

Proposed by:	Planning & Zoning Commission
P&Z Hearing:	11/14/2014 – 07/10/2014
Attorney Review:	06/25/2014
First Reading:	01/08/2015
Second Reading:	01/22/2015
Vote:	6 Aye 0 Nay 0 Absent

**MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 15-03**

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SECTION 19.02.065 OF CHAPTER 19.02 PLANNING COMMISSION AND ADMINISTRATIVE PROVISIONS TO PROVIDE A DEFINITION FOR COMMUNITY GARDENS.

WHEREAS, the Planning & Zoning Commission discussed amending the Planning Commission and Administrative Provisions chapter to define community gardens at their October 10, 2013, regular meeting; and

WHEREAS, the Planning & Zoning Commission indicated that to not define or mention community gardens in municipal code makes community gardens difficult to permit and enforce properly as well as potentially being a liability to the Municipality; and

WHEREAS, the Planning & Zoning Commission held public hearings on November 14, 2013; December 12, 2013; February 13, 2013, and July 10, 2014, and unanimously voted in favor to move the recommendation as presented 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 section 19.02.065 Planning Commission and Administrative Provisions to add a definition for ‘community gardens’ for the purpose of making it a legitimate use of a public or private property.

Section 3. Amendment. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from, and **bold** indicates text added to the current code. Section 19.02.065 is hereby amended as follows:

Chapter 19.02
PLANNING COMMISSION AND ADMINISTRATIVE PROVISIONS

- Section:
 - 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 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

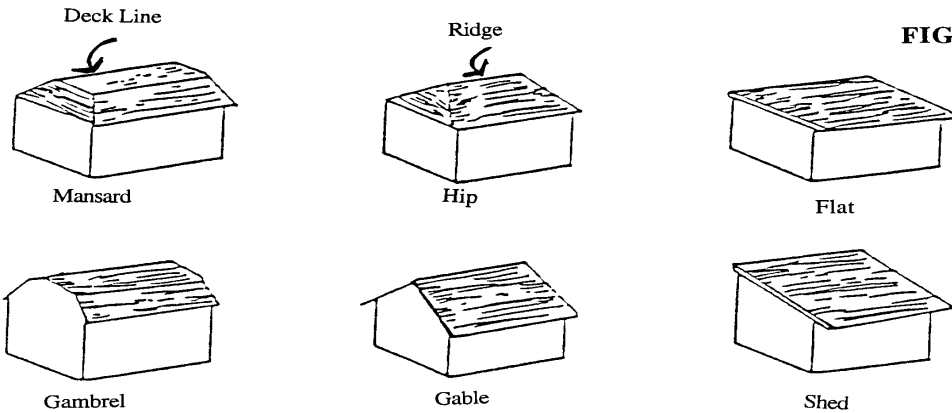


FIGURE 1

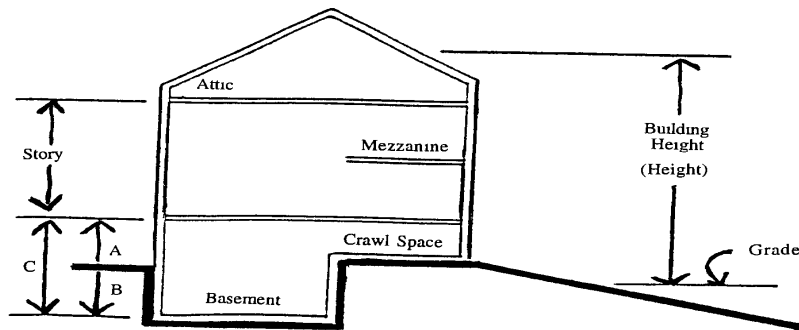


FIGURE 2

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 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. **"Community Garden" means a premise that is used for crop cultivation by individuals or collectively, and may be divided into multiple plots. Community Gardens are a conditional use in the Residential-conservation zone, Residential low density zone, Residential-general zone, Business-general zone, Business-Skagway historical zone, Industrial-light zone, Industrial zone, and Waterfront zone subject to the following regulations:**
 - a. **On-site sales are permitted as follows:**

