

Sponsored by: Planning and Zoning Commission

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Public Hearing: November 28, 2022

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Joint Special Meeting w/Planning & Zoning Commission/Committee of the Whole: January 9, 2023

Amended: January 9, 2023

Public Hearing at Regular Council Meeting: January 9, 2023

Amended: January 9, 2023

Enactment: January 9, 2023

**CITY OF SEWARD, ALASKA
ORDINANCE 2022-016**

AN ORDINANCE OF THE SEWARD CITY COUNCIL, AMENDING SEWARD CITY CODE; 15.10.140(B)(49) DEFINITIONS, LODGING; 15.10.226(B) LAND USES ALLOWED, MODIFYING AND INCLUDING ADDITIONAL REGULATIONS RELATING TO LODGING, SHORT-TERM RENTALS; AND 15.10.226 LAND USES ALLOWED TABLE

WHEREAS, on March 29, 2022, the City Council approved the Planning and Zoning Commission’s priorities two of which included, “contribute and collaborate as needed to help be a part of the solution for the housing issues that Seward is facing,” and “Make recommended updates to Title 15”; and

WHEREAS, it is in the best interest of the community to periodically review and update the City zoning code to reflect community changes and needs; and

WHEREAS, it is recognized that housing for year-round residents within Seward is limited; and

WHEREAS, addressing the regulations around Short-term rentals is one of many solutions the City of Seward needs to take in order to protect the limited homes and lots available for year-round residents within Seward; and

WHEREAS, community members have expressed their desire to preserve and protect the quality and safety of neighborhoods; and

WHEREAS, the proposed regulations will allow current Short-term rental businesses to continue to operate; and

WHEREAS, the Planning and Zoning Commissions held four work sessions on the short-term rental topic with significant community input; and

WHEREAS, on October 11, 2022, the P&Z Commission unanimously approved these Title 15 proposed changes.

NOW, THEREFORE, THE CITY OF SEWARD ORDAINS that:

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Section 1. Seward City Code Title 15.10.140 is hereby amended to read as follows (new language is in ***bolded italics and underlined***, and deleted language is stricken):

Chapter 5.10 Seward Zoning Code

15.10.140 Definitions.

A. ~~(a)~~ General interpretation.

1. Words used in the present tense include the future tense.
2. The singular number includes the plural.
3. The word "person" includes a corporation as well as an individual.
4. The word "lot" includes the word "plot" or "parcel."
5. The term "shall" is always mandatory.
6. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."

B. ~~(b)~~ Specific definitions. (Parenthetical references are for cross-reference only.) In this chapter, unless otherwise provided or the context otherwise requires:

1. Accessory building. A detached structure that:
 - a. Is clearly incidental to and customarily found in connection with a principal building or use;
 - b. Is subordinate to and serves a principal building or use;
 - c. Is subordinate in area, extent or purpose to the principal building or use served;
 - d. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or use served; and
 - e. Is located on the same or adjacent lot under the same ownership as the principal building or use served.

An accessory building shall be considered to be a part of the main building when joined by a common wall or connected by a breezeway to the main building.

Accessory building means any structure regardless of type of foundation or base support, including skid-mounted or other moveable structures.

(Accessory or mother-in-law apartment. See Dwelling, Efficiency apartment)

2. Agriculture. Commercial farming, dairying, pasturage, horticulture, floriculture, viticulture, or animal and poultry husbandry including buildings used to shelter farm implements, hay, grain, poultry, livestock or other farm produce in which there is no human habitation and which is not used by the public.
3. Airport. A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, various accommodations for passengers, and business lease sites.
4. Alley. A dedicated public way which affords a secondary means of access to abutting property and not intended for general traffic circulation.
5. Alteration. Any change, addition or modification in the construction, location or use of a building.

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6. Amusement and recreation facility. Establishment engaged primarily in providing entertainment for a fee including such activities as bowling alleys, billiards and pool, dance hall, pinball machines, video games or other similar player-operated amusement devices.
7. Antenna. A device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbital based structures. Includes satellite dish.

(Apartment. See Dwelling)

8. Auto repair station. A place where a qualified automotive mechanic provides services such as general motor vehicle and engine repair, reconditioning or rebuilding, and collision service including body, frame and fender straightening and repair, painting and undercoating of motor vehicles.
9. Auto service station. A place used primarily for the retail dispensing of motor fuels and/or installation of tires, batteries and other accessories and services which do not customarily or usually require the services of a qualified automotive mechanic. Also known as a gas station.

(Bed and breakfast. See Lodging)

(Boarding or rooming. See Lodging)

10. Brewpub. An establishment that is primarily an eating place which includes the brewing of beer as an accessory use.
11. Building. Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.
12. Building area. A total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings, exclusive of external steps.
13. Building, existing. A building erected prior to the adoption of this Code or one for which a legal building permit has been issued.
14. Building height. The vertical distance above a reference datum measured 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 hipped roof. The reference datum, which must be between the building and the property line or in a dedicated public right-of-way that is accessible to fire suppression personnel and rescue equipment, shall be selected by either of the following, whichever yields the greater height of the building:
 - a. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such a sidewalk or ground surface is not more than ten feet above the lowest grade; or
 - b. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in subsection a., above is more than ten feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.
15. Building, principal or main. A building in which is conducted the principal or main use of the lot on which the building is situated. Attached garages, porches and carports shall be considered to be part of the principal building.

(Bunkhouse. See Housing)

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16. Business, general sales. A premises where the sale of goods or commodities to the consumer takes place; i.e., groceries; bakeries; hobby, knot or yarn shops, book, gift or apparel shops; fishing equipment, hardware or vehicle sales; restaurants; vehicle rentals or variety stores.
17. Business, personal service. The conduct of business where personal assistance is offered for compensation; i.e., dressmaking, tailoring, barbers and beauty, etc.
18. Campground. A plot of ground upon which two or more campsites are located, established or maintained for occupancy by camping units as temporary living quarters for recreational or vacation purposes.
 - a. Campground, municipal. Campgrounds owned or operated by the City and designated as public campgrounds by resolution of the City Council.
 - b. Campground, private camper parks. A privately owned and operated campground on any parcel, or adjacent parcels of land in the same ownership, which is used by two or more camping units.
 - c. Campground, employee. An area operated by an established business with high seasonal employment of transient workers as a housing alternative and not construed to be a construction camp.
19. Camper park. A privately owned and operated campground on any parcel, or adjacent parcels of land in the same ownership, which is used by two or more camping units.
20. Camping unit. A tent or recreational vehicle.
21. Child care, licensed home. In accordance with Alaska Statutes, a private residence where adult care, protection and supervision is provided for children other than the occupant's. Also called day care, nursery school, preschool and kindergarten.
22. Church. A building, structure or group of buildings or structures primarily intended for conducting organized religious services and associated accessory uses. The definition of a church shall be dependent upon U.S. Internal Revenue Service and the Kenai Peninsula Borough Assessor's Office interpretation. A standard single-family residence not remodeled for public meetings shall not be considered a church.
23. Clinic. A building or portion thereof containing offices and facilities for providing out-patient medical, dental or psychiatric services, and which may include a dispensary to handle medication and other merchandise prescribed by physicians in connection with their medical practice.
24. Club, private. 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, but not primarily for profit, and whose members meet certain prescribed qualifications for membership and pay dues. Includes lodges.
25. Cluster subdivision. A development design technique that permits a reduction in lot area provided there is no increase in the number of lots permitted under a conventional subdivision or increase in overall density of development by concentrating buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space and preservation of environmentally sensitive areas.

