

Proposed by:	Planning & Zoning Commission
Attorney Review:	05/22/2016
First Reading:	06/02/2016
Second Reading:	06/16/2016
Vote: 6 Aye 0 Nay 0 Absent	

## MUNICIPALITY OF SKAGWAY, ALASKA ORDINANCE NO. 16-12

**AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC CHAPTER 13.08 WATER SERVICE SYSTEM, OF TITLE 13 PUBLIC UTILITIES, AND SMC CHAPTER 19.02 PLANNING COMMISSION AND ADMINISTRATIVE PROVISIONS, OF TITLE 19 PLANNING AND ZONING, TO ADDRESS STANDARDS AND ALLOWANCES FOR ACCESSORY HOUSING STRUCTURES.**

**WHEREAS**, at its regular meeting of March 10, 2016, the Planning and Zoning Commission discussed amending SMC 13.08 Water Service System, and SMC 19.02 Planning Commission and Administrative Provisions, to address standards and allowances for accessory housing structures; and

**WHEREAS**, through Ordinance No. 16-04 the Planning and Zoning Commission proposed the relaxation of some of the requirements in SMC 19.06 for joint water service connections for accessory housing; and

**WHEREAS**, the Planning and Zoning Commission seeks to relax the requirement in SMC 13.08 that requires each housing structure to have independent water service for each separate building on a given lot; and

**WHEREAS**, the Planning and Zoning Commission also seeks to amend the “accessory housing structure” definition in SMC 19.02 to address the timeframe during which a primary residence must be in place before an accessory housing structure can be permitted; and

**WHEREAS**, the Planning and Zoning Commission held a public hearing on April 14, 2016, and four (4) voted in favor and zero (0) voted in opposition to move the recommendation to public hearing and review by the Borough Assembly;

**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 SMC Chapter 13.08 and SMC Chapter 19.02 to address and relax standards and allowances for accessory housing structures. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from, and **bold** indicates text added to the current code as follows:

**Section 3. Amendment.** SMC Chapter 13.08 is hereby amended as follows:

Chapter 13.08  
WATER SERVICE SYSTEM

Sections:

- 13.08.010 Terminology.
- 13.08.020 Description of service.
- 13.08.030 Service area.
- 13.08.040 Main extensions.
- 13.08.050 Application for service.
- 13.08.060 Services.
- 13.08.090 Discontinuance of service.
- 13.08.100 Restoration of service.
- 13.08.110 Unusual demands.
- 13.08.120 Access to property.
- 13.08.130 Responsibility for equipment.
- 13.08.140 Fire hydrants.
- 13.08.150 Billing and payment.
- 13.08.160 Rates and fees to be charged for water service.
- 13.08.170 Limitation on refund actions.
- 13.08.180 Violation--Penalty.

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13.08.060 Services.

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E. Joint Service Connections.

1. Service extensions from an existing service to other occupancies or ownerships than that for which the existing service was intended shall not be permitted, nor shall separate residences be permitted to receive service through one (1) service line **except when a permit for an accessory housing structure has been approved by the municipality. Housing structures must each have their own independent water shut-off valve and must have the ability to drain the water line.**
2. When property provided with a service connection is partitioned, the existing service connection, if any, shall be considered as being assigned to the lot or parcel of land nearest to the service terminus.

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**Section 4. Amendment.** SMC Chapter 19.02 is hereby amended as follows:

Chapter 19.02  
PLANNING COMMISSION AND ADMINISTRATIVE PROVISIONS

Sections:

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

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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 **with a valid certificate of occupancy**, 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)~~ **three (3)** years. Accessory housing structures for this definition will not include mobile homes or recreation vehicles.
  - a. **Exception: an accessory housing structure may be permitted without the main building having been in place for three (3) years only when the accessory housing structure houses immediate family members of the occupants of the main building. The exception in this section automatically terminates**

with the transfer or sale of the property or building to a non-immediate family member. "Immediate family member" is defined as a parent, child, spouse or sibling of the owner of the accessory housing structure.

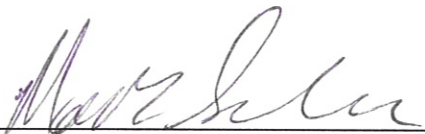
3. "Accessory use" means a use customarily incidental and subordinate to the principal use of the land, building or structure, and located on the same lot or parcel of land.

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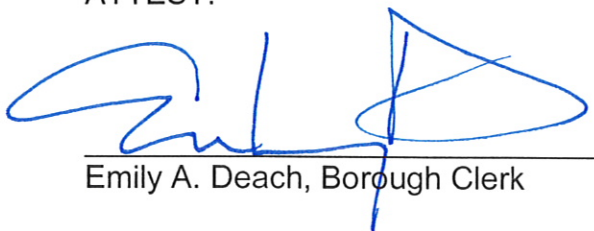
**Section 5. Severability.** If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

**Section 6. 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 16<sup>th</sup> day of June, 2016.

  
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Mark Schaefer, Mayor

ATTEST:

  
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Emily A. Deach, Borough Clerk

(SEAL)

