





# City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

## Memorandum

To: Jim Dinley, Municipal Administrator   
Mayor Westover and Assembly Members

From: Wells Williams, Planning Director 

Subject: Ordinance 2012-27 Amending SGC Title 21 Subdivision Code and Title 22 Zoning Code to Clarify the Zero Lot Line Regulations and Eliminate Inconsistencies

Date: September 4, 2012

The Sitka Planning Commission is unanimously recommending approval of a proposed series of revisions governing zero lot lines. The proposed revisions are in the subdivision and zoning titles of the Sitka General Code. The board's recommendation was made, following the hearings, on July 17, 2012.

The proposals were submitted following the discussion of the Menendez conditional use request. Connor and Valorie Nelson objected to the Menendez request, in part, due to concerns they had about the residential nature of zero lot line subdivisions. There was interest expressed by Assembly members about revising the code to ensure that there could not be commercial uses in zero lot lines. The Planning Office prepared a proposal to alleviate those concerns and eliminate inconsistencies between the two series of regulations.

The proposal remedies the situation by 1) striking the zoning language from the subdivision regulations, 2) creating a regulatory definition for residential zero lot lines in the zoning code, and 3) adding the use "residential zero lot line" in the Residential Land Use table. The residential zero lot line definition limits the types of activities that can occur in the zero lot lines in all zones. The potential for conflict between the subdivision and zoning regulations is reduced.

The regulatory definition of "Residential Zero Line" reads as:

"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.

Connor and Valorie Nelson commented on the proposal during the May 1<sup>st</sup> and June 19<sup>th</sup> Planning Commission meetings. Neither one of them were present during the July 17<sup>th</sup> meeting. The Nelson's comments are described, in detail, in the attached minutes of those meetings. Their concerns include allowing home occupations in zero lot lines would devalue property, would be retroactive, and were an attempt to invalidate the lawsuit that was filed involving the Menendez conditional use permit.

There was not any other public comment on the proposal.

**Recommended Action:**

Receive public comment and approve the ordinance.

*Informational Notes:*

*The proposal currently appears in two complementary forms. A proposal was submitted for public and Planning Commission revision and is dated April 26, 2012. This nine page version puts the proposal in context by including most, if not all, of the zoning and subdivision code changes that cover zero lot lines.*

*Ordinance 2012 – 27 is a subset of the April 26<sup>th</sup> version and only includes those sections that were revised. The ordinance is much shorter since it does not include the unmodified sections.*

*The zoning code has a definition of “zero lot line”. That term was retained, in a revised form, to provide consistency between the zoning and subdivision regulations. To reinforce the residential nature of zero lot lines, a definition and use for term “residential zero lot line” was added. This second term appears in the table 22.16.015-1 of the zoning code.*

CITY AND BOROUGH OF SITKA  
ORDINANCE NO. 2012 – 27

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

46 assemblies on each side of the adjoining property line. The uses allowed in Zero Lot Line,  
 47 Residential are limited to residential uses, home occupations as regulated by other sections of  
 48 SGC Title 22 and day cares accommodating up to four children of paying non family member  
 49 clients. Also see Zero lot, residential. (Ord. 02-1683 § 4 (part), 2002.)

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

56 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)
<b>RESIDENTIAL</b>																		
• 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						
<b>GROUP RESIDENCES</b>																		
• 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			
<b>TEMPORARY LODGING</b>																		
• 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			

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59 F. Consistent with the clarifications above, Footnote 6 of SGC Table 22.16.015-3 General  
60 Services is revised to read as follows:

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63 Day cares with four children or less not related to the provider are a permitted use in the R-1  
64 and related zones. ~~and establishments~~ Day cares with five children or more not related to the  
65 provider are a [conditional use](#) , in owner occupied detached single family dwellings only, in the  
66 R-1 and related zones.

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

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72 PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka,  
73 Alaska this 25th day of September 2012.

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\_\_\_\_\_  
Cheryl Westover, Mayor

76 ATTEST:

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79 \_\_\_\_\_  
80 Colleen Ingman, CMC  
Municipal Clerk

# PROPOSED ZERO LOT LINE CODE REVISIONS

DRAFT PREPARED APRIL 26, 2012

Standard font – existing code

Strike out – proposed for deletion

Underline – Proposed new language

## Title 21 Subdivision Regulations

### Chapter 21.24 ZERO LOT LINE SUBDIVISIONS

Sections:

- 21.24.010 Application and zero lot line plat of subdivision.
- 21.24.020 Final plat requirements.
- 21.24.030 Zoning requirements.
- 21.24.040 Party wall agreement.
- 21.24.050 Procedure after application.

