry, livestock or other produce, in which no human habitation is present and which is not used by the public. The term “agricultural” shall include the terms “farming,” “fishing,” “gardening,” “horticultural” and “ranching.” (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.230 Building area.**

“Building area” means the total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of external steps. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.240 Building code.**

“Building code” means the Uniform Building Code and Chapters 8.12, 15.04, 15.08, 15.12 and 15.16 and Title 13 of this code, including local amendments, applicable to the city. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.250 Building, existing.**

“Existing building” means a building erected prior to the adoption of this code for which a legal building permit has been issued. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.260 Building height.**

“Building height” means the vertical distance from the average elevation of the finished grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hip roof. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.270 Building line, front.**

“Front building line” means the foundation line of any structure to be erected on the property. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.280 Building, principal or main.**

“Principal or main building” means a building in which is conducted the principal or main use of the lot on which the building is situated. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.290 Bunkhouse.**

“Bunkhouse” means a building used as living quarters for people such as cannery workers or construction laborers where shower and sanitary facilities are shared by several rooms. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.300 Child care center.**

“Child care center” means a facility, including an occupied residence, in which day care is regularly provided for six or more unrelated children. A child care center does not include any public or private school registered with the State of Alaska Department of Education as providing legally authorized educational and related functions, but it does include a pre-elementary school for children aged three through five years, whether certified or not by the Department of Education. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.310 Child care home.**

“Child care home” means a facility, including an occupied residence, in which day care is regularly provided for not more than six unrelated children. A child care home does not include any public or private school registered with the State of Alaska Department of Education as providing legally authorized educational and related functions, but it does include pre-elementary school for children age three through five years, whether certified or not by the Department of Education. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.320 Church.**

“Church” means a building or structure generally open to the public and used as a place of gathering for the purpose of religious worship or related activities. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.330 Church services.**

“Church services” means a gathering of people for the purpose of religious worship. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.340 Clinic.**

“Clinic” means an establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.350 Club.**

“Club” means a group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.360 Cluster housing development.**

“Cluster housing development” means two or more independent single-family dwellings developed as a cluster or group requiring a conditional use permit, the plan of which may not conform to the minimum yard and lot requirements of the district in which the development is located. Cluster developments may not exceed the density allowed within the district in which they are located and are specifically intended to provide a method to allow development of unusual terrain where standard development would be prohibitive. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.370 Collector street.**

“Collector street” means a street designed and intended to carry traffic from residential street systems to arterial street systems or state highways. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.380 Commercial.**

“Commercial” means activity involving sales or the rental of any article, substance or commodity and the provision of all commercial services including financial institutions and personal services. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.390 Commercial cold storage.**

“Commercial cold storage” means storage of perishable goods, such as food or furs, in a refrigerated or very cold place for commercial enterprise. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.400 Community building.**

“Community building” means a building or structure owned and operated by an agency or political subdivision of the United States, state of Alaska, or city of Valdez providing service to the public. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.405 Commercial antenna.**

“Commercial antenna” means an antenna that is used for commercial purposes. (Ord. 03-15 § 1 (part))

**17.04.410 Comprehensive plan.**

“Comprehensive plan” means an officially adopted document including text, charts, graphics or maps, or any combination, designed to portray general long-range proposals for the arrangement of land uses and development of an economic base and human resources and which is intended to guide government policy towards achieving orderly and coordinated development of the entire community. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.420 Conditional use.**

“Conditional use” means a provision which allows for flexibility within this chapter by permitting certain specified uses in zoning districts where such uses are generally considered appropriate, but only after additional conditions and safeguards are applied to ensure their compatibility with permitted principal uses. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.430 Condominium.**

“Condominium” means a dwelling composed of two or more dwelling units where each separate unit is individually owned with common areas of the structure, if any, and common land area being owned, according to fixed percentages, by the owners of the separate dwelling units in a cooperative manner. This requires compliance with the Alaska Horizontal Property Regimes Act and the formulation of a legal homeowner’s association to guide the financial and maintenance arrangements for the units in total. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.435 Co-generation facility.**

“Co-generation facility” means a non-utility, privately owned installation that produces useful energy, but not limited to electricity, water, thermal, and gas; or produces a service as waste disposal to create or convert to a usable energy; that is intended for sale to the public by use of a distribution system or connection to an existing system, such as a utility, which is owned by an agency which is under public franchise or ownership, or under certificate of convenience and necessity which provides the public with electricity, gas, heat, steam, communication, water, sewerage collection or other similar services. Co-generation facilities will be required to comply with Title 15 of the Valdez Municipal Code. (Ord. 03-15 § 1 (part): Ord. 97-17 § 1)

**17.04.440 Contiguous.**

“Contiguous” means next to, abutting, or touching and having a boundary, or portion thereof, which is common, coterminous or coextensive. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.445 Corral.**

“Corral” means the primary enclosure for confining livestock. (Ord. 03-15 § 1 (part): Ord. 96-19 § 1)

**17.04.446 Correctional facility.**

“Correctional facility” means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including state prisons, borough, municipal, and contract jails, and other facilities operated by the department of corrections or local governmental units primarily for the purposes of punishment, correction, or rehabilitation following conviction of a criminal offense.

**17.04.450 Country club.**

“Country club” means a land area and buildings containing recreational activities, clubhouse and associated accessory uses, usually open only to members and their guests for a membership fee. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.460 Coverage.**

“Coverage” means the percentage of the total area allowed to be covered by buildings or structures of any type or size. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.470 Day care.**

“Day care” means the care, supervision and guidance, on a regular basis, of a child or children under the age of fourteen years unaccompanied by a parent or legal guardian, for periods of less than twenty-four hours a day. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.475 Density.**

“Density” means the number of inhabitants, or dwellings, per unit of geographical region; may refer to population or housing density. (Ord. 03-15 § 1 (part))

**17.04.477 Distillery.**

“Distillery” has the meaning given in AS 04.11.170. A distillery must have a valid distillery license under AS 04.11.170 and comply with all requirements set forth therein.

