

Proposed by:	Civic Affairs Committee
P&Z Hearing:	04/14/2022
Attorney Review:	04/06/2022
First Reading:	04/21/2022
Second Reading:	_____

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 22-01

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC SECTION 19.06 USE DISTRICTS, ZONING MAP, AND ZONING CLASSIFICATIONS TO INCREASE MAXIMUM LOT COVERAGE REQUIREMENTS.

WHEREAS, at its meeting of December 8, 2021, the Civic Affairs Committee discussed providing incentives for the private development of long-term housing in Skagway; and

WHEREAS, increasing maximum lot coverage requirements would allow for high-density development, incentivizing private development of residential units; and

WHEREAS, the committee met on March 8, 2022 to discuss code amendments that would increase lot coverage requirements in municipal code, and the committee voted to propose the amendments to the Assembly; and

WHEREAS, at its meeting of April 14, 2022, the Planning and Zoning Commission reviewed and held a public hearing on these proposed amendments, and the motion to recommend this ordinance to the Assembly failed;

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 Section 19.06 Use Districts, Zoning Map, and Zoning Classifications to increase maximum lot coverage 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. SMC Section 19.06 is hereby amended as follows:

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

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(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.

3. Conditional Uses.

- 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-two~~ thousand (~~3,000~~2,000) square feet with a maximum lot coverage of ~~fifty~~ seventy-five percent (~~50%~~75%).
 - (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~~ seventy-five percent (~~50%~~75%).

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- (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;

D. Minimum Building Setback Requirements.

- 1. Front yard, ten feet (10');
- 2. Side Yard.
 - a. For a one (1) or two (2) family dwelling, five feet (5');
 - b. For a multiple-family dwelling unit with more than two (2) units, ten feet (10');
- 3. Rear yard, five feet (5');
- 4. Setbacks between structures shall be regulated by the International Building Code, Tables 601 and 602.

E. Maximum Lot Coverage by All Buildings. ~~Fifty~~ Seventy-five percent (~~50%~~75%). Marijuana cultivation facilities may not exceed five hundred (500) square feet in area.

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.

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1. Principal Uses.

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.
- (iii) Lot coverage does not exceed ~~sixty~~ ninety percent (~~60%~~90%) for all buildings.
- (iv) A six foot (6') high solid fence shall be required on all lot lines bordering RG lots;

3. Conditional Uses.

d. Accessory Housing Structures.

- (i) Minimum of one hundred ninety (190) square feet.
- (ii) Must have stand-alone water, sewer and electricity, meeting current codes.
- (iii) No setback variances will be granted for new construction.
- (iv) Off-street parking and setback requirements for this zone shall apply.
- (v) Construction must meet International Building Code Section 1207 for efficiency dwelling units.
- ~~(vi) Maximum of fifty percent (50%) lot coverage;~~

D. Minimum Building Setback Requirements.

- 1. Front yard, five feet (5').
- 2. Side yard, five feet (5').
- 3. Rear yard, five feet (5').

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- E. Maximum Lot Coverage by All Buildings. Ninety percent (90%) provided buildings comply with setback and parking requirements.

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.

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.

- 3. Conditional Uses.

- 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.
 - (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.~~

- D. Minimum Building Setback Requirements.

- 1. Front yard, none required, except that there shall be a ten foot (10') setback required when the lot is adjacent to a major public street, or a business or residential zoning district.

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2. Side yard, fifteen feet (15') except that no side yard shall be required along any lot line bordering on other lots in the W (waterfront) or IL (industrial-light) districts.
3. Rear yard, none required.

- E. Maximum Lot Coverage by Buildings. No limitation, provided compliance with building setback and parking requirements.

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.

2. Conditional Uses.

- d. Congregate residences north of the 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.~~
 - (iv) A six foot (6') high solid fence or vegetative barrier shall be required on all lot lines bordering RC lots;

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C. Minimum Lot Requirements.

1. Lot area, forty thousand (40,000) square feet in industrial zone north of 23rd Street bridge; five thousand (5,000) square feet in industrial zone south of 23rd Street bridge;
2. Side yard, fifteen feet (15'), except that no side yard shall be required along any lot line bordering on other lots in the industrial (I) zoning district;
3. Rear yard, none required;
4. Setbacks shall be ten (10') feet from state highways.

D. Maximum Lot Coverage by Buildings. No limitation, provided compliance with building setback and parking requirements.

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 _____, 2022.

Andrew Cremata, Mayor

ATTEST:

Steve Burnham Jr., Borough Clerk

(SEAL)