

Title 22 ZONING

Chapters:

- 22.05** **General Provisions**
- 22.10** **Administration**
- 22.15** **Zoning Maps and Boundaries**
- 22.16** **District Regulations**
- 22.20** **Supplemental District Regulations and Development Standards**
- 22.25** **Special Use Permits**
- 22.30** **Mobile and Manufactured Homes**

SGC Title 22 Footnotes:

- 1 For statutory provisions regarding tourist and trailer camps, motor courts and motels, see AS [18.35](#).

Chapter 22.05 GENERAL PROVISIONS

Sections:

Article I. Introduction and General Provisions

- 22.05.010** **Title.**
- 22.05.020** **Purpose.**
- 22.05.030** **Conformity with regulations required.**
- 22.05.040** **Interpretation and application of provisions.**
- 22.05.050** **Public uses.**
- 22.05.060** **Severability.**
- 22.05.070** **Conflict with other regulations.**
- 22.05.075** **Brief user’s guide.**

Article II. Definitions

- 22.05.080** **General interpretation.**
- 22.05.090** **Interpretation of unlisted meanings.**
- 22.05.100** **Accessory dwelling unit.**
- 22.05.110** **Administrative officer.**

- 22.05.120 Alteration.**
- 22.05.130 Antenna.**
- 22.05.140 Apartment.**
- 22.05.150 Applicant.**
- 22.05.160 Arterial street.**
- 22.05.170 Automobile service station.**
- 22.05.180 Automobile wrecking yard.**
- 22.05.190 Bed and breakfast.**
- 22.05.200 Boardinghouse.**
- 22.05.210 Brewery, small scale.**
- 22.05.220 Building.**
- 22.05.230 Building, accessory.**
- 22.05.240 Building area/site coverage.**
- 22.05.250 Building height.**
- 22.05.260 Building line, front.**
- 22.05.270 Building, principal or main.**
- 22.05.280 Bulk retail.**
- 22.05.290 Cemetery.**
- 22.05.300 Church.**
- 22.05.310 Cluster housing development.**
- 22.05.320 Collector street.**
- 22.05.330 Commercial.**
- 22.05.340 Commercial home horticulture.**
- 22.05.350 Comprehensive plan.**
- 22.05.360 Conditional use.**
- 22.05.370 Condominium.**
- 22.05.380 Congregate care facility/retirement center.**
- 22.05.390 Coverage.**
- 22.05.400 Cul-de-sac.**
- 22.05.410 Day care, home provider, children's services.**
- 22.05.420 Dedication.**
- 22.05.430 Density.**
- 22.05.440 Dock.**
- 22.05.450 Dock, commercial.**
- 22.05.460 Dock, community personal use.**
- 22.05.470 Dock, personal use.**
- 22.05.480 Dormitory.**
- 22.05.490 Drinking establishment.**

- 22.05.500 Dwelling.
- 22.05.510 Dwelling, multiple-family.
- 22.05.520 Dwelling, single-family.
- 22.05.530 Dwelling, two-family or duplex.
- 22.05.540 Dwelling unit.
- 22.05.550 Dwelling unit, accessory.
- 22.05.560 Easement.
- 22.05.570 Eating establishment.
- 22.05.580 Factory built/prefabricated building.
- 22.05.590 Family.
- 22.05.600 Fence height.
- 22.05.610 Floor area.
- 22.05.620 Floor area ratio.
- 22.05.630 Footprint.
- 22.05.640 Garage.
- 22.05.650 Garage, body and fender repair.
- 22.05.660 Garage, mechanical repair.
- 22.05.670 Garage sales.
- 22.05.680 Grade (ground level).
- 22.05.690 Guest room.
- 22.05.700 Hazardous waste.
- 22.05.710 Hazardous waste storage.
- 22.05.720 Hazardous waste treatment.
- 22.05.730 Hazardous waste treatment and storage facility.
- 22.05.740 Home occupation.
- 22.05.750 Horticulture.
- 22.05.760 Hostel.
- 22.05.770 Hotel.
- 22.05.780 Household.
- 22.05.790 Industrial.
- 22.05.800 Island, subdivided.
- 22.05.810 Junkyard.
- 22.05.820 Kennel.
- 22.05.830 Loading berth.
- 22.05.840 Lodge.
- 22.05.850 Lot.
- 22.05.860 Lot area.
- 22.05.870 Lot, corner.

- 22.05.880 Lot, depth of.
- 22.05.890 Lot, interior.
- 22.05.900 Lot line adjustment.
- 22.05.910 Lot line, front.
- 22.05.920 Lot line, rear.
- 22.05.930 Lot line, side.
- 22.05.940 Lot lines.
- 22.05.950 Lot of record.
- 22.05.960 Lot, through.
- 22.05.970 Lot width.
- 22.05.980 Lot line, zero.
- 22.05.990 Manufactured home.
- 22.05.1000 Marijuana.
- 22.05.1010 Mobile home.
- 22.05.1020 Mobile/manufactured home parks.
- 22.05.1030 Mobile/manufactured home subdivision.
- 22.05.1040 Motel.
- 22.05.1050 Natural resource extraction.
- 22.05.1060 Nonconformity.
- 22.05.1070 Office.
- 22.05.1080 Open space.
- 22.05.1090 Or related zones.
- 22.05.1100 Owner or manager apartment.
- 22.05.1110 Parking, public.
- 22.05.1120 Parking space, off-street.
- 22.05.1130 Parsonage.
- 22.05.1140 Personal service.
- 22.05.1150 Planned unit development.
- 22.05.1160 Private recreational cabin.
- 22.05.1170 Profession.
- 22.05.1180 Project.
- 22.05.1190 Public facilities and utilities.
- 22.05.1200 Public hearing.
- 22.05.1210 Public improvement.
- 22.05.1220 Public open space.
- 22.05.1230 Quasi-institutional home.
- 22.05.1240 Recreational vehicle or travel trailer.
- 22.05.1250 Recreational vehicle/travel trailer park.

- 22.05.1260 Residential.
- 22.05.1270 Residential zero lot line.
- 22.05.1280 Rezone.
- 22.05.1290 Setback.
- 22.05.1300 Short-term rentals.
- 22.05.1310 Sign.
- 22.05.1320 Sign area.
- 22.05.1330 Sign, attached.
- 22.05.1340 Sign face.
- 22.05.1350 Sign, freestanding.
- 22.05.1360 Sign, off-site.
- 22.05.1370 Sign, permanent.
- 22.05.1380 Sign, temporary.
- 22.05.1390 Site plan.
- 22.05.1400 Site plan, binding.
- 22.05.1410 State highway.
- 22.05.1420 Sports club.
- 22.05.1430 Story.
- 22.05.1440 Street.
- 22.05.1450 Structure.
- 22.05.1460 Subdivision code.
- 22.05.1470 Subdivision, major.
- 22.05.1480 Subdivision, minor.
- 22.05.1490 Tank farms.
- 22.05.1500 Temporary building or structure.
- 22.05.1510 Tidelands.
- 22.05.1520 Tiny house.
- 22.05.1530 Tiny house on chassis.
- 22.05.1540 Townhouse.
- 22.05.1550 Tract or parcel.
- 22.05.1560 Use, accessory.
- 22.05.1570 Use, principal.
- 22.05.1580 Variance.
- 22.05.1590 Vessel.
- 22.05.1600 Walkway.
- 22.05.1610 Watchman or caretaker dwelling.
- 22.05.1620 Watercourse.
- 22.05.1630 Wetland.

22.05.1640 Wildlife rehabilitation centers.

22.05.1650 Yard, front.

22.05.1660 Yard, rear.

22.05.1670 Yard, side.

22.05.1680 Zone or zone district.

22.05.1690 Zoning code.

Article I. Introduction and General Provisions

22.05.010 Title.

This title shall be known and cited as the "Zoning Ordinance of the City and Borough of Sitka, Alaska." (Ord. 02-1683 § 4, 2002; S.G.C. § 22.04.010.)

22.05.020 Purpose.

The purpose of this title is to regulate the use of land and improvements by districts in accordance with the comprehensive plan, the coastal management program and other applicable programs. These zoning regulations are designed to:

- A. Provide for orderly development;
- B. Lessen street congestion;
- C. Promote fire safety and public order;
- D. Protect the public health and general welfare;
 - 1. Provide for adequate public utilities;
- E. Prevent overcrowding and to stimulate systematic development of transportation, water, sewer, school, park and other public facilities;
- F. Protect private property rights;
- G. Encourage the protection of environmentally critical or historically significant resources;
- H. Assure provision of adequate space for commercial, industrial, residential and other land uses necessary for public welfare;
- I. Provide for efficient and effective administration and enforcement of these regulations;

- J. Provide adequate light, air, privacy, and convenience of access to property;
 - 1. Enhance surface water management; and
- K. Provide for the gradual elimination of those uses of land, buildings and structures which do not conform to the standards of the district in which they are located and are adversely affecting the development and taxable value of property in the district. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.04.020.)

22.05.030 Conformity with regulations required.

Unless otherwise set forth in this title:

- A. No building, structure, land or water area shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, repaired or structurally altered except in conformity with the regulations specified in this title for the district in which it is located.
- B. No building or other structure shall hereafter be erected or altered to:
 - 1. Exceed the height restrictions of this title;
 - 2. Accommodate or house a greater number of families than permitted by this title;
 - 3. Occupy a greater percentage of lot area than permitted by this title;
 - 4. Leave narrower or smaller rear yards, front yards, space between portions of buildings or structures, or other open space than required by this title.
- C. Any building erected, enlarged or converted to a different type of use after the effective date of the ordinance codified in this title to a use which requires off-street parking shall provide parking space in compliance with the regulations established in this title.
- D. Any building erected, enlarged or converted to a different type of use after the effective date of the ordinance codified in this title for commercial or industrial purposes shall provide reasonable facilities for the loading and unloading of goods in compliance with the regulations established by this title.
- E. No yard, parking or loading area or other open space required around any building may be considered as providing a yard, parking or loading area or open space for any other building, and no yard or open space on one lot may be considered as providing a yard or open space for any other lot.
- F. No yard, open space, space between portions of buildings or structures, or lot existing at the time of the passage of the ordinance codified in this title shall be reduced in dimension or area below the minimum requirements set forth in this title. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.04.030.)

22.05.040 Interpretation and application of provisions.

In their interpretation and application, the provisions of this title shall be the minimum regulations and shall apply uniformly within each district, each class or kind of building, structure, land or water area, except as specifically provided in this title.

- A. In interpreting and applying the provisions of this title, they shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and general welfare. It is not intended by this title to interfere with or revoke or invalidate any easement, covenant, or other agreement between parties.
- B. When the provisions of this title impose greater restrictions than are imposed by other applicable city, state, and federal regulations, the provisions of this title shall control.
- C. In case of any ambiguity or difference of meaning or inconsistencies between the text and any illustrations or other graphics, the text throughout this title shall control.
- D. Unless the context clearly indicates otherwise, words in the present tense can include the future tense, and words in the singular can include the plural, or vice versa. Except for words and terms defined in the beginning of each chapter of this title and in this chapter, all words and terms used in this title shall have their customary meanings.
- E. The words "shall" and "should" are always mandatory and not discretionary. The word "may" is discretionary. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.04.040.)

22.05.050 Public uses.

- A. Unless otherwise prohibited by law, to insure that public uses and structures conform to the general community pattern and to regulations governing private uses and development, agencies of the federal government, state, and the city and borough shall submit plans and receive approvals in conformance with the requirements outlined in this title.
- B. Whatever private use is made of any public land or public structures, such private use shall fully conform to the regulations set forth in this title. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.04.050.)

22.05.060 Severability.

Should any word, phrase, paragraph, subsection, section or provision of this title be found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of this title as whole, or any part thereof, other than the part so found to be invalid. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.04.060.)

22.05.070 Conflict with other regulations.

Whenever the requirements of this title are at variance with the requirements of any other lawfully adopted rule, regulation or ordinance, the most restrictive or those imposing the higher standards shall apply. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.04.070.)

22.05.075 Brief user's guide.

A. *Chapters.* The Sitka zoning code, SGC Title [22](#), contains seven chapters:

1. Chapter [22.05](#) SGC, Article [I](#), Introduction and General Provisions. Establishes the purpose, title and basic rules for using the city development code.
2. Chapter [22.05](#) SGC, Article [II](#), Definitions. Provides definitions for words used throughout the title. Words or terms used only in one chapter may be defined in that chapter.
3. Chapter [22.10](#) SGC, Administration. Provides for administrative and quasi-judicial permit review and approval procedures.
4. Chapter [22.15](#) SGC, Zoning Maps and Boundaries. Contains the official maps showing the location of zoning districts.
5. Chapter [22.16](#) SGC, District Regulations. Lists and describes the zoning classifications, allowed uses for each zone, and categorization of uses.
6. Chapter [22.20](#) SGC, Supplemental District Regulations and Development Standards. Provides development standards, such as density, setbacks, height, lot width, landscaping, buffering, parking, access, and other standards to cover general and specific uses; also covers home occupations, accessory dwelling units, adult entertainment, transfer of development rights, and sign standards.
7. Chapter [22.25](#) SGC, Special Use Permits. Establishes the permit processes and criteria for permits provided by this title, e.g., nonconforming use permits, conditional use permits, planned unit development permits, and variances.
8. Chapter [22.30](#) SGC, Mobile and Manufactured Homes.

B. *Numbering Scheme.* The numbering scheme used in this title operates as shown below:

22	05	010	A.1.a.i.(1)(a)
Title	Chapter	Section	subsections

C. *Format.* Each chapter begins with a listing of the sections and a purpose statement for the chapter. General definitions are contained in the definitions article, Article [II](#) of this chapter; specialized definitions may be found at

the beginning of the chapter where those definitions are used. Cross-references to other chapters and sections of this title can be found throughout the title. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.04.075.)

Article II. Definitions

22.05.080 General interpretation.

For the purpose of this title, certain terms or words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense;
- B. The singular number includes the plural;
- C. The word “person” includes a partnership and corporation as well as the individual;
- D. The word “lot” also includes the words “plot,” “parcel,” or “tract”;
- E. The term “shall” is always mandatory;
- F. The words “used” or “occupied” as applied to any land or building includes the words “intended,” “arranged” or “designed” to be occupied. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.010.)

22.05.090 Interpretation of unlisted meanings.

When a word or term is not specifically stated, the city and borough administrator or his designee shall have the authority to interpret the meaning or description most comparable, subject to appeal to the planning commission, then to the assembly. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.020.)

22.05.100 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 Chapter [22.20](#) SGC and other sections of this title. (Ord. 13-14A § 4, 2013; S.G.C. § 22.08.025.)

22.05.110 Administrative officer.

“Administrative officer” means the city and borough administrator or his designee assigned to administer and enforce the zoning title. Said individual may include, but is not limited to, the planning director, or planning assistant. (Ord. 04-60 § 4(D), 2004; S.G.C. § 22.08.030.)

22.05.120 Alteration.

“Alteration” means any change, addition or modification in a construction, location, occupancy or use classification. In buildings for businesses, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one-third of a single floor area shall be considered an alteration. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.040.)

22.05.130 Antenna.

“Antenna” means a wire or system of wires, rods, poles, or similar devices, or satellite dishes used for the transmission or reception of electromagnetic waves, external to or attached to the exterior of any building. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.042.)

22.05.140 Apartment.

“Apartment” means any portion of a building which is designed, built, rented, leased, let or hired out to be occupied or which is occupied as the home or residence of an individual or family unit living and doing their own cooking independently of any other individual or family unit in the same building. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.047.)

22.05.150 Applicant.

“Applicant” means a person seeking development approval from the city. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.050.)

22.05.160 Arterial street.

“Arterial street” means a street designed and intended to carry traffic from residential and collector street systems to state highways and other arterial streets. Arterials are designated in the comprehensive plan or in supporting documents of the plan. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.060.)

22.05.170 Automobile service station.

“Automobile service station” means a retail place of business engaged primarily in the sale of motor fuels, lubricants and other petroleum products, but also in supplying accessories and services generally required in the normal operation and maintenance of motor vehicles. The servicing of motor vehicles shall be generally limited to lubrication, installation or replacement of accessory items and the performance of minor automobile maintenance and repair. Sales and leasing of motor vehicles on a limited basis, not becoming the principal use, shall be considered an accessory use. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.070.)

22.05.180 Automobile wrecking yard.

“Automobile wrecking yard” means any lot or portion of a lot used for the purpose of dismantling used motor vehicles or trailers or the storage or sale of parts from dismantled or partially dismantled obsolete or wrecked vehicles. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.080.)

22.05.190 Bed and breakfast.

“Bed and breakfast” means a lodging use, where rooms within a single dwelling unit or owner-occupied side of a two-family unit are provided to transient guests by a resident operator for a fee by prearrangement on a daily or short-term basis. A breakfast meal and/or light snacks may be served to those guests renting rooms. Only limited cooking facilities, if any, may be provided in the guest rooms. Extensive stays are not encouraged by the owners and are not considered appropriate. Bed and breakfasts require a building official and fire official certification that the residence complies with life and fire safety aspects. (Ord. 15-39 § 4, 2015; Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.090.)

22.05.200 Boardinghouse.

“Boardinghouse” means a building, residential in character, other than a hotel or motel, with not more than five guest rooms and no more than two persons per room where lodging, with or without meals, is provided for compensation for three or more persons, but not exceeding 15 persons, on other than a day-to-day basis, and which is not open to transient guests. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.100.)

22.05.210 Brewery, small scale.

“Small scale brewery” means an operation involving the processing of grain into beer where all activities with the exception of unloading raw materials and loading finished product for off-site transport are conducted within an enclosed building, where overall production is less than 10,000 barrels per year (310,000 gallons per year), where

the operation requires no more than standard utilities, and where retail sales may be conducted on premises. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.105.)

22.05.220 Building.

“Building” means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.110.)

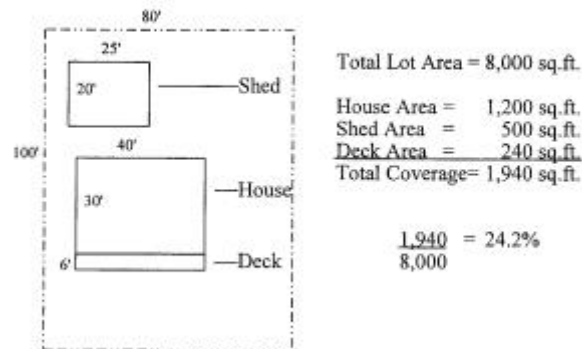
22.05.230 Building, accessory.

“Accessory building” means a detachable building, the use of which is appropriate, subordinate and customarily incidental to that of the main building or to the use of the land and which is located on the same lot as the main building or use. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.120.)

22.05.240 Building area/site coverage.

“Building area/site coverage” means the total areas taken on a horizontal plane on its largest level of the principal building and all accessory building including decks, porches, steps and eave overhangs.

Figure 22.05.240. Site Coverage



(Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.130.)

22.05.250 Building height.

“Building height” means the vertical distance from the average elevation of the finished grade to the highest point of the coping of a flat roof, to the highest point of a mansard roof, or to the highest point of the highest gable of a pitched or hip roof. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.140.)

22.05.260 Building line, front.

“Front building line” defines the minimum distance from the front property line to the furthest extension of any structure or appurtenance including but not limited to decks, steps and porches to be erected on the property. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.150.)

22.05.270 Building, principal or main.

“Principal or main building” means a building which contains the principal or main use of the lot on which it is situated. In a residential district, the principal building shall be the residence. In a commercial district, the principal building would be the commercial use. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.160.)

22.05.280 Bulk retail.

“Bulk retail” is a retail establishment engaged in selling goods or merchandise to the general public as well as to other retailers, contractors, or businesses, and rendering services incidental to the sale of such goods. Bulk retail involves a high volume of sales of related and/or unrelated products in a warehouse setting and may include membership warehouse clubs (i.e. “big box” retail). Bulk retail is differentiated from general retail by any of the following characteristics: items for sale include large, categorized products (e.g., lumber, appliances, household furnishings, electrical and heating fixtures and supplies, wholesale and retail nursery stock, etc.) and may also include a variety of carry-out goods (e.g., groceries, household, and personal care products). (Ord. 20-09 § 4, 2020; S.G.C. § 22.08.162.)

22.05.290 Cemetery.

“Cemetery” means an area set apart for or containing graves, mausoleums, urns, or similar arrangements for the deceased. (Ord. 19-15 § 4, 2019; S.G.C. § 22.08.164.)

22.05.300 Church.

“Church” means a building or structure generally open to the public and used as a place of gathering for the purpose of religious worship or related activities. The definition of a church shall be dependent upon IRS interpretation and that of the State Assessor’s Office. A standard single-family residence not remodeled for public meetings shall not be considered a church. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.167.)

22.05.310 Cluster housing development.

“Cluster housing development” means two or more independent single-family dwellings developed as a group or “cluster” requiring a conditional use permit and site plan approval, the plan of which may not conform to the minimum yard and lot requirements of the district in which the project is located. Cluster developments may not exceed the density allowed in the district in which they are located and are specifically intended to provide a method to allow development on unusual terrain where standard development would be prohibitively expensive.

Figure 22.05.310. Cluster Housing Development



(Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.170.)

22.05.320 Collector street.

“Collector street” means a street designed and intended to carry traffic from residential street systems to arterial street systems or state highways. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.180.)

22.05.330 Commercial.

“Commercial” means activities involving sales or rental of any article, substance or commodity and the provision of all commercial services including financial institutions and personal services. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.190.)

22.05.340 Commercial home horticulture.

“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. 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 [22.25.025](#). (Ord. 14-38A § 5, 2014; Ord. 09-51 § 4(C), 2009; S.G.C. § 22.08.195.)

22.05.350 Comprehensive plan.

“Comprehensive plan” means an official adopted document including text, charts, graphics or maps or any combination designed to portray general and long range proposals for the arrangement of land uses and development of an economic base and human resource and which is intended to guide development policy towards achieving orderly and coordinated development within the entire community. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.200.)

22.05.360 Conditional use.

“Conditional use” means a provision which allows for flexibility within the zoning title by permitting certain specified uses in zoning districts where said uses could be considered appropriate, but only after additional conditions and safeguards are applied to insure their compatibility with permitted principal uses. Such conditions might include such things as parking, signs, fences or other sight and sound buffers, protection of natural resources of value to the community or similar public concerns. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.210.)

22.05.370 Condominium.

“Condominium” means a type of real property ownership in which projects composed of two or more dwelling units or commercial or industrial establishments which are individually owned, with common areas of the project, if any, and common land area being owned according to fixed percentages by the owners of the separate dwelling units or commercial or industrial establishments in a cooperative manner. This type of development requires the

preparation of a plat under the State Horizontal Property Regimes Act and the formulation of a legal homeowners' association to guide the financial and maintenance arrangements for the units in total. Approval of condominiums shall be allowed only under the conditional use and site plan approval procedure. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.220.)

22.05.380 Congregate care facility/retirement center.

"Congregate care facility/retirement center" means a residential facility designed for and occupied by at least one person per unit who is able to live independently and without 24-hour supervision; and providing centralized services for the residents including meals, recreation, housekeeping, laundry and transportation. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.230.)

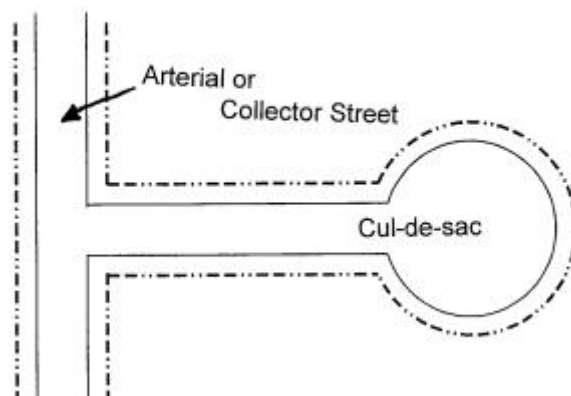
22.05.390 Coverage.

"Coverage" means the percentage of total lot area allowed to be covered by buildings or structures exceeding 30 inches in height. Customary yard accessories, ornaments and furniture are not included in this definition of coverage. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.240.)

22.05.400 Cul-de-sac.

"Cul-de-sac" means a short street intersecting with another street at one end and terminated by a vehicular turnaround at the other end.

Figure 22.05.400. Cul-de-sac



(Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.245.)

22.05.410 Day care, home provider, children's services.

"Day care," "home provider," or "children's services" means the caring of children, ages newborn through 12, in other than the children's own home environment. It shall be lawful to care for up to four children, not your own, in a private home and be considered a valid home occupation. For five or more children, state licensing and a conditional use permit as a day care center shall be required. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.250.)

22.05.420 Dedication.

"Dedication" means the deliberate appropriation of land or rights in land by its owner for any general and public use, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon, and the acceptance by the public shall be evidenced by the approval of such plat for filing by the city. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.253.)

22.05.430 Density.

"Density" means the number of permitted dwelling units allowed on each acre of land or fraction thereof. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.254.)

22.05.440 Dock.

"Dock" means a fixed or floating structure, including moorings, for the purpose of berthing floating vessels. (Ord. 03-1750 § 4, 2003; Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.255.)

22.05.450 Dock, commercial.

"Commercial dock" means a fixed or floating structure, including moorings, for the purpose of berthing floating vessels that: includes commercial and recreational vessels, does not have a limitation on the size or number of lease slips, may include covered lease slips and boathouses, may include secure float plane facilities, and may have seafood sales on the structure. A commercial dock along the Sitka road system shall have one parking space per slip. Commercial docks in Sitka Sound and in outlying areas do not have a parking space requirement. (Ord. 07-08 § 4, 2007; S.G.C. § 22.08.256.)

22.05.460 Dock, community personal use.

“Community personal use dock” means a dock jointly owned and used by property owners in the immediate area for the berthing of floating vessels owned by the property owners in the area, lessees of uplands, family members of property owners in the area, or others utilizing the dock without compensation. Commercial fishing vessels owned by the upland property owner are allowed. Community personal use docks shall not include, or accommodate, covered or uncovered lease slips, commercial seafood processing, sale of seafood, float houses, liveboards, or float planes unless specifically allowed elsewhere in this title, or any other commercial activity including the loading and off-loading of charter clients. Community personal use docks are for noncommercial purposes. Waterborne aircraft, used for commercial purposes, may be allowed on island properties and in outlying areas through the conditional use process in accordance with Table 22.16.015-2. (Ord. 07-08 § 4, 2007; S.G.C. § 22.08.257.)

22.05.470 Dock, personal use.

“Personal use dock” means a fixed or floating structure, including moorings, for the purpose of berthing floating vessels owned by the upland property owner, lessees of uplands, family members of upland property owners, or others utilizing the dock without compensation. Commercial fishing vessels owned by the upland property owner are allowed. Personal use docks shall not include, or accommodate, covered or uncovered lease slips, seafood processing, sale of seafood, float houses, liveboards, or float planes unless specifically allowed elsewhere in this title, or any other commercial activity including the loading and off-loading of charter clients. The maximum perimeter of the dock and float shall not exceed 300 linear feet. Gangways and ramps are not included in this limitation. (Ord. 07-08 § 4, 2007; S.G.C. § 22.08.258.)

22.05.480 Dormitory.

“Dormitory” means a residential building, other than a hotel or motel, with six or more guest rooms, where lodging with or without meals is provided for compensation on other than a day-to-day basis for students, employees or the like and which is not open to transient guests. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.260.)

22.05.490 Drinking establishment.

“Drinking establishment” means a building or place of business involving the retail sales or dispensing of alcoholic beverages. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.270.)

22.05.500 Dwelling.

“Dwelling” means a building designed or used exclusively as a living quarters for one or more families. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.280.)

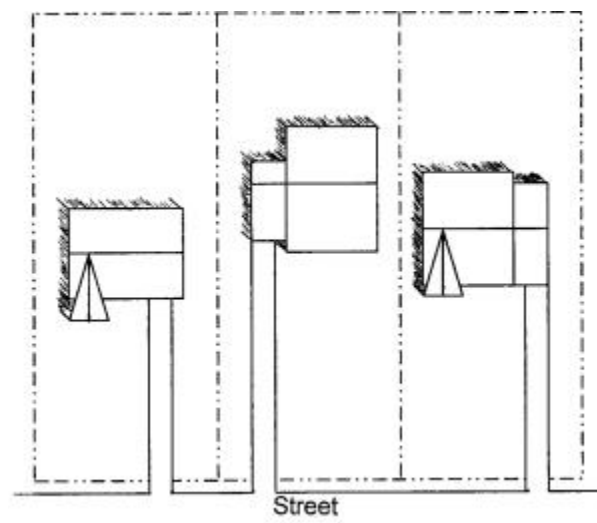
22.05.510 Dwelling, multiple-family.

“Multiple-family dwelling” means a residential building designed for or occupied by three or more families, with the number of families not exceeding the number of dwelling units that are provided. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.285.)

22.05.520 Dwelling, single-family.

“Single-family dwelling” means a detached building constructed on a permanent foundation, designed for human habitation exclusively and constituting one household.

Figure 22.05.520. Single-Family Detached Dwelling

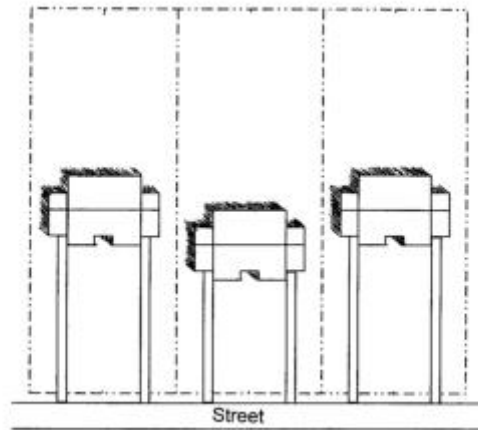


(Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.290.)

22.05.530 Dwelling, two-family or duplex.

“Two-family dwelling” or “duplex” means a detached building constructed on a permanent foundation, designed for human habitation exclusively by two families and constituting two dwelling units.

Figure 22.05.530. Two-Family Dwelling (Duplex)



(Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.300.)

22.05.540 Dwelling unit.

“Dwelling unit” means a structure or portion thereof containing a kitchen, living area, toilet and sleeping accommodations and designed as a unit to be occupied by no more than one family. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.310.)

22.05.550 Dwelling unit, accessory.

“Accessory dwelling unit” means a separate, complete dwelling unit attached to or contained within the structure of the primary dwelling, or contained within a separate structure that is accessory to the primary dwelling unit on the premises. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.320.)

22.05.560 Easement.

“Easement” means an interest in land owned by another that entitles the easement holder to a specified limited use or enjoyment of said area of land. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.330.)

22.05.570 Eating establishment.

“Eating establishment” means a place, building or structure where the preparation or serving of food for sale or consumption is conducted. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.340.)

22.05.580 Factory built/prefabricated building.

“Factory built/prefabricated building” means a detached building designed for long-term habitation and use and having complete facilities, constructed and fabricated into one or more sections at a factory and designed to be joined at location of use on a permanent foundation and meeting all applicable building codes and housing codes. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.350.)

22.05.590 Family.

“Family” means any number of individuals related by blood or marriage; any number of individuals coming under the definition of “handicapped persons” in the Fair Housing Act, with such persons present as reasonable accommodation will require for such handicapped persons to occupy a dwelling; or an unrelated group of not more than five persons, living together as a single housekeeping unit in a dwelling unit. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.360.)

22.05.600 Fence height.

“Fence height” means the vertical distance between the ground, either natural or filled, directly under the fence and the highest point of the fence. No fence shall exceed eight feet in height without a variance. Fences in the public and industrial zones may be no higher than 20 feet. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.370.)

22.05.610 Floor area.

“Floor area” means the total horizontal area of each floor of a building within the surrounding outer walls exclusive of vent shafts and courts. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.380.)

22.05.620 Floor area ratio.

“Floor area ratio” means the ratio of building floor area to the area of the lot upon which the building is located. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.385.)

22.05.630 Footprint.

“Footprint” means the outermost exterior perimeter of a building at the foundation where it touches the ground plane. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.387.)

22.05.640 Garage.

“Garage” means a building or portion thereof in which only motor vehicles used by the tenants of the building are stored or kept and in which gasoline, distillate or other volatile flammable liquids, or other household goods may be stored. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.390.)

22.05.650 Garage, body and fender repair.

“Body and fender repair garage” means a major automobile repair building or portion thereof, including but not limited to engine, transmission or differential repair or replacement but especially involved in the body and fender repair of damaged vehicles. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.400.)

22.05.660 Garage, mechanical repair.

“Mechanical repair garage” means any garage, available to the public, operated for gain, and used for the storage, major mechanical repair including but not limited to engine, transmission or differential repair or replacement, greasing, washing, servicing or adjusting or equipping vehicles. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.410.)

22.05.670 Garage sales.

“Garage sales” means the sale or barter, by the owner or occupant of a residential structure, of miscellaneous personal property excess to the person’s needs. Garage sales can occur in any structure on the property. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.420.)

22.05.680 Grade (ground level).

“Grade (ground level)” means the average level of the finished ground at the center of all exterior walls of a building. In case walls are parallel to and within five feet of a public sidewalk, the ground shall be measured at the sidewalk. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.430.)

22.05.690 Guest room.

“Guest room” means any room in a dormitory, boardinghouse or lodginghouse, or bed and breakfasts, or short-term rentals used for and maintained to provide sleeping accommodations for not more than two persons. Each 100 square feet or fraction thereof of floor area used for sleeping room purposes shall be considered a separate

guest room and must be approved by the building official and fire chief. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.440.)

22.05.700 Hazardous waste.

“Hazardous waste” means all dangerous and extremely hazardous waste as defined in, or its successor, except for moderate risk waste as set forth in, or its successor. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.442.)

22.05.710 Hazardous waste storage.

“Hazardous waste storage” means the holding of hazardous waste for a temporary period as regulated by the state or its successor. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.443.)

22.05.720 Hazardous waste treatment.

“Hazardous waste treatment” means the physical, chemical, or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amenable for storage, or reduced in volume, as regulated by the state or its successor. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.444.)

22.05.730 Hazardous waste treatment and storage facility.

“Hazardous waste treatment and storage facility” means on-site storage and treatment facilities which treat and store hazardous wastes generated on the same property. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.445.)

22.05.740 Home occupation.

“Home occupation” means 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. For specific details, see SGC [22.20.060](#). (Ord. 12-31A § 4(G), 2012; Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.450.)

22.05.750 Horticulture.

“Horticulture” means the on-site production of plants or their products, including but not limited to gardening and fruit production. 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. (Ord. 09-51 § 4(E), 2009; S.G.C. § 22.08.453.)

22.05.760 Hostel.

“Hostel” means a place where travelers may stay for a limited duration at low cost in a facility operated by a nonprofit entity that is appropriately recognized by a state or national hostel organization that may include dormitory-like sleeping accommodations. (Ord. 05-47 § 4(A), 2005; S.G.C. § 22.08.455.)

22.05.770 Hotel.

“Hotel” means any building or group of buildings in which there are six or more guest rooms used, designed or intended for use for the purpose of offering to the general public lodging or food and lodging. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.460.)

22.05.780 Household.

“Household” means a housekeeping unit consisting of any number of related persons; eight or fewer nonrelated, nontransient persons; or eight or fewer related and nonrelated nontransient persons, unless a grant of special or reasonable accommodation allows an additional number of persons. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.461.)

22.05.790 Industrial.

- A. “Industrial” means a use engaged in the manufacture of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products.
- B. “Industrial” shall not include occupations conducted only by residents of the property without outside employees, such as pottery, weaving, woodworking and the like.
- C. This definition of “industrial” shall not authorize uses of property which are prohibited by other ordinances in the same zone. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.462.)

22.05.800 Island, subdivided.

“Subdivided island” shall include all islands that have been divided into two or more lots or which are connected with an adjacent island at mean low tide. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.465.)

22.05.810 Junkyard.

“Junkyard” means any lot or portion thereof used for the storage, salvage, keeping or abandonment of junk or waste material including worn out, wrecked, scrapped, partially or fully dismantled, discarded, tangible materials, combination of materials or items such as machinery, metal, rags, rubber, paper, plastics, chemicals and building materials which cannot, without further reconditioning, be used for their original purpose. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.470.)

22.05.820 Kennel.

“Kennel” means a structure or lot on which four or more small domestic animals at least four months of age are kept. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.475.)

22.05.830 Loading berth.

“Loading berth” means an off-street space used for the temporary parking of commercial vehicles while unloading merchandise, materials or supplies at a building or structure and located upon the same lot as the building. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.480.)

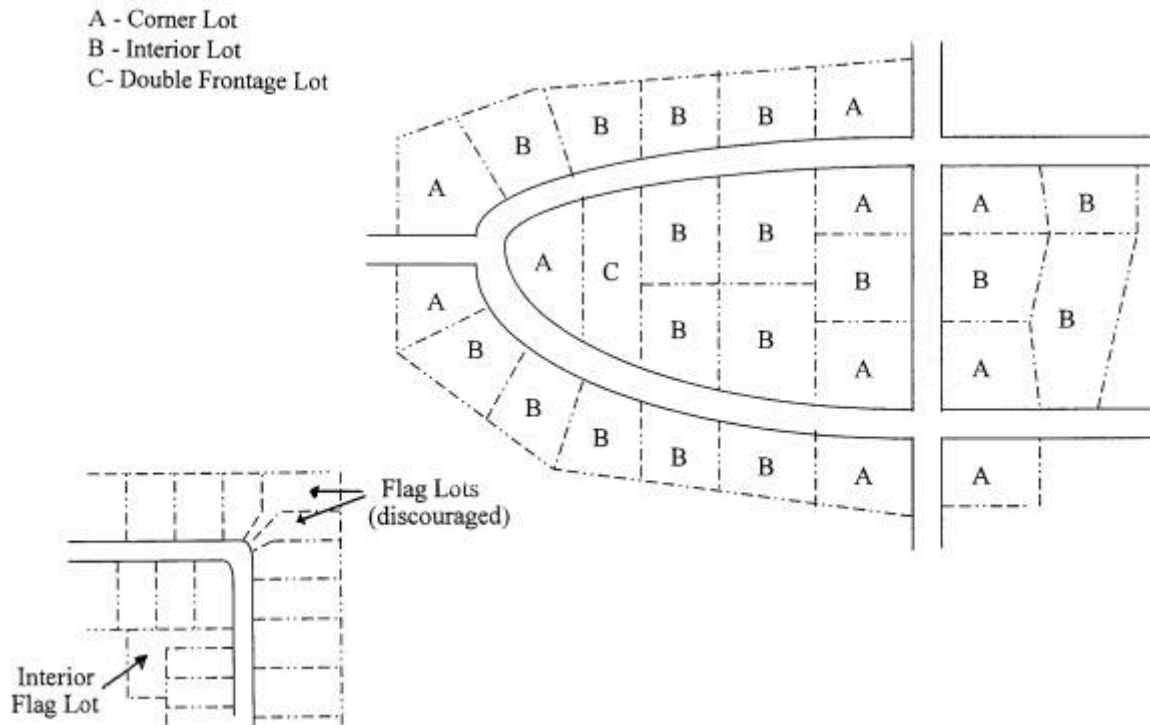
22.05.840 Lodge.

“Lodge” means a premises that provides lodging (room and board) accommodations during all seasons for use by visitors engaging in recreational activities and includes a variety of related services. Lodges on islands may include satellite small cabins along with the main structure. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.485.)

22.05.850 Lot.

“Lot” means a parcel of land shown as an individual unit on the most recent plat of record and intended to be used for one principal building and/or use.

Figure 22.05.850. Lot Types



(Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.490.)

22.05.860 Lot area.

“Lot area” means the total horizontal area within the boundary lines of a lot, excluding any street right-of-way or access easement. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.495.)

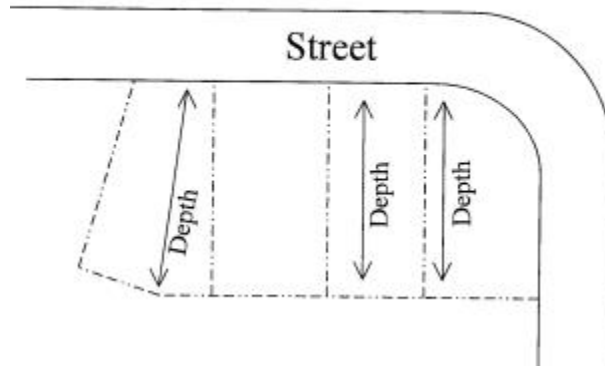
22.05.870 Lot, corner.

“Corner lot” means a lot situated at the junction of and bordering on two intersecting streets. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.500.)

22.05.880 Lot, depth of.

“Depth of lot” means a mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot line.

Figure 22.05.880. Lot Depth



(Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.510.)

22.05.890 Lot, interior.

"Interior lot" means a lot located within a group of lots other than on intersecting streets. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.520.)

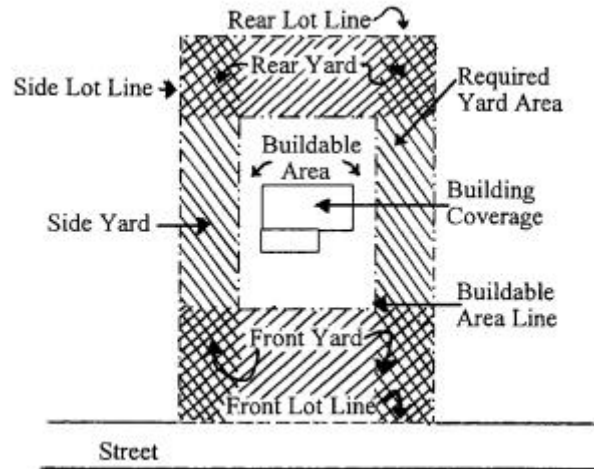
22.05.900 Lot line adjustment.

"Lot line adjustment" means the adjustment or relocation of a boundary line between existing lots which results in no more lots than existed before the adjustment. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.530.)

22.05.910 Lot line, front.

"Front lot line" means the lot line adjacent to any public street. In the case of a corner lot, the front line shall be considered to be along both street lot lines.

Figure 22.05.910, 22.05.920, 22.05.930. Lot Lines



(Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.535.)

22.05.920 Lot line, rear.

“Rear lot line” means the lot line opposite and most distant from the front lot line. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.540.)

22.05.930 Lot line, side.

“Side lot line” means any lot line not a front lot line or a rear lot line. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.550.)

22.05.940 Lot lines.

“Lot lines” means the property lines bounding a single parcel of property. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.560.)

22.05.950 Lot of record.

“Lot of record” means an area or parcel of land as shown on an officially recorded plat or subdivision, or an area or parcel of land to which a deed or contract is officially recorded as a unit of property, or which is described by metes and bounds or as a fraction of a section. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.563.)

22.05.960 Lot, through.

“Through lot” means a lot fronting on two streets that is not a corner lot. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.565.)

22.05.970 Lot width.

“Lot width” means the mean horizontal distance separating side lot lines of an individual lot. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.570.)

22.05.980 Lot line, zero.

“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 this title and day cares accommodating up to four children of paying non-family member clients. Also see “Residential zero lot line.” (Ord. 12-31A § 4(C), 2012; Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.580.)

22.05.990 Manufactured home.

“Manufactured home” means a structure constructed on or after June 15, 1976, according to the United States Department of Housing and Urban Development (“HUD”) standards, transportable in one or more sections which, in the traveling mode is eight feet (2,438 millimeters) or more in width or 40 feet (12,192 millimeters) or more in length or, when erected on site, is 320 square feet (30 square meters) or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating and electrical systems. “Manufactured home” shall also include any structure which meets all the requirements of this definition listed above, except the size requirements, and has a manufacturer certificate required by HUD that complies with HUD standards for manufactured homes. (Ord. 15-14 § 4, 2015; Ord. 10-12 § 4(A), 2010; S.G.C. § 22.08.585.)

22.05.1000 Marijuana.

“Marijuana” means all parts of the plant of the genus Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. “Marijuana” does not include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.

“Marijuana cultivation facility” means an entity registered to cultivate, prepare, and package marijuana and to sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

“Marijuana cultivation facility, limited” means a marijuana cultivation facility with fewer than 500 square feet under cultivation.

“Marijuana establishment” means a marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

“Marijuana product manufacturing facility” means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

“Marijuana product manufacturing facility, extract only” means an entity registered to purchase marijuana; manufacture, prepare, and package marijuana concentrate; and sell marijuana concentrate to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

“Marijuana products” means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

“Marijuana retail facility” means an entity registered to purchase marijuana from marijuana cultivation facilities, to purchase marijuana and marijuana products from marijuana product manufacturing facilities, and to sell marijuana and marijuana products to consumers.

“Marijuana testing facility” means an entity registered to analyze and certify the safety and potency of marijuana. (Ord. 16-11 § 4, 2016; S.G.C. § 22.08.587.)

22.05.1010 Mobile home.

“Mobile home” means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight feet (2,438 millimeters) or more in width or 40 feet (12,192 millimeters) or more in length or, when erected on site, is 320 square feet (30 square meters) or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes plumbing, heating, and electrical systems. (Ord. 15-14 § 4, 2015; Ord. 10-12 § 4(B), 2010; S.G.C. § 22.08.590.)

22.05.1020 Mobile/manufactured home parks.

“Mobile/manufactured home parks” means any area, lot or portion of a lot where space for two or more mobile homes or tiny houses, and/or tiny houses on chassis is leased, rented or held out for rent for occupancy and

having separate attachments for normal public utilities. (Ord. 20-02S(A) § 4, 2020; Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.600.)

22.05.1030 Mobile/manufactured home subdivision.

“Mobile/manufactured home subdivision” means two or more mobile or manufactured homes or tiny houses or tiny houses on chassis on separate lots developed under the subdivision regulations and the conditional use procedures of this title, where mobile homes, manufactured homes, or tiny houses, or tiny houses on chassis, are permanently installed for residential use on individually owned parcels of property. (Ord. 20-02S(A) § 4, 2020; Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.610.)

22.05.1040 Motel.

“Motel” means a building or group of buildings designed primarily for sleeping accommodations, with or without individual kitchen facilities, and specifically designed for transient or roadside traffic with either separate entrances or a common entrance directly to a convenient central parking facility. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.620.)

22.05.1050 Natural resource extraction.

“Natural resource extraction” means commercial or industrial operations involving the removal of timber, native vegetation, peat, mulch, topsoil, fill, sand and gravel, rock or any operations having similar characteristics. Said use includes the use of heavy equipment such as loaders, dozers, backhoes and other equipment such as crushers. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.630.)

22.05.1060 Nonconformity.

“Nonconformity” means any lot, structure, use of land, use of a structure or characteristics of such use which does not conform to the terms of this title but which was in lawful and active use on the effective date of the ordinance codified in this title. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.640.)

22.05.1070 Office.

“Office” means a building, or part thereof, designed, intended or used for the practice of a profession, the carrying on of a business, the conduct of public administration, or, where not conducted on the site thereof, the administration of an industry, but shall not include a retail commercial use, any industrial use, or place of amusement or place of assembly. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.645.)

22.05.1080 Open space.

“Open space” means any part of a lot unobstructed by structures from the ground upward. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.647.)

22.05.1090 Or related zones.

“Or related zones” applies to the extension of a particular zoning district such as R-1 or R-2. R-1 or related zones includes R-1, R-1 MH, R-1 LD, and R-1 LDMH. R-2 or related zones includes R-2 and R-2 MHP. SF or related zones includes SF and SFLD. C-1 or related zones includes C-1 and C-2. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.648.)

22.05.1100 Owner or manager apartment.

“Owner or manager apartment” means a defined area within a residential building that is designated to be used exclusively as the living quarters for the owner, manager and/or family of that building, or caretaker of residential structures. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.650.)

22.05.1110 Parking, public.

“Public parking” means a structure or open area other than a street, alley or other right-of-way used for the temporary parking of automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.660.)

22.05.1120 Parking space, off-street.

“Off-street parking space” means a 10-foot by 20-foot space located off any street, alley or other right-of-way which is adequate for parking an automobile with room for opening doors and adequate maneuvering room on a parking lot with access to a public street or alley. Requirements for off-street parking are found in SGC [22.20.100](#). (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.670.)

22.05.1130 Parsonage.

“Parsonage” means the permanent place of residence of the pastor or minister of a church and owned by the church, not the pastor. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.680.)

22.05.1140 Personal service.

“Personal service” means businesses engaged in providing care of the corporeal person or his/her apparel such as accounting, tax preparation, hair care, massage therapists, tailoring, etc., not including health care. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.685.)

22.05.1150 Planned unit development.

“Planned unit development” means a group or combination of dwellings and uses developed as a functional unit under conditional use and site plan approval procedures, the plan of which may not conform to the regulations established in any one or more zoning districts with respect to lot size, mixture of uses, density, lot coverage, access or required open space. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.690.)

22.05.1160 Private recreational cabin.

“Private recreational cabin” means living quarters in a building separate from and in addition to the main residential building on a lot, used for intermittent or temporary occupancy by nonpaying guests. Maximum total of 650 square feet of living and sleeping areas. (Ord. 09-56 § 4, 2009; S.G.C. § 22.08.695.)

22.05.1170 Profession.

“Profession” means an occupation or calling requiring the practice of a learned art through specialized knowledge, training, experience or a degree issued by an institute of higher learning; e.g., doctor of medicine, lawyer, engineer, computer specialist, etc. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.700.)

22.05.1180 Project.

“Project” means a proposal for development. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.702.)

22.05.1190 Public facilities and utilities.

“Public facilities and utilities” means land or structures owned by or operated for the benefit of the public use and necessity, including but not limited to public facilities defined in RCW 36.70A.030, as amended, and private utilities serving the public. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.705.)

22.05.1200 Public hearing.

“Public hearing” means an open record hearing at which evidence is presented and testimony is taken. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.706.)

22.05.1210 Public improvement.

“Public improvement” means any structure, utility, roadway or sidewalk for use by the public, required as a condition of development approval. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.707.)

22.05.1220 Public open space.

“Public open space” means any publicly owned land including, but not limited to, parks, playgrounds, waterways, and trails. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.708.)

22.05.1230 Quasi-institutional home.

“Quasi-institutional home” means a residential facility located in a residence or living unit, the principal use being to serve as a place for no more than six persons in an R-1 zone and 20 persons in an R-2 or larger zone seeking rehabilitation, counseling, self-help and family environment. This definition shall not include dwellings intended for use as a family setting for handicapped persons as defined in the Fair Housing Act. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.710.)

22.05.1240 Recreational vehicle or travel trailer.

“Recreational vehicle” or “travel trailer” means a motor vehicle or portable vehicular structure capable of being towed on the highways by a motor vehicle, designed and intended for casual or short-term occupancy for travel, recreational and vacation uses, identified by a model number, serial number, and vehicle registration number, and equipped with limited pressure water storage, sewage holding tank and other such self-contained living facilities. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.712.)

22.05.1250 Recreational vehicle/travel trailer park.

“Recreational vehicle/travel trailer park” means an area, lot or portion of a lot where two or more travel trailers are parked, camped, leased or rented for temporary occupancy, and may include state camper parks, road wayside

parks or campgrounds where public water and toilets are provided or a holding tank dump station has been erected. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.713.)

22.05.1260 Residential.

“Residential” means activity involving the occupation of a building for living, cooking and sleeping purposes. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.720.)

22.05.1270 Residential zero lot line.

“Zero lot line, 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 this title and day cares accommodating up to four children of paying non-family member clients. Also see “Lot line, zero.” (Ord. 12-31A § 4(D), 2012; S.G.C. § 22.08.722.)

22.05.1280 Rezone.

“Rezone” means a change in classification from one zoning district to another. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.725.)

22.05.1290 Setback.

“Setback” means the distance between the lot line and the building line. The building line shall include eaves, open porches and other such projections beyond the foundation. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.730.)

22.05.1300 Short-term rentals.

“Short-term rentals” means rentals of single dwelling units for less than 30 consecutive days for money or other valuable consideration by one party which then occupies the dwelling. (Ord. 22-21 § 4, 2022; Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.735.)

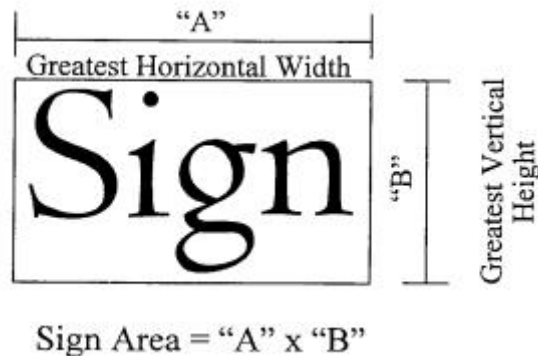
22.05.1310 Sign.

“Sign” means any device, flag, light, figure, picture, letter, message, symbol, plaque or poster visible outside the lot on which it is located and which is designed to inform or attract the attention of the public, excluding murals or architectural designs which do not advertise a business, product or service. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.736.)

22.05.1320 Sign area.

“Sign area” means the area of the smallest rectangle that can be drawn around all parts of the sign from the viewpoint exposing the largest surface area, excluding simple support structures. Sign supporting structures which are part of the sign display shall be included in the area of the rectangle.

Figure 22.05.1320. Sign Area



(Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.737.)

22.05.1330 Sign, attached.

“Attached sign” means a sign permanently attached to or mounted on a building. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.738.)

22.05.1340 Sign face.

“Sign face” means any side of a sign which contains advertising or graphic display which is visible to the public. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.739.)

22.05.1350 Sign, freestanding.

“Freestanding sign” means any sign not attached to a building. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.740.)

22.05.1360 Sign, off-site.

“Off-site sign” means a permanent sign not located on the same lot as the business or use it is intended to serve. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.741.)

22.05.1370 Sign, permanent.

“Permanent sign” means a sign nailed, glued, screwed or similarly fastened to foundation systems capable of holding it in position under an imposed wind load of 25 pounds per square foot or the design requirements of Chapter 23 of the Building Code. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.742.)

22.05.1380 Sign, temporary.

“Temporary sign” means a sign or advertising display intended to be displayed for a limited time not to exceed 30 days in one calendar year or for a fixed event and not permanently affixed to a structure or the ground. (Ord. 03-1746 § 4, 2003; Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.743.)

22.05.1390 Site plan.

“Site plan” means a scale drawing which shows the areas and locations of all buildings, streets, roads, improvements, easements, utilities, open spaces and other principal development features for a specific parcel of property. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.744.)

