

FAILED 3/15/2018

Proposed by:	Planning & Zoning Commission	
Attorney Review:	03/06/2018	
First Reading:	03/15/2018	
Second Reading:	_____	
Vote: 0 Aye	6 Nay	0 Absent

**MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 18-04**

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC 19.06.020 RESIDENTIAL CONSERVATION ZONE REGARDING MINIMUM LOT REQUIREMENTS.

WHEREAS, the Planning and Zoning Commission held a public hearing on the proposed amendments to SMC 19.06.020 at its meeting of October 12, 2017, per SMC 19.04.080(B)(3); and

WHEREAS, the Planning and Zoning Commission voted to approve the code amendment to SMC 19.06.020;

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

Section 1. Classification. Section 3 of 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 19.06.020 RC – Residential Conservation Zone to remove the lot size reduction restriction for the zone.

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. SMC 19.06.020 RC – Residential Conservation Zone is hereby amended as follows:

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 (1) 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' markets 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;
 - t. 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 one hundred (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 Section 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.

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 ___ day of _____, 2018.

Monica Carlson, Mayor

ATTEST:

Emily A. Deach, Borough Clerk

(SEAL)