

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2014 – 38A

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA
GENERAL CODE TITLE 22 ZONING REGARDING COMMERCIAL HOME HORTICULTURE**

BE IT ENACTED by the Assembly of the City and Borough of Sitka, Alaska as follows:

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 are to provide an expedited process to allow for commercial home horticulture, including the construction and operation of garden stands, by amending the municipal zoning regulations to provide the Planning Commission with authority to grant conditional use permits for commercial home horticulture in selected zoning districts.

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

5. Amend SGC 22.08.195 Definition - Commercial Home Horticulture as follows:

“Commercial home horticulture” means the on-site production, principally for use or consumption by the property owner or tenant, of plants or their products, including but not limited to gardening and fruit production. Commercial home horticulture does not include the sale of such products produced off-site, but does include the sale of such products produced and sold on-site to others. ~~Commercial home horticulture does not include construction of accessory buildings other than those specifically allowed in the zoning districts.~~ It also does not include such products as livestock, poultry, other animals, or the production of animal related products. **Accessory buildings, such as garden stands, other than those specifically allowed in zoning districts, may be permitted through the Planning Commission home horticulture permit process in SGC 22.24.025.**

6. Amend SGC Table 22.16.015-6 to make Commercial Home Horticulture in the R-1, R-1MH, R-2, R-2MHP, GI, and LI zones a conditional use subject to new Footnote (9) of that table. New footnote (9) reads as follows:

Commercial home horticulture conditional use permits governed by SGC 22.24.025.

7. Add a new section to SGC Chapter 22.24 Special Use Permits, as follows:
Section 22.24.025 **Commercial Home Horticulture Permits**

A. Application Requirements: Same as conditional use application outlined in Table 22.24.010-1.

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B. Standards, Dimensions, and Setbacks:

- a. Garden stands: Maximum shall be size six(6) feet by eight(8) feet with awning.
- b. The annual period of use shall be May 1 through October 30. Stands must be portable and removed in off season.
- c. Setbacks from lot lines shall be minimum five(5) feet.
- d. Driveways on adjacent lots shall not be blocked.
- e. Sales are permitted a maximum four hours a day twice a week.

C. Review Criteria: In evaluating applications under this section the Planning Commission shall consider the overall plan of operation, potential adverse impacts on adjacent properties including but not limited to odors generated, and adequacy of parking along the right-of-way.

D. Review Procedure and Authority to Approve: Upon receipt of a completed application for a garden stand under this section, there shall be a four-week notice period to include not less than two Planning Commission meetings. Notice shall be provided to properties within 300 feet of the applicant's property. The Planning Commission is authorized to approve or deny Garden Stand conditional use permit applications submitted under this section. Approvals and denials may be appealed to the Assembly.

E. In order to obtain a permit, the applicant must present an Alaska Business License and proof of sales tax account registration (business registration) with the City and Borough of Sitka. The applicant acknowledges the requirement to remit sales tax in accordance with the City and Borough of Sitka Sales Tax Code 4.09. The applicant also acknowledges that Sales Tax Exemption 4.09.100(A) will not be permissible in this ordinance.

F. Sunset and Revocation: Permits issued under this section shall sunset two years after approval. Permit renewal shall follow the same process as initial application. Permits may be revoked by the Planning Commission following a public hearing.

G. This section supersedes other code sections that may be in conflict, including setbacks for garden stands.

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

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PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska this 23rd day of December, 2014.

Mim McConnell, Mayor

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ATTEST:

Sara Peterson, CMC
Acting Municipal Clerk

First Reading: 11-25
Amended proposed: 12-9
Second Reading as amended: 12-23