

AN ORDINANCE OF THE HAINES BOROUGH AMENDING HAINES BOROUGH CODE TITLE 18 CHANGING RELIEF FROM THE BUILDING SEPARATION REQUIREMENT FROM A VARIANCE TO A CONDITIONAL USE PERMIT AND REQUIRING ELEVATION DRAWINGS TO BE SUBMITTED WITH LAND USE PERMIT APPLICATIONS.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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. Amendment of Section 18.80.030. Haines Borough Code 18.80.030 is amended, as follows:

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

18.80.030 Setbacks and height.

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The distance between unattached buildings must be 15 feet ~~except by a variance granted~~ **unless approved as a conditional use** by the planning commission. **Building separation is intended for public safety, fire related concerns must meet the approval of both the state fire marshal and local fire department.**

Section 5. Amendment of Section 18.50.020. Haines Borough Code 18.50.020 is amended, as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED
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18.50.020 Approval required.

All conditional uses must receive approval by the commission prior to commencement. In all applications for approval, the burden of proof shall be on the developer to prove, by a preponderance of the evidence, that the criteria set forth in this title are met. The uses eligible for approval by the commission as a conditional use are listed in HBC **12.08.110(D)(2)**, **18.70.030(B)(3)(e)**, **(B)(4)(e)**, **(C)(3)(e)**, **(C)(4)(e)**, and **(D)(5)**, ~~and~~ the use chart in HBC **18.70.040**, ~~and~~ **18.80.030(B) Building Separation**.

Section 6. Amendment of Section 18.40.030. Haines Borough Code 18.40.030 is amended, as follows:

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18.40.030 Procedure – Staff decision.

A. Submission. The developer shall submit one copy of a completed and properly executed land use permit application to the manager. The following information shall be required:

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3. **Elevation drawing and** ~~Site~~ plan, drawn to scale, and including any streets, alleys, pedestrian improvements, driveways, existing buildings and other structures, proposed improvements, shorelines, slopes, other evidence of natural hazards, parking areas, utility connections, landscaping, signs (location, size and wording), and other pertinent data the manager may deem relevant to the permitting process. If documentation of property boundaries is inadequate to ascertain with certainty their location relative to proposed buildings, the manager may require a property survey or partial survey by a registered land surveyor prior to approval. In addition, an as-built drawing completed by a registered land surveyor may be required upon completion of construction. In addition to the print version, an electronic drawing, compatible with borough software shall be submitted.

Section 7. Amendment of Section 18.80.050. Haines Borough Code 18.80.050 is amended, as follows:


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

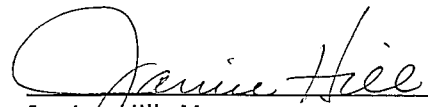
18.80.050 Variance.

A. Application. An application for a variance must be submitted to the manager. The application must be accompanied by all supporting material and the permit fee. The application shall state the variance request, contain **an elevation drawing and** a plot plan indicating the date, north arrow, the scale used for the plot plan, exterior property boundaries and approximate dimensions, location of significant, unique or unusual physical features of the property and the approximate dimensions; location of all existing and proposed buildings on the property and their approximate distance from lot lines; access for ingress and egress; all easements on the property; construction details; approximate dimensions of parking areas and spaces; if applicable, a narrative describing the reasons for the requested variance, and other information as necessary to illustrate the need for the variance. The manager may require that the plans be produced by a registered professional engineer or land surveyor. The manager shall certify the application when it is complete and immediately forward the certified application to the planning commission.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 26th DAY OF APRIL, 2011.

ATTEST:


Julie Cozzi, MMC, Borough Clerk


Janice Hill, Mayor

Date Introduced: 03/22/11
Date of First Public Hearing: 04/12/11
Date of Second Public Hearing: 04/26/11 - Adopted