(Commercial building apartment. See Dwelling)

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26. Commercial communications tower. A structure intended to support equipment used to transmit and/or receive communication signals including monopoles, guyed and lattice steel structures. This definition does not include a tower that supports only one or more amateur radio antennas.
27. Commercial use. An occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.
(Condominium. See Dwelling)
(Convalescent or nursing home. See Housing)
28. Convenience store. A small-scale neighborhood grocery establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.
(Dormitory. See Housing)
29. Drinking establishment. Any premises wherein the principal purpose is the retail sale of alcoholic beverages for consumption on the premises and minors are excluded therefrom by law. Includes bar, cocktail lounge, tavern and nightclub.
30. Drive-in facility. Any portion of a building or structure which by design permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.
31. Dwelling. A building designed or used exclusively as living quarters for one or more families.
- a. Apartment. 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 an individual for daily living and doing his own cooking independently of any other individual or family in the same building.
 - b. Apartment, commercial building. An apartment located within a building designed to accommodate a mix of residential and commercial uses.
 - c. Apartment, efficiency (also called accessory apartment). A single separate dwelling unit consisting of not more than one habitable room which includes combined kitchen, dining and sleeping areas with accompanying sanitary facilities, and which is located within or shares a common wall with a single-family dwelling.
 - d. Apartment, owner or manager. An apartment within a building that is designed to be used exclusively as the living quarters for the owner or manager family of that building or a commercial business located in the building.
 - e. Apartment, studio. A small apartment less than 500 square feet with a fully functional kitchen and bathroom.
 - f. Condominium. A form of housing ownership by which a person may purchase and own one dwelling unit in a multiunit building or development. Each owner owns a common interest in such things as the underlying land, common walls, stairwells, elevators, lobbies, laundry rooms and recreation rooms.
 - g. Guest house. An accessory building occupied on a temporary basis solely by nonpaying guests.

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- h. Mobile home. A factory-built home designed to be used as a year-round residential dwelling and originally designed and mounted on wheels and/or axle supports for transportation by another vehicle.
 - i. Modular home. A factory-built residential structure that is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame. Includes factory-built and manufactured home.
 - j. Multiple-family. A building designed as a residence for three or more families, with the number of families in residence not exceeding the number of dwelling units provided and each living independently of the other under one roof.
 - k. Single-family, attached. A building containing two or more dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings. Also commonly called townhouse, row house and zero-lot line.
 - l. Single-family, detached. A building designed and/or used exclusively for occupancy of one family and entirely surrounded by open space on the same lot.
 - m. Two-family or duplex. A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof or unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.
 - n. Unit, dwelling unit. A building or separate portion thereof containing kitchen, living, sleeping accommodations and at least one bathroom and designed to be occupied exclusively as a residence by one family.
 - o. Watchman or caretaker dwelling. An accessory dwelling associated with a commercial or industrial building or structure for the purpose of housing a watchman or caretaker and immediate family.
32. Family. Any number of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit and distinguished from a group occupying a rooming house, club, fraternity house or hotel.
33. Farm animal. Any cow, horse, mule, goat, sheep, pig, chicken, or other similar animal commonly kept as livestock.
34. Flea market. An occasional or periodic sales activity held within a building or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.
35. Floor area, useable. That area used for or intended to be used for the sale of merchandise or services or as leasable office space as measured from the interior surfaces of the walls enclosing that part of the building. Such floor area which is used or intended to be used for the storage or processing of merchandise, hallway or for utilities or sanitary facilities is excluded from this computation of useable floor area.

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36. Fractions. In the determination of density, required parking spaces or other requirements of this Code, computations resulting in a fractional number of 0.50 or above shall be considered the next larger whole number.
37. Garage, private. An accessory building or portion of a main building designed or used solely for storage of motor vehicles, boats and similar vehicles owned by the occupants of the building to which it is accessory.
38. Greenhouse, commercial. A light-permeating structure used for cultivating and growing plants in a controlled temperature and humidity environment where such plants are offered for sale either on the premises or at another location.
- (Group care home. See Housing)
- (Guest house. See Dwelling)
39. Guide service. Any premises used for collecting or returning persons from recreation trips when remuneration is provided for the service.
- (Halfway house. See Housing)
40. Health club. Includes, but is not limited to, gymnasiums (except public), private clubs (athletic, health or recreational), reducing salons and weight control establishments.
41. Historic district. An area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community of such significance as to warrant conservation and preservation.
42. Home occupation. Any use customarily conducted entirely within a dwelling, or its accessory building, and carried on by the occupants thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no exterior sign, no display or stock in trade, no outside storage of materials or equipment, no commodity sold upon the premises and not more than two persons are engaged in such occupation.
43. Home professional office. A home occupation consisting of the office of a practitioner of a recognized profession.
- (Hostel. See Lodging)
- (Hotel. See Lodging)
44. Housing. Structures providing housing for groups of people, such as students, employees or nursing home residents.
- a. Bunkhouse. A building used as living quarters for people such as cannery workers or construction laborers where shower and sanitary facilities are shared and in which there are no individual cooking facilities.
 - b. Convalescent or nursing home. A structure with sleeping rooms where persons are housed or lodged and are furnished with meals, nursing and medical care.
 - c. Dormitory. A building used as residential group living quarters for a student body or religious order as an associated use to a school, orphanage or other similar institutional use, and does not include kitchen facilities except a group kitchen facility to serve all residents.
 - d. Group care home. A dwelling shared by no more than five disabled persons, plus resident staff, who live together as a single housekeeping unit and in a long-term,

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family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling residents to live as independently as possible in order to reach their maximum potential. The term "group care home" shall not include alcoholism or drug treatment centers, work release facilities for convicts or ex-convicts or other housing facilities serving as an alternative to incarceration.

- e. Halfway house. A licensed home for inmates on release from more restrictive custodial confinement, or initially placed in lieu of more restrictive custodial confinement, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the Alaska Department of Corrections.
- 45. Junk. Dismantled or wrecked automobiles, aircraft, motor vehicles or machinery, mobile homes, trailers, watercraft, used appliances or furniture, scrap building materials, metals, rubber, paper, plastic or other scrap materials.
- 46. Kennel. Any enclosure, building, shelter, area or establishment used for the purpose of breeding, buying, selling, keeping or boarding five or more dogs over the age of four months, whether for profit, pleasure, or as pets, by any person, individual, corporation, group of people or business entity. Does not include an animal shelter.
- 47. Livestock. Generally accepted large (over 250 pounds) and small (under 250 pounds) outdoor farm animals (i.e., cows, goats, horses, pigs, barnyard fowl, etc.). Does not include cats, dogs and other common household pets.
- 48. Loading space. A space located on premises for pickup and delivery at the premises. Required off-street loading space shall not be included as an off-street parking space.
- 49. Lodging. The renting out of a dwelling, or portion thereof, to provide overnight sleeping accommodations for a period of less than 30 consecutive days. ~~The use includes the providing of meals to overnight guests only. This use includes bed and breakfast, but does not include motel, hotel or hostel.~~
 - a. Bed and breakfast. An owner occupied and operated single-family residential dwelling where lodging with a meal is provided for compensation on a short-term basis. The term does not include boardinghouses and separate apartments which are leased on a month-to-month or longer basis.
 - b. Boarding or rooming. An owner-occupied building which has not more than five rooms available for rent or lease on other than a day-to-day basis and not open to transient guests for residential occupancy and in which no cooking or dining facilities are provided in the individual rooms. Meals may be regularly prepared and served for compensation at a table, family-style, without service or ordering of individual portions from a menu. The term includes lodging house or rooming house but does not include separate apartments with individual kitchen and bath facilities.
 - c. Hostel. A building, or portion thereof, in which temporary or overnight lodging is provided for hikers, cyclists or other travelers not generally traveling by car.
 - d. Hotel. A facility with six or more guest rooms and on-premises management offering transient lodging accommodations to the general public on a daily rate where access to all sleeping rooms is through a main entrance and which may provide food,

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entertainment, meeting rooms, recreational facilities or various personal services. Includes lodges and inns.

