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| Proposed by: | Planning & Zoning Commission |
| P&Z Review: | 11/08/2012 |
| | 08/09/2012 |
| Attorney Review: | 06/15/2013 |
| First Reading: | 06/20/2013 |
| Second Reading: | 07/11/2013 |
| Vote: 6 Aye | 0 Nay 0 Absent |

MUNICIPALITY OF SKAGWAY, ALASKA ORDINANCE NO. 13-17

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 15 AND TITLE 19 TO PROVIDE REGULATIONS SPECIFIC TO RECREATIONAL VEHICLES.

WHEREAS, the Permitting Official was directed by the Borough Manager in the summer of 2011 to carry out enforcement of Skagway Municipal Code (SMC) Section 15.14.050.C which provides that all recreational vehicles used for habitation shall use designated Recreational Vehicle Parks or trailer parks; and

WHEREAS, the Permitting Official determined that the current regulation does not adequately define what constitutes habitation of an RV; and

WHEREAS, the Borough Attorney advised the Permitting Official to develop some criterion, such as what other communities are using for enforcement of the same type of regulation, for incorporation in a code-amendment recommendation to the Borough Assembly; and

WHEREAS, on May 10, June 14, and August 9, 2012, the Planning and Zoning Commission (Commission) held public hearings on the proposal concerning habitation of an RV; and

WHEREAS, at its August 9, 2012, hearing the Commission voted unanimously in favor of recommending that the proposal be adopted by the Borough Assembly; and

WHEREAS, on a separate but related issue, the Commission held a work session with former and current RV park owners regarding the SMC Section 15.14.030 which provides that no trailer park—including RV parks, by definition—shall be located south of 15th Avenue; and

WHEREAS, on August 30, 2012, the Commission held a work session, to which each of the existing trailer park and RV park owners were invited, at which Commission discussed the existing use and operation of a trailer park or RV park located south of 15th Avenue and the unlikelihood that another trailer park or RV park could be established under the municipal code except at the specific locations that such parks have existed in the past decade; and

WHEREAS, on September 13, October 11, and November 8, 2012, the Commission held public hearings on the proposal concerning location of RV parks developed from the August 30 work session meeting; and

WHEREAS, at its November 8, 2012 hearing the Commission voted unanimously in favor of recommending that the proposal be adopted by the Borough Assembly; and

WHEREAS, on May 1, 2013, these merged code amendment recommendations from the Commission were submitted to the Borough Assembly for its consideration;

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 provide regulations governing the use of recreational vehicles by adding Chapter 15.15 Recreational Vehicles to the Skagway Municipal Code, amending Chapter 15.14 Mobile Homes, and amending Chapter Title 19.06 Use Districts, Zoning Map and Zoning Classifications.

Section 3. Addition. The Skagway Municipal Code Title 15 is hereby amended by adding a new Chapter 15.15 Recreational Vehicles as follows:

Chapter 15.15
RECREATIONAL VEHICLES

Sections:

15.15.010 Intent.

15.15.020 Purpose.

15.15.030 Definitions.

15.15.040 Storage of RVs.

15.15.045 Storage on commercial property.

15.15.050 Habitation.

15.15.055 Non-conforming uses.

15.15.060 Utilities.

15.15.070 RV maintenance.

15.15.080 Compliance with other laws and regulations.

15.15.090 Fees.

15.15.095 Enforcement.

15.15.100 Penalties.

15.15.010 Intent.

It is the intent of this chapter to provide for the orderly storage of recreational vehicles. It is also the intent of this chapter to define habitation of recreational vehicles. This chapter is intended to supplement all applicable state and local regulations.

15.15.020 Purpose.

Recreational vehicles may be parked or stored on private property in all zoning districts except that no recreational vehicles shall be permitted to be stored or used for habitation in the Business Historic Zoning District. Recreational vehicle parks, trailer parks, and campgrounds may be conditionally permitted by the Planning and Zoning Commission under the rules and regulations of Chapter 19.06 "Use Districts, Zoning Map and Zoning Classification" of municipal code. Recreational vehicle parks may be allowed at locations south of 15th Avenue within the Skagway Townsite Subdivision.

15.15.030 Definitions.

A. "Campground" means a lot or parcel of land occupied or intended for temporary occupancy by recreational vehicles or tents for travel, recreational or vacation usage for short periods of stay and containing a potable water source and public toilet facilities.