22.05.1400 Site plan, binding.

“Binding site plan” means a site plan reviewed and approved pursuant to this title, containing the inscriptions or attachments setting forth the limitations and conditions of use for a specific parcel of property and meeting the requirements of the municipal engineer. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.745.)

22.05.1410 State highway.

“State highway” means a street, road or other right-of-way owned and maintained by the state of Alaska or the municipality, usually considered the largest within the road system and intended to provide large scale transportation over long distance. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.750.)

22.05.1420 Sports club.

“Sports club” means a public facility used by all age groups for athletic and recreational type activities to promote overall wellness. Recreational use and activities are conducted almost wholly outdoors, including golf driving ranges (not associated with a golf course), miniature golf, firing ranges, water parks, amusement parks, yacht clubs, and similar uses. (Ord. 03-1750 § 4, 2003; S.G.C. § 22.08.751.)

22.05.1430 Story.

“Story” means that portion of a building between any floor and the next floor above or below, except that the topmost story shall be that portion of a building between the topmost floor and the ceiling or roof above it. If the finished floor level directly above a basement floor, cellar floor or unused floor space is more than six feet above grade at any point, such a basement cellar or unused floor space shall be considered a story. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.760.)

22.05.1440 Street.

“Street” means a permanently designated right-of-way, open to general public use, which affords the principal means of access to abutting property, such as an avenue, place, drive, boulevard, highway and any other similar public thoroughfare, except an alley as defined herein. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.770.)

22.05.1450 Structure.

“Structure” means anything including membrane structures which is constructed or erected and which is located on or under the ground or attached to something fixed to the ground not including utility poles and related ground or pad-mounted equipment, residential fences less than eight feet high, retaining walls, rockeries, and other similar improvements of a minor character less than three feet high. (Ord. 03-1746 § 4, 2003; Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.780.)

22.05.1460 Subdivision code.

“Subdivision code” means SGC Title [21](#). (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.785.)

22.05.1470 Subdivision, major.

“Major subdivision” means a division of land into five or more lots, tracts or other divisions. Subdivision includes resubdivisions of previously subdivided land. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.786.)

22.05.1480 Subdivision, minor.

“Minor subdivision” means a division of land into four or fewer lots or tracts. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.787.)

22.05.1490 Tank farms.

“Tank farms” means any and all lots that contain one or more tanks or enclosed storage facilities with an aggregate total capacity capable of holding 10,000 gallons of a liquid or more, and designed for the purpose of containing fluids other than water. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.790.)

22.05.1500 Temporary building or structure.

“Temporary building or structure” means a building or structure not having or requiring permanent attachment to the ground or to other structures which have no required attachment to the ground. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.795.)

22.05.1510 Tidelands.

“Tidelands” means property along the road system submerged, periodically submerged, below mean high higher water on the seaward side of a developed street right-of-way. The tidelands are also outside of the road system and include any property currently or formerly below mean high higher water. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.797.)

22.05.1520 Tiny house.

"Tiny house" means a dwelling that is 400 square feet or less in floor area excluding lofts and placed on a permanent foundation. (Ord. 20-02S(A) § 4, 2020; S.G.C. § 22.08.798.)

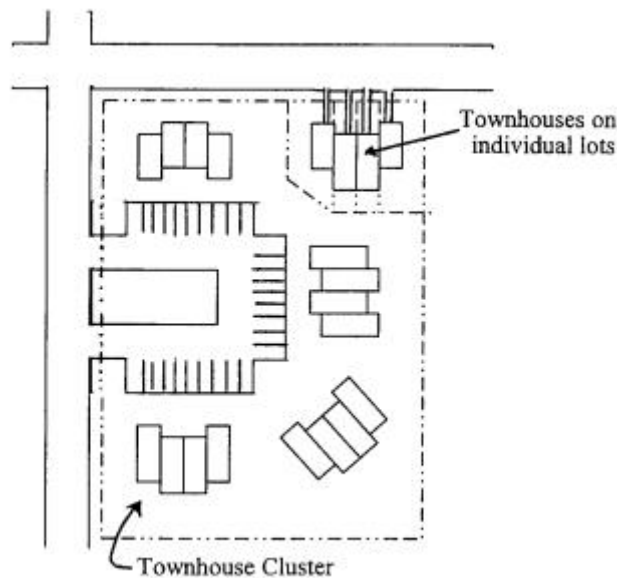
22.05.1530 Tiny house on chassis.

"Tiny house on chassis" means a dwelling that is 400 square feet or less in floor area excluding lofts and is on a chassis with or without wheels. Exception: Recreational vehicles, self-propelled vehicles, and fifth-wheel trailers are not considered tiny houses on chassis. (Ord. 20-02S(A) § 4, 2020; S.G.C. § 22.08.799.)

22.05.1540 Townhouse.

"Townhouse" means a building containing physically contiguous attached single-family dwelling units, each being separated from the adjoining units by an approved party wall or fire wall extending from the basement or cellar floor to the roof.

Figure 22.05.1540. Townhouse Development



(Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.800.)

22.05.1550 Tract or parcel.

“Tract” or “parcel” means a portion of a subdivision having fixed boundaries, not including lots. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.805.)

22.05.1560 Use, accessory.

“Accessory use” means a use customarily incidental and subordinate to the principal use of the land, building or structure and located on the same lot or parcel of land. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.830.)

22.05.1570 Use, principal.

“Principal use” means the main, primary or principal use of the land, buildings, or structures located on a lot or parcel of land. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.840.)

22.05.1580 Variance.

“Variance” means the relaxation of the strict application of the terms of this title to a proposed development to be constructed in the future. This definition shall not be construed to permit any use in any district in which that use is prohibited by the district regulations. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.850.)

22.05.1590 Vessel.

“Vessel” means a watercraft that is self-propelled or propelled manually or by wind and is used as a means of transportation in navigation or commerce on water and includes small rowboats and sailboats. (Ord. 03-1750 § 4, 2003; S.G.C. § 22.08.851.)

22.05.1600 Walkway.

“Walkway” means a hard surfaced portion of a street, right-of-way, trail, ramp or easement intended for private or public pedestrian use. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.853.)

22.05.1610 Watchman or caretaker dwelling.

“Watchman or caretaker dwelling” means a dwelling associated with a commercial or industrial building or structure for the purpose of housing a watchman or caretaker and immediate family. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.854.)

22.05.1620 Watercourse.

“Watercourse” means the course or route followed by waters draining from the land, formed by nature or human activity and consisting of a bed, banks, sides and associated wetlands and headwaters. A watercourse shall receive surface and subsurface drainage waters and shall flow with some regularity, but not necessarily continuously, naturally and normally, in draining from higher to lower lands. The watercourse shall terminate at the point of discharge into a larger receiving body such as a lake. Watercourses shall include sloughs, streams, creeks and associated wetlands. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.855.)

22.05.1630 Wetland.

“Wetland” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands include those artificial wetlands intentionally created to mitigate conversion of wetlands. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.860.)

22.05.1640 Wildlife rehabilitation centers.

“Wildlife rehabilitation centers” means centers devoted to rehabilitation of birds of prey and other wildlife, educational and tourism aspects of wildlife display, and information dissemination. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.865.)

22.05.1650 Yard, front.

“Front yard” means a yard extending the full width of the lot across the front adjoining any public street and measured horizontally at right angles to the front lot line or future street right-of-way line. On corner lots where

two streets intersect, said lot shall contain two front yard setbacks, one adjacent to each street. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.870.)

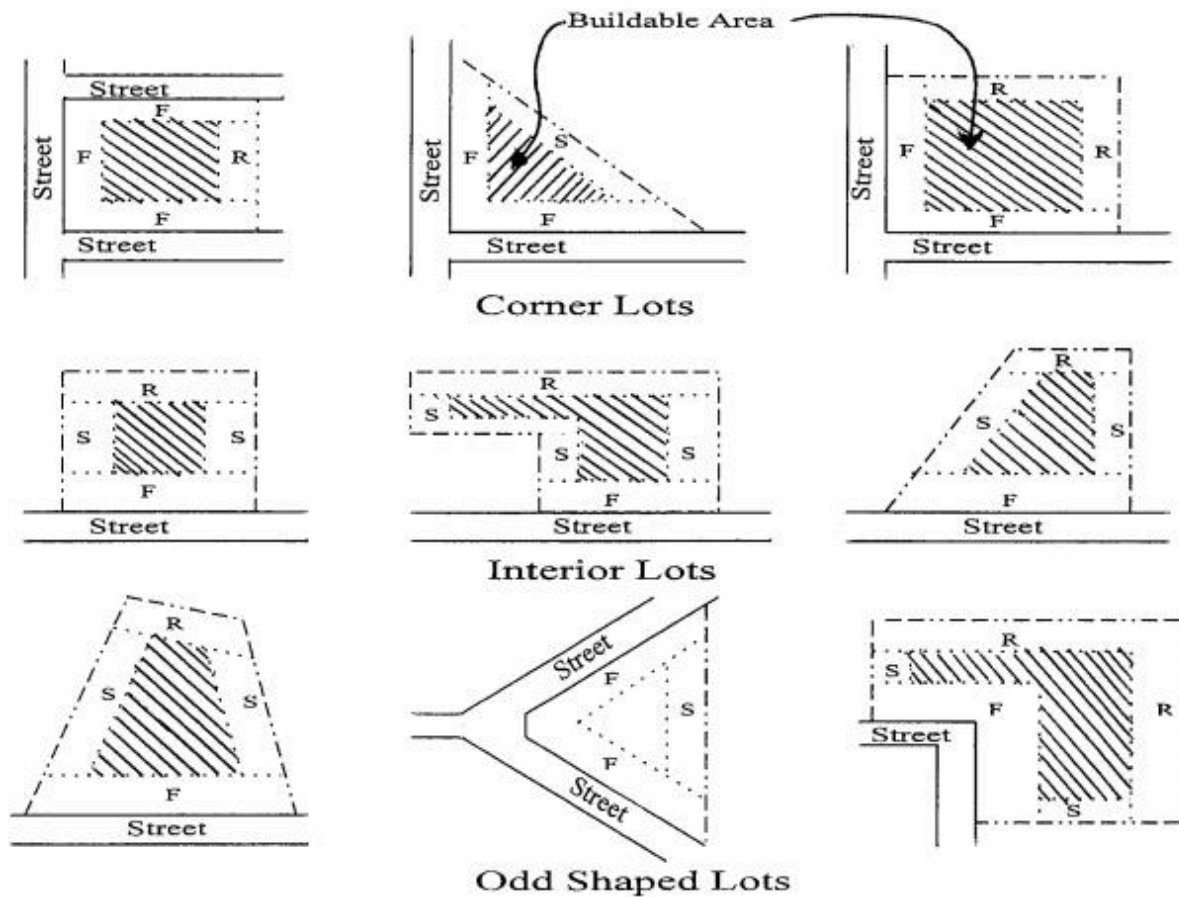
22.05.1660 Yard, rear.

“Rear yard” means a yard extending the full width of the lot across the rear of the lot and measured horizontally at right angles to the rear lot line. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.880.)

22.05.1670 Yard, side.

“Side yard” means a yard extending from the front yard to the rear yard and measured horizontally at right angles to the side lot line.

Figure 22.05.1650, 22.05.1660, 22.05.1670. Yards and Setbacks



“F” = Front Yard, “S” = Side Yard, “R” = Rear Yard

(Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.890.)

22.05.1680 Zone or zone district.

“Zone” or “zone district” means a defined area of the city within which the use of land is regulated and certain uses permitted and other uses excluded as set forth in this title. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.895.)

22.05.1690 Zoning code.

“Zoning code” means this title. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.08.896.)

Chapter 22.10 ADMINISTRATION

Sections:

Article I. Introduction

22.10.010 Introduction.

Article II. Administration

22.10.020 Roles and responsibilities.

22.10.030 Administrator.

22.10.040 Assembly.

22.10.050 Planning commission.

22.10.060 Board of adjustment.

Article III. Consolidated Application Process

22.10.070 Applications.

22.10.080 Preapplication meetings.

22.10.090 Content of applications.

22.10.100 Fees.

Article IV. Public Notice Requirements

22.10.110 Notice of administrative approvals.

22.10.120 Notice of public hearings.

22.10.130 Notice of appeal hearings.

22.10.140 Notice of decision.

Article V. Review and Approval Process

22.10.150 Administrative approvals without notice.

22.10.160 Planning commission review and decision.

22.10.170 Assembly actions.

22.10.180 Procedures for public hearings.

22.10.190 Reconsideration.

22.10.200 Remand.

22.10.210 Effective date.

Article VI. Appeals

22.10.220 Appeals to the planning commission.

22.10.230 Appeals to the assembly.

22.10.240 Judicial appeal.

Article VII. Enforcement

22.10.250 Violation of restrictions or conditions.

22.10.260 Violation not condoned by permit issuance.

22.10.270 Enforcement duty.

22.10.280 Injunctions.

22.10.290 Civil action for violation – Damages.

22.10.300 Penalties.

22.10.310 Remedies deemed cumulative.

22.10.320 Schedule of fees, charges and expenses.

22.10.330 Inspection warrant.

22.10.340 Emergency powers.

Article VIII. Amendments

22.10.350 Purpose.

22.10.360 Amendment standards – Administrative permits.

22.10.370 Amendment standards – Special use permits.

22.10.380 Amendment standards – Development regulations, official map and other official controls.

Article I. Introduction

22.10.010 Introduction.

A. *Intent.* The purpose of this chapter is to combine and consolidate the application, review, and approval procedures for land development in the city and borough of Sitka so that these procedures are clear, concise, and understandable. It is further intended to assist in combining and expediting development review and integrating review procedures.

B. *Rules of Interpretation.*

1. For the purposes of the development code, all words used in the code shall have their normal and customary meanings, unless specifically defined otherwise in this code.
2. Words used in the present tense include the future.
3. The plural includes the singular and vice versa.
4. The words “will” and “shall” are mandatory.
5. The word “may” indicates that discretion is allowed.
6. The word “used” includes designed, intended, or arranged to be used.
7. The masculine gender includes the feminine and vice versa.
8. Distances shall be measured horizontally unless otherwise specified.
9. The word “building” includes a portion of a building or a portion of the lot on which it stands. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.010.)

Article II. Administration

22.10.020 Roles and responsibilities.

A. The regulation of land development is a cooperative activity involving different elected and appointed boards and city staff. The specific responsibilities of these bodies are set forth below.

B. Applicants are expected to read and understand the city development code and be prepared to fulfill the obligations placed on applications for development approvals defined in SGC Title [21](#) and this title. (Ord. 15-51 § 4, 2015; Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.020.)

22.10.030 Administrator.

The term “administrator” shall mean the city and borough administrator, or an individual operating with his/her express knowledge on his/her behalf. Said individual may include, but is not limited to, the planning director or planning assistant. The administrator is responsible for the administration of this title and shall review and act on the following:

- A. *Administrative Interpretation.* Upon request or as determined necessary, the administrator shall interpret the meaning or application of the provisions of said titles and issue a written administrative interpretation. All administrative determinations shall be reported to the planning commission within a reasonable period of time following their issuance.
- B. Nonconforming use permits.
- C. Administrative approvals as set forth in SGC [22.10.150](#).
- D. *Permit Procedures.* The administrator shall determine the proper procedure for all development applications. (Ord. 15-51 § 4, 2015; Ord. 04-60 § 4(D), 2004; Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.030.)

22.10.040 Assembly.

In addition to its legislative responsibility, the assembly shall review and act on the following subjects:

- A. Recommendations of the planning commission.
- B. Appeal of planning commission recommendations and decisions. (Ord. 15-51 § 4, 2015; Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.040.)

22.10.050 Planning commission.

The planning commission shall be constituted in accordance with Chapter [2.40](#) SGC and the Sitka Home Rule Charter and shall have the responsibility of reviewing and acting on the following:

- A. Recommendations to the assembly on approvals of subdivisions, planned unit developments, and binding site plans.
- B. Recommendations to the assembly on amendments to the comprehensive plan.
- C. Recommendations to the assembly on amendments to the subdivision code, SGC Title [21](#).
- D. Recommendations to the assembly on amendments to the zoning code, this title, or the official map.
- E. Approve variances with appeals possible to the assembly.

- F. Approve conditional use permit applications with appeals possible to the assembly.
- G. Other actions requested or remanded by the assembly. (Ord. 15-51 § 4, 2015; Ord. 04-60 § 4(R), (S), 2004; S.G.C. § 22.30.050.)

22.10.060 Board of adjustment.

The assembly of the city and borough shall function as the board of adjustment with the authority to:

- A. Consider appeals of variances or conditional use permits.
- B. Hear appeals of administrative approvals or denials. (Ord. 15-51 § 4, 2015; Ord. 04-60 § 4(R), 2004; S.G.C. § 22.30.060.)

Article III. Consolidated Application Process

22.10.070 Applications.

- A. The city shall strive to consolidate development application and review as appropriate in order to integrate the development permit review process, while avoiding duplication of the review processes.
- B. All applications for development permits, design review approvals, variances and other municipal approvals under the code shall be submitted on forms provided by the city. All applications shall be signed by the property owner or his/her agent. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.070.)

22.10.080 Preapplication meetings.

Applicants for development are encouraged to participate in an informal meeting prior to preparation of an application. The purpose of the meeting is to discuss the proposed development, city design standards, design alternatives, and required permits and application and approval procedures. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.080.)

22.10.090 Content of applications.

- A. All applications for approval under SGC Title [21](#) and this title shall include the information specified in the applicable title. The administrator may require such additional information as reasonably necessary to fully and properly evaluate the proposal.

- B. The applicant shall apply for all permits required by the city as identified in the preapplication meeting or as determined by the administrator. Other permits required by other jurisdictions are the applicant's responsibility to determine.
- C. The city may require applications to be supplemented with additional information during review by the staff, planning commission or assembly. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.090.)

22.10.100 Fees.

The municipality shall establish fees for all aspects of the application and review process including, but not limited to, applications for permits, meetings, plan checking, inspections, testing, general facilities charges, impact mitigation, and other administrative activities. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.100.)

Article IV. Public Notice Requirements

22.10.110 Notice of administrative approvals.

- A. *Notification of Preliminary Approval.* The administrator shall notify the adjacent property owners of his intent to grant approval at least seven days prior to the effective date of the approval. Notification shall be made by first class mail only. The notice shall include:
1. A description of the preliminary approval granted, including any conditions of approval.
 2. A place where further information may be obtained.
 3. A statement that final approval will be granted unless an appeal requesting a public hearing is filed with the city clerk within 10 days of the date of the notice.
- B. The administrator may approve, approve with conditions, or deny certain applications without notice, as described elsewhere in this title. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.110.)

22.10.120 Notice of public hearings.

- A. *Notification.* Notices required by this title shall include the date, time and location of the hearing as well as a description of the action requested and the property for which the action has been requested. The names of the property owners and the parties filing the application shall also be included. The following notices shall be given:
1. General circulation within the city and borough on at least two occasions prior to the meeting. These two publications shall be at least three and five calendar days before the meeting;

2. By sending notices by first class mail at least five days but not more than 20 days prior to the date of hearing to all property owners within 100 feet along the abutting streets, using the names and addresses as they appear on the records of the city and borough assessor;

a. In lieu of the requirement in subsection [\(A\)\(2\)](#) of this section, notices shall not be required to be sent to property owners over 2,000 feet from a project when all the property is in common ownership.

3. The proceedings related to any approval action subject to public notice shall not be invalidated due to persons not receiving such public notice via U.S. mail.

B. *Application Available for Public Action.* From the time of filing such application until the time for such public hearing, the application, together with all relevant data, plans or maps, shall be available for public inspection in the office of the planning director.

C. *Consideration of Evidence.* The planning commission shall hear and consider evidence and facts from any person at the public hearing or receive written comments from any person relative to the matter brought before the commission. The right of any person to present evidence shall not be denied for the reason that such person was not required to be informed of such a public hearing.

D. If, for any reason, a meeting or hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this section is required. (Ord. 03-1746 § 4, 2003; Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.120.)

22.10.130 Notice of appeal hearings.

In addition to the posting and publication requirements of this chapter, notice of appeal hearings shall be as follows:

A. For appeals of administrative approvals, notice shall be mailed to adjacent property owners.

B. For appeals of planning commission recommendations, notice shall be mailed to parties of record from the commission hearing. Parties of record include persons receiving public notice and persons attending or testifying at public hearings. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.130.)

22.10.140 Notice of decision.

A written notice for all final decisions shall be sent to the applicant and other parties as determined by the administrator. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.140.)

Article V. Review and Approval Process

22.10.150 Administrative approvals without notice.

- A. The administrator may approve, approve with conditions, or deny the following without notice:
1. Boundary (lot) line adjustments.
 2. Extension of time for approval.
 3. Minor amendments or modifications to approved developments or permits. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not (a) affect overall project character, (b) increase the number of lots, dwelling units, or density, or (c) decrease the quality or amount of open space.
 4. Home occupations and other accessory uses in single-family zones.
 5. Minor adjustment to yard requirements in residential zones, C-1 general commercial, C-2 general commercial mobile home, WD waterfront, and I industrial zones where the administrator may allow development to encroach up to two feet into a required yard setback when it is determined that strict application of the setback requirement may cause an undue hardship and there are not impacts on adjacent properties.
 6. *Required Findings for Nonconforming Use Permits.* The city shall grant a nonconforming use permit if documentary evidence is provided by the applicant to support the planning commission's findings that:
 - a. Granting a nonconforming use permit is necessary to adapt the nonconforming use and associated structures to changes in technology, merchandising, or other generally recognized trends which affect the utility of structures or the applicant's ability to compete;
 - b. Granting a nonconforming use permit will not introduce any (additional) hazards or interfere with the potential development of nearby properties in accordance with present zoning regulations;
 - c. The nonconforming use and associated structures will comply with the requirements of SGC [22.25.050\(B\)](#);
 - d. The applicant's proposal will result in improvements in functionality or safety, or in exterior appearance, screening, access and other features which will make the use or structure more compatible with allowed uses; and
 - e. Granting a nonconforming use permit will not detract from the intent of the comprehensive plan and any implementing regulation.

B. Administrator's decisions under this section shall be final on the date issued. (Ord. 16-28 § 4, 2016; Ord. 04-60 § 4(j), 2004; Ord. 03-1746 § 4, 2003; Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.150.)

22.10.160 Planning commission review and decision.

Planning commission decision and action authority is defined in SGC [22.10.050](#).

A. *Staff Report.* The administrator shall prepare a staff report on the proposed development or action summarizing any comments, analysis, and recommendations of city departments, affected agencies and special districts, evaluating the development's consistency with the comprehensive plan, code, and other adopted plans and regulations. The staff report may include findings, conclusions or proposed recommendations for disposition of the development application.

B. *Hearing.* The planning commission shall conduct a public hearing on development proposals for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the city's comprehensive plan, code, and other adopted plans and regulations. Notice of the planning commission hearing shall be in accordance with Article [IV](#) of this chapter.

C. *Required Findings for Conditional Use Permits.* The planning commission shall not approve a proposed development unless it first makes the following findings and conclusions:

1. The city may use design standards and other elements in this code to modify the proposal. A conditional use permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record that the granting of the proposed conditional use permit will not:
 - a. Be detrimental to the public health, safety, and general welfare;
 - b. Adversely affect the established character of the surrounding vicinity; nor
 - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives and policies of the comprehensive plan and any implementing regulation.
3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
4. The proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety and welfare of the community from such hazard.
5. The conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

6. *Burden of Proof.* The applicant has the burden of proving that the proposed conditional use meets all of the criteria in subsection [B](#) of this section.

The city may approve, approve with conditions, modify, modify with conditions, or deny the conditional use permit. The city may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts, as a condition of the granting of the conditional use permit. In considering the granting of a conditional use, the assembly and planning commission shall satisfy themselves that the general criteria set forth for uses specified in this chapter will be met. The city may consider any or all criteria listed and may base conditions or safeguards upon them. The assembly and planning commission may require the applicant to submit whatever reasonable evidence may be needed to protect the public interest. The general approval criteria are as follows:

1. Site topography, slope and soil stability, geophysical hazards such as flooding, surface and subsurface drainage and water quality, and the possible or probable effects of the proposed conditional use upon these factors;
2. Utilities and service requirements of the proposed use, including sewers, storm drainage, water, fire protection, access and electrical power; the assembly and planning commission may enlist the aid of the relevant public utility officials with specialized knowledge in evaluating the probable effects of the proposed use and may consider the costs of enlarging, upgrading or extending public utilities in establishing conditions under which the conditional use may be permitted;
3. Lot or tract characteristics, including lot size, yard requirements, lot coverage and height of structures;
4. Use characteristics of the proposed conditional use that affect adjacent uses and districts, including hours of operation, number of persons, traffic volumes, off-street parking and loading characteristics, trash and litter removal, exterior lighting, noise, vibration, dust, smoke, heat and humidity, recreation and open space requirements;
5. Community appearance such as landscaping, fencing and screening, dependent upon the specific use and its visual impacts.

D. *Required Findings for Variances.*

1. *Required Findings for Variances Involving Major Structures or Expansions.* Before any variance is granted, it shall be shown:
 - a. That there are special circumstances to the intended use that do not apply generally to the other properties. Special circumstances may include the shape of the parcel, the topography of the lot, the size or dimensions of the parcels, the orientation or placement of existing structures, or other circumstances that are outside the control of the property owner;
 - b. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel; such uses may include the placement of garages or the expansion of structures that are commonly constructed on other parcels in the vicinity;

- c. That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure;
- d. That the granting of such a variance will not adversely affect the comprehensive plan.

2. *Required Findings for Minor Expansions, Small Structures, Fences, and Signs.*

- a. The municipality finds that the necessary threshold for granting this variance should be lower than thresholds for variances involving major structures or major expansions;
- b. The granting of the variance is not injurious to nearby properties or improvements;
- c. The granting of the variance furthers an appropriate use of the property.

E. *Required Findings for Appeals.* Appeals of any decisions regulated by this title shall only be granted when the designated appeal body determines that the subject permit approval or denial was in error. The appeal body shall base its decision on new evidence or proof of procedural error in the prior action. The appellant shall bear the burden of proving that the decision was in error.

F. *Required Findings for Code Amendments.* Article [VIII](#) of this chapter contains standards for amendments to administrative permits, special use permits, the development standards, and the official map. (Ord. 15-51 § 4, 2015; Ord. 04-60 §§ 4(J), (K), (L), 2004; Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.160.)

22.10.170 Assembly actions.

A. *Actions.* Upon receiving a recommendation from the planning commission or notice of any other matter requiring the assembly's attention, the assembly shall perform the following actions as appropriate:

- 1. Hold a public hearing and make a decision on the following matters:
 - a. Appeal of administrative interpretations.
 - b. Appeal of administrative approvals.
 - c. Appeal of enforcement actions by the administrator.
 - d. Other matters not prohibited by law.
 - e. Amendments to the comprehensive plan, zoning code, official map, or subdivision code.

B. *Decisions.* The assembly shall make its decision by motion or ordinance as appropriate.

- 1. An assembly decision on a planning commission recommendation or following a public hearing shall include one of the following actions:
 - a. Approve as recommended.

