

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2013 – 14 A

**AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA
GENERAL CODE TITLE 22 ZONING TO ALLOW FOR AND REGULATE ACCESSORY
DWELLING UNITS (ADUS)**

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 1) amend the municipal zoning regulations to facilitate flexible housing types by allowing for Accessory Dwelling Units (ADUs) in selected residential zones under specific circumstances and 2) provide detailed standards for Accessory Dwelling Units so they can be constructed as Permitted Uses in a manner that does not adversely impact nearby residential properties.

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

1. Add SGC Section 22.08.025 Definitions – Accessory dwelling units that reads:

Accessory Dwelling Unit - An Accessory Dwelling Unit (ADU) is a second dwelling unit that is located on the same parcel as the primary single-family dwelling unit. An ADU must provide a complete, independent residential living space and shall include provisions for living, sleeping, eating, cooking and sanitation. Accessory dwelling units are further regulated under SGC Chapter 22.20 and other sections of this Title.

2. Amend SGC Table 22.16.015-1 Residential Land Uses to add Accessory Dwelling Units as a Permitted Use in the R-1, R-1 MH, R-1 LDMH, R-2 and R-2 MHP zones with notation of Regulatory Footnote Number 14.

3. Add Regulatory Footnote Number 14 to SGC Table 22.16.015-1 Residential Land Uses that reads "Accessory Dwelling Units shall be constructed In conformance with the standards outlined in SGC Chapter 22.20 Supplemental District Regulations."

4. Add SGC Section 22.20.160 Supplemental District Regulations and Development Standards - Accessory Dwelling Units (ADUs) that reads as follows:

A. The following code section provides for binding standards and regulates the accessory dwelling units (ADUs). ADUs are intended to:

1. Utilize existing housing stock while preserving the appearance and character of single

family neighborhoods.

2. Provide additional affordable options for long-term rental housing.
3. Provide a broader range of more affordable housing.
4. Provide a mix of housing that responds to changing family needs, smaller households and multi generational families.
5. Provide a means for residents, particularly seniors, single parents, and families with grown children, to remain in their homes and neighborhoods and obtain extra income, security, companionship and services.
6. Encourage a more economic and energy-efficient use of Sitka's housing supply.
7. To maintain consistency with City and Borough of Sitka's policies as recommended in the Comprehensive Plan (2.2.15, 2.2.16, 2.4.8.A, 2.5.1.B, 2.5.11, 2.10.3.B)

B. Creation

An Accessory Dwelling Unit (ADU) is a second dwelling unit that is located on the same parcel as the primary single-family dwelling unit. ADUs must provide a complete, independent residential living space and shall include provisions for living, sleeping, eating, cooking and sanitation. ADUs can be studio-sized units, and one- and two-bedroom units. An ADU may be created through the following methods:

1. Constructing a detached ADU on a parcel with an existing single-family home.
2. Constructing a new single-family home with a detached ADU.

C. Accessory Dwelling Unit Requirements-

1. An ADU is a Permitted Use, on lots served by a publicly maintained right of way in the following residential zoning districts: R-1 and R-2 and related districts exclusive of MH and MHP. An ADU shall not be constructed on lots accessed by access easements. They are also not allowed on lots served by right of ways that have not been accepted by the Municipality or State of Alaska for maintenance.
2. ADUs are intended for long-term rental use only. Rental of an ADU for a period of less than 90 consecutive days is prohibited. ADUs shall not be used for short-term vacation rentals and/or bed and breakfast purposes.
3. ADUs shall meet all development, design, zoning and building requirements at the time of construction (e.g. setback requirements and lot coverage standards) applicable to the primary dwelling unit, except as otherwise noted.
4. The ADU must be located on the same parcel as the primary dwelling unit.
5. Only one ADU is allowed per parcel.
6. Mobile homes, travel trailers and recreational vehicles shall not be used as an ADU.
7. ADUs shall only be located on a parcel in conjunction with a single family dwelling unit. ADU's shall not be located on parcels that contain a duplex and shall not be located on parcels that contain two or more dwelling units.
8. ADUs shall be designed so that the appearance of the structure maintains, to the greatest extent possible, the appearance of a single-family property.
9. If a separate external entrance for the ADU is necessary, where possible, it shall be located on the side or rear of the structure. On a corner lot, where there are two entrances visible from either street, where possible, solid screening is required to screen at least one of the entrances from the street.
10. Exterior stairs shall be located in the side or rear yard wherever possible and must comply with setback and building code requirements.
11. The maximum size of an ADU shall be 800 square feet.
12. The following parking requirements are applicable for ADUs:
 - a. As part of the application submittal process, the applicant shall submit a parking plan delineating parking space(s) for the ADU and the primary dwelling unit.

- b. Where parking is located in any portion of the interior side and/or rear setbacks solid screening is required from adjoining properties.
 - c. On-street parking is prohibited.
 - d. If additional parking is necessary, new parking space(s) shall utilize existing curb cuts.
13. All subdivisions of lots containing ADUs are prohibited unless all minimum lot sizes (exclusive of access easements), setbacks, lot coverage, and other requirements in the zoning and subdivision codes are met.
14. Variances are prohibited on any lot containing an ADU including, but not limited to, variances for setbacks, lot coverage, building height, and off street parking requirements.
5. Amend the MAXIMUM HEIGHTS header in SGC Table 22.20-1 Development Standards to add Regulatory Footnote 19. Regulatory Footnote 19 shall read "Accessory Dwelling Units in residential zones shall be limited to a maximum height of 25 feet or the height of the existing principal dwelling unit on the property whichever is less."
6. Amend SGC paragraph 22.20.100 G. 1. Off Street Parking Requirements to add the sentence "Both dwelling spaces must have parking spaces independently accessed."
7. 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 May 2013.


Mim McConnell, Mayor

ATTEST:


Colleen Ingman, CMC
Municipal Clerk