- e. Motel. A building, or group of detached or connected buildings, having six or more guest rooms, an on-premises manager and parking conveniently located on the premises, which are designed primarily to offer sleeping accommodations, with or without meals, to the motoring public on a daily rate. Includes designations such as motor lodges, auto courts, tourist courts and similar terms.
 - f. **Short-term rental. A dwelling unit, or portion thereof, that is offered or provided to a guest for compensation for a period of less than 30 consecutive days. Short-term rentals may be in individual rooms in single-family homes, units in apartments, condominiums, townhouses, and multifamily dwellings.**
50. Lot. A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage or access on a public street or on an approved private street and may consist of:
- a. A single lot of record;
 - b. A portion of a lot of record;
 - c. A combination of complete lots of record, or complete lots of record and portions of lots of record, or portions of lots of record; or
 - d. A parcel of land described by metes and bounds, provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this chapter and that, in the case of multiple lots or portions thereof, the property be replatted to eliminate interior lot lines.
 1. ~~A.~~ Lot area. The total horizontal area within the lot lines of a lot, exclusive of streets and alleys.
 2. ~~B.~~ Lot, buildable or useable area. That portion of a lot that a prudent person would use to construct a building and provide required parking. This excludes lakes and rivers, creeks, cliffs, marshes and other similar natural obstacles to development with the property counting toward minimum required size.
 3. ~~C.~~ Lot, corner. A lot situated at the intersection of two or more streets having an angle of intersection of not more than 135 degrees.
 4. ~~D.~~ Lot coverage. The area of a site covered by building or roofed areas, including covered porches, decks and accessory buildings, but excluding allowed projecting eaves.
 5. ~~E.~~ Lot depth. The horizontal distance between the front and rear lot lines measured on the longitudinal centerline.
 6. ~~F.~~ Lot, interior. A lot other than a corner lot.
 7. ~~G.~~ Lot line, front. In the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, the owner may choose which street he shall designate as the front of the lot. Once the choice of frontage has been made, it cannot be changed unless all requirements for yard space are met.

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8. H. Lot line, rear. A line opposite and most distant from the front lot line and, in the case of irregular or triangular shaped lots, a line not less than ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.
9. I. Lot line, side. Lot boundary not a front lot line or a rear lot line.
10. J. Lot line, zero. The mean horizontal line whereby two adjacent buildings from adjacent lots can be constructed with a common party wall providing a proper fire wall rating. All other aspects are the same as in conventional development.
11. K. Lot width. The average horizontal distance separating side lot lines of a lot and at right angles to its depth.
51. Lumberyard. An establishment that sells sawn timber and other building materials typically stored on the premises.
52. Manufacturing, heavy. A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials; or a use engaged in storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.
53. Manufacturing, light. A use engaged in the manufacture, predominantly from previously prepared material, of finished products or parts that, because of the nature of its equipment, operations, processes, materials, and products, has little or no potential of creating noise, vibration, dust, smoke, fumes, odor, glare, or other environmental impacts on surrounding properties or uses.
54. Marijuana. Marijuana means "marijuana" as that term is defined in Alaska Statute 17.38.900 and any amendments thereto.
55. Marijuana establishment. Marijuana establishment means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store as those terms are defined in AS 17.38.900 and any amendments thereto.
- a. Marijuana cultivation facility. Marijuana cultivation facility means an entity registered to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.
1. Limited marijuana cultivation facility. A limited marijuana cultivation facility has the privileges set forth at 3 AAC 305.405(a) and (b), and is subject to the prohibitions at 3 AAC 306.405(c), except that it must have fewer than 500 square feet under cultivation.
- b. Marijuana product manufacturing facility. Marijuana product manufacturing facility means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.
- c. Marijuana testing facility. Marijuana testing facility means an entity registered to analyze and certify the safety and potency of marijuana.
- d. Retail marijuana store. Retail marijuana store means an entity registered to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana

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products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.

56. Marijuana products. Marijuana products means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.
57. Marina. A facility for storing, servicing, fueling, berthing and securing and launching of boats that may include the sale of fuel and incidental supplies for the boat owners and guests. Also includes harbor.
- (Mobile home. See Dwelling)
58. Mobile home park. A parcel or adjacent parcels of land in the same ownership upon which two or more mobile homes are located or for which space is leased or held out for lease or use on a month-to-month or longer basis. This does not include sale lots on which unoccupied mobile homes are parked for inspection and sales and shall not be construed to mean tourist facilities for parking of travel trailers, motor homes or campers.
59. Mobile medical unit. A trailer, motorized coach or van capable of being transported from place to place, containing medical equipment such as a CT scanner, MRI or similarly complex medical diagnostic device or decontamination equipment.
- (Modular home. See Dwelling)
- (Motel. See Lodging)
- (Multiple-family. See Dwelling)
60. Nonconforming building. Any building or portion thereof lawfully existing at the effective date of the ordinance affecting it and which does not conform to all of the use, height and density regulations of the zone in which it is located.
61. Nonconforming use. A use which lawfully occupied a building or land at the effective date of the ordinance affecting it that does not conform to the use provisions of the zoning district in which it is located.
62. Noxious use. A use which is injurious or harmful to health, highly disagreeable or offensive.
63. Office. A building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations; i.e., travel, insurance, employment, utility, public service or government agencies.
64. Open area. Open area is any portion of the lot not:
 - a. Covered by a structure, or;
 - b. Used for parking spaces and maneuvering.
65. Owner. Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land, including the attorney or agent thereof.
66. **Owner-occupied. The use of a dwelling unit as the primary residence and permanent place of abode for the individual who holds the title of a property.**
67. (~~66~~) Park. Any public land available for recreational, educational, cultural or aesthetic use.

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68. ~~(67)~~ Parking area. A structure or an open area, other than a street, alley or other right-of-way, on which vehicle parking spaces are defined, designated or otherwise identified and available, whether free or for compensation, for use by the public, clients, tenants, customers, employees or owners of the property for which the parking area is required by ordinance.
69. ~~(68)~~ Parking requirements as stated in terms of employees. The maximum number of employees who will be at the site at one time on either a single shift or an overlap of shifts.
70. ~~(69)~~ Parking space, off-street. A designated area sufficient in size to accommodate one motor vehicle, exclusive of maneuvering room, designed with adequate independent access to, but located off, any street, alley or other right-of-way.
71. ~~(70)~~ Parking, valet. Attendant parking provided as a service to patrons of commercial establishments.
72. ~~(71)~~ Peddler. A person who, with no fixed place of business, goes from house to house, place to place, or from store to store transporting goods, wares or merchandise for sale or offering or exposing the same for sale or making sales and delivering articles to purchasers. (See Transient merchant and Vending, Street.)
73. ~~(72)~~ Planned unit development. A land development under unified control that is planned and constructed in its entirety as a single development operation or in a series of programmed stages. The development may include streets, circulation ways, utilities, residences, commercial buildings, open spaces and other site features and improvements some of which may not otherwise be individually permitted.
74. ~~(73)~~ Profession. 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; i.e., doctor of medicine, lawyer, engineer or real estate broker.
75. ~~(74)~~ Professional office. The office of a member of a recognized profession maintained for the conduct of that profession.
76. ~~(75)~~ Recreational, indoor commercial. A facility accommodating such indoor recreation activities as skating rinks, bowling lanes or shooting/archery ranges.
77. ~~(76)~~ Recreational, outdoor public. Outdoor recreation facilities such as sports fields, ice rinks, playing fields or miniature golf.
78. ~~(77)~~ Recreational vehicle. A vehicle used or intended to be used as transient living or sleeping quarters for humans and which may be driven, towed or propelled from one location to another without change in structure or design, whether or not the same is supported by wheels or identified by a model, serial or vehicle registration number. Includes travel trailers, camping trailers, tent campers, trailer coaches, motor homes, truck campers and similar vehicles.
79. ~~(78)~~ Recreational vehicle (RV) park. Any parcel of land upon which two or more recreational vehicle sites are located, established or maintained for commercial occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. Includes trailer park and camper park.
80. ~~(79)~~ Recycling center. A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

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81. ~~(80)~~ Recycling collection point. An incidental use serving as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas such as churches and schools, as opposed to being allowed on residential or vacant lots.
82. ~~(81)~~ Repair service, household/appliance. A business establishment where repairs are made to appliances and furniture.
83. ~~(82)~~ Residence. A home, abode or place where an individual is actually living at a specific point in time.
84. ~~(83)~~ Resource extraction. Commercial or industrial operations involving the removal of nonrenewable natural resources such as ore, topsoil, sand, gravel, rock, gas, oil or any operations having similar characteristics. Said use includes the use of heavy equipment such as loaders, dozers, backhoes and crushers.
85. ~~(84)~~ Restaurant. An establishment whose principal business is the sale of food and/or beverages to customers in a ready-to-consume state and whose principal method of operation includes one or both of the following characteristics:
 - a. Customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which the food and beverages are consumed; and/or
 - b. A cafeteria-type operation where food and beverages generally are consumed within the restaurant building.
86. ~~(85)~~ Restaurant, fast-food. An establishment whose principal business is the sale of quickly prepared, ready-to-eat food and/or beverages for consumption within the restaurant building, within a motor vehicle parked on the premises, or off the premises as carry-out orders, and whose principal method of operation includes the following characteristics: orders are generally taken at a main counter or drive-up window and food and/or beverages are usually served in disposable wrapping or containers. This includes drive-in and carry-out restaurants.
87. ~~(86)~~ Right-of-way. An area or strip of public land which incorporates or is intended to be occupied by, but not limited to, streets, alleys, sidewalks, bike paths, curbs, gutters, landscaping and/or public utilities.
88. ~~(87)~~ Salvage yard (auto wrecking, scrap, junk). Any area used for the storage, keeping or abandonment of junk or waste material, including scrap metal or other scrap materials, or for the dismantling, demolition or abandonment of automobiles, machinery, other vehicles or parts thereof.
89. ~~(88)~~ School. Any public, religious or nonprofit facility providing a general curriculum of academic or vocational instruction serving any or all grades between kindergarten and twelfth grade.
90. ~~(89)~~ School, commercial. A facility providing commercial instruction in such activities as music, dance, arts, crafts and sailing.
91. ~~(90)~~ School, adult vocational. A facility providing a general curriculum of adult academic or vocational instruction.

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92. ~~(91)~~ Setback. The required minimum distance from a right-of-way or lot line that establishes the area within which only fencing, landscaping, driveways, parking and similar uses are permitted. Any structure including, but not limited to, decks, stairways, porches or other attachments to a building are specifically prohibited in the setback. Building eaves are permitted to extend into the setback a maximum of two feet.
93. ~~(92)~~ Shopping center. A single complex which provides a combination of retail establishments designed in such a manner as to provide convenience for shoppers with common parking facilities. Includes mall.
(Single-family, attached. See Dwelling)
(Single-family, detached. See Dwelling)
94. ~~(93)~~ Solid waste facility. A disposal site employing an engineering method for disposing of solid wastes in a manner that minimizes environmental hazards. Includes landfill, compactor, transfer, etc.
95. ~~(94)~~ Storage. A structure or designated area that provides space for storing.
- a. Container. An accessory storage use consisting of containers such as semi-tractor vans, shipping containers and conex containers originally designed to transport goods and materials via highway, rail, air or sea, which are placed on a parcel of land and used for covered storage provided that all wheel assemblies have been removed, and the unit is located outside any setbacks. Containers, whether temporary or permanent, are considered a structure and must comply with current adopted building codes. Railroad box cars are excluded except in the industrial zone. (See Accessory Use/Building, Building, and Structure)
 - b. Outdoor. The commercial keeping, in an unroofed area and usually enclosed by a fence, of any goods, junk, material, merchandise or vehicles in the same place for an extended period of time. In the harbor commercial area, the use is limited to the storage of boats only.
 - c. Self-service. A building or group of buildings consisting of individual, small, self-contained units that are leased or owned for storage of business and household goods or contractors' supplies. Includes mini warehouses.
 - d. Warehouse and distribution. A building used primarily for the storage and/or distribution of goods, products, materials, supplies and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.
96. ~~(95)~~ Street. A dedicated public way which affords the principal means of access to abutting property, such as an avenue, place, drive, boulevard, highway or other similar public thoroughfare, except an alley as defined herein.
97. ~~(96)~~ Structure. Anything constructed or erected on the ground or attached to something having location on the ground, including, but not limited to, buildings, towers, and sheds. Fences, retaining walls less than three feet in height, signs and similar improvements of a minor character are excluded.
98. ~~(97)~~ Surface, durable. Means brick, flag-type stone, gravel, cement, or asphalt.

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99. ~~(98)~~ Temporary structure. A structure without any foundation or footings as allowed by the adopted building code which must be completely removed from the parcel when the temporary permit for the structure/use expires.
100. ~~(99)~~ Trailer. A structure standing on wheels, towed or hauled by another vehicle and used for carrying materials, goods or objects or as a temporary office or business.
101. ~~(100)~~ Transient merchant. Any person, partnership, firm or corporation, whether a resident of the City or not, who engages in a temporary business, within a period not exceeding 150 consecutive days in a calendar year, of selling and delivering goods and/or services, wares and merchandise for profit or nonprofit within the City by operating on a door-to-door, street corner or similar basis; or from no fixed location or office; or from a location out-of-doors or in quarters that are easily moveable, such as a temporary leased area or space, motor vehicle, trailer or tent. Includes peddlers, solicitors, itinerant merchants and vendors. Does not include vehicles for hire.

(Two-family or duplex. See Dwelling)

(Unit, dwelling unit. See Dwelling)

102. ~~(101)~~ Utility, public facility. An installation owned by an agency under public franchise or ownership, or under certificate of convenience and necessity, providing the public with electricity, gas, heat, steam, communication, water, sewage collection or other similar service.
103. ~~(102)~~ Vehicle, motor. A self-propelled device used for transportation of people or goods over land surfaces and licensed as a motor vehicle.
104. ~~(103)~~ Vending. The sale of food, services or merchandise.
- a. Hawking. Is the loud or continuous audible solicitation of business by a vendor to the general public.
 - b. Mobile vending cart. Is a non-motorized structure or unit on wheels that is easily moved and used for vending.
 - c. Mobile vendor. A person or business that sells food or permitted types of goods from City-approved locations using (i) a licensed vehicle or cart capable of movement; or (ii) a licensed trailer pulled behind a motor vehicle.
 - b. Pre-packaged food. Ready-to-eat food that is cooked, wrapped, packaged, processed, or portioned for service, sale or distribution.
 - c. Roving vendor. A person who offers only pre-packaged food items to the public, with or without the use of a licensed motor vehicle, from no fixed location on public property, only on rights of way within designated zoning districts, excluding Fourth Avenue between Port Avenue and Van Buren Street, and also excluding Fourth and Fifth Avenues between Jefferson Street and Railway Avenue.
 - d. Transient merchant. Any person, partnership, firm or corporation, whether a resident of the City or not, who engages in a temporary business, within a period not exceeding 150 consecutive days in a calendar year, of selling and delivering goods and/or services, wares and merchandise for profit or nonprofit within the City by operating from a location out-of-doors or in quarters that are easily moveable, such as a temporary leased area or space, or motor vehicle, trailer or tent. Includes peddlers, solicitors, itinerant merchants and vendors. Does not include vehicles for hire.

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Transient merchants operate exclusively from private property. (Note: Transient merchant definition relocated. Previously 15.10.140. B. 95.)

105. ~~(104)~~ Veterinary hospital. 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. Includes veterinary clinic.

(Watchman or caretaker dwelling. See Dwelling)

106. ~~(105)~~ Water-dependent. A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy, production or source of water.

