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| Proposed by: | Planning & Zoning Commission |
| Attorney Review: | 10/22/2020 |
| First Reading: | 11/05/2020 |
| Referred to P&Z: | 11/19/2020 |
| Second Reading: | 02/04/2021 |
| Vote: 6 Aye | 0 Nay 0 Absent |

**MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 20-22**

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC 15.14 MOBILE HOMES AND SMC 19.06 USE DISTRICTS, ZONING MAP AND ZONING CLASSIFICATIONS TO ESTABLISH A DEFINITION FOR “RELOCATABLE STRUCTURE” AND DESIGNATE ITS USE IN EACH ZONING DISTRICT.

WHEREAS, at its meeting of October 8, 2020, the Planning and Zoning Commission held a public hearing on this code amendment proposal and voted to recommend it to the Borough Assembly;

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

Section 1. Classification. Sections 3 and 4 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 SMC Chapter 15.14 Mobile Homes and SMC Chapter 19.06 Use Districts, Zoning Map and Zoning Classifications to establish a definition for “relocatable structure” and designate its use in each zoning district.

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 Chapter 15.14 Mobile Homes is hereby amended as follows:

Chapter 15.14
MOBILE HOMES

Sections:

- 15.14.010 Definitions.
- 15.14.020 Historic District locations prohibited.
- 15.14.030 Other locations south of 15th Avenue.
- 15.14.040 Nonconforming uses.
- 15.14.050 Restrictions.
- 15.14.060 Exemptions.
- 15.14.070 Compliance with other laws and regulations.
- 15.14.075 Fees.
- 15.14.080 Enforcement.

- 15.14.010 Definitions.
- A. "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 an 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. The connection of two (2) mobile homes by means of a breezeway, arctic entry, or common roofline does not constitute a single building, structure, or mobile home and shall not be deemed to make them a single building, structure, or mobile home, on lots south of 15th Avenue.

- B. "Mobile home not intended as dwelling unit," as, for example, equipped for sleeping purposes only, contractor's on-site offices, construction job dormitories, mobile studio dressing rooms, banks, clinics, mobile stores, or intended for the display or demonstration of merchandise or machinery.
- C. "Modular home" means a single-family dwelling unit designed for long-term human habitation and meeting the requirements for "manufactured home."
- D. "Manufactured home" means a detached single-family dwelling designed for long-term human habitation and having complete living facilities; structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or when erected on site is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. Siding shall consist of materials such as wood (beveled, shiplap, log, etc.), T-111, Hardi-plank, Hardi-board, Cladwood or other non-metallic materials. Roofing shall consist of asbestos 3-tab shingles or steel roof with sheet widths no larger than thirty-six (36) inches. The connection of two (2) manufactured homes by means of a breezeway, arctic entry, or common roofline does not constitute a single building, structure, or mobile home and shall not be deemed to make them a single building, structure, or manufactured home, on lots south of 15th Avenue.
- E. "Relocatable structure" means a completely assembled building that is constructed in a building manufacturing facility using a modular construction process. They are designed to be reused or repurposed multiple times and transported to different locations. A manufacturer's date plate or written verification from the manufacturer shall be the basis for determining code compliance. Each relocatable structure shall be accompanied by documentation from the manufacturer and have a date plate that is affixed to the unit. The documentation or the date plate shall include the following information: manufacturer's name and address; serial number; date of manufacture; the quality assurance agency or approved inspection agency; codes and standards of construction; design live roof load; design live floor load; snow load; wind and seismic design; envelope thermal resistance values; electrical service size; fuel burning equipment; and size and special limitations if any. Relocatable structures shall connect to municipal utilities or a DEC-approved septic and water system and are not**

required to be attached to a permanent foundation. Relocatable structures will be limited to no larger than 1,000 square feet and contain no more than three independent dwelling units.

15.14.020 Historic District locations prohibited.

No mobile home, including a double-wide or modular home on a permanent foundation, ~~nor a recreational vehicle, nor a storage trailer, or van,~~ **or relocatable structure** shall be permitted to be located in the Historic District as elsewhere identified in the municipal code.

15.14.030 Other locations south of 15th Avenue.

No mobile home or mobile home park may be positioned or located south of 15th Avenue.

