AN ORDINANCE AMENDING THE CITY OF SKAGWAY CODE OF ORDINANCES, TITLE 15 BUILDINGS & CONSTRUCTION AND TITLE 19 PLANNING & ZONING.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SKAGWAY, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and the code sections hereby adopted shall be become a part of the Code of the City of Skagway, Alaska.

Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the remainder of this ordinance and application to the persons or circumstances shall not be affected.

Section 3. Repealer. This ordinance repeals the code sections bearing the code numbers 15.12.040 (A), 15.14.010 (B) through (F), 19.02.010 (9) through 19.02.010 (59), 19.04.050 (3) (B) and (C), 19.04.060 (1)(A) (3) (a) and (b), 19.04.060 (B), 19.04.090 (1), 19.06.010 through 19.06.080, 19.08.020, 19.10.040 (C) and 19.10.120.

Section 4. Adoption. The following sections bearing the code numbers 15.12.040 (A), 15.14.010 (B) through (F), 19.02.010 (9) through 19.02.010 (64), 19.04.050 (4), (5), 19.04.050 (6) (B) and (C), 19.04.060 (A) (1), (3) (a) and (b), 19.04.060 (B), 19.04.060 (C), 19.04.090 (D), 19.06.010 through 19.06.080, 19.08.020 (A) and (B) and 19.10.040 (C), (G) and (H).

Section 5. Effective date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED THIS 31ST DAY OF MAY, 1990.

Stan Selmer, Mayor

ATTEST:

Lorene S. Gordon, City Clerk

Drafted by: City Planner Sheinberg
Introduced by: ________________________________
15.12.040 Protection against flood damage.

A. Within Zone A(0-99) flood-hazard areas, as identified on the city's Flood Hazard Boundary Map, no land use permit shall be approved by the planning and zoning commission unless all of the following requirements are satisfied. (Ord. 90- )
15.14.010 Definitions.

B. Home occupation - Is a residential use conducted in a dwelling unit, provided that:

a. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for the residential purposes by its occupants, have no employees, and have not more than 50 percent of the floor area of the dwelling used in the conduct of the home occupation;

b. There shall be no change in the outside appearance of the building or premises, nor shall there be any visible evidence of the conduct of such home occupation other than one sign not exceeding three square feet in area, nonilluminated, and mounted flat against the principal building;

c. No traffic or parking needs shall be generated by such home occupation in greater volume than that which would normally be found in the neighborhood and shall be accommodated off street and on the premises;

d. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the site of the home occupation.

e. Day care of five children or less shall be considered a home occupation.

C. Motor Home - It is a factory built portable dwelling powered by its own motor designed to be used for travel, recreation and vacation uses and containing sleeping, cooking, sanitary, and plumbing facilities.

D. "Storage trailer and van" means a wheeled van or container unit not manufactured as a motorized vehicle or intended for long-term or short-term occupancy, but designed and manufactured for the primary purpose of storage and/or transporting commodities and goods.

E. Trailer Court - This term is synonymous with, but replaces, trailer camp or trailer park. It is a tourist facility for parking motor homes and travel trailers.

F. "Used and occupied" means and includes the words "intended, arranged or designed to be used or occupied." (Ord. 90- 7)
19.02.010 Definitions.

9. "Bed and Breakfast Establishment" means a dwelling in which commercial lodging is provided by the owner or operator to more than three persons. The term includes boarding, rooming or tourist houses.

10. "Boardinghouse" means a building other than a hotel where lodging, with or without meals, is provided for compensation for three (3) or more persons on other than a day-to-day basis, and which is not open to transient guests.

11. "Building Height" means building height shall be calculated as the average height of three sides of the building measured from the finished grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof as illustrated in figures 1 and 2.

Roof structures for the housing of equipment required to operate and maintain the building, or other necessary structures such as stairwells, chimneys and flagpoles, may be erected above the prescribed height limit, but no roof structure shall be erected for the purpose of providing additional floor space above the prescribed height limit.

12. "Building official" means the officer charged with the administration and enforcement of the ordinance codified in this title. The city manager shall act as building official until the city council otherwise designates.

13. Building, Principal or Main. "Principal or main building" means the building in which is conducted the principal or main use of the lot on which the building is situated.

14. "Coverage" means that percentage of the total lot area covered by the building area.

15. "Dwelling" means a building or any portion thereof designed or used exclusively for residential occupancy, including one (1) family, two (2) family and multiple-family dwellings, but not including any other building wherein human beings may be housed.

16. Dwelling, Multiple-family. "Multiple-family dwelling" means any building containing three (3) or more dwelling units.

17. Dwelling, One (1) Family. "One (1) family dwelling" means any detached building containing only one (1) dwelling unit.

18. Dwelling, Two (2) Family. "Two (2) family dwelling" means any building containing only two (2) dwelling units.

19. "Dwelling unit" means one (1) or more rooms and a single kitchen in a dwelling designed as a unit for occupancy by not more than one (1) family for living or sleeping purposes.

20. "Family" means any number of individuals living together as a single housekeeping unit in a dwelling unit.

21. Fence, Height of. "Height of fence" means the vertical distance between the ground directly under the fence and the highest point of the fence.

22. "Floor area" means the total of each floor of a building within the surrounding outer walls but excluding vent shafts and courts.

23. "Frontage" means all the property fronting on one (1) side of a street between intersecting streets.


25. Garage, Public. "Public garage" means any garage other than a private garage, available to the public, operated for gain, and which is used for storage, repair, rental, greasing, washing, servicing, or adjusting or equipping of automobiles or other vehicles.
26. "Grade (ground level)" means the average level of the finished ground at the center of all walls to a building. In case walls are parallel to and within five (5) feet of a public sidewalk, the ground level shall be measured at the sidewalk.

27. "Guestroom" means any room in a hotel, dormitory, boardinghouse or lodging house used and maintained to provide sleeping accommodations for not more than two (2) persons.

28. "Home occupation" means a residential use conducted in a dwelling unit, provided that:
   a. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for the residential purposes by its occupants, have no employees, and have not more than 50 percent of the floor area of the dwelling used in the conduct of the home occupation;
   b. There shall be no change in the outside appearance of the building or premises, nor shall there be any visible evidence of the conduct of such home occupation other than one sign not exceeding three square feet in area, nonilluminated, and mounted flat against the principal building;
   c. No traffic or parking needs shall be generated by such home occupation in greater volume than that which would normally be found in the neighborhood and shall be accommodated off street and on the premises;
   d. No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the site of the home occupation.
   e. Day care of five children or less shall be considered a home occupation.

29. "Hotel" means any building or group of buildings in which there are guestrooms used, designed or intended to be used for the purpose of offering to the general public food or lodging, or both, on a day-to-day basis.