- b. Approve with additional conditions.
 - c. Modify, with or without the applicant's concurrence; provided, that the modifications do not:
 - i. Enlarge the area or scope of the project.
 - ii. Increase the density or proposed building size.
 - iii. Significantly increase adverse environmental impacts as determined by the responsible official.
 - d. Deny (reapplication or resubmittal is permitted).
 - e. Deny with prejudice (reapplication or resubmittal is not allowed for one year).
 - f. Remand for further proceedings.
2. An assembly decision following a closed record appeal hearing shall include one of the following actions:
- a. Grant the permit or appeal in whole or in part.
 - b. Deny the permit or appeal in whole or in part.
 - c. Remand for further proceedings. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.170.)

22.10.180 Procedures for public hearings.

Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. The chair shall open the public hearing and, in general, observe the following sequence of events:

- A. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.
- B. Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.
- C. Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the chair at its discretion.
- D. Rebuttal, response or clarifying statements by the staff and the applicant.
- E. The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.180.)

22.10.190 Reconsideration.

A party to a public hearing or closed record appeal may seek reconsideration only of a final decision by filing a written request for reconsideration with the administrator within 14 calendar days of the oral announcement of the final decision. The assembly shall consider the request at its next regularly scheduled meeting. If the request is denied, the previous action shall become final. If the request is granted, the assembly body may immediately revise and reissue its decision or may call for argument in accordance with the procedures for closed record appeals. (Ord. 04-60 § 4(M), 2004; S.G.C. § 22.30.190.)

22.10.200 Remand.

In the event the assembly determines that the public hearing record or record on appeal is insufficient or otherwise flawed, the assembly may remand the matter back to the hearing body. The assembly shall specify the items or issues to be considered and the time frame for completing the additional work. The assembly may hold a public hearing on a closed record appeal only for the limited purposes identified in the remand. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.200.)

22.10.210 Effective date.

The final decision of the assembly or hearing body shall be effective on the date stated in the decision, motion, or ordinance. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.210.)

Article VI. Appeals

22.10.220 Appeals to the planning commission.

A. *Filing.* Every appeal to the planning commission shall be filed with the municipal clerk within 10 days of the date of the recommendation or decision of the matter being appealed. Appeals of enforcement actions by the administrator shall be made directly to the assembly.

B. *Contents.* The notice of appeal shall contain a concise statement identifying:

1. The decision being appealed.
2. The name and address of the appellant and his interest(s) in the matter.
3. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong.

4. The desired outcome or requested changes to the decision.

C. Appeals of enforcement actions by the administrator shall be made in manner outlined above. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.220.)

22.10.230 Appeals to the assembly.

A. *Filing.* Every appeal to the assembly shall be filed with the municipal clerk within 10 days after the date of the recommendation or decision of the matter being appealed.

B. *Contents.* The notice of appeal shall contain a concise statement identifying:

1. The decision being appealed.

2. The name and address of the appellant and his interest(s) in the matter.

3. The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong.

4. The desired outcome or requested changes to the decision. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.230.)

22.10.240 Judicial appeal.

A. Appeals from the final decision of the assembly, or other city board or body involving SGC Title [21](#), and for which all other appeals specifically authorized have been timely exhausted, shall be made to superior court within 30 days of the date the decision or action became final, unless another time period is established by state law or local ordinance.

B. Notice of the appeal and any other pleadings required to be filed with the court shall be served on the municipal clerk, administrator, and city attorney within the applicable time period. This requirement is jurisdictional.

C. The cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for such appeal shall be borne by the appellant. The appellant shall post with the municipal clerk prior to the preparation of any records an advance fee deposit in the amount specified by the municipal clerk. Any overage will be promptly returned to the appellant. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.240.)

Article VII. Enforcement

22.10.250 Violation of restrictions or conditions.

- A. When it is determined by the planning department (department) that a person is violating or is about to violate a provision of a permit, or a term or condition of a permit issued by the municipality under this section, the department will notify the person of its determination by personal service or certified mail.
- B. The recipient of the determination must file with the department, no less than 10 days and no more than 30 days, a report stating what measures have been and are being taken, or are proposed to be taken, to correct or control the conditions outlined in the notice.
- C. After the report is filed under subsection [B](#) of this section or the time period specified for it has elapsed, the department will issue a compliance order or a report. A copy of the compliance order shall be served personally or sent by certified mail to the person affected. A compliance order is effective upon receipt.
- D. Within 10 days after receipt the recipient may request a hearing before the assembly to review the compliance order. Failure to request a hearing within 10 days after the receipt of a compliance order constitutes a waiver of the recipient's right of review.
- E. The assembly may hold a hearing within 45 days after receipt of a request under subsection [D](#) of this section. The assembly shall rescind, modify or affirm the compliance order. If the compliance order is modified or affirmed, it shall take effect at the time determined by the assembly. Any appeal shall be filed in superior court within 30 days, and there shall not be any stays in effect during the interim.
- F. The city attorney may seek enforcement of a compliance order. (Ord. 03-1746 § 4, 2003; Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.250.)

22.10.260 Violation not condoned by permit issuance.

The issuance or granting of any building permit or approval of plans or specifications under the authority of the building code shall not be deemed or construed to be a permit or approval of any violation of any restriction, condition of any of the provisions of this title or any amendment thereto. No permit appearing to give authority to violate this title shall be valid except insofar as the work or use does not violate this title. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.260.)

22.10.270 Enforcement duty.

It shall be the duty of the administrator or designee to enforce the provisions of the building code permitting the erection, construction, moving, conversion, or alteration of buildings or to the occupancy of land or buildings or

any addition thereto. It shall further be the duty of the administrator or designee to enforce the provisions of this title pertaining to the use of land or any building for which any permit, variance, or zoning exception is required by this title. Whenever a violation occurs, any person may file a complaint in regard thereto that feels he or she is aggrieved. Complaints shall be brought to the attention of the administrator or a designee who shall cause the complaint to be immediately investigated and reported thereon. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.270.)

22.10.280 Injunctions.

The superior court has jurisdiction to enjoin a violation of this title or of a lawful order of the department or permit, approval or term or condition of a permit, or approval issued under this title. In actions brought under this section, temporary or preliminary relief may be obtained upon a showing of imminent threat of continued violation, and probable success on the merits, without the necessity of demonstrating physical irreparable harm. The balance of equities in actions under this section may affect the timing of compliance, but not the necessity of compliance within a reasonable period of time. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.280.)

22.10.290 Civil action for violation – Damages.

A. A person who violates or causes or permits to be violated a provision of this title or a regulation, a lawful order of the department, or a permit, approval or term or condition of a permit or approval issued under this title is liable, in a civil action, to the municipality for a sum to be assessed by the court of not less than \$25.00 nor more than \$1,000 for the initial violation, nor more than \$500.00 for each day thereafter on which the violation continues; or in the case of operating without an appropriate notice, permit, or for violations which are related to public health, safety and welfare, or cause substantial adverse effects on the environment, not less than \$500.00 nor more than \$5,000 for the initial violation nor more than \$2,000 for each day thereafter on which the violation continues and which, in either case, shall reflect, when applicable:

1. Reasonable compensation in the nature of liquidated damages for any adverse public health, safety, welfare or environmental effects caused by the violation, which shall be determined by the court according to the sensitivity of the receiving property, neighborhood or environment and the degree to which the violation degrades existing neighborhood environmental quality;
2. Reasonable costs incurred by the municipality in detection, investigation and attempted correction of the violations; and
3. The economic savings realized by the person in not complying with the requirement for which a violation is charged.

B. Actions under this section may not be used for punitive purposes, and sums assessed by the court must be compensatory and remedial in nature.

C. The court, upon motion of the department or upon its own motion, may defer assessment of all or part of that portion of the sum imposed upon a person under this section conditioned upon the person complying, within the shortest feasible time, with the requirement for which a violation is shown.

D. As used in this section, "economic savings" means that sum which a person would be required to expend for the planning, acquisition, siting, construction, installation and operation of the facilities necessary to effect compliance with the standard violated. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.290.)

22.10.300 Penalties.

A. Violations of the provisions of this title or failure to comply with any of its requirements, including violations of restrictions or conditions, shall constitute a violation. Any person who violates this title or fails to comply with any of its requirements is, upon conviction, punishable by a fine not more than \$500.00 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

B. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor or agent who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

C. Nothing herein contained shall prevent the city and borough from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.300.)

22.10.310 Remedies deemed cumulative.

All remedies provided for herein shall be cumulative and not exclusive. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.310.)

22.10.320 Schedule of fees, charges and expenses.

Until all applicable fees, charges and expenses have been paid in full, including any property taxes due on the subject property, no action may be taken on any application or appeal. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.320.)

22.10.330 Inspection warrant.

The department is authorized to seek administrative search warrants pursuant to this code for the purpose of investigating actual or suspected sources of damage caused by violations of this title or to ascertain compliance or noncompliance with this title or a permit or term or condition thereof issued under this title. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.330.)

22.10.340 Emergency powers.

- A. When the department finds, after investigation, that a person is causing, engaging in, or maintaining a condition or activity which, in the judgment of the department, presents an imminent or present danger to the health, safety or welfare of the people of the municipality or would result in or be likely to result in irreversible or irreparable damage to the natural resources or environment, and it appears to be prejudicial to the interests of the people of the municipality to delay action until an opportunity for a hearing can be provided, the department, without proper hearing, shall, upon concurrence of the municipal administrator, order that person by notice to discontinue, abate or alleviate the condition or activity. The proscribed condition or activity shall be immediately discontinued, abated or alleviated.
- B. Upon receipt of an order of the department made under subsection [A](#) of this section, the person affected has the right to be heard and to present proof to the department that the condition or activity does not constitute an actual or potential source of irreversible or irreparable damage to the public health, safety or welfare or to natural resources or environment, or that the order may constitute a substantial private hardship.
- C. In the department's discretion or upon application made by the recipient of an order within 15 days of receipt of the order, the department shall schedule a hearing at the earliest possible time. The hearing shall be scheduled within five days of the receipt of the application. The submission of an application or scheduling of a hearing does not stay the operation of the department's order made under subsection [A](#) of this section.
- D. After a hearing the commission shall affirm, modify or set aside the order. An order affirmed, modified or set aside after a hearing is subject to judicial review. The order is not stayed pending judicial review unless the commission so directs. If an order is not immediately complied with, the municipal attorney, upon request of the department, may seek enforcement of the order. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.340.)

Article VIII. Amendments

22.10.350 Purpose.

The purpose of this article is to define types of amendments to the development regulations, comprehensive plan, and other official controls and to identify procedures for those actions. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.350.)

22.10.360 Amendment standards – Administrative permits.

The following provisions include methods for amending conditions of approval and final development plans that have received an administrative permit:

- A. *Minor Amendments.* The following procedures shall be required for all minor amendments:

1. Requests for minor amendments shall be in writing from the property owner or the owner's authorized agent.
2. Minor amendment applications may be circulated to any city department or agency with jurisdiction at the discretion of the administrator.
3. Minor amendments may be approved or modified with conditions of approval by the administrator provided all of the following requirements are met:
 - a. Any proposal that results in a change of use must be permitted outright in the current zone classification.
 - b. A change to a condition of approval does not modify the intent of the original condition.
 - c. The perimeter boundaries of the original site shall not be extended by more than five percent of the original lot area.
 - d. The proposal does not add more than 10 percent gross square footage of structures on the site.
 - e. The proposal does not increase the overall impervious surface on the site by more than 10 percent.
 - f. Any additions or expansions approved through minor amendments that cumulatively exceed the requirements of this 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, 2002; S.G.C. § 22.30.360.)

22.10.370 Amendment standards – Special use permits.

The following provisions include methods for amending conditions of approval and final development plans that have received a special use permit including planned unit developments, conditional uses, variances and binding site plans:

- A. *Minor Amendments.*** The following procedures shall be required for all minor amendments:

1. Requests for minor amendments shall be in writing from the property owner or the owner's authorized agent.
2. Minor amendment applications may be circulated to any city department or agency with jurisdiction at the discretion of the administrator.
3. Minor amendments may be approved or modified with conditions of approval by the administrator provided all of the following requirements are met:
 - a. Any proposal that results in a change of use must be permitted outright in the current zone classification.
 - b. A change to a condition of approval does not modify the intent of the original condition.
 - c. The perimeter boundaries of the original site shall not be extended by more than five percent of the original lot area.
 - d. The proposal does not add more than 10 percent gross square footage of structures on the site.
 - e. The proposal does not increase the overall residential density of the site.
 - f. The proposal does not change or modify housing types.
 - g. The proposal does not reduce designated open space.
 - h. The proposal does not increase the overall impervious surface on the site by more than 10 percent.
 - i. Any additions or expansions approved through minor amendments that cumulatively exceed the requirements of this 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, 2002; S.G.C. § 22.30.370.)

22.10.380 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 25 percent or more of the subject area.

a. Written protests must be filed in person, with the city clerk, 10 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, 2003; Ord. 02-1683 § 4, 2002; S.G.C. § 22.30.380.)

Chapter 22.15

ZONING MAPS AND BOUNDARIES

Sections:

- 22.15.010** Districts established.
- 22.15.020** Maps.
- 22.15.030** Maps – Changes.
- 22.15.040** Maps – Replacement.
- 22.15.050** District boundary – Interpretation when uncertainty exists.
- 22.15.060** District boundary – Interpretation when street/alley vacated.

22.15.010 Districts established.

The city and borough is divided into districts as shown on the zoning maps of the city and borough which, together with all explanatory matter, are adopted by reference to be a part of this title. The districts shall be as follows:

P	Public lands district
SF/SFLD	Single-family and single-family low density residential districts
R-1 LDMH	Single-family or duplex low density or single-family low density manufactured home district

R-1	Single-family and duplex residential district
R-1 MH	Single-family and duplex manufactured home district
R-2	Multifamily district
R-2 MHP	Multifamily and mobile home district
CBD	Central business district
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	Recreation district
OS	Open space district
GP	Gary Paxton special district
C	Cemetery district

(Ord. 19-15 § 4, 2019; Ord. 14-21 § 4, 2014; Ord. 10-12 § 4, 2010; Ord. 02-1683 § 4, 2002; S.G.C. § 22.12.010.)

22.15.020 Maps.

The use districts are bounded and defined on official zoning maps of the city and borough and identified by the signature of the mayor and attested to by the city and borough clerk. These maps are by reference made a part of this title. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.12.020.)

22.15.030 Maps – Changes.

- A. No changes of any nature shall be made to the official zoning maps or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change of any kind whatsoever by any persons or person shall be considered a violation of this chapter and punishable as provided in Article [VII](#) of Chapter [22.10](#) SGC.
- B. Regardless of the existence of proposed copies of the official zoning maps which may from time to time be made or published, the official zoning maps shall be located in the office of the planning director where they can be kept current and shall be the final authority as to the current zoning status of lands, water areas, buildings and other structures in the city and borough. The maps contained within this code are for general information only and not of sufficient detail to be relied upon. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.12.030.)

22.15.040 Maps – Replacement.

In the event that the official zoning maps become damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the assembly, after recommendation from the planning commission, may by ordinance adopt new official zoning maps which shall supersede the prior official zoning maps. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.12.040.)

22.15.050 District boundary – Interpretation when uncertainty exists.

When uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed as following such centerlines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following the lot lines in effect at the time the zoning district was approved.
- C. Boundaries indicated as approximately following section or section subdivision lines shall be construed as following such section or section subdivision lines.
- D. Boundaries indicated as approximately following municipal limits shall be construed as following said limits.
- E. Boundaries indicated as following shorelines shall be construed as following the mean high water line of that shore. In the event of change, the shoreline shall be construed as following the actual shoreline affected by that change; boundaries indicated as approximately following the centerlines of streams, rivers, lakes or other bodies of water shall be construed to follow such centerlines.

- F. All areas within the city and borough limits which are underwater or tidelands and are not shown as included within any district are subject to all regulations of the upland district immediately adjacent to the tideland or underwater areas.
- G. In unsubdivided property, the location of any district boundary, unless the same is indicated by dimensions shown on the same map, shall be determined by the use of a scale appearing on the map.
- H. Boundaries indicated as parallel to the extensions of features indicated in subsections [A](#) through [F](#) of this section shall be construed as such. Distances not specifically indicated on the official zoning maps shall be determined by the scale of the map.
- I. Where physical or cultural features existing on the ground are at variance with those shown on the zoning maps, or in other circumstances not covered by subsections [A](#) through [G](#) of this section, the planning commission shall interpret the district boundaries. (Ord. 03-1746 § 4, 2003; Ord. 02-1683 § 4, 2002; S.G.C. § 22.12.050.)

22.15.060 District boundary – Interpretation when street/alley vacated.

Where any public street or alley is officially vacated or abandoned, the regulations for the abutting property shall apply to the area of the street or alley of such vacation. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.12.060.)

Chapter 22.16 DISTRICT REGULATIONS

Sections:

- 22.16.010 Generally.**
- 22.16.015 Permitted, conditional and prohibited uses.**
- 22.16.016 Accessory uses.**
- 22.16.020 P public lands district.**
- 22.16.030 SF/SFLD single-family residential and single-family low density residential districts.**
- 22.16.035 R-1 LDMH single-family or duplex low density or single-family low density manufactured home district.**
- 22.16.040 R-1 single-family and duplex residential district.**
- 22.16.045 R-1 MH single-family, duplex and manufactured home zoning district.**
- 22.16.050 R-2 multifamily residential district.**
- 22.16.060 R-2 MHP multifamily and mobile home district.**
- 22.16.070 CBD central business district.**
- 22.16.080 C-1 general commercial district or C-2 general commercial mobile home district.**

- 22.16.100** **WD waterfront district.**
- 22.16.110** **I industrial district.**
- 22.16.120** **GI general island district.**
- 22.16.135** **LI large island district.**
- 22.16.150** **R recreation district.**
- 22.16.160** **OS open space zone.**
- 22.16.170** **GP Gary Paxton special zone.**
- 22.16.180** **C cemetery district.**

22.16.010 **Generally.**

Lot sizes, setbacks, uses and development standards listed herein shall be considered the minimum standards allowable. The following shall consist of the zoning districts of the city and borough. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.16.010.)

22.16.015 **Permitted, conditional and prohibited uses.**

The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied, or maintained. Each lot or parcel in single-family and related zones shall contain only one principal use as defined by the use tables in this chapter. Multifamily and commercial zones may contain up to three principal uses. Other uses on the lot or parcel may be permitted accessory uses or conditional uses. All applicable requirements of this code, or other applicable state or federal requirements, shall govern a use located in the city and borough of Sitka.

The land use tables contained in this chapter determine whether specific uses are permitted as principal (P) or conditional (C) uses. Each table lists the zoning districts in the vertical columns and the land use activities in the horizontal rows. If no symbol appears in the box at the intersection of a row and column, the use is not allowed and is prohibited unless otherwise noted. In general, prohibited uses shall be as follows:

- A. Any use or structure not of a character indicated under permitted principal, accessory or conditional uses;
- B. Any use which causes, or may be reasonably expected to cause, an excessive disturbance not in keeping with the character and stated intent of this district. "Excessive" is defined for these purposes as a degree exceeding that generated by uses permitted in the district in their customary manner of operation or to a degree injurious to the public safety, health, welfare or convenience.

If the letter "P" appears in the box, the use is permitted outright subject to the provisions of the code. If the letter "C" appears in the box, the use is a conditional use subject to review and approval including site plan approval. If the box contains a number, there will be a corresponding footnote further specifying the conditions applicable to the use in the zone.

With the exception of the Gary Paxton special district or as otherwise provided in this code, if the letter "P," "C," or another notation does not appear in the box, the use is prohibited.

The Gary Paxton special (GP/GPS) district was specifically developed to allow for a wide range of flexible uses on the site. When the site was acquired, it was recognized that a number of appropriate uses may surface that could not be anticipated. Appropriate and inappropriate uses could be regulated through lease agreements and sales agreements that must be approved by the municipality. As a result, the GP/GPS district use tables shall function differently from the manner outlined above.

Any uses, except retail and business uses, at Table 22.16.015-6, as well as natural resource extracting and mining support facilities uses within Table 22.16.015-5, may be approved in the GP/GPS district without a requirement of a zoning amendment in accordance with SGC [2.100.080](#).

Retail and business uses in the GP/GPS district that are permitted uses, conditional uses, or prohibited uses on the site are governed by Table 22.16.015-6. Natural resource extractions and mining support facilities are conditional uses governed by Table 22.16.015-5 in the GP/GPS district. These use tables are binding on the owners and the operators in the Gary Paxton industrial park. No changes to these tables shall be made without a zoning ordinance text amendment that follows the full procedures in Chapter [22.10](#) SGC, Zoning Code Administration.

As outlined in SGC [22.16.110](#), the I industrial zone is intended for industrial and heavier commercial uses. The zone also contains a number of heavy public uses as permitted and conditional uses. Additional conditional uses may be approved by the assembly, through the conditional use process, even though they may not be specifically listed as permitted or conditional uses in the following table.

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	R-2 CBD(11, 12)	C-1(11)	C-2(11)	WD(2, 11)	I	GI(3, 10)	R	OS	GP(13)	C(16)	
RESIDENTIAL																			
• Single-family detached		P	P	P(4)	P(4)	P(4)	P(4)	P(4)		P	P	P		P	P	P			
• Townhouse				C(5)	C(5)	C(5)	C(5)	C(5)	C	P	P	P		C					
• Duplex				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	P		C	C				
• Tiny house on chassis on an individual lot				C	C			C			C	C		C	C				
• Mobile home park								P			P	P							
• Accessory dwelling unit				P(14)	C	C	P(14)	C											
GROUP RESIDENCES														C	C				

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	R-2 CBD(11, 12)	C-1(11)	C-2(11)	WD(2, 11)	I	GI(3, 10)	LI(3)	R	OS	GP(13)	C(16)	
• 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(15)			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	C-1/C-2: General Commercial and General Commercial/Mobile Home Districts
SF: Single-Family District	
SFLD: Single-Family Low Density District	WD: Waterfront District
R-1: Single-Family/Duplex District	I: Industrial District
R-1 MH: Single-Family/Duplex/Manufactured Home District	GI: General Island District
R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts	LI: Large Island District
R-2: Multifamily District	R: Recreational District
R-2 MHP: Multifamily/Mobile Home District	OS: Open Space District
CBD: Central Business District	GP: Gary Paxton Special District
	C: Cemetery 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.*

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. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
4. Including zero lot developments.
5. Townhouse, cluster housing developments and planned unit developments are conditional uses subject to this title and SGC Title [21](#), Subdivisions.

6. 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 400 square feet.
7. 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.
8. 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.
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 SGC [2.100.080](#).
14. Accessory dwelling units shall be constructed in conformance with the standards outlined in Chapter [22.20](#) SGC, Supplemental District Regulations and Development Standards.
15. Conditional use limited to allow boats to be used as short-term rentals in harbors and slips within the public lands zoning district.
16. All uses in the cemetery district are intended to be cemetery-related and conducted with reverence and respect for those interred.

Table 22.16.015-2. Cultural/Recreational Uses

ZONES	P(1)	SF(7)	SFLD(7)	R-1(7)	R-1 MH(7)	R-1 LDMH(7)	R-2(7)	R-2 MHP(7)	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	GP(9)	C(10)
CULTURAL																			
• Library	P								P	P	P			P	P				
• Museum	P								P	P	P			P	P				C
• Conference center							C	C	P	P	P			C	C				
• Church		C	C	C	C	C	C	C	P	P	P			PU/ CS	C				C
• Art gallery	P			C(4)	C(4)	C(4)	C(4)	C(4)	P	P	P	C		C	C				
• Radio station												P							
RECREATIONAL																			
• Park and recreation															P				
• Park	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P		C
• Trails	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P		
• Campground	P													C	C		P		
• Resort										P	P			C	C	P/C (11)			
• Marina	P									P	P	P		C	C	C	C	P	
• Travel trailer/recreational vehicle park	C									P	P	C		C	C				

Table 22.16.015-2. Cultural/Recreational Uses

ZONES	P(1)	SF(7)	SFLD(7)	R-1(7)	R-1 MH(7)	R-1 LDMH(7)	R-2(7)	R-2 MHP(7)	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	GP(9)	C(10)
• Ballpark/athletic field	P	C	C	C	C	C	C	C		P	P	P	P	P	C	P			
• Amusement and entertainment														PU/ CS	C	C			
• Theater									P	P	P			C	C				
• Theater, drive-in										P	P			C	C				
• Outdoor amphitheater	P								P	P	P			PU/ CS	C	C	P		
• Bowling center									P	P	P			C	C				
• Sports club and yacht club	C									P	P	P		C	C	C	C		(5)
• Golf facility	P									P	P			C	C				
• Shooting range – indoor	C									C	C			PU/ CS					
• Shooting range – outdoor										C	C			PU/ CS					
• Arcades									P	P	P			C	C				
• Community center	C						C	C	P					C	C				
• Personal use docks – accommodating		C(6)	C(6)	C(6)	C(6)	C(6)	C(6)	C(6)				P		P(8)	P(8)	P(8)	P(8)		

Table 22.16.015-2. Cultural/Recreational Uses

ZONES	P(1)	SF(7)	SFLD(7)	R-1(7)	R-1 MH(7)	R-1 LDMH(7)	R-2(7)	R-2 MHP(7)	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	GP(9)	C(10)
waterborne aircraft																			
• Personal use docks – perimeter of dock and float exceed 300 linear feet	C	C	C	C	C	C	C	C				P		P(8)	P(8)	P(8)	P(8)		
• Personal use docks – one lease slip, float houses permitted in accordance with the Sitka Coastal Management Program, no linear perimeter restriction, allowing liveaboards, and allowing float planes												P		P(8)	P(8)	P(8)	P(8)		
• Personal use docks – no perimeter restrictions, no restrictions on liveaboards and										P	P	P	P	P(8)	P(8)	P(8)	P(8)		

Table 22.16.015-2. Cultural/Recreational Uses

ZONES	P(1)	SF(7)	SFLD(7)	R-1(7)	R-1 MH(7)	R-1 LDMH(7)	R-2(7)	R-2 MHP(7)	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	GP(9)	C(10)
float planes. Float houses allowed if permitted in accordance with Sitka Coastal Management Program																			
• Personal use docks - one nonfee liveaboard	P	P	P	P	P	P						P		P(8)	P(8)	P(8) P(8)	P(8)		
• Personal use docks - liveaboards, no more than 300-foot perimeter							P	P				P		P(8)	P(8)	P(8) P(8)	P(8)		
• Community personal use docks	C	C	C	C	C	C	C	C				P		P(8)	P(8)	P(8) P(8)	P(8)		
• Commercial use docks										P	P	P	P	P	C	C	C		

P: Public Lands District	C-1/C-2: General Commercial and General Commercial/Mobile Home Districts
SF: Single-Family District	
SFLD: Single-Family Low Density District	WD: Waterfront District
R-1: Single-Family/Duplex District	I: Industrial District
R-1 MH: Single-Family/Duplex/Manufactured Home District	GI: General Island District
R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts	LI: Large Island District
R-2: Multifamily District	R: Recreational District
R-2 MHP: Multifamily/Mobile Home District	OS: Open Space District
CBD: Central Business District	GP: Gary Paxton Special District
	C: Cemetery District

P – Permitted

C – Conditional Use Permit Required

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

D. *Cultural/Recreational Uses Table 22.16.015-2 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. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
4. When operated as a home occupation.
5. Sport fishing lodges.

