

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 thirty days of the planning commission recommendation, the recommended amendment shall take effect.

(Ord. 11-04S § 4(B) (part), 2011: Ord. 02-1683 § 4 (part), 2002.)

Table 22.20-1
Development Standards⁽²⁾

	MINIMUM LOT REQUIREMENTS		MINIMUM SETBACKS			MAXIMUM HEIGHTS ⁽¹⁹⁾		MAXIMUM BUILDING COVERAGE	MAXIMUM DENSITY
ZONES	Width	Area ^(1, 18)	Front ⁽³⁾	Rear	Side	Principal Structures	Accessory Structures		
P	⁽⁴⁾	⁽⁴⁾	20 ft.	15 ft.	10 ft.	40 ft.	16 ft.	35%	
SF ⁽¹⁶⁾	80 ft.	8,000 s.f.	20 ft. ⁽⁸⁾	10 ft. ⁽⁹⁾	8 ft.	35 ft. ⁽¹⁰⁾	16 ft.	35%	
SFLD	80 ft.	15,000 s.f.	20 ft. ⁽⁸⁾	20 ft. ⁽⁹⁾	15 ft.	35 ft. ⁽¹⁰⁾	16 ft.	35%	
R-1 ^(6, 16)	80 ft.	8,000 s.f.	20 ft. ⁽⁸⁾	10 ft. ⁽⁹⁾	8 ft.	35 ft. ⁽¹⁰⁾	16 ft.	35%	
R-1 MH ^(6, 16)	80 ft.	8,000 s.f.	20 ft. ⁽⁸⁾	10 ft. ⁽⁹⁾	8 ft.	35 ft. ⁽¹⁰⁾	16 ft.	35%	
R-1 LD/ LDMH	80 ft.	15,000 s.f. ⁽⁵⁾	20 ft. ⁽⁸⁾	20 ft. ⁽⁹⁾	15 ft.	35 ft. ⁽¹⁰⁾	16 ft.	35%	
R-2 ^(6, 16)	80 ft.	8,000 s.f. for the first two units and 1,000 s.f. for each additional unit	20 ft. ⁽⁸⁾	10 ft. ⁽⁹⁾	8 ft.	40 ft.	16 ft.	50%	Maximum density = 24 DU/A
R-2 MHP ⁽⁶⁾	80 ft.	Same as R-2	20 ft. ⁽⁸⁾	10 ft. ⁽⁹⁾	8 ft.	40 ft.	16 ft.	50%	Same as R-2
CBD ⁽¹⁷⁾	None	None ⁽⁷⁾	⁽¹¹⁾	⁽¹¹⁾	⁽¹¹⁾	50 ft.	16 ft.	None	
C-1 ⁽⁶⁾	60 ft.	6,000 s.f. ⁽⁷⁾	20 ft. ⁽⁸⁾	10 ft.	5 ft.	40 ft.	16 ft.	None, except for setback areas	
C-2 ⁽⁶⁾	60 ft.	6,000 s.f. ⁽⁷⁾	20 ft. ⁽⁸⁾	10 ft.	5 ft.	40 ft.	16 ft.	Same as C-1	
WD ⁽⁶⁾	60 ft.	6,000 s.f. ⁽⁷⁾	20 ft. ^(8, 12)	5 ft. ⁽¹²⁾	10 ft. ⁽¹²⁾	40 ft.	16 ft.	Same as C-1	
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	
R	⁽¹⁶⁾	⁽¹⁶⁾	20 ft.	10 ft.	5 ft.	35 ft.	20 ft.	50%	

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ZONES	Width	Area ^(1, 18)	Front ⁽³⁾	Rear	Side	Principal Structures	Accessory Structures		
OS	None	1 acre	None ⁽¹⁵⁾	None ⁽¹⁵⁾	None ⁽¹⁵⁾	35 ft.	35 ft.	None ⁽¹⁵⁾	

(Ord. 13-14A § 4 (part), 2013; Ord. 11-04S § 4(B) (part), 2011; Ord. 06-06 § 4(C), 2006; Ord. 03-1746 § 4 (part), 2003; Ord. 02-1683 § 4 (part), 2002.)

