22.08.735 Short-term rentals.

"Short-term rentals" means rentals of single dwelling units for less than fourteen consecutive days for money or other valuable consideration by one party which then occupies the dwelling. (Ord. 02-1683 § 4 (part), 2002.)

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	CBD (11, 12)	C-1 (11)	C-2 (11)	WD (2, 11)	I	GI (3, 10)	LI(3)	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	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				
• Tiny house on chassis on an individual lot					C	C		C			C	C		C	C				
• Mobile home park								P			P	P							
• Accessory				P(14)	C	C	P(14)	C											

dwelling unit				C	C	C	C	C										
GROUP RESIDENCES													C	C				
• 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

SF: Single-Family District

SFLD: Single-Family Low Density District

R-1: Single-Family/Duplex District

R-1 MH: Single-Family/Duplex/Manufactured Home District

R-1 LDMH: Single-Family/Duplex and Single-Family/Manufactured Home Low Density Districts

R-2: Multifamily 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: Recreational District

OS: Open Space District

R-2 MHP: Multifamily/Mobile Home District	GP: Gary Paxton Special District
CBD: Central Business 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 Title 21 of this code, 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 four hundred 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 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.

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.

22.24.010 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 22.24.010-1 provides application requirements for all conditional use permits.

Table 22.24.010-1

Conditional Use Permit Application Requirements

Conditional Uses	Bed and Breakfast Conditional Uses	Short-Term Rental Conditional Uses	Island Conditional Uses
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	Written Documentation • Legal description of all property involved in the project; • Statement of the objectives expected to be achieved by the project. Site Plan and Supporting Drawings	Written Documentation • Legal description of all property involved in the project; • Statement of the objectives expected to be achieved by the project. Site Plan and Supporting Drawings	Written Documentation • 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

Corps of Engineers; Sitka fire department; local telephone utility; cable television utility; electric department. Written Documentation • 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, 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. Site Plan and Supporting	• As determined by the administration, details of the proposed project showing building locations, vehicular and pedestrian circulation, parking 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.	• As determined by the administration, details of the proposed project showing building locations, vehicular and pedestrian circulation, parking 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.	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; • 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. Site Plan and Supporting Drawings • As determined by the administration, details of the proposed project showing land use layout, building locations, open space and

Drawings • 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; • 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.			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 features that may be required by the administrator.

1. Conditional use permit application initiation periods and termination periods are outlined in Table 22.24.010-2.

Table 22.24.010-2

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
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. Note (2): It is recognized in land use case law that conditional use permits are grants to a property and run with the parcel and not the owner. Note (3): 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 eleven months of the initial approval.				

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 twelve 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 fifteen years old or younger.

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

1. Short-term rental establishments as described in subsection F of this section 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 twelve 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 fifteen years old or younger.

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.

L. 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 twelve 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. 20-02S(A) § 4 (part), 2020; Ord. 15-51 § 4 (part), 2015: Ord. 15-39 § 4 (part), 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 (part), 2002.)

22.30.160 Planning commission review and decision.

Planning commission decision and action authority is defined in Section 22.30.050.

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.