

Proposed by:	Administration
Attorney Review:	April 10, 2014
P&Z Review:	July 27, 2013
HDC Review:	May 20, 2013
First Reading:	April 17, 2014
Second Reading:	May 1, 2014
Vote: 6 Aye	0 Nay 0 Absent

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 14-08

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 19 TO DEFINE AND PROVIDE REGULATIONS FOR THE USE OF TEMPORARY TENTS AND TEMPORARY SIGNAGE IN THE BUSINESS HISTORIC DISTRICT.

WHEREAS, under the current Title 19 Planning and Zoning code, the use of temporary tents and temporary signage is prohibited within the Business Historic District; and

WHEREAS, the Historic District Commission has reviewed this issue and found that the use of temporary tents and temporary signage within the Business Historic District for the purpose of facilitating and promoting certain events, such as a farmers' market or special event hosted by a non-profit organization, would be in the public interest; and

WHEREAS, the Historic District Commission has recommended that Title 19 be amended to allow for the use of temporary tents and temporary signage within the Business Historic District for such purposes, subject to the regulations set out in this ordinance, so as to assist these organizations in holding such events while also continuing to preserve the unique historic character of the district; and

WHEREAS, the Planning and Zoning Commission has reviewed this issue and recommended that the Assembly approve this ordinance; and

WHEREAS, the Assembly has determined that it is in the public interest to amend Title 19 to provide regulations on the use of temporary tents and temporary signage within the Historic Business District as set forth in this ordinance;

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, by amending certain sections of Chapter 19.08 Regulations Governing Signs and Street Parking, the Provision of Off-Street Parking; certain sections of Chapter 19.10 Historic District Commission and Administrative Provisions; and certain sections of Chapter 19.12 Historic District Guidelines/Regulations; which amendments are intended to define and provide regulations for the use of temporary tents and temporary signage in the business historic district.

Section 3. Amendment. The Skagway Municipal Code is hereby amended (strike

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through) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. Subsection 19.08.010(C) of Chapter 19.08 is hereby amended as follows:

19.08.010 Purpose.

...

C. Exemptions. The following signs are exempt from regulation by this ordinance, as long as they do not violate the General Provisions.

1. Legal notices, traffic signs, information signs, or directional signs erected by government bodies.
2. Flags and insignias of any government except when displayed in connection with commercial promotion.
3. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, or names or occupants of premises.
4. Signs required by law.
5. Real estate signs up to six (6) square feet which advertise the sale, lease, or rental of the property upon which they are placed.
6. Political signs of up to ten square feet displayed on private property. Sign may be installed no sooner than sixty (60) days prior to the election date and must be removed no later than seven (7) days after the election.
7. Temporary display window signs on the interior surface or inside display windows.
8. Temporary paper signs that serve as notices of a public meeting or event.
- 9. Temporary signs used for promoting an annual, or otherwise periodic, or one-time event for a non-profit organization.**
- ~~9~~**10.** Small informational signs related to the operation of a business, such as Open/Closed signs, credit card signs, and signs of a similar nature.
- ~~10~~**1.** Actual signs, or exact reproductions of signs used in Skagway during the Historical Period 1897-1929.
- ~~14~~**2.** Construction Signs. During construction, repair, or alteration of a structure, temporary signs that denote the architect, engineer, contractor, or builder, or which denote the name of the structure and or its use or occupants may be erected on the construction site. Total square footage of sign or signs per site shall not exceed thirty-two (32) square feet. Within the historic district, total square footage of sign or signs per site shall not exceed ten (10) square feet.
- ~~12~~**3.** Illustrations on boards used to cover doors and windows during the winter months.
- ~~13~~**4.** Signs not intended to be viewed from public rights-of-way.

Section 4. Amendment. The Skagway Municipal Code is hereby amended (~~strike~~

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through) indicates text to be deleted from and (**bold underscore**) indicates text added to the current code. Section 19.08.012 of Chapter 19.08 is hereby amended as follows:

19.08.012 Sign standards by district.

A. Business Historic District (BH). All exterior signs must have an appearance, color, size, texture, and design, which conforms to this chapter, and to the historic character of the district. Additionally, the historic district commission will consider the location and/or method of attachment of the sign to a building. The historic district commission will review all sign applications within the context of the building and the location in the District. Signage is perhaps the most prominent visual element in a commercial streetscape. Signs add interest and variety to the buildings of which they are a part. Historic Skagway had a rich variety of signs, primarily pedestrian oriented. Lettering was simple, bold, and direct; upper case lettering predominated. Signs were of horizontal nature. Rectangular, straight-edged signs are the preferred shape for signs. Continued awareness of the impact of signage is of extreme importance to maintain the character of the historic district. The historic district commission may consider examples of signage in historic photographs of Skagway when reviewing applications. The period that sign examples should be drawn from is 1897-1910 in either the Skagway or Dyea area. Other sources of reference are the two books published by the National Park Service: Design Guidelines for the Skagway Historic District and Klondike Gold Rush Skagway District of Alaska. It must be remembered that within that era of 1897-1910 there is signage that is the exception to the norm and applications using such signage as an example will be dealt with on a case-by-case basis.