- B. “Habitation” means to ‘use for living space’ and shall include, but not limited to, acts of sleeping, cooking, bathing, occupying as a dwelling, or any stay within the recreational vehicle not directly related to its driving. The following factors may constitute acts to be considered indicative of “habitation”:**
- 1. evidence of a person entering and exiting the vehicle;**
 - 2. connection of the vehicle to sewer, water, or electrical systems;**
 - 3. use of a power generator;**
 - 4. accessory structures about the vehicle;**
 - 5. illumination of the interior of the vehicle;**
 - 6. window masking;**
 - 7. expanded bays ‘pop-outs’.**
- C. “Recreational Vehicle” or “RV” means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motive power or is mounted on, or towed by another vehicle. The basic types of RV entities are: camping trailer, fifth wheel trailer, motor home, park trailer, travel trailer, and truck camper, which are individually defined as follows:**
- 1. “Camping Trailer” is a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.**
 - 2. “Fifth Wheel Trailer” is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed four hundred (400) square feet (37.2m²) in the set up mode, designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle’s rear axle.**
 - 3. “Motor Home” is a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.**
 - 4. “Park Trailer” is a recreational vehicle that meets the following criteria:**
 - a. Built on a single chassis mounted on wheels;**
 - b. Having a gross trailer area not exceeding four hundred (400) square feet in the set-up mode;**
 - c. Certified by the manufacturer as complying with ANSI A119.5.**
 - 5. “Travel Trailer” is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and of gross trailer area less than three hundred twenty (320) square feet (29.7m²).**
 - 6. “Truck Camper” is a portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of**

a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.

- D. "Recreational Vehicle Park" or "RV Park" is a tourist facility for parking motor homes, travel trailers and other recreational vehicles.
- E. "Storage Trailer and Van" means a wheeled van or container unit not manufactured as a motorized vehicle or intended for long-term or short-term occupancy, but designed and manufactured for the primary purpose of storage and/or transporting commodities and goods.
- F. "Trailer park" means any parcel or adjacent parcels of land in the same ownership which is utilized for occupancy, either free of charge or for revenue, together with any building, structure or enclosure. This term shall not be construed to mean tourist facilities.
- G. "used" or "occupied" see definition of "habitation".
- H. "Vacation usage" means occupancy that does not exceed a consecutive 72-hour period within a 7-day week. The property owner shall apply for a vacation use permit which may be granted upon approval by the permitting official. No more than three (3) vacation use permits may be issued in a calendar year.

15.15.040 Storage of RVs.

- A. Street parking. No RV shall be parked or stored for more than twenty-four (24) consecutive hours within any seven (7) day period on any public property or right-of-way within the municipal corporate boundaries.
- B. Storage on residential property. ~~The recreational vehicle or parts thereof may be stored or parked in a yard provided that a lawfully installed and permanently maintained solid wall or fence six feet in height screens such RV or parts thereof from adjacent residential properties and from the public streets. The area in which the RV is parked or stored must be paved with concrete, gravel, asphalt, and must extend the length and width of the RV. Areas containing grass or soil are not approved for the parking or storage of RVs. RVs parked in a driveway or immediately adjacent to and parallel to the driveway may not encroach into the right-of-way such that any part of the RV extends over any sidewalk, curb, or public travel way.~~
- C. Multiple RVs stored on property. Property owners may have no more than one RV stored on their property unless the following criteria are met:
 - 1. A minimum of 1250 square feet per RV is provided;
 - 2. The RV is setback from all property lines by five feet (5'-0");
 - 3. A six foot tall (6'-0") solid wall or fence screens the RV from the neighbors and street;
 - 4. Off-street parking requirements are met.

15.15.050 Habitation.

- A. Habitation of any parked or stored RV shall be prohibited, with the following exceptions:
 - 1. Exceptions:
 - a. When the RV is situated in an approved RV or trailer park;
 - b. Vacation usage as defined in section 15.15.030;
 - c. When a valid conditional use permit is obtained for RV habitation in conjunction with construction in accordance with subsection B of this section.

