

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2026-XX

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 20, "ENVIRONMENT" OF THE SITKA GENERAL CODE TO REGULATE THE CONSTRUCTION AND OPERATION OF CRUISE SHIP DOCKS WITHIN THE CITY AND BOROUGH OF SITKA.

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code (SGC).

2. SEVERABILITY. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. PURPOSE. The purpose of this ordinance is to regulate the construction and operation of cruise ship docks within the City and Borough of Sitka on both zoned and unzoned lands within the municipality.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Title 20 be amended by adding Chapter 20.10 "Cruise Ship Docks" to read as follows (deleted language stricken, new language underlined):

Title 20 ENVIRONMENT

Chapters:

- 20.05 Floodplain Management
20.10 Coastal Management
20.15 Cruise Ship Docks

Chapter 20.15 Cruise Ship Docks

- 20.15.010 Purpose
20.15.020 Definitions
20.15.030 Permit Required for Cruise Ship Docks
20.15.040 Cruise Ship Dock Permit Application Requirements
20.15.050 Cruise Ship Dock Permit Procedures
20.15.060 Moratorium on Major Cruise Ship Docks?

20.15.010 Purpose
The purpose of this chapter is to regulate the use of land for construction and operation of cruise ship docks within the city and borough of Sitka. The municipality recognizes the importance of

51 protecting the social, economic, and environmental well-being of its residents in relation to
52 responsible management of the cruise visitor industry. These regulations are designed to:

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54 A. Recognize the unique characteristics of cruise ship visitation and non-localized impacts,
55 etc.
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57 B. Orderly & efficient development
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59 C. Protect public health, safety, and welfare
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61 D. Provide adequate public process for consideration of new cruise ship docks
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63 E. Conformance to Title 22, Zoning – not contradict

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65 20.15.020 Definitions

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67 A. Administrator.
68 Mirror from zoning code
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70 B. Cruise ship.
71 “Cruise ship” means a passenger vessel with overnight accommodations for commercial
72 passengers and designed for the purpose of providing pleasure and/or leisure travel,
73 generally stopping at multiple ports on a fixed itinerary. Cruise ships do not include Alaska
74 Marine Highway System ferries.
75
76 C. Cruise ship dock.
77 “Cruise ship dock” means a fixed or floating structure, including moorings, that serves one
78 or more cruise ships by either berthing cruise ships, or berthing passenger lightering
79 vessels that transport passengers to and from the cruise ship otherwise anchored or
80 berthed at another location.
81
82 D. Cruise ship dock, minor.
83 “Minor cruise ship dock” means a cruise ship dock that serves one or more cruise ships
84 that singularly, or in combination on a per day basis, have the maximum capacity to
85 accommodate no fewer than 100, but no more than 500, overnight passengers exclusive
86 of the ships’ crew. Docks that serve one or more cruise ships that singularly, or in
87 combination on a per day basis, have the maximum capacity to accommodate fewer than
88 100 overnight guests exclusive of the ships’ crew shall be considered “Commercial docks”
89 in accordance with Title 22 and are hereby not subject to the provisions of this title.
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91 E. Cruise ship dock, major.
92 “Major cruise ship dock” means a cruise ship dock that serves one or more cruise ships
93 that singularly, or in combination on a per day basis, have the maximum capacity to
94 accommodate more than 500 overnight passengers exclusive of the ships’ crew.
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96 F. Passenger lightering vessel.
97 “Passenger lightering vessel” means any ship, boat, skiff, barge, and/or watercraft of any
98 kind which is used as a means of transporting cruise ship passengers to and from a cruise
99 ship. Passenger lightering vessels do not include touring vessels that incidentally provide

100 passenger transportation to or from a cruise ship, or to and from a cruise ship dock, as a
101 part of a tour.

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103 G. Upland facilities for cruise ship docks.
104 “Upland facilities for cruise ship docks” means structures and/or other improvements
105 immediately upland of a cruise ship dock that provide amenities for cruise ship passengers
106 disembarking via said cruise ship dock including but not limited to passenger staging
107 and/or waiting areas, transportation staging and/or waiting areas, restroom facilities, and
108 other services such as visitor information, retail, hospitality, and entertainment.