30. "Junk yard" means any space one-hundred (100) square feet or more of any lot or parcel of land used for the storage, keeping or abandonment of junk or waste material including scrap metals or other scrap materials or for the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or any parts thereof.

31. "Loading space" means an off-street space or berth on the same lot with a building or structure, to be used for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

32. "Lot" means a parcel of land occupied or to be occupied by a principal use and having frontage on a public street.

33. Lot, Corner. "Corner lot" means a lot situated at the junction of, and bordering on, two (2) intersecting streets.

34. "Lot depth" means the horizontal distance between the front and rear lot lines, measured in the mean direction of the side lot lines.

35. Lot Line, Front, Corner Lot. "Front lot line, corner lot" means the shortest street line of a corner lot.

36. Lot Line, Front, Interior Lot. "Front lot line, interior lot" means a line separating the lot from the street.

37. Lot Line, Rear. "Rear lot line" means a line that is opposite and most distant from the front lot line and, in the case of a irregular, triangular or gore-shaped lot, a line not less than ten (10) feet in length, within a lot, parallel to and at the maximum distance from the front lot line.

38. Lot Line, Side. "Side lot line" means any lot boundary line not a front lot line or a rear lot line.

39. "Lot width" means the mean horizontal distance separating the side lot lines of a lot and at right angles to its depth.

40. "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 a 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. "Mobile home" shall not be construed to mean any structure comprised
of two (2) or more mobile homes which are fifty (50) feet or more each in length and which
are so positioned that their long sides touch and are firmly secured together, and provided
that each of such mobile homes is factory-built for the purpose or possibility of affixing
with similar units, commonly referred to as "double-expando" trailer homes, provided that
such double-expando trailer home is actually located upon a permanent foundation.

41. "Mobile home park" means any parcel or adjacent parcels of land in the same
ownership which is utilized for occupancy, either free of charge or for revenue, together
with any building, structure or enclosure used as a part of the equipment of such park.
This term shall not be constructed to mean tourist facilities for parking of travel trailers or
camper.

42. "Motel" means a group of one (1) or more detached or semidetached buildings
containing two (2) or more individual dwelling units and/or guestrooms designed for or
used temporarily by automobile tourists or transients, with a garage attached or parking
space conveniently located to each unit, including groups designed as auto courts, motor
lodges or tourist courts.

43. "Motor Home" means a factory built portable dwelling powered by its own motor
designed to be used for travel, recreation and vacation uses and containing sleeping,
cooking, sanitary, and plumbing facilities.

44. "Nonconforming building" means any building or structure, or any portion
thereof, lawfully existing on November 2, 1972, which was designed, erected or
structurally altered for a use that does not conform to the use regulations of the zone in
which it is located, or a building or structure that does not conform to all the height and area
regulations of the zone in which it is located.

45. Nursery, Children's. "Children's nursery" means any home or institution used
and maintained to provide day care for children not more than seven (7) years of age.

46. Parking Space, Private. "Private parking space" means any automobile parking
space not less than ten (10) feet wide and twenty (20) feet long.

47. Parking Space, Public. "Public parking space" means an area of not less than
two hundred fifty (250) square feet, accessible from streets and alleys, for the storage of
passenger motor vehicles operated by individual drivers.

48. "Person" means a natural person, his heirs, executors, administrators, or assigns,
and also including firm, partnership or corporation, its or their successors or assigns, or
the agent of any of the aforesaid.

49. "Principal use" means the major or predominant use of a lot or parcel of land.

50. "Service station" means any building, structure, premises or other space used
primarily for the retail sale and dispensing of motor fuels, tires, batteries, and other small
accessories; the installation and servicing of such lubricants, tires, batteries and other small
accessories, and such other services which do not customarily or usually require the
services of a qualified automotive mechanic.

51. "Sign" means any words, letters, parts of letters, figures, numerals, phrases,
sentences, emblems, devices, trade names or trademarks by which anything is made
known, such as are used to designate an individual, a firm, an association, a corporation,
a profession, a business or a commodity or product, which are visible from any public street
or highway and used to attract attention.

52. "State highway" means a right-of-way classified by the state as a Primary,
Secondary A or Secondary B highway.

53. "Storage trailer and van" means a wheeled van or container unit not
manufactured as a motorized vehicle or intended for long-term or short-term occupancy,
54. "Street line" means the line of demarcation between a street and the lot or land abutting thereon.

55. "Structure" means that which is built or constructed, a building of any kind, composed of parts jointed together in some definite manner.

56. "Trailer court" is a term synonymous with, but replaces, trailer camp or trailer park. It is a tourist facility for parking motor homes and travel trailers.

57. "Travel trailer" means a motor vehicle or portable vehicular structure capable of being towed on the highways by a motor vehicle, designed and intended for casual or short-term human occupancy for travel, recreational and vacation uses.

58. "Use" means the purpose of which land or a building is arranged designed or intended, or for which either land or a building is or may be occupied or maintained.

59. "Yard" means an open, unoccupied space, other than a court, unobstructed from the ground to the sky except where specifically provided by this title, on the same lot on which a building is situated.

60. Yard, Front. "Front yard" means a yard extending across the full width of a lot, measured between the front lot line of the lot and the nearest exterior wall of the building which is the nearest to the front lot line.

61. Yard, Rear. "Rear yard" means a yard extending across the full width of the lot between the most rear main building and the rear lot line.

62. Yard, Side. "Side yard" means a yard on each side of a main building, and extending from the front lot line to the rear lot line. The width of the required side yard shall be measured horizontally from the nearest point of a side lot line to the nearest part of the main building.

63. Yards.
   a. In the case of double frontage lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the planning official may waive the requirement for the normal front yard and substitute a special yard requirement that will not exceed the average of the yards provided on adjacent lots.
   b. In the case of corner lots, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.
   c. In the case of corner lots with two or more frontages, the planning official shall determine the front yard requirements, subject to the following limitations:
      1. at least one front yard shall be provided having the full depth required generally in the district;
      2. no other front yard on such lot shall have less than half the full depth required generally.

64. "Zoning change" means the alteration or moving of a use district boundary; the reclassification of a lot, or parcel of land from one (1) zone to another. (Ord. 90-7)
19.04.050 Preexisting nonconforming uses.

4. Residential dwellings between the airport runway and Alaska Street and between 1st Street and 16th Street that existed on June 1, 1990 are exempted from the provisions governing nonconforming uses found at 19.04.050.

5. Residential dwellings on State Street between the 23rd Street bridge south to the alley between 7th and 8th Streets, and residential dwellings that are parallel to State Street but two lots east or west of State Street between the 23rd Street bridge south to the alley between 7th and 8th Streets, that existed on June 1, 1990 are exempted from the provisions governing nonconforming uses found at 19.04.050.