15.14.040 Nonconforming uses.

- A. Intent. Within the zones established and areas designated in this chapter, there exist uses of land and structures which were lawful before this chapter was adopted in 1977 but which would be prohibited under the terms of this chapter. It is the intent of this provision to permit these nonconforming uses to continue until they are removed, but not to encourage their survival. Such uses are declared by this chapter to be incompatible with permitted uses in the zones involved. It is further the intent of this chapter that nonconforming uses shall not be enlarged upon, expanded, nor used as grounds for adding other structures or uses prohibited elsewhere in the same zone. This section shall be interpreted with a view toward the public policy of early termination of nonconforming uses, and ambiguities shall be construed restrictively against perpetuation of such uses.
- B. Enlargement. A nonconforming use or structure shall neither be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of this chapter in 1977.
- C. Relocation. A nonconforming use or structure shall not be moved in whole or part to any other portion of the lot or parcel occupied by such use at the effective date of this chapter in 1977.
- D. Discontinuance. If any such nonconforming use of land or structure ceases for any reason for a period of twelve (12) months, any subsequent use of such land or structure must conform to the regulation specified by this chapter and the zoning map for the district in which the land is located; and similarly, if any such nonconforming use of land or structure is voluntarily abandoned the same requirements shall apply immediately upon abandonment. In this context, six (6) months discontinuance of the nonconforming use shall create a rebuttable presumption that the nonconforming use has been abandoned, and twelve (12) months of discontinuance shall create a conclusive presumption of abandonment.
- E. Preexisting Structures. To avoid undue hardships, nothing in this chapter shall be deemed to require a change in use of any mobile home or similar structure on which actual construction was lawfully begun prior to the effective date of this chapter in 1977 and upon which actual building construction or mobile home location or placement was completed within six (6) months thereafter.

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- F. Casualty Destruction and Rebuilding. In the event of fire or other extended casualty loss or damage exceeding fifty percent (50%) of its assessed value, the structure may not be replaced, and no replacement of nonconforming structure shall be relocated upon the same premises.

15.14.050 Restrictions.

- A. All mobile homes shall be considered as single-family living units and be subject to restriction for such occupancies, but this provision shall not be construed to prohibit the conduct of a home occupation in a mobile home.
- B. All mobile homes and manufactured homes brought into Skagway after January 1, 1997, must have affixed upon the unit(s) a Data plate with name and address of the manufacturing plant, serial number, model designation, date manufactured, thermal protection for Outdoor Winter Design Temperature Zone 3, Wind Resistive Hurricane (HUD Zone II) and external snow roof load for North Zone, or Canadian equivalent.
- C. All relocatable structures are prohibited in Residential Conservation, Residential Low Density, Business General, Business Historic, Residential General, and Industrial Light zoning districts. Conditionally approved relocatable structures will receive a permit not to exceed the lesser of the lifetime of the structure as indicated in the conditional use permit application or 15 years. Relocatable structures located within a conditionally permitted trailer park do not require a separate conditional use permit.**

15.14.060 Exemptions.

Mobile homes shall be exempt from compliance with any of the provisions of this chapter in the following situations.

- A. Storage. Not more than one (1) each travel trailer, camper, storage trailer, van or boat may be stored on a residential lot, parcel or tract without the requirement of a fence or plantings with the exception of aircraft west of Alaska Street.
- B. Construction Functions. Construction firms may use a mobile home for a temporary office at the work site during the period of construction. Living quarters or mess halls must be located in industrial or waterfront zones, provided that the same are connected to utilities. Upon completion of the construction project, the construction camp units shall be removed.
- C. Business Relocation. A business firm may use a mobile home for a temporary office in the event that business must be temporarily relocated for a period not to exceed one hundred twenty (120) days upon obtaining a conditional use permit from the planning commission and a municipal building permit. In the event that a permitted structure is damaged by fire, earthquake or other natural cause to the extent that it is uninhabitable, a permit may be issued for occupancy for a mobile home during the period that the structure is being rehabilitated or repaired, but in no event shall a conditional use permit be for a period longer than eighteen (18) months.
- D. Celebrations. A mobile home may be used in ordinary and usual ways in connections with circuses, fairs and similar celebrations.

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- E. Occupancy While Building a Home. A mobile home may be used for temporary living quarters for not more than eighteen (18) months while the occupant thereof is constructing a permanent dwelling on the same property. Before a mobile home will be permitted in such an instance, the owner of the property or the person intended to occupy the mobile home shall secure a building permit for the mobile home. Such permit shall be granted upon the receipt of a signed statement by the permittee that a permanent dwelling will be constructed within eighteen (18) months thereafter. Construction shall start within sixty (60) days of mobile home placement. Only one (1) mobile home shall be permitted on any parcel of land during the construction or repair of a permanent dwelling.

