

**PETERSBURG BOROUGH  
ORDINANCE #2022-12**

**AN ORDINANCE AMENDING PROVISIONS OF TITLE 17 OF THE PETERSBURG MUNICIPAL CODE, ENTITLED SAFETY CODE ADOPTIONS AND TITLE 19 OF THE PETERSBURG MUNICIPAL CODE, ENTITLED ZONING, TO ADDRESS TINY HOUSE DWELLINGS, DETACHED ACCESSORY DWELLINGS, AND MULTIPLE BUILDINGS ON A SINGLE LOT**

**WHEREAS**, the Petersburg Borough Assembly finds the community is falling short of meeting current and future housing demand with serious consequences for the economy and the well-being of Borough residents, particularly lower income and middle-income earners;

**WHEREAS**, the borough can play an important role in reducing the barriers that prevent homeowners and developers from providing alternative and more affordable housing options, such as detached accessory dwellings and tiny house dwellings; and

**WHEREAS**, there are many benefits associated with the creation of legal accessory dwellings and other housing options on lots in single-family zones and in other zoning districts. These include:

- Increasing the supply of a more affordable type of housing not requiring government subsidies;
- Helping older homeowners, single parents, young home buyers, and renters seeking a wider range of homes, prices, rents, and locations;
- Increasing housing diversity and supply; and
- Providing homeowners with extra income to help meet rising homeownership costs.

**Therefore, the Petersburg Borough Ordains** Section 17.20.005, entitled Safety Code Adoptions, and various provisions of Title 19, entitled Zoning, of the Petersburg Municipal Code are hereby amended as follows:

**Section 1. Classification:** This ordinance is of a general and permanent nature and shall be codified in the Petersburg Municipal Code.

**Section 2. Purpose:** The purpose of this ordinance is to amend Section 17.20.005 and Title 19 to provide for additional housing options for borough residents by establishing standards to allow for Tiny House Dwellings, Detached Accessory Dwellings, and multiple buildings on a single lot. This ordinance is applicable within Service Area 1 only.

**Section 3. Substantive Provisions:** Section 17.20.005, entitled *Safety Code Adoptions*, and various provisions of Title 19, entitled *Zoning*, of the Petersburg Municipal Code, are hereby amended as follows. The additions are in red and underlined, and the language proposed for deletion is struck through:

**PART A. DEFINING 'TINY HOUSE DWELLING' AND ADOPTING BY REFERENCE BUILDING CODE STANDARDS FOR SUCH DWELLINGS.**

**Subpart I. Amending Section 17.02.005 – Safety Code Adoptions - by adding a new subparagraph A(2)(b).**

Section 17.02.005 – Safety Code Adoptions

A. The following safety codes are adopted by reference:

1. *[There are no changes to paragraph 1]*
2. The portions and version of the International Residential Code (IRC) for One and Two-Family Dwellings that is the same edition as the version of the International Building Code as adopted under PMC 17.02.005(A)(1) with the following amendments:

a. In IRC Section R301, delete Table R301.2(1), Climatic and Geographic Design Criteria, retain the table notes, and insert the following new table:

*[There are no changes to Table]*

b. Include Appendix AQ Tiny Houses of the 2018 version of the International Residential Code (IRC) for One and Two-Family Dwellings.

*[There are no changes to the remaining provisions of the section]*

**Subpart II. Adding a new section to Chapter 19.04 Definitions, defining Tiny House Dwellings.**

19.04.215 Dwelling, Tiny House. A "Tiny House Dwelling" is a dwelling unit on a permanent foundation that is 400 square feet or less in building area. Tiny house dwellings (a) are considered One-Family Dwellings under this Code, and (b) shall comply with all adopted building, electrical, and plumbing codes except as otherwise stated in Appendix AQ Tiny Houses of the 2018 version of the International Residential Code (IRC) for One and Two-Family Dwellings.

**PART B. Amending various provisions of Title 19 to add a definition of detached accessory dwelling, allow for detached accessory dwellings in the R-R, S-F, S-F2, and SFMH zoning districts, and establishing standards for detached accessory dwellings.**

**Subpart I. Adding a new section to Chapter 19.04 Definitions, defining detached accessory dwellings.**

19.04.245 Dwelling, detached accessory. A "detached accessory dwelling" is an accessory building, as defined in section 19.04.020, that is used as a dwelling unit, as defined in section

19.04.250, subordinate to the principal use of the lot for a single-family dwelling, and governed by the standards of section 19.56.090C.

**Subpart II. Amending sections 19.16.030, 19.20.030, 19.22.030, and 19.28.030, by adding detached accessory dwellings as permitted accessory uses.**

**Chapter 19.16 - R-R District, Rural Residential**

19.16.030 - Accessory uses permitted.

The following are accessory uses permitted:

- A. Private garages and required off-street parking;
- B. Greenhouses, woodsheds, tool sheds;
- C. Private docks, moorage, boathouses and net houses;
- D. Detached accessory dwelling per section 19.56.090;

~~D~~ E. Uses and structures which are customarily accessory and clearly subordinate to permitted uses.

