

Agenda

Planning Commission - Title 49 Committee City and Borough of Juneau

May 16, 2018
Marine View Building, 4th Floor, 230 S. Franklin Street
12:00 PM

- I. **ROLL CALL**
- II. **APPROVAL OF AGENDA**
- III. **APPROVAL OF MINUTES**
 - A. April 18, 2018 Draft Minutes, Title 49 Committee
- IV. **AGENDA TOPICS**
 - A. Review of Bonding for Stub Streets
 - B. Common Wall Revisions
- V. **COMMITTEE MEMBER COMMENTS AND QUESTIONS**
- VI. **ADJOURNMENT**

Meeting Agenda of the City and Borough of Juneau
Title 49 Committee of the Planning Commission

Wednesday, April 18, 2018
Community Development Department
Small Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Paul Voelckers, Carl Greene, Dan Miller

Members Absent:

Michael Levine

Staff Present:

Laura Boyce (CDD Planner), Jill Maclean (CDD Planner), Tim Felstead (CDD Planner), Marjorie Hamburger (CDD Admin)

I) Call to Order

Meeting called to order at 12:05 pm.

II) Approval of Minutes

March 21, 2018 Draft Minutes

MOTION: *by Mr. Voelckers to approve the March 21, 2018 minutes*

The motion passed with no objection.

III) Agenda Topics

a) Update on Committee Topics and Actions

Variances are going before the Assembly's Committee of the Whole on April 30, said Ms. Boyce, and she will email details to the committee.

Regarding the mining ordinance, Law is making changes so in order for the ordinance to come before the Title 49 Committee meeting it might not be ready for the May 16 meeting. The ordinance could instead be brought before the whole Planning Commission in order to move it faster. Mr. Voelckers recommended the ordinance go to the Committee of the Whole because there is a high level of interest. Maybe this could happen on May 22, he suggested.

b) Revisions to Title 49: Common Wall Development

Ms. Maclean said there were changes in the Table of Permissible Uses (TPU) in 2010 regarding common wall development, which created discrepancies. Now staff is trying to ensure that these have all been caught. There are two policy questions to discuss before making further recommendations and she planned to go through each section with the committee, inviting questions at the end.

Ms. Maclean said the code has been misapplied consistently since it was adopted. In the TPU and the Table of Dimensional Standards, common walls are allowed but the minimum lot size reduction is supposed to be considered only if building 3 or more units. If only a pair, a reduction in lot size should not be allowed. This makes clear why development in D5 zones did not get the reduction, as only pairs are permissible in D5. However, along the way pairs of common walls have been allowed and the code has been misapplied in this way. Going forward knowing housing is a critical need in Juneau staff suggests drawing a bright line with 3 or more common walls to encourage greater density in order to obtain the reduction in lot size. The alternative would be to rewrite this section to reflect how the code has been interpreted up until now.

A second policy question, said Ms. Maclean, is do we want to allow common walls in MU2 zones and do we want to require first floor commercial use with residential above?

Mr. Voelckers asked, are common walls not allowed in MU at all? Ms. Maclean said they are allowed in MU2 but not in MU. Ms. Maclean clarified that staff was not recommending they be allowed in MU, just MU2. This can serve as more of a transition to residential uses, she said.

Mr. Miller asked if this was allowing for commercial. We will get to that, said Ms. Maclean.

Ms. Maclean stated that currently the TPU has common wall development, 2 dwellings and other discrepancies. There is no superscript directing to some of the uses not allowed in all districts. It is unclear. Another thing she noticed is that 2 dwelling units even if not pairs should be 1's and 3's in the TPU (under Common Wall Development). Common walls are not permitted in RR and D1 but accessory apartments to common walls are allowed, so this language should not have been added, said Ms. Maclean. Do the items highlighted in green mean they should be deleted, asked Mr. Voelckers? Depends on what you want to do, replied Ms. Maclean. What about in a D3 zone, said Mr. Voelckers? This would be special, as in the Bonnie Brae subdivision which has a special density in code, and allows properties platted pre-1987 to be considered conforming. Ms. Maclean referenced this in a note under special density. Likely there is a need for another note to direct to that section of code.

Mr. Dye asked if staff was not proposing to change. No, said Ms. Maclean, just referencing that it is there. There is no recommendation to add common walls in D3. Why, asked Mr. Green? Ms. Maclean said that anecdotally staff has heard that it was not popular when introduced for the D3 zoning district.

Mr. Dye said he doesn't understand why not in D3? Ms. Boyce said D1 and D3 are zone districts outside the urban service boundary. Maybe when talking about common wall we should indicate that D3 properties that have city services should be listed? Should we rezone Bonnie Brae if that is the only problem area, asked Mr. Dye? Ms. Maclean said she can come back to a discussion about this item.

Regarding accessory apartments is that the only place in the TPU where they are listed asked Mr. Miller? No, just concerned with common walls in this section, said Ms. Maclean. And you will split this between 2 units and 3 units and above, asked Mr. Voelckers? Ms. Maclean said yes.

Why are accessory apartments listed in multiple places in the TPU, asked Mr. Dye? This will become clear soon, said Ms. Maclean.

When staff went through this section of code knowing they had to clean up the 1's and 3's, they thought it was only pertinent to single family structures and proposed moving them under residential with notes and

superscript so it is made clear that this is a permissible use. There are other places where accessory apartments are permissible and this makes it clear that you can do it regardless of tri- or single use, said Ms. Maclean.

So every reference of accessory apartment is a subset of every category it is in, said Mr. Voelckers. Yes, said Ms. Maclean.

Mr. Miller asked in single family detached (1.130), what does detached mean? Ms. Maclean said that (1.130) in the TPU speaks to accessory apartments, whether attached or detached, from the single-family dwelling. Accessory apartments do not have to be attached to the single-family dwelling.

Ms. Boyce said the definition of accessory apartment has more to do with size, not location, in relationship to the main structure. Therefore, an accessory apartment can be a stand-alone structure on the property. The largest size permissible is 1,000 square feet. Where do duplex accessory apartments live in the TPU, asked Mr. Miller? It was not identified as a priority of the Planning Commission this year, said Ms. Maclean.

Ms. Maclean said another line item proposed for deletion is the Bonnie Brae reference next to the 1's and 3's. It is odd that this is put into the table itself and is not just a superscript with an associated note, she said.

If mixed use development is determined to be permissible within a common wall located in the LC, GC, and MU2 zoning districts, then staff recommends keeping the common wall section of the TPU in its current location (1.900); if mixed use development is not permissible in a common wall in the above mentioned zoning districts, then staff recommends moving the common wall section of the TPU to be located under the single-family dwellings section (1.100).

There are a lot of comments and notes on this draft document but really these represent cleaning it up, said Ms. Maclean. If we do put in MU2, said Mr. Green, we will be saying you can have retail space. The hitch is that you still have to provide setbacks and parking, said Ms. Maclean. Mr. Dye asked what other things in MU2 are not allowed on first floor? He thinks only storage is not allowed.

Are there any other MU2 zones other than downtown, asked Mr. Voelckers? Just the Willoughby district, said Ms. Boyce.

Just because we do not require a commercial use on the first floor doesn't mean we don't allow it, is that correct asked Mr. Miller? We strive to figure out the best use of the area which could be a laundry next to a daycare next to an apartment building. Mr. Voelckers said he likes including a footnote saying commercial use is not required but is allowed. Mr. Dye noted that there are not a lot of spots in code that say what you can do, only what you can't. Mr. Voelckers said he felt it was useful to waste a couple of extra words to explain that this doesn't preclude housing.

Mr. Dye asked if there is a reason to say only non-residential use on first floor. He felt the language should not specify which floor contains non-residential use. Mr. Voelckers said that we should encourage the best use – what about a cool café on the rooftop of a building? Ms. Maclean said she is concerned about trying to encourage mixed use and density. Noise could be a factor that causes issues down the road. Office space above residential is only talking about common wall here. Mr. Dye said MU2 has different setbacks on limited sides. I default to Mr. Voelckers and Mr. Miller about soundproofing, he said, however he doesn't think that concern is a good enough argument. Mr. Voelckers said that building code requirements already have difficult requirements to make sure this would not be objectionable.

Mr. Miller said MU2 is really trying to get that mixed use so requiring some retail/commercial in the building is something he likes. But stating where it all lives within the building seems problematic to him. He suggested a scenario of a retired couple who want to maintain their first floor residence but rent out their second floor as office space for income. Mr. Voelckers suggested the committee might need to require usage by percentage then. Mr. Dye said that looking at lot sizes in the area, requiring specific use discourages development he thinks. He would like to leave this as broad as possible. Mr. Voelckers agreed and likes social engineering this. He wants to keep the incentive for the private sector to develop well. Mr. Dye said his pet peeve is that parking garages are allowed on first floor.

Mr. Green asked if a common wall definition would allow a property owner to sell off part of the building. Ms. Maclean said this is a single family use, one lot. The leasing gets tricky if more than a residential use. We could condo-ize this, said Ms. Boyce, but it is not a city issue. It depends on the land, not the building division. Mr. Miller said he is someone who wants to turn Walmart into a bunch of common walls. Someone would have to construct the common wall feature that is a fire-rated wall, and then it could be subdivided.

What is staff's concern about not requiring commercial use only on the first floor, asked Mr. Dye? Mr. Voelckers said he has seen beautiful examples in Europe where commercial use is above the ground floor and does not agree with Ms. Maclean's assessment that first floor commercial only is the best development model.

Ms. Maclean stated that a main concern is allowing common walls in MU. Everyone agreed that they should not be allowed in MU.

Staff changed the word "dwelling" to "lot" on 49.65.725, said Ms. Maclean. This would be except for multiple use districts or something like that, said Mr. Voelckers. But in LC or GC it can be whatever, said Mr. Miller. We have three districts with same enabling language in all, said Mr. Voelckers.

Recently, there was a residential common wall in a D18 zone with an accessory apartment but the owner wanted to add a third unit, said Ms. Maclean. The properties were built for a pair of common walls and the buyer would most likely not have been aware that the other "half" of the common wall could add an additional unit to their property. Property owners may not be aware that because they are in a multi-family zoning district, the lots could be developed to a greater density.

Regarding 49.65.730, Separate utilities, are any common walls in CBJ not on water/sewer, asked Mr. Dye? If not, he said, just allow in D3. He suggested getting rid of all the sub-notes and cleaning it up.

Ms. Maclean said 49.65.740, Density, is crossed out for this section of code because the TPU addresses that already.

For zoning districts (49.65.745), Mr. Miller said he thinks if allowed in D3 and D5 it should say that. Ms. Maclean said she will fix the wording. It might be simpler to split this into three sections, suggested Mr. Dye. Mr. Miller pointed out that a lot of lots remaining for development in Juneau are odd shaped or tiny. It might not be possible to build 3 units. In a D10SF you cannot do a common wall unless 3 units or more. No, said Ms. Maclean, this says that in D5 you cannot do more than 2, at least this is what it is supposed to say. Mr. Dye said this reinforces his idea to split into three sections; it would be much easier to read.

Ms. Maclean said for the parking and access section (49.65.735) staff would like to change "may" to "shall" but give a developer an flexibility by saying "unless the director determines it impractical". Things are getting tighter

for developable land. Law will have to wordsmith this section, placing the burden on the applicant to provide evidence. Most cases in larger zoning districts already have a shared driveway, she said.

Ms. Maclean said that dimensional standards (49.65.750) is missing the note referencing the reduction in lot size only if 3 or more units are built. Staff has deleted the MU minimum lot size line. Mr. Voelckers asked what D10 is without reduction. Ms. Maclean shared current info for context. What is the rationale, asked Mr. Voelckers, for dropping D18 by so much? Ms. Maclean said it is supposed to be dense zoning and developers only get that lot size if 3 or more units. Ms. Boyce said if we determine 2500 sq. ft., it brings it closer to maximum density. Ms. Maclean said the Planning Commission should make a decision if they want to do this or not although staff recommends more than just pairs.

