

Proposed by:	Planning & Zoning Commission	
Attorney Review:	08/23/2019	
First Reading:	09/05/2019	
Second Reading:	09/19/2019	
Vote: 5 Aye	1 Nay	0 Absent

**MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 19-13**

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC 19.02 PLANNING COMMISSION AND ADMINISTRATIVE PROVISIONS, AND SMC 19.06 USE DISTRICTS, ZONING MAP AND ZONING CLASSIFICATIONS TO EASE RESTRICTIONS RELATED TO ACCESSORY HOUSING.

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

Section 1. Classification. Sections 3, 4, and 5 of this ordinance are of a general and permanent nature and shall become a part of the Skagway Municipal Code.

Section 2. Purpose. To amend Section 19.02.065 of SMC Chapter 19.02 Planning Commission and Administrative Provisions; and Section 19.06.030(A) and Section 19.06.040(A) of SMC Chapter 19.06 Use Districts, Zoning Map and Zoning Classifications; to ease restrictions related to accessory housing.

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 19.02.065 of SMC Chapter 19.02 Planning Commission and Administrative Provisions is hereby amended as follows:

19.02.065 Definitions.

B. Specific Definitions.

2. "Accessory housing structure" means a detached single-family dwelling with a valid certificate of occupancy, 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 three (3) years.~~ **Mobile homes and recreational vehicles shall not be allowed as** ~~Accessory housing structures~~ **under this section** ~~for this definition will not include mobile homes or recreation vehicles.~~
 - a. ~~Exception: An accessory housing structure may be permitted without the main building having been in place for three (3) years only when the accessory housing structure houses immediate family members of the occupants of the main building. The exception in this section~~

~~automatically terminates with the transfer or sale of the property or building to a nonimmediate family member. "Immediate family member" is defined as a parent, child, spouse or sibling of the owner of the accessory housing structure.~~

Section 4. 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 19.06.030(A) of SMC Chapter 19.06 Use Districts, Zoning Map and Zoning Classifications is hereby amended as follows:

19.06.030 RG—Residential-general zone.

A. Uses Permitted.

1. Principal Uses.

- a. Single-family residences;
- b. Two (2) family duplexes;
- c. Mobile homes north of 15th Avenue and mobile home parks north of 15th Avenue, per the standards at subsection (A)(3)(j) of this section;
- d. Day care 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 19.02.065(B)(35) are met;
- d. Storage structures; the standard at Section 19.06.020(A)(2)(b) applies in this zoning district;
- e. Farmers' markets in accordance with Section 19.02.065(B)(27).

3. Conditional Uses.

- a. Multiple-family dwellings and apartment houses with three (3) or more units;
- 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. RV parks; provided, that:
 - (i) The area is at least sixty thousand (60,000) square feet;

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- (ii) There is at least three hundred (300) square feet for each allotted RV space;
 - (iii) Approximately four feet (4') of space is maintained between parked recreational vehicles;
 - (iv) Utility connections are available for each RV;
 - (v) A bathhouse and restrooms are provided for overnight occupants;
 - (vi) No business other than the renting of RV space shall be conducted, except for self-service laundry facilities and vending machines for the use of the occupants of the RV park;
 - (vii) Chapter 15.15 shall additionally govern the location, building regulations and operation of RV parks, except that Section 15.15.040, Storage of RVs, shall not apply to conditionally permitted RV parks. The foregoing shall not relieve an RV park operator from complying in all particulars with this chapter when its provisions are not specifically preempted by Chapter 15.15;
- h. Medical services;
- i. Accessory Housing Structures.
- (i) Minimum of one hundred ninety (190) square feet.
 - (ii) Maximum of ~~six hundred (600)~~ **one-thousand (1,000)** square feet.
 - (iii) Must have 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.
 - (iv) Chapter 15.14 shall additionally govern the location, building regulations and operation of mobile home parks, and to any extent conflicting with this chapter, Chapter 15.14 shall be controlling. The foregoing shall not relieve a mobile home park operator from complying in all particulars with this chapter when its provisions are not specifically preempted by Chapter 15.14;
- k. Congregate residences that meet IBC code; provided, that:

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- (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).

Section 5. 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 19.06.040(A) of SMC Chapter 19.06 Use Districts, Zoning Map and Zoning Classifications is hereby amended as follows:

19.06.040 BG—Business-general zone.

- A. Uses Permitted.
 - 1. Principal Uses.
 - a. Banks and offices;
 - b. Hotels;
 - c. Restaurants, not serving alcoholic beverages;
 - d. Theaters and bowling alleys;
 - e. Automobile repair garages;
 - f. Printing establishments;
 - g. Laundries of all types and dry cleaning establishments;
 - h. Retail stores and service shops;

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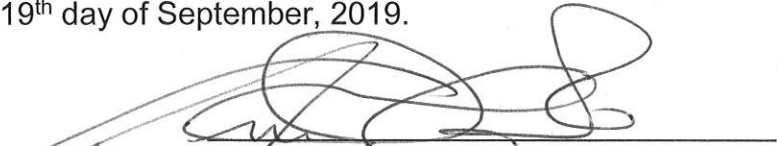
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- i. Post offices;
 - j. Dwelling units;
 - k. Congregate residences as allowed by IBC; provided, that:
 - (i) Minimum lot size is five thousand (5,000) square feet and limited to one building per five thousand (5,000) square feet.
 - (ii) A minimum of one (1) parking space for every three (3) occupants.
 - (iii) Lot coverage does not exceed sixty percent (60%) for all buildings.
 - (iv) A six foot (6') high solid fence shall be required on all lot lines bordering RG lots.
 - l. Taverns and bars;
 - m. Restaurants serving alcohol;
 - n. Service stations.
2. Accessory Uses.
- a. Uses and structures customarily accessory and clearly subordinate to permitted principal uses, as determined by the building official;
 - b. Dwelling units on the same premises with permitted principal uses;
 - c. Storage structures;
 - d. Farmers' markets in accordance with Section 19.02.065(B)(26).
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 (1) 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)~~ **one-hundred ninety (190)** square feet.
 - (ii) Maximum of ~~six hundred (600)~~ **one-thousand (1,000)** 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 Section 19.02.065(B)(17);
 - f. Retail marijuana stores, marijuana product manufacturing facilities, marijuana cultivation facilities and marijuana testing facilities;
 - g. Other uses as determined by the planning commission pursuant to Section 19.04.060(B).

Section 6. 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 7. 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 19th day of September, 2019.



Andrew Cremata, Mayor

ATTEST:



Emily A. Deach, Borough Clerk

(SEAL)