6. Residential dwellings between 21st and 22nd Streets and State Street and Alaska Street that existed on June 1, 1990 are exempted from the provisions governing nonconforming uses found at 19.04.050.

B. No building which has been damaged or partially destroyed to the extent of more than fifty percent (50%) of its assessed value shall be repaired, moved or altered except in conformity with the provisions of this title and Title 15 of this code.

C. Mobile homes or trailers in nonconforming locations shall be governed by Chapter 15.14 of Title 15 of this code. (Ord. 90- ?)
19.04.060 Variances, allowable use and conditional use permits

A. Variances.

1. The Planning Commission shall consider and decide applications for variances. In accordance with AS29.33.110(c), no variance shall be granted because of special conditions caused by the actions of the person seeking relief, or for reasons of pecuniary hardship or inconvenience; nor shall any variance be granted which would permit a land use in a district in which that land use has been prohibited. Variances are intended to provide a mechanism for the relaxation of such standards as minimum lot or yard requirements, setbacks, or building coverage, when the applicant shows, and the planning commission finds, that the criteria in subdivision 8 below are met.

3. The planning commission shall hold a public hearing upon each properly submitted application; such hearing shall be held no later than thirty (30) days following the date of filing of such application. Public notice may be given in a newspaper of general circulation in the city, stating the date, time, place and purpose of the hearing, and generally describing the variance sought. The notice shall be posted in two (2) public places in the city. The clerk of the planning commission shall also mail a copy of the notice by first class mail to the owners of property, as follows:

   a. Owners of property located within one hundred (100) feet from any point on the outside perimeter of the property for which a variance has been requested; and
   b. The owner or owners of the property for which the variance has been requested.

B. Allowable Uses.

1. Purpose. An allowable use permit is established for uses allowed in a particular zoning district but which, due to size, intensity, or particular characteristics must be reviewed and approved by the planning commission. To ensure the compatibility of the use with the location, the planning commission may attach conditions, found in section five (5) below, to the permit to help mitigate external impacts.

2. Application for Allowable Use Permits.

   a. Submission and Contents. The applicant shall submit to the planning official, one copy of the completed permit application together with all supporting materials and the permit fee. The application shall state the allowable use requested, contain a plot plan indicating date, north arrow, scale, exterior property boundaries and approximate dimensions, location of all existing and proposed buildings on the property and their approximate distance from lot lines, access for ingress and egress, sewer and water lines serving the property and power poles, all easements on the property, construction details, approximate dimension of parking areas and spaces, if applicable and other information as necessary to illustrate the impact of the proposed allowable use. For allowable use permits in the waterfront zoning district, the plot plan shall contain the approximate location of buffers, screening, sound fences, proposed public access to the waterfront, and the location and description of amenities required at 19.06.080 (C)(1)(d). When the planning official has determined that the application meets the requirements of this section, the completed application will be forwarded within ten (10) days to the planning commission for its determination.

   b. Filing Fee. Upon recommendation of the planning commission, the council shall establish a fee schedule to cover the costs of legal advertisement, mailed notification, and other fees, if any. These fees must be filed with the application for the allowable use permit. Upon proper application in writing, the fees may be refunded, provided the application has been withdrawn by the applicant prior to the final date for public notification.

3. Public Hearing - Notification and Publication. The planning commission shall hold a public hearing upon each properly submitted application; such hearing shall be held
no later than thirty (30) days following the date of filing of such application. Public notice may be given in a newspaper of general circulation in the city, stating the date, time, place and purpose of the hearing, and generally describing the allowable use sought. The notice shall be posted in two (2) public places in the city. The clerk of the planning commission shall also send a copy of the notice by first class mail to the owners of property, as follows:

a. Owners of property located within one hundred (100) feet from any point on the outside perimeter of the property for which an allowable use permit has been requested; and
b. The owner or owners of the property for which the allowable use permit has been requested.

4. Standards. The planning commission shall consider the allowable use permit application with respect to:

a. Whether the application is complete;
b. Whether the requested permit is appropriate according to the list of allowable uses;
c. Whether the development as proposed will comply with other requirements in this chapter and the zoning code; and
d. Whether conditions are necessary for approval.

5. Conditions and Restrictions. In granting an allowable use permit, the planning commission may condition the permit upon one or more of the following found at 5(a)-(1) below. Such restrictions and conditions must be within the power of the property owner or developer to accomplish and must bear a reasonable relationship to the use of the property for which the permit is requested.

a. Conditions such as time limits that effect the development schedule to minimize construction-related disruption to traffic and the neighborhood or to implement other requirements.
b. Conditions may be imposed to require dedication of public access easements to streams, rivers and tidewater.
c. Conditions that consider the possible or probable effects upon factors such as topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality.
d. Conditions that effect utilities and service requirements, including sewers, storm drainage, water, fire protection, access and electrical power. The planning commission may enlist the aid of relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading, or extending the public utilities in establishing conditions under which the conditional use may be permitted.
e. Conditions that effect community appearance such as landscaping, fencing and screening.
f. Conditions that effect adequate and lawful parking, curb cuts, traffic movement, and that ensure access is adequate to serve the additional volume of traffic.
g. Conditions such that the unsightliness, building height, or structural incompatibility would not significantly affect surrounding areas or the viewed.
h. Conveyance of title, easements, licenses, or other property interests to government entities, public utilities, or owner's associations.
i. Conditions may be imposed to discourage production of more than 65 dba of sound at the property line during the day and 55 dba at night.
j. Conditions may be imposed to improve on and off-site drainage.
k. The planning commission may require an agreement and performance bond to insure compliance with such restrictions and conditions.
l. The permit may be automatically revoked upon the occurrence of specified events. In such case, it shall be the responsibility of the owner to apply for a new permit. Any order revoking a permit shall state with particularity the grounds therefore and the requirements for the reissuance. Compliance with such requirements shall be the sole criteria for reissuance.
6. Public Hearing and Determination. After the planning official has duly forwarded the completed application to the planning commission, the commission shall, within thirty (30) days after the receipt of such application, hold a public hearing where it may receive evidence pertinent to the granting or denial of such application according to the standards set forth herein. If, at the hearing, the commission determines that it needs additional information, it may recess the hearing for a period of not more than thirty (30) days, during which time it shall procure or receive such additional information; provided, however, that before it recesses, it must announce the time and place at which the hearing will resume. Within thirty (30) days after the completion of the hearing, the commission shall, in a formal written resolution, grant, or deny, the allowable use permit, and make its findings of fact.

