

HAINES BOROUGH

ORDINANCE 09-04-203

Adopted

AN ORDINANCE OF THE HAINES BOROUGH AMENDING TITLE 18 SECTION 18.80.030 SETBACKS AND HEIGHT, TO CLARIFY FROM WHERE STRUCTURE HEIGHT IS MEASURED AND TO ADDRESS ROAD AND UTILITY EASEMENTS WITHIN PROPERTY LINES.

BE IT ORDAINED:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

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

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Purpose. This ordinance amends Title 18 section 18.80.030 setbacks and height, to clarify from where structure height is measured and to address road and utility easements within property lines. The code is amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
~~STRIKETHROUGH~~ ITEMS ARE DELETED

18.80.030 Setbacks and height.

A. Setbacks are measured from the outermost portion of the building to the nearest lot line or building as appropriate. Incidental architectural features such as window sills, cornices and eaves may not project into any required setback. This exemption also applies to cantilevered floors, decks or other similar building extensions. No building or structures may be located within a setback except that fences may be constructed within the required setback by permit. Where more than one setback standard is applicable, the most restrictive setback standard applies.

B. Height is measured from the average grade of the lot footprint of the structure to the highest point on the structure, measured at the center of each of the four exterior walls.

Setbacks and Height Restrictions by Zone								
Zoning District	Height Limit (in feet)	Industrial Setbacks (in feet) ***		Commercial Setbacks (in feet)		Residential Setbacks (in feet)		
		From Street Lot Lines	From Residential Lots	From Street or Alley Lot Lines	From Other Lot Lines	From Street Lot Lines	From Alley Lot Lines	From Other Lot Lines
I/H	30 *	0	50	0	0	N/A	N/A	N/A
I/L/C	30	0	50	0	0	20	10	10
I/W	30	0	50	0	0	20	10	10
C	30	0	50	0	0	20	10	10
W	30	0	50	0	0	20	10	10
SSA	30 **	N/A	N/A	10	5	20	10	10
SR	30	N/A	N/A	N/A	N/A	20	10	10
MR	30	N/A	N/A	0	0	20	10	10
RR	30	N/A	N/A	0	0	20	10	10
RMU	30	0	50	0	0	20	10	10
MU	30	0	50	0	0	20	10	10
REC	30	N/A	N/A	N/A	N/A	20	10	10

* May exceed 30 feet only by provisions of a conditional use permit granted by the planning commission.

** May be up to 40 feet under the provisions of a conditional use permit granted by the planning commission, but only if for a replica building replacing a building of that height that has been destroyed, and if all special provisions of the historic district and all another provisions of this title are met.

*** As long as all requirements of the state fire code or other applicable regulations are met.

Buildings constructed to zero lot line must be designed so that snow falling from the roof is not deposited on adjacent properties.

The distance between unattached buildings must be 15 feet except by a variance granted by the planning commission.

Setbacks from anadromous fish streams: See HBC 18.60.010(P).

Between Second Avenue and the intersection of Union Street and Main Street, all structures must be set back 20 feet from lot lines adjacent to Union Street. Due to its historical nature, Block 16, Haines Townsite Subdivision shall have special setbacks. All structures built within Block 16 must set back a minimum of 10 feet from any property lines not abutting Union Street.

If a publicly-owned road easement exists inside of a property line, the setback shall be measured from the easement line and not the property line.

If a public utility easement exists inside of a property line, the setback shall be measured from the easement rather than the property line and shall be not less than 10 feet unless a variance is granted by the Planning Commission.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY ON THIS 12TH DAY OF MAY, 2009.

Attest:

Jamie Heinz
Jamie Heinz, Deputy Clerk

Janice Hill
Janice Hill, Borough Mayor

Date Introduced: 04/14/09
Date of First Public Hearing: 04/28/09
Date of Second Public Hearing: 05/12/09