Mr. Green asked how this will fit. Ms. Boyce said 18 units per acre footprint-wise is a 2500 square foot lot. Discussion ensued about building on lot sizes and fitting dwellings and roads in a development. Mr. Dye made the suggestion to change D10 to 4,500 sq. ft. This keeps the same ratio across the zoning types, said Mr. Voelckers. Mr. Miller suggested D15 be reduced to 3,000 sq. ft. and keep D18 at 2,500.

Will we continue to talk about 3 or 2 units, asked Mr. Dye? Mr. Miller said he likes two contiguous. Ms. Maclean said staff is not recommending this because it does not encourage density. Can you show us a scenario, asked Mr. Voelckers? The Ridgeview Subdivision should have been a development with 3 or more, said Ms. Maclean. They put in 24 units on about 2 acres, the entire site is approximately 20 acres, but could have provided a greater number of units. This needs more parsing. Mr. Dye suggested that if it is a minor subdivision, allow a reduction for two, and if it is a major, allow for three.

Is the committee okay with people finding a way to skirt development rules by phasing their projects? Mr. Voelckers thinks this one is trickier. He would like to give staff discretion to fudge this a bit and come back to the committee. Mr. Dye said when the committee was talking about shared access they talked about parent lots. Can we phrase something similar for someone with one lot to allow for more infill development, he asked? Ms. Maclean said she has concerns about the size of a lot.

Mr. Miller said the 5,000 versus 7,500 sq. ft. lot doesn't work. With 5,000 sq. ft. you can build two; with 7,500 sq. ft. you might have to subdivide because of wetlands or other unusable land or if someone wants to park six boats or something.

Ms. Maclean pointed out that the text about minimum lot width is strangely worded. In the draft she has changed the terms. This comes into play at a location like Lee Court where the road curvature made it difficult to measure. Staff has replaced "as defined by code" with the code words – "yard setback, street side yard setback".

Ms. Maclean pointed out other clarifying language in the draft put in to maintain consistency.

The Table of Dimensional Standards (TDS) needs updating, said Ms. Maclean. Staff recommends adding a note to D3 to reference the Bonnie Brae Subdivision specifically. Mr. Dye said he thinks the sewer and water will clear this up. Ms. Boyce said that 5 dwelling units per acre is interesting in that we have a lot size that allows more density. In D5, there are 640 existing common walls with an average lot size of 6,288 due to one huge outlier. The medium lot size is 5,800. Mr. Miller was incredulous. This is likely pre-1987, said Ms. Boyce. You have the ability to change a duplex to a common wall over time, said Ms. Maclean. That likely also contributed in this situation.

Mr. Miller said that in his development in GC zoning, he had to create a funky lot line to get to 2,000. Those were small lots. But it worked, said Ms. Maclean. Okay, Mr. Miller conceded.

Under notes pertaining to setbacks, Ms. Maclean called attention to some changes for Note 6 a-c. It is proposed that rather than repeating the sentence, keep the first two parts of the sentence and add 6a through 6c. D5 would be 6a, for example.

For the definition (49.80) Ms. Maclean said it depends on what is done with mixed use development. If mixed use is permissible then we need to change from single family dwelling to "unit". Staff also recommends changing so that the definition includes common walls that share two walls, not just one, as is the case with 3 or more common wall units (essentially, the middle common wall units). Mr. Dye said there is the need to make sure that at least one unit is a dwelling. But he suggested not getting rid of the word somehow. Mr. Voelckers said that we also want to make sure to give flexibility for non-residential use. We might need to retitle this, said Ms. Maclean, so as to make sure the definition is very accurate. "Common Wall Mixed Use Development", suggested Mr. Dye.

c) Non Agenda Item

Mr. Miller wanted to share something he learned when he was in Spokane, WA. In a situation he encountered there a duplex on a corner lot wanted to build a shed. In a case like this, setback requirements will make this difficult, he said, so he went to talk to the city and learned how they do things. Here in Juneau due to setbacks the owner would not have been able to put the shed far enough from the house. Ms. Boyce noted that there are exceptions for unheated structures in Title 49. In Spokane the new building (the shed) would have its own setbacks which will allow it to be placed closer to the lot line. The shed is 12 x 24; it is a little garage. For a separate building, the front/back/side can change with its own setback rules. These are not determined by the original structure.

Mr. Voelckers said this might not make sense to the neighbors who could be aggrieved. Ms. Boyce said she thinks this is very interesting. The point here is if an accessory structure has to meet the same setbacks as the original structure.

d) Review of Bonding for Stub Streets

Time ran out so this discussion will be addressed at a later date.

IV) Next Meeting

Wednesday, May 16, 12:00 pm.

VI) Adjournment

The meeting adjourned at 1:30 pm.



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April 17, 2018

MEMO

To: Title 49 Review Committee

A handwritten signature in black ink, appearing to read "Tim Felstead", is written over a faint, larger signature that is partially obscured.

From: Tim Felstead (Planner II), Community Development Department

RE: Reviewing bonding requirements for unconstructed stub streets and temporary cul-de-sacs within a subdivision

Options discussed at the last Title 49 meeting (March 21, 2018) were for removal of bonding requirement for stub streets. Temporary cul-de-sac bonding should remain as is since this would not be a temporary cul-de-sac if the road would not be extended in near future (this is part of the determination to make it temporary cul-de-sac rather than permanent):

OPTION 1) Reword CBJ 49.35.240(h)(i)(B) to allow the Director to waive the bonding requirements when development of the adjacent parcel is unlikely to occur. Factors leading to the Director waiving the decision to require bonding could include:

- a. Limitations on both construction of further subdivision and access roads due to topography,
- b. Ownership by government agency, and
- c. Restricted development status of adjacent lot being connected to (e.g., Tongass Forest , Conservation lot)

OPTION 2) Remove requirement for bonding completely recognizing that the current subdivision developer has already provided some paved right-of-way and platted other right-of-way to a lot that was previously unconnected to the street system. The provision is already made that actual construction of the stub street may be waived by the Director if it is not needed for access for the lots within the subdivision.

Note: 'Private shared access' and 'Privately maintained access in a right-of-way' could be a loophole to allow stub streets.