**17.04.480 Dormitory.**

“Dormitory” means a residential building, other than a hotel or motel, with six or more guest rooms, where lodging with or without meals is provided for compensation on other than a day-to-day basis for students, employees or the like and which is not open to transient guests. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.490 Drinking establishment.**

“Drinking establishment” means a building or place of business involving the retail sale or dispensing of alcoholic beverages by the drink. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))



**17.04.500 Dwelling.**

“Dwelling” means a building designed or used exclusively as living quarters for one or more families. (Ord. 03-15 § 1 (part); prior code § 30-8(b) (part))

**17.04.510 Dwelling, multiple-family.**

“Multiple-family dwelling” means a residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided. (Ord. 03-15 § 1 (part); prior code § 30-8(b) (part))

**17.04.520 Dwelling, single-family.**

“Single-family dwelling” means a detached building constructed on a permanent foundation, designed for long-term human habitation exclusively and constituting one dwelling unit. (Ord. 03-15 § 1 (part); prior code § 30-8(b) (part))

**17.04.530 Dwelling, two-family.**

“Two-family dwelling” means a detached building designed for or to be occupied exclusively by two families and constituting two dwelling units, set side by side or one on top of the other with a common wall and/or a floor/ceiling assembly between, whichever is appropriate and having a common roof. (Ord. 03-15 § 1 (part); Ord. 95-01 § 1; prior code § 30-8(b) (part))

**17.04.540 Dwelling unit.**

“Dwelling unit” means a structure or portion thereof containing a kitchen, living, toilet and sleeping accommodations and designed to be occupied by one family. (Ord. 03-15 § 1 (part); prior code § 30-8(b) (part))

**17.04.550 Easement.**

“Easement” means an interest in land owned by another that entitles the easement holder to a specified limited use or enjoyment. (Ord. 03-15 § 1 (part); prior code § 30-8(b) (part))

**17.04.560 Eating establishment.**

“Eating establishment” means a place, building or structure where the preparation or serving of food for sale or consumption is conducted. (Ord. 03-15 § 1 (part); prior code § 30-8(b) (part))

**17.04.570 Exception.**

“Exception” means a new structure constructed in violation of this title by innocent error. (Ord. 03-15 § 1 (part); prior code § 30-8(b) (part))

**17.04.575 Excessive.**

“Excessive” means beyond normal or reasonable limits. (Ord. 03-15 § 1 (part))

**17.04.580 Factory-built or prefabricated building.**

“Factory-built or prefabricated building” means a detached building designed for long-term habitation and use and having complete facilities, constructed and fabricated into one or more

sections at a factory and designed to be joined at location of use on a permanent foundation and meeting all applicable building codes and housing codes. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.590 Family.**

“Family” means any number of individuals related by blood or marriage or an unrelated group of not more than five persons living together as a single housekeeping unit. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.600 Fence.**

“Fence” means a barrier which is constructed of wood, metal, plastics, masonry materials or a combination thereof. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.610 Fence height.**

“Fence height” means the vertical distance between the ground, either natural or filled, directly under the fence and the highest point of the fence, excluding ornamental projections at no closer than five-foot intervals. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.620 Floor area.**

“Floor area” means the total horizontal area of each floor of a building within the surrounding outer walls but excluding vent shafts and courts. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.630 Frozen food lockers.**

“Frozen food lockers” means refrigerated lockers provided for the storage of frozen food, either private or rented, for a fee. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.640 Garage.**

“Garage” means a building or portion thereof in which motor vehicles containing gasoline, distillates or other volatile, flammable liquids are stored. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.650 Garage, body and fender repair.**

“Body and fender repair garage” means a garage used for major automobile repairs, especially body and fender work involving repair of damaged vehicles. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.660 Garage, mechanical repair.**

“Mechanical repair garage” means any garage available to the public operated for gain, and which is used for storage, major mechanical repair including but not limited to engine, transmission or differential repair or replacement, greasing, washing, servicing or adjusting or equipping of automobiles or other vehicles. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.670 Garage, private.**

“Private garage” means an accessory building or any portion of a main building used in connection with residential purposes for the storage of passenger motor vehicles. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.680 Grade or ground level.**

“Grade or ground level” means the average level of the finished ground at the center of all exterior walls of a building; in case walls are parallel to and within five feet of a public sidewalk, the ground shall be measured at the sidewalk. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.690 Group care facility.**

“Group care facility” means any private or public institution maintained and operated for the care, boarding, housing or training of five or less physically, mentally or socially handicapped or delinquent dependent persons by an unrelated person. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.700 Guest room.**

“Guest room” means any room in a dormitory, boarding or lodginghouse used for and maintained to provide sleeping accommodations for not more than two persons. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.710 Home occupation.**

“Home occupation” means an accessory use of service character customarily conducted within a dwelling unit which is clearly incidental and secondary to the use of the dwelling for living purposes and does not change the character thereof. (Ord. 03-15 § 1 (part): Ord. 98-03 § 2: prior code § 30-8(b) (part))

**17.04.720 Hospital.**

“Hospital” means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.730 Hospital, animal.**

“Animal hospital” means a facility, which may include animal runs, in which veterinary services are rendered to animals and domestic pets, and which may include clipping, bathing, boarding, and other services. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.735 Hostel.**

“Hostel” means any building or group of buildings in which there are five or less guest rooms, used for the purpose of offering public lodging on a day-to-day basis, not including bed and breakfast homes. (Ord. 03-15 § 1 (part))

**17.04.740 Hotel.**

“Hotel” means any building or group of buildings in which there are six or more guest rooms, used, designed or intended for use for the purpose of offering public lodging on a day-to-day basis. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.750 Industrial.**

“Industrial” means activity including resource extraction, manufacturing, warehousing, storage, distribution, shipping and other related uses. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.755 Industrial, heavy.**

“Heavy industrial” means activity including heavy manufacturing, shipping terminals, natural resource extraction, and other processes or operations which involve one or more of the following: large numbers of workers, heavy truck traffic, significant environmental effects or large-volume public water and sewer service. (Ord. 03-15 § 1 (part))

**17.04.756 Industrial, light.**

“Light industrial” means light industrial manufacturing, processing, warehousing, storage, wholesale and distribution operations, and similar processes and operations. (Ord. 03-15 § 1 (part))

**17.04.760 Inn.**

“Inn” means any building or group of buildings in which there are five or less guest rooms, used for the purpose of offering public lodging on a day-to-day basis, not including a bed and breakfast home. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.770 Institutions of higher learning.**

“Institutions of higher learning” means an organization whose purpose is post-secondary education. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.780 Insure.**

“Insure” means guarantee; make sure or certain something will happen. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.790 Junkyard.**

“Junkyard” means any lot or portion of a lot used for the storage, salvage, keeping or abandonment of junk or waste material including worn out, wrecked, scrapped, partially or fully dismantled discarded tangible materials, combination of materials, or items, such as machinery, metal, rags, rubber, paper, plastics, chemicals and building materials which cannot, without further reconditioning, be used for their original purpose. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.800 Kennel.**

“Kennel” means any enclosure, building, shelter, area or establishment used for the purpose of breeding, buying, selling, keeping or boarding three or more dogs over the age of four months either for profit, pleasure or as pets. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.810 Laboratory.**

“Laboratory” means a room or building used for scientific experimentation, research or preparing chemicals or drugs. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.811 Light manufacturing or processing.**

“Light manufacturing or processing” means small-scale industrial operations in the production of some commodity. (Ord. 03-15 § 1 (part))

**17.04.815 Livestock.**

“Livestock” means generally accepted outdoor farm animals (i.e., cows, goats, horses, pigs, barnyard fowl, etc.) not to include cats, dogs and other house pets.