7. Issuance or Denial of Allowable Use Permit. In either case the planning commission shall adopt written findings setting forth the basis for its decision in a formal resolution of the planning commission. The findings of fact will support the standards set forth above if the commission approves the permit. The commission shall approve the application and grant the permit unless it finds, by a preponderance of the evidence, that one or more of the requirements of this chapter and the zoning code have not been met. Such resolutions shall be permanently retained by the planning commission.


a. Any allowable use permit granted under this section may be revoked and cancelled by the planning commission for failure to comply with the conditions of the allowable use permit. Before taking any action toward revoking such permit, however, the planning commission shall first give the owner of the property upon which the allowable use is authorized, twenty (20) days' written notice, by prepaid certified U.S. mail, in advance of the date of hearing, of the subject of the hearing, and of the date, time and place of the hearing. This notice is complete upon mailing. The planning commission shall thereafter hold the hearing at the time and place set forth in the notice.

b. The permittee may, at the hearing, present evidence on his own behalf, and may cross-examine witnesses. After the planning commission has concluded the hearing, the planning commission shall make written findings of fact from the evidence presented to it at the hearing supporting the conclusion that the permittee has failed to comply with the conditions of the allowable use permit (in cases where the permit is revoked), or that the permittee has not failed to comply with the conditions of the allowable use permit (in cases where the permit is not revoked). These findings shall be embodied in a formal written resolution of the planning commission, and shall be retained permanently by the planning commission as part of its official records. In all revocation proceedings, the burden of proof is upon the planning commission.

c. After the allowable use permit has been revoked, the permittee shall thereafter immediately discontinue the use of the property for which the permit had originally been granted. If, after an allowable use permit has been revoked, the permittee does not immediately discontinue the use of the property for which the permit had originally been granted, a civil penalty not to exceed $300 for each day of continuing violation may be imposed. In addition, the planning commission may apply to the superior court for an injunction to restrain the former permittee from using such land for the purposes previously authorized in the permit. Upon application for injunctive relief and a finding of a violation or threatened violation, the superior court shall grant the injunction.

d. In the event, however, that the permittee duly appeals the revocation of the permit to the board of adjustment, such appeal stays enforcement proceedings unless the board or a court issues an enforcement order based on a certificate of imminent peril to life or property made by the planning commission.

9. Recording. The planning commission shall cause to be recorded with the district recorder for Skagway, all allowable use permits granted by the planning commission. It shall also cause to be recorded all resolutions of the commission revoking or modifying any
allowable use permits. Subsequent owners of property subject to an allowable use permit succeed to the benefits and limitations of the original permit holder.

10. Duration of Allowable Use Permit. An allowable use permit expires eighteen (18) months after the date it was granted, unless a permit issued has been put into use and/or construction has been started and diligently continued to completion. Where unusual circumstances may prevent compliance with the time requirement for start of construction, the planning commission may, upon written request by the affected party, extend, by resolution, the time for required start of construction an additional sixty (60) days, provided the request is filed with the planning commission prior to the expiration of the one (1) year. Excavation is not considered to be construction for the purpose of enforcing this section.

11. Modification of Permit. The terms of an allowable use permit may be modified by new or revised conditions, which may be more or less restrictive than those contained in the permit. The procedure for such modifications may be initiated either by the property owner to whom the permit is granted or the planning commission if a) an original permit condition had a timing requirement that has been exceeded, violated, or expired; or b) a condition in the original permit has not been complied with. Notification and hearing are required as provided under subsections 19.04.060(B)(2), (3) and (6) above. In passing upon such modifications, the commission shall, after notice and hearing, from the evidence presented to it, make written findings of fact in a formal resolution of the commission, which findings either support the modifications or do not support the modifications. In making a determination, the commission shall follow the guidelines pertaining to the granting of allowable use permits as set forth above. In all modification proceedings, the burden of proof shall be upon the initiating party.

C. Conditional Uses.

1. Purpose. A conditional use permit gives site specific flexibility to the zoning ordinance in a uniform and controlled manner. It permits uses that are desirable to the community, but may not be suitable at every location in the zone based on character, intensity, size or impact on surrounding uses. The planning commission may attach restrictions and conditions designed to fit the special problems which the use presents.


a. Submission and Contents. The applicant shall submit to the planning official, one copy of the completed permit application together with all supporting materials and the permit fee. The application shall state the conditional use requested, contain a plot plan indicating date, north arrow, scale, exterior property boundaries and approximate dimensions, location of all existing and proposed buildings on the property and their approximate distance from lot lines, access for ingress and egress, sewer and water lines serving the property and power poles, all easements on the property, construction details, approximate dimension of parking areas and spaces, if applicable, and other information as necessary to illustrate the impact of the proposed conditional use. When the planning official has determined that the application meets the requirements of this section, the completed application will be forwarded within ten (10) days to the planning commission for its determination.

b. Filing Fee. Upon recommendation of the planning commission, the council shall establish a fee schedule to cover the costs of legal advertisement, mailed notification, and other fees, if any. These fees must be filed with the application for the conditional use permit. Upon proper application in writing, the fees may be refunded, provided the application has been withdrawn by the applicant prior to the final date for public notification.

3. Standards. The planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The burden of proof rests with the applicant. In considering the granting of any conditional use permit, a
majority of the planning commission members, (not merely a majority of the members present) after a public hearing, must find in writing that:

a. The requested conditional use will protect the public health, safety, and welfare; and

b. The requested conditional use will not permanently or substantially injure the lawful use of neighboring properties or uses; and

c. The requested conditional use will generally be in harmony with the comprehensive plan, coastal management plan, and other officially adopted plans; and

d. The requested conditional use will not substantially decrease the value of or be out of harmony with property in the neighboring area.

4. Standards for a Building Height Exemption. Only standards a - c below must be met in order to grant a conditional use permit for a building height exemption. No other standards apply. The planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The burden of proof rests with the applicant. In considering the granting of a conditional use permit for a building height exemption, a majority of the planning commission members (not merely a majority of the members present), after a public hearing, must find in writing that:

a. That the building can be protected by the Skagway Fire Department, is constructed of non-combustible materials, or has fire suppression systems to comply with requirements for that particular use.

b. That the building height would not cause conflicts with surrounding land use.

c. That immediately adjacent property's views and open access to the sun shall not be unduly impacted.