107. ~~(106)~~ Water-related. Uses which are not directly dependent upon access to a water body but which provide goods or services that are directly associated with water-dependent land or waterway use and which, if not located adjacent to water, would result in a public loss of the quality of goods or services offered.

108. ~~(107)~~ Yard. A required open space on the same lot with a main building, unoccupied or unobstructed from the ground upward, except as otherwise provided in this chapter.

a. Front. The area extending across the full width of a lot, measured between the front lot line and the nearest exterior wall of the building, front of a bay window or the front of a covered porch or other similar projection, whichever is the nearest to the front lot line.

b. Rear. A yard extending across the full width of the lot between the most rear extension of the main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the point of the rear lot line nearest to the main building. In cases of double frontages and corner lots, there are no rear yards, only front and side yards.

c. Side. A yard between a main building and side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the main building.

109. ~~(108)~~ Zero-lot line. The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

(Ord. 626, § 3, 1989; Ord. 633, § 1, 1990; Ord. 92-02; Ord. 92-14; Ord. 93-05; Ord. 94-26; Ord. 95-07; Ord. 95-17; Ord. 96-05; Ord. 97-12; Ord. 98-02; Ord. 98-06; Ord. 98-09; Ord. 99-01; Ord. 99-10; Ord. 99-16, § 3, 1999; Ord. 2003-09; Ord. No. 2010-005, § 1, 10-11-2010; Ord. No. 2011-004, § 1, 5-29-2012; Ord. No. 2014-002, § 1, 4-28-2014; Ord. No. 2014-004, § 1, 5-27-2014; Ord. No. 2015-001, § 1, 2-23-2015; Ord. No. 2016-005, § 3, 6-27-2016; Ord. No. 2018-002, § 4; Ord. No. 2018-004, § 1; Ord. No. 2020-012, § 1, 10-12-2020; Ord. No. 2022-002, § 1, 1-24-2022)

Section 2. Seward City Code Title 15.10.226 is hereby amended to read as follows (new language is in ***bolded italics and underlined***, and deleted language is stricken):

15.10.226 Land uses allowed.

A. Table 15.10.226 Land Uses Allowed is incorporated herein by reference and the restrictions contained therein are mandatory unless otherwise modified by this chapter (See Table 15.10.226)

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- B. Lodging as defined in section 15.10.140B. is allowed in accordance with table 15.10.225 of this chapter and subject to the following conditions:
1. Regardless of the date such use began, an annual administrative permit is required. Prior to issuing the permit, the City shall conduct an annual life safety inspection of each guest room to assure compliance with the current adopted building code door/window egress standards, the presence of an operable and inspected fire extinguisher and adequate smoke detection systems, a posted evacuation plan, and visible signs showing exit locations.
 2. **The application for an annual administrative permit shall be accompanied by a fee established by City Council resolution. A fee will be issued for each separate, advertised, rentable lodging unit.**
 3. **Before any permit is issued, the applicant shall furnish evidence of the existence of one or more policies of insurance, issued by an insurance company satisfactory to the City, providing insurance coverage for lodging. Policies shall stipulate that the insurer will give written notice to the City at least 30 days prior to the cancellation, expiration, lapse or other termination of the insurance coverage.**
 4. (2) Parking will be provided in accordance with section 15.10.215 of this chapter.
 5. (3) No cooking or cooking facilities are permitted in individual guest bedrooms.
 6. (4) Within single and two-family **principally** residential districts **RR, R1, R2, R3, UR**, lodging is limited to a home occupation within an owner-occupied dwelling which is the owner's principal place of residence and to the rental of not more than 50 percent of the bedrooms to a maximum of five **three**.
 7. ~~In all other residential districts, lodging within single family residences and duplexes is limited to a home occupation within the business owner's principal place of residence and to the rental of not more than 50 percent of the bedrooms to a maximum of five.~~
 7. **Within principally residential districts R2, R3, UR, lodging in multifamily dwellings is limited to not more than 50 percent of the dwelling units with one of the units being the owner's principal place of residence.**
 8. Within commercial districts lodging **within a dwelling unit** is limited to the rental of not more than five guest bedrooms regardless of building or business ownership.
 9. ~~(7)~~ **Within principally commercial districts OR, AC, HC, and CB, excluding the Industrial zoning district,** multifamily dwellings used for lodging purposes are not required to be the business or property owner's **principal place of** residence. The use shall be limited to not more than five ~~apartment~~ **dwelling** units.
 10. ~~(8)~~ The rental of individual rooms for lodging purposes is not extended to apartment unit tenants.
 11. ~~(9)~~ Regardless of business name, the use of more than five guest bedrooms or apartments is considered a motel or hotel for building and other code interpretation purposes.
- C. Mobile vendor as defined in section 15.10.140(B)(98) Vending (C) of this chapter and which are allowed in accordance with table §15.10.225 are subject to the following development requirements:
1. An application for a mobile vendor must be submitted on a form provided by the City Clerk's office yearly with colored pictures of at least two different angles of the unit the

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- applicant is applying to license and a description that includes the length and width, when in its widest configuration.
2. Mobile vendors may operate at designated locations, by permit. Policies and procedures shall be set by resolution of the City Council.
 3. The City police department has the right to close down a mobile vendor if vending is causing or contributing to an imminent public safety hazard.
 4. No mobile vending shall take place on public property between the hours of 10:00 p.m. and 6:00 a.m. unless otherwise posted.
 5. A mobile vendor may only offer, for sale, the following types of goods and services on public property: food and/or non-alcoholic beverages; handicrafts, artwork, jewelry or similar goods or firewood.
 6. Licenses. In addition to complying with City of Seward ordinances related to mobile vendors and applicable regulations, the owner and operator is responsible for applying for and obtaining all other necessary licenses and satisfying the standards of the City permit conditions.
 7. Mobile vendor vehicles or carts may not remain in place overnight or in City parking lots.
 8. Mobile vendor vehicles must be self-contained when operating, except for the required trash and or recycling receptacles, which shall be in a safe location and in no event shall impede the free movement of automobiles or pedestrians, within their permitted lot or space.
 9. Mobile vendors must serve to the sidewalk or esplanade next to a sidewalk when parked in spaces parallel to City sidewalks.
 10. It shall be unlawful for a vendor to attract customers by hawking or physically accosting persons.
 11. Each mobile vendor vehicle shall provide the City with a certificate of insurance to cover public liability in the standard amount set by City policy. Insurance policies shall stipulate that the insurer will give written notice to the City at least 30 days prior to cancellation or other termination in coverage. Prior to acceptance of their permit, vendors shall execute an instrument under the terms of which the permittee shall agree to indemnify, defend, and hold harmless the City from any and all claims for injury or damage to persons or property suffered in connection with vendor activities.
 12. Any mobile vendor base station shall be properly licensed.
 13. Mobile vendors shall comply with all City code, policy and procedures. Failure to adhere to the regulations for mobile vendors is cause for revocation or suspension of the license / permit by the City Clerk.
 14. Mobile vendors shall display required permits and City business license in a prominent location on the mobile vending cart or vehicle from which the business is conducted pursuant to the permit, so it is protected from the weather and easily visible to the public.
- D. Roving vendor as defined in section 15.10.140 B 98 (e) of this chapter and which are allowed in accordance with table 15.10.225 are subject to the following development requirements:
1. Roving vendors shall not vend on any public street where the legal speed limit exceeds 25 miles per hour, or on Fourth Avenue between Port Avenue and Van Buren Street, and