A. Large Livestock. “Large livestock” means livestock two hundred fifty pounds and over, and older than twelve months.

B. Small Livestock. “Small livestock” means livestock under two hundred fifty pounds and older than six months.

C. Livestock under six months of age is considered to be in the weaning process and is not included in the total number of countable livestock on a piece of property. (Ord. 03-15 § 1 (part): Ord. 96-19 § 2)

**17.04.820 Loading berth.**

“Loading berth” means an off-street space used for the temporary parking of commercial vehicles while unloading merchandise, materials or supplies at a building or structure and located upon the same lot as the building. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.825 Lodge.**

“Lodge” means the same as “inn” as defined in Section 17.04.760 of this code. (Ord. 03-15 § 1 (part): Ord. 97-12 § 1 (part))

**17.04.830 Lot.**

“Lot” means a parcel of land shown as an individual unit on the most recent plat of record and intended to be used for one principal building and use. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.840 Lot, corner.**

“Corner lot” means a lot situated at the junction of, and bordering on, two intersecting streets. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.850 Lot, depth of.**

“Depth of lot” means a mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot line. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.860 Lot, interior.**

“Interior lot” means a lot located within a group of lots other than on intersecting streets. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.870 Lot line, front.**

“Front lot line” means the lot line adjacent to a public street. In the case of a corner lot, the front line shall be the shorter of the street lot lines. In the case of a triangular lot located on a curved street, the front lot line shall be the chord line of the curve measured from the points where property intersects the street. In no case should this line be less than ten feet. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.880 Lot line, rear.**

“Rear lot line” means the lot line opposite and most distant from the front lot line, and in the case of a triangular, irregular or other odd-shaped lot, the line not less than ten feet in length, within the lot, parallel to and at the maximum distance from the front lot line. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.890 Lot line, side.**

“Side lot line” means any lot line not a front lot line or a rear lot line. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.900 Lot lines.**

“Lot lines” means the property lines bounding a single parcel of property. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.910 Lot width.**

“Lot width” means the mean horizontal distance separating side lot lines of an individual lot. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.920 Lot, zero line.**

“Zero line lot” means a technique whereby two adjacent buildings from adjacent lots can be constructed with a common wall providing a proper fire wall rating is utilized. All other aspects are the same as in conventional development. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.921 Major street.**

“Major street” means a roadway which serves as the principal artery of through traffic movement. They are generally high-speed highways with limited access. (Ord. 05-12 § 3)

**17.04.925 Master plan.**

“Master plan” means a plan for a subdivision or similar improvement that includes development aspects, including, but not limited to, zoning, lot size, utilities, recreational/public facilities, biological issues, snow removal, geological hazards, drainage, access, streets, public areas, rights-of-way, easements, and future expansion options. A master plan is designed to be a living document that changes based on survey results, community needs, environmental and geological changes or impacts. (Ord. 03-15 § 1 (part))

**17.04.926 Marijuana concentrate manufacturing facility.**

“Marijuana concentrate manufacturing facility” has the meaning given in AS 17.38.900 (10) and is subject to the privileges set out in 3 AAC 306.515 and the prohibitions set out in 3 AAC 306.510. Marijuana concentrate manufacturing facilities are a limited version of marijuana product manufacturing facilities and are permitted wherever marijuana product manufacturing facilities are permitted.

**17.04.927 Marijuana cultivation facility.**

“Marijuana cultivation facility” has the meaning given in AS 17.38.900(8) and is subject to the privileges and prohibitions set out in 3 AAC 306.405.

**17.04.928 Marijuana cultivation facility, limited.**

“Marijuana cultivation facility, limited” has the meaning given in AS 17.38.900(8) and is subject to the privileges and prohibitions set out in 3 AAC 306.410. Limited marijuana cultivation facilities are a limited version of marijuana cultivation facilities and are permitted wherever marijuana cultivation facilities are permitted. “Marijuana cultivation facility, limited” and “limited marijuana cultivation facility” have the same meaning as used herein.

**17.04.929 Marijuana product manufacturing facility.**

“Marijuana product manufacturing facility” has the meaning given in AS 17.38.900(10) and is subject to the privileges set out in 3 AAC 306.305 and prohibitions set out in 3 AAC 306.310.

**17.04.930 Marijuana retail store.**

“Marijuana retail store” has the meaning given in AS 17.38.900(13) and is subject to the privileges set out in 3 AAC 306.305 and prohibitions set out in 3 AAC 306.310. “Marijuana retail store” and “retail marijuana store” have the same meaning as used herein.

**17.04.931 Marijuana testing facility.**

“Marijuana testing facility” has the same meaning given in AS 17.38.900(12) and is subject to the privileges and prohibitions set out in 3 AAC 306.610.

**17.04.932 Marine equipment and repair facilities.**

“Marine equipment and repair facilities” means an establishment where marine equipment is sold and repaired. (Ord. 03-15 § 1 (part); prior code § 30-8(b) (part))

**17.04.933 Minor street.**

“Minor street” means that which is used primarily for access to the abutting properties. (Ord. 05-12 § 4)

**17.04.940 Mobile home.**

“Mobile home” means a detached single-family dwelling designed for long-term human habitation and having complete living facilities; constructed and fabricated into a complete unit in a factory and capable of being transported to a location of use on its own chassis and wheels; identified by a model number and serial number by its manufacturer, meeting the mobile home manufacturer’s association codes and designed primarily for placement on an impermanent foundation. Travel trailers as defined in this title are not to be construed as mobile homes. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.950 Mobile home court.**

“Mobile home court” means any area, lot or portion of a lot where space for two or more mobile homes is leased, rented or held out for rent for occupancy, having separate attachments for normal public utilities; this does not include automobile or trailer sales lots on which unoccupied mobile homes are parked for inspection and sale. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.960 Mobile home subdivision.**

“Mobile home subdivision” means two or more mobile homes on separate lots developed under the subdivision regulations and the conditional use procedures of this title, where mobile homes are permanently installed for residential use on individually owned parcels of property. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.970 Motel.**

“Motel” means an establishment providing transient accommodations commonly containing six or more rooms with complete sanitary facilities intended primarily for those traveling by car, usually with direct access from each room to an area for cars. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.980 Natural resource extraction.**

“Natural resource extraction” means commercial or industrial operations involving removal of timber, native vegetation, peat, muck, topsoil, fill, sand, gravel, rock or any operations having similar characteristics. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.990 New construction.**

