



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: July 12, 2017

From: Planning and Community Development Department Staff

To: Planning Commission

Re: Possible Amendments to Development Standards, Setbacks, and Required Yards

Throughout the Comprehensive Plan update process, the public and the Planning Commission have expressed some interest in amending development standards in order to aid in the ease of infill development, recognize the constraints of existing lot sizes and topography, reduce development costs, and reduce variance requests. Draft goals in the Housing Chapter of the Comprehensive Plan include code revisions to “minimize prevalence of variances by amending development standards, such as setbacks,” “reduce minimum lot sizes,” and “encourage higher density development.”

Between 2010 and early 2017, variances have been granted for 178 different setbacks. Fewer than 178 public hearings have been held because some properties have received variances for more than one property line. Additionally, some variances have not come to the Planning Commission because they were administrative variances for 2 foot reductions. Reductions in setback requirements could result in a reduced caseload for the Planning Commission and staff.

Current development standards can prove to be unrealistic in many of Sitka’s neighborhoods.¹ For example, many lots in the downtown area are of substandard size, making it challenging to meet setback requirements. Development standards can also create a barrier for individuals seeking to construct accessory dwelling units (ADU), as conditional use permits are required for ADUs on properties with variances. ADUs can be difficult to construct within current setbacks on existing lots of substandard size.

Another issue that has arisen is the restriction on accessory structures in setbacks. Structures over 30 inches in height are prohibited in setbacks. One exception is that fences are allowed on property lines, up to 8 feet tall in residential areas and 20 feet tall

¹ Staff will provide map that illustrates the level of existing nonconformity with development standards regarding lot area, width, coverage, and ADU requirements.

in commercial areas. This accessory structure issue arises regularly when property owners wish to construct access stairs to their homes. Building code often requires handrails in excess of 30 inches to be constructed with stair projects. Zoning code could be amended to allow uncovered access stairs to be constructed in setbacks, as they are required to safely access many of Sitka's properties. Code amendments could also ease restrictions on other accessory structures within setbacks such as storage sheds and playhouses.

Overall, staff see many areas for improvement in municipal code regarding development standards, setbacks, and yards. Staff request that the Planning Commission direct staff to draft a zoning text amendment ordinance to address these concerns.

For discussion purposes these are the main areas that staff envision could have improved code:

- Structures in Setbacks (e.g. stairs, decks, heaters, oil tanks, shed/greenhouse, etc.)
 - Exempt Structures
- ADU – the 14 obstacles or requirements:
 - Remove or reduce restrictions of C1 (ROW), C2 (allow for STR and Owner Occupied, C7 (limits to SFR and one other structure), C8 (appearance of SFR – vague), C9 (conflicts with C8 and why), C10 (why), C11 (800 sf - maybe a little more?), C12 remove parking reqs b,c,d).
 - Add Permitted in R1-MH and R1-LDMH?
 - Add CUP for GI and LI
 - C-1 and C-2 in future and potential WD after future zoning changes (don't want to create more problems around commercial areas).
- Lot Area: simple change of remote note 1 (net area does not include access easement)
- Lot Coverage: what constitutes?
 - Pervious versus impervious (e.g. wooden deck versus covered deck)
 - Concrete, sheds, playhouse, etc?
- Communication and Utility Equipment Standards and Locations
- Combination of lots should be through a plat, not just Director (could mirror BLA)
- Default Variance: Approved plats and lots that are below development standards receive a *de facto*/default variance for lot size, and lot area, and for setback have

a formula setback, but not less than 5 feet for side and 10 for front, and 9 for rear (unless CBD, etc.) limited to singular principal use. Other uses and structures would require standard variance.

- Setbacks
 - Contextual setback of neighborhood; and/or
 - Reduce front to 10-15 feet, side to 5/9 foot split, and rear to 9 feet; and/or
 - Formulaic setback: 10% of width for side setback but no less than 5', and 10% of depth, but no less than 9 feet.
 - Plus: better define front, rear, and side property lines
 - Provide more flexible approach for corner lots (modified front setbacks such as 10 and 10 or 15 and 10).
- Height: simplify the formula
- Sight Triangles for Safety
 - Topography and weather make this challenging
- Fences, Walls, and Yards
 - Interwoven with setbacks and sight triangles
- Complex Development Standards Dependent Upon Further Study and Community Participation
 - Reduce lot area, width, and height in certain or all zones.

Important point for consideration: Which of the above code changes are the low-hanging fruit and easy code changes? Which changes would require complex code changes, extensive staff time, and major community discussion?

Recommended Action: Make a motion directing planning and legal staff to draft an ordinance to amend code regarding development standards, setbacks, and required yards where staff first brings some easy code changes in the near future and some more complex code changes after completion of the Comprehensive Plan or Smart Growth America Code audit.