

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2015-39

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA GENERAL CODE TITLE 22 ZONING TO ALLOW BED AND BREAKFAST OPERATIONS IN OWNER-OCCUPIED SINGLE FAMILY OR OWNER-OCCUPIED SIDE OF A TWO-FAMILY DWELLING UNIT

1. **CLASSIFICATION.** This ordinance is of a permanent nature and is intended to be a part of the Sitka General Code of the City and Borough of Sitka, Alaska.
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 and circumstances shall not be affected thereby.
3. **PURPOSE.** The purposes of this ordinance is to 1) allow bed & breakfast establishments in both an owner occupied single-family dwelling and owner occupied unit of a two-family (duplex) dwelling and 2) clarify internally inconsistent provisions in the bed and breakfast regulations. The purposes are achieved by adding zoning code language to the bed and breakfast definition and clarifying the conditional use permit provisions for bed and breakfasts.
4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough to revise the following sections of SGC Title 22 as listed below:

**Title 22
Zoning**

22.08.090 Bed and breakfast definition.

“Bed and breakfast”–means a lodging use, where rooms within a single dwelling unit or owner-occupied side of a two-family unit are provided to transient guests by a resident operator for a fee by pre-arrangement on a daily or short-term basis. A breakfast meal and/or light snacks may be served to those guests renting rooms. Only limited cooking facilities, if any, may be provided in the guest rooms. Extensive stays are not encouraged by the owners and are not considered appropriate. Bed and breakfasts require a building official and fire official certification that the residence complies with life and fire safety aspects. (Ord. 02-1683 § 4 (part), 2002.)

22.24.010 Conditional Uses.

B. Conditional Use Permit Provisions for Bed and Breakfasts.

1. The information and assurances filed by the applicant for a bed and breakfast conditional use permit at the time of application shall be binding on all future owners of the facility.

2. There shall be no expansion in the number of guest rooms beyond the number approved.

3. The number of bed and breakfast sleeping rooms per residence shall be limited to three rooms in an R-1 or related zone and five rooms in an R-2 or related zone.

4. In no case shall a bed and breakfast be operated in any residence other than an owner-occupied dwelling.

5. The owner of the residence shall operate the bed and breakfast at all times and shall not contract out the day-to-day management of the operation. In the event the operation or management of the bed and breakfast is conducted by a tenant or party other than the owner who lives in the residence, the conditional use permit shall automatically become void.

6. Bed and breakfast guestrooms are intended to be spare or surplus guestrooms in owner-occupied single-family dwellings or an owner-occupied unit of a two-family dwelling that are not needed by the owner of the structure for household activities.

~~7. Bed and breakfast conditional use requests shall not be considered, reviewed, or approved for single-family structures that have contained an apartment, or additional dwelling unit at any time during a three-year period prior to the submittal of the application for a bed and breakfast conditional use permit. The burden of proof that this requirement has been complied with lies with the applicant.~~

~~8. A bed and breakfast establishment shall not be approved if an apartment or other rental is also being operated in the structure or on the same lot. Any apartment rental in the structure or on a lot where a bed and breakfast is operating will automatically void the conditional use permit for bed and breakfast.~~

~~9-7.~~ Permits shall lapse and become void if the bed and breakfast ceases operation for twelve consecutive months.

~~10-8.~~ There shall be no more than one exterior sign. The sign shall not exceed four square feet.

~~11-9.~~ There shall be a minimum of one off-street parking space for every three guestrooms in bed and breakfast establishments located in single-family-residential zones.

~~12-10.~~ Existing bed and breakfasts which do not conform to these rules shall be considered nonconforming uses and subject to the rules relating to nonconforming uses.

~~13-11.~~ It is the intent of the assembly that the provisions of these requirements be strictly followed. However, exceptions may be granted in cases of extreme need or extreme personal or financial hardship. The limitation on the number of the rooms and the use of owner-occupied

single-family or owner-occupied side of two-family unit structures will not be eligible for hardship relief.

~~14.12.~~ For establishment of a bed and breakfast establishment in an existing structure in an R-1 zone, only existing bedrooms may be used for guest rooms.

~~15.13.~~ Limited cooking facilities shall only be allowed inside guestrooms, or inside other rooms that are used solely by the bed and breakfast, such as small toaster ovens, microwaves, and refrigerators.

~~16.14.~~ Timely payment of sales taxes shall be one of the primary indicators of compliance with this section.

~~17.15.~~ When the assembly approves a permit with the condition referring to the number of children in the facility, the term "children" shall refer to individuals who are fifteen years old or younger.

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 28th day of July 2015.



Mim McConnell, Mayor

ATTEST:



Sara Peterson, CMC
Municipal Clerk

1st reading 7/14/15
2nd reading 7/28/15