“New construction” means any structure for which the start of construction commenced on or after the effective date of the ordinance codified in this title. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))



**17.04.1000 Nonconformity.**

“Nonconformity” means any lot, structure, use of land, use of a structure or characteristics of such use which does not conform to the terms of this title or future amendments, but which was lawful or in active use before or on January 17, 1983. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1010 Open space.**

“Open space” means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1020 Open space, common.**

“Common open space” means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1030 Owner or manager apartment.**

“Owner or manager apartment” means a defined area within a building that is designed to be used exclusively as the living quarters for the owner or manager of that building. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1040 Park.**

“Park” means a tract of land, designated and used by the public for active and passive recreation. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1050 Parking, public.**

“Public parking” means a structure or open area other than a street, alley or other right-of-way used for the temporary parking of automobiles and available for public use whether free, for compensation, or as an accommodation for clients or customers. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1060 Parking space, off-street.**

“Off-street parking space” means a space located off any street, alley or other right-of-way which is adequate for parking an automobile with room for opening the doors and adequate maneuvering room on a parking lot with access to a public street or alley. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1070 Parsonage.**

“Parsonage” means the permanent place of residence of the pastor or minister of a church. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1075 Passive.**

“Passive” means existing, conducting or experiencing without active or concerted effort; receiving an action without responding or initiating a return action. (Ord. 03-15 § 1 (part))

**17.04.1080 Permitted use.**

“Permitted use” means any use allowed in a zoning district and subject to the restrictions applicable to that zoning district. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1090 Personal services.**

“Personal services” means establishments primarily engaged in providing individual services generally related to personal needs such as a tailor shop. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1100 Pharmacy.**

“Pharmacy” means a place where drugs and medicines are prepared and dispensed. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1110 Planned unit development.**

“Planned unit development” means a group or combination of dwellings and associated uses developed as a functional unit under conditional use procedures, the plan of which may not conform to the regulations established in any one or more zoning districts with respect to lot size, mixture of uses, density, lot coverage or required open space. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1120 Playing field.**

“Playing fields” means grounds and facilities for open-air games. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1130 Port and harbor facilities.**

“Port and harbor facilities” means those facilities generally associated with a port or harbor such as docks, piers, floats, and the harbormaster structure. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1140 Principal use.**

“Principal use” means the primary or predominant use of any lot or tract. The first use to which property is or may be devoted, and to which all other uses on the premises are derived as accessory or secondary uses. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1150 Private club or lodge.**

“Private club or lodge” means a building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational or cultural enrichment of its members and not primarily for profit, and whose members meet certain prescribed qualifications for membership and pay dues. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1160 Profession.**

“Profession” means an occupation or calling requiring the practice of a learned art through specialized knowledge, training, experience or a degree issued by an institute of higher learning, e.g., doctor of medicine, lawyer, engineer or real estate broker. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1170 Professional office.**

“Professional office” means the office of a member of a recognized profession maintained for the conduct of that profession. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1180 Property line.**

“Property line” means a demarcation limit of a lot dividing it from other lots or parcels of land. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1190 Quasi-institutional homes.**

“Quasi-institutional homes” means a residential facility located in a residence or living unit, the principal use being to serve as a place for no more than six persons seeking rehabilitation, counseling, self-help and family environment. This includes recovery from a physical, emotional or legal infirmity. Such homes are commonly called half-way houses, children’s homes or self-help facilities. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1195 Quasi-public.**

“Quasi-public” means in a manner or degree of being public, having some, but not all of the particular attributes of being public. (Ord. 03-15 § 1 (part))

**17.04.1200 Recreation camps or resorts.**

“Recreation camps or resorts” means a camp designed and equipped for the conduct of sports, leisure time activities or other customary and usual recreational activities. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1201 Recreation or youth center.**

“Recreation or youth center” means a building, structure, athletic playing field, or playground run or created by a local government or the state to provide athletic, recreational, or leisure activities for persons under 21 years of age; or operated by a public or private organization licensed to provide shelter, training, or guidance for persons under 21 years of age.

**17.04.1205 Recreational park trailer.**

“Recreational park trailer” means a unit designed for use as temporary or seasonal nonpermanent overnight accommodations that is built on a single chassis, mounted on wheels, and is permanently towable by a light duty vehicle. It may not exceed four hundred square feet in the set-up mode when measured at the largest horizontal projections. The unit must be certified by a manufacturer complying with ANSI standard A 119.5 and must be registered in the state in which it is domiciled. (Ord. 03-15 § 1 (part))

**17.04.1210 Recreational vehicle.**

“Recreational vehicle” means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel, or other temporary occupancy use, which either has its own motive power, or is mounted on or drawn by another vehicle. By way of illustration and not limitation the basic entities are: travel trailer, camping trailer, truck camper, house trailer, motor home, and other similar vehicles. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1220 Recreational vehicle park or campground.**

“Recreational vehicle park or campground” means a parcel of land where two or more recreational vehicles or tents are parked, camped, leased or rented for temporary occupancy for recreation or vacation purposes. A recreational vehicle park or campground may be improved or unimproved providing remote, rural or nonrural settings that may or may not include improvements and amenities such as restrooms, water, showers, electricity, a dump station, cable television, Internet service or similar services.

**17.04.1225 Recreational vehicle park or campground site.**

“Recreational vehicle park or campground site” means a plot of ground within a recreational vehicle park or campground intended for the accommodation of a recreational vehicle, a tent, or other individual camping unit on a temporary basis.

**17.04.1230 Related.**

“Related” means any of the following relationships by marriage, blood, or legal adoption: parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt; it also means the relationship of a legal guardian or ward.

**17.04.1231 Religious services.**

See “Church services.”

