

Proposed by:	Assemblyman Burnham
P&Z Review:	02/14/2013
	03/14/2013
	04/11/2013
HDC Review:	04/29/2013
Attorney Review:	05/09/2013
First Reading:	04/24/2013
Second Reading:	05/10/2013
Vote: 5 Aye	0 Nay
	1 Absent

## MUNICIPALITY OF SKAGWAY, ALASKA ORDINANCE NO. 13-12

**AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING CHAPTERS 19.02 AND 19.06 OF THE PLANNING AND ZONING TITLE TO PROVIDE A DEFINITION FOR FARMERS' MARKETS AS A PERMITTED ACCESSORY USE, AND TO PROVIDE WHERE AND UNDER WHAT CONDITIONS SUCH A PERMITTED USE WILL BE ALLOWED.**

**WHEREAS**, at its regular meeting on January 10, 2013, the Planning & Zoning Commission discussed amending the Planning Commission and Administrative Provisions chapter of the Planning and Zoning title to define "farmers' markets" and specify where and under what conditions farmers' markets would be allowed as a permitted use; and

**WHEREAS**, the Planning & Zoning Commission determined that amending the code to define farmers' markets and set out regulations and requirements to govern where and under what conditions such uses will be allowed would help ensure that such uses will be in the public interest; and

**WHEREAS**, Chapter 7 of the Skagway 2020 Comprehensive Plan indicates, under the section on Climate Change Considerations on Page 82, that the municipality shall "be proactive in helping to create a resilient local economy" and to "anticipate and promote new opportunities in local agriculture" as well as "work with other groups and individuals to encourage local economic self-reliance, so that the community needs are met by locally owned businesses and locally produced products as much as possible"; and

**WHEREAS**, the Planning & Zoning Commission held public hearings on the farmers' market ordinance proposal at its meetings on February 14, 2013, March 14, 2013, and April 11, 2013, and, at the April 11 meeting, four commissioners voted in favor, zero in opposition, and one was absent, of moving the recommendation of the amended farmers' market ordinance proposal to the Borough Assembly for its consideration; and

**WHEREAS**, the Assembly finds it to be in the public interest and general welfare to adopt this ordinance governing the definition, location, and operation of farmers' markets within the various zoning districts of the municipality;

**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 Chapters 19.02 and 19.06 to add farmers' markets to the "accessory uses" category under permitted uses in certain zoning districts, define farmers' market, and set out the requirements that a farmers' market must meet in order to operate.

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**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 Provisions and Chapter 19.06 Use Districts, Zoning Map and Zoning Classifications are hereby amended as follows:

Chapter 19.02  
PLANNING COMMISSION AND ADMINISTRATIVE PROVISIONS

Sections:

19.02.065 Definitions.

19.02.065 Definitions.

A. General Interpretation.

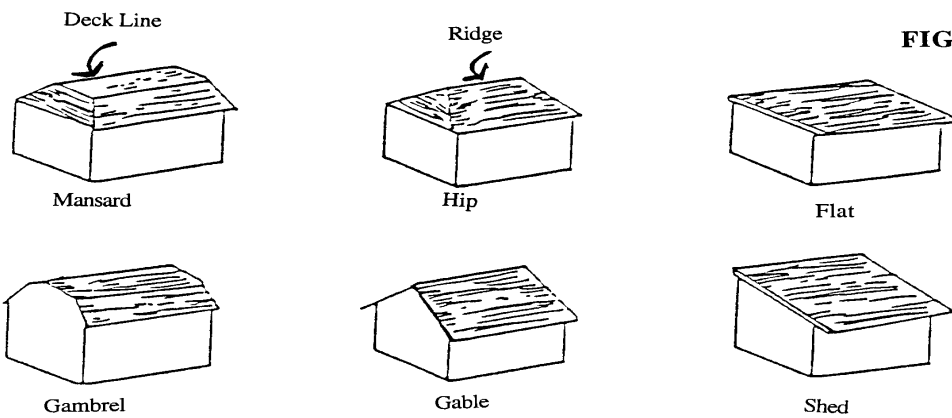
1. The word "lot" includes the word "plot" or "parcel".
2. The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged or designed to be used or occupied".

B. Specific Definitions.

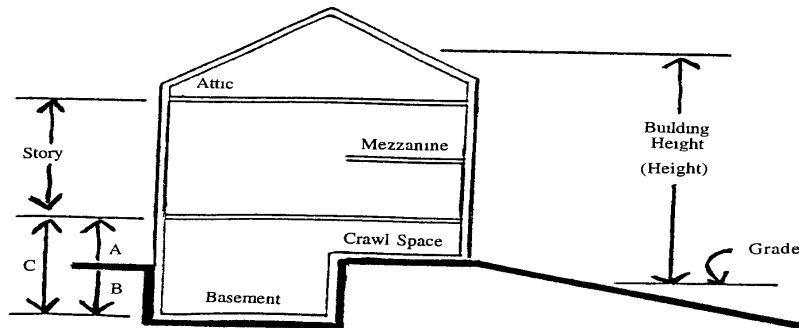
1. "Accessory building" means a detached building, the use of which is appropriate, subordinate and customarily incidental to that of the main building or to the main use of the land, and which is located on the same lot as the main building or use. An accessory building shall be considered to be a part of the main building when joined to the main building by a common wall, or when any accessory building and the main building are connected by a breezeway.
2. "Accessory housing structure" means a detached single family dwelling, the use of which is appropriate, subordinate and customarily incidental to that of the main building which must be a residence which has been in place for a minimum of five (5) years. Accessory housing structures for this definition will not include mobile homes or recreation vehicles.
3. "Accessory use" means a use customarily incidental and subordinate to the principal use of the land, building or structure, and located on the same lot or parcel of land.
4. "Agricultural building" means a building used to shelter farm implements, hay, grain, poultry, livestock or other farm produce, in which there is no human habitation and which is not used by the public.
5. "Alley" means a public right-of-way designed and intended to provide only a secondary means of access to any property abutting thereon.
6. "Alteration" means any change, addition or modification in the construction, location or use classification.
7. "Apartment House" See "Dwelling, Multiple".
8. "Area, Building", "Building area" means the total of areas, taken on a horizontal plane at the main grade level of the principal building, and all accessory buildings, exclusive of steps.
9. "Automobile wrecking" means the dismantling of used motor vehicles or trailers, or the storage or sale of parts from dismantled or partially dismantled, obsolete or wrecked vehicles.

10. "Bed and breakfast establishment" means a dwelling in which commercial lodging is provided by the owner or operator to more than three persons. The term includes boarding, rooming or tourist houses.
11. "Boardinghouse" means a building other than a hotel where lodging, with or without meals, is provided for compensation for three (3) or more persons on other than a day-to-day basis, and which is not open to transient guests.
12. "Building height" means building height shall be calculated as the average height of three sides of the building measured from the finished grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the ridge line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof as illustrated in figures 1 and 2. *Roof structures for the housing of equipment required to operate and maintain the building, or other necessary structures such as stairwells, chimneys and flagpoles, may be erected above the prescribed height limit, but no roof structure shall be erected for the purpose of providing additional floor space above the prescribed height limit.*

**ROOF TYPES**



**FIGURE 1**



**FIGURE 2**

When A is Less Than B - C is a Cellar

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13. "Building official" means the officer charged with the administration and enforcement of the ordinance codified in this title. The borough manager shall act as building official until the borough assembly otherwise designates.
14. "Building, Principal or Main", "Principal or main building" means the building in which is conducted the principal or main use of the lot on which the building is situated.
15. "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.
16. "Congregate Residence" means any building or portion thereof that contains facilities for living, sleeping and sanitation, as required by the IBC and IRC if applicable, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging houses.
17. "Coverage" means that percentage of the total lot area covered by the building area.
18. "Dwelling" means a building or any portion thereof designed or used exclusively for residential occupancy.
19. "Dwelling, Multiple-family", "Multiple-family dwelling" means any building containing three (3) or more dwelling units.
20. "Dwelling, One (1) Family", "One (1) family dwelling" means any detached building containing only one (1) dwelling unit.
21. "Dwelling, Two (2) Family", "Two (2) family dwelling" means any building containing only two (2) dwelling units.
22. "Dwelling unit" means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by the IBC, for not more than one family, or a congregate residence for 10 or less persons.
23. "Family" means an individual or two or more persons related by blood or marriage or a group of not more than five persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.
24. **"Farmers' Market" means an outdoor and/or indoor market open to the public, operated by a governmental agency, a nonprofit corporation, or one or more Producers, at which (a) the products sold are Farm Products or Value-added Farm Products or a product of an Artisan; and (b) some portion (as negotiated with the borough manager) of the vendors regularly participating during the market's hours of operation are Producers, or family members or employees of Producers.**
  - a. **As used herein, the following terms shall have the following meaning:**
    - i. **"Artisan" means a person (professional or nonprofessional) who offers a Craft, Value-added Farm Product and/or who is an Entertainer.**

- ii. "Crafts" means work or objects made locally, by hand.
  - iii. "Entertainer" means a person, such as a singer or musician, whose job is to entertain others.
  - iv. "Farm Products" means unprocessed fruits, vegetables, mushrooms, herbs, nuts, shells, eggs, honey or other bee products, flowers produced from a farm or garden.
  - v. "Producer" means a person or entity that raises or produces Farm Products on land that the person or entity gardens or farms and owns, rents, or leases.
  - vi. "Vendor" means someone who promotes or exchanges goods for money.
  - vii. "Value-added Farm Product" means any product processed by a Producer from a Farm Product, such as baked goods, jams and jellies.
- b. Permitted use; requirements for operation. Farmers' Markets are an accessory use in the following zoning districts: Residential conservation, Residential low-density, Residential general, Business general, Business historic, Industrial-light, Industrial, and Waterfront, subject to the following regulatory requirements:
- i. Farmers' Markets are considered allowable as a permitted principal use on a vacant lot, as negotiated with the borough manager.
  - ii. All Farmers' Markets and its vendors must comply with all federal, state and local laws and regulations relating to food, operation, safety, use and enjoyment of the market premises and all laws and regulations pertaining specifically to the business-historic zoning district.
  - iii. All Farmers' Markets and its vendors must obtain all required operating and health permits and these permits (or copies) shall be in the possession of the Farmers' Market operator or the vendor, as applicable, on the site of the Farmers' Market during all hours of operation.
  - iv. All Farmers' Markets shall have a representative of the operator who serves as a Market Manager; the Market Manager shall be authorized by the operator to direct the operations of all vendors participating in the market on the site of the market during all hours of operation.
  - v. All Farmers' Markets must have an established set of written operating rules addressing the governance structure of the Farmers' Market, days and hours of operation, maintenance and security requirements and responsibilities; and appointment of a Market Manager.
  - vi. The Farmers' Market as a whole or each vendor is responsible for all aspects of sales and cash flow. The

Farmers' Market or individual vendors, as applicable, must obtain from the borough a permit to collect and remit borough sales taxes, if applicable.

vii. At least twenty (20) days before the first day of operation of the Farmers' Market, the Market Manager must notify the borough manager and provide in writing to the borough manager vital information including the Market Manager's name and contact information, the location, dates, times and frequency of the market, the operating rules for the Farmers' Market, the types of products that will be offered for sale at the market, the names and contact information for the Producers and the Producers' family members (including their family relationship) and employees that will be regularly participating during the market's hours of operation, and any other pertinent documentation and information that the manager may require of the Farmers' Market. The borough manager must be notified in advance of any proposed changes to the submitted documentation and information, and those changes must be addressed by the Market Manager with the borough manager prior to making the changes.

viii. All Farmers' Markets must provide for composting, recycling and waste removal in accordance with all applicable borough codes.

ix. In the instance that a municipal official finds the Farmers' Market to be out of compliance with the requirements set forth herein, the borough manager is authorized to close the operation of the Farmers' Market. The borough manager or the manager's designee will inform the Market Manager, verbally or in writing, citing the municipal code section in violation and the operation must cease until the violation has been corrected. The borough manager may grant approval for the continuation of the Farmers' Market upon determining that the necessary corrective action has been taken.

245. "Fence, Height of", "Height of fence" means the vertical distance between the ground directly under the fence and the highest point of the fence.

256. "Floor area" means the total of each floor of a building within the surrounding outer walls but excluding vent shafts and courts.

267. "Frontage" means all the property fronting on one (1) side of a street between intersecting streets.

278. "Garage, Private", "Private garage" means an accessory building or any portion of a main building used in connection with residential purposes for the storage of passenger motor vehicles.

289. "Garage, Public", "Public garage" means any garage other than a private garage, available to the public, operated for gain, and which is used for

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storage, repair, rental, greasing, washing, servicing, or adjusting or equipping of automobiles or other vehicles.

- 2930.** “Grade (ground level)” means the average level of the finished ground at the center of all walls to a building. In case walls are parallel to and within five feet (5') of a public sidewalk, the ground level shall be measured at the sidewalk.
- 301.** “Guest room” means any room in a hotel, dormitory, boardinghouse or lodging house used and maintained to provide sleeping accommodations.
- 342.** “Home occupation” means a residential use conducted in a dwelling unit, provided that:
- a. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for the residential purposes by its occupants, have no employees, and have not more than fifty percent (50%) of the floor area of the dwelling used in the conduct of the home occupation;
  - b. There shall be no change in the outside appearance of the building or premises, nor shall there be any visible evidence of the conduct of such home occupation other than one sign not exceeding three (3) square feet in area, non-illuminated, and mounted flat against the principal building;
  - c. No traffic or parking needs shall be generated by such home occupation in greater volume than that which would normally be found in the neighborhood and shall be accommodated off street and on the premises;
  - d. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the site of the home occupation;
  - e. Day care of five (5) children or less shall be considered a home occupation.
- 323.** “Hotel” means any building or group of buildings in which there are guest rooms used, designed or intended to be used for the purpose of offering to the general public food or lodging, or both, on a day-to-day basis.
- 334.** “Junk yard” means any space one hundred (100) square feet or more of any lot or parcel of land used for the storage, keeping or abandonment of junk or waste material including scrap metals or other scrap materials or for the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or any parts thereof.
- 345.** “Kennel” means a place where domestic animals or birds are kept or bred in numbers greater than six (6) per species and may include fenced areas, yards or structures. This definition shall not apply to areas used for the keeping of animals by veterinarians or the municipality.
- 356.** “Loading space” means an off-street space or berth on the same lot with a building or structure, to be used for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.
- 367.** “Lot” means a parcel of land occupied or to be occupied by a principal use and having frontage on a public street.
- 378.** “Lot, Corner”, “Corner lot” means a lot situated at the junction of, and bordering on, two (2) intersecting streets.
- 389.** “Lot depth” means the horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

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- 3940.** “Lot Line, Front, Corner Lot”, “Front lot line, corner lot” means the shortest street line of a corner lot.
- 401.** “Lot Line, Front, Interior Lot”, “Front lot line, interior lot” means a line separating the lot from the street.
- 412.** “Lot Line, Rear”, “Rear lot line” means a line that is opposite and most distant from the front lot line and, in the case of a irregular, triangular or gore-shaped lot, a line not less than ten feet (10') in length, within a lot, parallel to and at the maximum distance from the front lot line.
- 423.** “Lot Line, Side”, “Side lot line” means any lot boundary line not a front lot line or a rear lot line.
- 434.** “Lot width” means the mean horizontal distance separating the side lot lines of a lot and at right angles to its depth.
- 445.** “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 a 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 combination of the foregoing.
- 456.** “Mobile home park” means any parcel or adjacent parcels of land in the same ownership which is used for occupancy by more than two mobile homes. This term shall not be construed to mean tourist facilities for parking of travel trailers, RV's or campers.
- 467.** “Motel” means a group of one (1) or more detached or semidetached buildings containing two (2) or more individual dwelling units and/or guest rooms designed for or used temporarily by automobile tourists or transients, with a garage attached or parking space conveniently located to each unit, including groups designed as auto courts, motor lodges or tourist courts.
- 478.** “Motor home” means 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.
- 489.** “Nonconforming building” means any building or structure, or any portion thereof, lawfully existing on November 2, 1972, which was designed, erected or structurally altered for a use that does not conform to the use regulations of the zone in which it is located, or a building or structure that does not conform to all the height and area regulations of the zone in which it is located.
- 4950.** “Nursery, Children's”, “Children's nursery” means any home or institution used and maintained to provide day care for children not more than seven (7) years of age.
- 501.** “Parking Space, Private”, “Private parking space” means any automobile parking space not less than ten feet (10') wide and twenty feet (20') long.
- 512.** “Parking Space, Public”, “Public parking space” means an area of not less than two hundred fifty (250) square feet, accessible from streets and alleys, for the storage of passenger motor vehicles operated by individual drivers.



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- 523.** “Person” means a natural person, his heirs, executors, administrators, or assigns, and also including firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.
- 534.** “Principal use” means the major or predominant use of a lot or parcel of land.
- 545.** “Recreational vehicle park” is a tourist facility for parking motor homes and travel trailers and other recreational vehicles.
- 556.** “Service station” means any building, structure, premises or other space used primarily for the retail sale and dispensing of motor fuels, tires, batteries, and other small accessories; the installation and servicing of such lubricants, tires, batteries and other small accessories, and such other services which do not customarily or usually require the services of a qualified automotive mechanic.
- 567.** “Sign” means any words, letters parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trademarks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business or a commodity or product, which are visible from any public street or highway and used to attract attention.
- 578.** “State highway” means a right-of-way classified by the state as a primary, secondary A or secondary B highway.
- 589.** “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.
- 5960.** “Street” means a public right-of-way used as a thoroughfare and which is designed and intended to provide the primary means of access to property abutting thereon.
- 601.** “Street line” means the line of demarcation between a street and the lot or land abutting thereon.
- 612.** “Structure” means that which is built or constructed, a building of any kind, composed of parts jointed together in some definite manner.
- 623.** “Tent” means a temporary structure, enclosure or shelter constructed of fabric pliable material, supported by any manner except by air or the contents it protects. The term “tent” includes “yurt” which is a portable, wood lattice-framed dwelling structure covered by material such as felt or canvas.
- 634.** “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.
- 645.** “Travel trailer” means 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 (29.7<sup>2</sup>).
- 656.** “Use” means the purpose of which land or a building is arranged designed or intended, or for which either land or a building is or may be occupied or maintained.

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- 667.** “Yard” means an open, unoccupied space, other than a court, unobstructed from the ground to the sky except where specifically provided by this title, on the same lot on which a building is situated.
- 678.** “Yard, Front”, “Front yard” means a yard extending across the full width of a lot, measured between the front lot line of the lot and the nearest exterior wall of the building which is the nearest to the front lot line.
- 689.** “Yard, Rear”, “Rear yard” means a yard extending across the full width of the lot between the most rear main building and the rear lot line.
- 6970.** “Yard, Side”, “Side yard” means a yard on each side of a main building, and extending from the front lot line to the rear lot line. The width of the required side yard shall be measured horizontally from the nearest point of a side lot line to the nearest part of the main building.
- 701.** Yards.
- a. In the case of double frontage lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the planning official may waive the requirement for the normal front yard and substitute a special yard requirement that will not exceed the average of the yards provided on adjacent lots.
  - b. In the case of corner lots, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.
  - c. In the case of corner lots with two (2) or more frontages, the planning official shall determine the front yard requirements, subject to the following limitations:
    - (i) At least one (1) front yard shall be provided having the full depth required generally in the district;
    - (ii) No other front yard on such lot shall have less than half the full depth required generally.
  - d. In the case of corner lots in the Skagway-Business Historical Zoning District which abut two rights of way, sixty foot (60') wide or wider, both adjoining yards shall be front yards. No setbacks are required on front yards in this zoning district, and neither front yard of these corner lots shall require a setback, unless the planning official determines that such allowance does not correspond with prevailing yard patterns. In such case, the planning official shall determine any additional setback requirements.
- 742.** “Zoning change” means the alteration or moving of a use district boundary; the reclassification of a lot, or parcel of land from one (1) zone to another.

Chapter 19.06

USE DISTRICTS, ZONING MAP AND ZONING CLASSIFICATIONS

Sections:

- 19.06.020 RC—Residential-conservation zone.  
19.06.025 RLD—Residential low density

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- 19.06.030 RG—Residential-general zone.
- 19.06.040 BG—Business-general zone.
- 19.06.060 IL—Industrial-light zone.
- 19.06.070 I—Industrial zone.
- 19.06.080 W—Waterfront zone.

19.06.020 RC—Residential-conservation zone.

This zoning district is intended to provide an area for low-density residential development on adequate lot sizes not served by municipal water and sewer, to allow natural resource development and conservation, and to allow dispersed recreational activities including recreational cabins, lodges, and small seasonal recreational facilities.

Criteria for lands that are included in this zoning district are those that are relatively isolated from denser development due to natural features and the lay-of-the-land, and that are presently without any or all of the following: municipal water, municipal sewer, roads up to standard.

A. Uses Permitted.

1. Principal Uses.

- a. Public parks and open space recreation;
- b. Watershed reserve;
- c. General agriculture and horticulture;
- d. Single-family residences and duplexes;
- e. Public water, sewer, electric and communication facilities.

2. Accessory Uses.

- a. Uses and structures customarily accessory and clearly subordinate to permitted principal uses, as determined by the building official.
- b. Storage Structures: one semi-trailer, freight container, storage trailer or van, may be used as a storage shed per lot. Commercial markings and other markings detracting from its appearance in a residential zone must be removed. Wheeled storage containers or vans are not permitted for long term storage.
- c. Home occupations provided that the conditions listed in Section 19.02.010 are met.

**d. Farmers' Market in accordance with section 19.02.065(B)(24).**

3. Conditional Uses.

- a. Churches;
- b. Solid waste facilities;
- c. Sand and gravel operations;
- d. Mining and quarry operations;
- e. Kennels;
- f. Timber harvesting and storage;
- g. Recreational cabins, lodges and small seasonal recreational facilities;
- h. Commercial greenhouses;
- i. Cemeteries;
- j. Pipelines and railroads;
- k. Campgrounds;
- l. Temporary structures for residential use, used in conjunction with building or land development, for one year.
- m. Commercial recreation operations on Municipal land.

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- n. Taverns and bars;
  - o. Restaurants serving alcohol;
  - p. Service stations;
  - q. Other 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.
  - 3. Congregate residences.
- C. Minimum Lot Requirements.
- 1. Lot Area.
    - a. Forty thousand (40,000) square feet.
    - b. except that all lots within the Hillside Subdivision, Blocks 1 and 2 created March 13, 2003 shall not be reduced in size.
  - 2. Lot width, no requirement.
- D. Minimum Building Setback Requirements.
- 1. Front yard, twenty-five feet (25');
  - 2. Side yard, fifteen feet (15');
  - 3. Rear yard, twenty-five feet (25');
  - 4. Accessory building, five feet (5');
  - 5. Setbacks between structures shall be regulated by the International Building Code, Tables 601 and 602.
- E. Maximum Lot Coverage by Buildings. Twenty-five percent (25%).
- 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.
- 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. Flood Protection. Some lands in the Residential-conservation (RC) 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.
- J. Visibility at Intersections.
- 1. No vehicle shall be parked within twenty feet (20') of any street intersection;
  - 2. To ensure that a vehicle's driver has good visibility at street intersections, on corner lots there shall not be a fence, wall, hedge, or other planting or structure that will impede visibility between a height of two feet six inches (2'6") and eight feet (8') above the centerline grades of the intersecting streets.

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19.06.025 RLD—Residential-Low Density zone.

This zoning district is intended to provide an area for low to moderate density residential development on adequate lot sizes to preserve the natural beauty of the area creating parks, prohibiting business including tourism business bases with limited housing rentals allowable by conditional use. Also to create green belts and establish setback requirements adequate to preserve the viewshed and create small roadside parks and picnic areas, view points and scenic overlooks along Dyea Bay.

Criteria for lands that are included in this zoning district are those that are relatively restricted in their development due to natural features and the lay-of-the-land, and that are presently without municipal water and municipal sewer.

A. Uses Permitted.

1. Principal Uses.

- a. Public parks and open space recreation;
- b. Watershed reserve;
- c. Single-family residence;
- d. Duplex; 2-family residence;
- e. 1 private garage per living unit;
- f. Non-commercial public water, sewer, electric and communication facilities.
- g. Municipal Public facilities such as fire department sub-station, solid waste transfer station, public works sub-station, and emergency services landing areas.

2. Accessory Uses.

- a. Uses and structures customarily accessory and clearly subordinate to permitted principal uses, as determined by the building official.
- b. Necessary Outbuildings, accessory buildings not to exceed 320 square feet per use as listed in (i) – (vi):
  - (i) 1 storage shed per lot: a semi-trailer, freight container, house trailer, RV travel trailer, storage trailer or van, may not be used as a long term or permanent storage shed.
  - (ii) Generator shed;
  - (iii) Tool shed;
  - (iv) Private personal use greenhouse;
  - (v) Well house;
  - (vi) Wood shed.
- c. Home occupations provided that the conditions listed in Section 19.02.010 are met.
- d. Private personal use gardens.
- e. Farmers' Market in accordance with section 19.02.065(B)(24).**

3. Conditional Uses.

- a. Churches;
- b. Day Care Facilities;
- c. Temporary structures for residential use, used in conjunction with building or land development, for up to eighteen months.
  - (i) Temporary structure for residential use means RV or trailer or other livable structure of at least 100 square feet with sanitary and kitchen facilities to be occupied during

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construction of a permanent residence that will be removed at the end of the 18 month construction period.

- d. 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, DEC approved 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 International Building Code for efficiency dwelling units.
  - e. Commercial public water, sewer, electric, communication and other facilities.
  - f. Multiple storage structures or storage structures above 320 square feet.
  - g. Taverns and bars;
  - h. Restaurants serving alcohol;
  - i. Service stations;
  - j. 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.
  - 3. Congregate residences/apartment houses/multiple family structures.
  - 4. Sand and gravel operations;
  - 5. Mining and quarry operations;
  - 6. Kennels;
    - a. Definitions:
      - (i) "Kennel" means a place where domestic animals or birds are kept or bred in numbers greater than six (6) per species and may include fenced areas, yards or structures. This definition shall not apply to areas used for the keeping of animals by veterinarians or the municipality.
      - (ii) "Domestic animal" means every kind of animal that is domesticated (not wildlife), including (without limitation) livestock of all kinds, dogs, cats, monkeys, birds and reptiles.
      - (iii) "Livestock" means every kind of domestic animal that is four (4) footed and ordinarily larger than a dog; and includes (without limitation) cattle, horses, swine, goats, sheep and llamas.
  - 7. Timber harvesting and storage;
  - 8. Cemeteries;
  - 9. Pipelines and railroads;
  - 10. Commercial recreation operations on Municipal land.
  - 11. Commercial greenhouses, agriculture and horticulture;
  - 12. Campgrounds;
- C. Minimum Lot Requirements.

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1. Lot Area.
    - a. Property owners as of the date of this ordinance may subdivide their property into no less than 1 acre lots.
    - b. 2 ½ acres
    - c. Except that all lots within Taiya Inlet Subdivision created October 29, 2007, Plat # 2007-6 shall not be reduced in size.
  2. Lot must be wide enough to provide access and other easements and setbacks.
- D. Minimum Building Setback Requirements.
1. Road frontage, twenty-five feet (25');
  2. All other lot lines, twenty feet (20');
  3. Setbacks between structures shall be regulated by the International Building Code, Tables 601 and 602.
- E. Maximum Lot Coverage by Buildings. Fifteen percent (15%).
- 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. Required off-street parking, shall allow enough parking for all occupants to park all personal vehicles off-street;
- 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. Flood Protection. Some lands in the Residential-Low Density (RLD) zoning district may fall within the Taiya River floodplain (SCMP Figure 3.3 Natural Hazards Boundary Map). 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.
- J. Visibility at Intersections.
1. No vehicle shall be parked within twenty feet (20') of any street intersection;
  2. To ensure that a vehicle's driver has good visibility at street intersections, on corner lots there shall not be a fence, wall, hedge, or other planting or structure that will impede visibility between a height of two feet six inches (2'6") and eight feet (8') above the centerline grades of the intersecting streets.

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

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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 15<sup>th</sup> Avenue and mobile home parks north of 15<sup>th</sup> 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;

**e. Farmers' Market in accordance with section 19.02.065(B)(24).**

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 R.V. parks, 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 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 shall be controlling. The foregoing shall not relieve a trailer owner or trailer park operator from complying in all particulars



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with this chapter when its provisions are not specifically preempted by Chapter 15.14.

- 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 15<sup>th</sup> 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:
    - (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 15<sup>th</sup> 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;

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

19.06.040 BG—Business-general zone.

This zoning district is intended to provide for the commercial activities of the municipality. The purpose of the zoning district is to provide a centrally located area for general retail shopping, personal and professional services, entertainment establishments, restaurants, and similar businesses. Most commercial activities are permitted outright. The zoning district is also intended to accommodate a mixture of residential and commercial uses with conflicts being resolved in favor of commercial uses. Mixed commercial and residential use of structures is encouraged.

Criteria for lands that are included in this zoning district are those that have existing developed streets and utilities and where public investment has occurred to establish social and commercial services.

- A. Uses Permitted.
  - 1. Principal Uses.
    - a. Banks and offices;
    - b. Hotels;
    - c. Restaurants, not serving alcoholic beverages;
    - d. Theaters and bowling alleys;
    - e. Automobile repair garages;
    - f. Printing establishments;
    - g. Laundries of all types and dry cleaning establishments;
    - h. Retail stores and service shops;
    - i. Post offices;
    - j. Dwelling units.
    - k. Congregate residences as allowed by IBC provided that:
      - (i) Minimum lot size is 5,000 square feet and limited to one building per 5,000 square feet.
      - (ii) A minimum of one (1) parking space for every 3 occupants.
      - (iii) Lot coverage does not exceed 60% for all buildings.

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- (iv) A 6-foot high solid fence shall be required on all lot lines bordering RG lots.
    - l. Taverns and bars;
    - m. Restaurants serving alcohol;
    - n. Service stations;
  - 2. Accessory Uses.
    - a. Uses and structures customarily accessory and clearly subordinate to permitted principal uses, as determined by the building official;
    - b. Dwelling units on the same premises with permitted principal uses;
    - c. Storage structures.
    - d. Farmers' Market in accordance with section 19.02.065(B)(24).**
  - 3. Conditional Uses.
    - a. Business expansion of any uses allowed by principal or conditional use permitted in the BG zoning district, provided that such expansion involves no more than one lot adjacent to a lot line that is in common with the BG zoning district.
    - b. Assembly halls, fraternal and social organizations;
    - c. Funeral parlors;
    - d. 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) Off-street parking and setback requirements for this zone shall apply.
      - (vi) Construction must meet International Building Code Section 1207 for efficiency dwelling units.
      - (vii) Maximum of fifty percent (50%) lot coverage.
    - e. 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 are permitted by conditional use.
  - 2. Mobile homes and mobile home parks.
  - 3. Kennels.
  - 4. Structures creating lot coverage of greater than ninety percent (90%) for a lot of five thousand (5,000) square feet or larger.
- C. Minimum Lot Requirements.
  - 1. Lot area, two thousand five hundred (2,500) square feet;
  - 2. Lot width, twenty-five feet (25').
- D. Minimum Building Setback Requirements.
  - 1. Front yard, five feet (5').
  - 2. Side yard, five feet (5').
  - 3. Rear yard, five feet (5').
- E. Maximum Lot Coverage by all Buildings. Ninety percent (90%) provided buildings comply with setback and parking requirements.

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- F. Maximum Height of Buildings. Three (3) stories, 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.
- H. Landscaping or View Obscuring Screening. Whenever a proposed development is either adjacent to a residential structure or is on a lot with a lot line in common with a lot in the Residential General (RG) zoning district, there shall be a six foot (6') high solid fence, vegetative barrier, or other view and noise obscuring screen to promote compatibility of land uses and mitigate negative visual impacts, junk, trash and debris shall be removed.
- I. Visibility at Intersections. The standard at Section 19.06.020(J)(1) and (2) applies in this zoning district.

19.06.060 IL—Industrial-light zone.

This zoning district is intended to provide an area for urban and suburban light manufacturing, processing, storage, wholesaling and distribution, and railroad and airport related industry and business. This zoning district is intended to promote efficient use of the land while at the same time, allowing for a variety of compatible uses. Commercial uses are allowed, but with conflicts being resolved in favor of light industrial use. Existing residential uses between Alaska Street and the airport can continue without restrictions typically applied to nonconforming uses. Light industrial uses are those of a nature which do not produce dust, traffic, noise, odor, vibration, or other objectionable pollutants of a substantially greater intensity or duration than those commonly associated with the surrounding land use. Because of the impacts inherent in some industrial activities, performance standards, including screening, are applied to certain uses.

Criteria for lands included in this zoning district are those areas that are adjacent to major arterials, other light industrial users, and the airport or railroad.

- A. Uses Permitted.
  - 1. Principal Uses.
    - a. Airports, aircraft repair, and other air transportation and airplane related services;
    - b. Railroads;
    - c. Buried pipelines;
    - d. Fishery enhancement structures;
    - e. Storage buildings, Mini-storage units;
    - d. Firms;
    - e. Offices, professional or administrative services;
    - f. Veterinary office (no outdoor kennels);
    - g. Communication services;
    - h. Retail sales of building materials, aircraft, rail, auto, or marine supplies;
    - i. Light equipment sales, storage and rentals for off site use;
    - j. Small appliance repair;
    - k. Plant nurseries;
    - l. Aircraft, boat and RV storage;
    - m. Vehicle and equipment storage and parking;
    - n. Computer and office equipment sales and service;
    - o. Gunsmiths, locksmiths, and related services;
  - 2. Accessory Uses.
    - a. Administrative offices, accessory to permitted uses;

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- b. Residential uses, accessory to industrial uses such as watchman's apartment, owner-operator's home, necessary bunkhouses.
- c. Farmers' Market in accordance with section 19.02.065(B)(24).**
- 3. Conditional Uses.
  - a. Light custom manufacturing;
  - b. Heavy and light equipment repair and service;
  - c. Sale and storage of fuels, gases and Class I, II, and III liquids, flammables and explosives, in compliance with applicable fire codes;
  - d. Power generating facilities;
  - e. Residential dwelling units, including single-family, duplex, multi-family units, or mobile home parks north of 15<sup>th</sup> Avenue (provided that the standards listed at Section 19.06.030(A)(3)(k)(i-iii) are followed).
  - f. Congregate residences as allowed by IBC provided that:
    - (i) Minimum lot size is 5,000 square feet and limited to one building per 5,000 square feet.
    - (ii) A minimum of one (1) parking space for every 3 occupants.
    - (iii) Lot coverage does not exceed 60% for all buildings.
    - (iv) A 6-foot high solid fence shall be required on all lot lines bordering RG lots.
  - g. Taverns and bars;
  - h. Restaurants serving alcohol;
  - i. Service stations;
  - j. Other appropriate uses as determined by the planning commission pursuant to subsection B of Section 19.04.060.
- B. Prohibited Uses.
  - 1. Cemeteries;
  - 2. Garbage dumps;
  - 3. Junkyards;
  - 4. All uses that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration, or similar substances or conditions.
- C. Minimum Lot Requirements.
  - 1. Lot area, five thousand (5,000) square feet;
  - 2. Lot width, fifty feet (50')
- D. Minimum Building Setback Requirements.
  - 1. Front yard, none required, except that there shall be a ten foot (10') setback required when the lot is adjacent to a major public street, or a business or residential zoning district.
  - 2. Side yard, fifteen feet (15') except that no side yard shall be required along any lot line bordering on other lots in the W (Waterfront) or IL (Industrial-light) districts.
  - 3. Rear yard, none required.
- 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

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- Section 19.04.060(B). Federal Aviation Administration approval required when necessary.
- G. Parking Requirements. All requirements within Section 19.08.020, Provision of Off-street Parking, including those for industrial and manufacturing establishments, must be followed.
  - H. Landscaping or View Obscuring Screening. Whenever a lot line is in common with a major public street or is adjacent to business or residential zoned land 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.
  - I. Visibility at Intersections. The standard at 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;
    - j. Pipelines and railroads;
    - k. Kennels;
    - l. Commercial or private stabling of farm animals;
    - m. Administrative offices, accessory to industrial uses listed in (a)-(l) above.
    - n. Farmers' Market accessory to permitted principal uses in accordance with section 19.02.065(B)(24).**
  - 2. Conditional Uses.

