

# VILLAGE VIEW SUBDIVISION SUBAREA LAND USE PLAN

## OVERALL PURPOSE:

To preserve the predominately residential character of the Village View Subdivision.

## SPECIFIC OBJECTIVES:

- 1) To limit the density of residential development, and activities associated with that development, within the subdivision.
- 2) To allow home occupations that are consistent with the residential character of the subdivision.
- 3) To prohibit commercial development that is inconsistent with the residential character of the subdivision.
- 4) To minimize vehicular traffic on the roads within the subdivision in order to maintain a quiet and pedestrian-friendly neighborhood.

## ACTIONS TO ACHIEVE OBJECTIVES:

- 1) Subdividing of lots into parcels less than 40,000 sq. ft. in area is prohibited.
- 2) Dwelling development is limited to one single-family dwelling per each 40,000 sq. ft. or one double family dwelling (duplex) per each 80,000 sq. ft.
  - A) This shall include rental units of either a nightly or longer-term nature.
  - B) This shall include employee housing.
  - C) One guest cabin shall be excepted from this limitation as long as:
    1. The guest cabin users are visiting guests of the dwelling's residents.
    2. No money, services or goods are exchanged for use of the guest cabin.
- 3) The primary use of any dwelling unit within the subdivision must be residential.
- 4) Buildings are limited to a maximum of two stories above grade.
- 5) Dog numbers are limited to a maximum of 8 on lots of less than 80,000 sq. ft., and a maximum of 20 on lots equal to or greater than 80,000 sq. ft.
- 6) Home occupations are the only commercial activities allowed.
- 7) Home occupations are subject to the following conditions:
  - A) The owner(s) of the home occupation must reside on the premises.
  - B) Only the owner(s) of the home occupation, and one other person (whether an employee or contractor), shall be allowed to work on the premises in said home occupation.
  - C) Any home occupation must be clearly incidental to the primary residential use of the lot.

- D) There shall be no visible outward appearance of the buildings or premises that is inconsistent with residential character, residential activities or residential setting.
  - 1. This shall include outdoor storage of materials or equipment.
  - 2. There shall be no business signs visible off the premises.
- E) Traffic shall not be generated by a home occupation in greater volume than would normally be expected in a quiet pedestrian-friendly residential neighborhood.
- F) No equipment or process shall be used in home occupations which create or cause:
  - 1. noise, vibration, light, glare, fumes or odors detectable to the normal senses off the premises, beyond normal residential levels.
  - 2. visual or audible interference in any radio or television receivers off the premises.
  - 3. Perceptible electrical fluctuations in the line voltage off the premises.
- G) Bed and breakfast lodging is allowed with a maximum of 2 bedrooms rented per lot and a maximum of 2 adults (plus children) per room per night.
  - a. If bed & breakfast lodging includes separate structures, these structures shall each be considered a dwelling.
- I) The following home occupations shall be prohibited:
  - a. Tours
  - b. Rental of motorized vehicles
  - c. Retail sales
  - d. Livestock or animal rentals
  - e. Delivery services

8) Nonconforming structures and uses in effect on the date of adoption of this amendment are allowed to continue operation.

- A) The nonconforming use must be an existing legal use at the time of passage of this amendment. There must be an actual use of the type and nature claimed. The use must be substantial and regular enough that it was commonly known that the property was being used for that purpose.
- B) A nonconforming use shall not be expanded nor used for adding other prohibited structures or uses.
- C) If the nonconforming use ceases to exist for a period of more than two years it shall not be allowed to resume operation.
- D) A nonconforming use determination must be obtained from the borough planning commission.
  - 1. The application must be submitted within one year from the date of adoption of this amendment.
  - 2. The burden of proof lies on the applicant.
  - 3. The planning department shall give notice of the nonconforming use application to other property owners and residents with the subdivision.

9) An owner may apply for a conditional use permit for authority to use land, which may be considered incompatible with the Village View Sub Area Land Use Plan. Conditional use permit requests shall be approved or denied by the planning commission of the Denali Borough. In granting a conditional use permit the planning commission may:

1. Put conditions on the development to further the goals & objectives of the land use plan.
2. To the greatest extent possible ensure compatibility with existing land use plan.
3. To the greatest extent possible minimize impacts, which are not compatible with land use plan and neighborhood.

The construction or installation phase of an activity requiring a conditional use permit must be completed within one calendar year from the date of issuance or the permit shall expire. Prior to its expiration date, the planning department upon request may grant a conditional use permit extension for up to 12 months.

Any application should include but not be limited to the following:

1. Where does new development potentially differ from the land use plan
2. How is new development consistent with the land use plan.
3. What steps are planned to mitigate any potential incompatibility with the land use plan
4. Name, address and phone number of applicant
5. Updated address list of real property owners in the Village View Subdivision

Twenty days prior to the public hearing the planning department will send out a mailing to Village View Subdivision landowners and post information at the local posting places with the following information:

1. Name of Permittee
2. Description of property involved
3. Summary of application for conditional use permit

### **DEFINITIONS:**

For the purposes of this amendment, all words used shall have their normal and customary meanings, unless specifically defined in this code.

“Accessory building” means a building that is subordinate to the principal building, and is incidental to the use of the principal building on the same lot.

“Accessory use” means a use incidental and subordinate to the principal use on the same lot.

“Bed and breakfast lodging” means overnight transient accommodation that may provide meals as part of the purchase price of the accommodation.

“Conditional use” means a use of a structure or land which may be allowed by the borough planning commission after a public hearing and review, and subject to certain prescribed or imposed conditions.

“Dwelling,” means a building designed for residential purposes, including single-family and two-family dwellings. Types of dwellings:

- A) “Single-family dwelling” means a detached building designed for occupancy by one family.
- B) “Two-family (duplex) dwelling” means a detached building designed for occupancy by two families living independently of each other and containing two living units, where the two living units share a common foundation and at least one interior wall.

“Dwelling unit” means one or more rooms designed for or occupied by one family.

“Family” means an individual or two or more persons customarily living together as a single housekeeping unit.

“Guest cabin” means an accessory, detached building for the temporary use of visitors as nonpaying guests of the dwelling residents, which cannot be segregated or separately leased, rented nor exchanged for goods or services.

“Home occupation” means an economic enterprise operated within a dwelling unit, or buildings accessory to a dwelling unit, that is incidental and subordinate to the residential use of the premises.

“Nonconforming use” means a lawful use of land that does not comply with this amendment, but which complied with the original 96-12 ordinance.

“Primary or principal use” means the main use of the land or building to which all other uses are incidental.

“Incidental use” means a use, subordinate to the principal or primary use, which is allowed only when a principal or primary use exists on the same lot.

“Premises” means a Village View Subdivision building, lot or land.