**17.04.1235 Rental cabins.**

“Rental cabins” means a single-family dwelling that does not exceed seven hundred square feet in total area and contains no more than one sleeping room or area, and is available for rent on a limited or long-term basis. (Ord. 03-15 § 1 (part): Ord. 97-12 § 1 (part))

**17.04.1240 Residential.**

“Residential” means activity involving the occupation of a building for living, cooking, sleeping and recreation. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1245 Retail store.**

“Retail store” means a business engaged in the sale of commodities in small quantities to the consumer. (Ord. 03-15 § 1 (part))

**17.04.1250 Retirement center.**

“Retirement center” means a development designed to meet the needs of, and exclusively for, the residences of retired individuals. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1260 Riding stable.**

“Riding stable” means an establishment where horses are boarded and cared for and where the general public may, for a fee, hire horses for riding. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1270 Right-of-way.**

“Right-of-way” means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1280 School.**

“School” means any building or part thereof which is designed, constructed or used for educational purposes or instruction in any branch of knowledge. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1290 School, private.**

“Private school” means any building or group of buildings the use of which meets state requirements for primary, secondary or higher education and which use does not secure the major part of its funding from any governmental agency. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1300 Setback.**

“Setback” means that line that is the required minimum distance from the street right-of-way or any other lot line that establishes the area within which the principal structure must be erected or placed. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1305 Shooting range.**

“Shooting range” means a facility or area used for controlled, live discharge at a target, by firearm instruments, including, but not limited to, archery items, rifles, pistols, air guns and shotguns. (Ord. 03-15 § 1 (part))

**17.04.1310 Sign.**

“Sign” means any device, flat, light, figure, picture, letter, message, symbol, plaque or poster visible outside the lot on which it is located and which is designed to inform or attract the attention of the public, excluding murals or architectural designs which do not advertise a business, product or service. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1320 Sign, real estate.**

“Real estate sign” means a sign pertaining to the sale or lease of the premises, or a portion of the premises, on which the sign is located. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1330 Stable.**

“Stable” means a structure or establishment that is used for the shelter or care of horses and cattle. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1340 State highway.**

“State highway” means a right-of-way classified by the state as a primary, secondary A or secondary B highway. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1350 Story.**

“Story” means that portion of a building between any floor and the next floor above; except, that the topmost story shall be that portion of a building between the topmost floor and the ceiling or roof above it. If the finished floor level directly above a basement, cellar or unused floor space is more than six feet above grade for more than fifty percent of the total perimeter or is more than twelve feet above grade at any point, such basement, cellar or unused floor space shall be considered a story. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1360 Street.**

“Street” means a permanently designed way, open to general public use, which affords the principal means of access to abutting property, such as an avenue, place, drive, boulevard, highway and any other similar public thoroughfare. (Ord. 05-12 § 5: Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1370 Street line.**

“Street line” means the property line bordering the street right-of-way. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1380 Structure.**

“Structure” means anything which is constructed or erected and which is located on or under the ground, or attached to something fixed to the ground. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1390 Subdivision.**

“Subdivision” means the division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1400 Tank farms.**

“Tank farms” means any and all lots that contain one or more tanks or enclosed storage facilities with an aggregate total capacity capable of holding ten thousand gallons of a liquid or

more, and designed for the purpose of containing liquids other than water. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1410 Tent.**

“Tent” means a portable, collapsible, enclosed shelter made of canvas or nylon, or comparable material, which has been specifically designed and manufactured for temporary use for camping. (Ord. 03-15 § 1 (part): Ord. 96-07 § 2: prior code § 30-8(b) (part))

**17.04.1420 Townhouse.**

“Townhouse” means a building containing single-family dwelling units erected in a row, on adjoining lots, each being separated from the adjoining units by an approved party wall or fire wall extending from the basement or cellar floor through the roof along the linking lot line. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1425 Trail.**

“Trail” means a marked, worn or beaten path, as through woods or wilderness. (Ord. 03-15 § 1 (part))

**17.04.1430 Trailer.**

“Trailer” means a utility structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1460 Tree nurseries.**

“Tree nurseries” means land or greenhouses used to raise trees for sale. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1470 Truck gardening.**

“Truck gardening” means the growing of farm products which are trucked to a local market. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1480 Use.**

“Use” means the purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1490 Use, accessory.**

See “Accessory use.” (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1500 Use, principal.**

See “Principal use.” (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1510 Utility installation.**

“Utility installation” means an installation owned by any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity,

gas, heat, steam, communication, water, sewage collection or other similar service. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1520 Variance.**

“Variance” grants an exception to a standard of a zoning district but not to the use restriction of that zoning district and then only when unusual physical characteristics of the lot make application of the standard an undue hardship. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1530 Variety store.**

“Variety store” means a retail store that sells a wide variety of relatively small and inexpensive items. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1540 Vehicle and trailer sales.**

“Vehicle and trailer sales” means the use of any building, land area or other premises for the display and sale of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and including any warranty repair work and other minor repair service conducted as an accessory use. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1550 Vocational school.**

“Vocational school” means a secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade and meets the state requirements as a vocational facility. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1560 Warehouse.**

“Warehouse” means a building used primarily for the storage of goods and materials. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1570 Watchman or caretaker dwelling.**

“Watchman or caretaker dwelling” means an accessory dwelling associated with a commercial or industrial building or structure for the purpose of housing a watchman or caretaker. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1575 Watershed.**

“Watershed” means an area in which all water, sediments, and dissolved materials flow or drain into a common river, lake, ocean or other body of water. (Ord. 03-15 § 1 (part))

**17.04.1577 Winery.**

“Winery” has the meaning given in AS 04.11.140. A winery must have a valid winery license under AS 04.11.140 and comply with all requirements set forth therein.



**17.04.1580 Yard, front.**

“Front yard” means a yard extending the full width of the lot across the front of a lot adjoining a public street and measured horizontally at right angles to the front lot line or future street right-of-way line. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1590 Yard, rear.**

“Rear yard” means a yard extending the full width of the lot across the rear of the lot and measured horizontally at right angles to the rear lot line, future alley right-of-way or access easement. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1600 Yard, side.**

“Side yard” means a yard extending from the front yard to the rear yard and measured horizontally at right angles to the side lot line. In the case of a corner lot or side yard abutting a public street, the side yard shall be measured horizontally at right angles to the side lot line or future street right-of-way. (Ord. 03-15 § 1 (part): prior code § 30-8(b) (part))

**17.04.1610 Zero lot line.**

See “Lot, zero line.” (Ord. 03-15 § 1 (part))

Section 2: Chapter 17.28 of the Valdez Municipal Code is hereby amended to read as follows:

**Chapter 17.28**

**CBD CENTRAL BUSINESS DISTRICT**

Sections:

- 17.28.010 Intent.
- 17.28.020 Permitted principal uses and structures.
- 17.28.030 Permitted accessory uses.
- 17.28.040 Conditional uses.
- 17.28.050 Prohibited uses and structures.
- 17.28.060 Minimum lot requirements.
- 17.28.070 Minimum setback requirements.
- 17.28.080 Maximum height of buildings and structures.
- 17.28.090 Required off-street parking and loading.
- 17.28.100 Signs.
- 17.28.110 Maximum lot coverage by all buildings and structures.