#### **21.24.010 Application and zero lot line plat of subdivision.**

The zero lot line subdivision application, review and approval procedures shall be the same as those for minor subdivisions (Chapter 21.12) except as specified below:

- A. The exact locations of the structures shall be shown along with dimensions to each adjacent property line. This may be accomplished by either of the following methods:
  - 1. Obtain foundation permit and have foundation in place when survey is accomplished to provide plat of subdivision; or
  - 2. Indicate proposed location of structure and surveyor field stake foundation prior to building permit.
- B. No construction beyond the footings and stem wall shall be permitted and commenced until plat approval has been completed.
- C. Upon the receipt of a detailed written request by the applicant, the municipality may approve an alternate zero lot line process on a case-by-case basis. In all instances, a plat must be approved by the city planning commission or assembly and shall comply with the documentation required elsewhere in this chapter.
- D. The plat application shall include the proposed party wall agreement as required in Section 21.24.040.

(Ord. 03-1729 § 4 (part), 2003.)

#### **21.24.020 Final plat requirements.**

The final plat shall comply with all other final plat requirements and shall include all required plat certificates and plat notes. In addition, the final plat shall contain the following additional certification:

LOT(S) \_\_\_\_\_ ARE INTENDED TO BE SOLD ONLY FOR ZERO LOT LINE DEVELOPMENT. LOT DEVELOPMENT SHALL REMAIN ZERO LOT LINE OR COMMON WALL CONSTRUCTION IN ITS ENTIRETY FOR THE LIFE OF THE COMMONLY BOUND UNITS. SHOULD FIRE OR OTHER DESTRUCTION OCCUR TO ONE OR BOTH OF THE UNITS, THEY SHALL BE RECONSTRUCTED ONLY AS A COMMON WALL UNIT, AGAIN, FULLY JOINED TO THEIR NEIGHBOR, UNLESS ONE SUCH PARTY TOTALLY BUYS THE INTEREST OF THE OTHER AND RECONSTITUTES THE

ORIGINAL PROPERTY BACK INTO A SINGLE LEGAL USE. THERE IS A RECORDED PARTY WALL AGREEMENT RESTRICTING THE USE OF THIS PROPERTY FOUND AT SITKA RECORDING DISTRICT UNDER SERIAL NUMBER \_\_\_\_\_.

CONSTRUCTION OF THE COMMON WALL UNITS ALONG A COMMON LOT LINE SHALL BE SIMULTANEOUS UNLESS SEPARATE CONSTRUCTION RECEIVES PRIOR APPROVAL BY THE MUNICIPALITY FOR GOOD CAUSE SHOWN.

(Ord. 03-1729 § 4 (part), 2003.)

### **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.~~

#### **A. Additional Requirements.**

1. Zero lot line subdivisions shall permit side by side, one-family structures only (no duplex or more per side) and shall have a minimum of twenty-five percent of the total party wall adjoined together as a common wall.
2. The common wall shall consist of the following minimum rated fire wall: five-eighths-inch type "x" rated sheet rock shall be placed on the interior face of each unit, followed by a minimum of a two-inch by four-inch stud wall (sixteen-inch on center), followed by a five-eighths-inch weather-resistant, fire-rated gypsum wallboard. This is followed by a minimum of a one-inch air space, then a five-eighths-inch weather-resistant, fire-rated gypsum wallboard, then a minimum of a two-inch by four-inch stud wall (sixteen-inch center) with a five-eighths-inch type "x" rated sheet rock on the interior face of the second unit. This double-protected wall forms the common or party wall and shall be constructed so as to extend from the top of the concrete stem wall to the underside of the roof sheathing.
3. Separate water, sewer, and electrical utility services are required for each unit side. All the above services shall extend to and be individually connected to the adjacent municipal lines in the adjacent street. As separate saleable units, a zero lot line is treated as if they were totally separated buildings. No break or problem in any utility service should be allowed to have any adverse effect on the adjacent unit.

(Ord. 03-1729 § 4 (part), 2003.)

### **21.24.040 Party wall agreement.**

A party wall agreement shall be included as a covenant to all zero lot line subdivisions and shall be entered into by the adjacent affected property owners. This agreement shall include, but is not limited to, the following sections:

#### **A. Recitals.**

1. A legal description of the property;
2. Declarations of ownership, common wall definitions, and the purpose of the document.

#### **B. Party Wall.**

1. Declaration of the party wall as defined;
2. Provisions for the shared responsibility of major maintenance and replacement as well as the use of any common problems (i.e., party wall) of said development;
3. Statement of the duration and effect of this agreement;
4. Provisions for regulations involving encroachment onto the adjacent property.

C. Use of the Property.

1. Provisions for the major maintenance or modification of each side of the structure's exterior with the adjacent owner's agreement;
2. Declaration of the restricted use to a single-family dwelling only for each lot;
3. Restrictions for the maintenance and upkeep of each lot in a neat and orderly fashion;
4. A statement on the procedure should one or both of the units be destroyed or removed. This may include the provision of one owner purchasing the total interest of the other party and the removal and revocation of the zero lot line subdivision and party wall agreement thereby returning the total property back to a single lawful use.

