



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

MEMORANDUM

To: Chair Spivey and Members of the Planning Commission

From: Planning and Community Development Department Staff

Subject: Amendment to Sitka General Code Regarding Title 22 Zoning & Accessory Dwelling Units

Date: April 6, 2018 (Amended 4.11.18 re: moorage/parking)

Accessory Dwelling Units (ADUs) are a means to solve our housing challenges. Housing costs are high in Sitka. The availability of supply for less costly rentals and small homes or dwelling units is not keeping up with demand. The trend is that younger and older populations are shifting from large single-family homes to smaller homes and denser neighborhoods. There is also a growing trend of home sharing, lot sharing, sharing economy, and other creative ownership and living arrangements. Due to financing and capital drive for profit, it is unlikely that major multi-family apartments will be developed without further financial and land incentives (free or subsidized land, development costs, and tax credits). Therefore, Accessory Dwelling Units are arguably the best (#1) means to meet the goal of affordable housing.

ADUs will also help address our challenges with cost of living, walkability, community health, and efficient use and preservation of existing public infrastructure. Infill development, increased density near downtown by utilizing ADUs, and maximization of the utility of existing lots and public infrastructure will help promote vibrant and walkable neighborhoods and also preserve and make efficient our existing infrastructure, which is a major challenge within the municipality.

Staff's recommendation comes from research based on pro forma modeling, recent staff consultation with planners and market development experts in the field of affordable housing and rural sustainable development, understanding of the local real estate market, socio-economic demographics, market trends, best practices, and review of current code, and observation that code is often a barrier to ADU development.

Staff have reviewed and included all applicable Sitka General Code related to ADUs (not including development standards such as setbacks and lot size). Yellow highlighted code is to draw your attention to specific language that is a challenge – followed by underlined code is the suggested change or choices of changes.

Recommendation: Make a motion to recommend approval of these code amendments regarding ADUs subject to legal review and minor amendments.

22.08.025 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** and other sections of this title. (Ord. 13-14A § 4 (part), 2013.)

Proposed:

An “accessory dwelling unit (ADU)” is an additional dwelling unit that is located on the same parcel as the principal dwelling unit(s). An ADU must provide a complete, independently accessed residential living space and shall include provisions for living, sleeping, eating, cooking and sanitation. Accessory dwelling units are further regulated under **Chapter 22.20** and **Chapter 22.24** and other sections of this title. (Ord. 13-14A § 4 (part), 2013.) Accessory uses are further defined as uses that are incidental and supportive of the principal use. In this case, ADUs are incidental if they are less intensive in size and bulk than the principal use; and ADUs are supportive of the principal use, so long as the ADUs does not conflict with the principal or surrounding uses. Such conflict would include impacts to neighborhood character such as noise, traffic, density, and aesthetic feel, potential to conflict with vested and existing commercial, industrial, or recreational uses, and clear excessive impacts to the public’s health, safety, and welfare.

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 Section 2.38.080.

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 22.30, Zoning Code Administration.

As outlined in Section 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**

Note: The following highlighted text is the focus. The green letters are additions.

Zones	P(1)	SF	SFLD	R-1	R-1 MH	R-1 LDMH	R-2	R-2 MHP	CBD (11, 12)	C-1 (11)	C-2 (11)	WD (2, 11)	I	GI (3, 10)	LI(3)	R	OS	GP (13)
RESIDENTIAL																		
• Single-family detached		P	P	P(4)	P(4)	P(4)	P(4)	P(4)		P	P	P		P	P	P	P	
• Townhouse				C(5)	C(5)	C(5)	C(5)	C(5)	C	P	P	P		C	C			
• Duplex				P	P		P	P		P	P	P		P	P			
• Residential zero lot line				P	P	P	P	P		P	P	P						
• Multiple-family				C(5)	C(5)	C(5)	P(5)	P(5)	P(5,8)	P(5)	P(5)	P(5)		C	C			
• Single manufactured home on an individual lot					P	P		P			P	P		C	C			
• Mobile home park								P			P	P						
• Accessory dwelling unit				C/P	C/P	C/P	C/P	C/P				C		C/P	C/P			
GROUP RESIDENCES																		
• 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: Recreational District
R-2: Multifamily District	OS: Open Space District
R-2 MHP: Multifamily/Mobile Home District	GP: Gary Paxton Special District
CBD: Central Business District	

P—Permitted (Principal)

C—Conditional Use Permit Required

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

C. Residential Uses Table 22.16.015-1 Footnotes.

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

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

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

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

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

14. Accessory dwelling units shall be constructed in conformance with the standards outlined in Chapter 22.20, Supplemental District Regulations and Development Standards; and Chapter 22.24, Special Use Permits.

15. Conditional use limited to allow boats to be used as short-term rentals in harbors and slips within the public lands zoning district.

Table 22.20-1
Development Standards⁽²⁾

ZONES	MINIMUM LOT REQUIREMENTS		MINIMUM SETBACKS			MAXIMUM HEIGHTS ⁽¹⁹⁾		MAXIMUM BUILDING COVERAGE	MAXIMUM DENSITY
	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	

	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		
I	100 ft.	15,000 s.f.	20 ft. ⁽⁸⁾	10 ft.	5 ft.	40 ft.	16 ft.	50% ⁽¹³⁾	
LI	None	1 acre ⁽¹⁴⁾	None ⁽¹⁵⁾	None ⁽¹⁵⁾	None ⁽¹⁵⁾	35 ft.	35 ft.	25%	
GI	None	1 acre	None ⁽¹⁵⁾	None ⁽¹⁵⁾	None ⁽¹⁵⁾	35 ft.	35 ft.	None	
R	⁽¹⁶⁾	⁽¹⁶⁾	20 ft.	10 ft.	5 ft.	35 ft.	20 ft.	50%	
OS	None	1 acre	None ⁽¹⁵⁾	None ⁽¹⁵⁾	None ⁽¹⁵⁾	35 ft.	35 ft.	None ⁽¹⁵⁾	

(Ord. 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 ~~thirty~~ 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.)

22.20.160 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~~ residential 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 and public infrastructure.
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 defined at SGC 22.08.025, a second dwelling unit that is located on the same parcel as the primary single family dwelling unit. ADUs must provide a complete, independently accessed 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 principal use.
2. Constructing a new single family home principal use with a detached ADU.
3. Constructing an attached ADU to a new or existing principal use.
4. Constructing an attached or detached garage with an additional dwelling unit included.

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~~ principal structure.

5. ~~Only one ADU is allowed per parcel.~~

6. Mobile homes, travel trailers and recreational vehicles shall ~~not~~ only be used as an ADU with a conditional use permit, and this use shall be limited to short-term rental use only.

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~~; the existing structure, the adjacent properties, and the neighborhood in terms of exterior materials, design, and pitch of roof.

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~~ one-thousand and fifty (1,050) 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~~ principal structure.

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.~~

e. * 1 off-street parking space shall be provided for each ADU located on Baranof Island. No parking is required for ADUs on smaller islands within the municipality; however, ADUs on smaller islands must provided adequate moorage. (exemption to 22.20.100.G.1).

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.)