

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2011-31

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING
SITKA GENERAL CODE SUBSECTION 22.16.015 C.13 ENTITLED
“PERMITTED, CONDITIONAL AND PROHIBITED USES” TO DELETE THE
REFERENCE TO A MORATORIUM ON SHORT-TERM RENTALS WHICH IS
NO LONGER IN EFFECT**

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to become 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 circumstances shall not be affected.

3. **PURPOSE.** This ordinance removes SGC 22.16.015 Subsection C.13 that refers to a moratorium on short-term rentals which is no longer in effect. This is simply a clean-up ordinance.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that reference to moratorium on short term rentals which is no longer in effect in SGC 22.16.015 entitled “Permitted, conditional and prohibited uses” is deleted to read as follows (new language underlined; deleted language stricken):

**Chapter 22.16
DISTRICT REGULATIONS**

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22.16.015 Permitted, conditional and prohibited uses.

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Table 22.16.015-1

Residential Land Uses

Zones	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (11, 12)	C-1 (11)	C-2 (11)	WD (2, 11)	I	GI (3, 10)	LI(3)	R	OS	SC (1344)
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C. Residential Uses Table 22.16.015-1 Footnotes.

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~~13. Notwithstanding any other provision of law, the assembly shall not grant between April 16, 2006, and April 16, 2007, conditional use permits for short-term rentals in R-1 or related zones and R-2 or related zones. The moratorium described in the previous sentence means that during that moratorium it shall be illegal to rent out a single dwelling unit in R-1 or related zones or in R-2 or related zones for less than fourteen consecutive days for money or other valuable consideration unless a conditional use permit for that use has been previously obtained or the short-term rental has been in existence before the short-term rental regulations in the zoning ordinance.~~

13.14. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

5. **EFFECTIVE DATE.** This Ordinance shall become effective the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 28th day of July, 2011.

Cheryl Westover, Mayor

ATTEST:

Colleen Ingman, MMC
Municipal Clerk

es listed as conditional uses in the GI and zones may be considered, but not necessarily approved, on a case-by-case basis.

cluding zero lot developments.

ownhouse, cluster housing developments and planned unit developments are conditional uses subject to this title and Title 21 of this code, Subdivisions.

on-site storage of commercial fishing vessels, fishing equipment and other small business equipment is a permitted conditional use so long as such storage does not occupy more than four hundred square feet.

ed and breakfast establishments are limited to three guest rooms in the R-1, R-1 H, and R-1 LD districts as conditional uses only when no other rental such as apartments is in operation on the same lot.

ed and breakfast establishments are limited to five guest rooms in the R-2, R-2 HP districts as conditional uses only when no other rental such as apartments is in operation on the same lot.

ort-term rentals including legal nonconforming uses shall provide two off-street parking spaces per unit, comply with the municipal fire code, and comply with the requirements of the building department based on a life safety inspection.

otels, motels, lodges, boarding houses and ed and breakfasts capable of accommodating a maximum of six guests plus one guest in each one-half acre or fraction thereof above one acre on unsubdivided islands are permitted principal uses. Hotels, motels, dges, boarding houses and bed and breakfasts, on unsubdivided islands that exceed is maximum, are conditional uses.

ed and breakfast establishments, boarding uses, hotels, motels and lodges are conditional uses on subdivided islands.

any of the permitted and conditional uses in the CBD, C-1, C-2, and WD zones generate traffic, noise, odor, and general impacts to a higher level and greater degree than permitted and conditional uses in residential districts. Owners of residential uses in the CBD, C-1, C-2 and WD districts must be aware of and accepting of all the permitted uses in these districts.

12. Single or multiple apartments shall only be permitted on the first floor of structures in the CBD district if approved through the conditional use process. Single and multiple apartments are permitted uses on upper floors of structures in the CBD district.
13. Notwithstanding any other provision of law, the assembly shall not grant between April 16, 2006, and April 16, 2007, conditional use permits for short-term rentals in R-1 or related zones and R-2 or related zones. The moratorium described in the previous sentence means that during that moratorium it shall be illegal to rent out a single dwelling unit in R-1 or related zones or in R-2 or related zones for less than fourteen consecutive days for money or other valuable consideration unless a conditional use permit for that use has been previously obtained or the short-term rental has been in existence before the short-term rental regulations in the zoning ordinance.
14. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

