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| Proposed by: | Planning & Zoning Commission |
| P&Z Hearing: | 12/10/2015 |
| Attorney Review: | 02/10/2016 |
| First Reading: | 02/18/2016 |
| Second Reading: | 03/03/2016 |
| Vote: | 6 Aye 0 Nay 0 Absent |

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 16-04

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SECTIONS 19.06.020, 19.06.025, AND 19.06.030 OF CHAPTER 19.06 OF THE ZONING ORDINANCE, TO RELAX THE STANDARDS FOR ACCESSORY HOUSING.

WHEREAS, the Planning & Zoning Commission discussed amending Title 19, Chapter 6, "Use Districts, Zoning Map and Zoning Classification," to relax the standards for accessory housing at their November 12, 2015, regular meeting; and

WHEREAS, the Planning & Zoning Commission indicated that it is seeking to relax the restrictions for accessory housing within the Residential Conservation, Residential Low-Density, and Residential General Zoning Districts; and

WHEREAS, the Planning & Zoning Commission held a public hearing on December 10, 2015 and four members (4) voted in favor and zero (0) voted in opposition to move the recommendation to public hearing and review by the Borough Assembly.

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, Chapter 6, Sections 19.06.020, 19.06.025, and 19.06.030. 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 19.06 is hereby amended as follows:

Chapter 19.06
USE DISTRICTS, ZONING MAP AND ZONING CLASSIFICATIONS

- Sections:
- 19.06.010 Use districts and map.
 - 19.06.020 RC—Residential-conservation zone.
 - 19.06.025 RLD—Residential-low density zone.
 - 19.06.030 RG—Residential-general zone.
 - 19.06.040 BG—Business-general zone.
 - 19.06.050 BH—Business-historic zone.
 - 19.06.060 IL—Industrial-light zone.
 - 19.06.070 I—Industrial zone.

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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 19.02.065(B)(34) are met.
 - d. Farmers' Market in accordance with section 19.02.065(B)(26).
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 (1) year;
 - m. Commercial recreation operations on municipal land;
 - n. Taverns and bars;
 - o. Restaurants serving alcohol;
 - p. Service stations;
 - q. Community gardens in accordance with Section 19.02.065(B)(17);
 - r. Retail marijuana stores, marijuana cultivation facilities, marijuana product manufacturing facilities, and marijuana testing facilities;
 - s. Accessory housing structures.**
 - (i) Minimum of one-hundred-ninety (190) square feet.**
 - (ii) Maximum of one-thousand (1,000) square feet.**
 - (iii) Must have an Alaska Department of Environmental Conservation approved water system and sewer system, and must have electricity; all must meet 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.**
 - st. Other uses as determined by the planning commission pursuant to Section 19.04.060(B).
- 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.

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.

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- 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 19.02.065(B)(34) are met.
 - d. Private personal use gardens.
 - e. Farmers' Market in accordance with section 19.02.065(B)(26).
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 (18) months;
 - (i) "Temporary structure for residential use" means RV or trailer or other livable structure of at least one hundred (100) square feet with sanitary and kitchen facilities to be occupied during construction of a permanent residence that will be removed at the end of the eighteen (18) month construction period;
 - d. Accessory Housing Structures.
 - (i) Minimum of ~~three hundred (300)~~ **one-hundred-ninety (190)** square feet.
 - (ii) Maximum of ~~six hundred (600)~~ **one-thousand (1,000)** square feet.
 - (iii) Must have ~~stand-alone water, DEC approved sewer and electricity, meeting current codes~~ **an Alaska Department of Environmental Conservation approved water system and sewer system, and must have electricity; all must meet 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 three hundred twenty (320) square feet;
 - g. Taverns and bars;
 - h. Restaurants serving alcohol;
 - i. Service stations;
 - j. Community gardens in accordance with Section 19.02.065(B)(17);
 - k. Commercial greenhouses, agriculture and horticulture;

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- I. Retail marijuana stores, marijuana cultivation facilities, marijuana product manufacturing facilities, and marijuana testing facilities;
 - m. Other uses as determined by the planning commission pursuant to Section 19.04.060(B).
- 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. Campgrounds;
- C. Minimum Lot Requirements.
 1. Lot Area.
 - a. Property owners as of the date of this ordinance may subdivide their property into no less than than 1-acre lots.
 - b. 2-1/2 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 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;