6. Any waterborne aircraft approved through the conditional use process shall be restricted to those owned by the upland property owner or long-term lessee that are not used for commercial purposes. Waterborne aircraft shall also only be allowed on docks in a secure environment.
7. The city requires liveaboards in R-1, R-2, SF, and related zones to meet the relevant liveaboard regulations that are required in the municipal harbor regulations under “liveaboards.”
8. Waterborne aircraft that moor on docks on an ongoing basis are allowed as a permitted use on personal use and community personal use docks if they are solely used by the owners of the property and are solely used for noncommercial purposes. All nonprivate use of waterborne aircraft would require conditional use approval.
9. Any uses except retail and business uses and natural resource extraction and mining support facilities uses may be approved in accordance with SGC [2.100.080](#).
10. All uses in the cemetery district are intended to be cemetery-related and conducted with reverence and respect for those interred.
11. Conditional use for Baranof Warm Springs townsite (USS 3110, 3921A, and 3921B).

Table 22.16.015-3. General Services Uses

ZONES	P(1)	SF	SFLD	R-1(6)	R-1 MH(6)	R-1 LDMH(6)	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	GP(8)	C(9)
PERSONAL SERVICES																			
• General services									P	P	P			C					
• Dry cleaning									P	P	P								
• Industrial laundry										C	C		P						
• Funeral home/crematorium									C	P	P			C					
• Cemeteries/mausoleum	P													C	C				P
• Day care/kindergartens	P			P(6)	P(6)	P(6)	P(5)	P(5)	C	P(5)	P(5)			P	P				
• Veterinary clinic							(7)		C	C	C		P	C					
• Automotive repair									C	P	P	P	P	C					
• Automotive service									C	P	P	P	P	C					
• Miscellaneous repair									P	P	P	P	P	C	C				
• Social service agencies									P	P	P	C		CU/*S	C				
• Stable	C									C	C			PU/CS		C			
• Kennel										C	C		C	P					
• Bank							C	C	P	P	P			C	C				
• Credit union							C	C	P	P	P			C	C				

Table 22.16.015-3. General Services Uses

ZONES	P(1)	SF	SFLD	R-1(6)	R-1 MH(6)	R-1 LDMH(6)	R-2 MHP	R-2 CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	GP(8)	C(9)	
• Massage treatments															C				
HEALTH SERVICES																			
• Offices/outpatient clinic							C	C	P	P			C	C					
• Hospital	C(4)							C	P	P			C	C					
• Medical/dental laboratory							C	P	P	P		P	C	C					
• Marijuana testing facility								C	C	C	C	C	C	C			C		
• Miscellaneous health facility							C	C	C	C			C	C					
EDUCATIONAL SERVICES																			
• Elementary school	P						C	C	C	C			C	C					
• Middle/junior high school	P						C	C	C	C			C	C					
• Secondary/high school	P						C	C	C	C			C	C					
• Vocational school	P						C	C	C	C			C	C					
• Specialized instruction school	P						C	C	C	C			C	C					
• College/university	P							C	C	C			C	C					

Table 22.16.015-3. General Services Uses

ZONES	P(1)	SF	SFLD	R-1(6)	R-1 MH(6)	R-1 LDMH(6)	R-2 MHP	R-2 C	CBD	C-1	C-2	WD(2)	I	GI(3)	LI(3)	R	OS	GP(8)	C(9)
• School district support facility (excluding bus barns)	P						C	C	C	P	P		P	C	C				
• Auditorium	P																		

P: Public Lands District	C-1/C-2: General Commercial and General Commercial/Mobile Home Districts
SF: Single-Family District	
SFLD: Single-Family Low Density District	WD: Waterfront District
R-1: Single-Family/Duplex District	I: Industrial District
R-1 MH: Single-Family/Duplex/Manufactured Home District	GI: General Island District
R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts	LI: Large Island District
R-2: Multifamily District	R: Recreational District
R-2 MHP: Multifamily/Mobile Home District	OS: Open Space District
CBD: Central Business District	GP: Gary Paxton Special District
	C: Cemetery District

P – Permitted

C – Conditional Use Permit Required

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

CU/*S – Conditional Use on Unsubdivided Islands and Prohibited on Subdivided Islands

E. *General Services Uses Table 22.16.015-3 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.
- Hospital buildings shall be set back a minimum of 10 feet from all property lines.
- Establishments accommodating five or more children require state licenses and are conditional uses.

6. Day cares 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 duplex 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.

7. A replacement vet clinic in the 1200 block of Halibut Point Road as a substitute for the long standing historical use in the area is expressly authorized and shall be the only vet clinic allowed in an R-2 zone.

8. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with SGC [2.100.080](#).

9. All uses in the cemetery district are intended to be cemetery-related and conducted with reverence and respect for those interred.

Table 22.16.015-4. Public Facilities Uses

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD (2)	I	GI(3)	LI(3)	R	OS	GP(6)	C(8)	
GOVERNMENT SERVICES									C											
• Public agency or utility office	P								P	C					PU/ CS	C				
• Public agency or utility service yard	P									C		P	P		C	C				
• Public agency warehouse	P									C		P	P		C	C				
PUBLIC SERVICES																				
• Courts	P								P						C	C				
• Police station	P								P	P	P				C	C				
• Fire station	P				C	C	C	C	P	P	P	C	C		PU/ CS	C	C			
• Utility facilities (transformers, pump stations, etc.)	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P/C (9)			
• Solid waste transfer facility	C(4)									C	C	C	C		C	C				
• Landfill	P												C	C	C	C				

Table 22.16.015-4. Public Facilities Uses

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD (2)	I	GI(3)	LI(3)	R	OS	GP(6)	C(8)
• Land clearing landfills	C												C						
• Wastewater treatment plant	C									C	C	P	P	C	C				
• Public water supply facility	P									P	P	P	P	C	C	P/C (9)			
• Public transportation facility/airport	C								C	C	C	P(5)	P	C					
• Animal shelter	P									C	C		C	C					
• Recycling facility	C																		
• Housing support facility (7)																			

P: Public Lands District	C-1/C-2: General Commercial and General Commercial/Mobile Home Districts
SF: Single-Family District	
SFLD: Single-Family Low Density District	WD: Waterfront District
R-1: Single-Family/Duplex District	I: Industrial District
R-1 MH: Single-Family/Duplex/Manufactured Home District	GI: General Island District
R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts	LI: Large Island District
R-2: Multifamily District	R: Recreational District
R-2 MHP: Multifamily/Mobile Home District	OS: Open Space District
CBD: Central Business District	GP: Gary Paxton Special District
	C: Cemetery District

P – Permitted

C – Conditional Use Permit Required

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

F. *Public Facilities Uses Table 22.16.015-4 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.
- Minimum site area is 20 acres.
- 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. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with SGC [2.100.080](#).
7. In which the primary purpose of the support facility is to support and maintain housing-related programs in the immediate area.
8. All uses in the cemetery district are intended to be cemetery-related and conducted with reverence and respect for those interred.
9. Conditional use for Baranof Warm Springs townsite (USS 3110, 3921A, and 3921B).

Table 22.16.015-5. Manufacturing/Storage Uses

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP(7)	C(8)	
MANUFACTURING																				
• Food products including seafood processing										C	C	P	P	C	C	C				
• Mariculture												P		C	C					
• Winery/brewery, small scale									C	C	C	P	P	C	C					
• Textile mill products										C	C	P	P	C	C					
• Apparel and textile products										C	C	P	P	C	C					
• Wood products, except furniture										C	C	P	P	PU/ CS	C					
• Furniture and fixtures										P	P	P	P	P	C					
• Paper and allied products										C	C	P	P	C	C					
• Petroleum refining and related products										C	C	P	P							
• Rubber and plastics products										C	C	P	P							
• Leather and leather goods										P	P	P	P	C	C					
• Tannery										C	C									

Table 22.16.015-5. Manufacturing/Storage Uses

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP(7)	C(8)
• Stone, clay, glass and concrete products										C	C	P	P	C	C				
• Primary metal products										C	C	P	P	C	C				
• Asphalt plant/concrete batch plant													C						
• Fabricated metal products										C	C	P	P	C					
• Industrial and commercial machinery										C	C	P	P						
• Heavy machinery and equipment										C	C	P	P						
• Computer and office equipment										P	P	P	P	C	C				
• Electronic and electric equipment										P	P	P	P	PU/ CS	C				
• Miscellaneous vehicle manufacturing										C	C	P	P	C					
• Boat building										C	C	P(5)	P	C					
• Tire retreading										C	C	P	P						
• Other manufacturing										C	C	P	P(6)	C	C				
• Marijuana cultivation facility									C	C	C	C	C	C	C				C

Table 22.16.015-5. Manufacturing/Storage Uses

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP(7)	C(8)
• Marijuana cultivation facility, limited									C	C	C	C	C	C	C			C	
• Marijuana product manufacturing facility									C	C	C	C	C	C	C			C	
• Marijuana product manufacturing facility, extract only									C	C	C	C	C	C	C			C	
STORAGE AND WAREHOUSING													P						
• Marine equipment/commercial fishing gear/material storage										P	P	P	P	PU/ CS	C				
• Boat storage										P	P	P	P						
• Construction materials storage										P	P	P	P	C	C	C			
• Trucking, courier and taxi service facilities									P	P	P	P(5)	P	C	C				
• Warehousing and wholesale trade									P	P	P	P(5)	P	C					
• Self-service storage									P	P	P	P	P	C					
• Log storage	C									C	C	P	P	C		P			
• Freight and cargo services									P	P	P	P(5)	P	C					

Table 22.16.015-5. Manufacturing/Storage Uses

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP(7)	C(8)
• Equipment rental services									P	C	C	P	P	C					
• Vehicle rental services									P	P	P	P	P	C					
• Natural resource extraction and mining support facilities												C	C	C	C			C	
• Storage of explosives																			
• Bulk fuel storage																			

P: Public Lands District	C-1/C-2: General Commercial and General Commercial/Mobile Home Districts
SF: Single-Family District	
SFLD: Single-Family Low Density District	WD: Waterfront District
R-1: Single-Family/Duplex District	I: Industrial District
R-1 MH: Single-Family/Duplex/Manufactured Home District	GI: General Island District
R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts	LI: Large Island District
R-2: Multifamily District	R: Recreational District
R-2 MHP: Multifamily/Mobile Home District	OS: Open Space District
CBD: Central Business District	GP: Gary Paxton Special District
	C: Cemetery District

P – Permitted

C – Conditional Use Permit Required

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

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.
4. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.

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 20 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.
7. Any uses, except retail and business uses, and natural resource extraction and mining support facilities uses may be approved in accordance with SGC [2.100.080](#).
8. All uses in the cemetery district are intended to be cemetery-related and conducted with reverence and respect for those interred.

Table 22.16.015-6. Retail and Business Uses

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD(8)	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP	C(10)
RETAIL USES																			
• Building, hardware and garden materials										P	P		P	C	C			P	
• Bulk forest products sales									P	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)		C	C				
• Food stores									P	P	P	P(5)		C	C	C(6)		C	
• Agricultural product sales										P	P		P	C	C			P	
• Motor vehicle and boat dealers									P(7)	P	P	P(5)		C				P	
• Auto supply stores									P	P	P			C	C			P	
• Gasoline service stations									C	P	P		P	C	C			C	

Table 22.16.015-6. Retail and Business Uses

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2 MHP	R-2	CBD(8)	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP	C(10)
• Apparel and accessory stores									P	P	P	P(5)		C	C				
• Furniture and home furnishing stores									P	P	P			C				C	
• Eating and drinking places									P	P	P	P	C	PU/ CS	C	C		C	
• Drug stores									P	P	P			C	C				
• Liquor stores									P	P	P	P(5)		C	C				
• Used goods, secondhand stores									P	P	P	P(5)		C	C			C	
• Sporting goods									P	P	P	P(5)		C	C				
• Book, stationery, video and art supply									P	P	P	P(5)		C	C				
• Jewelry stores									P	P	P	P(5)		C	C				
• Monuments, tombstones and gravestones									P	P	P		P	C	C			P	
• Hobby, toy, game stores									P	P	P			C	C				

Table 22.16.015-6. Retail and Business Uses

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD(8)	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP	C(10)
• Photographic and electronic stores									P	P	P	P(5)		C	C				
• Fabric stores									P	P	P			C	C				
• Fuel dealers										P	P		P	C	C			C	
• Florists									P	P	P			C	C				
• Medical supply stores									P	P	P			C	C				
• Pet shops									P	P	P			C	C				
• Sales of goods that are wholly manufactured at Gary Paxton industrial park GPIIP																		P	
• Sales of gifts, souvenirs and promotional materials that bear the logo or trade name of a GPIIP permitted use business																		P	

Table 22.16.015-6. Retail and Business Uses

ZONES	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2 MHP	R-2	CBD(8)	C-1	C-2	WD(2)	I(3)	GI(4)	LI(4)	R	OS	GP	C(10)
• Stand alone souvenir and gift shops									P	P	P	P							
• Bulk retail										P	P		C	C	C				
• Commercial home horticulture	P	C	C	C(9)	C(9)		C(9)	C(9)	P	P	P	P		PU/ CS(9)	C(9)	P	P		
• Horticulture and related structures	P								P	P	P	P						P	
• Marijuana retail facility									C	C	C	C	C	C	C			C	
BUSINESS SERVICES																		P	
• General business services									P	P	P	P(5)	P	C	C			C	
• Professional offices							C	C	P	P	P	P(5)		C	C			P	
• Communications services									P	P	P	P(5)		C	C			P	
• Research and development services									C	P	P	C(5)	P	C	C			P	

P: Public Lands District	C-1/C-2: General Commercial and General Commercial/Mobile Home Districts
SF: Single-Family District	
SFLD: Single-Family Low Density District	WD: Waterfront District
R-1: Single-Family/Duplex District	I: Industrial District
R-1 MH: Single-Family/Duplex/Manufactured Home District	GI: General Island District
R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts	LI: Large Island District
R-2: Multifamily District	R: Recreational District
R-2 MHP: Multifamily/Mobile Home District	OS: Open Space District
CBD: Central Business District	GP: Gary Paxton Special District
	C: Cemetery District

P – Permitted

C – Conditional Use Permit Required

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

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.
4. Uses listed as conditional uses in the GI and LI zones may be considered, but not necessarily approved, on a case-by-case basis.
5. When associated with a water-related principal use.

6. Small scale convenience stores subordinate to principal permitted uses.
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.
9. Commercial home horticulture conditional use permits governed by SGC [22.25.025](#).
10. All uses in the cemetery district are intended to be cemetery-related and conducted with reverence and respect for those interred. (Ord. 21-27 § 4, 2021; Ord. 20-09 § 4, 2020; Ord. 20-02S(A) § 4, 2020; Ord. 19-15 § 4, 2019; Ord. 16-14 § 4, 2016; Ord. 16-11 § 4, 2016; Ord. 15-42 § 4, 2015; Ord. 15-08 § 4, 2015; Ord. 14-38A § 6, 2014; Ord. 14-21 § 4, 2014; Ord. 13-14A § 4, 2013; Ord. 12-31A §§ 4(E), (F), 2012; Ord. 11-34 § 4, 2011; Ord. 11-31 § 4, 2011; Ord. 11-04S § 4(A), 2011; Ord. 10-32 § 4, 2010; Ord. 10-12 § 4, 2010; Ord. 09-78 § 4, 2010; Ord. 09-51 §§ 4(A), (B), (D), 2009; Ord. 08-44 § 4, 2008; Ord. 08-30 § 4, 2008; Ord. 07-08 § 4, 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, 2003; Ord. 03-1746 § 4, 2003; Ord. 02-1683 § 4, 2002; S.G.C. § 22.16.015.)

22.16.016 Accessory uses.

A. *Intent.* Certain uses are incidental and supportive of the principal use. These are indicated for each zoning district in the following table.

Table 22.16.016-1. Accessory Uses

PERMITTED ACCESSORY USES	ZONES
Accessory buildings such as garages and sheds	All zones
Required automobile parking in conjunction with permitted principal or conditional uses	All zones
Off-street parking for one commercial truck or van used for commuting	All residential zones
Required loading facilities	All zones
Utility installations except solid waste disposal facilities and water storage dams	All zones

Table 22.16.016-1. Accessory Uses

PERMITTED ACCESSORY USES	ZONES
Home occupations as defined by SGC 22.20.060	All residential zones
Private outside storage of small noncommercial trucks, boats, recreational vehicles in required setbacks no closer than five feet to the property line	All residential zones
Parks, playgrounds and open space for informal recreation	All residential zones
Accessory uses incidental to any permitted use	All nonresidential zones
One small private recreational cabin per lot in addition to the single principal structure	GI, LI and OS zones
One single unit watchman or caretaker dwelling	P and I zones
Boardwalks	R zone

(Ord. 06-06 § 4(F), 2006; Ord. 03-1750 § 4, 2003; Ord. 02-1683 § 4, 2002; S.G.C. § 22.16.016.)

22.16.020 P public lands district.

- A. *Intent.* The public lands district is intended to contain government-owned lands or lands owned by nonprofit institutions serving the public interest which are utilized for public recreation, education or institutional uses.
- B. *Return of Land to Public Domain.* Should any such land be sold or returned to the public domain, the zoning classification of the adjacent property having the most restricted classification shall be imposed. (Ord. 04-60 § 4(H), 2004; S.G.C. § 22.16.020.)

22.16.030 SF/SFLD single-family residential and single-family low density residential districts.

A. *Intent.*

1. The SF/SFLD districts are intended to include lands suited by topography and other natural conditions for urban development and which are provided with a full range of public utilities including sewer, water, electricity and storm drains or are intended to be provided with such utilities in the near future.

2. The SF/SFLD districts are very restrictive districts and may also be utilized as holding districts for lands which are located within the urban area but are not presently served by access or utilities until such time as a full-scale development plan can be adopted to allow a more permanent zoning district designation.

3. For the SFLD, all provisions of the SF district shall apply except that the minimum lot size shall be 15,000 square feet.

4. This district is intended for areas where the lack of utilities or topography makes increased density undesirable.

B. *Prohibited Uses.* Short-term rentals are prohibited in SF and SFLD districts. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.16.030.)

22.16.035 R-1 LDMH single-family or duplex low density or single-family low density manufactured home district.

A. *Intent.*

1. All provisions of the R-1 or R-1 MH district shall apply except that the minimum lot size shall be 15,000 square feet.

2. The minimum lot size for zero lot line developments in this zone shall be 7,500 square feet. (Ord. 10-12 § 4, 2010; Ord. 02-1683 § 4, 2002; S.G.C. § 22.16.035.)

22.16.040 R-1 single-family and duplex residential district.

A. *Intent.* The R-1 district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with a full range of public utilities including sewer, water, electricity and storm drains or are intended to be provided with such utilities in the near future.

1. This district is intended primarily for single-family or duplex residential dwellings at moderate densities, but structures and uses required to serve recreational and other public needs of residential areas are allowed as conditional uses subject to restrictions intended to preserve the residential character of the R-1 district.

2. The R-1 district, as it is a very restrictive district, may also be utilized as a holding district for lands which are located within the urban area but are not presently served by access or utilities until such time as a full-scale development plan can be adopted to allow a more permanent zoning district designation.

B. Signs may be allowed in conjunction with any permitted use subject to the provisions of Chapter [22.20](#) SGC. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.16.040.)

22.16.045 R-1 MH single-family, duplex and manufactured home zoning district.

A. *Intent.* See the intent statement for the R-1 district. The R-1 MH district is intended primarily for single-family, single-family manufactured homes or duplex dwellings, tiny houses or tiny houses on chassis at moderate densities, but structures and uses required to serve recreational and other public needs of residential areas are allowed as conditional uses subject to restrictions intended to preserve the residential character of the R-1 MH district. (Ord. 20-025(A) § 4, 2020; Ord. 10-12 § 4, 2010; Ord. 02-1683 § 4, 2002; S.G.C. § 22.16.045.)

22.16.050 R-2 multifamily residential district.

A. *Intent.* The R-2 residential district is intended to include lands suited by topography and other natural conditions for urban development and which are provided with the full range of public utilities, including sewers, water, electricity, and storm drains or are intended to be provided with such utilities in the near future. This district is intended primarily for single-family and multiple-family residences at moderately high population densities. Structures required to serve governmental, educational, recreational, religious and limited professional office needs are allowed subject to permitted or conditional use restrictions intended to preserve and protect the residential character of the R-2 district.

B. *Open Space.* Open or play space shall be provided in all R-2 residential projects. The amount of allowable space shall be reviewed in consultation with the planning staff and planning commission but in any case shall not be less than 100 square feet per dwelling unit, must have a barrier, and be fenced or separated so as to not be used for other purposes, such as parking, storage, etc. In large projects, exceeding 12 units, a minimum of at least 1,000 square feet shall be set aside for recreational purposes. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.16.050.)

22.16.060 R-2 MHP multifamily and mobile home district.

A. *Intent.* All provisions of the R-2 district shall apply except that permitted principal uses shall include mobile home parks. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.16.060.)

22.16.070 CBD central business district.

A. *Intent.* The central business district is designed specifically for concentrated retail, personal and business services of all kinds satisfying all residents in one central location. It should further prohibit exclusive residential or industrial uses which would interfere with the development and continuation of its cohesive business purposes. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.16.070.)

22.16.080 C-1 general commercial district or C-2 general commercial mobile home district.

A. *Intent.* The general commercial district is intended to be served by major essential utilities and to include those areas which are heavily dependent upon vehicular access. The district is intended for those areas surrounding major intersections where personal services, convenience goods and auto-related service facilities are desirable and appropriate land uses. The extension of the general commercial district along the roads in a strip fashion is to be discouraged.

B. All provisions of the C-1 district apply in the C-2 district, except that permitted uses also include manufactured homes on single lots and manufactured home parks, and tiny houses on chassis on a single lot as a conditional use. (Ord. 20-02S(A) § 4, 2020; Ord. 10-12 § 4, 2010; Ord. 02-1683 § 4, 2002; S.G.C. § 22.16.080.)

22.16.100 WD waterfront district.

A. *Intent.* The waterfront district is intended to be applied to lands with direct access or close proximity to navigable tidal waters within the urban area of the city and borough. Uses are intended whenever possible to be water-dependent or water-related with particular emphasis on commerce, tourism, commercial or industrial enterprises which derive major economic or social benefit from a waterfront location. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.16.100.)

22.16.110 I industrial district.

A. *Intent.* The industrial district is intended for industrial or heavier commercial uses including warehousing, wholesale and distribution operations, manufacturing, natural resource extraction, contractors' yards and other such uses that require larger property or larger water and sewer services. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.16.110.)

22.16.120 GI general island district.

A. *Intent.* The general island district is intended to replace the open general district. One of its goals is to protect the residential character of small subdivided islands while providing for commercial uses on small unsubdivided islands. The zoning district lines are intended to, whenever feasible, include unsubdivided islands of modest size and islands containing six lots or less. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.16.120.)

22.16.135 LI large island district.

A. *Intent.* The large island district is intended to replace the open rural low density district. Its goals include protecting the residential character of the larger subdivided islands. It is intended to cover islands such as Middle Island, Long Island, and Galankin. Islands with seven lots or more may be included in this zone. An objective of this zone is to have developments served by access easements built to a defined standard and to have potential moorage areas identified. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.16.135.)

22.16.150 R recreation district.

A. *Intent.* The recreation district is intended to contain both public and private lands to be used for recreation purposes. Lands designated for this district should be evaluated for long-term public benefits to accrue from the protection offered by this designation. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.16.150.)

22.16.160 OS open space zone.

A. *Intent.* The intent of this zone is to serve as a holding zone for large islands or tracts for which specific plans have not been established. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.16.160.)

22.16.170 GP Gary Paxton special zone.

A. *Intent.* The Gary Paxton special zone is intended to apply to the Gary Paxton industrial park and the associated tidelands portions and adjacent municipal tracts as defined by the zoning maps. It provides development flexibility for this unique site by allowing many uses that are permitted in both the waterfront and industrial zoning districts. (Ord. 14-21 § 4, 2014; Ord. 02-1683 § 4, 2002; S.G.C. § 22.16.170.)

22.16.180 C cemetery district.

A. *Intent.* The cemetery district is intended to contain land used for cemeteries and limited accessory uses. All uses in the cemetery district are intended to be cemetery-related and conducted with reverence and respect for those interred. This a highly restrictive district. (Ord. 19-15 § 4, 2019; S.G.C. § 22.16.180.)

Chapter 22.20

SUPPLEMENTAL DISTRICT REGULATIONS AND DEVELOPMENT STANDARDS

Sections:

- 22.20.010 Application of supplementary regulations.**
- 22.20.020 Use of land and buildings.**
- 22.20.030 Classification of new and unlisted uses.**
- 22.20.035 Notes to Table 22.20-1.**
- 22.20.038 Residential demolition guarantee.**
- 22.20.040 Yards and setbacks.**
- 22.20.045 As-built requirements.**
- 22.20.050 Building height.**
- 22.20.055 Communications antennas and towers.**
- 22.20.060 Permitted home occupations.**
- 22.20.070 Fences, walls and hedges.**
- 22.20.080 Visibility at intersections.**
- 22.20.085 Lighting.**
- 22.20.090 Signs.**
- 22.20.100 Off-street parking requirements.**
- 22.20.110 Off-street loading requirements.**
- 22.20.120 Mail delivery.**
- 22.20.130 Large domestic animals.**
- 22.20.150 Short-term rentals.**
- 22.20.160 Accessory dwelling units (ADUs).**

22.20.010 Application of supplementary regulations.

In addition to regulations indicated for individual districts in Chapter [22.16](#) SGC, the regulations in this chapter apply to individual districts, groups of districts and all districts as indicated. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.20.010.)

22.20.020 Use of land and buildings.

Subject to the provisions of Chapter [22.10](#) SGC, no land or buildings will be used, erected, altered or converted which are arranged or designed or used for other than those uses specified for the district in which they are located, as set forth in Chapter [22.16](#) SGC, District Regulations. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.20.020.)

22.20.030 Classification of new and unlisted uses.

Addition of uses which are not defined or regulated by this title shall be made by the following process:

- A. The administrator shall provide the planning commission with a staff report describing the proposed use addition in the form of an amendment to this title.
- B. The planning commission shall hold a public hearing and, subject to its review, shall recommend an appropriate code amendment to the assembly.
- C. Unless the assembly takes action otherwise within 30 days of the planning commission recommendation, the recommended amendment shall take effect.

Table 22.20-1. Development Standards⁽²⁾

ZONES	MINIMUM LOT REQUIREMENTS		MINIMUM SETBACKS			MAXIMUM HEIGHTS ⁽¹⁸⁾		MAXIMUM BUILDING COVERAGE	MAXIMUM DENSITY
	Width	Area ^(1, 17)	Front ⁽³⁾	Rear	Side	Principal Structures	Accessory Structures		
P	(4)	(4)	20 ft.	15 ft.	10 ft.	40 ft.	16 ft.	35%	
SF	80 ft.	6,000 s.f.	14 ft. ⁽⁸⁾	8 ft. ⁽⁹⁾	5/9 ft. ⁽¹⁹⁾	35 ft. ⁽¹⁰⁾	16 ft.	50%	
SFLD	80 ft.	15,000 s.f.	20 ft. ⁽⁸⁾	20 ft. ⁽⁹⁾	15 ft.	35 ft. ⁽¹⁰⁾	16 ft.	35%	
R-1 ⁽⁶⁾	80 ft.	6,000 s.f.	14 ft. ⁽⁸⁾	8 ft. ⁽⁹⁾	5/9 ft. ⁽¹⁹⁾	35 ft. ⁽¹⁰⁾	16 ft.	50%	
R-1 MH ⁽⁶⁾	80 ft.	6,000 s.f.	14 ft. ⁽⁸⁾	8 ft. ⁽⁹⁾	5/9 ft. ⁽¹⁹⁾	35 ft. ⁽¹⁰⁾	16 ft.	50%	
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⁾	80 ft.	6,000 s.f. for the first two units and 1,000 s.f. for each additional unit	14 ft. ⁽⁸⁾	8 ft. ⁽⁹⁾	5/9 ft. ⁽¹⁹⁾	40 ft.	16 ft.	50%	Maximum density = 24 DU/A

Table 22.20-1. Development Standards⁽²⁾

ZONES	MINIMUM LOT REQUIREMENTS		MINIMUM SETBACKS			MAXIMUM HEIGHTS ⁽¹⁸⁾		MAXIMUM BUILDING COVERAGE	MAXIMUM DENSITY
	Width	Area ^(1, 17)	Front ⁽³⁾	Rear	Side	Principal Structures	Accessory Structures		
R-2 MHP ⁽⁶⁾	80 ft.	Same as R-2	14 ft. ⁽⁸⁾	8 ft. ⁽⁹⁾	5/9 ft. ⁽¹⁹⁾	40 ft.	16 ft.	50%	Same as R-2
CBD ⁽¹⁶⁾	None	None ⁽⁷⁾	(11)	(11)	(11)	50 ft.	16 ft.	None	
C-1 ⁽⁶⁾	60 ft.	6,000 s.f. ⁽⁷⁾	14 ft. ⁽⁸⁾	8 ft.	5 ft.	40 ft.	16 ft.	None, except for setback areas	
C-2 ⁽⁶⁾	60 ft.	6,000 s.f. ⁽⁷⁾	14 ft. ⁽⁸⁾	8 ft.	5 ft.	40 ft.	16 ft.	Same as C-1	
WD ⁽⁶⁾	60 ft.	6,000 s.f. ⁽⁷⁾	14 ft. ^(8, 12)	5 ft. ⁽¹²⁾	5/9 ft. ^(12, 19)	40 ft.	16 ft.	Same as C-1	
GP	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 ⁽¹⁸⁾		MAXIMUM BUILDING COVERAGE	MAXIMUM DENSITY
	Width	Area ^(1, 17)	Front ⁽³⁾	Rear	Side	Principal Structures	Accessory Structures		
R			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⁾	
C	None	None	15 ft.	10 ft.	10 ft.	35 ft.	35 ft.	None, except for setback areas	

(Ord. 19-16A § 4, 2019; Ord. 19-15 § 4, 2019; Ord. 13-14A § 4, 2013; Ord. 11-04S § 4(B), 2011; Ord. 06-06 § 4(C), 2006; Ord. 03-1746 § 4, 2003; Ord. 02-1683 § 4, 2002; S.G.C. § 22.20.030.)

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 20-foot improved driveway with a minimum of a 12-foot-wide developed drivable 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 Duplex shall have a minimum of 12,000 square feet of lot area per unit.
- 6 Zero lot line lots shall be a minimum of 7,500 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: 3,000 sq. ft.
R-1 LD and R-1 LDMH: 7,500 sq. ft.
R-2 and R-2 MHP: 3,000 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 6,000 square feet for one- and two-family dwellings with an additional 1,000 square feet for each additional dwelling unit.
- 8 Front yard setback shall be 10 feet when lots abutting street rights-of-way are equal to or greater than 80 feet.
- 9 Residential docks are exempt from rear yard setback.
- 10 Building height as defined by SGC [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 15 feet.
- 16 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.
- 17 Lot size variances may be allowed for subdivisions that include sidewalks or pathways.
- 18 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.

19 The split side setback is to allow a property developer to select a larger side setback on one side of the property in order to provide for parking on that side.

(Ord. 19-16A § 4, 2019; Ord. 13-14A § 4, 2013; Ord. 06-06 § 4(C), 2006; Ord. 03-1746 § 4, 2003; Ord. 02-1683 § 4, 2002; S.G.C. § 22.20.035.)

22.20.038 Residential demolition guarantee.

Two residential structures may be allowed on one lot in an R-1 and R-2 or related zone upon the execution of a binding financial guarantee that insures and provides a vehicle for the demolition and removal of the older residence at the owner’s expense. Residential demolition guarantees may be permitted in single-family SF and related zone if approved through the conditional use process.

Table 22.20-2. Access and Road Development Requirements for Minor Subdivisions

Minimum Lot Size	Single-Family/ Duplex/ Zero Lot Line	Bed and Breakfast 5 Guest Rooms or Less	Triplex and Above	Bed and Breakfast Over 5 Guest Rooms	Lodge	Retail	Office with 3 or More Nonfamily Employees
R-1 and related zones	8,000 s.f.	8,000 s.f.	N/A	N/A	N/A	N/A	N/A
R-2 and related zones	8,000 s.f.	8,000 s.f.	9,000 s.f. + 1,000 addition	N/A	N/A	N/A	Conditional use
Low density zones	15,000 s.f.	N/A	N/A	N/A	N/A	N/A	N/A
Commercial zones	6,000 s.f.	6,000 s.f.	6,000 s.f. + 1,000 addition	6,000 s.f.	6,000 s.f.	6,000 s.f.	6,000 s.f.

Minimum Road Development Requirements for Primary Roads in Easements

Basic minimum:
 Width – 20 ft.
 Room for drainage
 No maximum grade

Options for Road Development for Multifamily and Commercial Structures in All Zones (developers can choose which standard to use)

Table 22.20-2. Access and Road Development Requirements for Minor Subdivisions

Minimum Lot Size	Single-Family/ Duplex/ Zero Lot Line	Bed and Breakfast 5 Guest Rooms or Less	Triplex and Above	Bed and Breakfast Over 5 Guest Rooms	Lodge	Retail	Office with 3 or More Nonfamily Employees
1. Width – 20 ft. or more Room for drainage Developed lanes – one 10 ft. wide driving lane Maximum grade – 15%							
2. Lane/grade trade-off option: Up to 18% grade with 1-1/2 driving lanes (15 ft. drivable surface with additional room for drainage easement)							
3. Development to public right-of-way standard							

(Ord. 13-34 § 4, 2013; Ord. 06-06 § 4(D), 2006; Ord. 03-1746 § 4, 2003; Ord. 02-1683 § 4, 2002; S.G.C. § 22.20.038.)

22.20.040 Yards and setbacks.

The following regulations supplement, define and restrict the meaning of the intent of yard and setback provisions set forth in this chapter:

A. *Projections Into Required Yards.* Where yards are required as setbacks, they shall be open and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward; provided, however, that fences, boundary walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction visibility. Obstructions shall include cantilevered stairs and exits, as well as eaves and roofed entrances. Ramps are considered allowable structures in required yards if they:

1. Are designed to provide access to a road, sidewalk, or driveway for disabled persons.
2. Have a slope or grade that can be traversed by disabled persons in wheelchairs.
3. Have a railing consistent with Americans with Disabilities Act (ADA) standards.
4. Do not include an arctic entry or other extension of the building that encroaches into the yard in a manner that violates the other provisions of this title.

B. *Adjoining Leased Tidelands.* Yard setback requirements of leased tidelands shall be measured from the limits of the leased area. If, at the end of the lease term, the leaseholder should not renew the lease, then any

nonconforming structures shall be removed unless the tidelands are brought under the control of the municipality or a new lessee, at which time conformance to normal yard and setback requirements shall be required.

C. *Residential Lots in Common Ownership.* An owner of contiguous or adjacent lots may combine those lots if approved by the planning director into one parcel, thereby measuring lot coverage and setbacks from the outside boundaries of the new combined lot. The impact of the use or number of residential units shall not exceed those previously allowed on a single parcel. In cases where these impacts may be greater than originally intended, the planning director may refer the matter to the board of adjustment for further review under the provisions of SGC [22.25.020](#). Should the property owner revoke the merger either by a declaration of merger or by conveyance of one or more of the affected lots, setback and coverage requirements will again be measured from and by the original boundaries.

D. Zero lot line single-family detached residential developments are permitted as planned unit developments under SGC Title [21](#) subject to site plan review. In this type of development, the dwelling unit is permitted to be located at one of the side property lines of the lot. The other side of the dwelling is required to be separated from the adjacent lot by a side yard equal to or greater in width than the combined side yard requirements of the zone. Provisions for front and rear yard setbacks as required by the zone shall be observed, further:

1. An easement shall be provided on the abutting lot adjacent to each zero lot building that is wide enough to ensure a 10-foot separation between the walls of structures on adjoining lots, except as provided by common wall construction;
2. The easement shall be free of permanent structures and other obstructions that would prevent normal repair and maintenance of the structure's exterior;
3. Buildings utilizing reduced setbacks shall not have doors that open directly onto the private yards of abutting property. Windows in such buildings shall not be oriented toward such private yard areas unless they consist of materials such as glass block, textured glass, or other translucent materials, and shall not be capable of being opened, except for clerestory windows or skylights;
4. The final plat and site plan shall show the approximate location of buildings proposed to be placed in a standard setback area. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.20.040.)

22.20.045 As-built requirements.

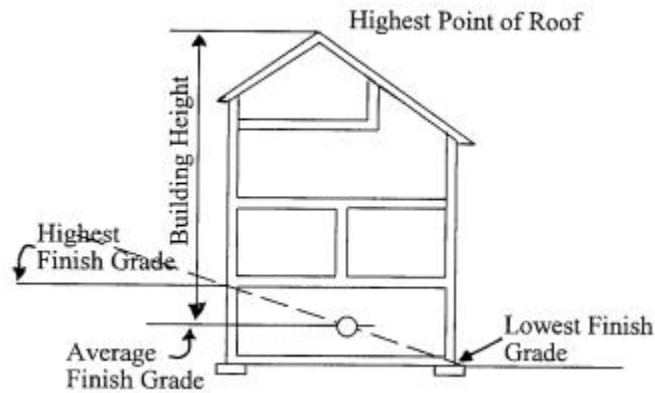
As-built surveys may be required through the building permit approval process, consistent with municipal policies, to verify the requirements of this code. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.20.045.)

22.20.050 Building height.

A. Building height shall be measured from the average finished grade to the highest point of the roof. The average grade shall be determined by first drawing the smallest square or rectangle which encloses the building

profile and then averaging the grade elevations taken at the midpoint of each side of the square or rectangle; provided, that the measured elevations do not include berms. Figure 22.20.050 illustrates this method. The administrator or his designee shall have the authority to determine the maximum allowable height of a structure for buildings with unusual designs with the owner retaining the right of appeal to the planning commission and the assembly in accordance with Article [VI](#) of Chapter [22.10](#) SGC.

Figure 22.20.050. Building Height Measurement



B. *Exempted Structures.* Roof structures for the housing of fire- or smokestacks, tanks, ventilating fans required to operate and maintain the building and other necessary mechanical equipment may be erected above the permitted height provided nothing increases or provides additional floor space. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.20.050.)

22.20.055 Communications antennas and towers.

Communications antennas and towers are permitted accessory uses within the R-1, R-1 MH, R-1 LDMH, R-2 and R-2 MHP zoning districts as long as the tower or antenna does not exceed the allowable height of structures allowed within the specific district. If ground-mounted, guy wires shall not exceed the property on which the antenna/tower is located. In all cases, towers and antennas shall be structurally sound and properly constructed. Any request for a tower or antenna exceeding the height limits of the zoning district shall require a variance. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.20.055.)

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](#) SGC; 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 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 permitted in SGC [22.20.090](#).

D. It shall not utilize over 20 percent of the floor area of principal structures located along the road system. Up to 50 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. (Ord. 12-31A § 4(H), 2012; Ord. 02-1683 § 4, 2002; S.G.C. § 22.20.060.)

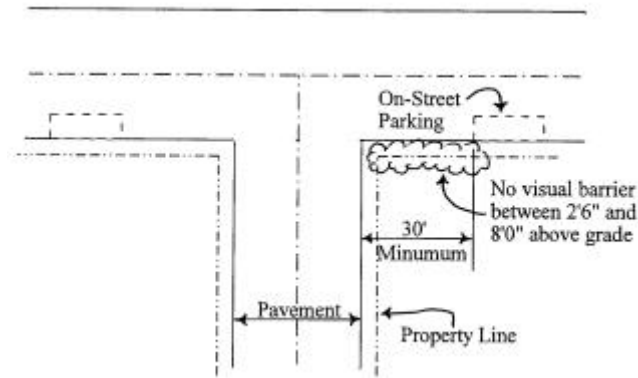
22.20.070 Fences, walls and hedges.

Property line fences and walls not exceeding eight feet in height may occupy any portion of a yard in residential districts except as provided in SGC [22.20.080](#); and also provided, that such fence, wall or hedge projecting forward of the front yard setback line shall not obstruct visibility of the residence from the street. Fences in the public, commercial, and industrial districts may be no greater than 20 feet in height. Maximum fence height in the C-2 general commercial and mobile home district is eight feet. (Ord. 05-03 § 4(B), 2005; Ord. 04-60 § 4(N), 2004; S.G.C. § 22.20.070.)

22.20.080 Visibility at intersections.

On corner lots, no fence, wall or hedge or other planting or structure that will impede visibility between a height of two feet six inches and eight feet above the centerline grades of the intersecting streets shall be erected, planted, placed or maintained. On-street parking within 30 feet of any intersection is prohibited. If the relationship of the surface of a corner lot to the street is such that visibility is already impaired, nothing shall be done to increase the impediment to visibility within the 30 feet mentioned above.

Figure 22.20.080. Figure Intersection Visibility



(Ord. 02-1683 § 4, 2002; S.G.C. § 22.20.080.)

22.20.085 Lighting.

Exterior lighting of nonresidential uses shall be controlled so as not to shine on or adversely impact adjacent properties, uses, or vehicular or pedestrian traffic. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.20.085.)

22.20.090 Signs.

- A. *Purpose.* The purpose of this section is to enhance the visual environment of the municipality by establishing standards that regulate the type, number, location, size, and lighting of signs; recognizing the private purposes of signs for the identification of businesses and promotion of products and services; and recognizing the public purposes of signs which includes considerations of traffic safety, economic and aesthetic welfare.
- B. In all cases, signs shall be located so as not to obstruct pedestrian or vehicular visibility. Maintaining visibility may require that signs be placed farther back from the property lines than otherwise allowed below.
- C. *Exempt Signs.* The following signs or displays are exempted from the regulations under this section:
1. Historic site markers or plaques, gravestones, and address numbers;
 2. Signs required by law, including but not limited to official or legal notices issued and posted by any public agency or court, or traffic directional or warning signs;
 3. Plaques, tablets or inscriptions indicating the name of a building, date of erection, or other commemorative information, which are an integral part of the building structure or are attached flat to the face of the building, which are nonilluminated, and which do not exceed four square feet in surface area;
 4. Incidental signs, which shall not exceed two square feet in surface area; provided, that said size limitation shall not apply to signs providing directions, warnings or information when established and maintained by a public agency;

5. State or federal flags;
6. Religious symbols; and
7. The flag of a commercial institution; provided no more than one flag is permitted per business premises; and further provided, the flag does not exceed 20 square feet in surface area.

D. *Prohibited Signs.* Except as indicated by this chapter, the following signs or displays are prohibited:

1. Portable signs including, but not limited to, sandwich/A-frame signs and trailer-mounted readerboard signs, and except that A-frame signs shall be permitted in the CBD zone;
2. Private signs on utility poles;
3. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with traffic control signs or signals;
4. Signs located in the public right-of-way, except where permitted in this chapter;
5. Posters, pennants, strings of lights, blinking lights, balloons, searchlights and other displays of a carnival nature; except as architectural features, or on a limited basis as seasonal decorations or on private property in the C-1 and C-2 zones;
6. Changing message center signs, where the message changes more frequently than every three minutes.

E. *General Requirements.* The following requirements shall govern all signs in the city and borough. Setback distances from property lines are zero unless noted below.

1. Signs for home businesses not exceeding two square feet in area that contain the name of the occupant and the name of the lawful home occupation are permitted.
2. "For Sale," "For Rent" and "For Lease" signs not exceeding four square feet in area are permitted if located five feet from property lines.
3. Signs identifying multiple-family dwellings, apartments, condominiums, hotels, clubs, lodges, hospitals and other public or quasi-public places are permitted; provided, they are not more than 20 square feet in area, mounted flush against the building or more than five feet back from the front property line and 10 feet back from the property line along Halibut Point Road and Sawmill Creek Road.
4. For their own use, churches and public or charitable organizations may maintain an announcement sign or bulletin board no more than 20 square feet in area.
5. Permitted signs on business buildings may be of a total combined size no larger than 10 percent of the area of the wall upon which they are to be mounted, or 100 square feet, which is less. Temporary signs in windows, such as sales banners, are not included in this restriction. Signs that exceed these dimensional requirements are prohibited.

6. The assembly of the city and borough has determined that the size and type of advertising signs usual in other localities does not fit the circumstances of Sitka with its short closed type of road system. Signs designed in large size or specifically designed to attract the motoring public are unnecessary and are prohibited.
7. In all cases, flashing, rotating, animated or intermittent lighted signs are prohibited in Sitka. Lights that appear on the building face, in windows or elsewhere on the property shall not be placed or designed in such fashion as to distract motorists or adversely impact nearby properties.
8. Signs and marquees extending over sidewalks must not obstruct vision for the purposes of safe pedestrian or vehicle traffic and the bottom of the sign must be at least eight feet above the pedestrian way and be securely fastened and safely constructed. Marquee signs shall not be permitted for uses in residential zones. In other zones, projecting and awning signs may be used in lieu of wall signs, provided they do not project more than six feet from the supporting building facade and they shall not exceed the number or size permitted for wall signs in a zone. Any projection over property lines into airspace controlled by the municipality must receive written approval by the administrator.
9. Freestanding signs, such as advertising a business mall or individual business, are permitted with the following restrictions:
 - a. There is no minimum height requirement for the signs;
 - b. The sign may be no higher than 24 feet in total height;
 - c. The sign must be located on private property at least five feet off the front property line;
 - d. The sign shall not adversely impact safe pedestrian or vehicle traffic and shall not infringe upon visibility in a manner that obstructs the vision of pedestrians or motorists.
10. Requirements for public signs shall be determined on a case-by-case basis by the administrator.
11. *Sign Area Calculation.*
 - a. Sign area for nonmonument freestanding signs shall be calculated by determining the total surface area of the sign as viewed from any single vantage point, excluding support structures.
 - b. Sign area for letters or symbols painted or mounted directly on wall or monument signs shall be calculated by measuring the smallest single rectangle which will enclose the combined letters and symbols.
 - c. Sign area for signs contained entirely within a cabinet and mounted on a wall or monument shall be calculated by measuring the entire area of the cabinet.
12. Fuel price signs shall not be included in sign area or number limitations, provided such signs do not exceed 20 square feet per street frontage.
13. Time and temperature signs shall not exceed the maximum sign height permitted in the zone.

14. Directional signs shall not be included in the sign area or number limitation, provided they shall not exceed six square feet in surface area and are limited to one for each entrance or exit to surface parking areas or parking structure.
15. *Sign Illumination and Glare.*
- a. All signs in the CBD, C-1, C-2, or I zone districts may be illuminated. Signs in all other zones may be indirectly illuminated, provided the light source for indirectly illuminated signs shall be no farther away from the sign than the height of the sign;
 - b. Indirectly illuminated signs shall be arranged so that no direct rays of light are projected from such artificial source into residences or any street right-of-way.
16. Maximum height for wall signs shall not extend above the highest exterior wall upon which the sign is located.
17. Except as otherwise permitted by this chapter, off-premises directional signs shall not exceed four square feet in sign area.
18. Mixed use developments in the CBD, C-1, and C-2 zones are permitted one permanent residential identification sign not exceeding 32 square feet in addition to the maximum sign area requirements in the zone where the mixed use development is located.
19. *Real Estate Signs.* All temporary real estate signs may be single- or double-faced signs:
- a. Signs advertising an individual residential unit for sale or rent shall be limited to one sign per street frontage. The sign may not exceed eight square feet in area, and shall not exceed six feet in height. The sign shall be removed within five days after closing of the sale, lease or rental of the property.
 - b. Portable off-premises residential directional signs announcing directions to an open house at a specified residence which is offered for sale or rent shall not exceed six square feet in area for each sign, and shall not exceed 42 inches in height. Such signs shall be permitted only when the agent or seller is in attendance at the property for sale or rent and may be located on the right-of-way outside of vehicular and bicycle lanes.
 - c. On-site commercial or industrial property for sale or rent signs shall be limited to one sign per street frontage, and shall not exceed 32 square feet in area. The sign shall not exceed 12 feet in height. The sign shall be removed within 30 days after closing of the sale, lease or rental of the property.
 - d. On-site residential development for sale or rent signs shall be limited to two signs per development. Each sign shall not exceed 32 square feet in area, and shall not exceed 12 feet in height. (Ord. 03-1746 § 4, 2003; Ord. 02-1683 § 4, 2002; S.G.C. § 22.20.090.)

22.20.100 Off-street parking requirements.

- A. *Purpose.* The purpose of this section is to regulate parking and loading in order to lessen traffic congestion and contribute to public safety by providing sufficient on-site areas for the maneuvering and parking of motor vehicles.
- B. *Required Automobile Parking Spaces.* Off-street parking spaces shall be provided as an accessory use in accordance with the requirements of this section at the time any building or structure is erected, enlarged, or expanded. Consistent with earlier zoning ordinances, off-street parking and loading spaces are not required for properties in the central business district. Property owners are encouraged to provide off-street loading areas as appropriate and feasible.
- C. *Size and Access.* It is recommended that each off-street parking space be 10 feet by 20 feet, exclusive of access drives or aisles, particularly on lots containing six or fewer spaces. The minimum dimensions of each off-street parking space, exclusive of aisles or access drives, shall be no less than nine feet by 18 feet. The width of access drives and aisles shall be determined by the municipal administrator or his designee. Each space shall be visibly designated and marked for occupancy for one vehicle. There shall be adequate provision for ingress and egress from each parking space.
- D. *Location.* Off-street parking facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facilities to the nearest point of the building that such facility is required to serve.
1. For a single-family dwelling or multifamily dwellings, the parking facilities shall be located on the same lot or building site as the building they are required to serve.
 2. For churches, hospitals, large group homes, institutions, rooming and lodging houses, nursing and convalescent homes, community clubs, and club rooms, parking facilities shall be located not farther than 150 feet from the facility.
 3. For uses other than those specified, parking facilities shall be located not farther than 300 feet from the facility.
- E. *Unit of Measurement.* In stadiums, sports arenas, churches, and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each 18 inches of width or 80 square feet of open area of such seating facilities should be counted as one seat for the purpose of determining requirements of off-street parking facilities under this code.
- F. *Expansions or Enlargements.* Where any structure is enlarged or expanded, then off-street parking spaces shall be provided for said expansion or enlargement in accordance with the requirements of subsection [I](#) of this section. Nothing in this code shall be construed to require off-street parking spaces for the portion of said building or structure existing at the effective date of the ordinance codified in this title. A change in use in an existing structure shall require additional off-street parking spaces as set forth in subsection [G](#) of this section.

G. *Parking Spaces Required for Particular Uses.* There shall be established at the time of construction of any main building, or at the time of an alteration, enlargement or any major change of use of any building, permanently maintained off-street parking facilities for use of the occupants, tenants, employees or patrons. It shall be the total responsibility of the owner to provide for and maintain the spaces. No existing parking area shall hereafter be relinquished or reduced in any manner below the requirements established. The following minimum off-street parking facilities shall be established:

1. *Residential Uses.* For each dwelling unit up to and including four-family buildings: two parking spaces per unit. For five-unit buildings and above: one and one-half spaces per unit. Each dwelling unit must have parking spaces independently accessed.
2. Automobile repair garage, service station: four parking spaces for each service stall or facility; provided, that all vehicles in the custody of the operator or the business for service, storage, sale or other purpose shall be stored on the premises or on a separate vehicle parking lot and shall not be parked on a public right-of-way.
3. Motor vehicle sales: one parking space for each 400 gross square feet of building area; provided, that all vehicles in the custody of the operator or the business for service, storage, sale or other purpose shall be stored on the premises or on a separate vehicle parking lot and shall not be parked on a public right-of-way.
4. Banks, office buildings, professional offices or clinics: one public parking space per each 300 square feet of gross floor area, but not less than five spaces for uses where the principal structure is equal to or greater than 1,500 gross square feet in area. For uses having a smaller principal structure, the minimum parking requirement is one space per 300 gross square feet.
5. Bowling alley: four parking spaces per each alley or lane.
6. Churches: one public parking space for each 10 seats, based on maximum seating capacity including balconies and choir lofts.
7. Community buildings, assembly halls, lodges or union or social halls: one parking space for each 10 seats or for each 10 occupants, based on maximum seating capacity.
8. Elementary and junior high schools: one off-street parking space per every classroom and adequate space per the code for nonclassroom areas of the building. In addition, adequate off-street parking and loading areas shall be provided for the school buses serving the educational facility.
9. Food market, grocery store or shopping center: one parking space per each 300 square feet of gross floor area.
10. High schools, colleges and other educational facilities: one off-street parking space per every classroom and adequate spaces per the code for nonclassroom areas of the building. In addition, adequate spaces shall be provided for one off-street space for each 10 students, based upon the occupancy load of the building.
11. Hospital: one parking space for each five occupants, based on maximum capacity.

12. Hotel/motel: one private parking space per each five guest rooms or part thereof, based upon maximum capacity.
13. Industrial or manufacturing: one space for each 400 square feet of gross floor area or for every three employees, depending upon the nature of the establishment and necessity for loading or other facilities.
14. Launderette: one parking space per every two machines.
15. Retail store or service shop: one parking space for each 300 square feet.
16. Warehouses and storage buildings: one parking space for each employee, or one space per 2,000 gross square feet whichever is greater but not less than three spaces.
17. Adult day care centers: three spaces plus one space per each employee plus one space per 10 clients.
18. Establishments for the sale and consumption on the premises of food and beverages, including fraternal and social clubs: one space for each 200 square feet of gross floor area.
19. Large group home, institution: one space for each two beds.
20. Libraries and museums: one space for each 250 square feet of floor area open to the public.
21. Theaters: one space for each three seats.
22. Golf courses: three spaces for each hole.
23. Golf driving ranges: one space for each tee.

H. *Mixed Uses.* Off-street parking and loading spaces may be provided jointly for separate uses. In all cases, the total number of spaces may not be less than the sum of the separate requirements for each use and must comply with all regulations governing the location of accessory spaces, except in the case of a hotel/motel which also has located within it other uses, the number shall not be less than the number required for the highest single use of the premises.

I. *Joint Uses – Use of Parking by More Than One Establishment.* Notwithstanding the previous subsection, required parking spaces may serve more than one establishment on the same parking lot; provided, that sufficient evidence is presented which shows that the normal business hours or hours of operation of such establishments do not overlap. Joint parking arrangements may be approved by the administrator or his or her designee.

