

**PETERSBURG BOROUGH**

**ORDINANCE #2024-XXX**

**AN ORDINANCE AMENDING CHAPTER 19, ZONING, OF THE PETERSBURG MUNICIPAL CODE TO ESTABLISH OVERLAY ZONES WITHIN MUNICIPAL ZONING REGULATIONS, AND TO CREATE A MARINE-INDUSTRIAL OVERLAY ZONE**

**Whereas**, overlay zones are special zoning subdistricts, which are placed over a portion of an underlying zoning district to modify the uses and standards for the area of that Zone; and

**Whereas**, the Borough Assembly believes that the adoption of provisions regarding overlay zones within Service Area No. 1 would be beneficial; and

**Whereas**, a portion of the waterfront area of Service Area No. 1 is currently located within the Industrial District (I-1), and a number of tideland parcels are located within that District, the majority of which are borough-owned and may be sold or leased in the future; and

**Whereas**, Petersburg has a long and rich history as a commercial fishing community, and the availability of tidelands for marine industrial uses is essential for the continued success of commercial fishing and for the economic well-being of our community; and

**Whereas**, the lease or sale of tidelands without ensuring that those parcels are used for marine industrial purposes may limit the availability of land for essential facilities like boatyards, processing plants, and public docks; make it difficult for marine industrial businesses to establish or expand; or lead to development that may not be compatible with marine industrial uses; and

**Whereas**, the creation of a dedicated marine industrial overlay zone can ensure tidelands properly remain available for essential commercial fishing and other marine industrial uses; and

**Whereas**, the Borough Assembly wishes to adopt zoning provisions applicable generally to the establishment of overlay zones, and further wishes to create, consistent with those provisions, a new marine industrial overlay zone within the Industrial (I) Zone of Service Area No. 1, the boundaries of which are reflected in attached Exhibit A; and

**Therefore, the Petersburg Borough Ordains**, Title 19, *Zoning*, of the Petersburg Municipal Code, is hereby amended as follows:

**Section 1. Classification:** This ordinance is of a general and permanent nature and shall be codified in the Petersburg Municipal Code.

**Section 2. Purpose:** The purpose of this ordinance is to allow for Overlay Zones under Title 19, *Zoning*, of the municipal code, and to establish the standards for a Marine Industrial Overlay Zone.

**Section 3. Substantive Provisions:** Title 19 of the Petersburg Municipal Code is hereby amended as follows. The language proposed for addition is **underlined and bold**, and the language proposed for deletion is ~~struck through~~.

A. **New Section**. Chapter 19.04, *Definitions*, is hereby amended by adding a new section 19.04.582, entitled **Overlay Zone**, to read as follows:

**19.04.582 - Overlay Zone**

**An Overlay Zone is a special zoning subdistrict, placed over an existing zoning district or districts, which establishes special provisions applicable to the land located in the subdistrict in addition to those established for the underlying district. The Overlay Zone may add new standards or uses, or delete or modify existing standards or uses governing the underlying district. An Overlay Zone may share common boundaries with one or more districts, may overlay only part of an underlying district, or may overlap, in part, different district boundaries.**

B. New Section. Chapter 19.08, *Districts*, is hereby amended by adding a new section 19.08.015, entitled Overlay Zones, to read as follows:

**19.08.015 - Overlay Zones.**

**An Overlay Zone may be placed over any use district established under section 19.08.010, pursuant to the provisions of Chapter 19.50 of this Title.**

C. New Chapter. A new Chapter, entitled Overlay Zones, is hereby added to Title 19, to read as follows:

**Chapter 19.50. Overlay Zones**

**19.50.010 - Purpose**

**19.50.020 - Applicability**

**19.50.030 - Identification of Overlay Zones**

**19.50.040 - Marine Industrial Overlay (MIO) Zone.**

**19.50.010 - Purpose.**

**This Chapter establishes the Overlay Zones permitted under this Title. An Overlay Zone may, without limitation, be used to impose supplemental restrictions on uses in the underlying district, permit uses otherwise not permitted in the underlying district, or implement a site or architectural design program in order to fulfill specific community objectives.**