15.14.070 Compliance with other laws and regulations.

In addition to complying with the provisions of this chapter, owners of **relocatable structures**, mobile homes, and trailers as defined herein, and trailer park permittees, shall be required to comply with any applicable provisions of other portions of the municipal code, including the building codes, fire prevention code, and the zoning code.

15.14.075 Fees.

The assembly may by resolution establish fees to be paid by applicants for any type of inspection, permit or other municipal processing of habitation under this title.

15.14.080 Enforcement.

This chapter shall be enforced by the borough manager or his designee.

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. SMC Chapter 19.06 Use Districts, Zoning Map and Zoning Classifications 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;

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- 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.

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- (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.
- 4. Relocatable structures.**

19.06.025 RLD—Residential-low density zone.

This zoning district is intended to provide an area for low- to moderate-density residential development on adequate lot sizes to preserve the natural beauty of the area creating parks, prohibiting business including tourism business bases with limited housing rentals allowable by conditional use. Also to create green belts and establish setback requirements adequate to preserve the viewshed and create small roadside parks and picnic areas, view points and scenic overlooks along Dyea Bay.

Criteria for lands that are included in this zoning district are those that are relatively restricted in their development due to natural features and the lay-of-the-land, and that are presently without municipal water and municipal sewer.

A. Uses Permitted.

- 1. Principal Uses.
 - a. Public parks and open space recreation;
 - b. Watershed reserve;
 - c. Single-family residence;
 - d. Duplex; two (2) family residence;
 - e. One (1) private garage per living unit;
 - f. Noncommercial public water, sewer, electric and communication facilities;
 - g. Municipal public facilities such as fire department substation, solid waste transfer station, public works substation, and emergency services landing areas.
- 2. Accessory Uses.
 - a. Uses and structures customarily accessory and clearly subordinate to permitted principal uses, as determined by the building official;

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- b. Necessary outbuildings, accessory buildings not to exceed three hundred twenty (320) square feet per use as listed in subsections (A)(2)(b)(i) through (vi) of this section:
 - (i) One (1) storage shed per lot: a semi-trailer, freight container, house trailer, RV travel trailer, storage trailer or van, may not be used as a long term or permanent storage shed;
 - (ii) Generator shed;
 - (iii) Tool shed;
 - (iv) Private personal use greenhouse;
 - (v) Well house;
 - (vi) Wood shed;
 - c. Home occupations; provided, that the conditions listed in Section 19.02.065(B)(35) are met;
 - d. Private personal use gardens;
 - e. Farmers' markets in accordance with Section 19.02.065(B)(27).
3. Conditional Uses.
- a. Churches;
 - b. Day care facilities;
 - c. Temporary structures for residential use, used in conjunction with building or land development, for up to eighteen (18) months:
 - (i) "Temporary structure for residential use" means RV or trailer or other livable structure of at least one hundred (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 eighteen (18) month construction period;
 - d. 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;
 - e. Commercial public water, sewer, electric, communication and other facilities;
 - f. Multiple storage structures or storage structures above three hundred twenty (320) square feet;
 - g. Taverns and bars;
 - h. Restaurants serving alcohol;
 - i. Service stations;
 - j. Community gardens in accordance with Section 19.02.065(B)(17);
 - k. Commercial greenhouses, agriculture and horticulture;

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- l. Retail marijuana stores, marijuana cultivation facilities, marijuana product manufacturing facilities, and marijuana testing facilities;
- m. 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/apartment houses/multiple-family structures;
- 4. Sand and gravel operations;
- 5. Mining and quarry operations;
- 6. Kennels;
- 7. Timber harvesting and storage;
- 8. Cemeteries;
- 9. Pipelines and railroads;
- 10. Commercial recreation operations on municipal land;
- 11. Campgrounds;
- 12. Relocatable structures.**

19.06.030 RG—Residential-general zone.

This zoning district includes single-family and multifamily residential housing. Single-family units, duplexes, and triplexes are allowed on five thousand (5,000) square foot lots, for an allowable density of sixteen (16) units per forty thousand (40,000) square feet. Multifamily residential units (four (4) units and above) are conditionally permitted, for a maximum allowable density of twenty-six (26) units per forty thousand (40,000) square feet.