**Chapter 19.20 - S-F District, Single-Family Residential**

Section 19.20.030 - Accessory Uses Permitted.

The following are permitted accessory uses in these districts:

- A. Private garages and required off-street parking;
- B. Greenhouses and tool sheds;
- C. Detached accessory dwelling per section 19.56.090;

~~C~~ D. Uses and structures which are customarily accessory and clearly subordinate to permitted uses.

**Chapter 19.22 - S-F 2 District, Single-Family, Special Use**

Section 19.22.030 - Accessory Uses Permitted.

The following are permitted accessory uses:

- A. Private garages and required off-street parking;
- B. Greenhouses and tool sheds;
- C. Detached accessory dwelling per section 19.56.090;

~~C~~ D. Uses and structures which are customarily accessory and clearly subordinate to permitted uses.

**Chapter 19.28 - SFMH District, Single-Family Mobile Home**

Section 19.28.030 - Accessory Uses Permitted.

The following are permitted accessory uses:

- A. Detached accessory dwellings per section 19.56.090;
- B. Uses and structures which are clearly incidental and subordinate to principal permitted uses and which will not create a nuisance or hazard are permitted as accessory uses.

**Subpart III. Amending section 19.56.030 - Accessory Uses, to add a new paragraph C addressing detached accessory dwellings.**

Section 19.56.090 – Accessory Uses.

[There are no changes to paragraphs A and B]

**C. Detached Accessory Dwellings.** Where allowed as an accessory use, detached accessory dwellings shall conform to the following standards:

**1. One Dwelling Unit.** A maximum of one detached accessory dwelling unit is allowed per legal lot. No more than two dwelling units per legal lot, including an accessory dwelling, are allowed.

**2. Building Area/Lot Coverage.** A detached accessory dwelling shall not exceed 800 square feet of building area, or the following percentage of the principal dwelling's building area, whichever is less: 40% of the principal dwelling's building area on lots 0.5 acre or less, 60% of the principal dwelling's building area on lots greater than 0.5 acre but less than 1 acre, and 80% of the principal dwelling's building area on lots 1 acre or greater. Any garage associated with the principal dwelling is not included in the calculation of building area. Detached accessory dwellings are included in calculating lot coverage. Notwithstanding Chapter 19.80, lot coverage variances shall not be granted for construction of a detached accessory dwelling.

**3. Location on Lot.** A detached accessory dwelling shall be either a minimum of 40' from the front property line or no closer to the front property line than the principal dwelling, while still meeting yard setback requirements for the district.

**4. Building Design.** The detached accessory dwelling shall be constructed of materials that are the same or similar to the materials used on the principal dwelling.

**5. Building Height.** The height of a detached accessory dwelling shall not exceed the height of the principal dwelling. Notwithstanding Chapter 19.80, a building height variance shall not be granted for construction of a detached accessory dwelling.

**6. Utilities.** A detached accessory dwelling may not share utilities with the principal dwelling unless approved by the utility provider. Detached accessory dwellings constructed off-site shall not be connected to utilities until the dwelling is approved by the borough building official. If the lot has an on-site waste disposal system, the Alaska Department of Environmental Conservation must verify in writing that the disposal system has the capacity to service an additional dwelling.

**7. Parking.** Notwithstanding section 19.64.010(A), the presence of a detached accessory dwelling on a lot shall not increase the required number of parking spaces.

8. Yard setback requirements. Notwithstanding section 19.60.060(B), a detached accessory dwelling must comply with yard setback requirements for the district. Notwithstanding Chapter 19.80, a setback variance shall not be granted for construction of a detached accessory dwelling.

9. Prohibited. No manufactured home, recreational vehicle, or mobile home shall be used as a detached accessory dwelling, except a manufactured home, constructed under the HUD code, may be used as a detached accessory dwelling in the SFMH district.

**PART C. Amending Sections 19.24.010 and 19.56.030 to allow for multiple principal buildings on one lot, in multi-family residential, commercial, industrial, and public use districts.**

### **Chapter 19.24 - M-F District, Multiple-Family Residential**

#### 19.24.010 - Purpose of district.

The purpose of the multiple-family residential district is to provide a sound residential environment for three or more ~~attached single-family dwelling units.~~ one-family, two-family, or multiple-family dwellings.

### **Chapter 19.56 - Building Regulations**

#### 19.56.030 – Lots limited to one principal building-Exception.

In the R-R, S-F, S-F 2, and SFMH districts, nNot more than one principal building shall be permitted on a lot except in cases where area is of sufficient size to allow lot to be subdivided, in which case the owner shall file an official plat of the subdivision, said plat to be certified by registered land surveyor and approved by the board.

**Section 4. Severability:** If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected.

**Section 5. Effective Date:** This Ordinance shall become effective immediately upon final passage.

**Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this \_\_\_\_ day of \_\_\_\_\_, 2022.**

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**Mark Jensen, Mayor**

**ATTEST:**

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**Debra K. Thompson, Borough Clerk**

Adopted:

Noticed: