

MAY 15 2007

APPLICATION FOR AN INITIATIVE PETITION  
REGARDING A NEW SECTION TO THE KETCHIKAN GATEWAY  
BOROUGH CODE OF ORDINANCES ENTITLED:  
LAND USE DENSITY LIMITATIONS (JEWELRY STORES)

CLERK'S OFFICE

The registered voters who have signed below seek to sponsor a petition to initiate the following ordinance:

AN ORDINANCE OF THE KETCHIKAN GATEWAY BOROUGH, ALASKA ESTABLISHING A NEW SECTION (N) TO THE KETCHIKAN GATEWAY BOROUGH CODE OF ORDINANCES SECTION 60.10.080 ENTITLED LAND USE DENSITY LIMITATIONS (JEWELRY STORES) ; AND ESTABLISHING AN EFFECTIVE DATE.

RECITALS

- A. It is the right of community residents, under state and federal law, to guide the character of community growth and development consistent with community values;
- B. It is in Ketchikan's best economic interest to establish and retain year-round businesses that provide a diverse range of goods and services to local residents and visitors alike;
- C. Ketchikan is an established port of call for many passenger cruise ships from May through September of each year. The number of ships and the number of passengers per ship are projected to increase due to port expansion;
- D. The growth in the local cruise ship industry has been accompanied by the growth of seasonal retail businesses specializing in the sale of jewelry to the public, particularly those who are cruise ship passengers;
- E. Jewelry stores have become a predominant seasonal land use in the community's downtown area. There are no regulations limiting the density of this type of retail activity in the community;
- F. Proliferation of jewelry stores in Ketchikan's traditional downtown area has resulted in a monotonous retail atmosphere for local residents and visitors;
- G. The proposed ordinance would help intersperse jewelry stores with other types of businesses and encourage a broader array of retail opportunities in the community's downtown core;
- H. The proposed ordinance would promote year-round services and trade which would improve Ketchikan's appeal as a place to live, conduct business, and as a visitor destination.

THEREFORE BE IT ORDAINED BY THE VOTERS OF THE KETCHIKAN  
GATEWAY BOROUGH AS FOLLOWS:

(N) Jewelry Stores. Intent. In order to preserve, enhance, and promote a community that provides a variety of year-round retail and professional services to local residents and visitors alike.

(1) Definition. The following words, terms, and phrases used in this section, shall have the meanings ascribed to them herein, except where the context clearly indicates a different meaning.

(a) *Jewelry store* means a licensed business offering for retail sale jewelry, fashioned of precious or semi-precious metals and minerals, the display of which constitutes over forty (40%) percent of the total merchandise on display, as measured by dimensions of display areas visible from either the interior or the exterior of the store. Any business advertising or holding itself out as a jewelry store shall be presumptively included in this category.

(2) Location Criterion. This ordinance shall apply to all land located within the boundaries of the City of Ketchikan and the location of the following retail activities shall be governed by the criterion listed below:

(a) A jewelry store may not be established and the location of an existing jewelry store may not be transferred if the store's main public entrance(s) would be located within 200 feet of the main public entrance of another jewelry store as measured by the shortest pedestrian route from the jewelry store entrance to the entrance of another jewelry store. However, the lease and/or ownership of a jewelry store established before January 1, 2008 within 200 feet another jewelry store may be renewed or transferred to a person or persons notwithstanding this subsection.

(3) Existing uses and structures. Existing, non-conforming jewelry stores may continue to exist consistent with the provisions of Borough Code Section 60.10.020(e)(5) except that the temporary, seasonal closure of the store for a period not exceeding eight (8) months shall be allowed. When the property has been vacant for more than eight (8) months and its inventory removed, the jewelry store shall be presumed closed.