This general residential zoning district is intended to provide an area for medium to high density residential development including single-family, duplex, triplex, and low-rise multifamily dwellings. The purpose of the zoning district is to promote a wide variety in housing types and design to meet the expanding demand for housing. The zoning district is designed for use in areas that provide full urban services and facilities.

Criteria for lands that are included in this zoning district are those that have water and sewer utilities, a developed road system, and that are close to commercial and/or industrial districts.

A. Uses Permitted.

- 1. Principal Uses.
 - a. Single-family residences;
 - b. Two (2) family duplexes;

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- 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)(29).
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;
 - (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.

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- (ii) Maximum of 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:
 - (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)(19);
- p. Marijuana cultivation facilities (indoor-only), marijuana product manufacturing facilities, and marijuana testing facilities;

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- q. 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 or mobile home parks south of 15th Avenue.
- 3. Kennels.
- 4. Retail marijuana stores, marijuana cultivation facilities (outdoor-only).
- 5. **Relocatable structures.**

19.06.040 BG—Business-general zone.

This zoning district is intended to provide for the commercial activities of the municipality. The purpose of the zoning district is to provide a centrally located area for general retail shopping, personal and professional services, entertainment establishments, restaurants, and similar businesses. Most commercial activities are permitted outright. The zoning district is also intended to accommodate a mixture of residential and commercial uses with conflicts being resolved in favor of commercial uses. Mixed commercial and residential use of structures is encouraged.

Criteria for lands that are included in this zoning district are those that have existing developed streets and utilities and where public investment has occurred to establish social and commercial services.

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;
 - 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 (1) building per five thousand (5,000) square feet.
 - (ii) A minimum of one (1) parking space for every three (3) occupants.

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- (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)(29).
 - 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 one hundred ninety (190) square feet.
 - (ii) Maximum of 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)(19);
 - 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).
- B. Prohibited Uses.
 - 1. Any use or structure not of a character indicated under permitted principal and accessory uses are permitted by conditional use.
 - 2. Mobile homes and mobile home parks.
 - 3. Kennels.
 - 4. Structures creating lot coverage of greater than ninety percent (90%) for a lot of five thousand (5,000) square feet or larger.
 - 5. Relocatable structures.**

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19.06.050 BH—Business-Skagway historical zone.

This zoning district is for the area of downtown Skagway with special historical significance. It is to allow commercial development whose buildings are in keeping with the architectural character of the historic Gold Rush era.

The historic district helps to safeguard the heritage of Skagway by preserving its cultural, social, economic, political and architectural history. For this reason, special regulations are applied to preserve or enhance its unique historic character.

A. Uses Permitted.

1. Principal Uses.

- a. All uses as permitted in the BG zone, with the exception of those listed in subsection (B) of this section.

B. Prohibited Uses.

1. All buildings not in keeping with the architectural character of the historic or "Gold Rush" buildings in this zone;
2. Any use or structure not of a character indicated under the permitted principal and accessory uses, or permitted by conditional uses pursuant to Section 19.04.060(B);
3. Automobile repair garages;
4. Service stations;
5. Kennels;
6. Structures creating lot coverage of greater than ninety percent (90%) for a lot of five thousand (5,000) square feet or larger;
- 7. Relocatable structures.**

19.06.060 IL—Industrial-light zone.

This zoning district is intended to provide an area for urban and suburban light manufacturing, processing, storage, wholesaling and distribution, and railroad and airport related industry and business. This zoning district is intended to promote efficient use of the land while at the same time, allowing for a variety of compatible uses. Commercial uses are allowed, but with conflicts being resolved in favor of light industrial use. Existing residential uses between Alaska Street and the airport can continue without restrictions typically applied to nonconforming uses. Light industrial uses are those of a nature which do not produce dust, traffic, noise, odor, vibration, or other objectionable pollutants of a substantially greater intensity or duration than those commonly associated with the surrounding land use. Because of the impacts inherent in some industrial activities, performance standards, including screening, are applied to certain uses.

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Criteria for lands included in this zoning district are those areas that are adjacent to major arterials, other light industrial users, and the airport or railroad.

A. Uses Permitted.

1. Principal Uses.

- a. Airports, aircraft repair, and other air transportation and airplane related services;
- b. Railroads;
- c. Buried pipelines;
- d. Fishery enhancement structures;
- e. Storage buildings, mini-storage units;
- f. Firms;
- g. Offices, professional or administrative services;
- h. Veterinary office (no outdoor kennels);
- i. Communication services;
- j. Retail sales of building materials, aircraft, rail, auto, or marine supplies;
- k. Light equipment sales, storage and rentals for off site use;
- l. Small appliance repair;
- m. Plant nurseries;
- n. Aircraft, boat and RV storage;
- o. Vehicle and equipment storage and parking;
- p. Computer and office equipment sales and service;
- q. Gunsmiths, locksmiths, and related services;
- r. Marijuana product manufacturing facilities and marijuana testing facilities.