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- c. Mobile homes north of 15th Avenue and mobile home parks north of 15th Avenue, per the standards at Section 19.06.030(A)(3)(k);
 - d. Daycare facilities;
 - e. Parks, playgrounds, play fields and other open space recreation areas.
2. Accessory Uses.
- a. Private garages and required off-street parking;
 - b. Greenhouses and tool sheds;
 - c. Home occupations provided that the conditions listed in Section 19.02.0065(B)(34) 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)(26).
3. Conditional Uses.
- a. Multiple-family dwellings and apartment houses;
 - b. Bed and breakfast establishments, rooming, and other residences rented by the day or week;
 - c. Basement apartments;
 - d. Temporary structures for residential use, used in conjunction with building or land development, for eighteen (18) months;
 - e. Churches;
 - f. Public and private elementary and secondary schools;
 - g. Trailer parks and RV parks; provided, that:
 - (i) The area is at least sixty thousand (60,000) square feet;
 - (ii) There are 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) Chapters 15.14 and 15.15 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, Chapters 15.14 and 15.15 shall be controlling. The foregoing shall not relieve a trailer owner or trailer park operator from complying in all particulars with this chapter when its provisions are not specifically preempted by Chapters 15.14 and 15.15;
 - h. Medical services;
 - i. Accessory Housing Structures.
 - (i) Minimum of ~~three hundred (300)~~ **one-hundred-ninety (190)** square feet.
 - (ii) Maximum of six hundred (600) square feet.

- (iii) Must have ~~stand-alone~~ water, sewer and electricity, meeting current codes.
 - (iv) No setback variances will be granted for new construction.
 - (v) All lot coverage, off-street parking and setback requirements for this zone still apply.
 - (vi) Construction must meet Uniform Building Code for efficiency dwelling units;
 - j. Mobile Home Parks North of 15th Avenue.
 - (i) Minimum size of mobile home park is ten thousand (10,000) square feet.
 - (ii) Minimum lot size for each mobile home is three thousand (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 ten (10) persons on a five thousand (5,000) square foot parcel or twenty (20) persons on a ten thousand (10,000) square foot parcel.
 - (ii) There is a minimum of one (1) parking space for every three (3) persons.
 - (iii) Lot coverage by all buildings does not exceed fifty percent (50%).
 - (iv) A six foot (6') 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. Community gardens in accordance with Section 19.02.065(B)(17);
 - p. Marijuana cultivation facilities (indoor-only), marijuana product manufacturing facilities, and marijuana testing facilities;
 - q. Other uses as determined by the planning commission pursuant to Section 19.04.060(B).
- B. Prohibited Uses.
 - 1. Any use or structure not of a character indicated under permitted principal and accessory uses, or permitted by conditional uses.
 - 2. Mobile homes or mobile home parks south of 15th Avenue.
 - 3. Kennels.
 - 4. Retail marijuana stores, marijuana cultivation facilities (outdoor-only).
- C. Minimum Lot Requirements.
 - 1. Lot area.

- a. For a one (1) or two (2) family dwelling, five thousand (5,000) square feet;
 - b. For a multiple family dwelling with less than six (6) dwelling units, one thousand eight hundred (1,800) square feet per dwelling unit;
 - c. For a multiple family dwelling with more than six (6) dwelling units, one thousand five hundred (1,500) square feet per dwelling unit.
 - d. For a mobile home park, each lot must be a minimum of 3,000 square feet.
2. Lot width, fifty feet (50').
- D. Minimum Building Setback Requirements.
1. Front yard, ten feet (10');
 2. Side yard.
 - a. For a one (1) or two (2) family dwelling, five feet (5');
 - b. For a multiple-family dwelling unit with more than two (2) units, ten feet (10');
 3. Rear yard, five feet (5').
 4. Setbacks between structures shall be regulated by the International Building Code, Tables 601 and 602.
- E. Maximum Lot Coverage by all Buildings. Fifty percent (50%). Marijuana cultivation facilities may not exceed five hundred (500) square feet in area.
- 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.

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.

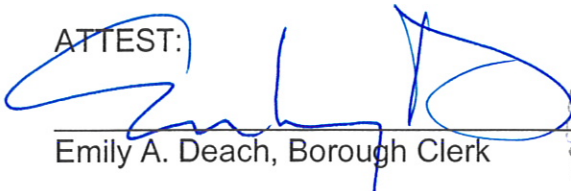
Section 5. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 3rd day of March, 2016.



Mark Schaefer, Mayor

ATTEST:



Emily A. Deach, Borough Clerk

(SEAL)