2006-9

Sponsors: Stelzenmuller and Bailey

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2006-09

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING
SITKA GENERAL CODE SUBSECTION 22.16.015.C, ENTITLED "PERMITTED
USES," TO EXTEND THE MORATORIUM PERIOD FOR ONE YEAR ON THE
GRANTING OF CONDITIONAL USE PERMITS FOR SHORT-TERM RENTALS IN R-
1 OR RELATED ZONES AND R-2 OR RELATED ZONES**

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

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 protect the availability of affordable housing in Sitka. The Assembly finds that maintaining the availability of affordable housing is a legitimate and important goal for the City and Borough of Sitka and within the City and Borough's police power. The Assembly finds that the proliferation of short-term rentals in R-1 or related zones and R-2 or related zones may threaten the availability of affordable housing in Sitka. The Assembly finds that extending a one-year moratorium on the granting of conditional use permits for short-term rentals in R-1 or related zones and R-2 or related zones may substantially further the purpose of maintaining affordable housing in Sitka. The Assembly finds that the City and Borough's interest in extending a one-year moratorium on the granting of conditional use permits for short-term rentals in R-1 or related zones and R-2 or related zones outweighs the interest of applicants for such permits in obtaining such permits. The Assembly, its various boards and commissions, and City and Borough of Sitka staff have been diligently working during the moratorium period this last year to evaluate the affordable housing problem, but find more time is needed to evaluate the issues and solutions, which was one of the major objectives for creating a moratorium period. The Assembly will continue to work with the Planning Commission, other applicable boards and commissions, City and Borough of Sitka staff, and with the public during the extended moratorium period this next year to come up with a long-range plan to maintain the availability of affordable long-term housing in Sitka.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that):

- A. Sitka General Code 22.16.015, entitled "Permitted Uses," is amended at Subsection 22.16.015.C.13 "Recreational Uses Table 22.16.015-1 Footnotes," to read as follows (new language underlined, deleted language stricken):

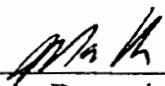
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13. Notwithstanding any other provision of law, the Assembly shall not grant between April ~~1613, 2006~~²⁰⁰⁵ and April ~~1615, 2007~~²⁰⁰⁶ conditional use permits for short-term rentals in R-1 or related zones and R-2 or related zones. The moratorium described in the previous sentence means that during that moratorium it shall be illegal to rent out a single dwelling unit in R-1 or related zones or in R-2 or related zones for less than 14 consecutive days for money or other valuable consideration unless a conditional use permit for that use has been previously obtained or the short-term rental has been in existence of the short-term rental regulations in the zoning ordinance.

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5. **EFFECTIVE DATE.** This ordinance shall become effective at midnight, April 15, 2006.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 11th day of April, 2006.



Marko Dapceovich, Mayor

ATTEST:



Colleen Pellett, MMC
Municipal Clerk

Item N
ORD. 2006-09

Motion PASSED on a 5-1 roll call vote with Dapcevich voting against and Stelzenmuller recused.

Amending SGC Subsection 22.16.015C, entitled "Permitted Uses" to extend the moratorium period for one year on the granting of conditional use permits for short-term rentals in R-1 or related zones and R-2 or related zones.

MOTION, by Skannes to approve Ordinance 2006-09 on second and final reading.

Mayor read the title and purpose sections.

Motion PASSED on a 7-0 roll call vote.

Item O
ORD. 2006-10(A-1)

Amending the title to the SGC Section 13.06.010 from "Moorage Charges" to "Moorage Charges and Fees," and amending this section to increase and add Harbor System Fees, and amending SGC Chapter 13.10, entitled "Float Regulations," by adding a new Section 13.10.048 entitled "Recreational Vehicle/Travel Trailer Park Winter Storage Rules and Regulations"

MOTION, by Holst to approve Ordinance 2006-10 (A-1) on second and final reading.

Mayor read the title and purpose sections.

MOTION, by Holst to amend so that the intent is for storage to include boats on trailers and not boats on travel trailers.

Motion on the amendment regarding boat versus travel trailers PASSED on unanimous consent.

MOTION, by Bailey to amend by deleting Item K on Line 33 of Page 2, Grid Fee of \$10 per day.

Motion FAILED on a 1-6 roll call vote with Bailey voting in favor.

MOTION, by Stelzenmuller to amend Item K on Line 33 of Page 2, Grid Fee, by changing the fee from \$10 to \$5.

Motion FAILED on a 2-5 roll call vote with Stelzenmuller and Bailey voting in favor.

MOTION, by Dapcevich to amend under Item L "Launch Ramp Fees" to add an Item 3 to read: Harbor rate payers who have a permanent moorage slip or pay moorage while on wait list are exempt from this fee, and further moved to amend the motion to add Item 1 under Item K (Grid Fee) that says the same thing.

MOTION, by Sherrod to divide the question.

Motion to divide the question PASSED on unanimous consent.

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2005-09

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING
SITKA GENERAL CODE SUBSECTION 22.16.015.C, RECREATIONAL USES TABLE
22.16.015-1 FOOTNOTES, AND SITKA GENERAL CODE SECTION 22.30.380,
AMENDMENTS STANDARDS—DEVELOPMENT REGULATIONS, TO PUT A
MORATORIUM ON THE GRANTING OF CONDITIONAL USE PERMITS FOR
SHORT-TERM RENTALS IN R-1 OR RELATED ZONES AND R-2 OR RELATED
ZONES

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

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

3. **PURPOSE.** The purpose of this ordinance is to protect the availability of affordable housing in Sitka. The Assembly finds that maintaining the availability of affordable housing is a legitimate and important goal for the City and Borough and within the City and Borough's police power. The Assembly has reviewed the evidence presented at the Planning Commission and finds that the proliferation of short-term rentals in R-1 or related zones and R-2 or related zones may threaten the availability of affordable housing in Sitka. The Assembly finds that putting a one-year moratorium on the granting of conditional use permits for short-term rentals in R-1 or related zones and R-2 or related zones may substantially further the purpose of maintaining affordable housing in Sitka. The Assembly finds that the City and Borough's interest in placing a one-year moratorium on the granting of conditional use permits for short-term rentals in R-1 or related zones and R-2 or related zones outweighs the interest of applicants for such permits in obtaining such permits during that one-year moratorium. By adopting this ordinance, the Assembly intends that the Assembly, the Planning Commission, and City and Borough staff work together for a year with the public to come up with a long-range plan to maintain the availability of affordable long-term housing in Sitka.

4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that:

A. Sitka General Code Subsection 22.16.015.C, Recreational Uses Table 22.16.015-1 Footnotes, is hereby amended to read as follows:

(1.-11.) (No change.)

12. Notwithstanding any other provision of law, the Assembly shall not grant between April 13, 2005 and April 15, 2006

conditional use permits for short-term rentals in R-1 or related zones and R-2 or related zones. The moratorium described in the previous sentence means that during that moratorium it shall be illegal to rent out a single dwelling unit in R-1 or related zones or in R-2 or related zones for less than 14 consecutive days for money or other valuable consideration unless a conditional use permit for that use has been previously obtained or the short-term rental has been in existence of the short-term rental regulations in the zoning ordinance.

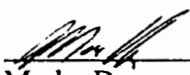
- B. Sitka General Code Section 22.30.380, Amendment standards—
Development regulations, official map and other official controls, is
hereby amended to read as follows:

(A.-F.) (No change.)

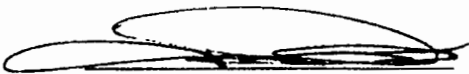
- G. Exception for moratorium on short-term rentals. The procedures set out in Section 22.40.380 for considering amendments to the text of the City and Borough's development regulations and other official controls do not apply to an amendment adopted by the Assembly establishing a moratorium on short-term rentals for a specific period.

5. **EFFECTIVE DATE.** This ordinance shall become effective on the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 12th day of April, 2005.


Marko Dapceovich, Mayor

ATTEST:


Colleen Pellett, CMC
Municipal Clerk

FY 2005 Unfunded Grants

MOTION: Bailey moved to reconsider the FY 2005 grant requests for unfunded non-profits.

Motion PASSED on a unanimous voice vote.

MOTION: Nelson moved to fund the Sitka Summer Music Festival at \$3,000 and the Sitka Fine Arts Camp at \$7,500 for FY'05 with the money to be taken from excess revenues over expenditures.

Thad Poulson and Dan Jones, board members of the Sitka Summer Music Festival explained what a key figure this donation is by showing support from our own municipal government. They start each year with zero and their expenses run \$200,000 a year.

Karen Grussendorf, spoke on behalf of the Alaska Arts Southeast. Loren Allen had a prepared statement that was read aloud by Grussendorf. It was about the value of money spent in Sitka by these visitors and their donations, plus the value of educating the numerous students. Motion PASSED on a 7-0 roll call vote.

Recess

A recess was taken from 8:21 PM until 8:28 PM.

