



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

BED AND BREAKFAST

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WHAT?

A bed and breakfast is the rental of rooms within an owner-occupied dwelling unit to transient guests for a fee. Only limited cooking facilities, if any, may be provided in the guest rooms.

WHERE?

A property's zoning determines if a bed and breakfast is possible, and identifies the correct procedure for beginning operations.

- ❖ ***Permitted*** means that a conditional use permit is not required. Operations must register for a municipal sales tax account and remit all appropriate taxes. Additionally, the residence must comply with a life and fire safety inspection.
 - Permitted zones: CBD, C-1, C-2, WD, GI
- ❖ ***Conditional*** means that a conditional use permit must be obtained from the Planning Commission to operate a bed and breakfast. Operations must register for a municipal sales tax account and remit all appropriate taxes. Additionally, the residence must comply with a life and fire safety inspection.
 - Conditional zones, limited to 3 rooms: R-1, R-1MH, R-1LD
 - Conditional zones, limited to 5 rooms: R-2, R-2MHP
 - Conditional zones, unlimited: LI
- ❖ ***Prohibited*** means that a short-term rental may not operate under any circumstance.
 - SF, SFLD, I, OS, GP, R, P

HOW?

Conditional use permit applications may be submitted to the Planning Department by 5 PM at least THREE WEEKS before the next scheduled Planning Commission hearing. Applicants may contact 747-1814 or planning@cityofsitka.org with questions.

For properties in permitted zones, sales tax registration can be completed with the municipal tax office (747-1840). Fire and life safety inspection can be arranged by calling the Fire Marshal at 747-1837.

WHO?

Property owners or their approved representatives (with signed approval from the owner) may submit applications.

When Planning Commission hearings are required, an owner or authorized representative must attend all hearings.

PROCEDURES AT A GLANCE

STEPS TAKEN BY APPLICANT

PREPARATION:

- ✓ Meet with Staff.
- ✓ Fill out application forms and prepare site plans (internal and external layout).
- ✓ Talk to adjacent land owners.

APPLICATION:

- ✓ Turn in complete forms, drawings, letter and pay fee by 5 PM on Tuesday THREE weeks prior to the Planning Commission meeting, which is held the third Tuesday of each month.
- ✓ Applicant checks with staff the Friday before the meeting to see if there are any questions or needs to be addressed.

PUBLIC HEARING:

- ✓ Applicant attends meetings to answer any questions. Commission will make a decision at the first or second meetings.

WRAP-UP:

- ✓ If approved, the applicant completes any required conditions of approval, such as sales tax registration.
- ✓ If denied, the applicant can file a written appeal to the Assembly.

STEPS TAKEN BY CITY AND BOROUGH

PREPARATION:

- ✓ Staff provides application materials.

APPLICATION:

- ✓ Staff reviews submitted materials.
- ✓ If deemed complete, staff includes the request on next agenda and prepares staff report for the Planning Commission.
- ✓ Notices are mailed to applicant and property owners in the area before the meeting. The agenda appears in the newspaper.

PUBLIC HEARING:

- ✓ Planning Commission talks to the applicant and takes testimony.
- ✓ Planning Commission will usually make a decision at the first or second meeting.

WRAP-UP:

- ✓ Staff writes a letter to the applicant explaining the outcome.

NOTE: Extra care needs to be taken in preparing the documents. Staff can only schedule applications for Planning Commission review after all materials are submitted with the appropriate detail and deemed complete.

22.08.090 Bed and breakfast.

“Bed and breakfast” means a lodging use, where rooms within a single dwelling unit or owner-occupied side of a two-family unit are provided to transient guests by a resident operator for a fee by pre-arrangement on a daily or short-term basis. A breakfast meal and/or light snacks may be served to those guests renting rooms. Only limited cooking facilities, if any, may be provided in the guest rooms. Extensive stays are not encouraged by the owners and are not considered appropriate. Bed and breakfasts require a building official and fire official certification that the residence complies with life and fire safety aspects. (Ord. 15-39 § 4 (part), 2015: Ord. 02-1683 § 4 (part), 2002.)

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
<p>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 Corps of Engineers; Sitka fire department; local telephone utility; cable television utility; electric department.</p> <p>Written Documentation</p> <ul style="list-style-type: none"> • 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. <p>Site Plan and Supporting Drawings</p> <ul style="list-style-type: none"> • 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. 	<p>Written Documentation</p> <ul style="list-style-type: none"> • Legal description of all property involved in the project; • Statement of the objectives expected to be achieved by the project. <p>Site Plan and Supporting Drawings</p> <ul style="list-style-type: none"> • 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.

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**

	Bed and Breakfast Conditional Use Permits
Period in which the permit must be activated following planning commission approval or permit becomes void	One year
If permit is not used during period, permit becomes void after activation	One year
Mandatory review period ¹	Set by planning commission at time of approval
Number of years after approval that permit sunsets	Set by planning commission at time of approval
<p>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.</p> <p>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.</p>	

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.

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.