




City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Memorandum

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

From: Wells Williams, Planning Director 

Subject: Ordinance 2013-17 Amending the Zoning Code to Allow Food Vendors at the Sawmill Cove Industrial Park during the Construction of the Blue Lake Dam Project

Date: March 21, 2013

The Planning Office was asked to prepare an ordinance to allow for eating and drinking establishments at Sawmill Cove during the Blue Lake Dam project. The ordinance, as drafted, also allows for food carts and vehicles serving food on a temporary basis. This proposal is on the Assembly agenda as Ordinance 2013-17.

Eating and drinking establishments are currently a conditional use in the SC zoning district. They were listed as a conditional use after the Assembly spent a considerable amount of time, several years ago, deciding how retail uses should be regulated at the industrial park.

The Planning Commission considered a related proposal, submitted by SEDA, earlier this month. The zoning text change was withdrawn during the board's meeting.

The current ordinance differs from the vast majority of zoning text changes since it is temporary in nature. The ordinance also supersedes the current requirement in the code for a Planning Commission recommendation prior to Assembly adoption. Ordinances have been considered, in the past, that supersede sections of the municipal code.

Providing for today...preparing for tomorrow

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CITY AND BOROUGH OF SITKA
ORDINANCE NO. 2013 - 17
AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA AMENDING SITKA
GENERAL CODE TITLE 22 ZONING TO AMEND SGC TABLE 22.16.015-6 TO ALLOW
EATING AND DRINKING PLACES IN THE SC SAWMILL COVE SPECIAL DISTRICT AS A
PERMITTED USE ON A TEMPORARY BASIS

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

1. CLASSIFICATION. This ordinance is of a temporary 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 purpose of this ordinance is to facilitate the provision of services at the Sawmill Cove Industrial Park during the construction of the Blue Lake Dam project.

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

A. Amend SGC Table 22.16.015-6 Business and Retail Uses to make eating and drinking places a permitted use in the SC Sawmill Cove Special District with a notation listing Regulatory Footnote 9.

B. Amend SGC Table 22.16.015-6 Business and Retail Uses to add Regulatory Footnote 9 that reads "Eating and drinking places, including vehicles serving food and food carts, are a Permitted Use in the SC district for the life of the Blue Lake Dam project. Upon completion of the Blue Lake Dam project, eating and drinking places shall automatically revert back to their status as a Conditional Use in the SC district."

C. Due to the temporary nature of this ordinance, this ordinance supersedes the requirements in SGC Section 22.30.380 Amendment Standards – Development Regulations, Official Map and other Official Controls.

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 9th day of April, 2013.

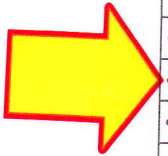
ATTEST:

Mim McConnell, Mayor

Colleen Ingman, CMC
Municipal Clerk

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

ZONES	P(1)	CBD (8)	C-1	C-2	WD(2)	I(3)	SC
• Building, hardware and garden materials			P	P		P	P
• Bulk forest products sales		P	P	P	P	P	P
• Retail forest products sales			P	P	P	P	C
• Art galleries and sales of art		P	P	P	P		
• Department and variety stores		P	P	P	P(5)		
• Food stores		P	P	P	P(5)		C
• Agricultural product sales			P	P		P	P
• Motor vehicle and boat dealers		P(7)	P	P	P(5)		P
• Auto supply stores		P	P	P			P
• Gasoline service stations		C	P	P		P	C
• Apparel and accessory stores		P	P	P	P(5)		
• Furniture and home furnishing stores		P	P	P			C
• Eating and drinking places		P	P	P	P	C	C
• Drug stores		P	P	P			
• Liquor stores		P	P	P	P(5)		
• Used goods, secondhand stores		P	P	P	P(5)		C
• Sporting goods		P	P	P	P(5)		
• Book, stationery, video and art supply		P	P	P	P(5)		
• Jewelry stores		P	P	P	P(5)		
• Monuments, tombstones and gravestones		P	P	P		P	P
• Hobby, toy, game stores		P	P	P			
• Photographic and electronic stores		P	P	P	P(5)		
• Fabric stores		P	P	P			
• Fuel dealers			P	P		P	C
• Florists		P	P	P			
• Medical supply stores		P	P	P			
• Pet shops		P	P	P			
• Sales of goods that are wholly manufactured at Sawmill Cove Industrial Park SCIP							P
• Sales of gifts, souvenirs and promotional materials that bear the logo or trade name of an SCIP permitted use business							P
• Stand alone souvenir and gift shops		P	P	P	P		
• Bulk retail			P	P			
• Commercial home horticulture	P	P	P	P	P		
• Horticulture and related structures	P	P	P	P	P		P



G. Manufacturing/Storage Uses Table 22.16.015-5 Footnotes.

1. 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.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. No industrial use shall be of a nature which is noxious or injurious to nearby properties by reason of smoke, emission of dust, refuse matter, odor, gases, fumes, noise, vibration or similar conditions.
5. Ferry terminals, barge freight terminals, docks and harbor facilities including float plane facilities, fueling piers and tank farms and other port facilities are permitted principal uses subject to planning commission review and public hearing and assembly approval of a binding site plan.
6. Automobile wrecking yards, salvage yards, and junkyards are conditional uses and shall be set back a minimum of twenty feet from property lines and be enclosed by fences a minimum of eight feet in height. The setback area may be used for customer parking but not for vehicle storage.

Continued...
Table 22.16.015-6 Retail and Business Uses

ZONES	P(1)	CBD (8)	C-1	C-2	WD(2)	I(3)	SC
BUSINESS SERVICES							P
• General business services		P	P	P	P(5)	P	C
• Professional offices		P	P	P	P(5)		P
• Communications services		P	P	P	P(5)		P
• Research and development services		C	P	P	C(5)	P	P

P: Public Lands District

CBD: Central Business District

C-1: General Commercial

C-2: General Commercial/Mobile Home Districts

WD: Waterfront District

I: Industrial District

SC: Sawmill Cove Special District

P – Permitted

C – Conditional Use Permit Required

H. Retail and Business Uses Table 22.16.015-6 Footnotes.

1. 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.
2. All uses in the waterfront district are intended to be water-related or water-dependent except that upland uses may be non-water-related.
3. No industrial use shall be of a nature which is noxious or injurious to nearby properties by reason of smoke, emission of dust, refuse matter, odor, gases, fumes, noise, vibration or similar conditions.
5. When associated with a water-related principal use.
7. Motor vehicles and boat dealers permitted on a short-term basis.
8. Kiosks, outdoor restaurants, portable structures such as food stands and other temporary structures that are clearly incidental to the primary use on the lot are permitted uses. Mobile food carts on wheels are permitted uses on private property. Kiosks, outdoor restaurants, portable structures such as food stands and other temporary structures that are not clearly incidental to the primary use on the lot are conditional uses.

(Ord. 07-08 § 4 (part), 2007; Ord. 06-24 § 4, 2006; Ord. 06-09 § 4, 2006; Ord. 06-06 § 4(A), (B), (G), (H), (I), 2006; Ord. 05-47 § 4(B), 2005; Ord. 05-16 § 4(A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (K), (L), (M), (N), 2005; Ord. 05-09 § 4(A), 2005; Ord. 05-03 § 4(A), 2005; Ord. 04-60 § 4(A), (B), (E), (I), (O), (P), (Q), (V), 2004; Ord. 03-1750 § 4 (part), 2003; Ord. 03-1746 § 4 (part), 2003; Ord. 02-1683 § 4 (part), 2002.

**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	60 ft.	6,000 s.f.	20 ft.	5 ft. ⁽¹²⁾	10 ft. ⁽¹²⁾	40 ft.	16 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	
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. 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:

section shall be reviewed as a major amendment.

4. Minor amendment decisions shall be in writing and attached to the official file.
5. Copies of the decision shall be mailed to all parties of record.

B. Major Amendments.

1. Any modification exceeding the provisions established by the administrator shall follow the same procedure required for the original application.
2. A finding that addresses the applicability of any specific conditions of approval for the original permit shall be required.
3. Any modification that requires a permit other than the type granted for the original application shall require the new permit type.

(Ord. 02-1683 § 4 (part), 2002.)

**22.30.380 Amendment standards—
Development regulations, official
map and other official controls.**

This section is intended to provide the method for adopting amendments to the text and official map of the city's development regulations and other official controls.

A. Initiation of an Amendment. An amendment to the zoning code or other official controls may be initiated by:

1. The assembly requesting the planning commission to set the matter for hearing and recommendations.
2. The planning commission with the concurrence of the administrator.
3. One or more property owners directly affected by a proposal through a petition to the city.
4. Citizen advisory committees or organizations through a petition to the city.
5. The municipal administrator or his designee.

B. Application Required. An application for an amendment shall be in the form of letter filed with the administrator. The letter shall contain

information necessary for full assessment of the need, hardship, or other justification for the proposal. For official map amendments, the application shall contain a legal description of the subject property, owner's name, address, and contact person, and an analysis showing the public benefit of the proposed amendment as well as the proposal's consistency with the comprehensive plan. No application for an amendment shall be processed until the administrator has determined that the application is complete.

1. Except for the extension of existing zoning district boundaries, no change in district mapping shall be considered that would result in spot zoning or that would be inconsistent with proper and well-defined physical boundaries such as streets, major creeks, changes in topography or other physical features.

C. Staff Report. The administrator shall prepare a written report on each amendment pending before the planning commission. The report shall be transmitted to the planning commission and to the applicant before the public hearing. Each report shall contain:

1. Any factual findings pertaining to the amendment.
2. Any comments from city departments or other agencies with jurisdiction.
3. The staff's recommendation.

D. Public Hearing by the Planning Commission. The planning commission shall give notice and hold a public hearing prior to the recommendation for adoption or amendment of any official control to the city council. See Article IV of this chapter for hearing procedures and rules.

E. Adoption by Assembly. Amendments to the development regulations or other official controls shall be adopted by the assembly by ordinance after a public hearing on the planning commission's recommendation.

1. Official map amendment actions by the assembly shall not become effective except by a majority vote of five members when the actions are protested by owners of

twenty-five percent or more of the subject area.

- a. Written protests must be filed in person, with the city clerk, ten days prior to the assembly's public hearing. Protests must be signed by legal property owners and contain legal descriptions of the ownership interests in the subject amendment area.

F. Resubmittals. Proposed amendments which have been denied by the city shall not be resubmitted until one year from the effective date of the denial.

G. Exception for Moratorium on Short-Term Rentals. The procedures set out in this section for considering amendments to the text of the city and borough's development regulations and other official controls do not apply to an amendment adopted by the assembly establishing a moratorium on short-term rentals for a specific period.

(Ord. 05-09 § 4(B), 2005; Ord. 03-1746 § 4 (part), 2003; Ord. 02-1683 § 4 (part), 2002.)