Suggested alternative language code language for discussion

(2) *Stub streets.*

- (A) The director for minor subdivisions and the commission for major subdivisions may waive the full construction of a roadway within a right-of-way that is required to provide access to a bordering property, and does not provide required access to any lot within the subdivision. The commission or director may require provision of a roadbed, utility line extensions, or other appropriate improvements (See Figure 4).

NO CHANGE

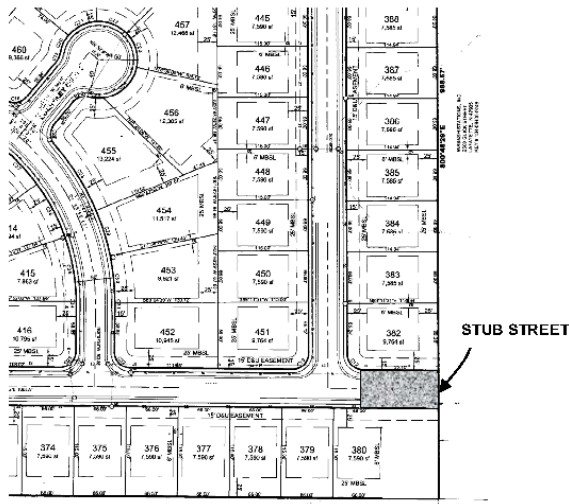


Figure 4

- (B) In addition, before final acceptance of subdivision improvements, the subdivider must provide a financial guarantee to cover the costs of constructing that part of the roadway improvements waived by the commission or director in subsection (A) of this section. The guarantee must be for a period of five years from the date the plat is recorded. If it is necessary to connect the roadway to adjoining property within that five-year period, the subdivider may complete the construction, or the guarantee may be used by the City and Borough for that purpose. If a right-of-way has not been dedicated on the adjoining property that accomplishes the connection to the stub street within this five-year period, the financial guarantee will be released.

Option 1) NO CHANGE AND ADD ADDITIONAL TEXT BELOW, OR Option 2) REMOVE SECTION B ENTIRELY AND REWORD SECTION C BELOW.

The Director may waive the requirement for a financial guarantee if they determine that the development of the adjoining property is unlikely to be constructed within the five-year period based on the following:

- i) *The Director of Engineering determines that topography of the adjacent lot would make meeting access requirements for further subdivision, or construction of new roads and driveways impractical or unreasonably expensive (could quantify as x % of standard construction costs for standard detail road for linear foot?).*

- ii) *The lot is owned by a government agency and that the agency has not expressed any interest in further developing or disposing of the lot within the five-year period.*
- iii) *The lot is part of the Tongass National Forest, a State Park, Conservation lot deed restriction or similar protected status that restricts its development within a five-year time period.*

The subdivider shall be responsible for providing any information requested by the Director necessary to support such a determination.

- (C) ~~When the subdivider of adjoining property is required to connect to the stub street, and the stub street will not be constructed through subsection (B) of this section, then the subdivider of the adjoining property will be required to construct the stub street to City and Borough standards at the time. Option 1) **NO CHANGE, OR** Option 2) **REMOVE STRIKETHROUGH TEXT.**~~



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May 9, 2018

MEMO

To: Nathaniel Dye, Chair Title 49 Committee

From: Jill Maclean, AICP, Senior Planner

RE: Update - Revisions to the Common Wall Sections of Title 49

Background

Given the prevalence of common wall development in the community, an update to the common wall sections of the Land Use Code was identified as a need after discovering that sections of the code are not aligned, and that the application of the reduced lot size(s) has been misapplied.

Purpose of the Revision:

- Make consistent the sections of Code relevant to common walls;
- Clarify/revise the common wall section (49.65.700);
- Clarify/make consistent the Table of Permissible Uses (49.25.300 with 49.65.750);
- Clarify/revise the Table of Dimensional Standards (49.25.400);
- Revise the Definition of dwelling, common wall (49.80);
- Make consistent the Special Density of Code with any revisions proposed (49.25.510).

Attached and below are recommendations and policy determinations that need to be addressed prior to making final recommendations on revisions to the Code. The two main policy questions and recommendations are:

1. **Minimum Lot Size:** The Code states that *"Minimum lot size. The minimum lot size may be reduced for common wall development of three contiguous units or more..."* (49.65.750(1)). The reduction in lot size has been misapplied, and developments of common wall "pairs" have been allowed to use the reduced lot sizes found in the Table of Dimensional Standards.
 - a. Staff recommends drawing a bright line and applying the Code as it was intended due to the need for housing. The reduction in lot size is intended to incentivize developing to a greater density.

***Update:** At the T49 subcommittee meeting on April 18, 2018, the committee recommended establishing past practice as the standard, thus all common wall development is permitted to use the reduced lot size regardless of the number of common walls being constructed.

There was some discussion around applying the reduction to lot size for major developments, but not minor developments. Staff recommends not using this as a distinction as it may appear to be arbitrary and/or biased towards large landholders.

2. Uses: The Code currently states that *“The use of each common wall dwelling lot shall be limited to a single-family dwelling and accessory uses”* (49.65.725).

a. Staff recommends changing the purpose statement and the Use section of this ordinance to state:

“The purpose of this article is to allow, in certain zoning districts, the development of common wall structures where each dwelling and underlying property is held under separate ownership. The use of each common wall lot shall be limited to a common wall unit and accessory uses. Common wall units may have non-residential uses on the first floor if the units are located within a commercial zoning district. Common wall units located in the MU2 zoning district must have retail or commercial on the first floor.”

- If mixed use is recommended, the title of the ordinance must reflect the change. The current title is “Common wall residential development”.

***Update:** T49 committee agreed that common wall units should not be allowed in the MU zoning district due to the higher density that is desired in the MU district. T49 committee also recommended adding the option of having mixed use development within common wall structures in the LC, GC, and MU2 zoning districts.

Subsequent to the T49 committee meeting, concern has been raised that allowing mixed use in common walls in the commercial and MU2 zoning districts through the “Common Wall Residential Ordinance” may be seen as arbitrary and may open the door to allowing mixed use in residential-only zoning districts.

Further, acknowledging that the downtown plan is underway and zoning will be discussed through that process, which includes the only existing MU2 district in the borough; and the Auke Bay rezoning effort is also underway and may draft mixed use development opportunities, staff recommends that this item be revisited later, possibly through a separate ordinance so as to not adversely impact the residential-only zoning districts.