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- also excluding that portion of Fourth and Fifth Avenues between Jefferson Street and Railway Avenue.
2. Roving vendors shall not vend on any public street before 6:00 a.m. or after 10:00 p.m., unless otherwise posted.
 3. Roving vendors shall vend only when the vehicle is lawfully parked and completely stopped.
 4. Roving vendors shall vend on public streets from the side of the vehicle away from moving traffic, and within one foot of the curb or edge of the street.
 5. Roving vendors shall not vend or permit the vehicle to stand in one place in any public place or street for more than 30 minutes or in front of any premises for any time if the owner or lessee objects.
 6. An application for a roving vendor vehicle must be submitted on a form provided by the City Clerk's office yearly with colored pictures of at least two different angles of the unit the applicant is applying to license and a description that includes the length and width, when in its widest configuration.
 7. The City police department has the right to close down or request a roving vendor to relocate if vending is causing or contributing to an imminent public safety hazard.
 8. In addition to complying with City ordinances and permit conditions related to roving vendors, the owner and operator is responsible for applying for and obtaining all other necessary licenses required for the service of food. The roving vendor vehicle shall be in compliance with the motor vehicle laws of the state, and the roving vendor vehicle owner is responsible for complying and verifying that a specific location or route does not violate city zoning code.
 9. Roving vendors shall comply with all traffic rules.
 10. Each roving vendor vehicle must provide the City with a certificate of insurance to cover public liability in the standard amount set by City policy. Insurance policies shall stipulate that the insurer will give written notice to the City at least 30 days prior to cancellation or other termination in coverage. Prior to acceptance of their permit, vendors shall execute an instrument under the terms of which the permittee shall agree to indemnify, defend, and hold harmless the City from any and all claims for injury or damage to persons or property suffered in connection with vendor activities.
 11. Any roving vendor base station must be properly licensed.
 12. Roving vendors shall comply with City code, policy and procedures. Policies and procedures shall be set by resolution of the City Council. Failure to adhere to the regulations for roving vendors is cause for revocation or suspension of license permit by the City Clerk.
 13. Roving vendors shall display required permits and City business license in a prominent location on the mobile vending cart or vehicle from which the business is conducted pursuant to the permit, so it is protected from the weather and easily visible to the public.
- E. Transient merchants as defined in section 15.10.140B. of this chapter and which are allowed in accordance with table 15.10.225 are subject to the following development requirements:
1. For purposes of this chapter, such use and storage of equipment shall be limited to a period not exceeding 150 consecutive days in a calendar year.

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2. Transient merchant facilities shall be and remain legally licensed and road ready and shall be removed completely from the property at the end of 150 days.
 3. Transient merchants shall provide for the concealed storage of all inventory, supplies, equipment and other materials brought to the site in connection with the business conducted there.
 4. Transient merchants using vehicles and trailers in the operation of transient business activities authorized by this chapter shall ensure that the area of operation meets the required setbacks as provided by section 15.10.220. In no case shall the allowed area of operation be less than five feet from any property line, permanent structure or other transient merchant.
 5. Prior to operation, vehicles and trailers utilized for transient merchant purposes shall have blocked tires and be fully skirted to match the vehicle or trailer.
 6. Any additions, including, but not limited to, porches, platforms and decks, shall be sided or painted to match or complement the vehicle or trailer prior to operation.
 7. Every transient merchant shall provide sufficient trash receptacles on-site and ensure the proper disposal of all garbage collected on the site.
 8. The use of generators is prohibited.
 9. No transient merchant shall conduct business on property owned or operated by the City except in accordance with chapter 8.10 of this Code.
 10. Transient merchants shall conform to all federal, state and local laws.
- F. Reserved.
- G. Livestock as defined in section 15.10.140B. are allowed in accordance with table 15.10.225 of this chapter subject to the following:
1. Lot size may not be less than 20,000 square feet per large animal, or not less than 20,000 square feet for every two small animals (excluding chickens and rabbits).
 2. Livestock fencing shall be no closer than five feet from a property line.
 3. A City-approved drainage plan showing that runoff from the livestock corral or pen will not adversely impact neighboring property or streams.
 4. A City-approved manure storage and disposal plan. The manure storage pile shall not be closer than 25 feet from any property line.
 5. Up to five chickens (hens) or rabbits are allowed in accordance with table 15.10.225.
 6. Chicken or rabbit coops and enclosures are required and must meet a minimum setback of 25 feet from neighboring homes.
 7. Chickens or rabbits are not allowed on lots with more than one dwelling unit.
- H. Marijuana establishments as defined in section 15.10.140.B.53 are allowed in accordance with table 15.10.225 of this chapter subject to the following:
1. The facility owner or operator has submitted a license application to the State of Alaska for the corresponding type of marijuana establishment prior to operation, and maintains a current license from the state at all times the facility is in operation.
 2. Marijuana establishments shall not to be located within 500 feet of the entrance of any building where religious ceremonies are regularly held, a correctional facility, recreational facility or youth center licensed by the state or local government, or within 1,000 feet of any school. The distance specified in this subsection must be measured by

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the shortest pedestrian route from the public entrance of the building in which the licensed premises would be located to the outer parcel boundaries of the school, recreation or youth facility or to the main public entrance of the building in which religious services are regularly held, or the correctional facility. The burden of proof demonstrating that the facility meets the required separation distances is the responsibility of the marijuana establishment owner or operator.

3. In this title, standard or limited marijuana cultivation facility meeting all other criteria in this Code and in Alaska Statutes and Administrative Codes are classified as a Greenhouse(s)/Commercial, except that a limited marijuana cultivation facility as an accessory use secondary to a residence may be classified as a Home Occupation use.
 4. In this title, a marijuana testing facility meeting all other criteria in this Code and in Alaska Statutes and Administrative Codes is classified as an Office - Business or Professional use.
 5. In this title, a marijuana product manufacturing facility or a marijuana concentrate manufacturing facility using hazardous materials in the manufacturing process and meeting all other criteria in this Code and in Alaska Statutes and Administrative Codes is classified as a Manufacturing - Heavy use. Facilities not using hazardous materials in the manufacturing process are classified as a Manufacturing, Light use.
 6. In this title, a retail marijuana store meeting all other criteria in this Code and in Alaska Statutes and Administrative Codes is classified as a Business - Retail Sales and Service use.
- I. Camping is allowed subject to the following:
1. Camping for a fee shall be allowed within the City limits only in municipal campgrounds, as defined in section 7.15, or in private camper parks operating under a permit, as defined in section 8.15.
 2. Other than permitted camper parks, camping on privately owned lots as an accessory use to an occupied, single family home is limited to private non-commercial use and for no fee. Such occupancy shall be limited to one camping unit at a time and shall be for recreational or vacationing purposes only. Camping as provided in this section shall not occur earlier than April 15th and no later than September 30th
- J. Employee Campgrounds are allowed in accordance with table 15.10.226 of this chapter subject to the following:
1. Employee campgrounds are for established businesses with high seasonal employment of transient workers, and are not to be construed as construction camps. No employee campground may be open for more than 180 days per calendar year, and may not open earlier than April 15, nor remain active later than September 30, except by resolution of the City Council based on specific findings that a longer term, earlier opening date and/or later closing date is warranted because of special circumstances.
 2. Camping units as described in [section] 15.10.140 are not permitted. For the purposes of this section, a camping unit is described as a modified camping Connex, providing living facilities for one or more persons.
 3. Occupancy in an employee campground is limited to the transient workers of that industry or business granted a conditional use permit.

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4. Garbage and refuse. The requirements of section 8.15.340 shall also apply to employee campgrounds.
5. Sanitary facilities shall be provided and include either permanent or portable toilets on-site. If permanent facilities are constructed, they shall conform to section 8.15.425(b). Shower facilities shall be provided and may either be on-site in conformance with section 8.15.425(b), or provided on the job site of the employer.
6. The requirements for spacing shall be at least ten feet clear space between camping units. Camping units, other than those being used for living accommodations, shall not be parked within the campground area proper.

