

Discussion on Zoning Code Changes for Cruise-Related Docks

Planning Commission
Regular Meeting May 7, 2025

Prepared by Planning & Community Development
Department

Overview

- Tourism Task Force Recommendations & Assembly Action Plan
- Definition
- Zoning Districts
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Tourism Task Force

Recommendation #23

“Currently, the zoning code does not differentiate between types or sizes of commercial use docks. Commercial use docks are allowed by-right in the general commercial zones, the waterfront district, and the industrial district.

The task force recommends creating a separate use in the zoning code that would distinguish large docks that could berth cruise ships, and make that use conditional in all zones that currently allow commercial use docks. The definition could be based on the size of the dock, the size of vessel it can berth, and/or the number of passengers that could disembark from a vessel berthed at the dock. As a reference point, SGC 18.15.014 states that the Assembly may authorize an advisory vote that would authorize the sale or lease of municipal property for use of a dock or transfer facility that could be used by cruise ships exceeding 300 feet in length.”

Definitions

Commercial Use Docks

SGC 22.05.450: “Commercial dock” means a fixed or floating structure, including moorings, for the purpose of berthing floating vessels that: includes commercial and recreational vessels, does not have a limitation on the size or number of lease slips, may include covered lease slips and boathouses, may include secure float plane facilities, and may have seafood sales on the structure. A commercial dock along the Sitka road system shall have one parking space per slip. Commercial docks in Sitka Sound and in outlying areas do not have a parking space requirement.

Proposed Definitions

“Cruise ship” means a passenger vessel with overnight accommodations for commercial passengers and designed for the purpose of providing pleasure and/or leisure travel, generally stopping at multiple ports on a fixed itinerary. Cruise ships do not include Alaska Marine Highway System ferries .

“Cruise related dock” means a fixed or floating structure, including moorings, that serves cruise ships that have the capacity to accommodate 250 or more overnight passengers, exclusive of the ship’s crew, by either berthing the cruise ship, or berthing passenger lightering vessels that transport passengers to and from the cruise ship otherwise anchored or berthed at another location.

Zoning Districts

Currently, Commercial Use Docks are:

- Allowed by Right: CBD, C-1, C-2, WD, I
- Conditional: GI, LI, R, OS
- Prohibited: P, SF/SFLD, R-1 & Related, R-2 & Related, C

Considerations for which zoning districts cruise docks should be allowed, conditional, or prohibited?

Level of Approval

- CUPs @ Planning Commission
- Some items require site plan review/approval by Assembly

Appropriate level of review for cruise-related docks (assuming if/when a conditional)?

Submission Requirements

Existing General Submission Requirements for CUPs

- Legal description of all properties involved in project
- Statement of objectives for the project
- Detailed description of all aspects including:
 - Land use
 - Building types and sizes
 - Population density
 - Parking and traffic circulation
 - Building coverage
 - Other information the applicant feels would assist with decision making
- Site plan including:
 - Land use layout
 - Building locations
 - Vehicular and pedestrian circulation
 - Open space and recreation areas
 - Utility plans
 - Grading & drainage, including current & proposed topography
 - Conceptual drawings of buildings, signs, or other features as required

Potential Additional Submissions for Cruise Related Dock CUPs

- Site plans for proposal must include in-water and upland development
- Site plans for initial and final development? (i.e. binding site plan for staged development?)
- Traffic study
- Transportation plan (i.e. bussing/mass transit of passengers if necessary/proposed)
- Operating plan
 - Min, average, & max passenger capacities (daily/weekly/ seasonally)
 - Provisions for Port Security
 - Emergency service access to site and vessels
- Others?

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 or planning commission assembly review.

Potential Criteria for Impacts Changes/Additions

- Modify vehicular traffic impacts criteria to not be specific to “impacts of the traffic on nearby land uses” and instead be more wholistic for road system?
- Modify amount of noise criteria to not be specific to “its impact on surrounding land uses” and instead discuss along major traffic routes (in case of bussing/mass transit plan) and at route end point?
- Clarify that “logic of internal traffic layout” should address passenger queueing safety?
- Others needed?

Criteria for Approval

Existing General CUP Criteria for Approval

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

Potential Criteria for Approval Changes/Additions

- Alter #4 to broaden impacts outside of adjacent uses/districts?

Required Findings

Existing CUP Required Findings

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:

- a. Be detrimental to the public health, safety, and general welfare;
- b. Adversely affect the established character of the surrounding vicinity; nor
- c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation.

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.

4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.

5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

6. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection B of this section.

Potential Required Findings

- Expand findings to include impacts on town/road system/community as a whole rather than more narrow focus on proposed site, surrounding vicinity, etc.?