(Ord. 03-1729 § 4 (part), 2003.)

**21.24.050 Procedure after application.**

A. Submittal. The applicant shall submit all required information at least fifteen days prior to the date that the planning commission hearing on the subdivision is scheduled. All data shall be submitted to the planning office of the municipality.

B. Public Hearing. At a regular meeting, the planning commission shall hold a public hearing on the application request. The commission may approve, conditionally approve, or deny the application. Flagging of lot lines shall be installed as directed by the municipality. If denied, the commission shall cause to have prepared a formal letter outlining the reasons for denial.

C. Denial—Appeal. If the planning commission denies the requested subdivision, the applicant has fifteen days, from the date of the denial, to file a timely appeal. Such appeal shall be in writing, stating any reasons the applicant feels are relevant to the cause and shall be filed with the municipal clerk. A timely appeal shall stay all proceedings pending the outcome of the appeal. The assembly of the city and borough of Sitka shall hear the appeal, acting as a board of adjustment, within sixty days of receipt of the appeal. All records, applications, and other material shall be supplied to the assembly for their deliberations.

(Ord. 03-1729 § 4 (part), 2003.)

**21.08.260 "Z".**

A. "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.



## Title 22 Zoning Regulations

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.)

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.

Insert the use Zero Lot, Residential as a permitted use in the R-1, R-1 M, R-1 LDMH, R-2, R-2 MHP, C-1, C-2 and WD districts in the table below.

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)
<b>RESIDENTIAL</b>																	
• 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					
<b>GROUP RESIDENCES</b>																	
• 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			
<b>TEMPORARY LODGING</b>																	
• Hostel							C	C		P	P	P					

**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)
• 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			

P: Public Lands District

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

R-1 MH: Single-Family/Duplex/Manufactured Home District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

R-2: Multifamily District

R-2 MHP: Multifamily/Mobile Home District

CBD: Central Business District

P—Permitted

C—Conditional Use Permit Required

PU/CS—Permitted on Unsubdivided Islands and Conditional Use on Subdivided Islands

C. Residential Uses Table 22.16.015-1 Footnotes.

- Public facilities not otherwise identified may be permitted in the public zone subject to planning commission recommendation and assembly approval subject to findings of fact that show the use is in the public interest; all reasonable safeguards are to be employed to protect the surrounding area; and that there are no reasonable alternative locations for the use.
- All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
- Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
- Including zero lot developments.
- Townhouse, cluster housing developments and planned unit developments are conditional uses subject to this title and Title 21 of this code, Subdivisions.
- On-site storage of commercial fishing vessels, fishing equipment and other small business equipment is a permitted conditional use so long as such storage does not occupy more than four hundred square feet.
- Bed and breakfast establishments are limited to three guest rooms in the R-1, R-1 MH, and R-1 LD districts as conditional uses only when no other rental such as apartments is in operation on the same lot.
- Bed and breakfast establishments are limited to five guest rooms in the R-2, R-2 MHP districts as conditional uses only when no other rental such as apartments is in operation on the same lot.

C-1/C-2: General

Commercial and General Commercial/ Mobile Home Districts

WD: Waterfront District

I: Industrial District

GI: General Island District

LI: Large Island District

R: Recreational District

OS: Open Space District

SC: Sawmill Cove Special District

9. Short-term rentals including legal nonconforming uses shall provide two off-street parking spaces per unit, comply with the municipal fire code, and comply with the requirements of the building department based on a life safety inspection.

10. Hotels, motels, lodges, boarding houses and bed and breakfasts capable of accommodating a maximum of six guests plus one guest for each one-half acre or fraction thereof above one acre on unsubdivided islands are permitted principal uses. Hotels, motels, lodges, boarding houses and bed and breakfasts, on unsubdivided islands that exceed this maximum, are conditional uses.

Bed and breakfast establishments, boarding houses, hotels, motels and lodges are conditional uses on subdivided islands.

11. Many of the permitted and conditional uses in the CBD, C-1, C-2, and WD zones generate traffic, noise, odor, and general impacts to a higher level and greater degree than permitted and conditional uses in residential districts. Owners of residential uses in the CBD, C-1, C-2 and WD districts must be aware of and accepting of all the permitted uses in these districts.

12. Single or multiple apartments shall only be permitted on the first floor of structures in the CBD district if approved through the conditional use process. Single and multiple apartments are permitted uses on upper floors of structures in the CBD district.

13. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with Section 2.38.080.

