

An Ordinance of the Haines Borough amending Haines Borough Code Section 18.20.020 and Sub-Section 18.80.030(B) to clarify the method of calculating building height.

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 is effective upon adoption.

Section 4. Amendment of Section 18.20.020 Section 18.20.020 of the Haines Borough Code is hereby amended as follows:

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

18.20.020 Definitions – Regulatory.

The definitions in this section are intended to be specific to this title. Any word or term not defined shall be used with the meaning of common or standard usage as determined by a current edition of Webster's Unabridged Dictionary. The following words shall have the following meanings for the purpose of this title:

...

"Building" means any structure intended or used for the support, shelter or enclosure of persons, animals, or property of any kind.

"Building height" means the ~~maximum vertical dimension~~ **distance from grade plane to the highest point on** of a building ~~which is measured from a horizontal plane intersecting the mean building grade and measured at the center of each of the four exterior walls,~~ but not including **chimneys**, radio antennas, water towers, church spires, structures or enclosures constructed primarily for mechanical equipment and similar building mechanical features.

...

"Existing use" means a lawful structure, use or uses in existence as of the effective date of this title.

"Exterior Wall" means a wall, bearing or nonbearing, that is used as an enclosing wall for a building.

...

"Grade" means the degree of the slope of the land.

"Grade Plane" means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established as the average of the finished ground level measured at the lot line or, where the lot line is more than 6

feet from the building, measured at a point 6 feet from the building. Window wells, stairwells and garage ramps intended solely to provide below-ground access to the structure need not be included in the average when calculating grade plane. Prior to issuance of a land use permit, calculations shall disregard any fill or construction which have no significant purpose other than elevating the grade plane. In reaching such finding, only those architectural, structural, safety, aesthetic, access or other purposes claimed by the developer and supported by reasonable evidence shall be considered.

Section 5. Amendment of Sub-Section 18.80.030(B) Sub-Section 18.80.030(B) of the Haines Borough Code is hereby amended as follows:

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

18.80.030 Setbacks and height.

B. **Building H**height is measured from the average grade **plane** of the footprint of the structure to the highest point on the **building, but not including chimneys, radio antennas, water towers, church spires, structures or enclosures constructed primarily for mechanical equipment and similar building mechanical features** structure, measured at the center of each of the four exterior walls.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 28th DAY OF JUNE, 2016.

ATTEST:

Julie Cozzi

Julie Cozzi, MMC, Borough Clerk
Deputy Clerk for J. Cozzi

Date Introduced: 03/29/16
Date of First Public Hearing: 04/12/16
Date of Second Public Hearing: 04/26/16 – Referred back to the planning commission
Date Returned to Assembly: 06/28/16 – Adopted



Janice Hill
Janice Hill, Mayor