Recommendations:

Staff recommends that the Code is amended to clarify, make consistent, and update the common wall sections of Title 49.

Attached

V2 Attachment A Common walls revisions ARTICLE_VII.____Common_Wall_Residential_Development

V2 Attachment B Common walls revisions 49.25.300____Determining_uses AND 49.80 Definition

V2 Attachment C Common walls revisions 49.25.400____Minimum_dimensional_standards

(same) Attachment D Common walls revisions 49.25.510____Special_density_considerations

V2 Attachment A

ARTICLE VII. - COMMON WALL **RESIDENTIAL** DEVELOPMENT

49.65.700 - Purpose.

The purpose of this article is to allow, in certain **zoning** districts, the development of common wall structures where each dwelling and underlying property is held under separate ownership.

The use of each common wall lot shall be limited to a single-family dwelling and accessory uses.

Common wall units located in LC, GC, or MU2 may also contain non-residential uses within the common wall unit, but may not have additional principal uses located on the lot.

(Serial No. 87-49, § 2, 1987; [Serial No. 2015-03\(c\)\(am\), § 43, 8-31-2015](#))

49.65.705 - Procedure.

The development of a common wall subdivision involves a two-step approval process: the approval of a development permit and the approval of a common wall subdivision permit.

(Serial No. 87-49, § 2, 1987; [Serial No. 2015-03\(c\)\(am\), § 44, 8-31-2015](#))

49.65.710 - Development permits.

(a) The development permits required for construction of common wall development are either department review, or planning commission review under the conditional use permit process. The particular permit is determined by which zoning district within which the project is located, and the proposed number of units, in accordance with the CBJ table of permissible uses.

(1) *Department review.*

(A) *Application submittals.* The following submittals are required with an application for department approval:

- (i) Building plans that meet the requirements of this chapter and Title 19.
- (ii) A sketch plat in accordance with CBJ 49.15.410. The sketch plat must include information necessary to demonstrate that the proposed common wall development will be able to comply with all the dimensional standards of this article after the parcel and structure have been divided.
- (iii) A draft set of common wall agreements and homeowner agreements which set forth the rights and obligations of the owners for all common elements of the development.

(B) *Application review.* The application shall be reviewed by the director in accordance with CBJ 49.15.310.

(2) *Planning commission review.*

(A) *Application submittals.* The following submittals shall be required with the conditional use permit application:

- (i) Building plans that include a detailed site plan and elevations of the proposed structures. Plans suitable for a building permit application are not required at this time.
- (ii) A draft set of common wall agreements and homeowner's agreements which set forth the rights and obligations of the owners for all common elements of the development.
- (iii) A sketch plat in accordance with CBJ 49.15.410. The sketch plat must include that information necessary to demonstrate that the proposed common wall development

Comment [JM1]: If mixed use is recommended, is the title accurate? Recommend that is, as a residential component is required.

Comment [JM2]: If this wording is changed, make sure it's consistent w/49.65.725 below.

Comment [JM3]: There is concern that this may be arbitrary and could open the door for non-residential uses in the strictly residential zoning districts.

Staff recommends reviewing another avenue for pursuing mixed-use development in LC, GC, and MU2.

Comment [JM4]: Should we clarify the procedure?

V2 Attachment A

will comply with all the dimensional standards of this article after the parcel and structure have been divided.

- (B) *Application review.* The commission will review and approve the application in accordance with CBJ 49.15.330.

([Serial No. 2015-03\(c\)\(am\), § 45, 8-31-2015](#))

Editor's note— [Sec. 45 of Serial No. 2015-03\(c\)\(am\)](#), adopted Aug. 31, 2015, repealed and reenacted § 49.65.710 to read as herein set out. Former 49.65.710 pertained to four dwellings or less, and derived from Serial No. 87-49, 1987.

49.65.720 - Common wall subdivision.

- (a) The applicant shall submit an application to subdivide the common wall development into individual dwellings and lots in accordance with 49.15.401, 49.15.402, CBJ 49.65 article VII, and the following additional requirements:
- (1) *Preliminary plat.* The following additional items will be submitted with the preliminary plat:
 - (A) An as-built survey that includes all structures and the location of the common walls in relation to the proposed common property lines.
 - (B) Framing inspections that document substantial construction of all units in accordance with the preliminary plans approved by the director or the commission through the department approval, or the conditional use process, respectively.
 - (C) Final common wall agreements and/or homeowners' agreements suitable for recording.
 - (b) *Final plat.* After review and approval of the final plat, in accordance with CBJ 49.15.412, the plat and the common wall agreement documents may be recorded by the department at the state recorder's office at Juneau at the applicant's expense, after issuance of final occupancy permits.

([Serial No. 2015-03\(c\)\(am\), § 46, 8-31-2015](#))

Editor's note— [Sec. 45 of Serial No. 2015-03\(c\)\(am\)](#), adopted Aug. 31, 2015, repealed and reenacted § 49.65.720 to read as herein set out. Former 49.65.710 pertained to five dwellings or more, and derived from Serial No. 87-49, 1987.

49.65.725 - Uses.

The use of each common wall lot shall be limited to a single-family dwelling and accessory uses. Common wall units located in LC, GC, or MU2 may also contain non-residential uses within the common wall unit, but may not have additional principal uses located on the lot.

Comment [JM5]: Same as note above under 49.65.700 Purpose.

(Serial No. 87-49, § 2, 1987)

49.65.730 - Separate utilities.

All common wall dwellings must be served by individual public water and sewer services unless otherwise authorized by CBJ Title 75.

(Serial No. 87-49, § 2, 1987; [Serial No. 2015-03\(c\)\(am\), § 47, 8-31-2015](#))

Yellow = proposed change; blue = proposed removal; Red = new language/numbering

V2 Attachment A

49.65.735 - Parking and access.