5. Restrictions and Conditions. In granting a conditional use permit, the planning commission may, in order to assure compliance with the foregoing standards, require and attach conditions which may include one or more of those found at 5 (a)-(n) below. Such restrictions and conditions must be within the power of the property owner or developer to accomplish and must bear a reasonable relationship to the use of the property for which the permit is requested.

a. Conditions that effect dimensional and lot standards including lot size, yard requirements, lot coverage, building setback requirements and height of structures;

b. Conditions such as time limits that effect the development schedule to minimize construction-related disruption to traffic and the neighborhood or to implement other requirements;

c. Conditions that consider the possible or probable effects upon factors such as topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality.

d. Conditions that effect utilities and service requirements, including sewers, storm drainage, water, fire protection, access and electrical power. The planning commission may enlist the aid of relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading, or extending the public utilities in establishing conditions under which the conditional use may be permitted.

e. Conditions that effect community appearance such as landscaping, fencing and screening.

f. Conditions that effect adequate and lawful parking, curb cuts, traffic movement, and that ensure access is adequate to serve the additional volume of traffic;

g. Conditions such that the unsightliness, building height, or structural incompatibility would not significantly affect surrounding areas or the views shed.

h. Conveyance of title, easements licenses, or other property interests to government entities, public utilities, or owner's associations.

i. Conditions may be imposed to discourage production of more than 65 dba of sound at the property line during the day and 55 dba at night.

j. Conditions may be imposed to improve on and off-site drainage.
k. Conditions may be imposed to require dedication of public access easements to streams, rivers and tidewater.

l. Other conditions which will uphold the policies of the zoning ordinance, the comprehensive plan and the harmony and beneficial use of neighboring uses.

m. The planning commission may also require an agreement and performance bond to insure compliance with such restrictions and conditions.

n. The permit may be automatically revoked upon the occurrence of specified events. In such case, it shall be the responsibility of the owner to apply for a new permit. Any order revoking a permit shall state with particularity the grounds therefor and the requirements for the reissuance. Compliance with such requirements shall be the sole criteria for reissuance.

6. Issuance or Denial of Conditional Use Permit; Findings of Fact. In passing upon an application for a conditional use permit, the planning commission shall, after notice and hearing as hereinafter provided, from the evidence presented to it, make written findings of fact in a formal resolution of the planning commission, which findings of fact support the standards set forth above (in the case where a conditional use permit is granted), or which findings of fact show that the evidence does not support the standards (in the case where a conditional use permit is not granted). Such resolutions shall be permanently retained by the planning commission. (Ord. 88-1)

7. Public Hearing and Determination. After the planning official has duly forwarded the completed application to the planning commission, the planning commission shall study it and shall, within thirty (30) days after the receipt of such application, hold a public hearing whereat it may receive evidence pertinent to the granting or denial of such application according to the standards hereinafore set forth. If, at the hearing, the planning commission determines that it needs additional information, it may recess the hearing for a period of not more than thirty (30) days, during which time it shall procure or receive such additional information; provided, however, that before it so recesses, it must then and there announce the time and place at which the hearing will be resumed. Within thirty (30) days after the completion of the hearing, the planning commission shall, in a formal written resolution of the commission, either grant or deny the application, and the planning commission shall make its findings of fact a part thereof in the manner provided above.


a. The planning commission shall hold a public hearing on conditional use permit applications. Public notice may be given in a newspaper of general circulation in the city. The notice shall generally describe the conditional use sought. Notice shall also be posted at two (2) public places within the city. The clerk of the planning commission shall also mail a copy of the notice to owners of property, as follows:
   1. Notice by first class mail to owners of property located within three hundred (300) feet from any point on the outside perimeter of the property for which a conditional use permit has been requested; and
   2. The owner or owners of the property for which the conditional use permit has been requested.

Such notifications are complete upon publication and upon mailing.

b. Such notification shall contain, but not be limited to, the following information:
   1. For land within an area where street addresses are available, a legal description of the property and a street address;
   2. For land outside an area where street address are available, a legal description, U.S. survey and lot number, and the approximate number of yards or miles from a generally know point of reference (landmark, building, etc.).


a. Any conditional use permit granted under this section may be revoked and cancelled by the planning commission for failure to comply with the conditions of the conditional use permit. Before taking any action toward revoking such permit, however,
the planning commission shall first give the owner of the property upon which the conditional use is authorized, twenty (20) days' written notice, by prepaid certified U.S. mail, in advance of the date of hearing, of the subject of the hearing, and of the date, time and place of the hearing. This notice is complete upon mailing. The planning commission shall thereafter hold the hearing at the time and place set forth in the notice.

b. The permittee may, at the hearing, present evidence on his own behalf, and may cross-examine witnesses. After the planning commission has concluded the hearing, the planning commission shall make written findings of fact from the evidence presented to it at the hearing supporting the conclusion that the permittee has failed to comply with the conditions of the conditional use permit (in cases where the permit is revoked), or that the permittee has not failed to comply with the conditions of the conditional use permit (in cases where the permit is not revoked). These findings shall be embodied in a formal written resolution of the planning commission, and shall be retained permanently by the planning commission as part of its official records. In all revocation proceedings, the burden of proof is upon the planning commission.

c. After the conditional use permit has been revoked, the permittee shall thereafter immediately discontinue the use of the property for which the permit had originally been granted. If, after a conditional use permit has been revoked, the permittee does not immediately discontinue the use of the property for which the permit had originally been granted, a civil penalty not to exceed $300 for each day of continuing violation may be imposed. In addition, the planning commission may apply to the superior court for an injunction to restrain the former permittee from using such land for the purposes previously authorized in the permit. Upon application for injunctive relief and a finding of a violation or threatened violation, the superior court shall grant the injunction.

d. In the event, however, that the permittee duly appeals the revocation of the permit to the board of adjustment, such appeal stays enforcement proceedings unless the board or a court issues an enforcement order based on a certificate of imminent peril to life or property made by the planning commission.

10. Recording. The planning commission shall cause to be recorded with the district recorder for Skagway, all conditional use permits granted by the planning commission. It shall also cause to be recorded all resolutions of the commission revoking or modifying any conditional use permits. Subsequent owners of property subject to a conditional use permit succeed to the benefits and limitations of the original permit holder.

11. Duration of Conditional Use Permit. A conditional use permit expires eighteen (18) months after the date it was granted, unless a permit issued has been put into use and/or construction has been started and diligently continued to completion. Where unusual circumstances may prevent compliance with the time requirement for start of construction, the planning commission may, upon written request by the affected party, extend, by resolution, the time for required start of construction an additional sixty (60) days, provided the request is filed with the planning commission prior to the expiration of the one (1) year. Excavation is not considered to be construction for the purpose of enforcing this section.

12. Modification of Permit. The terms of a conditional use permit may be modified by new or revised conditions, which may be more or less restrictive than those contained in the permit. The procedure for such modifications may be initiated either by the property owner to whom the permit is granted or the planning commission if a) an original permit condition had a timing requirement that has been exceeded, violated, or expired; or b) a condition in the original permit has not been complied with. Notification and hearing are required as provided under subsections 19.04.060(C), (2), (5) and (8) above. In passing upon such modifications, the commission shall, after notice and hearing, from the evidence presented to it, make written findings of fact in a formal resolution of the commission, which findings either support the modifications or do not support the modifications. In making a determination, the commission shall follow the guidelines pertaining to the
granting of conditional use permits as set forth above. In all modification proceedings, the burden of proof shall be upon the initiating party.
19.04.090  Administration, enforcement, and penalties.

