

Proposed by:	Administration
Attorney Review:	12/31/2013
First Reading:	01/16/2014
Second Reading:	02/06/2014
Vote: 6 Aye 0 Nay 0 Absent	

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 14-02

A NON-CODE ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA APPROVING CONTINUATION OF THE PREEXISTING NONCONFORMING USE STATUS OF THE SIGN POST FOR KIRMSE’S CURIOS UPON RELOCATION OF THE POST FROM THE STREET TO THE BOARDWALK.

WHEREAS, Kirmse’s Curios, located at 5th and Broadway, Block 24, S. ½ of Lot 7, filed a sign permit application #13-66 requesting approval to move the support post for its sign from the street, Broadway, to the boardwalk so that the post will not obstruct traffic; and

WHEREAS, based on historic photographs, it appears that the post for the Kirmse’s sign has been located in the same area since at least 1919; and

WHEREAS, the location of the Kirmse’s sign post in the street area is a preexisting nonconforming use of land that was allowed to be continued under SMC 19.04.050; and

WHEREAS, under SMC 19.04.050(A)(3), this preexisting nonconforming use may not be changed as requested by Kirmse’s without the use losing its status as a preexisting nonconforming use, which would then require that the use be discontinued; and

WHEREAS, moving the sign post from its location in the street to the boardwalk will improve public safety and convenience as the relocated post will not obstruct traffic and vehicle parking will be improved; and

WHEREAS, moving the sign post to the boardwalk will enable Kirmse’s to attach a totem to the post, which has not been possible when the post has been in the street area as the totems were damaged or destroyed by vehicles; and

WHEREAS, historic photographs of the Kirmse building show a totem attached to the sign post from at least 1919 to 1959, and restoring that image of historic Skagway is in the public interest; and

WHEREAS, the Historic District Commission reviewed Kirmse’s sign permit application on October 7, 2013, and approved the request to move the sign post to the boardwalk with the condition that the post not be located closer than six inches from the street, and provided the Public Safety Committee approved the sign post placement; and

WHEREAS, the Public Safety Committee reviewed this matter on December __, 2013, and approved the request contingent on the Assembly approving continuation of the preexisting nonconforming use status of the relocated sign post; and

WHEREAS, the Assembly finds that relocation of the sign post from the street to the boardwalk as approved by the Historic District Commission and the Public Safety Committee, and continuation of its preexisting nonconforming use status, is in the public interest as the relocation will improve public safety and convenience, and will enable the property owner to restore the historic and picturesque use of the post as a support for a totem;

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

Section 1. Classification. This is a non-code ordinance.

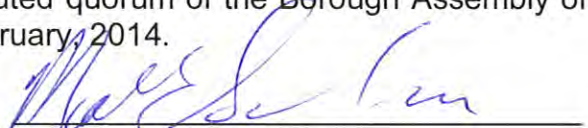
Section 2. Purpose. To approve continuation of the preexisting nonconforming use status of the Kirmse's Curios sign post upon relocation of the sign post from its current location in area of the street to the boardwalk.

Section 3. Continuation of Preexisting Nonconforming Use Approved. Notwithstanding SMC 19.04.050(A)(3), the Assembly approves the continuation of the preexisting nonconforming use status of the Kirmse's Curios sign post upon relocation of the sign post from its current location in the area of the street to the boardwalk.


Section 4. 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 5. 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 6th day of February, 2014.



Mark Schaefer, Mayor

ATTEST:


Emily A. Deach, Borough Clerk
(SEAL)