- (a) Common wall development shall meet the parking requirements for single-family dwellings in accordance with CBJ 49.40.
- (b) For common wall structures of three or more dwellings, access to public rights-of-way shall be restricted to common driveways unless the director determines that it would be impractical to do so.
- (c) The commission can consider alternative parking and access proposals, such as common parking areas, under the conditional use permitting process.
- (d) All common parking and access arrangements shall include appropriate easements and homeowners' agreements.

Comment [JM6]: Refer to Law for appropriate wording.

(Serial No. 87-49, § 2, 1987; [Serial No. 2015-03\(c\)\(am\), § 48, 8-31-2015](#))

~~49.65.740 - Density.~~

Comment [JM7]: T49 agreed to delete this.

(Serial No. 87-49, § 2, 1987; [Serial No. 2015-03\(c\)\(am\), § 49, 8-31-2015](#))

49.65.745 - Zoning districts.

Common wall development is allowed in the ~~D-3~~ within the Urban Service Area, D-5, D-10 SF, D-10, D-15 and D-18, residential districts, and MU2 mixed use district, and the LC and GC zoning districts, except that no common wall development of three or more adjoining units is allowed in the ~~D-3~~, D-5 or the D-10 SF residential district.

Comment [JM8]: Reference 49.25.510 (Bonnie Brae special density clause).

Comment [JM9]: Recommend allowing common walls in the D3 zoning district if within the USA due to the requirement of water and sewer

(Serial No. 87-49, § 2, 1987; Serial No. 98-09, § 10, 1998; Serial No. 98-19, § 2, 1998; Serial No. 2007-39, § 15, 6-25-2007)

~~49.65.750 - Dimensional standards.~~

Comment [JM10]: **Recommend deleting this sub-section as we are no longer incentivizing the reduction – it will now be a given. Therefore, the Table of Dimensional Standards covers this.

If deleted, also delete the superscript and associated note in the TPU and Table of Dimensional Standards.

***Discuss this as it relates to the new Variance ordinance.

~~Common wall development shall meet the dimensional standards of the zoning district in which it is located except for the following:~~

- ~~(1) Minimum lot size. The minimum lot size may be reduced for common wall development of three contiguous units or more according to the following:~~

~~A. D-10, residential district, 5,000 square feet;~~

~~B. D-15, residential district, 3,500 square feet;~~

~~C. D-18, residential district, 2,500 square feet;~~

~~D. MU2, mixed use district, 2,500 square feet;~~

~~E.A. MU.~~

- ~~(2) Minimum lot width. Lot width may be measured at either the front yard setback, street side yard setback or at the actual front line of the building, and may be reduced according to the following:~~

~~A. D-5, residential district, 60 feet;~~

~~B. D-10, residential district, 40 feet;~~

~~C. D-15, residential district, 30 feet;~~

~~D. D-18, residential district, 20 feet;~~

Comment [JM11]: If this section is kept, add D10SF width to list below.

Comment [JM12]: **Recommend revising the definition for Lot Width in 49.80 Definitions. If not revised, then add a specific Lot Width definition for common walls.

Yellow = proposed change; blue = proposed removal; Red = new language/numbering

V2 Attachment A

- ~~E. MU2, mixed-use district, 20 feet;~~
- ~~F. MU, mixed-use district, 20 feet;~~
- ~~F. LC, commercial district, 20 feet;~~
- ~~G. GC, commercial district, 20 feet;~~

- (3) ~~Minimum side yard setback. The minimum side yard setback from the common property line is reduced to zero feet. The remaining side yard setbacks shall be ten feet in a D5 zone, three feet in a D10-SF zone, and five feet in a D10, D15, D18, MU2 or MU zones, and ten feet in LC and GC zones.~~
- (4) ~~Common wall length. The common wall shall extend at least 15 feet along the common property line.~~

(Serial No. 87-49, § 2, 1987; Serial No. 98-09, § 11, 1998; Serial No. 98-19, § 3, 1998; Serial No. 2007-39, § 16, 6-25-2007; [Serial No. 2015-03\(c\)\(am\), § 50, 8-31-2015](#).)

49.65.755 - Architectural features.

Architectural features other than roof eaves, authorized to project into required yard setbacks under chapter 49.25, article IV, may not project into required side yard setbacks required under this article. No architectural features may project into the **neighboring lots**.

(Serial No. 87-49, § 2, 1987)

Comment [JM13]: T49 agreed to delete MU.

Comment [JM14]: **If this sub section is deleted, recommend adding a note to the Table of Dimensional Standards requiring "common wall length".

Comment [JM15]: **Recommend adding a note in 49.25.430 Yard Setbacks to cross-reference this section to ensure it is upheld.

Comment [JM16]: Is this intended to mean the shared lot line between the common walls? Otherwise, encroaching onto another property is not permitted per the Code and this language is redundant and unnecessary.

			Zones														
	Use Description		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
1.900		Common wall development															
	1.910	Common wall development, two dwelling units (pairs) ^{AD}			1, 3 ^{AE}	1, 3	1, 3	1, 3	1, 3	1, 3							
	1.911	Common wall development, three or more dwelling units (triplex, four-plex,...) ^{AD}						1, 3	1, 3	1, 3	1, 3	1, 3		1, 3			
	1.920	Common wall development, two dwelling units (pairs), accessory apartments ^{AD}			1, 3 ^{AE, X}	1, 3 ^X	1, 3 ^X	1, 3 ^X	1, 3 ^X	1, 3 ^X							
	1.921	Common wall development, three or more dwelling units, accessory apartments ^{AD}						1, 3 ^X	1, 3 ^X	1, 3 ^X	1, 3 ^X	1, 3 ^X		1, 3 ^X			

- Comment [JM1]: New Note AD referencing 49.65.700
- Comment [JM2]: New Note AE referencing special density section 49.25.510(h) (replaces line item 1.930)
- Comment [JM3]: Pairs are not allowed in LC, GC, MU2
- Comment [JM4]: Triples, so on, not allowed in D3, D5 or D10SF (due to density)

Notes:

A. A single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.

(Notes removed for this purpose only)

X. Special requirements apply to accessory apartment applications. See CBJ § 49.25.510(k).

(Notes removed for this purpose only)

AD. Special requirements apply to commonwall developments. See CBJ 49.65.700.

AE. Special requirements may apply to building a two-unit common wall structure. See CBJ 49.25.510(h).