J. *Unspecified Uses.* In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be the same as the use mentioned which, in the opinion of the administrator or a designee, is most similar, subject to the appeal provisions of Chapter [22.10](#) SGC.

K. *Size and Access of Required Off-Street Parking Space or Area.* For all required off-street parking, the typical standard layouts shall be applied.

L. *Parking Access.* Access to off-street parking areas shall be limited to several defined locations and in no case should there be unrestricted access along the full length of the street. Public parking areas on streets shall not be counted towards the requirement for off-street parking spaces. An uncovered private parking area may occupy any yard required by this title, unless otherwise specified herein.

M. *Handicapped Parking Spaces.* Any building or use required to have more than nine off-street parking spaces shall designate at least one space for handicapped parking. Any parking lot with 35 or more spaces shall have at least three handicapped spaces. (Ord. 13-14A § 4, 2013; Ord. 06-06 § 4(E), 2006; Ord. 05-03 § 4(C), 2005; Ord. 04-60 § 4(T), 2004; Ord. 02-1683 § 4, 2002; S.G.C. § 22.20.100.)

22.20.110 Off-street loading requirements.

A. *Requirements.* No building or structure other than residential dwellings or buildings in the central business district shall be erected, nor shall an existing building or structure other than a residential building be altered, in any other use district, without prior providing for off-street loading space in conformance with the following minimum requirements:

1. *Types of Loading Berths.* Required off-street loading space shall be provided in berths which conform to the following minimum specifications:

Uses	Square Feet of Floor Area	Off-Street Loading Spaces Required
Schools	Up to and for each additional 15,000	1
Hospitals (in addition to space for ambulances)	For 10,000 – 300,000 or major fraction thereof	1
Commercial	2,500 – 25,000	1
Wholesale	25,000 – 40,000	2
Manufacturing	40,000 – 60,000	3
Storage	60,000 – 100,000	4
	For each additional 50,000 or fraction thereof	1

2. *Size and Location.* Each loading space must be not less than 10 feet in width, 25 feet in length, and 14 feet in height, and may occupy all or part of a required yard. There must be adequate ingress and egress, and the loading or unloading shall be done in a manner which will not interfere with any public roadway or sidewalk.
- B. *Uses Not Specifically Mentioned.* In the case of a use not specifically mentioned, the requirements for off-street loading facilities shall be the same as the above mentioned use which, in the opinion of the administrator or a designee, is most similar.
- C. *Concurrent Different Uses.* When any proposed structure will be used concurrently for different purposes, the larger loading space size shall be required.
- D. *Location of Required Loading Facilities.* The off-street loading facilities required for the uses mentioned in this chapter shall be on the same lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements.
- E. *Manner of Using Loading Areas.* No space for loading or unloading of vehicles shall be so located that a vehicle using loading space projects into any public street, except in the case of a loading space located in the rear of the lot, utilizing part of an alley. Loading space shall be provided with access to an alley or, if no alley adjoins the lot, with access to the street. Any required front, side or rear yard may be used for loading, unless otherwise prohibited by this title. Design and location of entrances and exits for required off-street loading areas shall be subject to the approval of the administrator or his designee.
- F. *Modification of Requirements.* The planning commission may modify the off-street loading requirements as they apply to any individual case only for good and just cause and set alternate standards based on reasonable safeguards and conditions to ensure that any such modification conforms to the intent of this chapter. Modifications must be demonstrated to the satisfaction of the planning commission that loading operations will not interfere with pedestrian or vehicular use of any public street.
- G. *Signs.* The owners of property shall provide, locate and maintain loading signs. Such signs shall not be counted against the allowed business sign areas. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.20.110.)

22.20.120 Mail delivery.

Persons constructing more than three dwelling units on any lot shall provide for centralized mail delivery facilities. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.20.120.)

22.20.130 Large domestic animals.

A. No horse, donkey, pony, cow or other large animal that is kept outside shall be allowed in any residential zoning district, excluding island residential zoning districts, without a conditional use permit. Property owners shall be allowed any combination of up to five domestic dogs, cats, feathered fowl, ferrets, rabbits or other small

animals living outside. Animals living within a residence are permitted and are excluded from this maximum allowance.

B. No conditional use permit under this section shall be issued until a site investigation is performed pursuant to SGC [22.10.030\(C\)](#) and a finding of fact is made that keeping of such animals will not unreasonably interfere with the use and enjoyment of neighboring properties. In making such determinations, the planning commission shall consider the size of the premises and the proximity and uses of neighboring properties.

C. Conditional use permits issued under this section shall set limits upon numbers and species of animals allowed and set minimum standards for odor and noise control.

D. Violation of any condition or standard set out in a conditional use permit issued under this section may result in revocation of the permit. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.20.130.)

22.20.150 Short-term rentals.

Short-term rentals including bed and breakfasts as defined in Article [II](#) of Chapter [22.05](#) SGC shall be conditional uses in the R-1 single-family and duplex residential district, the R-1 MH single-family, duplex and manufactured home district, the R-1 LD or R-1 LDMH single-family or duplex low density or single-family manufactured home low density district, the R-2 multifamily residential district and the R-2 MHP multifamily mobile home district. Short-term rental in those districts shall be subject to the general rules set out under the provisions of SGC [22.25.010](#). (Ord. 10-12 § 4, 2010; Ord. 02-1683 § 4, 2002; S.G.C. § 22.20.150.)

22.20.160 Accessory dwelling units (ADUs).

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 rights-of-way 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. ADUs 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.
- D. Conditional use permits may be sought if the above requirements cannot be met. Conditional use permit must be in conformance with Chapter [22.25](#) SGC. (Ord. 15-08 § 4, 2015; Ord. 13-14A § 4, 2013; S.G.C. § 22.20.160.)

Chapter 22.25

SPECIAL USE PERMITS

Sections:

- 22.25.005** **General.**
- 22.25.010** **Conditional uses.**
- 22.25.020** **Variances.**
- 22.25.025** **Commercial home horticulture permits.**
- 22.25.026** **Marijuana conditional use permits.**
- 22.25.030** **Planned unit developments.**
- 22.25.040** **Binding site plan approval.**
- 22.25.050** **Nonconforming use permit.**

22.25.005 **General.**

Special permits are necessary for conditional uses, variances, planned unit developments, binding site plans and nonconforming uses. This chapter includes provisions for application, review and approval of these permits.

Article III of Chapter 22.10 SGC provides procedural requirements associated with permit processing. (Ord. 15-51 § 4, 2015; Ord. 02-1683 § 4, 2002; S.G.C. § 22.24.005.)

22.25.010 Conditional uses.

A conditional use is a use that may not be appropriate in a particular zoning district according to the character, intensity, or size of the lot or the surrounding uses. This section establishes decision criteria and procedures for special uses, called conditional uses, which possess unique characteristics. The conditional use permit procedure is intended to afford the municipality the flexibility necessary to make determinations appropriate to individual sites. The commission may attach conditions necessary to mitigate external adverse impacts. If the municipality determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

A. *Submittal Requirements for Conditional Use Applications.* Table 22.25.010-1 provides application requirements for all conditional use permits.

Table 22.25.010-1. Conditional Use Permit Application Requirements

Conditional Uses	Bed and Breakfast Conditional Uses	Short-Term Rental Conditional Uses	Island Conditional Uses
<p>The applicant may be required to consult with agencies that are responsible for certain portions of the project review. These agencies may include but not be limited to public works and engineering for sewer/water utilities; state DOT/PF; State Department of Environmental Conservation; Army Corps of Engineers; Sitka fire department; local telephone utility; cable television utility; electric department.</p> <p><u>Written Documentation</u></p> <ul style="list-style-type: none"> • Legal description of all properties involved in the project; • Statement of the objectives expected to be achieved by the project; 	<p><u>Written Documentation</u></p> <ul style="list-style-type: none"> • Legal description of all property involved in the project; • Statement of the objectives expected to be achieved by the project. <p><u>Site Plan and Supporting Drawings</u></p> <ul style="list-style-type: none"> • As determined by the administration, details of the proposed project showing building locations, vehicular and pedestrian circulation, parking layout, and any other information 	<p><u>Written Documentation</u></p> <ul style="list-style-type: none"> • Legal description of all property involved in the project; • Statement of the objectives expected to be achieved by the project. <p><u>Site Plan and Supporting Drawings</u></p> <ul style="list-style-type: none"> • As determined by the administration, details of the proposed project showing building locations, vehicular and pedestrian circulation, parking 	<p><u>Written Documentation</u></p> <ul style="list-style-type: none"> • Legal description of all properties involved in the project; • Statement of the objectives expected to be achieved by the project; • Detailed description of all aspects of the project, including land use, building types and sizes, population density, building coverage, waterfront use, clearing, changes to existing visual appearance, and other information which the applicant feels would assist in decision making;

Table 22.25.010-1. Conditional Use Permit Application Requirements

Conditional Uses	Bed and Breakfast Conditional Uses	Short-Term Rental Conditional Uses	Island Conditional Uses
<ul style="list-style-type: none"> • Detailed description of all aspects of the project, including land use, building types and sizes, population density, parking and traffic circulation, building coverage and other information which the applicant feels would assist in decision making; • All comments received from each of the agencies and utilities reviewing the project and a statement by the applicant on how the applicant will resolve or meet any problems or anticipated adverse conditions noted by the utility or agency, the statement to list any unresolved problems or adverse conditions. <u>Site Plan and Supporting Drawings</u> • As determined by the administration, details of the proposed project showing land use layout, building locations, vehicular and pedestrian circulation, open space and recreation areas, parking layout, schematic water and sewer layout, and any other information necessary to adequately describe the project; • Preliminary subdivision plat layout if required; 	<p>necessary to adequately describe the project; conceptual drawings of proposed buildings or renovations, signs, and other features that may be required by the administrator.</p>	<p>layout, and any other information necessary to adequately describe the project; conceptual drawings of proposed buildings or renovations, signs, and other features that may be required by the administrator.</p>	<ul style="list-style-type: none"> • All comments received from each of the agencies and utilities reviewing the project and a statement by the applicant on how the applicant will resolve or meet any problems or anticipated adverse conditions noted by the utility or agency, the statement to list any unresolved problems or adverse conditions. <u>Site Plan and Supporting Drawings</u> • As determined by the administration, details of the proposed project showing land use layout, building locations, open space and recreation areas, waterfront development, clearing, schematic water and sewer layout, and any other information necessary to adequately describe the project; • Preliminary subdivision plat layout if required; • Site grading and drainage plan including present and proposed topography; conceptual drawings of proposed buildings, and other

Table 22.25.010-1. Conditional Use Permit Application Requirements

Conditional Uses	Bed and Breakfast Conditional Uses	Short-Term Rental Conditional Uses	Island Conditional Uses
<ul style="list-style-type: none"> • Site grading and drainage plan including present and proposed topography; • Conceptual drawings of proposed buildings, signs, and other features that may be required by the administrator. 			features that may be required by the administrator.

1. Conditional use permit application initiation periods and termination periods are outlined in Table 22.25.010-2.

Table 22.25.010-2. Initiation and Termination Periods

	Short-Term Rental Conditional Use Permits	Bed and Breakfast Conditional Use Permits	Interim Mobile Homes Conditional Use	All Other Conditional Use Permits
Period in which the permit must be activated following planning commission approval or permit becomes void	One year	One year	One year	Two years
If permit is not used during period, permit becomes void after activation	One year	One year	One year	Two years
Mandatory review period ¹	Set by planning commission at time of approval	Set by planning commission at time of approval	Set by planning commission at time of approval	Set by planning commission at time of approval
Number of years after approval that permit sunsets	Set by planning commission at time of approval	Set by planning commission at time of approval	Set by planning commission at time of approval	Set by planning commission at time of approval
Whether permit is transferable upon sale or	No	No	Yes	Yes

Table 22.25.010-2. Initiation and Termination Periods

	Short-Term Rental Conditional Use Permits	Bed and Breakfast Conditional Use Permits	Interim Mobile Homes Conditional Use	All Other Conditional Use Permits
transfer of ownership of subject property				
<p>Note (1): It shall be the responsibility of the applicant to submit materials one month prior to the end of any review period. Failure to submit materials within the time specified shall automatically void the approval.</p> <p>Note (2): Substantial construction progress must be made on a project approved through the variance process within one year of the date of the variance approval or the approval becomes void. In the event it can be documented that other substantial progress has been made, a one-year extension may be granted by the planning commission if a request is filed within 11 months of the initial approval.</p>				

B. Conditional Use Permit Provisions for Bed and Breakfasts.

1. The information and assurances filed by the applicant for a bed and breakfast conditional use at the time of application shall be binding on all current and future owners of the facility.
2. There shall be no expansion in the number of guest rooms beyond the number approved.
3. The number of bed and breakfast sleeping rooms per residence shall be limited to three rooms in an R-1 or related zone and five rooms in an R-2 or related zone.
4. In no case shall a bed and breakfast be operated in any residence other than an owner-occupied dwelling.
5. The owner of the residence shall operate the bed and breakfast at all times and shall not contract out the day-to-day management of the operation. In the event the operation or management of the bed and breakfast is conducted by a tenant or party other than the owner who lives in the residence, the conditional use permit shall automatically become void.
6. Bed and breakfast guestrooms are intended to be spare or surplus guestrooms in owner-occupied single-family dwellings or an owner-occupied unit of a two-family dwelling that are not needed by the owner of the structure for household activities.
7. Permits shall lapse and become void if the bed and breakfast ceases operation for 12 consecutive months.
8. There shall be no more than one exterior sign. The sign shall not exceed four square feet.

9. There shall be a minimum of one off-street parking space for every three guestrooms in bed and breakfast establishments located in single-family residential zones.
10. Existing bed and breakfasts which do not conform to these rules shall be considered nonconforming uses and subject to the rules relating to nonconforming uses.
11. It is the intent of the assembly that the provisions of these requirements be strictly followed. However, exceptions may be granted in cases of extreme need or extreme personal or financial hardship. The limitation on the number of the rooms and the use of single-family occupied structures will not be eligible for hardship relief.
12. For establishment of a bed and breakfast establishment in an existing structure in an R-1 zone, only existing bedrooms may be used for guest rooms.
13. Limited cooking facilities shall only be allowed inside guestrooms, or inside other rooms that are used solely by the bed and breakfast, such as small toaster ovens, microwaves, and refrigerators.
14. Timely payment of sales taxes shall be one of the primary indicators of compliance with this section.
15. When the planning commission approves a permit with the condition referring to the number of children in the facility, the term "children" shall refer to individuals who are 15 years old or younger.

C. *Conditional Use Permit Provisions for Short-Term Rentals.*

1. Short-term rental establishments shall be approved as conditional uses in the R-1, R-1 MH, R-1 LD, R-1 LDMH, R-2, and R-2 MHP zoning districts with the following conditions:
 - a. Existing short-term rentals operating in conformance with all other applicable regulations prior to the effective date of the ordinance codified in this section may continue operating as nonconforming uses so long as payments of bed taxes and any other fees are current.
 - b. The permit application and process will be the same as that required for bed and breakfasts, including submission and review of both interior and exterior site plans.
 - c. Increase in density and other impacts on the immediate surrounding neighborhood which would occur as a result of approval of short-term rentals may be a consideration in the granting of the permit.
 - d. Cessation of an approved short-term rental operation for 12 consecutive months shall result in revocation of the permit and require reapplication and approval of a new conditional use permit. Timely payment of sales taxes shall be one of the primary indicators of compliance with this section.
 - e. When the planning commission approves a permit with the condition referring to the number of children in the facility, the term "children" shall refer to individuals who are 15 years old or younger.
 - f. *Primary Residence Requirements.* All short-term rentals approved on or after September 14, 2022, must comply with primary residence requirements as provided below.

- i. To be eligible to apply for a short-term rental, the property containing the short-term rental must also contain the applicant's primary residence. A primary residence is that which is occupied by the applicant as the applicant's principal place of residence at least 180 days out of the year as documented by motor vehicle registration, voter registration, and/or other such evidence determined to be conclusive by the planning commission. Applicants will be required to submit a sworn affidavit attesting that the property is their primary residence. An applicant cannot claim more than one property as their primary residence.
- ii. Dwelling units on the property eligible for a permit include a single-family home, a mobile or manufactured home, or the nonowner-occupied unit within a two-family or multifamily unit.
- iii. An approved permit shall automatically become void if the property is no longer the applicant's primary residence. Permits shall also become void immediately upon sale or transfer of the property. Permits are nontransferable between persons and locations.
- iv. It is the intent of this subsection (C)(1)(f) that the primary residence requirements be strictly followed. However, exceptions may be granted in cases of extreme personal hardship to the applicant determined by the planning commission. In these cases, the maximum term of the permit when an exception is granted is 12 months with one possible, six-month extension if granted upon further application. The applicant shall have the burden of proof to demonstrate the exception is warranted due to circumstances beyond their control such as the employment or health needs of the applicant's or a family member. Exceptions may not be granted solely to address financial considerations or inconvenience. The property must be the primary residence of the applicant at the time of application for an exception.

2. Short-term rentals shall be allowed in the other zoning districts subject to the following general rules:
 - a. There shall be two parking spaces per dwelling unit.
 - b. The number of persons per sleeping area shall comply with the municipal fire code.
 - c. Upon filing for sales tax and bed tax accounts, an owner shall obtain a life safety inspection by the building department and shall comply with the requirements proposed by the department.
 - d. Legal nonconforming short-term rentals shall comply with these general rules within two years.
 - e. Short-term rentals may only be approved for mobile homes that are located along streets maintained by the city and borough or the state of Alaska.

D. *Conditional Use Permit Provisions for Mobile Homes on an Interim Basis in the R-1, R-2 and Related Zones.*

1. The city and borough of Sitka, through the conditional use permit process, may issue a permit for a single-family mobile home or travel trailer or tiny house on chassis on a residential lot in an area not otherwise allowing mobile homes on an interim basis for the purposes of facilitating home construction.
2. The maximum term of the permit is 12 months with a possible six-month extension.

3. Full utilities must be installed for the mobile home or travel trailer or tiny house on chassis.
4. Conditions attached to the approval shall include but are not limited to (a) a pledge of the travel trailer, mobile home, tiny house on chassis, or cash of equivalent value as collateral, and (b) in the event a travel trailer or mobile home or tiny house on chassis is pledged as collateral, funds sufficient to cover the cost of removal and disposal of the unit, and (c) the trailer is for the sole occupancy of the lot owner and neither unit shall be occupied by any other party. Other conditions may include requirements of fencing or landscaping.

E. In evaluating the inputs of a proposed conditional use permit, the municipality may consider a commercial conditional use to be inappropriate for residential neighbors while the same conditional use may be acceptable when it is located along an arterial or collector street. The additional vehicular traffic generated by conditional uses, such as professional offices, may not be able to be adequately mitigated in residential areas.

1. *Criteria to Be Used in Determining Impacts of Conditional Uses.*

- a. Amount of vehicular traffic to be generated and impacts of the traffic on nearby land uses.
- b. Amount of noise to be generated and its impacts on surrounding land uses.
- c. Odors to be generated by the use and their impacts.
- d. Hours of operation.
- e. Location along a major or collector street.
- f. Potential for users or clients to access the site through residential areas or substandard street creating a cut through traffic scenario.
- g. Effects on vehicular and pedestrian safety.
- h. Ability of the police, fire, and EMS personnel to respond to emergency calls on the site.
- i. Logic of the internal traffic layout.
- j. Effects of signage on nearby uses.
- k. Presence of existing or proposed buffers on the site or immediately adjacent the site.
- l. Relationship if the proposed conditional use is in a specific location to the goals, policies, and objectives of the comprehensive plan.
- m. Other criteria that surface through public comments or planning commission assembly review.

F. *Evaluation and Approval or Denial of Conditional Use Applications for Island Properties.* It is the intent of this code to recognize the unique qualities of islands within Sitka Sound and the substantial differences that exist between individual islands and island groups.

Specific conditional uses may be fully appropriate in certain circumstances and on specific parcels. Uses that are well designed and/or have low impact may enhance surrounding properties and may not create any impacts. Examples may include structures that are built on larger lots away from exterior property lines, uses that are placed in the middle of parcels, uses that do not materially increase activity on easements or moorage, uses where there is a significant vegetative or terrain buffer between properties, and islands that are separated by substantial distances. In these cases, conditional use requests can and should be handled expeditiously.

Conditional uses on other properties may be totally inappropriate due to the concerns such as impacts on adjacent properties, lack of vegetative or distance buffers, noise generation, unmitigated increased usage of access easements, available moorage, location on parcels, and design.

1. Items to be considered in evaluating island conditional use permits include, but are not limited to, the following:
 - a. Location on the lot or island.
 - b. Generation of noise.
 - c. Numbers of guests and employees.
 - d. Visibility from adjacent uses including waterborne traffic.
 - e. Use of common access easements.
 - f. Availability of necessary moorage.
 - g. Use of natural or manmade screening or buffers.
 - h. Availability of municipal power.
 - i. Distance from adjacent parcels or islands.
 - j. Removal of excessive amounts of vegetation.

It is recognized that many applications may be strongly supported after using the criteria above.

If adequate mitigation cannot be accomplished or items such as necessary infrastructure are not available, applications may be denied. (Ord. 22-21 § 4, 2022; Ord. 20-02S(A) § 4, 2020; Ord. 15-51 § 4, 2015; Ord. 15-39 § 4, 2015; Ord. 06-16 § 4, 2006; Ord. 05-16 §§ 4(O), (P), 2005; Ord. 04-60 §§ 4(F), (G), (U), 2004; Ord. 02-1683 § 4, 2002; S.G.C. § 22.24.010.)

22.25.020 Variances.

The purpose of this section is to provide a means of altering the requirements of this code in specific instances where the strict application of those requirements would deprive a property of privileges enjoyed by other

properties with the identical regulatory zone because of special features or constraints unique to the property involved. The city shall have the authority to grant a variance from the provisions of this code when, in the opinion of the planning commission, the conditions as set forth in SGC [22.10.160\(D\)](#) have been found to exist. In such cases a variance may be granted which is in harmony with the general purpose and intent of this code so that the spirit of this code shall be observed, public safety and welfare secured, and substantial justice done.

A. *Application Requirements.* The application shall contain the following data:

1. Legal description of the property affected;
2. Plot plan showing the location of all existing and proposed buildings or alterations of such buildings, dimensions to the property lines on all sides from the building(s) and clearly showing the specific relief requested in accordance with the provisions of Chapter [22.10](#) SGC, Zoning Code Administration. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.24.020.)

22.25.025 Commercial home horticulture permits.

A. *Application Requirements.* Same as conditional use application outlined in Table 22.25.010-1.

B. *Standards, Dimensions, and Setbacks.*

1. Garden stands: maximum shall be size six feet by eight feet with awning.
2. The annual period of use shall be May 1st through October 30th. Stands must be portable and removed in off season.
3. Setbacks from lot lines shall be a minimum five feet.
4. Driveways on adjacent lots shall not be blocked.
5. Sales are permitted a maximum of 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, Chapter [4.25](#) SGC.

The applicant also acknowledges that the sales tax exemption in SGC [4.25.100\(A\)](#) will not be permissible under this section.

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. (Ord. 14-38A § 7, 2014; S.G.C. § 22.24.025.)

22.25.026 Marijuana conditional use permits.

A. *Intent.* This section shall govern the approval of all conditional use permits for the following uses defined as: SGC [22.05.1000](#), marijuana establishment; marijuana cultivation facility; marijuana cultivation facility, limited; marijuana product manufacturing facility; marijuana product manufacturing facility, extract only; marijuana retail facility; and marijuana testing facility. Such uses shall only be approved where there are no negative impacts that exist or where any negative impacts are mitigated through conditions that shall mitigate any potential negative impacts to preserve the public's health, safety, and welfare.

B. *Application Requirements.* Same as conditional use application in Table 22.25.010-1.

C. *Standard Regulations, Dimensions, and Setbacks.*

1. Owners, operators, and staff of conditional uses shall comply with all state and municipal licensing regulations.
2. All licensed facilities shall comply with all life and safety regulations as promulgated by the municipal building official.
3. All licensed manufacturing and cultivation uses shall provide a fire safety plan, material handling plan, and comply with all fire safety regulations that satisfy the fire marshal or their designee and the building official.
4. All licensed facilities and/or uses shall provide screening from public view of any marijuana-related commercial, retail, cultivation, or manufacturing use.
5. All licensed facilities and/or uses shall establish an active sales account and business registration with the municipality and shall comply with all standard and required accounting practices.
6. It shall be a standard regulation that all conditional uses comply with all applicable state regulations and licensing laws or it shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.

7. All approved conditional use permits shall comply with all of the Sitka General Code or shall be deemed to abandon and extinguish any associated municipal license or conditional use permit.
- D. All proposed licensed facilities and/or uses for a conditional use at a specific location shall be reviewed according to the following objective criteria to determine whether the proposed use presents any negative impacts to the public's health, safety, and welfare:
1. All criteria listed in SGC [22.25.010\(E\)\(1\)](#);
 2. Any impact or criteria that surfaces through public comment, planning staff review, or planning commission review.
- E. *Findings of Fact.* Upon review and considerations of the required criteria, the planning commission shall determine whether the proposed use(s) at the proposed project location are found to not present a negative impact to the public's health, safety, and welfare.
1. If such a finding can be made, then the proposed use shall be approved with standard regulations, dimensions, and setbacks.
 2. In the alternative, where the planning commission finds negative impacts are present, the planning commission shall only approve conditional use permits where the negative impacts can be adequately mitigated by conditions of approval that preserve the public's health, safety, and welfare. These conditions of approval shall be case-by-case specific and in addition to the standard regulations.
 3. If negative impacts to the public's health, safety, and welfare cannot be mitigated through conditions of approval then the planning commission shall so find and deny the proposed conditional use permit. (Ord. 16-11 § 4, 2016; S.G.C. § 22.24.026.)

22.25.030 Planned unit developments.

- A. *Purpose.* Planned unit developments are land use overlays intended to encourage the enhancement and conservation of lands having scenic, environmental, cultural and historical significance; create alternatives to typical subdivision development patterns; provide for more efficient use of land; and encourage harmonious and coordinated development considering natural features, community facilities, pedestrian and vehicular circulation, and land use relationships with surrounding properties and the general community.
- B. *General Conditions.* Planned unit developments shall be granted consistent with the provisions of the underlying residential, commercial or industrial zoning.
- C. *Application Requirements.* Planned unit development application and approval procedures are governed by SGC Title [21](#), Subdivisions. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.24.030.)

22.25.040 Binding site plan approval.

A binding site plan is required for all projects noted in this chapter. Applications for approval shall include:

- A. All information required for a preliminary or minor subdivision plat;
- B. The size and location of all structures;
- C. A landscape plan indicating the location of existing vegetation to be retained, location of vegetation and landscaping structures to be installed, the type of vegetation by common name and the size of new plantings at the time of installation;
- D. Schematic plans and elevations of proposed buildings with samples of finish materials and colors, the type and location of exterior lighting, signs and accessory structures;
- E. Inscriptions, covenants, or other attachments defining the limitations and conditions of development;
- F. Phasing plans; and
- G. Assurances that the development will be completed in conformance with the site plan. (Ord. 02-1683 § 4, 2002; S.G.C. § 22.24.040.)

