



CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

SHORT-TERM RENTALS

SHORT-TERM RENTALS

WHAT?

A short-term rental is the rental of an entire dwelling unit for fourteen days or less for a fee. A dwelling unit includes a kitchen, living area, toilet, and sleeping accommodations, and is designed as a unit to be occupied by no more than one family.

WHERE?

A property's zoning determines if a short-term rental is possible, and identifies the correct procedure for starting a rental.

- ❖ ***Permitted*** means that a conditional use permit is not required, but operations must comply with requirements from Sitka General Code 22.24.010(C)(2). These requirements begin on page 4 of this packet.
 - Permitted zones: CBD, C-1, C-2, WD, GI, R
- ❖ ***Conditional*** means that a conditional use permit must be obtained from the Planning Commission to operate a short-term rental. 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: R-1, R-1MH, R-1LDMH, R-2, R-2MHP, LI, P
- ❖ ***Prohibited*** means that a short-term rental may not operate under any circumstance.
 - SF, SFLD, I, OS, GP

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, applicants simply follow the requirements listed in Sitka General Code 22.24.010(C)(2). Fire and life safety inspection can be scheduled with the Fire Marshal (747-1837) and sales tax registration can be completed with the municipal tax office (747-1840).

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.

22.08.735 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.)

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	Short-Term Rental 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**

	Short-Term Rental 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>	

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.

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.