49.25.400 - Minimum dimensional standards.

There is adopted the table of minimum dimensional standards, table 49.25.400. Minimum dimensional standards for all zoning districts shall be according to the table of minimum dimensional standards, subject to the limitations of the following sections and as otherwise specifically noted in the special area or use sections, chapters 49.65 and 49.70.

(Serial No. 87-49, § 2, 1987; Serial No. 89-32, § 2, 1989; Serial No. 98-09, § 5(Exh. B), 1998; Serial No. 98-20, § 2(Exh. A), 1998; Serial No. 2004-13, § 2, 9-27-2004; Serial No. 2006-13, § 2, 5-15-2006; Serial No. 2007-13, § 2, 4-2-2007; [Serial No. 2012-24, § 3, 5-14-2012, eff. 6-14-2012](#).)

TABLE 49.25.400
TABLE OF DIMENSIONAL STANDARDS

Zoning Regulations		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum Lot Size ¹																
	Permissible Uses	36,000	36,000	12,000	7,000	3,600 ¹⁰	6,000	5,000	5,000	4,000	4,000	2,000	2,000	2,000	2,000	2,000
	Bungalow ⁹		18,000	6,000	3,500	2,500	3,000	3,000	2,500							
	Duplex	54,000	54,000	18,000	10,500											
	Common Wall Dwelling ^{7a and 7b}			11,000 ^{7a, b}	6,000 ^{7b}	3,600 ¹⁰	4,500 ^{7b}	3,000 ^{7b}	2,500 ^{7b}		2,500 ^{7b}	2,000	2,000			
	Single-family detached, two dwellings per lot	72,000	72,000	24,000												
Minimum lot width		150'	150'	100'	70'	40'	50'	50'	50'	50'	50'	20'	20'	20'	20'	20'
	Bungalow ⁹		75'	50'	35'	25'	25'	25'	25'							
	Common wall dwelling				60'	30'	40'	30'	20'		20'	20'	20'			

Zoning Regulations	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum lot depth	150'	150'	100'	85'	85' ¹⁰	85'	80'	80'	80'	80'	80'	60'	60'	60'	60'
Maximum lot coverage															
Permissible uses	10%	10%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Conditional uses	20%	20%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Maximum height permissible uses	45'	35'	35'	35'	35'	35'	35'	35'	None	45' ⁴	45'	55'	35' ⁴	45' ⁴	None
Accessory	45'	25'	25'	25'	25'	25'	25'	25'	None	35'	35'	45'	35' ⁴	45' ⁴	None
Bungalow ⁹		25'	25'	25'	25'	25'	25'	25'							
Minimum front yard setback ³	25'	25'	25'	20'	20' ¹⁰	20'	20'	20'	0'	5' ^{5,8}	25'	10'	10'	10'	10'
Minimum street side yard setback	17'	17'	17'	13'	10'	13'	13'	13'	0'	5'	17'	10'	10'	10'	10'
Minimum rear yard setback ³	25' ²	25'	25'	20'	10'	20'	15'	10'	0'	5'	10'	10'	10'	10'	10'
Minimum side yard setback ³	15' ²	15'	10'	5'	3'	5'	5'	5'	0'	5'	10'	10'	10'	10'	0'
Common wall dwelling ^{7c}				10' ^{6a}	3' ^{6b}	5' ^{6c}	5' ^{6c}	5' ^{6c}		5' ^{6c}	10' ^{6d}	10' ^{6a}			

Notes:

1.

Minimum lot size is existing lot or area shown on chart in square feet.
2.

Sixty feet between nonresidential and designated or actual residential site; 80 feet between industrial, extractive and other uses.
3.

Where one district abuts another the greater of the two setbacks is required for both uses on the common property line.
4.

(Height Bonus) Reserved.
5.

(Pedestrian Amenities Bonus) Reserved.
6.

Zero-foot setback for the portion of the dwelling **or accessory uses** with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, **and a**

(a)

ten-foot setback for the remaining side yards of the lot.

(b)

three-foot setback for the remaining side yards of the lot.

(c)

five-foot setback for the remaining side yards of the lot.
7.

Special requirements may apply to common walls see:

(a)

Reference 49.25.510(h) Building a two unit common wall structure.

(b)

Reference 49.65.750(1) Minimum Lot Size.

(c)

Reference 49.65.755 - Architectural features.
8.

On corner lots, buildings shall be set back 15 feet from a street intersection. The area in which buildings shall be prohibited shall be determined by extending the edge of the traveled ways to a point of intersection, then measuring back 15 feet, then connecting the points.
9.

Special restrictions apply to construction on bungalow lots. See special use provisions 49.65.600.
10.

For lots adjacent to an alley, the following reductions to the dimensional standards apply:

(a)

Minimal lot area includes 50% of adjacent alley (see graphic).

49.80 Definition:

*Dwelling, common wall, means a **common wall unit** attached by a common wall to **at least** one other **common wall unit** on a separate lot.*

Lot width may be measured at either the front yard setback, street side yard setback or at the actual front line of the building.

Comment [JM1]: If 49.65.750 Dimensional Standards is deleted from the article, this note / superscript will need to be deleted.

Comment [JM2]: Must keep dwelling here – pertinent to LC, GC, MU2 – must have a residential component

Comment [JM3]: Recommend not allowing mixed-use under this ordinance, however, if mixed use is allowed in LC, GC, MU2, does the definition need to address the retail/commercial uses for LC, GC, MU2?

Comment [JM4]: Dwelling or unit? Refer to Law

Comment [JM5]: **Recommend updating the Definition of Lot Width in 49.80 Definition and making them consistent

Attachment D

49.25.510 - Special density considerations.