2. Accessory Uses.

- a. Administrative offices, accessory to permitted uses;
- b. Residential uses, accessory to industrial uses such as watchman's apartment, owner-operator's home, necessary bunkhouses;
- c. Farmers' markets in accordance with Section 19.02.065(B)(26).

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, multifamily units, or mobile home parks north of 15th Avenue (provided, that the standards listed at Sections 19.06.030(A)(3)(j)(i) through (iii) are followed);
- f. Congregate residences as allowed by IBC; provided, that:
 - (i) Minimum lot size is five thousand (5,000) square feet and limited to one (1) building per five thousand (5,000) square feet.

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- (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;
- g. Taverns and bars;
- h. Restaurants serving alcohol;
- i. Service stations;
- j. Community gardens in accordance with Section 19.02.065(B)(17);
- k. Retail marijuana stores and marijuana cultivation facilities;
- l. Other uses as determined by the planning commission pursuant to Section 19.04.060(B).

B. Prohibited Uses.

- 1. Cemeteries;
- 2. Garbage dumps;
- 3. Junkyards;
- 4. All uses that may be noxious or injurious by reason of the production or emission of dust, smoke, refuse matter, odor, gas, fumes, noise, vibration, or similar substances or conditions;

5. Relocatable structures.

19.06.070 I—Industrial zone.

This zoning district is intended to provide for an area where heavy industrial activities like manufacturing, processing, repairing, and assembling can take place. Proximity to railroad and waterfront transportation will likely be important for these activities. Because of the dust, smoke, refuse matter, odor, gas, fumes, noise, vibration, or similar substances or conditions inherent in some industrial activities, screening and other conditions may be applied to certain uses. The zoning district allows commercial and residential uses but with conflicts being resolved in favor of industrial uses.

Criteria for lands that are included in this zoning district are those areas which are adjacent to major arterials or other industrial users, and of sufficient size to allow heavy commercial activities. They should also be buffered from lower density users.

A. Uses Permitted.

- 1. Principal Uses.
 - a. Railroad and trucking transportation firms and yards;
 - b. The manufacturing, warehousing, compounding, processing, assembling, packaging, treatment, or fabrication of materials or property;

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- c. Storage of fuels and propane in compliance with applicable fire codes;
 - d. Junkyards and salvage yards screened from view from adjacent residences or public ways;
 - e. Heavy, light, and railroad related equipment repair and maintenance;
 - f. Vehicle and equipment storage;
 - g. Mining and quarry operations;
 - h. Sand and gravel operations;
 - i. Solid waste facilities;
 - j. Pipelines and railroads;
 - k. Kennels;
 - l. Commercial or private stabling of farm animals;
 - m. Administrative offices, accessory to industrial uses listed in subsections (A)(1)(a) through (l) of this section;
 - n. Farmers' markets accessory to permitted principal uses in accordance with Section 19.02.065(B)(26);
 - o. Marijuana cultivation facilities, marijuana product manufacturing facilities, and marijuana testing facilities.
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 are 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) Chapters 15.14 and 15.15 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, Chapters 15.14 and 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 Chapters 15.14 and 15.15;
 - c. Residential uses, accessory to industrial uses listed in subsections (A)(1)(a) through (l) of this section, such as watchman's apartment, owner-operator's home, and necessary bunkhouses;

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- 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 forty thousand (40,000) square feet.
 - (iii) A minimum of one (1) parking space for every three (3) occupants.
 - (iv) Lot coverage does not exceed sixty percent (60%) for all buildings.
 - (v) A six foot (6') 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 Section 19.02.065(B)(17);
- i. Retail marijuana stores;
- j. Other uses and structures customarily contingent and clearly subordinate to permitted uses, as determined by the planning commission pursuant to Section 19.04.060.;

k. Relocatable structures.

B. Prohibited Uses.

- 1. Cemeteries;
- 2. Garbage dumps;
- 3. Junkyards, unless completely surrounded by a fence at least six feet (6') in height;
- 4. Uses that degrade air, water, or land resources quality without mitigative measures that alleviate impacts;
- 5. Residential, except as otherwise defined.

