

Proposed by:	Mayor Cremata
P&Z Review:	05/12/2022
Attorney Review:	06/23/2022
HDC Review:	06/27/2022
First Reading:	07/21/2022
Second Reading:	_____
Vote: __ Aye	__Nay __Absent

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 22-06

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 19 PLANNING AND ZONING TO DISESTABLISH THE HISTORIC DISTRICT COMMISSION AND REASSIGN ITS DUTIES TO THE PLANNING AND ZONING COMMISSION.

WHEREAS, the Planning and Zoning Commission will be referred to as the “Planning, Zoning and Historic District Commission”; and

WHEREAS, the Historic District Commission reviewed and recommended adoption of this ordinance at their June 27, 2022 meeting.

NOW THEREFORE BE IT ORDAINED AND ENACTED BY THE MUNICIPALITY OF SKAGWAY, ALASKA AS FOLLOWS:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

Section 2. Purpose. To amend Title 19, Planning and Zoning to disestablish the Historic District Commission and assign its duties to the Planning and Zoning Commission.

Section 3. Amendment. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. Chapter 19.02 Planning Commission and Administrative Provision is hereby amended as follows.

19.02.010 Establishment.

- A. There is established a planning commission for the municipality which shall consist of five (5) members. **A non-voting liaison representative from the National Park Service may be consulted regarding matters relating to the Business-Skagway historical zone.**
 - 1. In order to avoid the possibility of an appearance of lack of impartiality, or the apparent use of public office for private gain, the following principles will apply to the National Park Service (NPS) liaison member:**
 - a. **The NPS liaison shall not participate in any management activities for the municipality, including voting on organizational administration matters or on organizational policy decisions; or making decisions regarding municipal contracts or finances.**
 - ~~2.~~ The planning commission is appointed as the zoning commission. The planning commission, in performing its functions as the zoning commission, shall have such powers and shall perform such duties as are set forth in the zoning regulations of the

municipality.

~~23.~~ The planning commission is appointed as the platting board. The planning commission, in performing its functions as the platting board, shall have such powers and shall perform such duties as are set forth in the subdivision regulations of the municipality.

4. The planning commission shall perform the functions set out in the Skagway Municipal Code as the functions of the historic district commission. The planning commission shall follow the historic district guidelines / regulations of the municipality currently set out in the Skagway Municipal Code.

19.02.050 Duties and Functions.

- A. The planning commission shall perform all planning commission functions set forth in AS 29.40.020; specifically, the commission shall prepare and recommend to the borough assembly:
1. A comprehensive plan consisting of maps and related texts for the systematic development of the municipality consisting of a compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality and may include, but is not limited to, the following: a land use plan, a community facilities plan, a transportation plan and recommendations for plan implementation.
 2. A zoning ordinance to implement the comprehensive plan;
 3. A subdivision ordinance;
 4. The official map of the municipality. The map shall include reference to zoning and other applicable restrictions prescribed by the commission; and
 5. Modifications to the documents specified in paragraphs (1) through (3) of this section (A).
- B. The commission shall publish notice of and hold at least one (1) public hearing before submitting its recommendations under subsection (A) of this section to the borough assembly. Notice shall be published in the same manner as in the case of ordinances.
- C. The planning commission shall:
- A. Act upon requests for subdivision plats;
 - B. Act upon requests for variances; and
 - C. Act upon requests for conditional uses;
- D. **Review requests for signs, and all plans for the construction, alteration, repair, moving or demolition to structures in the historic district, and shall have the power to pass upon such plans**

before a permit for such activity can be granted. In reviewing the plans, the commission shall give consideration to:

1. The historical or architectural value and significance of the structure and its relationship to the historic value of the surrounding area;
2. The general compatibility of exterior design, arrangement, texture and materials proposed to be used; and
3. Any other factor, including aesthetic, which it deems pertinent.

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19.02.065 Zoning Definitions.
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Section 4. Amendment. Skagway Municipal Code Section 19.02 is hereby amended as follows:

SMC Section 19.10.070 Definitions is added in its entirety to SMC 19.02 as Section 19.02.070 Historic District Definitions.

Section 5. Repeal. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from and (~~bold underscore~~) indicates text added to the current code. Chapter 19.10 Historic District Commission and Administrative Provisions is hereby repealed in its entirety, thereby disestablishing the Historic District Commission.

Section 6. Amendment. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. Chapter 19.04.070 Board of Appeals is hereby amended as follows:

1. The borough assembly is the board of appeals. The board of appeals shall hear and decide:
2. Appeals regarding alleged errors in enforcement of zoning regulations and building codes;
3. Appeals from decisions of the planning commission on requests for conditional uses;
4. Appeals from the decision of the planning commission on requests for variances from the terms of the zoning regulations which are not contrary to the public interest, when a literal enforcement would deprive a property owner of rights commonly enjoyed by other properties in the same district;
5. Appeals from decisions of the **planning commission on** historic district ~~commission~~ **regulations**, as set forth in SMC 19.12.170(B).

Section 7. Amendment. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from and (~~bold underscore~~) indicates text added to the current code. Chapter 19.12.170 is hereby amended as follows:

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A. Required Submittals. The following procedures are for persons who intend to undertake rehabilitation, alteration, relocation, demolition or new construction within the Skagway Historic District. Applicants should review Municipal Code Chapter 19.10, Historic District Administrative Provisions.

Section 8. Amendment. Skagway Municipal Code Chapters 19.08 and 19.12 are hereby amended as follows.

All instances of the words “historic district commission” and “historic commission” shall be changed to “planning commission.”

Section 9. Severability. If any provision of this ordinance or any application thereof 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 thereby.

Section 10. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this __ day of _____, 2022.

Andrew Cremata, Mayor

ATTEST:

Steve Burnham Jr., Borough Clerk

(SEAL)