4. Prohibited signs

- a. Banners, **except as temporary signs in accordance with section 19.10.070(136).**
- b. Dry-erase boards.
- c. Wind signs or devices and balloons.
- d. Internally lighted signs.
- e. Dolls or mannequins on public property.
- f. Portable signs, including sandwich signs on public property, **except as temporary signs in accordance with section 19.10.070(136).**
- g. Off premises signs, **except as temporary signs in accordance with section 19.10.070(136).**
- h. Signs meant to be read from the public right-of-way that violate Alaska Statute AS 45.50.471 – AS 45.50.537 regarding Alaska’s Unfair Trade Practices and Consumer Protection Act or are otherwise illegal or misleading.
- i. Signs meant to be read from the public right-of-way that advertise “End of Season” sales displayed before Labor Day. Skagway’s tourism season generally begins in the 1st week of May and ends in the 4th week of September. Labor Day allows

at least a three (3) week period for "end of season" sales and puts all businesses on an equal footing for "end of season" sales advertising.

Section 5. 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. Subsection 19.10.070(136) of Chapter 19.10 is hereby amended as follows:

19.10.070 Definitions.

136. "Temporary Sign." Any sign, banner, pennant, or advertising display intended to be displayed for a limited time period. Easily removed signs attached to the inside of windows are considered temporary signs.

a. See exemption for certain temporary signs under section 19.08.010(C).

b. Temporary signs to be located in the Business Historic zoning district and located on the exterior of buildings or located on a property for the promotion of a Farmers' Market as defined under section 19.02.065(B)(24) may be allowed by permit issued by the historic district commission.

c. Temporary signs located in the Business Historic zoning district that are used for the promotion of a Farmers' Market are required to have been permitted by the historic district commission prior to the market's first day of operation in that calendar year. A signed permit application must be filed with the historic district commission before the commission will permit the temporary sign. The temporary sign permit shall expire at the end of that calendar year in which the permit was granted.

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. Subsection 19.12.010(E) of Chapter 19.12 is hereby amended as follows:

19.12.010 Design guidelines/regulations--General.

...

- E. The following materials, structures, or architectural features are prohibited.
 - 1. In order to preserve the unique appearance of the Arctic Brotherhood Hall and the Pantheon building, the further use of driftwood as an architectural material is prohibited.

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2. In order to preserve the unique appearance of the McCabe Building and the Pantheon building, the further use of stone or cobbles is prohibited.
3. Incorporating the architectural details used on the street façade of the Gold Rush era Elks Lodge into a modern building is prohibited.
4. In new construction, the use of a single recessed entry on a single business frontage that serves as the entry to two individual business spaces is prohibited. Each business space shall have its own entry.
5. Canvas tents are prohibited; **provided temporary tents used for a Farmers' Market or an annual, or otherwise periodic, or one-time event for a non-profit organization may be allowed by permit as provided in section 19.12.100(E).**
6. Log buildings are prohibited except for actual log buildings from the historic period such as the original Skagway City Hall on 5th Avenue.
7. Angled entries except at the corner of a building that is at a street or alley intersection are prohibited.

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. Section 19.12.100 of Chapter 19.12 is hereby amended as follows:

- 19.12.100 Exterior fixtures and furnishings.
- A. Public Telephones: telephones are necessary to modern life, but care should be exercised in their location and construction so they do not intrude on the historic streetscape.
 1. Wherever possible, public telephones should be placed off the boardwalk at least three (3) feet and set perpendicular to the boardwalk. Placement of phones on the street facades of buildings is not allowed. Phones should be at least twenty (20) feet from street intersections.
 2. Dimensional lumber backdrops and side screens should be used to mask the modern design of current public telephone stands. Use of Plexiglas and bright colors is discouraged; internal lighting and advertising is not allowed.
 3. In order to minimize litter problems, trash receptacles and ashtrays should be provided.
 - B. Brochure Boxes: brochure boxes may be constructed of wood or glass with wood framing. They should not cover any architectural details. The boxes should be a sufficient size and design to prevent the wind from blowing the brochures out of the boxes; preferably they should have a lid. There is a limit of one (1) box per business frontage not to exceed a size of one hundred (100) square inches. Plexiglas or other types of plastic are not allowed.
 - C. Exterior Merchandise: merchandise that is available for purchase may not be displayed outside the store either on private or public property.

- D. Non-Building Sales and Rentals: sales or rentals from tents or vehicles are not allowed within the historic district.
- E. Temporary Tents: temporary tents used for a Farmers' Market or for an annual, or otherwise periodic, or one-time event for a non-profit organization are exempt from paragraphs C and D of this section but must comply with the following provision:**
- 1. Tents used for a Farmers' Market or for an annual, or otherwise periodic, or one-time, event for a non-profit organization may be allowed by permit. The applicant must file a building permit application form and obtain approval from the historic district commission prior to the date of its intended usage. The permit shall expire at the end of the calendar year in which the permit was granted.**


Section 8. 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 9. 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 1st day of May, 2014.


Mark Schaefer, Mayor

ATTEST:


Emily A. Deach, Borough Clerk
(SEAL)