(Ord. 626, § 3, 1989; Ord. 633, §§ 3, 4, 1990; Ord. 639, 1991; Ord. 90-2; Ord. 91-1; Ord. 91-04; Ord. 92-02; Ord. 94-11; Ord. 94-25; Ord. 95-07; Ord. 95-13; Ord. 95-17; Ord. 96-05; Ord. 97-13; Ord. 98-09, § 4; Ord. No. 2012-002, § 1; Ord. No. 2014-004, § 1; Ord. No. 2016-005, § 3; Ord. No. 2018-004, § 1; Ord. No. 2022-003, § 1, 1-24-2022)

Editor's note(s)—Ord. No. 2018-004, § 1, adopted § 1, 7-9-2018 renumbered § 15.10.225, to § 15.10.226, as herein set out.

TABLE
Zoning District Designations

The following zoning district abbreviations are provided for information and interpretation:

RR =	Rural, very low density single-family residential
R1 =	Single-family, low density residential
R2 =	Single and two-family, medium density residential
R3 =	Single, two and multi-family, high density residential
UR =	Urban residential, a mix of residential uses and low impact home professional offices
OR =	Office residential
AC =	Auto and neighborhood oriented, light commercial
HC =	Harbor commercial
CB =	Central business district - dense downtown commercial
I =	Industrial
RM =	Resource management - partially developable lands subject to floodplains and steep slopes
INS =	Institutional, public, quasi-public uses
P =	Parks

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Table 15.10.226. Land Uses Allowed

KEY:

- O - Use Permitted Outright
- H - Home Occupation
- C - Use Requires Conditional Use Permit
- P - Use Requires Administrative Permit
- Blank - Use Prohibited

Zoning Districts Uses	Principally Residential					Principally Commercial					Principally Public		
	RR	R1	R2	R3	UR	OR	AC	HC	CB	I	RM	INS	P
Accessory building	O	O	O	O	O	O	O	O	O	O	O	O	O
Adult entertainment	INTENTIONALLY LEFT BLANK												
Agency, i.e., travel insurance, title, real estate, etc.					O	O	O	O	O				
Agriculture											O		
Airport and related services										O	C		
Amusement or recreation facility							O		O	O			
Animal shelter										O	C	C	
Antenna, personal TV, satellite dish	O	O	O	O	O	O	O	O	O	O	O	O	
Art gallery					O	O	O	O	O				
Assemblages, temporary large, i.e., circus, fair							P	P	P	P	P	P	P
Attraction, permanent major visitor							C	C	C			C	C
Auditorium							O		O			O	
Auto repair, i.e., mechanic, glass body, upholstery							C			O			
Auto service/gas station							O	O		O			
Auto/RV sales and rentals							O	O		O			
Boat sales							O	O		O			
Boat, commercial building/fabrication								O		O			
Boat, harbor/marina								C		C	C	C	C
Boat, repair and maintenance							O	O		O	C		
Boat, storage commercial							O	O		O	C		
Bulk material, i.e., concrete, gravel, sand, asphalt										C	C		
Business, marine retail sales and service							O	O	O	O	C		
Business, package liquor							O	O	O				
Business, retail sales and service						O	O	O	O				
Business, retail sales and service, industrial										O			
Campground, municipal								C/P		C/P		C/P	C/P

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Zoning Districts Uses	Principally Residential					Principally Commercial					Principally Public		
	RR	R1	R2	R3	UR	OR	AC	HC	CB	I	RM	INS	P
Campground, camper park,private										C/P	C/P	C/P	
Campground, employee										C/P			
Car/boat wash							O	O		O			
Cemetery											O	C	O
Center, community/civic							O		O			C	C
Center, mariner's							O	O	O	O			
Center, senior or teen				C	C	C	O		O			C	C
Child care, licensed center				C	C	O	O		O			C	
Child care, licensed home	O	O	O	O	O	O	O		O			O	
Church	C	C	C	C	C	C	O	O	O			O	
Clinic, medical						O	O	O	O			O	
Clubs, fraternal/lodges/social/veterans						C	O		O	C			
Cluster subdivision		C	C	C									
Commercial communications tower less than 16 feet diameter or 75 feet in height							C	C	C	C	C	C	
Commercial communications tower 16 feet diameter or greater than 75 feet in height										C	C	C	
Correctional/prison facility									C	C	C	C	
Crematory										O			
Docks/wharves, industrial cargo								O		O	C	C	
Dock, passenger								O	O	O	C	O	
Drinking establishment, i.e.,bar, nightclub, lounge							C	C	C				
Drive-in facility—Fast food,banking, etc.						C	C	C	C	C			
Dwelling, apartment in a commercial building (limited to one unit)						O	O	O	O	O	C		
Dwelling, apartment in a commercial building (two or more units)						O	O	C	C				
Dwelling, apartment, efficiency or accessory	O	O	O	O	O	O	O						
Dwelling, apartment, studio						C	C	C	C	C	C		
Dwelling, attached single-family, i.e., townhouse, row				C	C	C	C	C	C		C		
Dwelling, condominium				C	C	C	C	C	C		C		
Dwelling, detached single-family	O	O	O	O	O	O	O		C		C		
Dwelling, group home	O	O	O	O	O	O					C		
Dwelling, guest house	O	O									C		

**CITY OF SEWARD, ALASKA
ORDINANCE 2022-016**

Zoning Districts Uses	Principally Residential					Principally Commercial					Principally Public		
	RR	R1	R2	R3	UR	OR	AC	HC	CB	I	RM	INS	P
Dwelling, multi-family (3 or more units)				C	C	C	C	C	C		C		
Dwelling, two-family or duplex			O	O	O	O	O		C		C		
Dwelling, watchman or caretaker										O	C		
Emergency services, pub/vol;i.e., fire, ambulance, rescue	C	C	C	C	C	C	O	C	O	O	C	O	
Financial institution, i.e., bank,S&L						C	O		O				
Flea market, open air retail other than occasional							C	C			C		
Fuels, bulk storage and sales										C			
Golf course											O	O	C
Golf driving range							O			O	O	O	C
Greenhouse/nursery—Commercial							O			O	O		
Grocery, convenience store				C	C	C	O	O	O	O			
Grocery, supermarket, food mart							O		O				
Health club					C	C	O	O	O				
Home occupation	O	O	O	O	O	O	O	O	O		O		
Hospital									C			C	
House rental on a nightly basis				P	P	P	P	P	P				
Housing, bunkhouse							C			C		C	
Housing, dormitory						O						O	
Housing, nursing, retirement, convalescent				C			C					C	
Kennel, commercial, musher or fancier	INTENTIONALLY LEFT BLANK												
Laundry, dry cleaning							O	C	O	O			
Library						O	O		O			O	
Livestock, excluding chickens and rabbits	P										P		
Livestock, chickens and rabbits	P	P	P	P	P	P	P		P		P		
Lodging, B&B, rooms, duplex and accessory apartment	H/P	H/P	H/P	H/P	H/P	O/P	O/P	O/P	O/P				
Lodging, hostel				P	P	P	P	P	P				
Lodging, hotel, motel, lodge, inn				C			O	C	C				
<u>Lodging, short-term rental</u>	<u>H/P</u>	<u>H/P</u>	<u>H/P</u>	<u>H/P</u>	<u>H/P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>				
Lodging, multifamily dwelling apartment			P	P	P	P	P	P	P				
Lumber yard/building supply							C			O	C		
Manufacturing—noxious, heavy										C			
Manufacturing, light fabrication, assembly							C		<u>C</u>	O			
Merchant, transient							O	O	O	O			
Mobile home park							C/P						

