

Proposed by:	Civic Affairs Committee
P&Z Hearing:	04/14/2022
Attorney Review:	04/06/2022
First Reading:	04/21/2022
Second Reading:	05/05/2022
Vote: 6 Aye	0 Nay 0 Absent

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 22-02

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AMENDING SMC SECTION 19.06 USE DISTRICTS, ZONING MAP, AND ZONING CLASSIFICATIONS TO REMOVE THE MAXIMUM SQUARE FOOTAGE REQUIREMENT FOR ACCESSORY HOUSING.

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, the committee discussed that removing the maximum square footage requirements for accessory housing structures in code, and allowing the maximum lot coverage to dictate the size of the structure, would promote the development of higher-density housing options in the community; and

WHEREAS, the committee met again on March 8, 2022 to discuss code amendments that would remove the maximum square footage requirements for accessory housing 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 to SMC 19.06, and voted to recommend this ordinance to the Assembly;

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 remove the maximum square footage requirement for 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. SMC Section 19.06 is hereby amended as follows:

19.06.020 RC—Residential-conservation zone.

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 22-02

Page 2 of 6

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.

3. Conditional Uses.

s. Accessory housing structures.

(i) Minimum of one hundred ninety (190) square feet.

~~(ii) Maximum of one thousand (1,000) square feet.~~

(ii) Must have an Alaska Department of Environmental Conservation approved water system and sewer system, and must have electricity; all must meet current codes.

~~(iii)~~ No setback variances will be granted for new construction.

(iv) 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;

19.06.025 RLD—Residential-low density zone.

This zoning district is intended to provide for: 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; limited housing rentals allowable by conditional use; and to create greenbelts 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.

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 22-02

Page 3 of 6

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.

3. Conditional Uses.

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;
- ~~(iii)~~ (iv) No setback variances will be granted for new construction;
- (iv) All lot coverage, off-street parking and setback requirements for this zone still apply;
- (v) Construction must meet International Building Code for efficiency dwelling units;

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.

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 22-02

Page 4 of 6

A. Uses Permitted.

3. Conditional Uses.

i. Accessory Housing Structures.

(i) Minimum of one hundred ninety (190) square feet.

~~(ii) Maximum of one thousand (1,000) square feet.~~

(iii) Must have water, sewer and electricity, meeting current codes.

~~(iii)~~ No setback variances will be granted for new construction.

(iv) 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;

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.

3. Conditional Uses.

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.
- ~~(iii)~~ (iv) 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;

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.

E. Minimum Building Setback Requirements.

1. Front yard, twenty feet (20').
2. Side yard, twenty feet (20').
3. Rear yard, twenty feet (20').
4. Accessory buildings ~~of one thousand (1,000) square feet or less in size~~, ten feet (10').

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.

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 22-02

Page 6 of 6

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 5th day of May, 2021.



Andrew Cremata, Mayor

ATTEST:



Steve Burnham Jr., Borough Clerk

(SEAL)

