

CITY OF SELDOVIA

ORDINANCE 19-03

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELDOVIA, ALASKA,
AMENDING TITLE 18.52 COMMERCIAL MARINE, CHAPTER 18.20 DEFINITIONS, AND
TITLE 1 GENERAL PROVISIONS SECTION 1.08.040 TO INCLUDE 18.52.120 VIOLATION—
PENALTIES**

SECTION 1. CLASSIFICATION. This ordinance is permanent in nature and shall become a part of the Municipal Code of the City of Seldovia.

SECTION 2. AMENDING TITLE 18.52 CM—COMMERCIAL MARINE BY REMOVING LANGUAGE IN ~~STRIKEOUT~~ AND ADDING LANGUAGE IN HIGHLIGHT TO READ AS FOLLOWS:

Chapter 18.52
CM—Commercial Marine
CB- COMMERCIAL BUSINESS

Sections:

18.52.010 Purpose ~~Intent~~.

18.52.020 Permitted Uses.

18.52.025 Incidental Secondary Uses.

18.52.030 Prohibited Uses.

18.52.040 Performance Standards.

18.52.050 Minimum Lot Area and Width.

18.52.060 Parking Area and Off-Street Loading Space.

18.52.070 Building Setback.

18.52.080 Visibility at Access Points and Intersections.

18.52.090 Building Height.

18.52.100 Conditional Uses.

18.52.110 Signage.

18.52.120 Violation—Penalties.

18.52.010 Purpose Intent. This district provides an area for the service and commercial activities which support water dependent activities related to commercial and sport fishing, tourism, recreation and transportation. The CB District is established to provide an area for convenient, attractive and concentrated commercial development. Regulations applying to this zone are designed to encourage a compact group of business of the type which are mutually beneficial and located close enough together to encourage walk-in trade.

18.52.020 Permitted Uses. In the CM CB District, permitted uses are as follows:

- A. Retail and wholesale businesses
- B. Service
- C. Incidental Secondary Uses
 1. Attached residential dwelling unit.
 2. Attached multi-residential dwelling unit.
 3. Business specific office. (Ord. 06-10)
- C. Business Specific Offices
- D. Restaurants, taverns, and entertainment establishments.
- E. Hotels and motels
- F. Hospitals, medical and dental clinics

18.52.025 Incidental Secondary Uses. The following uses shall be permitted as incidental secondary uses and shall not exceed forty-nine percent of the building:

- A. Attached residential dwelling unit.
- B. Attached multi-residential dwelling unit.

18.52.030 Prohibited Uses. In the CM CB District, prohibited uses are as follows:

- A. Motor vehicle sales and service
- B. A. Extraction of natural resources for sale not incidental to development of the area for a permitted use.
- B. Residence or building without a commercial purpose provided in 18.52.020 Permitted Uses.

18.52.040 Performance Standards. Each permitted use shall meet the following performance standards:

A. All permits required for work done in the tidelands shall be obtained prior to granting a building permit.

B. Street and utilities must be adequate to safely accommodate the proposed use presently and in the future.

18.52.050 Minimum Lot Area and Width. In the €€ CB District, the minimum lot size and width shall be as follows:

A. 5000 square feet. (Ord. 00-08), (Ord. 06-10)

B. Lot area shall be sufficient to meet the parking and setback standards of this chapter. (Ord. 06-10)

18.52.060 Parking Area and Off-Street Loading Space. In the €M CB District, parking areas and off-street loading space requirements shall be as follows:

A. Residential uses, same as required in the Residential District;

B. Retail sales, one space per 200 square feet of gross usable floor area;

C. Service business and offices, one space for each 300 square feet of gross usable floor area;

D. Restaurants, bars and other entertainment establishments, one parking space for each four seats based on maximum seating capacity;

E. Transient housing, one parking space for each three rooms;

F. In addition to the above requirements, one parking space for every four employees shall be provided;

G. If the applicant adequately demonstrates that the use will serve customers who are not dependent on motor vehicles to reach the business, the parking requirements may be reduced accordingly by the City Planning Commission;

H. One off-street loading space at least 30 feet long by 10 feet wide by 16 feet high inside dimensions shall be provided for each 10,000 square foot of usable floor area.