**19.50.020 - Applicability.**

**A. Overlay Zones shall be established, and thereafter amended, under the provisions of Chapter 19.84 of this Title. Overlay Zones shall be shown on the borough's official zoning map.**

**B. The standards of an Overlay Zone apply in addition to the standards of the underlying district. In the case of a conflict between the standards of the underlying district and the Overlay Zone, the standards of the Overlay Zone shall apply.**

**C. An Overlay Zone may further establish Designated Specific Areas that are areas within the Zone subject to additional regulations aimed at preserving or enhancing the unique characteristics of the Zone.**

**D. Unless otherwise prohibited herein, a variance from the standards of an Overlay Zone may be granted by the planning commission under the procedures and conditions of Chapter 19.80 of this Title, except that a variance cannot be utilized to allow a use which is prohibited or otherwise not permitted within the Overlay Zone.**

**19.50.030 - Identification of Overlay Zones.**

**The following Overlay Zones are herein established:**

**A. Marine Industrial Overlay (MIO).**

**19.50.040 - Marine Industrial Overlay Zone.**

**A. Purpose. The Marine Industrial Overlay (MIO) Zone is established to protect and promote the maritime economy by restricting uses on certain land or tidelands to:**

- 1. Protect the finite economic resources of marine waterfront and related land;**
- 2. Shield the maritime economy, including commercial fishing and marine industry, from incompatible uses; and**
- 3. Strengthen the maritime economy by reserving waterfront land for water-dependent marine industrial uses and marine industrial uses which directly provide goods and services to water-dependent uses. For purposes of this section, water-dependent uses are those uses and activities that can only be conducted on, in, or directly adjacent to the water body due to an inherent need for water access.**

**B. MIO Zone Map. The MIO Zone is applicable within the following described areas, which shall be incorporated into an MIO Zone Map and made a part of the borough's official zoning map:**

**[Insert legal description]**

**C. Principal uses. The following are the only permitted principal uses in the MIO Zone:**

- 1. Harbors, marinas, moorage facilities,**
- 2. Float plane and boat launch facilities;**
- 3. Cargo terminals for marine commerce or industry, and marine fuel dock terminals;**

4. Construction, maintenance, and repair of vessels including marine engine repair, marine electronics, and marine refrigeration;
5. Harbormaster's offices;
6. Seafood processing plants and cold storage facilities;
7. Vessel sales and supply;
8. Vessel and fishing gear storage facilities;
9. Boat rigging operations;
10. Retail businesses whose predominant business is the sales of goods and services used in manufacturing, repairing, or servicing vessels or marine industrial facilities; and
11. Marine passenger terminals.

**D. Accessory uses. The following are the only permitted accessory uses in the MIO Zone:**

1. A watchman or caretaker dwelling that is no larger than eight hundred (800) gross square feet in size; and
2. Uses and structures that are clearly incidental and subordinate in size and scale to the principal use, and which are located on the same lot.

**E. Prohibited uses. Any use that is not a principal or accessory use set out in paragraphs C and D above. For clarity purposes, any principal, accessory, conditional or other use that would otherwise be permitted in the Industrial (I-1) zone is specifically prohibited in the MIO Zone, excepting those uses expressly set out in the preceding paragraphs.**

**F. Existing Uses. Legally established uses existing prior to the adoption of the MIO Zone may be allowed to continue provided that they meet the requirements of Chapter 19.68 of this Title.**

**G. Development Standards within the MIO Zone.**

1. Lot development standards in the MIO Zone will adhere to the requirements of Sections 19.44.050-.080 of this Title.
2. Notwithstanding the provisions of Chapter 19.64, off-street parking within the MIO Zone shall equal 40% of the spaces required under Section 19.64.010.

**H. Designated Specific Areas within the MIO Zone.**

1. Scow Bay Turnaround – In the Scow Bay Turnaround designated area, as shown on the MIO Zoning map, the only uses permitted are the principal uses set out in paragraph C above. All other uses are prohibited, including any accessory uses.

**Section 4. Severability:** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected.

**Section 5. Effective Date:** This Ordinance shall become effective immediately upon final passage.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Mark Jensen, Mayor

ATTEST:

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Debra K. Thompson, Clerk

Adopted:  
Noticed:  
Effective: