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| Proposed by: | Civic Affairs Committee |
| P&Z Review: | 06/16/2011 |
| Attorney Review: | 01/12/2012 |
| First Reading: | 02/02/2012 |
| Second Reading: | 02/16/2012 |
| Vote: 6 Aye | 0 Nay 0 Absent |

MUNICIPALITY OF SKAGWAY, ALASKA ORDINANCE NO. 12-04

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING TITLE 19 PLANNING AND ZONING BY AMENDING CHAPTER 19.02 ADMINISTRATIVE PROVISIONS.

WHEREAS, Amendments are required to address change in status from city to borough government; and

WHEREAS, the Civic Affairs Committee is conducting a review of the Municipal Code in conjunction with the code re-write to update the Municipal Code;

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

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

Section 2. Purpose. To amend Title 19, Planning and Zoning by amending Chapter 19.02 Administrative Provisions.

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 Administrative Provision is hereby amended as follows.

Chapter 19.02 **PLANNING COMMISSION AND** ADMINISTRATIVE PROVISIONS

Sections:

19.02.010 Definitions **Establishment.**
19.02.015 Appointment.
 19.02.020 ~~Institutional structure~~ **Term of office.**
19.02.025 Officers.
 19.02.030 Fees **Vacancies.**
19.02.035 Quorum.
 19.02.040 ~~Planning commission~~ **Conflict of interest.**
19.02.045 Meetings.
 19.02.050 Building permits **Duties and functions.**
19.02.055 Fees.
19.02.060 Building permits.
19.02.065 Definitions.

19.02.010 Establishment.

A. There is established a planning commission for the municipality which shall consist of five (5) members.

1. The planning commission is appointed as the zoning commission.

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 12-04

Page 2 of 14

The planning commission, in performing its functions as the zoning commission, shall have such powers and shall perform such duties as are set forth in the zoning regulations of the municipality.

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

- B. The borough assembly shall serve as the board of appeals, with functions as defined in AS 29.40.050, AS 29.40.060 and this code.
- C. The borough manager shall serve as the planning official and zoning official until such time as the borough assembly may, by resolution, designate another to perform that function.
- D. The borough clerk or, in her absence, an assistant, shall serve as the clerk of the planning commission, the platting board and the board of appeals. The borough clerk shall record the minutes of meetings and shall keep attendance records and notify the mayor when vacancies occur.
- E. Compensation. Compensation and expenses of the planning commission and its staff are paid as directed by the borough assembly.

19.02.015 Appointment.

Members of the planning commission shall be appointed by the mayor, subject to confirmation by the borough assembly. A borough assembly member shall serve as the ex officio member of the commission, may attend all meetings and have the privilege of the floor, but shall have no vote.

19.02.020 Term of office.

- A. Members shall be appointed for a term of three (3) years, however, a commission member serves until a successor takes office. The term of office begins in October.
- B. The terms shall be staggered so that one (1) member shall be appointed every third year, and two (2) members shall be appointed in each of the other two (2) years of every such three (3) year period.
- C. Appointments to fill vacancies shall be for the unexpired term only.

19.02.025 Officers.

- A. The planning commission shall elect annually a chair and vice-chair at its first meeting following the mayor's appointment and the assembly's confirmation of commission members.
- B. The term of office for the chair and vice-chair shall be one (1) year; however, officers may serve more than one term.
- C. The chair shall preside over the planning commission and shall have the right to vote.
- D. The vice-chair shall perform the duties of the chair in the absence or disability of the chair.

19.02.030 Vacancies.

- A. A vacancy shall be declared and filled as above provided, when a member:
 - 1. Submits his resignation and the resignation is accepted by the mayor;
 - 2. Is physically or mentally unable to attend commission meetings for a period of more than ninety (90) days unless excused by the

commission;

3. Is convicted of a felony;

4. Any board member may be removed by the mayor, subject to confirmation by a majority of the assembly, or by a majority vote of the assembly, at any time regardless of whether that person's term on the commission has expired.

19.02.035 Quorum.

Three (3) members constitute a quorum. Actions of the commission are adopted by three (3) affirmative votes. The final vote on each action must be by a recorded roll call vote. Each member present shall vote on every question, unless required by law to abstain from voting on a question.

19.02.040 Conflicts of interest.

A. Any planning commissioner shall disqualify himself from participating in any official action in which he has a substantial financial interest.

1. a member of the commission shall declare a substantial financial interest the member has in an official action and ask to be excused from a vote on the matter;

2. the presiding officer shall rule on a request by a member of the commission to be excused from a vote;

3. the decision of the presiding officer on a request by a member of the commission to be excused from a vote may be overridden by the majority vote of the commission.

19.02.045 Meetings.

A. The commission shall hold a regular meeting on the 2nd Thursday of each month. Additional meetings may be called at the discretion of the chair, or shall be called at the request of three (3) members. All meetings of the commission shall be open to the public.

B. Rules of Proceedings. Meetings shall be conducted under Robert's Rules of Order and such modified or amended rules as may be adopted by the Commission.

C. Formal Acts by Resolution. All formal acts on requests for variances, requests for conditional uses and proposed changes to the zoning ordinance or zoning map shall be by resolution signed by the presiding officer and clerk.

D. Formal Acts by the Commission. All acts of the commission not required to be by resolution shall be by majority of the entire voting membership of the commission.

E. Record of Meeting. Meetings shall be public and minutes shall be kept. Minutes and records of proceedings shall be filed with the borough clerk and retained as public records open to inspection by any person.

19.02.050 Duties and Functions.

A. The planning commission shall perform all planning commission functions set forth in AS 29.40.020; specifically, the commission shall prepare and recommend to the borough assembly:

1. A comprehensive plan consisting of maps and related texts for the systematic development of the municipality consisting of a

compilation of policy statements, goals, standards, and maps for guiding the physical, social and economic development, both private and public, of the municipality and may include, but is not limited to, the following: a land use plan, a community facilities plan, a transportation plan and recommendations for plan implementation.

2. A zoning ordinance to implement the comprehensive plan;
3. A subdivision ordinance;
4. The official map of the municipality. The map shall include reference to zoning and other applicable restrictions prescribed by the commission; and
5. Modifications to the documents specified in paragraphs (1) through (3) of this section (A).

B. The commission shall publish notice of and hold at least one (1) public hearing before submitting its recommendations under subsection (A) of this section to the borough assembly. Notice shall be published in the same manner as in the case of ordinances.

C. The planning commission shall:

1. Act upon requests for subdivision plats;
2. Act upon requests for variances; and
3. Act upon requests for conditional uses;

D. Subject to any ordinance adopted pursuant to AS 29.40.170, no platting request, variance or conditional use may be granted except upon an affirmative vote of a majority of the entire voting membership of the commission.

E. Approval by Planning and Zoning Commission.

1. Whenever it is stated in this title that certain buildings, structures and uses are permitted subject to approval by the planning commission, application for such approval shall be made in writing and accompanied by the required plans or data.
2. Unless a different time limit is specified in this code for the particular action, the planning commission shall make its findings and determination within forty-five (45) days from the date of filing an application and shall notify the applicant in writing of its decision. If approval is denied, the commission shall state its reasons and under what condition, if any, the application will be approved.
3. Failure of the planning commission to make a determination within the time specified shall constitute approval of the application.

19.02.030055 Fees.

A. The ~~council~~ borough assembly may by resolution establish fees to be paid by applicants for any type of permit, variance, conditional use, or other city municipal processing of an application under this title.

B. Funds. All funds of the commission received as fees and charges or otherwise shall be deposited in the general fund of the municipality as receipts of the activities of the commission.

19.02.050060 Building permits.

A. Pursuant to Title 15 of this code, a building permit is required for the erection, construction, moving, alteration or enlargement of any building or structure; and

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 12-04

Page 5 of 14

the city borough manager, serving as building official, reviews and decides upon building permit applications subject to the standards of Title 15.

- B. Building permits for new structures shall be issued only for structures and uses that are in conformance with the zoning of the land in question and any terms or conditions the city municipality has placed upon any applicable variance, conditional use permit or subdivision plat. The building official may refer any building permit application to the planning commission for review as to conformity with the foregoing requirements. The planning commission may, by resolution, require the building official routinely to refer, for planning commission review as to such conformity, any class or category of building permits, or all building permits within a specified geographic area, such as the Skagway Historic District. Otherwise, the building official shall review each building permit application and decide whether or not it conforms to the zoning and to all terms and conditions of any applicable variance, conditional use permit or subdivision plat. Applications and review thereof shall be in accordance with subsection B of Section 19.04.090 of this ~~chapter~~ title.

19.02.010~~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.

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 12-04

Page 6 of 14

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 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

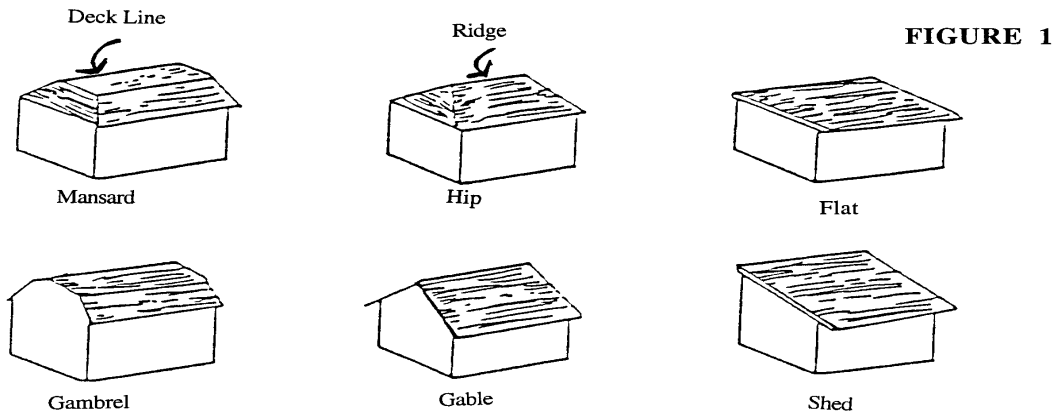


FIGURE 1

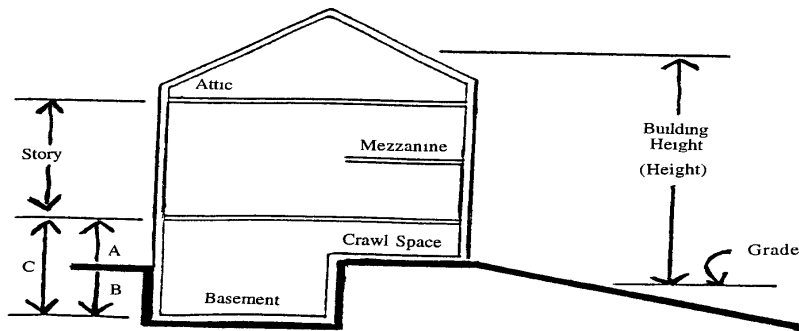


FIGURE 2

When A is Less Than B - C is a Cellar

13. "Building official" means the officer charged with the administration and enforcement of the ordinance codified in this title. The city borough manager shall act as building official until the city ~~council~~ 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

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 12-04

Page 8 of 14

- 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. "Fence, Height of", "Height of fence" means the vertical distance between the ground directly under the fence and the highest point of the fence.
 25. "Floor area" means the total of each floor of a building within the surrounding outer walls but excluding vent shafts and courts.
 26. "Frontage" means all the property fronting on one (1) side of a street between intersecting streets.
 27. "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.
 28. "Garage, Public", "Public garage" means any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, or adjusting or equipping of automobiles or other vehicles.
 29. "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.
 30. "Guest room" means any room in a hotel, dormitory, boardinghouse or lodging house used and maintained to provide sleeping accommodations.
 31. "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;

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 12-04

Page 9 of 14

- 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.
32. "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.
33. "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.
34. "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 City municipality.
35. "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.
36. "Lot" means a parcel of land occupied or to be occupied by a principal use and having frontage on a public street.
37. "Lot, Corner", "Corner lot" means a lot situated at the junction of, and bordering on, two (2) intersecting streets.
38. "Lot depth" means the horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.
39. "Lot Line, Front, Corner Lot", "Front lot line, corner lot" means the shortest street line of a corner lot.
40. "Lot Line, Front, Interior Lot", "Front lot line, interior lot" means a line separating the lot from the street.
41. "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.
42. "Lot Line, Side", "Side lot line" means any lot boundary line not a front lot line or a rear lot line.
43. "Lot width" means the mean horizontal distance separating the side lot lines of a lot and at right angles to its depth.
44. "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.

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 12-04

Page 10 of 14

45. "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.
46. "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.
47. "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.
48. "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.
49. "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.
50. "Parking Space, Private", "Private parking space" means any automobile parking space not less than ten feet (10') wide and twenty feet (20') long.
51. "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.
52. "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.
53. "Principal use" means the major or predominant use of a lot or parcel of land.
54. "Recreational vehicle park" is a tourist facility for parking motor homes and travel trailers and other recreational vehicles.
55. "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.
56. "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.
57. "State highway" means a right-of-way classified by the state as a primary, secondary A or secondary B highway.

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 12-04

Page 11 of 14

58. "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.
59. "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.
60. "Street line" means the line of demarcation between a street and the lot or land abutting thereon.
61. "Structure" means that which is built or constructed, a building of any kind, composed of parts jointed together in some definite manner.
62. "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.**
63. "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.
64. "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 (29.7²).
65. "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.
66. "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.
67. "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.
68. "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.
69. "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.
70. 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

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 12-04

Page 12 of 14

- 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.
71. "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.

~~19.02.020 Institutional structure.~~

- ~~A. There is created a city planning commission which shall consist of five (5) members who shall be nominated by the mayor and confirmed by the city council.~~
- ~~B. A chairman and vice chairman of the commission shall be selected annually and shall be appointed from and by the appointed members.~~
- ~~C. Membership Terms. The term of each appointed member of the commission shall be three (3) years. The terms shall be staggered so that one (1) member shall be appointed every third year, and two (2) members shall be appointed in each of the other two (2) years of every such three (3) year period.~~
- ~~D. The mayor and city manager shall serve as the ex officio members of the commission and, as consultants, may attend all meetings and have the privilege of the floor, but they shall have no vote.~~
- ~~E. The city council shall serve as the board of adjustment, with functions as defined in AS 29.40.050 and this code.~~
- ~~F. The city manager shall serve as the planning official and zoning official until such time as the council may, by resolution, designate another to perform that function.~~
- ~~G. The city clerk or, in her absence, an assistant city clerk, shall serve as the clerk of the planning commission, the platting board and the board of adjustment.~~

~~19.02.040 Planning commission.~~

~~A. Duties and Functions.~~

- ~~1. The planning commission shall perform all planning commission functions set forth in AS 29.40.020; specifically, the commission shall prepare and recommend to the city council:
 - ~~a. A comprehensive plan consisting of maps and related texts for the systematic development of the city consisting of a compilation of policy statements, goals, standards, and maps for guiding the~~~~

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 12-04

Page 13 of 14

- physical, social and economic development, both private and public, of the city and may include, but is not limited to, the following: a land use plan, a community facilities plan, a transportation plan and recommendations for plan implementation.
- ~~b. A zoning ordinance to implement the comprehensive plan;~~
 - ~~c. A subdivision ordinance;~~
 - ~~d. The official map of the city. The map shall include reference to zoning and other applicable restrictions prescribed by the commission; and~~
 - ~~e. Modifications to the documents specified in paragraphs (a) through (c) of this subsection (A).~~
- ~~2. The commission shall publish notice of and hold at least one (1) public hearing before submitting its recommendations under subsection (A)(1) of this section to the council. Notice shall be published in the same manner as in the case of ordinances.~~
 - ~~3. The planning commission shall:
 - ~~a. Act as the platting board;~~
 - ~~b. Act upon requests for variances; and~~
 - ~~c. Act upon requests for conditional uses;~~~~
 - ~~4. Subject to any ordinance adopted pursuant to AS 29.40.170, no platting request, variance or conditional use may be granted except upon an affirmative vote of a majority of the entire voting membership of the commission.~~
 - ~~5. The planning commission is appointed as the zoning commission. The city planning commission, in performing its functions as the zoning commission, shall have such powers and shall perform such duties as are set forth in the zoning ordinance of the city.~~
 - ~~6. Meetings.
 - ~~a. The commission shall establish rules of procedure; provided, there shall be a regular monthly meeting of the commission, which shall be open to the public. Permanent records or minutes shall be kept of the commission's proceedings, and such minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the office of the city clerk and shall be a public record open to inspection by any person.~~
 - ~~b. Rules and Proceedings. Meetings shall be conducted under Robert's Rules of Order and such modified or amended rules as may be adopted by the commission.~~
 - ~~c. Formal Acts by Resolution. All formal acts on requests for variances, requests for conditional uses and proposed changes to the zoning ordinance or zoning map shall be by resolution signed by the presiding officer and clerk.~~
 - ~~d. Formal Acts by the Commission. All acts of the commission not required to be by resolution shall be by majority of the entire voting membership of the commission.~~
 - ~~e. Record of Meeting. Meetings shall be public and minutes shall be kept. Minutes and records shall be filed with the city clerk and retained as public records.~~
 - ~~f. Approval by Planning and Zoning Commission.
 - ~~(i) Whenever it is stated in this title that certain buildings, structures and uses are permitted subject to approval by~~~~~~

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 12-04

Page 14 of 14

~~the planning commission, application for such approval shall be made in writing and accompanied by the required plans or data.~~

~~(ii) Unless a different time limit is specified in this code for the particular action, the planning commission shall make its findings and determination within forty five (45) days from the date of filing an application and shall notify the applicant in writing of its decision. If approval is denied, the commission shall state its reasons therefor and under what condition, if any, the application will be approved.~~

~~(iii) Failure of the planning commission to make a determination within the time specified shall constitute approval of the application.~~

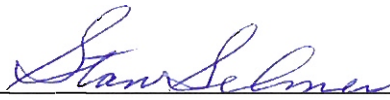
~~g. Funds. All funds of the commission received as fees and charges or otherwise shall be deposited in the general fund of the city as receipts of the activities of the commission.~~

~~h. Compensation. Compensation and expenses of the planning commission and its staff are paid as directed by the city council.~~

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 16th day of February, 2012.



Stan Selmer, Mayor

ATTEST:



Emily A. Deach, Borough Clerk

(SEAL)