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110 H. Zoned lands.
111 “Zoned lands” means properties which are identified in use districts as shown on the
112 official zoning maps of the city and borough in accordance with Title 22.

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114 20.15.030 Permit Required for Cruise Ship Docks

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116 A. The construction and/or operation of a cruise ship dock and associated upland facilities
117 for cruise ship docks within the city and borough requires a cruise ship dock permit issued
118 by the municipality.

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120 1. Penalties/injunctive relief for non-permitted construction/operation

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122 B. Cruise ship docks in operation prior to the passage of this chapter are considered a legal
123 nonconforming use and may apply for a nonconforming use permit.

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125 1. Nonconforming use permits for cruise ship docks....(mirror from zoning code)

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127 C. Conformance with Title 22, Zoning. Nothing in this chapter is intended to contradict or
128 contravene zoning provisions for zoned lands. Cruise ship docks are prohibited on zoned
129 lands in which “commercial use docks” are a prohibited use per Title 22 and therefore the
130 municipality shall not accept cruise ship dock permit applications for said zoned lands.
131 Additionally, proposed improvements and/or structures related to cruise ship docks and
132 associated upland facilities on zoned lands are subject to the use restrictions and
133 development standards of Title 22.

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135 20.15.040 Cruise ship dock permit application requirements

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137 A. Applications provided/set by administrator – mirror from zoning code (22.10.030 & 090)

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139 B. Pre-application meeting (mirror 22.10.080)

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141 C. Consultation with other agencies (in zoning code for CUPs, “may include but not limited
142 to” public works and engineering for sewer/water utilities, state DOT/PF, state DEC,
143 USACE, Sitka fire department, local telephone utility , cable television utility, electric
144 department”)

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146 D. Conceptual permit application requirements

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148 1. Identification of all properties involved in the project

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2. Statement of the objectives expected to be achieved by the project
 3. Detailed description of all aspects of the project including land use, building types and sizes, population density, parking and traffic circulation, building coverage, and any other information the applicant feels would assist in decision making.
 4. Operating plan including:
 - a. Operating hours on a daily, weekly, and yearly basis
 - b. The minimum, average, and maximum number cruise ship passengers to be served by the proposed cruise ship dock on a daily, weekly, and yearly basis
 - c. Provisions for providing port security services
 - d. Access to the site and vessels by emergency services
 - e. Waste disposal plans
 - f. Estimates of supplies and resources purchased and used within the city and borough
 - g. Transportation of cruise passengers to downtown Sitka or other key sites/locations
 5. Site plan and supporting drawings of the proposed project including in-water and upland improvements for a cruise ship dock and upland facilities for a cruise ship dock including:
 - a. Land use layout
 - b. Building locations, sizes, and distances from property lines
 - c. Vehicular and pedestrian circulation
 - d. Parking layout
 - e. Conceptual plat if the proposal necessitates any changes to existing property lines or any subdivision of existing lots, tracts, and/or parcels.
 - f. Schematic water, sewer, and electrical layout
 - g. Site grading and drainage plan include present and proposed topography
 - h. Conceptual drawings of proposed buildings, signs, and other features that may be required by the administrator.

- 197 6. If development is to be phased over time, operating plans and site plans must
198 demonstrate provisions and design for initial development and final development.
199 If permit is approved, plans are binding.
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- 201 7. A draft schedule for construction of the cruise ship dock and associated upland
202 facilities for the cruise ship dock including anticipated permits needed from other
203 agencies.
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205 E. Final permit application requirements

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- 207 1. Applicant response to agencies and utilities reviewing the project and a statement
208 by the application regarding how they will resolve issues raised through review.
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- 210 2. Final operating plan including all the stuff above
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- 212 3. Final site plan including all the stuff above
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- 214 4. Development schedule from above
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- 216 5. For major cruise ship docks, the final permit application shall include a traffic study
217 prepared by an appropriately licensed professional in the state of Alaska showing
218 traffic and trip generation counts; sufficiency of proposed parking; identification of
219 potential hazards and/or traffic inefficiencies and proposed traffic control and/or
220 calming devices or designs adequate to mitigate.
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224 20.15.050 Cruise ship dock permit procedures

225 SEE FLOW CHARTS FOR NOW

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- 228 A. Conceptual review and approval.
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- 230 B. Final review and approval.
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- 232 C. Appeals.
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234 20.15.060 Moratorium on major cruise ship docks?

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Criteria for Evaluating Impacts

Existing General CUP Criteria for Impacts

- a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses.
- b. Amount of noise to be generated and its impacts on surrounding land uses.
- c. Odors to be generated by the use and their impacts.
- d. Hours of operation.
- e. Location along a major or collector street.
- f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario.
- g. Effects on vehicular and pedestrian safety.
- h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site.
- i. Logic of the internal traffic layout.
- j. Effects of signage on nearby uses.
- k. Presence of existing or proposed buffers on the site or immediately adjacent the site.
- l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan.
- m. Other criteria that surface through public comments, planning commission, or assembly review.

Potential Criteria for Impacts Changes/Additions

- Modify vehicular criteria for vehicular traffic generation, noise, and pedestrian/vehicular safety to “impacts on.....”
 - Surrounding and nearby land uses;
 - The city and borough road system, with particular attention to proposed transit routes(s) and major and/or collector streets;
 - The central business district; and
 - Tour and attraction sites frequented by visitors outside of the central business district such as historic sites, recreational areas, museums, and other cultural, artistic, scientific, educational, or animal care facilities.
- Clarify that “logic of internal traffic layout” should also address passenger queuing plan & safety
- **Additional criteria: Capacity of community to accommodate additional cruise passenger visitation including impacts on:**
 - Resident access to critical sites and services including public facilities, educational facilities, health care facilities, transportation services and facilities, offices, banks, recreation areas, subsistence areas and resources, and public and private utilities;
 - Public services and infrastructure including but not limited to public safety, transportation, utilities, solid waste disposal, public restrooms, community buildings, recreational sites, and visitor information.
 - Ability of merchants, hospitality providers, commercial transportation providers, and operators of tours and attractions to accommodate additional visitation; and
 - Other impacts that surface through public comments, planning commission, or assembly review.

Capacity of Community Criteria/Finding

Capacity of community to accommodate additional cruise passenger visitation including impacts on:

- Resident access to critical sites and services including public facilities, educational facilities, health care facilities, transportation services and facilities, offices, banks, recreation areas, subsistence areas and resources, and public and private utilities;
- Public services and infrastructure including but not limited to public safety, transportation, utilities, solid waste disposal, public restrooms, community buildings, recreational sites, and visitor information.
- Ability of merchants, hospitality providers, commercial transportation providers, and operators of tours and attractions to accommodate additional visitation; and
- Other impacts that surface through public comments, planning commission, or assembly review.

Process 1: Focus on community capacity for conceptual permit approval

<p>Conceptual review</p>	<p>Planning Commission</p> <ul style="list-style-type: none"> • Review concept permit application • Make recommended findings on capacity of community 	<p>Tourism Commission</p> <ul style="list-style-type: none"> • Review concept permit application • Make recommended findings on capacity of community <ul style="list-style-type: none"> • Accept PC recs • Modify PC recs • Make different recs 	<p>Assembly</p> <ul style="list-style-type: none"> • Approve or deny conceptual permit • Adopt findings on capacity of community
<p>Final review</p>	<p>Planning Commission</p> <ul style="list-style-type: none"> • Review final permit application • Approve/deny permit • Conditions of approval • Findings 	<p>Assembly</p> <ul style="list-style-type: none"> • Hearing body for appeal then superior court beyond 	

Process 2: Holistic review for conceptual permit approval

<p>Conceptual review</p>	<p>Planning Commission</p> <ul style="list-style-type: none"> • Review concept permit application • Recommendation on approval/denial and conditions • Make recommended findings 	<p>Tourism Commission</p> <ul style="list-style-type: none"> • Review concept permit application • Make recommended findings on capacity of community and any conditions of approval <ul style="list-style-type: none"> • Accept PC recs • Modify PC recs • Make different recs 	<p>Assembly</p> <ul style="list-style-type: none"> • Approve or deny conceptual permit • Approve or modify recommended conditions of approval • Approve or modify recommended findings
<p>Final review</p>	<p>Planning Commission</p> <ul style="list-style-type: none"> • Review final permit application • Approve/deny permit • Conditions of approval • Findings 	<p>Assembly</p> <ul style="list-style-type: none"> • Hearing body for appeal then superior court beyond 	