D. Penalties for Violations. For any and every violation of the provisions of this title, the owner, agent or contractor of a building or premises where such violations have been committed or exist, or any other person who maintains any building or premises in which any violation exists, shall incur a civil penalty not to exceed $300 for each day of continuing violation. The fine amount may be increased up to $500 for each day of continuing violation if there is evidence that the violation is willful and continuing. Each and every day that such violation continues shall be deemed a separate and distinct violation. Any building or structure set up, erected, built, moved or maintained, or any use of property contrary to the provisions of this title shall be declared unlawful and a public nuisance, and the manager shall immediately cause to be commenced an action for the removal thereof, in the manner provided by law, and shall apply to such court or courts as may have jurisdiction to remove such building, structure or use. All remedies provided herein shall be cumulative and not exclusive.
Chapter 19.06

USE DISTRICTS, ZONING MAP AND ZONING CLASSIFICATIONS

Sections:
19.06.010 Use districts and map.
19.06.020 RC - Residential-conservation zone.
19.06.030 RG - Residential-general zone.
19.06.040 BG - Business-general zone.
19.06.050 BH - Business-Skagway historical zone.
19.06.060 IL - Industrial-light zone.
19.06.070 I - Industrial zone.
19.06.080 W - Waterfront zone.

19.06.010 Use districts and map.
A. The City of Skagway is divided into the following use districts:
   RC-Residential-conservation zone.
   RG-Residential-general zone.
   BG-Business-general zone.
   BH-Business-Skagway historical zone.
   IL-Industrial-light zone.
   I-Industrial zone.
   W-Waterfront zone.

B. Map. The use districts are bounded and defined as shown on a map entitled "Zoning Map of the City of Skagway," a certified copy of which is on file in the office of the city clerk, and which, with all explanatory matter thereon, is hereby made a part of this chapter. A reproduction of this map is found in this chapter of the municipal code.

C. Map Changes. No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in Section 19.04.080 of this title. Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, the official zoning map which shall be located in the office of the city clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city.

D. Map Replacement. In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the planning commission may, by resolution, adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new official zoning map shall be identified by the signature of the mayor, attested by the city clerk, and bearing the seal of the city and the date of adoption.

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 city 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 city development due to natural features and the lay-of-the-land, and that are presently without any or all of the following: city water, city sewer, roads up to standards.

A. Uses Permitted.

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1. Principal Uses.
   a. Public parks and open space recreation;
   b. Watershed reserve;
   c. General agriculture and horticulture;
   d. Single-family residences;
   e. Public utilities;
   f. Recreational cabins, lodges and small seasonal recreational facilities.
2. Accessory Uses.
   a. Uses and structures customarily accessory and clearly subordinate to permitted principal uses, as determined by the planning commission.
   b. One 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.
   a. Churches
   b. Solid waste facilities
   c. Sand and gravel operations
   d. Mining and quarry operations
   e. Kennels
   f. Timber harvesting and storage
   g. Recreation facilities
   h. Commercial greenhouses
   i. Cemetery
   j. Pipelines and railroads
   k. Home occupations
   l. Campgrounds
   m. Temporary structures for residential use, used in conjunction with building or land development, for one year.
   n. Other appropriate uses as determined by the planning commission pursuant to subsection C of Section 19.04.060.

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.
C. Minimum Lot Requirements.
   1. Lot Area.
      a. Forty thousand (40,000) square feet.
   2. Lot width, no requirement.
D. Minimum Building Setback Requirements.
   1. Front yard, twenty-five feet (25');
   2. Side yard, fifteen feet (15');
   3. Rear yard, twenty-five feet (25');
   4. Accessory building, five feet (5');
   5. Setbacks between structures shall be regulated by the Uniform Building Code, Table 5-A.
E. Maximum Lot Coverage by Buildings. Twenty-five percent (25%).
F. Maximum Height of Buildings. Three (3) stories, but not to exceed thirty-five (35') feet in any case.
G. Parking Requirements. All requirements within Section 19.08.020, Provision of Off-street Parking, must be followed.
H. Sanitary Treatment System. Septic systems, leaching fields, or other private sewerage facilities may be permitted provided that the owner or developer submits
percolation and water table depth data suitable for analysis of the feasibility for on lot water and sewer systems to the City and the Alaska Department of Environmental Conservation. The Alaska Department of Environmental Conservation must approve all private sewerage treatment plans.

I. Flood Protection. Some lands in the Residential-Conservation (RC) zoning district fall within the 100 year floodplain (Zone A6 on the Flood Hazard Boundary Maps). The Planning or Building Official or Planning Commission must ensure that all requirements within Chapter 15.12, Flood Zone Land Use, are followed, particularly those at 15.12.040, that govern building and sanitary system construction in these areas.

J. Visibility at Intersections.
1. No vehicle shall be parked within twenty feet (20') of any street intersection;
2. To ensure that a vehicle's driver has good visibility at street intersections, on corner lots there shall not be a fence, wall, hedge, or other planting or structure that will impede visibility between a height of two feet six inches (2'6") and eight feet (8') above the centerline grades of the intersecting streets.

19.06.030 RG Residential-General zone.

This zoning district includes single-family and multi-family residential housing. Single-family units and duplexes are allowed on 5,000 square foot lots, for an allowable density of eight units per 40,000 square feet. Multi-family residential units (tri-plexes and above) are conditionally permitted. Maximum allowable density is 26 units per 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, and low-rise multi-family 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;
   c. Mobile homes and mobile home parks north of 15th Street;
   d. Public and private elementary and secondary schools;
   e. Daycare facilities;
   f. Parks, playgrounds, playfields 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;
   d. Storage structures; The standard at 19.06.020(A)(2)(b) applies in this zoning district;
   e. Uses and structures customarily accessory and clearly subordinate to permitted principal uses, as determined by the planning commission.
   a. Multiple-family dwellings and apartment houses;
   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 one year.
e. Churches;
f. Trailer courts, providing that:
i. The area is at least sixty thousand (60,000) square feet;
ii. There is 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. Chapter 15.14 of this code 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, Chapter 15.14 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 Chapter 15.14.
g. Medical services;
h. Other appropriate uses as determined by the planning commission pursuant to
subsection C of Section 19.04.060.

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 Street.

C. Minimum Lot Requirements.
1. Lot area.
   a. For a one (1) or two (2) family dwelling, five thousand (5,000) square feet;
   b. For a multiple family dwelling with less than six (6) dwelling units, one
      thousand eight hundred (1,800) square feet per dwelling unit;
   c. For a multiple family dwelling with more than six (6) dwelling units, one
      thousand five hundred (1,500) square feet per dwelling unit.
2. Lot width, fifty feet (50').