22.20.035 Notes to Table 22.20-1.

1. Minimum lot area net of access easements.
2. All developed lots and parcels shall have access to a public street and circulation within the development to ensure adequate vehicular circulation for parking, freight, and emergency vehicles. Where lots or parcels do not front on and have direct access to streets, a minimum twenty-foot improved driveway with a minimum of a twelve-foot wide developed driveable surface on a legal easement shall provide access between the subject development and the street.
3. Front setbacks apply to all lot lines adjacent a public street. Corner lots have two front setbacks.
4. As determined by the specific use and its parking and loading requirements.
5. Duplex shall have a minimum of twelve thousand square feet of lot area per unit.
6. Zero lot line lots shall be a minimum of seven thousand five hundred feet in area.

Additional Note: The minimum square footages for each unit of a zero lot line shall be as follows:

R-1 and R-1 MH 4,000 sq. ft.

R-1 LD and R-1 LDMH 7,500 sq. ft.

R-2 and R-2 MHP 4,000 sq. ft.

C-1, C-2 and WD 3,000 sq. ft.

Zero lot lines may be allowed on existing lots of record in the R-1 and R-1 MH zones with square footages less than above if the planning commission finds that there is adequate density and parking.

7. Minimum lot area per dwelling unit shall be six thousand square feet for one and two-family dwellings with an additional one thousand square feet for each additional dwelling unit.
8. Front yard setback shall be ten feet when lots abutting street rights-of-way are equal to or greater than eighty feet.
9. Residential docks are exempt from rear yard setback.
10. Except as exempted by Section 22.20.050.
11. Subject to site plan approval.
12. No setbacks are required from property lines of adjacent filled, intertidal, or submerged tidelands.
13. Additional building coverage may be permitted subject to site plan approval.
14. Unless the subject use occupies the entire island.

15. Where island lots share common property lines, the minimum setback shall be fifteen feet.
16. The minimum site setback on lots in zones SF, R-1, R-1 MH, and R-2 shall be five feet for lots that are sixty feet wide or narrower; in all other cases in those zones, the minimum side setback shall be eight feet.
17. A five-foot setback shall be along any property line abutting a public street, alley, or deed access easement. The purpose of this setback shall be to assure that sidewalks, curb and gutter, power pole locations, or other public necessities can be accommodated.
18. Lot size variances may be allowed for subdivisions that include sidewalks or pathways.
19. Accessory dwelling units in residential zones shall be limited to a maximum height of twenty-five feet or the height of the existing principal dwelling unit on the property whichever is less.

(Ord. 13-14A § 4 (part), 2013; Ord. 06-06 § 4(C), 2006; Ord. 03-1746 § 4 (part), 2003; Ord. 02-1683 § 4 (part), 2002.)

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 thirty 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 American/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 Lease 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 Section 22.24.020. 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 Title 21 of this code 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:

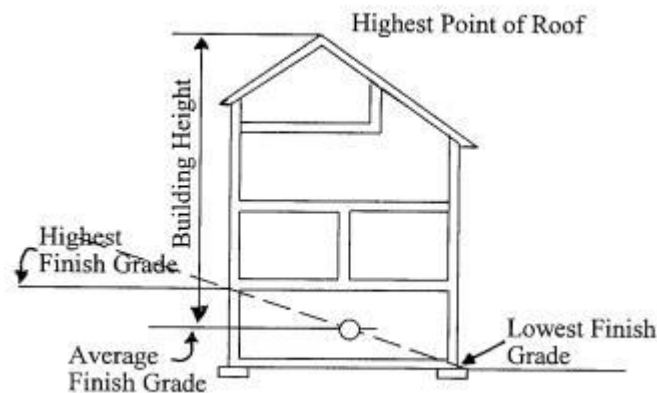
1. An easement shall be provided on the abutting lot adjacent to each zero lot building that is wide enough to ensure a ten-foot separation between the walls of structures on adjoining lots, except as provided by common wall construction;
2. The easement shall be free of permanent structures and other 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 (part), 2002.)

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 below 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 Chapter 22.30, Article VI.

**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 (part), 2002.)

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 (part), 2002.)

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 Section 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 twenty 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.)

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 ninety 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 eight hundred 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 22.24.

(Ord. 15-08 § 4 (part), 2015; Ord. 13-14A § 4 (part), 2013.)