

Proposed by:	Planning & Zoning Commission
Attorney Review:	04/23/2019
First Reading:	05/02/2019
Second Reading:	05/16/2019
Vote: 6 Aye	0 Nay 0 Absent

**MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 19-08**

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SECTION 19.04.020(C) SETBACKS OF SMC CHAPTER 19.04 ZONING REGULATIONS TO EXEMPT EAVES FROM SETBACK REQUIREMENTS.

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

Section 1. Classification. Section 3 is of a general and permanent nature and shall become a part of the Skagway Municipal Code.

Section 2. Purpose. To amend Section 19.04.020(C) Setbacks of SMC Chapter 19.04 Zoning Regulations to exempt eaves from setback requirements.

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. Section 19.04.020(C) of SMC Chapter 19.04 Zoning Regulations is hereby amended as follows:

19.04.020 General provisions.

C. Setbacks.

1. Setbacks are measured from the outermost portion of the building to the nearest lot line. Incidental architectural features such as window sills, **and** cornices ~~and eaves~~ may not project into any required setback. This regulation also applies to cantilevered floors, decks or other similar structures. No buildings or structures may be located within a setback.
2. The following items shall be exempt from setback requirements, provided the item is located to achieve its purpose without constituting a hazard to vehicles or pedestrians, is located such that it does not obscure sight angles at intersections or driveways, and is not in any location prohibited by state regulation or other municipal ordinance:
 - a. Fences in accordance with subsection (G)(1) of this section;
 - b. Garden boxes.
 - c. **Building eaves: provided that the bottom edge of the eave is no less than eight (8) feet above grade; does not extend more than two (2) feet into setbacks where the wall height is less than twenty (20) feet; and does not extend more than three (3) feet into setbacks where the wall height is more than twenty (20)**

3. feet. Where more than one (1) setback standard is applicable, the most restrictive setback standard applies.

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 16th day of May, 2019.



Andrew Cremata, Mayor

ATTEST:



Emily A. Deach, Borough Clerk

(SEAL)