- i. On-site sales are permitted only in business and industrial zones, except that on-site sales may be permitted in residential zones one day per week. These sale days shall be selected by the garden manager and reported to the borough manager; such sale dates shall not be amended for that calendar year.
- ii. Where on-site sales are permitted, sales are subject to the following:
 - A. On-site sales are limited to the sale of unprocessed, non-value-added products grown on-site; and
 - B. All sales must be conducted in compliance with laws regulating on-site sales of products grown in the community garden and in compliance with all applicable laws.
- b. The site shall be designated and maintained to effectively handle all drainage on-site.
- c. A minimum 4-foot-wide, clearly marked entrance path shall be provided from the public right-of-way to the garden.
- d. A permanent sign, including, but not limited to, the name and contact information of the party responsible for the garden shall be posted at the primary entry path adjacent to the public right-of-way. The sign shall comply with the requirements of Section 19.08.010.D. The sign may be taken down after the garden's operational season, but must be replaced at the start of the next operational season.
- e. Refuse storage areas shall be provided and screened to enclose all refuse generated from the garden. The garden property shall comply with the provisions in Chapter 8.04 of Skagway Municipal Code.
- f. Storage areas for tools, fertilizers, equipment, and other materials shall be enclosed and located as close as practicable to the center of the property.
- g. Best practice standards shall be used for the following garden operations:
 - i. Community Garden Management
 - A. There shall be a garden manager who is responsible for the operation of the community garden, the care of the garden and garden users' adherence to garden rules and municipal code.
 - 1. the garden manager shall cause to be posted a sign as specified in section 19.02.065.B.16.d.
 - 2. community gardens on public lands shall provide, in addition to a permanent sign per section 19.02.065.B.16.d, the borough manager with the name and contact information of the party responsible for the garden as well as an official copy of the garden's policies.

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- ~~17~~18. "Coverage" means that percentage of the total lot area covered by the building area.
- ~~18~~19. "Dwelling" means a building or any portion thereof designed or used exclusively for residential occupancy.
- ~~19~~20. "Dwelling, Multiple-family", "Multiple-family dwelling" means any building containing three (3) or more dwelling units.
- ~~20~~21. "Dwelling, One (1) Family", "One (1) family dwelling" means any detached building containing only one (1) dwelling unit.
- ~~21~~22. "Dwelling, Two (2) Family", "Two (2) family dwelling" means any building containing only two (2) dwelling units.
- ~~22~~23. "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~~24. "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~~25. "Farmers' Market" means an outdoor 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 and (b) the vendors regularly participating during the market's hours of operation are Producers, or family members or employees of Producers.
- a. Definitions
- i. "Farm Products" means unprocessed fruits, vegetables, mushrooms, herbs, nuts, shells, eggs, honey or other bee products, flowers produced from a farm or garden.
- ii. "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.
- iii. "Vendor" means someone who promotes or exchanges goods for money.
- iv. "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. 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 regulations:
- i. All Farmers' Markets and their vendors comply with all federal, state and local laws relating to food, operation, safety, use and enjoyment of the market premises as well as any and all regulations pertaining specifically to the business-historic zoning district;
- ii. All Farmers' Markets and their vendors receive 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;
- iii. All Farmers' Markets have a representative of the operator,

- a Market Manager, authorized to direct the operations of all vendors participating in the market on the site of the market during all hours of operation.
- iv. All Farmers' Markets have an established set of operating rules addressing the governance structure of the farmers' market, hours of operation, maintenance and security requirements and responsibilities; and appointment of a Market Manager.
 - v. 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 must obtain a permit to collect Borough and City sales taxes, if applicable, and who must notify the borough manager and provide vital information such as place and time of the event.
 - vi. All Farmers' Markets provide for composting, recycling, and waste removal in accordance with all applicable Borough codes.
- ~~25~~26. "Fence, Height of", "Height of fence" means the vertical distance between the ground directly under the fence and the highest point of the fence.
- ~~26~~27. "Floor area" means the total of each floor of a building within the surrounding outer walls but excluding vent shafts and courts.
- ~~27~~28. "Frontage" means all the property fronting on one (1) side of a street between intersecting streets.
- ~~28~~29. "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.
- ~~29~~30. "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.
- ~~30~~31. "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.
- ~~31~~32. "Guest room" means any room in a hotel, dormitory, boardinghouse or lodging house used and maintained to provide sleeping accommodations.
- ~~32~~33. "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;

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- 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.
- ~~33~~**34.** “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.
- ~~34~~**35.** “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.
- ~~35~~**36.** “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.
- ~~36~~**37.** “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.
- ~~37~~**38.** “Lot” means a parcel of land occupied or to be occupied by a principal use and having frontage on a public street.
- ~~38~~**39.** “Lot, Corner”, “Corner lot” means a lot situated at the junction of, and bordering on, two (2) intersecting streets.
- ~~39~~**40.** “Lot depth” means the horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.
- ~~40~~**41.** “Lot Line, Front, Corner Lot”, “Front lot line, corner lot” means the shortest street line of a corner lot.
- ~~41~~**42.** “Lot Line, Front, Interior Lot”, “Front lot line, interior lot” means a line separating the lot from the street.
- ~~42~~**43.** “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.
- ~~43~~**44.** “Lot Line, Side”, “Side lot line” means any lot boundary line not a front lot line or a rear lot line.
- ~~44~~**45.** “Lot width” means the mean horizontal distance separating the side lot lines of a lot and at right angles to its depth.
- ~~45~~**46.** “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.
- ~~46~~**47.** “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.