19.06.080 W—Waterfront zone.

The waterfront zoning district is intended for all property contiguous with the shoreline. This is to protect Skagway's limited, developable waterfront areas for those uses that are directly dependent upon, or directly related to, the water, a waterfront location, or both. This is also to allow special consideration to the development, growth, public use and appearance of Skagway's waterfront, the municipality's most heavily utilized area. Water-dependent and water-related industrial and commercial uses have priority in this zoning district. Consideration is also given to maintaining safety, public access and an attractive appearance. Intended activities include those that derive major economic or social benefits from a waterfront location, with particular emphasis on industrial, tourism, commerce and commercial enterprises.

Criteria for including lands in this zoning district are those lands adjacent to the shoreline of Taiya Inlet.

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- A. Uses Permitted. (Note that the special policies outlined in subsection (C) of this section must be followed when a building permit or conditional use permit for private or public sector development in this zone is obtained.)
1. Principal Uses.
 - a. Public, private, and commercial moorage;
 - b. Warehousing, storage and handling of cargo; provided, however, that:
 - (i) No use shall be constructed or operated so as to cause excessive noise, vibration, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare, at or beyond any lot line of the lot on which it is located. "Excessive" is defined for these purposes as a degree exceeding that caused by customary manner of operation by uses permitted in the district, or a degree injurious to the public health, safety, or welfare.
 - c. Marine fuel, water, sanitation facilities;
 - d. Research and educational facilities related to the adjacent waterbody;
 - e. Port and harbor facilities including docks, floatplane operations, barge freight terminals, and ferry terminals;
 - f. Seafood processing plants, cold storage plants and facilities;
 - g. Boat storage yards;
 - h. Fish and shellfish propagation;
 - i. Parks and open space;
 - j. Administrative offices, accessory to waterfront uses listed in subsections (A)(1)(a) through (i) of this section;
 - k. Farmers' markets accessory to permitted principal uses in accordance with Section 19.02.065(B)(26).
 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 subsections (A)(1)(a) through (i) of this section, 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 Section 19.02.065(B)(17);

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- k. Other uses and structures customarily contingent and clearly subordinate to permitted uses, as determined by the planning commission pursuant to Section 19.04.060.

B. Prohibited Uses.

1. Any use or structure not of a character indicated under permitted uses, or permitted by conditional uses.
2. Uses which degrade air, water, or land resources quality without mitigative measures to alleviate impacts.
3. Residential, except as otherwise defined.
4. Retail marijuana stores, marijuana cultivation facilities, marijuana product manufacturing facilities, and marijuana testing facilities.

C. Special Policies. In addition to the general requirements set forth in Section 19.06.040, the following special policies will apply in the waterfront district:

1. To maintain and enhance public access and use, safety and the general appearance of Skagway's heavily used downtown waterfront, applicants are required to spend five percent (5%) of the total project cost on the amenities described at subsection (C)(1)(d) of this section. Amenities may be proposed for the specific site development plan or on other borough owned waterfront land, as approved by the borough assembly. Applicants for a building, allowable use or conditional use permit will submit a plan to the zoning or building official or planning commission showing project development with special attention to:
 - a. Buffers, screening, and sound fences between adjacent uses;
 - b. Parking;
 - c. Public access to the waterfront;
 - d. Amenities such as landscaping, walkways, bikepaths and bike racks, windscreens, water and fish viewing areas, picnic areas and interpretive displays.
2. Compliance with the Skagway Coastal Management Program shall be strictly enforced within the waterfront district. Particular attention will be given to the Coastal Development Policies found at 17.40.020 parts B and C, and the Pullen Creek Area Meriting Special Attention (AMSA) Policies, found at 17.50.010, and the Port of Skagway AMSA policies.
3. Public access to the water and hatchery related activities shall be emphasized within the Pullen Creek area. There shall be a fifty foot (50') wide buffer strip protected from development, measured from the centerline of the creek, on either side of Pullen Creek.

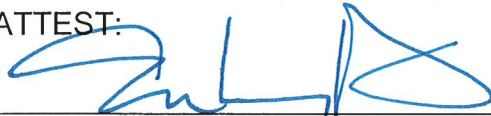
Section 5. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 6. Effective Date. This ordinance shall become effective immediately upon adoption.

PASSED AND APPROVED by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this 4th day of February, 2021.



Andrew Cremata, Mayor

ATTEST:


Emily A. Deach, Borough Clerk

(SEAL)