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 with more than two (2) units, ten feet
      (10');
3. Rear yard, five feet (5').
4. Setbacks between structures shall be regulated by the Uniform Building Code,
   Table 5-A.

E. Maximum Lot Coverage by All Buildings. Fifty percent (50%).

F. Maximum Height of Buildings. Three (3) stories, but not to exceed thirty-five feet
   (35') in any case.

G. Parking Requirements. All requirements within Section 19.08.020, Provision of
   Off-street Parking, must be followed.

H. Visibility at Intersections. The standard at 19.06.020(J)(1) and (2) applies in this
   zoning district.

19.06.040 BG-Business-General Zone.
This zoning district is intended to provide for the commercial activities of the city. 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.

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. Assembly halls;
      f. Automobile repair garages;
      g. Printing establishments;
      h. Laundries of all types and dry cleaning establishments;
      i. Funeral parlors;
      j. Retail stores and service shops;
      k. Fraternal and social organizations;
      l. Post Offices.
   2. Accessory Uses.
      a. Uses and structures customarily accessory and clearly subordinate to permitted principal uses, as determined by the planning commission;
      b. Dwelling units on the same premises with permitted principal uses for occupancy by the owner thereof.
      a. Business expansion of any uses allowed by principal, allowable or conditional use permitting in the BG zoning district, provided that such expansion involves no more than one lot adjacent to a lot line that is in common with the BG zoning district.
      b. Taverns and bars;
      c. Restaurants serving alcohol;
      d. Service stations;
      e. Other appropriate uses as determined by the planning commission pursuant to subsection C of Section 19.04.060.

B. Prohibited Uses.
   1. Any use or structure not of a character indicated under permitted principal and accessory uses or permitted by conditional use.
   2. Mobile homes and mobile home parks.

C. Minimum Lot Requirements.
   1. Lot area, two thousand five hundred (2,500) square feet;
   2. Lot width, twenty-five feet (25').

D. Minimum Building Setback Requirements.
   1. Front yard, five feet (5');
   2. Side yard, five feet (5');
   3. Rear yard, five feet (5').

E. Maximum Lot Coverage by All Buildings. No limitation, provided buildings comply with setback and parking requirements.

F. Maximum Height of Buildings. Three (3) stories, not to exceed thirty-five feet (35') in any case.
G. Parking Requirements. All requirements within Section 19.08.020, Provision of Off-Street Parking, must be followed.

H. Landscaping or View Obscuring Screening. Whenever a proposed development is either adjacent to a residential structure or is on a lot with a lot line in common with a lot in the Residential General (RG) zoning district, there shall be a six foot (6') high solid fence, vegetative barrier, or other view and noise obscuring screen to promote compatibility of land uses and mitigate negative visual impacts, junk, trash and debris shall be removed.

I. Visibility at Intersections. The standard at 19.06.020 (J)(1) and (2) applies in this zoning district.

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 subsection C of Section 19.04.060;
   C. Minimum Lot Requirements. No requirements.
   D. Minimum Building Setback Requirements.
      1. Front yard, no requirements;
      2. Side yard, none required, except that there shall be a five foot (5') side yard when windows or doors are in a side wall of a proposed structure;
      3. Rear yard, five feet (5').
   E. Maximum Lot Coverage by all buildings. No limitation, provided buildings comply with setback and parking requirements.
   F. Maximum Height of Buildings. Three (3) stories, but not to exceed thirty-five feet (35') in any case.
   G. Parking Requirements. All requirements within Section 19.08.020, Provision of Off-Street Parking, must be followed.
   H. All structures within the Historic District shall comply with the provisions of Chapter 19.10, Historic District Regulations.
   I. Approval by Planning Commission.
      1. No building shall be erected or altered without the approval of the planning commission as to historical architectural adequacy.
      2. The following criteria shall apply:
         a. The facades of all structures shall be of a type similar to those existing around the turn of the century;
b. The height of all facades shall be not less than the average of all other buildings on the same block, but need not exceed twenty feet (20') in any case;
c. The facades of all structures shall be made of wood, stone, or other natural material, but any material shall be acceptable for the rest of the structure;
d. Any style of interior decoration shall be acceptable;
e. Buildings, whenever possible, should cover the full width of the lot.

J. Visibility at Intersections. The standard at 19.06.020 (J)(1) and (2) applies in this zoning district.

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.

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. Mini-storage units;
   f. Moving and storage 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. Campgrounds;
   s. Motels/Hotels;
   t. Any use not otherwise prohibited by law or other provisions of this title.

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.

   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. Other appropriate uses as determined by the planning commission pursuant to subsection C of Section 19.04.060.

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.

C. Minimum Lot Requirements.
   1. Lot area, five thousand (5,000) square feet;
   2. Lot width, fifty feet (50').

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.
   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.

F. Maximum Height of Buildings. Three (3) stories, but not to exceed thirty-five feet (35') in any case. A conditional use permit may be requested to build higher. See Section 19.04.060 (C). Federal Aviation Administration approval required when necessary.

G. Parking Requirements. All requirements within Section 19.08.020, Provision of Off-street Parking, including those for industrial and manufacturing establishments, must be followed.

H. Landscaping or View Obscuring Screening. Whenever a lot line is in common with a major public street or is adjacent to business or residential zoned land there shall be a six foot (6') high solid fence, vegetative barrier, or other view obscuring screening to promote compatibility of land uses and mitigate negative visual impacts. Junk, trash and debris shall be removed.

I. Visibility at Intersections. The standard at 19.06.020(J)(1) and (2) applies in this zoning district.

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;
      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. Any use not otherwise prohibited by law or other provisions of this title.
   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.
      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 courts, providing that:
         i. The area is at least sixty thousand (60,000) square feet;
         ii. There is 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. Chapter 15.14 of this code 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, Chapter 15.14 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 Chapter 15.14;
      c. Other appropriate uses as determined by the planning commission pursuant to subsection C of Section 19.04.060.

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.

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. Lot width, fifty feet (50’).

D. Minimum Building Setback Requirements.
   1. Front yard, none required;
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.

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

F. Maximum Height of Buildings. Three (3) stories, but not to exceed thirty-five (35') in any case. A conditional use permit may be requested to build higher. See Section 19.04.060 (C).

G. Parking Requirements. All requirements within Section 19.08.020, Provision of Off-street Parking, including those for industrial and manufacturing establishments, must be followed.

H. Sanitary Treatment System. Septic systems, leaching fields, or other private sewerage facilities may be permitted provided that the owner or developer submits percolation and water table depth data suitable for analysis of the feasibility for on lot water and sewer systems to the City and the Alaska Department of Environmental Conservation. The Alaska Department of Environmental Conservation must approve all private sewerage treatment plans.

I. Landscaping or View Obscuring Screening. Whenever a lot line is in common with a major public street or adjacent to a business or residential zoned lot, there shall be a six foot (6') high solid fence, vegetative barrier, or other view obscuring screening to promote compatibility of land uses and mitigate negative visual impacts. Junk, trash and debris shall be removed.

J. Flood Protection. Some lands in the Industrial (I) zoning district fall within the 100 year floodplain (Zone A6 on the Flood Hazard Boundary Maps). The planning or building official, or planning commission must ensure that all requirements within Chapter 15.12, Flood Zone Land Use, are followed, particularly those at 15.12.040, that govern building and sanitary system construction in these areas.

K. Visibility at Intersections. The standard at 19.06.020(J)(1) and (2) applies in this zoning district.

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 City'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.

A. Uses Permitted.
   1. Allowable Uses.
      a. Public, private, and commercial moorage;
      b. Warehousing, storage and handling of cargo, provided, however, that:
         1. 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. Visitor industry services;
k. Other appropriate uses as determined by the planning commission pursuant to subsection B of Section 19.04.060.

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. Other uses and structures customarily accessory and clearly subordinate to permitted principal uses, as determined by the planning commission.


a. Heliport;
b. Manufacturing, processing or repair 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. Trailer courts, providing that:
   i. The area is at least sixty thousand (60,000) square feet;
   ii. There is 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. Chapter 15.14 of this code 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, Chapter 15.14 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 Chapter 15.14.

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. Uses which degrade air, water, or land resources quality without mitigative measures to alleviate impacts.

C. Special Policies. In addition to the general requirements set forth in 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, applicant’s are required to spend five percent (5%) of the total project cost on the amenities described at (C)(1)(d) below. Amenities may be proposed for the specific site development plan or on other City owned waterfront land, as approved by the City Council. 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.

D. Minimum Lot Requirements.
   1. Lot area, two thousand (2,000) square feet.
   2. Lot width, fifty feet (50').

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 (10') feet.

F. Maximum Lot Coverage By Buildings. None.

G. Maximum Height of Buildings. No limitation.

H. Parking Requirements. All requirements within Section 19.08.020, Provision of Off-street Parking, including those for industrial and manufacturing establishments, must be followed.

I. Landscaping or View Obscuring Screening. Whenever a lot line is in common with a major public street or adjacent to a business or residential zoned lot, there shall be a six foot (6') high solid fence, vegetative barrier, or other view obscuring screening to promote compatibility of land uses and mitigate negative visual impacts. Junk, trash and debris shall be removed.

J. Visibility at Intersections. The standard at 19.06.020(J)(1) and (2) applies in this zoning district.
19.08.020 Provision of off-street parking.

A. Off-street Parking Requirements.
   1. There shall be provided at the time of the construction of any main building, or
      at the time of the alteration, enlargement or any change in use of any main building,
      permanently maintained, free off-street parking facilities for the use of occupants,
      employees or patrons of such building, and it shall be the joint and several responsibility of
      the owner and/or occupant of any main building or structure to provide, and thereafter
      maintain, the following minimum free off-street parking facilities:
      a. Dwellings.
         i. For each single-family dwelling, two (2) family dwelling or multiple-
            family dwelling, one (1) private parking space for each dwelling unit;
      b. Buildings Other Than Dwellings.
         i. Motel, one (1) private parking space for each dwelling unit or guestroom;
         ii. Hotel or boardinghouse, one (1) public parking space for every three (3)
             guestrooms;
         iii. Church, auditorium, theater or meeting hall, one (1) public parking
             space for each five (5) seats, based on maximum seating capacity;
         iv. Hospital, one (1) public parking space for each four (4) beds, based on
             maximum capacity;
         v. Bank, office building, professional office, funeral parlor or clinic, one
             (1) public parking space for each to hundred fifty (250) square feet of floor area;
         vi. Retail store or business, one (1) public parking space for each five
             hundred (500) square feet of floor area;
         vii. Trailer park, one (1) private parking space for each trailer space;
         viii. Wholesale stores, warehouses and storage buildings, one (1) public
              parking space for every three (3) employees;
         ix. Industrial and manufacturing establishments, one (1) public parking
             space for every three (3) employees.
      c. Commercial vehicles. The owner or operator of any commercial enterprise
         involving use of commercial vehicles shall provide and utilize off-street parking adequate to
         park all vehicles used by that enterprise for commercial purposes.

B. General Conditions.
   1. Every lot or parcel of land used as a public parking area shall be developed as
      follows, subject to the approval of the plans by the planning commission:
      a. Such area shall be adequately and satisfactorily surfaced;
      b. Where such area adjoins the side of a lot in an R district, it shall be separated
         from such lot by a fence not less than four feet (4') or more than six feet (6') in height.
         Such fence shall be maintained in good condition;
      c. Any lights provided to illuminate such parking area shall be so arranged as to
         reflect the light away from adjoining premises and streets.
   2. In the case of a use not specifically mentioned in this section, the requirements
      for off-street parking facilities shall be the same as the above-mentioned use which, in the
      opinion of the planning commission, shall be deemed most similar.
   3. Detailed plans for driveways shall be submitted to the planning commission for
      approval with regard to the location and relation of the same to the public street or highway.
   4. All parking spaces provided pursuant to this section shall be on the same lot
      with the main use they serve, or on an adjoining lot; except that the planning commission
      may permit parking spaces to be on any lot within one hundred fifty feet (150') of the use if
      it determines that it is impractical to provide parking on the same lot.
   5. No existing parking area, and no parking area provided for the purpose of
      complying with the provisions of this title shall hereafter be relinquished or reduced in any
      manner below the requirements herein established.
6. Detailed plans for all parking and loading areas shall accompany the building plans when the application for building permit is made. Such plans shall show the following:

a. Area of the plot involved;
b. Layout and dimensions of each parking space;
c. Entrance and exit to the parking area.
C. The structures to be considered are limited to those within the Historic District described in Section 19.10.020 of this code. It is the intent of this section that the commission shall be lenient in its judgment of plans for new construction or for alteration, repair or demolition of structures of little historic value, except where such construction, alteration, repair or demolition would seriously impair the historic value and character of surrounding structures or the surrounding area.

G. The commission shall adopt and recommend to the City Council substantive standards for the exterior appearance of buildings and structures within the Historic District. Such standards, upon approval by the Council, shall be enforceable by the city manager or his designee.

H. The commission shall adopt procedural rules for the conduct of its business, subject to the provisions of this chapter.

Map is attached to original copy of Ord. 90-15 in the file.