

Proposed by:	Planning & Zoning Commission
P&Z Hearing:	12/10/2015
Attorney Review:	01/27/2016
First Reading:	02/04/2016
Second Reading:	02/18/2016
Vote: 6 Aye 0 Nay 0 Absent	

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 16-03

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SECTION 15.15.030 OF TITLE 15 BUILDINGS AND CONSTRUCTION, TO DEFINE TINY HOUSE TRAILERS AS RECREATIONAL VEHICLES.

WHEREAS, the Planning & Zoning Commission discussed amending Title 15, Chapter 15.15, Recreational Vehicles, to define tiny house trailers as recreational vehicles 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 General, Residential Conservation, and Residential Low-Density Zoning Districts so as to allow for smaller accessory housing structures; and

WHEREAS, the Planning & Zoning Commission indicated that tiny house trailers that are supported by wheels and a chassis are similar to recreational vehicles and therefore should be permitted and regulated as recreational vehicles; and

WHEREAS, the Planning & Zoning Commission held a public hearing on December 10, 2015 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;

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 15.15.030 to define tiny houses as recreational vehicles. 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 15.15.030 is hereby amended as follows:

Chapter 15.15
RECREATIONAL VEHICLES

- Sections:
- 15.15.010 Intent.
 - 15.15.020 Purpose.
 - 15.15.030 Definitions.
 - 15.15.040 Storage of RVs.
 - 15.15.045 Storage on commercial property.
 - 15.15.050 Habitation.

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- 15.15.055 Non-conforming uses.
- 15.15.060 Utilities.
- 15.15.070 RV maintenance.
- 15.15.080 Compliance with other laws and regulations.
- 15.15.090 Fees.
- 15.15.095 Enforcement.
- 15.15.100 Penalties.

15.15.030 Definitions.


- A. "Campground" means a lot or parcel of land occupied or intended for temporary occupancy by recreational vehicles or tents for travel, recreational or vacation usage for short periods of stay and containing a potable water source and public toilet facilities.
- B. "Habitation" means to "use for living space" and shall include, but not limited to, acts of sleeping, cooking, bathing, occupying as a dwelling, or any stay within the recreational vehicle not directly related to its driving. The following factors may constitute acts to be considered indicative of "habitation":
 - 1. evidence of a person entering and exiting the vehicle;
 - 2. connection of the vehicle to sewer, water, or electrical systems;
 - 3. use of a power generator;
 - 4. accessory structures about the vehicle;
 - 5. illumination of the interior of the vehicle;
 - 6. window masking;
 - 7. expanded bays "pop-outs".
- C. "Recreational Vehicle" or "RV" means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel or seasonal use that either has its own motive power or is mounted on, or towed by another vehicle. The basic types of RV entities are: camping trailer, fifth wheel trailer, motor home, park trailer, travel trailer, ~~and~~ truck camper, **and tiny house trailer** which are individually defined as follows:
 - 1. "Camping Trailer" is a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.
 - 2. "Fifth Wheel Trailer" is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed four hundred (400) square feet (37.2m²) in the set up mode, designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.
 - 3. "Motor Home" is a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
 - 4. "Park Trailer" is a recreational vehicle that meets the following criteria:
 - a. Built on a single chassis mounted on wheels;

- b. Having a gross trailer area not exceeding four hundred (400) square feet in the set-up mode;
- c. Certified by the manufacturer as complying with ANSI A119.5.
- 5. "Travel Trailer" is a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and of gross trailer area less than three hundred twenty (320) square feet (29.7m2).
- 6. "Truck Camper" is a portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.
- 7. **"Tiny House Trailer" is a portable housing unit built on or permanently attached to a single chassis mounted on wheels or on a trailer and constructed to provide temporary living quarters for recreational, travel or seasonal use, consisting of a roof, floor and sides.**

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.

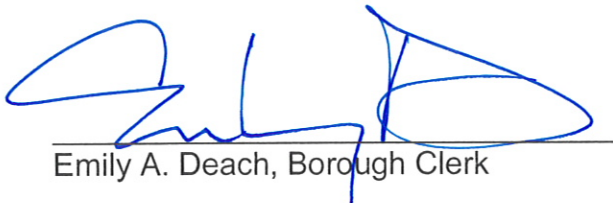
Section 5. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 18th day of February, 2016.



Mark Schaefer, Mayor

ATTEST:



Emily A. Deach, Borough Clerk

(SEAL)