**17.28.010 Intent.**

The CBD (central business district) area is served by a full range of utilities and services and is established as a district in which the principal use of land is for retail and parking, personal and business services of all kinds, satisfying the needs of residents of the entire community in one central location. The zone is intended to permit convenient expansion of permitted uses and to

provide the proper amount of light and space needed for streets and more exposure of buildings. The CBD district should protect businesses within the zoning district from over-congestion, and should prohibit exclusive residential and industrial uses or any other uses which would substantially interfere with the development and continuation of a cohesive central business district. (Ord. 03-15 § 11 (part); prior code § 30-21(a))

#### **17.28.020 Permitted principal uses and structures.**

In the CBD zone, the following uses and structures are permitted outright:

1. Agencies and offices rendering specialized professional services such as finance, real estate and brokerage, including service agencies not involving on-premises retail or on-premises maintenance of the stock of goods for sale to the general public;
2. Alcoholic beverages, packaged retail sales; alcoholic beverages, licensed premises;
3. Antiques and gift stores;
4. Appliance distributors;
5. Art and supply retail shops;
6. Automobile commercial parking enterprises;
7. Bakery shops and confectioneries, operating as both wholesale and retail businesses; provided, that such operations are limited to one thousand five hundred square feet of manufacturing area;
8. Banks, barber, beauty and other personal services;
9. Books and stationery stores;
10. Brewery;
11. Brewpub;
1240. Child care centers;
1344. Clothing sales;
1442. Department retail stores;
15. Distillery;
1643. Drugstores;
1744. Eating and drinking establishments, including clubs and places of entertainment;
1845. Finance and loan companies;
1946. Food processing for sale and retail on the premises, but excluding the killing or dressing of any flesh or fowl;
2047. Food stores (retail only), grocery, delicatessen, meat or fish stores, but excluding the killing or dressing of any flesh or fowl;
2148. Furniture retail sales and outlets;
2249. Governmental and private office buildings, including professional offices;
2320. Hardware, appliance and electrical items for retail sale;
2421. Hotels;
2522. Jewelry and watch sales and manufacturing;
2623. Laundries, laundromats;
2724. Laundry pickup stations;
2825. Libraries;
2926. Locksmiths and gunsmiths;
3027. Lodges of fraternal labor or social organizations;

- ~~31~~28. Marijuana retail store;
- ~~32~~29. Marijuana testing facilities;
- ~~33~~30. Mortuaries/funeral homes;
- ~~34~~31. Museums and art galleries;
- ~~35~~32. Music stores;
- ~~36~~33. Newsstands;
- ~~37~~34. Office and secretarial service establishments;
- ~~38~~35. Office equipment supplies, sales and service;
- ~~39~~36. Opticians and optical supplies and sales;
- ~~40~~37. Pawnshops or secondhand stores;
- ~~41~~38. Photographic studios and camera supply stores;
- ~~42~~39. Police and fire stations;
- ~~43~~40. Public or private schools and institutions of higher learning;
- ~~44~~41. Radio, television sales (retail) and services;
- ~~45~~42. Radio and television broadcast stations including transmission towers and masts;
- ~~46~~43. Retail stores;
- ~~47~~44. Shoe repair shops;
- ~~48~~45. Sporting goods sales;
- ~~49~~46. Tailors, dressmakers and milliners;
- ~~50~~47. Taxi stands;
- ~~51~~48. Testing laboratories.
- ~~52.~~ Winery.

#### **17.28.030 Permitted accessory uses.**

In a CBD zone, the following uses and structures, which are incidental to the permitted principal uses and structures listed in Section 17.28.020, are permitted:

- A. Accessory buildings in conjunction with a permitted or conditional use such as a private garage or workshop;
- B. Automobile parking in conjunction with the permitted or conditional uses;
- C. One or more apartments;
- D. Home occupations;
- E. Small wind energy systems in conformance with Section 17.48.150. (Ord. 08-11 § 9: Ord. 03-15 § 11 (part): Ord. 94-03 § 1: Ord. 93-17 § 1: prior code § 30-21(c))

#### **17.28.040 Conditional uses.**

In a CBD zone, subject to the conditional use provisions of this title, the following uses and structures may be permitted:

- A. Assembly halls;
- B. Commercial planned unit developments;
- C. Gymnasiums and similar structures.
- D. Limited marijuana cultivation facilities (only in conjunction with a marijuana retail store or a retail store).

**17.28.050 Prohibited uses and structures.**

In the CBD zone, any uses or structures not of a character indicated under permitted principal uses and structures or permitted as a conditional use are prohibited. (Ord. 03-15 § 11 (part): prior code § 30-21(e))

**17.28.060 Minimum lot requirements.**

- A. Lot width: none.
- B. Lot area: none. (Ord. 03-15 § 11 (part): prior code § 30-21(f))

**17.28.070 Minimum setback requirements.**

- A. Front yard, side yard and rear yard: subject to building code regarding firewalls and separation of buildings.
- B. Side yard where it abuts a residential zoning district: same as that required for the residential district.
- C. Rear yard where it abuts a residential zoning district: same as that required for the residential district.
- D. Proper area for parking is required. (Ord. 03-15 § 11 (part): prior code § 30-21(g))

**17.28.080 Maximum height of buildings and structures.**

- A. Principal buildings and structures shall not exceed thirty-five feet in height, except as otherwise provided in this chapter.
- B. Accessory buildings shall not exceed sixteen feet in height. (Ord. 03-15 § 11 (part): prior code § 30-21(h))

**17.28.090 Required off-street parking and loading.**

Adequate off-street parking and loading spaces shall be provided in connection with any permitted use in accordance with the requirements set forth in Sections 17.48.100 and 17.48.110. (Ord. 03-15 § 11 (part): prior code § 30-21(i))

**17.28.100 Signs.**

Signs may be allowed in conjunction with any permitted use subject to the provisions of Section 17.48.090. (Ord. 03-15 § 11 (part): prior code § 30-21(j))

**17.28.110 Maximum lot coverage by all buildings and structures.**

Unrestricted. (Ord. 03-15 § 11 (part))

Section 3: Chapter 17.30 of the Valdez Municipal Code is hereby amended to read as follows:

**Chapter 17.30**

**G GENERAL COMMERCIAL DISTRICT**

Sections:

17.30.010 Intent.

- 17.30.020 Permitted principal uses and structures.
- 17.30.030 Permitted accessory uses.
- 17.30.040 Conditional uses.
- 17.30.050 Prohibited uses and structures.
- 17.30.060 Minimum lot requirements.
- 17.30.070 Minimum setback requirements.
- 17.30.080 Maximum lot coverage by all buildings and structures.
- 17.30.090 Maximum height of buildings and structures.
- 17.30.100 Required off-street parking and loading.
- 17.30.110 Signs.

