



# 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:** Scott Brylinsky, Interim Director, Planning and Community Development Department

**Subject:** ZA 18-06 Creating a Cemetery Zoning District

**Date:** March 14, 2019

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**Project description:** The request is to amend the zoning code to create in the zoning code a cemetery district.

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### **Background:**

The city zoning code currently lacks a designation for cemeteries. Historically, cemeteries have resided in varied zoning districts, including the residential zoning districts R-1 and R-2, and the public zoning district P. The intent of the cemetery district is 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. It is a highly restrictive district.

The proposed amendments to the use tables in the zoning code would provide that only cemeteries and mausoleums are allowed uses. Museums, churches, and parks would be conditional uses. No other uses would be allowed.

After creation of the cemetery district, cemetery owners and land owners would be invited to submit applications for zoning map amendments to include their cemeteries and associated lands in the cemetery district.

This item was put before the Historic Preservation Commission at its March 13, 2019 meeting. The Commission voted 6-0 to approve creation of a cemetery zoning district as proposed.

forward. Windsor asked where the smoke would be ventilated out, Samman responded that the plan was to vent it out the back of the building. Nelson added that if it became a greater issue for neighbors, they would vent the smoke up through the top of the structure which would take care of odor concerns.

**M-Hughey/S-Weaver moved to approve the conditional use permit for manufacturing of food products at 4610 Halibut Point Road in the C-2 zoning district, subject to the attached conditions of approval. The property is also known as Lot 4, Wyatt-Cox Resubdivision #2. The applicant was Issam Samman. The owners of record were Connor and Valorie Nelson. Motion passed 4-0 by voice vote.**

**M-Windsor/S-Hughey moved to adopt the findings as presented in the staff report. Motion passed 4-0 by voice vote.**

**D**     [ZA 18-06](#)

Discussion, direction, and decision on a proposed zoning text change to create a new zoning district for Cemeteries. The request is filed by the City and Borough of Sitka Planning and Community Development Department.

Attachments:     [ZA 18-06 Cemetery District Staff Report](#)

[ZA 18-06 Cemetery District Code Amendment Draft](#)

[ZA 18-06 Cemetery District Mailing List](#)

Brylinsky presented the staff report. Brylinsky noted that the idea of a cemetery designation had been considered and requested for some time, and work that had been done by previous Planning Director, Mike Scarcelli, was used in the draft ordinance presented. Sitka's zoning code lack a designation for cemeteries, with most burial sites residing in public or residential zones. The creation of the zoning district would create a receptacle for lands used for cemeteries and limited accessory uses, the district was highly restrictive in nature. After passage of the ordinance creating a cemetery district, owners of properties containing cemeteries could then apply for zoning map amendments to designate their cemetery under the new district. The Historic Preservation Commission had reviewed the draft ordinance at their most recent meeting and voted in favor. Weaver asked if this was related to the SJ Overlay zone, Brylinsky answered that the two actions were related. STA did not want to see the SJ Overlay zone go forward until it had protections for its cemeteries nearby, and the applicant of the SJ Overlay zone was holding off further action until the cemetery issue was resolved.

Bob Sam provided public testimony. Sam reiterated that many cemeteries in Sitka were in residential zones which was going to become problematic with changes in the State of Alaska's requirements for burial transfer permits - this action would resolve that issue. Sam also noted that he was on the Historic Preservation Commission which voted unanimously in favor of the draft ordinance.

**M-Hughey/S-Weaver moved to recommend approval of the draft ordinance including any minor changes that legal or staff may find necessary to amend Title 22 of the Sitka General Code to create a cemetery district. Motion passed 4-0 by voice vote.**

**E**     [ZA 18-08](#)

Discussion, direction, and decision regarding proposed revisions to Table 22.20-1 Development Standards, providing for reduced setbacks, decreased minimum lot sizes, and increased building coverage. The request is filed by the City and Borough of Sitka Planning and Community Development Department.

## **VII. NEW BUSINESS**

### **D. Cemetery District Proposal**

Brylinsky presented the draft ordinance, and noted that the idea of a cemetery designation had been considered and requested by community members and Commissioners for some time. Work that had been done by previous Planning Director, Mike Scarcelli, was used in the draft ordinance presented. Sitka's zoning code lack a designation for cemeteries, with most burial sites residing in public or residential zones. The creation of the zoning district would create a receptacle for lands used for cemeteries and limited accessory uses, the district was highly restrictive in nature. Dittmar asked if there was a map to show where the cemetery district was applied on the zoning map, Brylinsky answered that the ordinance was only to create the cemetery district in the zoning code, it did not designate any particular lands as cemeteries. Owners of land containing burial sites could apply for zoning map amendments after the district was created. The Commission discussed whether or not parks should be a conditional use in the proposed district, ultimately deciding to keep it as presented. Sam voiced his support for the proposal and thanked staff for bringing it forward. Sam also stressed the importance of updating the zoning code to have a cemetery designation given that the State of Alaska was going to update its protocols for burial transfer permits and would no longer issue permits for people to be buried in residential zones; this was a concern because most of Sitka's cemeteries resided in residential zones. **M-Poulson/S-Sam moved to approve the creation of a cemetery zoning district. Motion passed 6-0 by voice vote.**

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National Cemetery – Veterans Administration  
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