Item N
ORD. 2005-09

AMENDING SGC SUBSECTION 22.16.015. C, RECREATIONAL USES TABLE 22.16.015-1 FOOTNOTES, AND SGC SECTION 22.30.380, AMENDMENTS STANDARDS-DEVELOPMENT REGULATIONS, TO PUT A MORATORIUM ON THE GRANTING OF CONDITIONAL USE PERMITS FOR SHORT-TERM RENTALS IN R-1 OR RELATED ZONES AND R-2 OR RELATED ZONES

MOTION: Nelson moved to approve on second and final reading.

Mayor read the Title and Purpose sections.

Stelzenmuller brought up why he brought this forward.

Jeannie Olney believes that short-term rentals are a win-win. The problem is when the property prices go sky high. She urged a plan; but is not in favor of a moratorium. She believes we need to provide incentives, look at tour ships. She says we need a \$20 head tax to offer incentives to homebuyers to pay part of their interest.

Carol Liberty and Stef Steffen of the Long Range Planning Commission were tasked with this project almost a year ago. They recommend a moratorium until the City has a plan to stop some of the housing that is going away.

Debbie Janssen spoke to other possible options. She believes the short-term rental business has evolved because of tourism. She thinks this is inconsistent treatment with other businesses that produce tourism. She believes the ordinance is a violation of her rights.

James Poulson supports the moratorium in the R-1 zone. He sees it as a moral/fairness issue because we don't have enough housing for people who want to live here.

Brent Peters urged the Assembly not to forget these are conditional use permits. These have to go through Planning and Zoning; you are not infringing on their rights.

Sonny and Jo Cropley are opposed to any moratorium of short-term rentals. Sonny would like to see the City subsidize housing.

Sara Ferenzy is in favor of the moratorium; she came to Sitka in 1998 and found a rental in a week. This has changed. It's not just a low income or a rental issue.

Nick Stelzenmuller thinks that all zoning is a restriction on people's property rights. He suggested that perhaps short-term rentals are driving the cost up.

Ellen Frankenstein spoke in favor of the moratorium; for the well being of the people who live here year round. She expressed concern with what is happening to residential neighborhoods.

Nelson doesn't believe that a moratorium is the answer; she believes strengthening the conditional use permit requirements is. D. Dapceovich reasoned that it is an issue of a limited supply and increasing demand. Therefore, he believes he needs to support this. Bailey echoed his concerns. Paden said normally he wouldn't support this but affordable housing is a serious issue. Duncan reported that this is a tough decision when part of our business is to promote business, yet he also knows our vision is to try and provide affordable housing. Stelzenmuller named the people of the Long Range Planning Commission noting that they are meeting once a week and that they will come up with some real good recommendations in the very near future.

Motion PASSED on a 6-1 roll call vote with Nelson voting against.

Item O
ORD. 2005-10

AMENDING CHAPTER 2.12, HOSPITAL BOARD, OF THE SGC TO CLARIFY THE RELATIONSHIPS BETWEEN THE HOSPITAL BOARD, THE ASSEMBLY, AND THE MUNICIPAL ADMINISTRATOR

MOTION: Nelson moved to take from the table Ordinance 2005-10.

Motion to take from the table PASSED on unanimous consent.

MOTION: Bailey moved to approve on third reading.

Mayor read the Title section of the ordinance.

D. Dapceovich spoke to the layers of accountability; he doesn't like taking out the layer of Assembly. He cited areas of the ordinance that diminish the accountability. Bailey pointed out that the task force believed that fixing this ordinance wouldn't fix the problem but we stayed focused on

W 11-135 Discussion on short-term rentals in R-1 or R-2 related zones.

Planning Director, Wells Williams, explained there previously was a one year moratorium on short-term rentals, however the moratorium is no longer in effect. The Planning Department will begin accepting requests.

This item was DISCUSSED.

XI. PERSONS TO BE HEARD:

None.

a. Mayor, b. Administrator, c. Attorney, d. Liaison Representatives, e. Clerk,
f. Other

Mayor - Would like to see the City more involved in Suicide Prevention next year. Mayor extended her best wishes to the Cavanaughs who are retiring and leaving Sitka. The Mayor received notice that the Far Eastern State Technical University is going to be in Sitka for 3 days in July, she will pass their correspondence onto the Convention and Visitor's Bureau.

XII. ADJOURNMENT

A motion was made by Christianson to ADJOURN. With no objection or further business the meeting ADJOURNED at 9:15 PM.

ATTEST:

Colleen Ingman, MMC
Municipal Clerk