

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2012 – 31A

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA
GENERAL CODE TITLE 21 SUBDIVISION CODE AND TITLE 22 ZONING TO CLARIFY THE
ZERO LOT LINE REGULATIONS AND ELIMINATE INCONSISTENCIES

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 is to 1) reinforce the residential treatment of zero lot line dwelling units and subdivisions and 2) clarify internally inconsistent provisions in the municipal land use regulations. The purposes are achieved by eliminating zoning code language in the zero lot line section of the subdivision regulations, creating a regulatory definition of the use “residential zero lot line”, and adding the use “residential zero lot line” to the appropriate zoning land use table.
4. **ENACTMENT.** NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough to revise the following sections of SGC Titles 21 and 22 as listed below:

A. 21.24.030 Zoning requirements.

~~Zero lot line subdivisions may be permitted in the R-1 (single and duplex residential), R-1 MH (single, duplex and single mobile home), R-1 LD (single and duplex low density), R-1 LDMH (single, duplex, and single mobile home low density), R-2 (multifamily residential), and R-2 MHP (multifamily residential including mobile homes and mobile home parks) zoning districts in accordance with the provisions of Title 22, Zoning.~~

B. 21.08.260 “Z”. “Zero lot line subdivision” means a technique whereby parcels may be created that might not otherwise conform to minimum size standards and which allows any two ~~or more~~ adjacent single-family housing units to share a common side or rear lot line and shall be provided one-hour fire rated assemblies on each side of the adjoining property line.

C. ~~22.08.580 Lot, zero line. “Zero lot line” means the common property line separating two lots upon which one dwelling may be located without a setback providing a proper fire wall rating is utilized. All other aspects are the same as in conventional development. When lots are proposed for this type of development, site plan approval shall be required as part of the subdivision approval.~~

22.08.580 Lot, zero line. “Zero lot line” is a structure containing two adjacent single-family housing units that share a common side or rear lot line and shall be provided one-hour fire rated assemblies on each side of the adjoining property line. The uses allowed in Zero Lot Line,

Residential are limited to residential uses, home occupations as regulated by other sections of SGC Title 22 and day cares accommodating up to four children of paying non family member clients. Also see Zero lot, residential. (Ord. 02-1683 § 4 (part), 2002.)

D. 22.08.722 "Zero lot, residential" is a structure containing two adjacent single-family housing units that share a common side or rear lot line and shall be provided one-hour fire rated assemblies on each side of the adjoining property line. The uses allowed in Zero Lot Line, Residential are limited to residential uses, home occupations as regulated by other sections of SGC Title 22 and day cares accommodating up to four children of paying non family member clients. Also see Lot, zero line.

E.

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 (13)
RESIDENTIAL																		
• Single-family detached		P	P	P(4)	P(4)	P(4)	P(4)	P(4)		P	P	P		P	P	P	P	
• Townhouse				C(5)	C(5)	C(5)	C(5)	C(5)	C	P	P	P		C	C			
• Duplex				P	P		P	P		P	P	P		P	P			
• Residential zero lot line				P	P	P	P	P		P	P	P						
• Multiple-family				C(5)	C(5)	C(5)	P(5)	P(5)	P(5,8)	P(5)	P(5)	P(5)		C	C			
• Single manufactured home on an individual lot					P	P		P			P			C	C			
• Mobile home park								P			P	P						
GROUP RESIDENCES																		
• Assisted living	C							C	C					C	C			
• Bunkhouse for transient workers								C	C			C		C				
• Dormitory	C(4)							C	C									
• Quasi-institutional	C			C	C	C	C	C						C	C			
TEMPORARY LODGING																		
• Hostel							C	C		P	P	P						
• Hotel/motel									P	P	P	P		PU/CS	C	C		
• Bed and breakfast				C(7)	C(7)	C(7)	C(8)	C(8)	P	P	P	P		P	C			
• Short-term rental				C	C	C	C	C	P	P(9)	P(9)	P(9)		P	C	P(9)		
• Rooming house							C	C	C	P	P	P		C	C			
• Lodge										P	P	P		PU/CS	C			
• Limited storage				C(6)	C(6)	C(6)	C(6)	C(6)						P	C			

F. Consistent with the clarification above, Footnote 6 of SGC Table 22.16.15-3 General Services is revised as follows:

Day cares ~~and establishments~~ with four children or less not related to the provider are a permitted use in owner occupied detached single family dwellings in the R-1 and related zones.

Day cares with four children or less not related to the provider are a conditional use in residential zero lot line dwellings in the R-1 and related zones. Day cares with four children or less not related to the provider are also a conditional use in two family dwellings, that are constructed as duplexes where each unit is of similar size, in the R-1 and related zones.

Day cares are not allowed in apartments or similar dwelling units in R-1 or related zones.

Day cares with five children or more not related to the provider are a conditional use , in owner occupied detached single family dwellings only, in the R-1 and related zones.

G. 22.08.450 Home occupation.

“Home occupation” means ~~nonresidential use~~ occupations conducted within a dwelling unit by the residents thereof, which is clearly incidental and secondary to the use of the dwelling for living purposes and does not change the character thereof nor involve persons other than the residents of the building.

H. 22.20.060 Permitted home occupations.

Occupations conducted within a dwelling unit shall be permitted accessory uses in the districts specified under Chapter 22.16 of this code; provided, that:

A. The use of the dwelling unit for purposes of a home occupation is clearly incidental to its primary purposes as a residence. The occupation shall be conducted solely by the resident of the unit. Examples of home occupations include cosmetic or other catalog sales, custom work for sale at a proper retail location, dressmaking, massage therapists, beauty salons, music teacher, jewelry manufacturing, pottery and art products. Beauty salons are limited to only one chair.

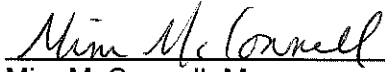
B. No home occupation is to generate traffic in greater volume than ~~is~~ would be customarily found in a dwelling or create noise, glare, vibration, fumes, odors or electrical disturbance detectable off the lot in which it is conducted.

C. There shall be no modifications to the exterior of the building or premises or other major visible evidence of the conduct of a home occupation other than the one sign no larger than two square feet in area as ~~than two square feet in area~~ permitted in Section 22.20.090.

D. It shall not utilize over twenty percent of floor area of principal structures located along the road system. Up to fifty percent of the floor area of principal structures may be utilized for properties in the GI and LI zones with allowances for that percentage to be exceeded on an occasional basis as long as adjacent properties are not adversely impacted.

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 27th day of November 2012.



Mim McConnell, Mayor

ATTEST:



Colleen Ingman, CMC
Municipal Clerk