B. Habitation of a RV when used in conjunction with construction.

- 1. A RV may be used for temporary living quarters for not more than eighteen (18) months while the occupant thereof is constructing a permanent dwelling on the same property. Before a RV will be permitted in such an instance, the owner of the property or the person intended to occupy the RV shall secure a conditional use permit for the RV from the planning and zoning commission. Such permit shall be granted upon the receipt of a signed statement by the applicant that a permanent dwelling will be constructed within eighteen (18) months thereafter. Construction must start within sixty (60) days of RV placement. Only one (1) RV shall be permitted on any parcel of land during the construction or repair of a permanent dwelling.**
 - a. A repair shall be considered for purposes of subsection B when the repair will cause a condition that disallows the home owner from occupying the inside of the home during the repair construction. Repairs that are minor and can be confined within the interior shall not be considered.**
 - b. Multiple RVs may be allowed on projects that are not located within the residential zoning districts when construction is expected to continue for more than ninety (90) days and the project is valued at \$1,000,000.00 or more.**

C. Habitation of RVs other than that of vacation usage shall conform to Municipality of Skagway Life-Safety Standards:

- 1. All recreational units shall meet ANSI A119.2 standards by January 1, 1997;**
- 2. RV park owners shall be responsible for performing the necessary inspection of all RVs being used for seasonal habitation to ensure that those RVs are in compliance with ANSI A119.2 standards by using the form prescribed by the municipality for RV inspection. Upon completion of each inspection the owner shall keep a record of the inspection reports and shall submit a copy of the reports to the Permitting Official within one week of the completion of each inspection;**
- 3. Upon filing of an approved inspection report, recreational units shall have posted in a conspicuous external location a current year annual municipal RV safety habitation permit certificate or sticker.**

15.15.055 Nonconforming uses.

- A. Intent. Within the zones established and areas designated in this chapter, there exist uses of land and structures which were lawful before chapter 15.14 was adopted in 1977 but which would be prohibited under the terms of this chapter. It is the intent of this provision to permit these nonconforming uses to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the zones involved. It is further the intent of this chapter that nonconforming uses shall not be enlarged upon, expanded, nor used as grounds for adding other structures or uses prohibited elsewhere in the same zone. This section shall be interpreted with a view toward the public policy of early termination of nonconforming**

uses, and ambiguities shall be construed restrictively against perpetuation of such uses.

- B. Enlargement. A nonconforming use or structure shall neither be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of chapter 15.14 in 1977.
- C. Relocation. A nonconforming use or structure shall not be moved in whole or part to any other portion of the lot or parcel occupied by such use at the effective date of chapter 15.14 in 1977.
- D. Discontinuance. If any such nonconforming use of land or structure ceases for any reason for a period of twelve (12) months, any subsequent use of such land or structure must conform to the regulation specified by this chapter and the zoning map for the district in which the land is located; and similarly, if any such nonconforming use of land or structure is voluntarily abandoned the same requirements shall apply immediately upon abandonment. In this context, six (6) months discontinuance of the nonconforming use shall create a rebuttable presumption that the nonconforming use has been abandoned, and twelve (12) months of discontinuance shall create a conclusive presumption of abandonment.
- E. Casualty destruction and rebuilding. In the event of fire or other extended casualty loss or damage exceeding fifty percent (50%) of its assessed value, the structure may not be replaced, and no replacement of nonconforming structure shall be relocated upon the same premises.

15.15.060 Utilities.

Legally parked or stored RVs may be connected to an approved source of electricity in conformance with the adopted building and safety codes referenced under section 15.15.080 Compliance with other laws and regulations. Except for legally established RV parks, direct water and sewer connections cannot be made to hook up to any RV unless permitted by an approved conditional use permit. Additionally, propane tanks must be shut off and disengaged from the RV when stored. Vacation usage, as defined in 15.15.030, shall not be construed to allow temporary servicing of the RV with water or sewer connections. No generator may be used in any RV in the municipality unless it is for temporary servicing or during a lapse of electrical power in the area in which the RV is located.

15.15.070 RV maintenance.

It is unlawful and a public nuisance to park, store, or leave standing in public view, upon any public or private property, any RV that is wrecked, dismantled, unregistered, inoperative or otherwise unsightly. Any RV shall be deemed unsightly when body parts rust or become corroded, paint becomes faded, chipped, or peeled, or the RV exterior becomes otherwise dilapidated.

15.15.080 Compliance with other laws and regulations.

It is the intent of this chapter to supplement any state and local regulations which may be applicable. Standards adopted in Title 15 governing buildings and construction apply to the regulation of RVs, except for International Building Code and International Residential Code.

15.15.090 Fees.

The assembly may by resolution establish fees to be paid by applicants for any type of inspection, permit, approval or other municipal processing under this chapter.

15.15.095 Enforcement.

This chapter shall be enforced by the borough manager or his designee.

15.15.100 Penalties.

Except where otherwise specifically stated, violations of provisions of this chaptershall be noncriminal infractions, subject to a penalty of one hundred dollars (\$100.00). Each day of continuing noncompliance, following the municipality's issuance of a notice of noncompliance, shall be a separate violation.

Section 4. 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. Sections 15.14.010, 15.14.030, and 15.14.050 of Chapter 15.14 Mobile Homes, are amended as follows:

15.14.010 Definitions.

- A. "Mobile Home" means a detached single family dwelling designed for long term human habitation and having complete living facilities; constructed and fabricated into a complete unit at a factory and capable of being transported to location of use on its own chassis and wheels, identified by model number and serial number by its manufacturer, and designed primarily for placement on an impermanent foundation. A mobile home shall continue to be classified as such regardless of its actual placement upon concrete or other permanent foundation, or removal of wheels, or addition of base skirts, or any foregoing.
- B. "Mobile home not intended as dwelling unit," as for example, equipped for sleeping purposes only, contractor's on-site offices, construction job dormitories, mobile studio dressing rooms, banks, clinics, mobile stores, or intended for the display or demonstration of merchandise or machinery.
- C. "Modular Home" means a single-family dwelling unit designed for long term human habitation and meeting the requirements for "manufactured home."
- D. "Manufactured Home" means a detached single family dwelling designed for long term human habitation and having complete living facilities; structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. Siding shall consist of materials such as wood (beveled, shiplap, log, etc.), T-111, Hardiplank, Hardi-board, Cladwood or other non-metallic materials. Roofing shall consist of asbestos 3-tab shingles or steel roof with sheet widths no larger than 36 inches.
- ~~E. "Recreational Vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motive power or is mounted on, or towed by another vehicle. The basic entities are: camping trailer, fifth wheel trailer, motor home, park trailer, travel trailer, and truck camper. (See individual definitions.)~~
 - ~~1. "Camping Trailer" is a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by~~

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~~another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.~~

- ~~2. "Fifth Wheel Trailer" is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed four hundred (400) square feet (37.2m²) in the set up mode, designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.~~
 - ~~3. "Motor Home" is a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.~~
 - ~~4. "Park Trailer" is a recreational vehicle that meets the following criteria:
 - ~~a. Built on a single chassis mounted on wheels.~~
 - ~~b. Having a gross trailer area not exceeding four hundred (400) square feet in the set up mode.~~
 - ~~c. Certified by the manufacturer as complying with ANSI A119.5~~~~
 - ~~5. "Travel Trailer" is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and of gross trailer area less than three hundred twenty (320) square feet (29.7m²).~~
 - ~~6. "Truck Camper" is a portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.~~
- ~~F. "Recreational Vehicle Park" is a tourist facility for parking motor homes, travel trailers and other recreational vehicles.~~
- ~~G. "Storage Trailer and Van" means a wheeled van or container unit not manufactured as a motorized vehicle or intended for long term or short term occupancy, but designed and manufactured for the primary purpose of storage and/or transporting commodities and goods.~~
- ~~H. "Used and occupied" means and includes the words "intended, arranged or designed to be used or occupied."~~

15.14.030 Other locations south of 15th Avenue.

No mobile home or trailer mobile home park may be positioned or located south of 15th Avenue.

15.14.050 Restrictions.

- A. All mobile homes shall be considered as single-family living units and be subject to restriction for such occupancies, but this provision shall not be construed to prohibit the conduct of a home occupation in a mobile home.
- B. All mobile homes and manufactured homes brought into Skagway after January 1, 1997, must have affixed upon the unit(s) a Data plate with name and address of the manufacturing plant, serial number, model designation, date manufactured, thermal protection for Outdoor Winter Design Temperature Zone 3, Wind Resistive Hurricane (HUD Zone II) and external snow roof load for North Zone, or Canadian equivalent.