I. Decks or Docks in this section shall be constructed to allow for the docking of water craft within the lot boundaries and in compliance with the provisions set forth in Chapter 18.52. (Ord. 00-08; Ord. 06-10; Ord. 17-06)

18.52.070 Building Setback. In the CM **CB** District, building setback requirements shall be as follows:

A. Ten (10) feet from all rights-of-way if the right-of-way meets existing requirements;

B. If the adjacent right-of-way is less than required by existing standards, the setback shall be equal to $\frac{1}{2}$ the required right-of-way width plus ten (10) feet measured from the right-of-way centerline. Required right-of-way shall be that required by City plans or ordinance. If no City plan or ordinance exists, the right-of-way requirements of the Borough subdivision requirements shall apply;

C. Six (6) feet from all property boundaries not bordering right-of-way, unless adequate fire-walls are provided and adequate access to the rear of the building is otherwise provided.

D. The setback for a deck or dock proposed along the shore of the Seldovia Small Boat Harbor (defined as any waterfront lot on Main St. between lots 19307917 and 19203059) shall be the mean high tide line. Any deck or dock proposed beyond the mean high tide shall be heard by the Planning and Zoning Commission under the conditional use permitting process (Ord. 00-08; Ord. 06-10; Ord. 17-06)

18.52.080 Visibility at Access Points and Intersections. A. No vehicle shall be parked within thirty feet (30') of any existing municipality street intersection;

B. To ensure that a vehicle's driver has good visibility at street intersections, on corner lots both public and privately owned, there shall not be a fence, wall, hedge, planting or structure, or other obstacle including vehicles that will impede visibility between a height of 2-1/3 feet and 8 feet and greater than one foot wide above the centerline grades of the intersecting streets unless parked in already approved and designated parking area. (Ord. 00-08; Ord. 06-10; Ord 18-12)

18.52.090 Building Height. The maximum building height is twenty-eight (28) feet measured from the centerline of Main Street. (Ord. 06-10)

18.52.100 Conditional Uses. The following uses shall be permitted if it is determined that the requirements of Chapters 18.68 and 18.72 are met:

A. Signage uses in excess of those specified in Section 18.52.110.

B. Seafood processing (Ord. 17-13)

C. Keeping of livestock may be permitted provided the provisions set forth in Chapters 18.52, 18.68, 18.72 are satisfied.

D. Building of decks or docks within the Seldovia Small Boat Harbor (as defined by SMC 18.52.070 D) beyond the mean high tide may be permitted if the provisions set forth in Chapter 18.52, and 18.68 are met (Ord. 01-01; Ord. 17-05; Ord. 17-06)

E. Marijuana cultivation facilities, manufacturing facilities, retail facilities, and testing facilities as defined by State law, SMC 18.78 and SMC Ord. 16-09. (Ord. 17-07)

F. Long-term annual residential rentals, in excess of twelve consecutive months, as the primary permitted commercial use

G. Motor vehicle sales and service within a confined specified space

18.52.110 Signage. Combined signage serving the Commercial Marine Business District shall not exceed 15% of wall surface area as viewed from any lot line. (Ord. 01-01)

18.52.120 Violation—Penalties. Any use of property in the Commercial Business District that is not provided in 18.52.020 or the use of any Incidental secondary use provided in 18.52.025 without a permitted use provided in 18.52.020 shall be considered a violation of this chapter. The penalty for an offense in this chapter is the fine listed in the fine schedule in SMC 1.08.040.

SECTION 3. AMENDING TITLE 18.20 DEFINITIONS BY ADDING LANGUAGE IN TO READ AS FOLLOWS:

18.20.270 Attached residential dwelling unit. A building located on a single lot containing multiple units of which one is a dwelling unit designed for one family.

18.20.280 Attached multi-residential dwelling unit. A building located on a single lot containing multiple units of which more than one is a dwelling unit and designed for multiple families.

18.20.290 Monthly Residential Rentals. A unit attached to a building or a single unattached building rented as a dwelling unit for more than thirty consecutive days.

SECTION 4. TITLE 1.08.040 IS AMENDED BY ADDING THE LANGUAGE TO READ AS FOLLOWS:

18.52.120 | Violation-- Penalties

\$300

SECTION 5. EFFECTIVE DATE. This ordinance becomes effective upon its adoption by the City Council.

ADOPTED by a duly constituted quorum of the City Council of the City of Seldovia, Alaska this ____ day of _____, 2018.

ATTEST:

APPROVED:

Heidi Geagel, City Clerk

Dean Lent, Mayor

Vote:
Colberg-
Campbell-
Morrison-
Rojas-
Lethin-
Sweatt-