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- 4748.** “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.
- 4849.** “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.
- 4950.** “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.
- 5051.** “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.
- 5152.** “Parking Space, Private”, “Private parking space” means any automobile parking space not less than ten feet (10') wide and twenty feet (20') long.
- 5253.** “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.
- 5354.** “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.
- 5455.** “Principal use” means the major or predominant use of a lot or parcel of land.
- 5556.** “Recreational vehicle park” is a tourist facility for parking motor homes and travel trailers and other recreational vehicles.
- 5657.** “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.
- 5758.** “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.
- 5859.** “State highway” means a right-of-way classified by the state as a primary, secondary A or secondary B highway.
- 5960.** “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.

- ~~60~~61. “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.
- ~~61~~62. “Street line” means the line of demarcation between a street and the lot or land abutting thereon.
- ~~62~~63. “Structure” means that which is built or constructed, a building of any kind, composed of parts jointed together in some definite manner.
- ~~63~~64. “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.
- ~~64~~65. “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.
- ~~65~~66. “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).
- ~~66~~67. “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.
- ~~67~~68. “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.
- ~~68~~69. “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.
- ~~69~~70. “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.
- ~~70~~71. “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.
- ~~71~~72. 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.

7273. "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.

Section 4. Amendment. The Skagway Municipal Code is hereby amended (~~strike through~~) indicates text to be deleted from, and **bold** indicates text added to the current code. Sections 19.06.020(A)(3), 19.06.025(A)(3), 19.06.030(A)(3), 19.06.040(A)(3), 19.06.060(A)(3) and 19.06.070(A)(2) are hereby amended as follows:

- 19.06.020 RC—Residential-conservation zone.
- A. Uses Permitted.
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;
 - n. Taverns and bars;
 - o. Restaurants serving alcohol;
 - p. Service stations;
 - q. Community gardens in accordance with SMC 19.02.065(B)(16);**
 - ~~qr.~~ Other uses as determined by the planning commission pursuant to subsection B of Section 19.04.060.
- 19.06.025 RLD—Residential-Low Density zone.
- A. Uses Permitted.
3. Conditional Uses.
- a. Churches;

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- 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 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. Community gardens in accordance with SMC 19.02.065(B)(16);**
- jk.** Other uses as determined by the planning commission pursuant to subsection B of Section 19.04.060.

19.06.030 RG—Residential-general zone.

A. Uses Permitted.

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, provided 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 and Chapter 15.15 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 and Chapter 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 Chapter 15.14 and Chapter 15.15.
- 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 15th 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. Community gardens in accordance with SMC 19.02.065(B)(16):**
 - op.** Other uses as determined by the planning commission pursuant to subsection B of Section 19.04.060.

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- 19.06.040 BG—Business-general zone.
A. Uses Permitted.
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. **Community gardens in accordance with SMC 19.02.065(B)(16);**
ef. Other uses as determined by the planning commission pursuant to subsection B of Section 19.04.060.

- 19.06.060 IL—Industrial-light zone.
A. Uses Permitted.
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 15th 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. **Community gardens in accordance with SMC 19.02.065(B)(16);**

- jk. Other uses as determined by the planning commission pursuant to subsection B of Section 19.04.060.

19.06.070 I—Industrial zone.

A. Uses Permitted.

2. Conditional Uses.

- 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 parks, provided 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 and Chapter 15.15 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 and Chapter 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 Chapter 15.14 and Chapter 15.15.
- 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 23rd 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. Community gardens in accordance with SMC 19.02.065(B)(16);**
- hi. Other uses and structures customarily contingent and clearly subordinate to permitted uses, as determined by the planning commission pursuant to Section 19.04.060.


19.06.080 W—Waterfront zone.

- 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.)
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. Community gardens in accordance with SMC 19.02.065(B)(16);**
 - jk. Other uses and structures customarily contingent and clearly subordinate to permitted uses, as determined by the planning commission pursuant to Section 19.04.060.

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.

RECOMMENDED by a duly constituted quorum of the Borough Planning & Zoning Commission of the Municipality of Skagway this 22nd day of January, 2015.


Mark Schaefer, Mayor

ATTEST:


Michelle Gihl, Borough Deputy Clerk

(SEAL)