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- 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, 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;
    - (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 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 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.
  - 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 23<sup>rd</sup> 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.

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1. Lot area, forty thousand (40,000) square feet in industrial zone north of 23<sup>rd</sup> Street bridge; five thousand (5,000) square feet in industrial zone south of 23<sup>rd</sup> 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.
- 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.

19.06.080 W—Waterfront zone.

The waterfront zoning district is intended for all property contiguous with the shoreline. This is to protect Skagway's limited, developable waterfront areas for those uses that are directly dependent upon, or directly related to the water, a waterfront location, or both. This is also to allow special consideration to the development, growth, public use and appearance of Skagway's waterfront, the municipality's most heavily utilized area. Water-dependent and water-related industrial and commercial uses have priority in this zoning district. Consideration is also given to maintaining safety, public access and an attractive appearance. Intended activities include those that derive major economic or social benefits from a waterfront location, with particular emphasis on industrial, tourism, commerce and commercial enterprises.

Criteria for including lands in this zoning district are those lands adjacent to the shoreline of Taiya Inlet.



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- A. Uses Permitted. (Note that the special policies outlined in (C) below must be followed when a building permit or conditional use permit for private or public sector development in this zone is obtained.)
1. Principal Uses.
    - a. Public, private, and commercial moorage;
    - b. Warehousing, storage and handling of cargo, provided, however, that:
      - (i) No use shall be constructed or operated so as to cause excessive noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare, at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that caused by customary manner of operation by uses permitted in the district, or a degree injurious to the public health, safety, or welfare.
    - c. Marine fuel, water, sanitation facilities;
    - d. Research and educational facilities related to the adjacent waterbody;
    - e. Port and harbor facilities including docks, floatplane operations, barge freight terminals, and ferry terminals;
    - f. Seafood processing plants, cold storage plants and facilities;
    - g. Boat storage yards;
    - h. Fish and shellfish propagation;
    - i. Parks and open space;
    - j. Administrative offices, accessory to waterfront uses listed in (a)-(i) above.
    - k. Farmers' Market accessory to permitted principal uses in accordance with section 19.02.065(B)(24).**
  2. Conditional Uses.
    - a. Heliport;
    - b. Manufacturing, processing, repair or sales related to maritime activity that requires or benefits from a shoreline location;
    - c. Hotels and motels;
    - d. Sale and storage of fuels, gases and Class I, II, and III liquids, flammables and explosives, in compliance with applicable fire codes;
    - e. Water-dependent or related visitor industry services (not retail);
    - f. Residential uses, accessory to waterfront uses listed in (1)(a)-(i) above, such as watchman's apartment, owner-operator's home, necessary bunkhouses or congregate residence;
    - g. Taverns and bars;
    - h. Restaurants serving alcohol;
    - i. Service stations;
    - j. 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. Any use or structure not of a character indicated under permitted uses, or permitted by conditional uses.

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2. Uses which degrade air, water, or land resources quality without mitigative measures to alleviate impacts.
3. Residential, except as otherwise defined.
- C. Special Policies. In addition to the general requirements set forth in Section 19.06.040, the following special policies will apply in the waterfront district:
  1. To maintain and enhance public access and use, safety and the general appearance of Skagway's heavily used downtown waterfront, applicant's are required to spend five percent (5%) of the total project cost on the amenities described at (C)(1)(d) below. Amenities may be proposed for the specific site development plan or on other borough owned waterfront land, as approved by the borough assembly. Applicants for a building, allowable use or conditional use permit will submit a plan to the zoning or building official or planning commission showing project development with special attention to:
    - a. Buffers, screening, and sound fences between adjacent uses;
    - b. Parking;
    - c. Public access to the waterfront;
    - d. Amenities such as landscaping, walkways, bikepaths and bike racks, windscreens, water and fish viewing areas, picnic areas and interpretive displays.
  2. Compliance with the Skagway Coastal Management Program shall be strictly enforced within the waterfront district. Particular attention will be given to the Coastal Development Policies found at 17.40.020 parts B and C, and the Pullen Creek Area Meriting Special Attention (AMSA) Policies, found at 17.50.010, and the Port of Skagway AMSA policies.
  3. Public access to the water and hatchery related activities shall be emphasized within the Pullen Creek area. There shall be a fifty foot (50') wide buffer strip protected from development, measured from the centerline of the creek, on either side of Pullen Creek.
- D. Minimum Lot Requirements.
  1. Lot area, two thousand (2,000) square feet.
  2. Lot width, fifty feet (50').
- E. Minimum Building Setback Requirements.
  1. Front yard, twenty feet (20').
  2. Side Yard, twenty feet (20').
  3. Rear Yard, twenty feet (20').
  4. Accessory buildings of one thousand (1,000) square feet or less in size, ten (10') feet.
- F. Maximum Lot Coverage by Buildings. None.
- G. Maximum Height of Buildings. No limitation.
- H. Parking Requirements. All requirements within Section 19.08.020, Provision of Off-street Parking, including those for industrial and manufacturing establishments, must be followed.
- 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. Visibility at Intersections. The standard at 19.06.020(J)(1) and (2) applies in this zoning district.

**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 10th day of May, 2013.

  
\_\_\_\_\_  
Stan Selmer, Mayor

ATTEST:

  
\_\_\_\_\_  
Emily A. Deach, Borough Clerk

(SEAL)