**CITY OF SEWARD, ALASKA
ORDINANCE 2022-016**

Zoning Districts	Principally Residential					Principally Commercial					Principally Public		
	RR	R1	R2	R3	UR	OR	AC	HC	CB	I	RM	INS	P
Mobile home, residential, not in park	INTENTIONALLY LEFT BLANK												
Mobile home sales							O			O			
Mobile medical unit									O	O		O	
Mobile vendor	P	P	P	P	P	P	P	P	P	P			P
Mortuary/funeral home						O	O		O				
Museum					C	O	O	O	O			O	
Office, boat charter, guide						O	O	O	O	O	C		
Office, business or professional						O	O	O	O	O			
Office, government/quasi-government administration						O	O	O	O	O	O	O	
Office, mobile/temporary on construction site	P	P	P	P	P	P	P	P	P	P	P	P	P
Office, home, professional					O	O	O	O	O				
Parking lot				C	C	O	O	O	O	O	O	O	O
Personal services, i.e., beauty, shoe, tailor						O	O	O	O				
Planned unit development		C	C	C			C		C		C		
Playground, public tot lot	O	O	O	O	O	O	O		O		O	O	O
Railroad								C		C	C	C	
Recreation, commercial indoor, i.e., bowling, skating							O		O	O	C		
Recreation, outdoor, i.e., miniature golf							O		C		C		C
Recreation, shooting range										C	C	C	
Recycling center							C		C	O	C		
Recycling, self-service drop-off point						O	O	O	O	O	O	O	O
Repair service, i.e., large appliance							C		C	O			
Resource extraction, commercial subsurface, i.e., mining										C	C	C	
Resource extraction, commercial surface, i.e., gravel										C	C	C	
Resource extraction, commercial timber harvesting										C	C		
Restaurant, food service, catering, brew pub						O	O	O	O	O	C		
Rooming or boarding house				O/P	O/P	O/P	O/P						
Roving Vendor	P	P	P	P	P	P	P	P	P	P			P
Salvage—auto, wrecking, scrap, junkyard										C			
Sawmill or lumbermill										C	C		
School, college							C		C			C	
School, public/private elementary/secondary	C	C	C	C	C	C	C		C			C	
School, vocational						C	O	O	C	O		C	


**CITY OF SEWARD, ALASKA
ORDINANCE 2022-016**

Zoning Districts Uses	Principally Residential					Principally Commercial					Principally Public		
	RR	R1	R2	R3	UR	OR	AC	HC	CB	I	RM	INS	P
Seafood processing, i.e.,canning, rendering							C	C		C	C		
Shop, i.e., welding, sheet metal, machine, steel fab.							C	C		O			
Shop, i.e., wood, signs, cabinet, upholstery					C	C	O	C		O			
Shopping center (mall)							C		C				
Solid waste disposal, i.e., baler, transfer, landfill										C	C	C	
Storage, container						P	P	P	P	O		P	
Storage, explosives										P			
Storage, outdoor, yard, material/equipment							C			O	O	C	
Storage, self service							O	O		O	O		
Storage, warehouse and distribution							O	O		O	C	C	
Studio, radio/television					C	O	O		O	O	C		
Tanks, above ground associated with service station							C	C		O			
Taxidermy					O	O	O	O	O				
Terminal, i.e., bus, truck, freight							O		C	O	C		
Terminal, marine/boat passenger								O	C	O	O	C	
Theater, concert, movie							O		O				
Tool/equipment rental							O			O			
Temporary structure	P	P	P	P	P	P	P	P	P	P			
Utility facility, public electric,water, sewer, etc.	C	C	C	C	C	C	O	O	O	O	O	O	
Vehicle impound lot										O		O	
Vending machine repair,storage							O			O	C		
Veterinary hospital							C			C	C		
Wind Energy Conversion Systems (WECS)	O	O	O	O	O	O	O	O	O	O	O	O	O

Section 3. This ordinance shall take effect ten (10) days following enactment.

ENACTED BY THE CITY COUNCIL OF THE CITY OF SEWARD, ALASKA, the 9th day of January, 2023.

THE CITY OF SEWARD, ALASKA



Sue McClure, Mayor

**CITY OF SEWARD, ALASKA
ORDINANCE 2022-016**

AYES: Barnwell, Finch, DeMoss, Osenga, Wells, Calhoon, McClure
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:


Brenda J. Ballou, MMC
City Clerk

(City Seal)



City Council Agenda Statement



Meeting Date: November 14, 2022

To: City Council

Through: Janette Bower, City Manager

From: Planning and Zoning Commission

Agenda Item: Ordinance 2022-016: Amending Seward City Code; 15.10.140(b)(49) Definitions, Lodging; 15.10.226(b) Land Uses Allowed, Modifying and Including Additional Regulations Relating to Lodging, Short-Term Rentals; and 15.10.226 Land Uses Allowed Table

Background and justification:

On March 29, 2022, the City Council approved the Planning and Zoning Commissions priorities, two of which were to "contribute and collaborate as needed to help be a part of the solution for the housing issues that Seward is facing ", and to "make recommended updates to Title 15."

It is a recognized issue in the City of Seward, that the schools, hospital, prison, and other local businesses cannot hire sufficient employees due to the lack of housing available.

Addressing the regulations around Short-term rentals is one of many solutions to the housing crisis that the City of Seward needs to take in order to protect the limited homes and lots available for individuals seeking to live year-round within Seward.

Residents of Seward have also expressed the need to preserve the typical neighborhood atmosphere where people know their neighbors and take pride and ownership in the safety and cleanliness of the community.

The Planning and Zoning Commission held four (4) public work sessions on 04/19/2022, 06/21/2022, 07/19/2022, 09/27/2022 to discuss regulation strategies regarding Short-term rentals

On October 11, 2022 the Planning and Zoning Commission approved Resolution 2022-023, recommending the City Council amend Seward City Code 15.10.140(b)(49) Definitions, Lodging; 15.10.226(b) Land Uses Allowed, Modifying and Including Additional Regulations Relating to Lodging, Short-Term Rentals; and 15.10.226 Land Uses Allowed Table.

In Summary, the effect of this legislation is as follows:

- Properties that have been historically operating as a short-term rental can continue to do so and can be sold as a short-term rental property. These properties will be considered a non-conforming use in code and if the property ceases to be a short-term rental, they will no longer be able to continue to do so.
- No [new] whole house rentals in residential zones are allowed.
- Whole house rentals are allowed in commercial zones if they are in a multi-family structure.
- Owner occupied (traditional BnBs) are allowed in residential zones up to 50% of bedrooms, with a maximum of three.

- Single family structures that are currently not operating as a short-term rental may not be converted to a short-term rental in commercial zones.
- In a commercial district, if a multifamily property is not operating as a short-term rental and it is purchased, the purchaser must wait 4 years to apply for a short-term rental permit.
- If someone owns an undeveloped property with plans for a short-term rental (that would be non-conforming), they must do so in 2 years.
- Short Term Rental Insurance will now be required by code (we currently ask for it but it's not required by code)
- There will be a fee associated with each individual short-term rental unit (on the fee schedule) to help with processing and compliance costs.

Comprehensive and Strategic Plan Consistency Information

This legislation is consistent with (citation listed):

Comprehensive Plan: Vol 1, Chapter 2.2.1 – Small Town Fee and Atmosphere
 "People are friendly and you know your neighbors."
 "A high level of citizens commitment to the community."
 Vol 1, Chapter 2.2.2 – Natural Environment and Open Space
 "...We value quiet in our residential neighborhoods..."
 Vol 1, Chapter 2.2.8 – City Government
 "Continue to review and update the City code."
 Vol 3.2.1.1 – Expand the opportunity for affordable, diverse, year-round housing through appropriate land use regulations
 Vol 3.9.2.3 – Preserve the quiet of residential neighborhoods

Strategic Plan: "Maintain Seward's small-town character throughout the growth process."
 (Page 13).

Other: _____

Certification of Funds

Total amount of funds listed in this legislation: **\$ 0**

This legislation (✓):

- Creates revenue in the amount of: \$ _____
- Creates expenditure in amount of: \$ _____
- Creates a savings in the amount of: \$ _____
- Has no fiscal impact

Funds are (✓):

- Budgeted Line item(s): _____
- Not budgeted _____
- Not applicable

Finance Signature: Sully Jusino

Attorney Review

Yes
Not applicable

Attorney Signature:
Comments:

Bruce Chubb

Administration Recommendation

Adopt Ordinance
Other: _____