#### **17.30.010 Intent.**

The G (general commercial) district is served by the major and essential utilities of sewer, water and electricity and is intended to include those areas which are heavily exposed to automobile traffic. The district is intended specifically for those areas surrounding major intersections where personal services, convenience goods and auto-related service facilities are desirable and appropriate land uses. The extension of the G district commercial uses along arterials in a “strip” fashion is discouraged. (Ord. 03-15 § 12 (part): prior code § 30-22(a))

#### **17.30.020 Permitted principal uses and structures.**

In a G zone, the following uses and structures are permitted outright:

- A. All principal uses permitted within the central business district;
- B. Automobile service stations and automobile mechanical repair garages;
- C. Bowling alleys;
- D. Brewery;
- E. Brewpub;
- ~~F~~D. Child care facilities;
- GE. Community buildings, assembly halls and recreation centers;
- H. Distillery;
- ~~I~~F. Fraternal organizations, private clubs and theaters;
- JG. Hardware buildings, materials, supply establishments; provided, that such activities shall be conducted within a completely enclosed building;
- ~~K~~H. Hotels and inns;
- LI. Marijuana retail stores;
- MJ. Marijuana testing facilities;
- ~~N~~K. Motels;
- OL. Pet stores;
- PM. Print shops;
- QN. Public parks and open space for informal recreation;
- RO. Retail stores;
- SP. Utilities installations, except dams, water reservoirs, sewer treatment plants and solid waste disposal facilities. (Ord. 03-15 § 12 (part): prior code § 30-22(b))
- T. Winery.

**17.30.030 Permitted accessory uses.**

In a G zone, the following uses and structures, which are incidental to the permitted principal uses and structures listed in Section 17.30.020, are permitted:

- A. Accessory buildings;
- B. Automobile parking in conjunction with a permitted or conditional use;
- C. One or more apartments;
- D. Home occupations;
- E. Small wind energy systems in conformance with Section 17.48.150. (Ord. 08-11 § 10: Ord. 03-15 § 12 (part): Ord. 94-04 § 1: Ord. 93-16 § 1: prior code § 30-22(c))

**17.30.040 Conditional uses.**

In a G zone, subject to the conditional use provisions of this title, the following uses and structures may be permitted:

- A. Boat and marine equipment repair facilities;
- B. Boat storage;
- C. Commercial planned unit developments;
- D. Limited marijuana cultivation facilities (only in conjunction with a marijuana retail store or a retail store).
- E. Marijuana manufacturing facilities (only in conjunction with a marijuana retail store or a retail store).
- F. Playgrounds;
- G. Recreational vehicle campground.

**17.30.050 Prohibited uses and structures.**

In a G zone, any uses or structures not of a character indicated under permitted principal uses and structures or permitted as a conditional use are prohibited. (Ord. 03-15 § 12 (part): prior code § 30-22(e))

**17.30.060 Minimum lot requirements.**

- A. Lot width: fifty feet.
- B. Lot area: six thousand feet. (Ord. 03-15 § 12 (part): prior code § 30-22(f))

**17.30.070 Minimum setback requirements.**

- A. Front yard, side yard and rear yard: subject to building code regarding fire walls and separation of buildings.
- B. Side yard where it abuts a residential zoning district: same as that required for the residential district.
- C. Rear yard where it abuts a residential zoning district: same as that required for the residential district. (Ord. 03-15 § 12 (part): prior code § 30-22(g))

**17.30.080 Maximum lot coverage by all buildings and structures.**

Unrestricted. (Ord. 03-15 § 12 (part): prior code § 30-22(h))

**17.30.090 Maximum height of buildings and structures.**

- A. Principal buildings and structures shall not exceed thirty-five feet in height, except as otherwise provided in this title.
- B. Accessory buildings shall not exceed sixteen feet in height. (Ord. 03-15 § 12 (part): prior code § 30-22(i))

**17.30.100 Required off-street parking and loading.**

Adequate off-street parking and loading spaces shall be provided in connection with any permitted use in accordance with the requirements set forth in Sections 17.48.100 and 17.48.110. (Ord. 03-15 § 12 (part): prior code § 30-22(j))

**17.30.110 Signs.**

Signs may be allowed in conjunction with any permitted use subject to the provisions of Section 17.48.090. (Ord. 03-15 § 12 (part): prior code § 30-22(k))

Section 4: Chapter 17.36 of the Valdez Municipal Code is hereby amended as follows:

**Chapter 17.36**

**L-I LIGHT INDUSTRIAL DISTRICT**

Sections:

- 17.36.010 Intent.
- 17.36.020 Permitted principal uses and structures.
- 17.36.030 Permitted accessory uses and structures.
- 17.36.040 Conditional uses.
- 17.36.050 Prohibited uses and structures.
- 17.36.060 Minimum lot requirements.
- 17.36.070 Minimum setback requirements.
- 17.36.080 Maximum lot coverage by all buildings and structures.
- 17.36.090 Maximum height of buildings and structures.
- 17.36.100 Required off-street parking and loading.
- 17.36.110 Signs.

**17.36.010 Intent.**

The L-I (light industrial) district is intended for light industrial development including light manufacturing, processing, warehousing, storage, wholesale and distribution operations, and similar processes and operations. Limited commercial uses and accessory residential uses are allowed in the L-I district to serve the uses for which the district is primarily intended. (Ord. 03-15 § 16 (part): prior code § 30-25(a))

**17.36.020 Permitted principal uses and structures.**

In an L-I zone, the following uses and structures are permitted outright:

- A. Automobile service stations;

- B. Sales and repair facilities (i.e., equipment, boat, auto body);
- C. Building material supply establishments;
- D. Brewery;
- E~~D~~. Bunkhouses;
- F. Distillery;
- G~~E~~. Professional offices;
- H~~F~~. Maintenance and service shops, construction offices and equipment storage yards;
- I~~G~~. Marijuana cultivation facilities;
- J~~H~~. Marijuana product manufacturing facilities;
- K~~I~~. Marijuana retail stores
- L~~J~~. Marijuana testing facilities;
- M~~K~~. Light manufacturing and processing operations;
- N~~L~~. Open space for recreation;
- O~~M~~. Principal permitted uses of waterfront industrial district;
- P~~N~~. Agricultural nurseries and greenhouses;
- Q~~O~~. Utilities installations, except dams, water reservoirs and sewage treatment plants;
- R~~P~~. Warehousing and indoor/outdoor storage. (Ord. 03-15 § 16 (part): prior code § 30-25(b))
- S. Winery

#### **17.36.030 Permitted accessory uses and structures.**

In an L-I zone, the following uses and structures, which are incidental to the permitted principal uses and structures listed in Section 17.36.020, are permitted:

- A. Accessory buildings;
- B. Owner/operator dwellings;
- C. Sales and service uses accessory to permitted principal uses;
- D. Watchman's facilities;
- E. Small wind energy systems in conformance with Section 17.48.150. (Ord. 08-11 § 14: Ord. 03-15 § 16 (part): prior code § 30-25(c))