22.25.050 Nonconforming use permit.

A. *Purpose.* The purpose of this section is to establish decision criteria and procedures to allow reasonable limited expansion and continuance of nonconformities as defined in SGC [22.05.1060](#). Nonconformities including lots of record, buildings, and uses of land require a special degree of control to ensure compliance with applicable regulations and compatibility with the comprehensive plan, adjacent uses and the character of the surrounding areas. Limited exceptions, expansions or changes of use are allowed after approval of a nonconforming use permit by the city or after approval of an administrative nonconforming use permit. Nonconformities which do not comply with the provisions of this section shall be abandoned pursuant to city action.

1. *Nonconforming Use Permit.* Exceptions to the development standards of this title are allowed after approval from the city through a nonconforming use permit. The city may impose such conditions as deemed necessary to ensure proposals conform to the intent of the comprehensive plan and this code.

B. *Prior Construction.* No provision of this chapter shall be construed to require any change in plans, construction, alteration or designed use of a building for which a building permit has been issued prior to the effective date of the ordinance codified in this title; provided, that the construction has been diligently begun and prosecuted within one month of the date of permit issuance and is completed according to plans filed with the application for the building permit within one year of the date of issuance of the building permit.

C. *Nonconforming Lots of Record.*

1. Notwithstanding limitations imposed by other provisions of this title, a one- or two-family structure may be erected on a single nonconforming lot of record. Such lot of record shall not have contiguous frontage with more than one other such nonconforming lot of record in the same ownership. All other structures shall comply with this title or obtain relief through the conditional use process. This section shall apply even though the lot fails to meet requirements for lot area, lot width, or both. Variance of yard requirements shall be obtained through the proper procedure as set forth in SGC [22.25.020](#).

2. If three or more undeveloped existing nonconforming lots of record with contiguous frontage are held in a single ownership, the lands involved will be considered to be an undivided parcel and no portion shall be sold or used which does not meet the requirements for area and width. Any such series or combination of land ownership shall be required to resubdivide the property in order to conform to existing requirements.

D. *Nonconforming Uses of Land.* Where, at the time of the passage of the ordinance codified in this title, lawful uses of land existed that would not be permitted under the regulations imposed by this title, the use may be continued so long as it remains otherwise lawful; provided, that:

1. No such nonconforming uses of land shall be enlarged or increased nor extended to occupy a greater area of land than was occupied at the date of the adoption of the ordinance codified in this title.

2. No such nonconforming uses of land shall be moved, in whole or part, to any portion of land or lot or parcel other than that occupied on the date of the adoption of the ordinance codified in this title.

3. If, for any reason whatsoever, the nonconforming use of land ceases for a period of 12 consecutive months or one year, any subsequent use of the land shall conform to the regulations specified in this title for the district in which the land is located.

4. No additional structures not conforming to the requirements of this title shall be erected in connection with such a nonconforming use of land.

E. *Reconstruction of Nonconforming Structures.*

1. If a nonconforming structure is damaged by any natural disaster such as fire, flood, landslide, avalanche or earthquake or any other inadvertent occurrence, not including normal weathering, so that the cost of the repair or replacement of the structure exceeds two-thirds of the replacement value of the entire structure, exclusive of foundations, using new materials, then such structure shall not be rebuilt, unless the structure and its intended use comply with this title.

2. Nonconforming structures may be replaced or reconstructed on the same footprint of the original structure, with the exception of encroachments into public rights-of-way or adjacent property, provided the intended use of the structure is the same as, or less intensive than, the prior use and is a permissible use in the district. Projections beyond the footprint, including architectural features, roof eaves, foundation footings, porches, decks, terraces, patios, unenclosed stairways and fire escapes, and attached structures, may also be replaced or reconstructed as they existed on the original structure with the exception of encroachments into public rights-of-way or adjacent property.

3. The determination of whether a structure is destroyed to the extent described shall be made by the building official. If the building official determines that the foundation of the structure is not reusable due to damage or substantial noncompliance with SGC Title [19](#), the building regulations code, then the structure may be replaced or reconstructed to the same footprint and the footprint shall be relocated on the lot so as to reduce, to the extent reasonably feasible, the occurrence or severity of any nonconforming setbacks, taking into consideration topography, shape and size of the lot, and all other relevant factors. However, if such relocation is not reasonably feasible, the structure may be replaced or reconstructed to the same footprint on the original location.

4. An as-built survey or other proof of the footprint and location of the original structure and projections beyond the footprint is to be provided to the municipality prior to issuance of a building permit. A structure may be replaced or reconstructed under this subsection with the same number of off-street parking spaces as were provided for the original structure.

5. Nothing in this subsection waives any other applicable laws or regulations, including, but not limited to, SGC Title [19](#), the building regulations code.

6. It is recognized that the extreme weathering conditions hasten the involuntary destruction of steps, stairs, and decks. Said structures, including carports with only one exterior wall, may be reconstructed in their original footprint without gaining relief through the variance process. This provision only applies to structures that were in compliance with zoning regulations when they were originally constructed.

F. *Extension of Nonconforming Structures and Uses.* Substantial alterations, expansions creating a material change in use or impacting adjacent properties, or moving of nonconforming structures or uses shall be subject to the following:

1. Variances are required for extensions of nonconforming single-family structures including mobile/manufactured homes and nonconforming accessory buildings on lots containing single-family structures, when the proposed extensions are within the required setbacks of the zoning district.

2. Conditional use permits are required for all other proposed changes to nonconforming structures and uses not covered in subsection [\(F\)\(1\)](#) of this section. This applies when a nonconforming use is to be changed to another equally nonconforming use. Conditional use permits granted in accordance with this section shall not change the fact that the use is still nonconforming and subject to the terms and conditions set forth in this title.

G. *Abandonment.* An exception to these provisions may be granted by the city for special cases when the nonconforming use was discontinued for a period of time greater than one year subject to city approval of evidence provided by the applicant showing that the discontinuance was beyond the applicant's control. The city may consider circumstances such as, but not limited to, the following:

1. The property or structure has been involved in litigation;

2. Attempts to lease the site are ongoing due to length of time involved for marketing of premises;

3. The structure is a specialized type of building requiring a specialized type of use due to equipment, processes or configuration; or
4. There is an uniqueness to the property giving the use special operating characteristics such as its location in relationship to transportation facilities, open spaces needed for operations or its proximity to other critical activities such as mineral extraction. (Ord. 04-60 § 4(C), 2004; Ord. 02-1683 § 4, 2002; S.G.C. § 22.24.050.)

Chapter 22.30

MOBILE AND MANUFACTURED HOMES¹

Sections:

- 22.30.010 Definitions.**
- 22.30.020 Enforcement.**
- 22.30.030 Permits required.**
- 22.30.040 Mobile and manufactured home park permit – Application material required.**
- 22.30.050 Existing mobile and manufactured home parks permitted before August 1, 2010 – Design requirements.**
- 22.30.055 New mobile and manufactured home parks permitted on or after August 1, 2010 – Design requirements.**
- 22.30.058 New and existing mobile and manufactured home parks – Design requirements.**
- 22.30.060 Recreational vehicle parks – Design requirements.**
- 22.30.070 Granting or rejection of permits.**
- 22.30.080 Appeals.**
- 22.30.100 Permit – Revocation.**
- 22.30.110 Sanitary and health regulations.**
- 22.30.130 Mobile and manufactured home park – Register of occupants.**
- 22.30.135 Mobile and manufactured home park – Registered owner’s agent required.**
- 22.30.140 Mobile and manufactured home – Uses – Permit.**
- 22.30.160 Mobile and manufactured home park – Numbering spaces required.**
- 22.30.180 Reserved.**
- 22.30.190 Use as residence or sleeping quarters.**
- 22.30.200 Construction requirements.**
- 22.30.205 Construction requirements for tiny houses and tiny houses on chassis.**
- 22.30.210 Existing structures.**

22.30.010 Definitions.

For the purpose of this chapter, the following terms have the meanings respectively ascribed to them in this section, unless from the particular context it clearly appears that some other meaning is intended:

“Access road” means a private road which does not extend beyond the boundaries of a mobile and manufactured home park and which provides the principal means of access to abutting individual spaces and auxiliary buildings;

“Certificate of approval” means a document issued by the building official certifying a tiny house on chassis’s compliance with applicable building codes and other laws and indicating it to be in a condition suitable for occupancy;

“Certificate of occupancy” means a document issued by the building official certifying a building’s compliance with applicable building codes and other laws and indicating it to be in a condition suitable for occupancy;

“Chassis” means the base frame structural component(s) on which is mounted the body of a tiny house. The base frame shall be structurally integrated with the tiny house;

“Manufactured home” means a structure constructed on or after June 15, 1976, according to United States Department of Housing and Urban Development (“HUD”) standards, transportable in one or more sections which, in the traveling mode, is eight feet (2,438 millimeters) or more in width or 40 feet (12,192 millimeters) or more in length or, when erected on site, is 320 square feet (30 square meters) or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating and electrical systems. “Manufactured home” shall also include any structure which meets all the requirements of this definition listed above, except the size requirements, and has a manufacturer certificate required by HUD that complies with HUD standards for a manufactured home;

“Mobile and manufactured home park” means any park, court, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more units that includes mobile homes and/or manufactured homes, tiny houses, and/or tiny houses on chassis and includes all buildings used or intended for use as a part of the equipment thereof, whether or not a charge is made for the use of the park and its facilities. A mobile and manufactured home park does not include lots on which unoccupied mobile or manufactured homes are parked for the purpose of inspection and sale;

“Mobile home” means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight feet (2,438 millimeters) or more in width or 40 feet (12,192 millimeters) or more in length or, when erected on site, is 320 square feet (30 square meters) or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes plumbing, heating, and electrical systems;

“Person” includes an individual, partnership, firm, company, corporation; whether tenant, owner, lessee, or licensee, or their heir or assign;

“Play yard” means an area specifically set aside for the use of children, which area shall not be included within any mobile or manufactured home spaces;

“Public street” means any street, road or highway of which the general public has the right of common enjoyment or which is publicly maintained;

“Recreational vehicle” means a vehicle built on a single chassis that is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light-duty truck, and is designed not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use;

“Recreational vehicle park” means any park, court, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodation for recreational vehicles;

“Space” means a plot of ground in a mobile and manufactured home park permitted on or after August 1, 2010, of not less than 3,000 square feet of space designed for the location of at least two automobiles and only one unit. “Space” means a plot of ground of a mobile and manufactured home park permitted prior to August 1, 2010, of not less than 1,800 square feet designed for the location of at least one automobile and only one unit;

“Tiny house” means a dwelling that is 400 square feet or less in floor area excluding lofts and placed on a permanent foundation;

“Tiny house on chassis” means a dwelling that is 400 square feet or less in floor area excluding lofts and is on a chassis with or without wheels. Exception: Recreational vehicles, self-propelled vehicles, and fifth-wheel trailers are not considered tiny houses on chassis;

“Unit” means a mobile home or a manufactured home, or a tiny house or tiny house on chassis. (Ord. 20-02S(A) § 4, 2020; Ord. 10-10 § 4, 2010; Ord. 04-63 § 4, 2004; B.C.S. § 8.08.010; S.G.C. § 6.12.010.)

22.30.020 Enforcement.

The provisions of this chapter shall be enforced by the municipal building official, who shall be appointed by the municipal administrator for such term and subject to such conditions and such rates of compensation as the municipal administrator directs. No permit or certificate of occupancy or certificate of approval shall be issued for a mobile and manufactured home park or mobile or manufactured home or tiny house or tiny house on chassis unless the plans and facilities comply with the provisions of this chapter. (Ord. 20-02S(A) § 4, 2020; Ord. 10-10 § 4, 2010; Ord. 04-63 § 4, 2004; B.C.S. § 8.08.020; S.G.C. § 6.12.020.)

22.30.030 Permits required.

No land shall be used for a mobile or manufactured home park or recreational vehicle park unless a permit is issued by the municipal building official under the terms of this chapter.

It is unlawful for any person, firm or corporation to operate, manage or maintain any mobile or manufactured home park or recreational vehicle park within the city and borough without a permit authorizing the operation of such park.

It is unlawful for any person, firm, or corporation to place or add onto a mobile or manufactured home, tiny house, or tiny house on chassis without a permit authorizing the placement of, or addition to, such unit. (Ord. 20-02S(A) § 4, 2020; Ord. 10-10 § 4, 2010; Ord. 04-63 § 4, 2004; B.C.S. § 8.08.030; S.G.C. § 6.12.030.)

22.30.040 Mobile and manufactured home park permit – Application material required.

A complete plot plan and the following supplementary material shall be submitted to the municipal building official and the planning department, as well as the planning commission, when appropriate, for review and approval prior to the issuance of a mobile and manufactured home park permit:

- A. Applicant's name, address and legal interest in the property;
- B. Area and dimensions of the tract of land and land uses within 100 feet;
- C. Legal description of perimeter;
- D. Engineering plans and specifications for the proposed mobile and manufactured home park. These shall include:
 1. Number, location and size of all spaces;
 2. Location, width and surfacing of roadways, off-street parking and walkways;
 3. Location and size of any existing or proposed buildings and structures within the mobile and manufactured home park;
 4. Methods and plans of domestic and fire protection water supply, surface drainage and erosion control, sewage disposal, electrical supply and garbage disposal;
 5. Location of the permanent monuments required in SGC [22.30.050](#); and
 6. Location and mapping of any portion of the property located within a federal flood hazard area according to the Flood Insurance Rate Map. (Ord. 20-02S(A) § 4, 2020; Ord. 10-10 § 4, 2010; Ord. 04-63 § 4, 2004; Ord. 82-507 § 4, 1982; B.C.S. § 8.08.040; S.G.C. § 6.12.040.)

22.30.050 Existing mobile and manufactured home parks permitted before August 1, 2010 – Design requirements.

- A. There shall be at least one permanent monument located within the boundaries of each mobile and manufactured home park, preferably at one of the property corners. Such monument shall be of the same nature as the monuments required by other sections of this code related to platting, as defined in the presently existing sections or as defined in any future sections. Such monument shall be shown on the plot plan required by SGC [22.30.040](#).
- B. Units shall be parked or constructed in spaces so that a 15-foot front yard and 10-foot rear yard setback are observed. The side yard setback shall be no less than five feet. No mobile or manufactured home, tiny house, or tiny house on chassis shall be placed nearer than 25 feet to any highway or arterial street.
- C. Play yards shall be at least 100 square feet per unit. The play yards shall be located so that no mobile or manufactured home is more than 500 feet from a play yard. (Ord. 20-02S(A) § 4, 2020; Ord. 10-10 § 4, 2010; Ord. 04-63 § 4, 2004; Ord. 82-520 § 4, 1982; Ord. 82-507 § 4, 1982; B.C.S. § 8.08.050; S.G.C. § 6.12.050.)

22.30.055 New mobile and manufactured home parks permitted on or after August 1, 2010 – Design requirements.

- A. There shall be one permanent monument located at each of the property corners. Such monument shall be of the same nature as the monuments required by other sections of this code related to platting, as defined in the presently existing sections or as defined in any future sections. Such monument shall be shown on the plot plan required by SGC [22.30.040](#).
- B. Units shall be parked in spaces so that an 18-foot front yard and 10-foot rear yard setback are observed. The side yard setback shall be no less than five feet. No unit shall be placed nearer than 20 feet to any highway or arterial street, unless the adjacent highway or arterial street is greater than 80 feet in width, in which case no unit shall be placed nearer than 10 feet. The park owner or agent shall be responsible for the proper location of each unit and shall be signatory to the required permit application.
- C. A mobile and manufactured home park shall have at least one play yard that shall contain a minimum of 2,000 square feet, or 200 square feet per unit, whichever is greater. The play yards shall be located so that no unit is more than 500 feet from a play yard. (Ord. 20-02S(A) § 4, 2020; Ord. 10-10 § 4, 2010; S.G.C. § 6.12.055.)

22.30.058 New and existing mobile and manufactured home parks – Design requirements.

- A. Access roads for each unit shall have a minimum width of 20 feet to which every unit shall have direct access. Such roads shall be well maintained all-weather roads. Direct access from any public street or right-of-way to any

unit within a mobile and manufactured home park shall not be permitted. Not more than two driveway entrances spaced not less than 100 feet apart shall be permitted.

B. No major changes or alterations shall be made to any part of the mobile and manufactured home park as outlined in an approved plan without approval by the municipal building official.

C. Mobile and manufactured homes spaces, tiny house spaces, or tiny house on chassis spaces to be located within any portion of a flood hazard area shall comply with National Flood Insurance Program requirements. The fact that the space is located within a flood hazard area shall be disclosed to the occupant along with any information such as alternate access. (Ord. 20-02S(A) § 4, 2020; Ord. 10-10 § 4, 2010; S.G.C. § 6.12.058.)

22.30.060 Recreational vehicle parks – Design requirements.

A permit shall be issued for a recreational vehicle park upon a showing by the applicant that the design requirements established by the city administrator have been fully complied with. (Ord. 20-02S(A) § 4, 2020; Ord. 04-63 § 4, 2004; B.C.S. § 8.08.060; S.G.C. § 6.12.060.)

22.30.070 Granting or rejection of permits.

Whenever the application shows that the proposed mobile and manufactured home park or installation is in conformity with the provisions of this chapter and any applicable zoning and health regulations, the municipal building official shall issue a permit; otherwise the application shall be rejected, and the municipal building official shall state in writing the reason for such rejection. (Ord. 20-02S(A) § 4, 2020; Ord. 10-10 § 4, 2010; Ord. 04-63 § 4, 2004; B.C.S. § 8.08.070; S.G.C. § 6.12.070.)

22.30.080 Appeals.

Any person feeling aggrieved by a rejection of an application for a permit or certificate of occupancy may file an appeal in the manner provided in SGC [22.30.100](#). (Ord. 20-02S(A) § 4, 2020; Ord. 04-63 § 4, 2004; B.C.S. § 8.08.080; S.G.C. § 6.12.080.)

22.30.100 Permit – Revocation.

Any violation of the conditions of the permit or certificate of occupancy will be grounds for revocation of the permit and/or certificate of occupancy, by administrative action of the city and borough building official. Any such revocation may be appealed to the planning commission of the city and borough, who shall hold a hearing on such appeal and make recommendations as to the disposition thereof to the city and borough assembly. The city

and borough assembly shall make final disposition of any such appeal. (Ord. 20-02S(A) § 4, 2020; Ord. 04-63 § 4, 2004; B.C.S. § 8.08.100; S.G.C. § 6.12.100.)

22.30.110 Sanitary and health regulations.

All sanitary, health, and fire regulations, state and local, shall be met, and violations thereof shall be grounds for revocation of the permit and certificate of occupancy, or certificate of approval subject to the same appeal procedure as provided in SGC [22.30.080](#). (Ord. 20-02S(A) § 4, 2020; Ord. 04-63 § 4, 2004; B.C.S. § 8.08.110; S.G.C. § 6.12.110.)

22.30.130 Mobile and manufactured home park – Register of occupants.

Mobile and manufactured home park operators shall keep a register of the occupants of mobile and manufactured home park spaces. This register shall be given to the planning department. (Ord. 20-02S(A) § 4, 2020; Ord. 10-10 § 4, 2010; Ord. 04-63 § 4, 2004; B.C.S. § 8.08.130; S.G.C. § 6.12.130.)

22.30.135 Mobile and manufactured home park – Registered owner’s agent required.

Each mobile and manufactured home park owner shall designate a Sitka resident as the owner’s agent. The agent shall be empowered to act on the owner’s behalf on matters pertaining to park management and maintenance. Contact information for the designated agent shall be given to the planning department. (Ord. 20-02S(A) § 4, 2020; Ord. 10-10 § 4, 2010; Ord. 04-63 § 4, 2004; S.G.C. § 6.12.135.)

22.30.140 Mobile and manufactured home – Uses – Permit.

Except where a unit is located on a residential lot and lawfully used as a single-family dwelling, no unit shall be used as a place of business or as a place of habitation or stand in the open on any land more than 30 days without first obtaining the permit required in SGC [22.30.070](#). (Ord. 20-02S(A) § 4, 2020; Ord. 10-10 § 4, 2010; Ord. 04-63 § 4, 2004; B.C.S. § 8.08.140; S.G.C. § 6.12.140.)

22.30.160 Mobile and manufactured home park – Numbering spaces required.

Owners of mobile and manufactured home parks shall clearly number each space serially. The space numbers shall be a minimum of six inches high and clearly visible from the access road. (Ord. 20-02S(A) § 4, 2020; Ord. 10-10 § 4, 2010; Ord. 04-63 § 4, 2004; B.C.S. § 8.08.160; S.G.C. § 6.12.160.)

22.30.180 Reserved.

(Ord. 20-02S(A) § 4, 2020; Ord. 10-10 § 4, 2010; Ord. 04-63 § 4, 2004; Ord. 78-348 § 4, 1978; S.G.C. § 6.12.180.)

22.30.190 Use as residence or sleeping quarters.

A. No mobile home, manufactured home, recreational vehicle, other motor vehicle, tiny house, or tiny house on chassis shall be used as a residence or sleeping quarters unless:

1. Such unit or vehicle has a designated spot within a mobile and manufactured home park, recreational vehicle park or other area specifically designated by the chief of police; or
2. Such unit or vehicle has a permanent spot on other private property, its placement on such property as a residence meets all zoning requirements, and such unit or vehicle meets the standard size requirements and sanitation requirements of a residence under the Sitka General Code.
3. In the case of a tiny house, the unit has been constructed in accordance with the International Residential Code as locally adopted and amended, has been inspected as required by the International Residential Code, and has been issued a certificate of occupancy by the building official.
4. In the case of a tiny house on chassis, the unit has been constructed from the floor joists up in accordance with the International Residential Code as locally adopted and amended, has been inspected as required by the International Residential Code, and has been issued a certificate of approval by the building official. A certificate of approval is valid only for the specific location at which the unit has been installed and inspected.

B. Except as provided in SGC [22.30.210](#), a recreational vehicle may be used as a temporary but not as a permanent residence, and shall not be occupied for a period of more than 180 days within a 12-month period on a single property. (Ord. 20-02S(A) § 4, 2020; Ord. 10-10 § 4, 2010; Ord. 04-63 § 4, 2004; Ord. 97-1452 § 4, 1997; Ord. 80-436 § 3, 1980; S.G.C. § 6.12.190.)

22.30.200 Construction requirements.

The following provisions shall apply as of August 1, 2010, to all mobile or manufactured homes, regardless of whether they are located in a mobile and manufactured home park, unless otherwise provided:

- A. Additions to units in mobile and manufactured home parks shall be limited to 16 feet in height. Height shall be measured as defined in this title.
- B. Foundation systems shall be approved by the municipal building official. When available, the installation instructions provided by the manufacturer shall be used to determine permissible points of support for vertical loads and points of attachment for anchorage systems used to resist horizontal and uplift forces.
- C. All units shall be anchored to resist horizontal and uplift forces in an approved manner. The anchoring system shall be inspected and approved prior to connection of water and sewer utilities.
- D. Skirting shall be required around the complete perimeter of all installations. Skirting shall be of pressure-treated plywood with a minimum of three-eighths-inch thickness, rated siding, metal panels or other approved, weather-resistant material. Skirting shall be provided with an access door and foundation ventilation in accordance with the requirements of the International Residential Code. A minimum six-mil vapor retarder shall be installed on the ground within the skirted area.
- E. All additions and interior renovations shall be subject to the provisions of the International Residential Code. Additions to units within a mobile and manufactured home park shall only be permitted with the written approval of the mobile and manufactured home park owner or agent.
- F. Accessory buildings in excess of 120 square feet shall require a building permit and must be located in compliance with the setback requirements of SGC [22.30.050\(B\)](#).
- G. The number of required automobile parking spots shall be in compliance with SGC [22.30.010](#) (definition of "space"). (Ord. 20-02S(A) § 4, 2020; Ord. 10-10 § 4, 2010; Ord. 04-63 § 4, 2004; S.G.C. § 6.12.200.)

22.30.205 Construction requirements for tiny houses and tiny houses on chassis.

The following provisions shall apply as construction requirements for tiny houses and tiny houses on chassis regardless of whether they are located in a mobile and manufactured home park, unless otherwise provided:

- A. Tiny houses and tiny houses on chassis in a mobile and manufactured home park shall be limited to 16 feet in height. Height shall be measured as defined in this title.
- B. All units shall be anchored to resist horizontal and uplift forces in an approved manner. The anchoring system shall be inspected and approved prior to connection of water and sewer utilities.

C. Skirting shall be required around the complete perimeter of all installations of tiny houses on chassis. Skirting shall be of pressure-treated plywood with a minimum of three-eighths-inch thickness, rated siding, metal panels or other approved, weather-resistant material. Skirting shall be provided with an access door and foundation ventilation in accordance with the requirements of the International Residential Code. A minimum six-mil vapor retarder shall be installed on the ground within the skirted area.

D. All additions and interior renovations shall be subject to the provisions of the International Residential Code. Installation of, or additions to, units within a mobile and manufactured home park shall only be permitted with the written approval of the mobile and manufactured home park owner or agent.

E. Tiny houses and tiny houses on chassis shall be constructed in Sitka under a building permit and be subject to inspection during construction.

Exception: a tiny house on chassis constructed outside of Sitka may be used as a residence or sleeping quarters if the applicant can demonstrate to the satisfaction of the building official that it has been constructed in accordance with the International Residential Code.

F. A tiny house or a tiny house on chassis is limited to a maximum size of 400 square feet floor area including all additions and appurtenances, and not including lofts.

G. Any loft in a tiny house or tiny house on chassis will be considered to be a sleeping loft, and shall have emergency escape openings as required by 2018 International Residential Code Appendix Q.

H. The chassis on which a tiny house is placed or constructed, including all components attached to the chassis, shall be of adequate structural strength to resist all dead and live loads imposed upon it and/or required by applicable safety standards. The building official may require third-party certification to ascertain compliance with this section. (Ord. 20-025(A) § 4, 2020; S.G.C. § 6.12.205.)

22.30.210 Existing structures.

A. Any mobile and manufactured homes located in Sitka prior to August 1, 2010, shall be allowed to remain in Sitka, and any legal use or occupancy of that structure as of August 1, 2010, shall be allowed to continue, unless such continued use or occupancy is dangerous to life, health and safety.

B. No mobile home located in Sitka prior to August 1, 2010, shall be allowed to be relocated to a mobile and manufactured home park permitted on or after August 1, 2010.

C. The following structures shall not be allowed in Sitka on or after August 1, 2010:

1. Any mobile home manufactured before June 15, 1976, and not located in Sitka prior to August 1, 2010; and

2. Any structure similar to a mobile home that is not a HUD-compliant structure, and not located in Sitka prior to August 1, 2010, except as otherwise allowed in this chapter. (Ord. 20-02S(A) § 4, 2020; Ord. 10-10 § 4, 2010; S.G.C. § 6.12.210.)

The Sitka General Code is current through Ordinance 24-23, passed October 8, 2024.

Disclaimer: The city and borough clerk's office has the official version of the Sitka General Code. Users should contact the city and borough clerk's office for ordinances passed subsequent to the ordinance cited above.

[City and Borough Website: www.cityofsitka.com](http://www.cityofsitka.com)

[Hosted by General Code.](#)