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- ~~C. All recreational vehicles used for habitation shall use designated Recreational Vehicle Parks or trailer parks.~~
- ~~D. Recreational vehicle used for habitation other than that of vacation usage shall conform to Municipality of Skagway Life-Safety Standards:
 - ~~1. All recreational units shall meet ANSI A119.2 standards by January 1, 1997.~~
 - ~~2. Recreational units shall have posted in a conspicuous external location a current year annual municipal RV safety living permit certificate or sticker.~~~~
- ~~E. Pre-existing nonconforming recreational vehicles, located in Skagway on January 1, 1995, used for habitation shall be allowed for usage after annual municipal RV Safety Standard Occupancy inspection and certificate issued. Nonconforming permit fees to double annually, for a total of five (5) years only. After time period has expired, the nonconforming recreational vehicle usage shall be discontinued and the vehicle removed.~~

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. Sections 19.06.030 and 19.60.070 of Chapter 19.06 Use Districts, Zoning Map and Zoning Classifications, are amended as follows:

19.06.030 RG—Residential-general zone.

This zoning district includes single-family and multi-family residential housing. Single-family units and duplexes are allowed on five thousand (5,000) square foot lots, for an allowable density of eight (8) units per forty thousand (40,000) square feet. Multi-family residential units (tri-plexes and above) are conditionally permitted. Maximum allowable density is twenty-six (26) units per forty thousand (40,000) square feet.

This general residential zoning district is intended to provide an area for medium to high density residential development including single-family, duplex, and low-rise multi-family dwellings. The purpose of the zoning district is to promote a wide variety in housing types and design to meet the expanding demand for housing. The zoning district is designed for use in areas that provide full urban services and facilities.

Criteria for lands that are included in this zoning district are those that have water and sewer utilities, a developed road system, and that are close to commercial and/or industrial districts.

- A. Uses Permitted.
 - 1. Principal Uses.
 - a. Single-family residences;
 - b. Two (2) family duplexes;
 - c. Mobile homes north of 15th Avenue and mobile home parks north of 15th Avenue, per the standards at Section 19.06.030(A)(3)(k);
 - d. Daycare facilities;
 - e. Parks, playgrounds, play fields and other open space recreation areas.
 - 2. Accessory Uses.
 - a. Private garages and required off-street parking;
 - b. Greenhouses and tool sheds;
 - c. Home occupations provided that the conditions listed in Section 19.02.010 are met;
 - d. Storage structures; the standard at Section 19.06.020(A)(2)(b) applies in this zoning district;

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3. Conditional Uses.
 - a. Multiple-family dwellings and apartment houses;
 - b. Bed and breakfast establishments, rooming, and other residences rented by the day or week;
 - c. Basement apartments;
 - d. Temporary structures for residential use, used in conjunction with building or land development, for eighteen (18) months.
 - e. Churches;
 - f. Public and private elementary and secondary schools;
 - g. Trailer parks and RV parks, **provided** ~~providing~~ that:
 - (i) The area is at least sixty thousand (60,000) square feet;
 - (ii) There is at least two thousand (2,000) square feet for each allotted trailer space and one thousand (1,000) square feet for each pickup camper space overnight parking;
 - (iii) Utility connections are available for each trailer;
 - (iv) A bathhouse and restrooms are provided for overnight occupants;
 - (v) No business other than the renting of trailer space shall be conducted, except for self-service laundry facilities and vending machines for the use of the occupants of the trailer court;
 - (vi) Chapter 15.14 **and Chapter 15.15** of this code shall additionally govern the location, building regulations and operation of trailers, mobile homes and mobile home parks, and to any extent conflicting with this chapter, Chapter 15.14 **and Chapter 15.15** shall be controlling. The foregoing shall not relieve a trailer owner or trailer park operator from complying in all particulars with this chapter when its provisions are not specifically preempted by Chapter 15.14 **and Chapter 15.15**.
 - h. Medical services;
 - i. Accessory housing structures:
 - (i) Minimum of three hundred (300) square feet.
 - (ii) Maximum of six hundred (600) square feet.
 - (iii) Must have stand alone water, sewer and electricity, meeting current codes.
 - (iv) No setback variances will be granted for new construction.
 - (v) All lot coverage, off-street parking and setback requirements for this zone still apply.
 - (vi) Construction must meet Uniform Building Code for efficiency dwelling units.
 - j. Mobile Home Parks north of 15th Avenue:
 - (i) Minimum size of mobile home park is 10,000 square feet.
 - (ii) Minimum lot size for each mobile home is 3,000 square feet with a maximum lot coverage of fifty percent (50%).
 - (iii) Mobile homes must be on permanent foundations with skirting in place.
 - k. Congregate residences that meet IBC code provided that:

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- (i) Occupancy does not exceed 10 persons on a 5,000 square foot parcel or 20 persons on a 10,000 square foot parcel.
 - (ii) There is a minimum of 1 parking space for every 3 persons.
 - (iii) Lot coverage by all buildings does not exceed 50%.
 - (iv) A 6-foot high solid fence shall be required on all lot lines bordering RG lots.
 - (v) A yard area for recreation and outdoor congregation is provided.
 - (vi) Subject to review every two (2) years and can be revoked for excessive noise complaints or congestion issues or for other reasons as determined by the Planning Official.
 - (vii) Maximum of one (1) congregate residence per city block.
 - l. Taverns and bars;
 - m. Restaurants serving alcohol;
 - n. Service stations;
 - o. Other appropriate uses as determined by the planning commission pursuant to subsection B of Section 19.04.060.
- B. Prohibited Uses.
 - 1. Any use or structure not of a character indicated under permitted principal and accessory uses, or permitted by conditional uses.
 - 2. Mobile homes or mobile home parks south of 15th Avenue.
 - 3. Kennels.
- C. Minimum Lot Requirements.
 - 1. Lot area.
 - a. For a one (1) or two (2) family dwelling, five thousand (5,000) square feet;
 - b. For a multiple family dwelling with less than six (6) dwelling units, one thousand eight hundred (1,800) square feet per dwelling unit;
 - c. For a multiple family dwelling with more than six (6) dwelling units, one thousand five hundred (1,500) square feet per dwelling unit.
 - d. For a mobile home park, each lot must be a minimum of 3,000 square feet.
 - 2. Lot width, fifty feet (50').
- D. Minimum Building Setback Requirements.
 - 1. Front yard, ten feet (10');
 - 2. Side yard.
 - a. For a one (1) or two (2) family dwelling, five feet (5');
 - b. For a multiple-family dwelling unit with more than two (2) units, ten feet (10');
 - 3. Rear yard, five feet (5').
 - 4. Setbacks between structures shall be regulated by the International Building Code, Tables 601 and 602.
- E. Maximum Lot Coverage by all Buildings. Fifty percent (50%).
- F. Maximum Height of Buildings. Three (3) stories, but not to exceed thirty-five feet (35') in any case.
- G. Parking Requirements. All requirements within Section 19.08.020, Provision of Off-street Parking, must be followed.

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- H. Visibility at Intersections. The standard at Section 19.06.020(J)(1) and (2) applies in this zoning district.

19.06.070 I—Industrial zone.

This zoning district is intended to provide for an area where heavy industrial activities like manufacturing, processing, repairing, and assembling can take place. Proximity to railroad and waterfront transportation will likely be important for these activities. Because of the dust, smoke, refuse matter, odor, gas, fumes, noise, vibration, or similar substances or conditions inherent in some industrial activities, screening and other conditions may be applied to certain uses. The zoning district allows commercial and residential uses but with conflicts being resolved in favor of industrial uses.

Criteria for lands that are included in this zoning district are those areas which are adjacent to major arterials or other industrial users, and of sufficient size to allow heavy commercial activities. They should also be buffered from lower density users.

A. Uses Permitted.

1. Principal Uses.

- a. Railroad and trucking transportation firms and yards;
- b. The manufacturing, warehousing, compounding, processing, assembling, packaging, treatment, or fabrication of materials or property;
- c. Storage of fuels and propane in compliance with applicable fire codes;
- d. Junkyards and salvage yards screened from view from adjacent residences or public ways;
- e. Heavy, light, and railroad related equipment repair and maintenance;
- f. Vehicle and equipment storage;
- g. Mining and quarry operations;
- h. Sand and gravel operations;
- i. Solid waste facilities;
- b. Pipelines and railroads;
- c. Kennels;
- d. Commercial or private stabling of farm animals;
- e. Administrative offices, accessory to industrial uses listed in (a)-(l) above.