#### **17.36.040 Conditional uses.**

In an L-I zone, subject to the conditional use provisions of this title, the following uses and structures may be permitted:

- A. Airports and landing fields for rotary or fixed-wing aircraft;
- B. Animal hospitals, veterinary practices and kennels;
- C. Asphalt and concrete plants;
- D. Correctional facilities;
- E. Hazardous, volatile and flammable storage and distribution;
- F. Recreational vehicle campground;
- G. Sawmills;
- H. Solid waste processing facility on tracts of not less than ten acres;
- I. RV park or campground;
- J. Mobile home courts;
- K. Outdoor shooting ranges;
- L. Restaurants, taverns and cocktail lounges;



M. Structures over 35 feet. (Ord. 03-15 § 16 (part): prior code § 30-25(d))

**17.36.050 Prohibited uses and structures.**

Any use or structure not of a character indicated under permitted principal uses and structures or permitted as a conditional use is prohibited. (Ord. 03-15 § 16 (part): prior code § 30-25(e))

**17.36.060 Minimum lot requirements.**

Width and area are determined by use and other codes. (Ord. 03-15 § 16 (part): prior code § 30-25(f))

**17.36.070 Minimum setback requirements.**

Front yard, side yard and rear yard subject to building code regarding fire walls and separation of structures. (Ord. 03-15 § 16 (part): prior code § 30-25(g))

**17.36.080 Maximum lot coverage by all buildings and structures.**

Unrestricted within setbacks. (Ord. 03-15 § 16 (part): prior code § 30-25(h))

**17.36.090 Maximum height of buildings and structures.**

Principal buildings and structures shall not exceed thirty-five feet in height, except as otherwise provided in this title. (Ord. 03-15 § 16 (part): prior code § 30-25(i))

**17.36.100 Required off-street parking and loading.**

Adequate off-street parking and loading spaces shall be provided in connection with any permitted use in accordance with the requirements set forth in Sections 17.48.100 and 17.48.110. (Ord. 03-15 § 16 (part): prior code § 30-25(j))

**17.36.110 Signs.**

Signs may be allowed in conjunction with any permitted use subject to the provisions of Section 17.48.090. (Ord. 03-15 § 16 (part): prior code § 30-25(k))

Section 5. This ordinance takes effect immediately upon passage and approval.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ,  
ALASKA this \_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF VALDEZ, ALASKA

\_\_\_\_\_  
Ruth E. Knight, Mayor

ATTEST:

\_\_\_\_\_  
Sheri L. Pierce, MMC, City Clerk

First Reading:

Second Reading:

Adoption:

Ayes:

APPROVED AS TO FORM:

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Anthony S. Guerriero, City Attorney

Noes:

Absent:

Abstaining:



## Agenda Statement

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**File #:** TMP-0473      **Version:** 1

**Type:** Report      **Status:** Agenda Ready

**File created:** 2/7/2017      **In control:** Planning and Zoning Commission

**On agenda:** 2/8/2017      **Final action:**

**Title:** Aleutian Village Update Report

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [Aleutian Village Progress Report 2-1-2017.pdf](#)

Date	Ver.	Action By	Action	Result
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### **ITEM TITLE:**

Aleutian Village Update Report

**SUBMITTED BY:** Lisa Von Bargaen, CED Director

### **FISCAL NOTES:**

Expenditure Required: N/A

Unencumbered Balance: N/A

Funding Source: N/A

### **RECOMMENDATION:**

None. Report only.

### **SUMMARY STATEMENT:**

Please see the attached report regarding Aleutian Village Trailer Park. This report went to Council as part of their February 7<sup>th</sup> agenda packet.

February 1, 2017

To: Mayor Knight & Valdez City Council Members  
From: Lisa Von Bargen, Community & Economic Development Director  
CC: Sheri Pierce, Interim City Manager  
Re: Aleutian Village Progress Report

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ADOT Land Status: ADOT staff, Nanette Pineault, was finally able to meet with the Director about the City's request for an increased area of land to purchase. ADOT offered to sell the City the land shown below that is colored in yellow, along with the area noted as A, B and C.



The City requested the following amount of land attempting to “square off” the property proposed for acquisition.



The Director at ADOT has declined to approve the additional land requested by the City due to concerns raised by the FAA. ADOT is concerned divesting itself of more land, closer to the runway apron and the active landing approach area would trigger additional work and cost due to FAA concerns. The top diagram in this report reflects the land ADOT is willing to sell.

Staff has contracted with Allen Minish of Wrangell Mountain Technical Services to complete the boundary survey of the area identified by ADOT. The cost of the survey is \$3,000. The preliminary plat is expected to be completed the first week of February. The final plat will come several weeks later due to the contractor being out of the country through a portion of March. The preliminary plat should be sufficient to give to an appraiser so an appraisal can be completed.

ADOT has agreed to allow the City to contract directly with an appraiser, rather than paying ADOT to hire the appraiser. Staff is hopeful this can be accomplished in February.

As a matter of interest, ADOT will be retaining what is call and “Avigation Easement” over the property proposed for acquisition by the City. An Avigation Easement limits encroachment on the air space to maintain safe flight. In this case it has been determined that ADOT needs an Avigation Easement of 150 feet above the Runway 6 threshold elevation of 50.50 feet. ADOT will be allowed into the easement to remove obstructions (such as trees above the 150 feet) and limits buildings to below this threshold. This restriction is being noted on the plat and will be taken into consideration as part of the appraisal. Additionally, AnnMarie Lain (Certified Floodplain Manager) has overlaid the preliminary Flood Insurance Rate Maps on the area. A small portion of land (within the area shown above as A) sits within Flood Zone A. Staff has asked for this to be included on the plat. This too will be taken into consideration by the appraiser. To be clear, the preliminary flood maps do not impact any of the existing structures within Aleutian Village Trailer Park.

Electrical Shut-Off Location Identifiers: A few weeks ago there was a fire in Aleutian Village. Although all of the individual electrical shut-offs were labeled early this fall, Fire Department staff/volunteers had a difficult time finding the panels where the individual shut-offs are located. This issue did not hamper fire response in any way during the incident, but it did raise a concern. To alleviate this from happening again reflective flags have been ordered. The flags should arrive in Valdez between February 2 and 9. Jim Parkman, the electrician who labeled the individual shut-offs, is available to install the flags on the panels the week of February 13<sup>th</sup>.

Record of Improvement Survey: Staff continues to work on the evaluation of the survey identifying the separation distance violations between mobile homes and fuel and propane tanks. As previously reported staff anticipates having this report finished by the end of February with a report to Council hopefully at the first meeting in March. This report will give the City a clear understanding of what code violations exist, and greater information on how to move forward in developing a long term solution for Council to consider.