**Table 22.16.015-2 - Cultural/Recreational Uses**

**Table 22.16.015-3 – General Services Uses**

**Table 22.16.015-4 – Public Facilities Uses**

**Table 22.16-015-5 – Manufacturing/Storage Uses**

**Table 22.16.015-6 – Retail and Business Uses**

**Table 22.20-1  
Development Standards(2)**

ZONES	MINIMUM LOT REQUIREMENTS		MINIMUM SETBACKS			MAXIMUM HEIGHTS		MAXIMUM BUILDING COVERAGE	MAXIMUM DENSITY
	Width	Area(1, 19)	Front(3)	Rear	Side	Principal Structures	Accessory Structures		
P	(4)	(4)	20 ft.	15 ft.	10 ft.	40 ft.	16 ft.	35%	
SF(16)	80 ft.	8,000 s.f.	20 ft.(8)	10 ft.(9)	8 ft.	35 ft.(10)	16 ft.	35%	
SFLD	80 ft.	15,000 s.f.	20 ft.(8)	20 ft.(9)	15 ft.	35 ft.(10)	16 ft.	35%	
R-1(6, 16)	80 ft.	8,000 s.f.	20 ft.(8)	10 ft.(9)	8 ft.	35 ft.(10)	16 ft.	35%	
R-1 MH(6, 16)	80 ft.	8,000 s.f.	20 ft.(8)	10 ft.(9)	8 ft.	35 ft.(10)	16 ft.	35%	
R-1 LD/LDMH	80 ft.	15,000 s.f.(5)	20 ft.(8)	20 ft.(9)	15 ft.	35 ft.(10)	16 ft.	35%	
R-2(6, 16)	80 ft.	8,000 s.f. for the first two units and 1,000 s.f. for each additional unit	20 ft.(8)	10 ft.(9)	8 ft.	40 ft.	16 ft.	50%	Maximum density = 24 DU/A
R-2 MHP(6)	80 ft.	Same as R-2	20 ft.(8)	10 ft.(9)	8 ft.	40 ft.	16 ft.	50%	Same as R-2
CBD(17)	None	None(7)	(11)	(11)	(11)	50 ft.	16 ft.	None	
C-1(6)	60 ft.	6,000 s.f.(7)	20 ft.(8)	10 ft.	5 ft.	40 ft.	16 ft.	None, except for setback areas	
C-2(6)	60 ft.	6,000 s.f.(7)	20 ft.(8)	10 ft.	5 ft.	40 ft.	16 ft.	Same as C-1	
WD(6)	60 ft.	6,000 s.f.(7)	20 ft.(8, 12)	5 ft.(12)	10 ft.(12)	40 ft.	16 ft.	Same as C-1	
SC	50 ft.	5,000 s.f.	10 ft.	5 ft.(12)	10 ft.(12)	50 ft.	50 ft.	Same as C-1	
I	100 ft.	15,000 s.f.	20 ft.(8)	10 ft.	5 ft.	40 ft.	16 ft.	50%(13)	
LI	None	1 acre(14)	None(15)	None(15)	None(15)	35 ft.	35 ft.	25%	
GI	None	1 acre	None(15)	None(15)	None(15)	35 ft.	35 ft.	None	

**Table 22.20-1  
Development Standards(2)**

ZONES	MINIMUM LOT REQUIREMENTS		MINIMUM SETBACKS			MAXIMUM HEIGHTS		MAXIMUM BUILDING COVERAGE	MAXIMUM DENSITY
	Width	Area(1, 19)	Front(3)	Rear	Side	Principal Structures	Accessory Structures		
R	(16)	(16)	20 ft.	10 ft.	5 ft.	35 ft.	20 ft.	50%	
OS	None	1 acre	None(15)	None(15)	None(15)	35 ft.	35 ft.	None(15)	

(Ord. 11-04S § 4(B) (part), 2011; Ord. 06-06 § 4(C), 2006; Ord. 03-1746 § 4 (part), 2003; Ord. 02-1683 § 4 (part), 2002.)

**22.20.035 Notes to Table 22.20-1.**

1. Minimum lot area net of access easements.
2. All developed lots and parcels shall have access to a public street and circulation within the development to ensure adequate vehicular circulation for parking, freight, and emergency vehicles. Where lots or parcels do not front on and have direct access to streets, a minimum twenty-foot improved driveway with a minimum of a twelve-foot wide developed driveable surface on a legal easement shall provide access between the subject development and the street.
3. Front setbacks apply to all lot lines adjacent a public street. Corner lots have two front setbacks.
4. As determined by the specific use and its parking and loading requirements.
5. Duplexes shall have a minimum of twelve thousand square feet of lot area per unit.
6. Zero lot line lots shall be a minimum of seven thousand five hundred feet in area.  
 Additional Note: The minimum square footages for each unit of a zero lot line shall be as follows:  
 R-1 and R-1 MH 4,000 sq. ft.  
 R-1 LD and R-1 LDMH 7,500 sq. ft.  
 R-2 and R-2 MHP 4,000 sq. ft.  
 C-1, C-2 and WD 3,000 sq. ft.  
 Zero lot lines may be allowed on existing lots of record in the R-1 and R-1 MH zones with square footages less than above if the planning commission finds that there is adequate density and parking.
7. Minimum lot area per dwelling unit shall be six thousand square feet for one and two-family dwellings with an additional one thousand square feet for each additional dwelling unit.
8. Front yard setback shall be ten feet when lots abutting street rights-of-way are equal to or greater than eighty feet.
9. Residential docks are exempt from rear yard setback.
10. Except as exempted by Section 22.20.050.

11. Subject to site plan approval.
12. No setbacks are required from property lines of adjacent filled, intertidal, or submerged tidelands.
13. Additional building coverage may be permitted subject to site plan approval.
14. Unless the subject use occupies the entire island.
15. Where island lots share common property lines, the minimum setback shall be fifteen feet.
16. The minimum site setback on lots in zones SF, R-1, R-1 MH, and R-2 shall be five feet for lots that are sixty feet wide or narrower; in all other cases in those zones, the minimum side setback shall be eight feet.
17. A five-foot setback shall be along any property line abutting a public street, alley, or deed access easement. The purpose of this setback shall be to assure that sidewalks, curb and gutter, power pole locations, or other public necessities can be accommodated.
18. Lot size variances may be allowed for subdivisions that include sidewalks or pathways.

**City and Borough of Sitka  
Planning and Zoning Commission  
Draft Minutes of Meeting  
May 1, 2012**

**Present:** Jeremy Twaddle (Chair), Darrell Windsor (Member), Richard Parmelee (Member), Wells Williams (Planning Director), Melissa Henshaw (Planner)

**Members of the Public:** Stephen Weatherman (Municipal Engineer), Richard Guhl, Valorie/Connor Nelson, Shannon Haugland (Daily Sitka Sentinel)

Chairman Twaddle called the meeting to order at 7:00 p.m.

**Consideration of the Minutes from the April 17, 2012 meeting:**

**MOTION: M/S PARMELEE/WINDSOR** moved to approve the meeting minutes for April 17, 2012.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

**This evening's business:**

**CODE TEXT AMENDMENTS  
ZERO LOT LINES  
SITKA PLANNING OFFICE**

*Public hearing and consideration of zoning and subdivision text amendments to zero lot lines including sections 21.08.260; 21.24.010; 21.24.020; 21.24.030; 21.24.040; 21.24.050; 22.08.580; 22.08.722 New; and Table 22.16.015-1. Full description details are available at the Sitka Planning Office and are available online at [www.cityofsitka.com](http://www.cityofsitka.com).*

Planning Director Williams stated that he initiated this request to accommodate concerns that the Nelson's raised with the Menendez day care. He reviewed the changes with the Commission which included the inconsistency with the zoning code and the subdivision code, the reworded term to residential zero lot line, and definitions.

Chair Twaddle received confirmation from Planning Director Williams that a conditional use permit under this new code does not allow a day care of more than four children that are non family members.

**PUBLIC COMMENT:** Connor Nelson came forward hoping that this request wouldn't be rushed. He stated that he doesn't think that home occupations should be allowed. He is concerned with the language and doesn't think that we go back and retroact uses. The party wall agreements state residential use only. He isn't sure if people that have zero lot lines knows what is going on. Zero lot lines in his mind were always a trade off since the square footage is less. Since it is less then owners should get a residential unit only not a bed and breakfast or other uses.

Valorie Nelson came forward. She attended the January 17<sup>th</sup> meeting in which the party wall agreement was to be evaluated by the Municipal Attorney. In scope and jurisdiction 21.04.030 under C 21.24 a subdivision creating lots for residential units within common walls or for building residences on the side lot lines. Residences are just that; residences and not businesses. She doesn't think the Commission had enough time to explore nor did the attorney give favorable approval. The parking plan submitted was different than what the Commission requested. Home occupancy is a non residential use.

Planning Director Williams suggested this go to the first meeting in June also noting that Home Occupations should be looked at in this request.

Chair Twaddle confirmed with Planning Director Williams that it was determined by the Municipal Attorney that the party wall agreement is a private contract and not part of a conditional use permit. Discussion occurred in regards to home occupations, accessory use tables and affordable housing with too many rules and regulations.

**PLANNING DIRECTOR'S REPORT:** None

**PUBLIC BUSINESS FROM THE FLOOR:** Connor Nelson came forward with a question without a clear solution in regards to the dedications of right-of-ways and easement on a plat to which Planning Director Williams stated that it wasn't clear in the past whether it was private or public use.

#### **ADJOURNMENT**

**MOTION: M/S PARMELEE/WINDSOR** moved to adjourn at 8:59 p.m.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

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Jeremy Twaddle, Chair

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Melissa Henshaw, Secretary



**CITY AND BOROUGH OF SITKA  
Planning Commission  
Minutes of Meeting  
June 19, 2012**

**Present:** Jeremy Twaddle (Chair), Tom Rogers (Member), Darrell Windsor (Member), Wells Williams (Planning Director), Gail Johansen Peterson (Contract Secretary).

**Members of the Public:** Francois Bakkes, Chad Remington, Connor & Valerie Nelson, Shannon Haugland (Daily Sitka Sentinel).

Chairperson Twaddle called the meeting to order at 7:00 p.m.

**Consideration of the Minutes from the June 5, 2012 meeting:**

**MOTION: M/S Windsor/Rogers** to approve the meeting minutes for June 5, 2012.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

**The evening business:**

**CODE TEXT AMENDMENTS  
ZERO LOT LINES  
SITKA PLANNING OFFICE**

*Public hearing and consideration of zoning and subdivision text amendments to zero lot lines including sections 21.08.260; 21.24.010; 21.24.020; 21.24.030; 21.24.040; 21.24.050; 22.08.580; 22.08.722 New; and Table 22.16.015-1. Full description and details are available at the Sitka Planning Office and are available online at [www.cityofsitka.com](http://www.cityofsitka.com).*

Planning Director Williams reviewed proposed zoning and subdivision text amendments zero lot lines. The intent is to provide a regulatory definition of zero lot lines, add use of zero lot lines to residential use and add zero lot lines to the residential use table. Staff hopes the proposed amendments will accommodate concerns that have been raised.

**PUBLIC COMMENT:** Valerie Nelson spoke to the proposed amendments and said she and her husband do not want to be accommodated. They simply request the City follow its own ordinances. Zero lot lines required a party wall agreement. She viewed the proposed amendments as an attempt to invalidate the law suit she and her husband filed two months ago and to retroactively approve non-residential uses. Ms. Nelson read aloud text about home occupations as an example. The amendments would remove protections to residential properties and invalidate party wall agreements that align with regulations prohibiting non-residential uses. This devalues residential property affected by the revisions. Ms. Nelson stated every property owner with a zero lot line should be given fair notice about the proposed changes. She noted zero lot lines were created in the mid-1980's to address needs for affordable housing.

Connor Nelson stated he and his wife never asked to be appeased. They came before the Planning Commission and City Assembly to point out under Title 21 the zoning text was single family residential only. Party wall agreements all followed this Title. He stated it is confusing because now retroactive uses are being added. This will be taking from anyone under the

impression they are living under Title 21 uses for single family dwelling only. He asserted the recent granting of a conditional use permit for a home occupation was incorrect. Mr. Nelson stated they filed an appeal because they felt this was wrong. The parking plan was also incorrect and is not even being followed. The Planning Commission and Assembly did virtually nothing to protect the neighbors. Mr. Nelson will see this matter through the court process so that fresh eyes can look at the matter to provide a ruling all parties will abide, whatever the outcome.

Mr. Nelson also mentioned it is not clear how to revise the present code under zero lot lines to permit working in one's occupation in one's home. However, he would not object to this if there was a way to revise this section. He also does not see a problem with three zero lot lines side-by-side. He noted this would be useful in some circumstances and described a beach lot he owns that this could apply to in order to provide affordable housing.

A matter not addressed here are private properties on private road ways. These are the result of minor subdivisions and he would like revisions to the code to make it possible to have zero lot lines. This would make it more affordable to make the best use of the lots. Section 21.08.260 allows two or more zero lot lines. Chair Twaddle stated he believes this applies to town homes.

Planning Director Williams noted the zoning code and subdivision code are internally inconsistent regarding zero lot lines. He provided examples and stated the revisions are proposed to align the codes. No changes are proposed for party wall agreements.

Commissioner questions were answered. A list of allowable home occupations will be provided. This matter will be brought back to the Commission at the July 17, 2012 meeting.

**PLANNING DIRECTOR'S REPORT:** The July 3 meeting is cancelled. In early August Mr. Williams will be in Montana. Staff will give presentations on GIS. Assembly will consider a vacated right of way.

**PUBLIC BUSINESS FROM THE FLOOR:** None.

**COMMISSIONER COMMENTS:** A property at Price and Burkhart Streets received complaints.

#### **ADJOURNMENT**

**MOTION:** M/S Rogers/Windsor to adjourn at 7:58pm.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

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Jeremy Twaddle, Chair

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Gail Johansen Peterson, Contract Secretary

**CITY AND BOROUGH OF SITKA  
Planning Commission  
Minutes of Meeting  
July 17, 2012**

**Present:** Tom Rogers (Acting Chair), Darrell Windsor (Member), Richard Parmelee (Member), Wells Williams (Planning Director), Melissa Henshaw (Planner I)

**Members of the Public:** Colleen Ingman, Grace Hwang, Craig Giammona (Daily Sitka Sentinel).

Acting Chair Rogers called the meeting to order at 7:00 p.m.

**Consideration of the Minutes from the June 19, 2012 meeting:**

**MOTION: M/S PARMELEE/WINDSOR** to approve the meeting minutes for June 19, 2012.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

**The evening business:**

**CODE TEXT AMENDMENTS  
ZERO LOT LINES  
SITKA PLANNING OFFICE**

*Public hearing and consideration of zoning and subdivision text amendments to zero lot lines including sections 21.08.260; 21.24.010; 21.24.020; 21.24.030; 21.24.040; 21.24.050; 22.08.580; 22.08.722 New; and Table 22.16.015-1. Full description and details are available at the Sitka Planning Office and are available online at [www.cityofsitka.com](http://www.cityofsitka.com).*

Planning Director Williams informed commissioners that this is unchanged. This clarifies and cleans up some contradictions in the code. These changes do three things: It strikes the zoning requirements in 21.24.030; it creates a regulatory definition in title 22; and lastly it is carried over into the use tables.

Commissioner Windsor received clarification of "up to four children paying non family member clients."

**PUBLIC COMMENT:** None.

**MOTION: M/S PARMELEE/WINDSOR** moved to recommend to the Assembly the zoning and subdivision text amendments to zero lot lines be enacted by the Assembly by Ordinance.

**MOTION: M/S WINDSOR/PARMELEE** moved to approve the following finding in support of the recommended approval of the zoning and subdivision text amendments:

1. Consistent with Comprehensive Plan policy 2.3.1 which states To guide the orderly and efficient use of private and public land in a manner that maintains a small-town atmosphere, encourages a rural

lifestyle, recognizes the natural environment, and enhances the quality of life for present and future generations without infringing on the rights of private landowners.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

**PLANNING DIRECTOR'S REPORT:** The next meeting is three weeks from tonight. There is one item on the agenda for the narrowing of an access easement on the old SJ campus. However, the agenda is closed earlier due to the Planner I being out of town. Commissioner Rogers will be out of town.

**PUBLIC BUSINESS FROM THE FLOOR:** None.

**ADJOURNMENT**

**MOTION:** M/S WINDSOR/PARMELEE to adjourn at 7:46 pm.

**ACTION:** Motion **PASSED unanimously** on a voice vote.

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Tom Rogers, Acting Chair

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Melissa Henshaw, Secretary

## **Subdivision and Zoning Code Revisions to the Zero Lot Line Regulations**

July 17, 2012

Again, Tuesday night is the zoning and subdivision text amendments to zero lot lines. Directly following is the permitted accessory uses and the home occupation regulations as promised for the Commission at the June 19<sup>th</sup> meeting.

## **Subdivision and Zoning Code Revisions to the Zero Lot Line Regulations**

June 19, 2012

Back before the Board and up for consideration Tuesday night is the zoning and subdivision text amendments to zero lot lines.

## **Subdivision and Zoning Code Revisions to the Zero Lot Line Regulations**

May 1<sup>st</sup>, 2012

Tuesday night, the board will hold a public hearing on a proposal by the Planning Office to clean up the zero lot line regulations in the zoning and subdivision regulations.

The proposals are an attempt to insure that zero lot lines, in commercial zones, do not contain the full range of commercial uses. The proposal was developed in response to issues raised by Connor and Valorie Nelson during their request for reconsideration of the Menendez day care conditional use request. They were also drafted after the Assembly expressed concerns about the current zero lot line regulations.

Currently, the subdivision regulations contain a paragraph that states that zero lots are allowed in residential zones. The paragraph is in SGC 21.24.030. While the zoning regulations do not list zero lot lines in the Residential Land Use table, they do list minimum requirements for zero lot lines in the Development Standards table. The subdivision and zoning regulations are, therefore, internally inconsistent.

The Planning Office proposal remedies the situation by 1) striking the zoning language from the subdivision regulations, 2) creating a regulatory definition for residential zero lot lines in the zoning code, and, 3) adding the use “residential zero lot line” in the Residential Land Use table. The residential zero lot line definition limits the types of activities that can occur in the zero lot lines in all zones. The potential for conflict between the subdivision and zoning regulations is reduced. The zoning code also makes it clear that zero lot lines are intended to be residential in nature.

The Planning Office intends to merge these changes into the zoning and subdivision code revision ordinance when that ordinance reaches the Assembly later this year. The Planning Office will forward those changes onto the Assembly after they finish hearing the current land use appeals, finish with the budget, and staff's busy summer travel schedule is over.

It is the finding of the Planning Office that these proposals further the public process by providing clarity to uses in the zero lot lines. The Public Works Department has submitted minor changes to party wall agreement language that merits Planning Commission review. These revisions do not alter the intent of the parties. The proposals are consistent the policy 2.3.1 of the 2007 Comprehensive Plan that encourages the orderly use of private land. The Planning Office recommends that the Planning Commission pass a motion recommending approval of the proposal.

JINAL PROPERTY BACK INTO A SINGLE LEGAL USE. THERE IS A RECORDED PARTY WALL AGREEMENT RESTRICTING THE USE OF THIS PROPERTY FOUND AT SITKA RECORDING DISTRICT UNDER SERIAL NUMBER \_\_\_\_\_.

CONSTRUCTION OF THE COMMON WALL UNITS ALONG A COMMON LOT LINE SHALL BE SIMULTANEOUS UNLESS SEPARATE CONSTRUCTION RECEIVES PRIOR APPROVAL BY THE MUNICIPALITY FOR GOOD CAUSE SHOWN.

(Ord. 03-1729 § 4 (part), 2003.)

Public Works Comments

### 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.

#### A. Additional Requirements.

1. Zero lot line subdivisions shall permit side by side, ~~one-family structures only~~ <sup>the first</sup> (no duplex or more per side) and shall have a minimum of twenty-five percent of the total party wall adjoined together as a common wall.
2. The common wall shall consist of the following ~~minimum rated fire wall~~ <sup>over</sup>: five-eighths-inch type "x" rated sheet rock shall be placed on the interior face of ~~each~~ <sup>the first</sup> unit, ~~followed by~~ a minimum of a two-inch by four-inch stud wall (sixteen-inch on center), followed by a five-eighths-inch weather-resistant, fire-rated gypsum wallboard. This is followed by a minimum of a one-inch air space, then a five-eighths-inch weather-resistant, fire-rated gypsum wallboard, then a minimum of a two-inch by four-inch stud wall (sixteen-inch center) with a five-eighths-inch type "x" rated sheet rock on the interior face of the second unit. This double-protected wall forms the common or party wall and shall be constructed so as to extend from the top of the concrete stem wall to the underside of the roof sheathing.
3. Separate water, sewer, and electrical utility services are required for each unit side. All the above services shall extend to and be individually connected to the adjacent municipal lines in the adjacent street. As separate saleable units, a zero lot line is treated as if they were totally separated buildings. No break or problem in any utility service should be allowed to have any adverse effect on the adjacent unit.

(Ord. 03-1729 § 4 (part), 2003.)

### 21.24.040 Party wall agreement.

A party wall agreement shall be included as a covenant to all zero lot line subdivisions and shall be entered into by the adjacent affected property owners. This agreement shall include, but is not limited to, the following sections:

#### A. Recitals.

1. A legal description of the property;
2. Declarations of ownership, common wall definitions, and the purpose of the document.

#### B. Party Wall.

1. Declaration of the party wall as defined;
2. Provisions for the shared responsibility of major maintenance and replacement as well as the use of any common problems (i.e., party wall) of said development;
3. Statement of the duration and effect of this agreement;
4. Provisions for regulations involving encroachment onto the adjacent property.

CITY AND BOROUGH OF SITKA  
PLANNING DEPARTMENT  
ZONE CHANGE APPLICATION

ZONE MAP AMENDMENT FEE	\$100.00
ZONE TEXT AMENDMENT FEE	\$100.00
<i>Plus current city sales tax</i>	

ZONING AND  
SUBDIVISION  
TEXT  
AMENDMENT REQUEST

Applicant's Name: CITY & BOROUGH OF SITKA - PLANNING OFFICE

Phone Number: 747-1814

Mailing Address: 100 LINCOLN STREET, SITKA, AK

Applicant's Signature: [Signature] Date Submitted 4/17/12

Provide information or data, as necessary, to fully outline the reasons and justifications for the request. Attach additional sheets as necessary.

- For official map amendments, the application shall contain:
1. A legal description of **each** subject property along with the owner's name, address, and contact person for **each** subject property;
  2. An analysis showing the public benefit of the proposed amendment;
  3. An analysis showing the proposal's consistency with the Comprehensive Plan;
  4. A map of the area to be rezoned.

LIST SPECIFIC REQUEST: REVISE ZONING + SUBDIVISION REGULATIONS  
PERTAINING TO ZERO LOT LINES IN COMMERCIAL RESIDENTIAL  
ZONES. DETAILS ATTACHED.

EXPLANATION OF REQUEST:  
PROMOTE CLARITY + REMOVE INTERNALLY  
INCONSISTENT SECTIONS

After the application and supporting materials has been determined to be complete by the Planning Office, the request will be placed on the next available Planning Commission agenda.