2. Conditional Uses.

- a. Sale and storage of fuels, gases and Class I, II, and III liquids, flammables and explosives, in compliance with applicable fire codes;
- b. Trailer courts ~~courts~~ **parks**, providing **provided** that:
 - (i) The area is at least sixty thousand (60,000) square feet;
 - (ii) There is at least two thousand (2,000) square feet for each allotted trailer space and one thousand (1,000) square feet for each pickup camper space;
 - (iii) Utility connections are available for each trailer;
 - (iv) A bathhouse and restrooms are provided for overnight occupants;
 - (v) No business other than the renting of trailer space shall be conducted, except for self-service laundry facilities and

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- vending machines for the use of the occupants of the trailer court;
- (vi) Chapter 15.14 and Chapter 15.15 of this code shall additionally govern the location, building regulations and operation of trailers, mobile homes and mobile home parks, and to any extent conflicting with this chapter, Chapter 15.14 and Chapter 15.15 shall be controlling. The foregoing shall not relieve a trailer owner or trailer park operator from complying in all particulars with this chapter when its provisions are not specifically preempted by Chapter 15.14 and Chapter 15.15.
- c. Residential uses, accessory to industrial uses listed in (1)(a)-(l) above, such as watchman's apartment, owner-operator's home, and necessary bunkhouses.
- d. Congregate residences north of 23rd Street bridge as allowed by IBC provided that:
- (i) The residential use is accessory to the industrial use.
 - (ii) Minimum lot size is 40,000 square feet.
 - (iii) A minimum of one (1) parking space for every 3 occupants.
 - (iv) Lot coverage does not exceed 60% for all buildings.
 - (v) A 6-foot high solid fence or vegetative barrier shall be required on all lot lines bordering RC lots.
- e. Taverns and bars;
- f. Restaurants serving alcohol;
- g. Service stations;
- h. Other uses and structures customarily contingent and clearly subordinate to permitted uses, as determined by the planning commission pursuant to Section 19.04.060.
- B. Prohibited Uses.
- 1. Cemeteries;
 - 2. Garbage dumps;
 - 3. Junkyards, unless completely surrounded by a fence at least six feet (6') in height;
 - 4. Uses that degrade air, water, or land resources quality without mitigative measures that alleviate impacts.
 - 5. Residential, except as otherwise defined.
- C. Minimum Lot Requirements.
- 1. Lot area, forty thousand (40,000) square feet in industrial zone north of 23rd Street bridge; five thousand (5,000) square feet in industrial zone south of 23rd Street bridge;
 - 2. Side yard, fifteen feet (15'), except that no side yard shall be required along any lot line bordering on other lots in the Industrial (I) zoning district;
 - 3. Rear yard, none required;
 - 4. Setbacks shall be ten (10') feet from state highways.
- E. Maximum Lot Coverage by Buildings. No limitation, provided compliance with building setback and parking requirements.
- F. Maximum Height of Buildings. Three (3) stories, but not to exceed thirty-five feet (35') in any case. A conditional use permit may be requested to build higher, see Section 19.04.060.

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- G. Parking Requirements. All requirements within Section 19.08.020, Provisions of Off-street Parking, including those for industrial and manufacturing establishments, must be followed.
- H. Sanitary Treatment System. Septic systems, leaching fields, or other private sewerage facilities may be permitted provided that the owner or developer submits plans stamped by an engineer licensed in Alaska, percolation and water table depth data suitable for analysis of the feasibility for on lot water and sewer systems to the municipality and the Alaska Department of Environmental Conservation. Project applicants/owners are responsible for ensuring that their project meets all federal and state septic systems, leaching fields, or other private sewerage facility requirements.
- I. Landscaping or View Obscuring Screening. Whenever a lot line is in common with a major public street or adjacent to a business or residential zoned lot, there shall be a six foot (6') high solid fence, vegetative barrier, or other view obscuring screening to promote compatibility of land uses and mitigate negative visual impacts. Junk, trash and debris shall be removed.
- J. Flood Protection. Some lands in the Industrial (I) zoning district fall within the 100 year floodplain (Zone A6 on the Flood Hazard Boundary Maps). The planning or building official, or planning commission must ensure that all requirements within Chapter 15.12, Flood Zone Land Use, are followed, particularly those at 15.12.040, that govern building and sanitary system construction in these areas.
- K. Visibility at Intersections. The standard at 19.06.020(J)(1) and (2) applies in this zoning district.

Section 6. 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 7. 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 11th day of July, 2013.


Stan Selmer, Mayor

ATTEST:


Emily A. Deach, Borough Clerk

(SEAL)