- (a) *Fractions of units.* If a density calculation results in fractions of dwelling units allowable, such fractions shall be rounded to the nearest whole number.
- (b) *Factors precluding maximum density.* The number of units allowed by section 49.25.500 is a maximum, achievement of which may be prevented by other factors, including topography, dimensional standards or dedication requirements.
- (c) *Mobile home subdivisions.* Mobile home subdivisions shall meet the density requirements of the zoning district in which they are located, regardless of the lot size allowed.
- (d) *Two-unit dwellings.*
 - (1) *Duplexes.* The minimum lot size for a duplex dwelling shall be at least 150 percent of the square footage required for a single-family dwelling in the same zoning district, except in multi-family, mixed-use, and commercial zoning districts, where duplexes may be constructed on any lot of sufficient size for two dwelling units.
 - (2) *Reserved.*
- (e) *Detached single-family dwellings.* Two detached single-family dwellings located on a single lot within the Rural Reserve D1 and D3 zoning districts shall each meet 100 percent of the applicable square-footage requirement.
- (f) *Replacement and reconstruction of certain nonconforming buildings.* The replacement and reconstruction of certain nonconforming buildings in residential districts shall be governed in part by subsection 49.30.500(b). The replacement and reconstruction of multifamily dwellings in all multifamily residential districts shall be governed in part by subsection 49.30.500(c).
- (g) *Duplex and common wall structures.* The commission, through the conditional use permit process, may allow duplex and common wall structures on lots of less than the required size if the applicant can demonstrate that the same number of dwelling units already exist on the lot or may lawfully be created on the lot as a result of the nonconforming development provisions of chapter 49.30. Applications of this provision include the following:
 - (1) *Common wall subdivision lots* of less than the required size may be created if the original parcel contains a common wall structure that was lawfully built and all other common wall structure requirements can be met.
 - (2) *A duplex or a two unit common wall structure* may be built on a pair of existing lots of record which together are less than the required size for a duplex or a two unit common wall structure, provided each of the lots could have been developed with a single-family dwelling when the lots were created.
- (h) *Building a two unit common wall structure.* The commission, through the conditional use permit process, may approve the building of a two unit common wall structure on less than the required lot area if the lot was legally platted prior to November 9, 1987; the subdivision or a portion thereof was designed specifically for two unit common wall structures; and 60 percent or more of the lots in the subdivision or of the portion thereof designed specifically for two unit common wall structures have been developed with two unit common wall structures.
- (i) *Subdivision rights-of-way.* In calculating the number of dwelling units and thereby the number of lots allowed within a proposed single-family subdivision, any proposed rights-of-way shall be included in the total square footage of the parcel. In multifamily subdivisions, rights-of-way shall not be so included.
- (j) *Single-room occupancies with private facilities.* A permit to construct single-room occupancies may be issued by the Director or the Planning Commission, as specified in the Table of Permissible Uses, CBJ 49.25.300, if all of the requirements of this subsection are met.

Comment [JM1]: No changes recommended.

Comment [JM2]: No changes recommended.

Comment [JM3]: No changes recommended.

Comment [JM4]: Update with a cross-reference to the Table of Dimensional Standards and the Table of Permissible Uses for D3.

Attachment D

- (1) Single-room occupancies shall be efficiency units not exceeding 400 square feet in net floor area.
 - (A) Areas common to more than one dwelling unit, including entry ways, furnace rooms, laundry rooms, common storage areas, and interior stairways, shall not be included in the computation of net floor area.
- (2) Each single-room occupancy with private facilities shall count as one-half of a dwelling unit for purposes of calculating density, permitting requirements, and land use permit application fees.
- (k) **Accessory apartments.** No person shall construct or maintain an accessory apartment except in accordance with a permit issued under this section.
 - (1) *Application.* Accessory apartment applications shall be submitted on a form provided by the director and shall include:
 - (A) A completed application form;
 - (B) The application fee required by chapter 49.85;
 - (C) A site plan drawn to scale or dimensioned indicating all required parking, minimum setbacks, and actual lot size; and
 - (D) A floor plan drawn to scale or dimensioned indicating all dwelling units and including each room labeled as to use;
 - (E) A statement that the property is connected to sewer. If the property is not connected to sewer, a statement from the department of environmental conservation confirming that the existing wastewater disposal system is sufficient for the development, including the proposed accessory apartment, and a statement from a qualified inspector that the existing wastewater disposal system is functioning as designed.
 - (2) *Approval standards.*
 - (A) Unless otherwise provided, the accessory apartment shall be a one-bedroom or efficiency unit not exceeding 600 square feet in net floor area.
 - (B) Areas common to more than one dwelling unit - including entry ways, furnace rooms, laundry rooms, and interior stairways - shall not be included in the computation of the net floor area for the accessory apartment.
 - (C) The minimum lot size as used in this section refers to the minimum lot size for permissible uses listed in the table of dimensional standards, CBJ 49.25.200.
 - (D) A permit under this subsection may be issued if the applicant establishes:
 - (i) The development meets all setback requirements;
 - (ii) The total building footprint does not exceed the maximum lot coverage allowable under section 49.25.400, the table of dimensional standards, or, in the case of nonconforming structures, the total building footprint does not increase with the proposed accessory apartment;
 - (iii) The development does not violate the vegetative cover requirements imposed by section 49.50.300; or, in the case of nonconforming structures, the proposed accessory apartment does not decrease the existing vegetative cover;
 - (iv) The development meets the parking standards required by chapter 49.40; and
 - (v) The development is connected to public sewer or the existing wastewater disposal system has adequate capacity for the development, including the proposed accessory apartment.
 - (E) Single-family detached accessory apartment approval.

Comment [JM5]: Scroll down to 2H.

Attachment D

- (i) The director may approve a 49.25.300.1.130 accessory apartment application if all of the requirements of this section and the following are met:
 - (a) The application is for an efficiency or one-bedroom unit that does not exceed 600 square feet in net floor area and is on a lot that exceeds the minimum lot size; or
 - (b) The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, and is on a lot that exceeds 125 percent of the minimum lot size.
- (ii) The commission may approve, with a conditional use permit, a 49.25.300.1.130 accessory apartment application if all of the requirements of this section and the following are met:
 - (a) The application is for an efficiency or one-bedroom unit that does not exceed 600 square feet in net floor area, and is on a lot that is less than the minimum lot size; or
 - (b) The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, and is on a lot that exceeds 125 percent of the minimum lot size.
- (iii) An application for an accessory apartment with a net floor area that exceeds 600 square feet shall not be approved on a lot that is less than 125 percent of the minimum lot size.
- (F) Single-family detached, two dwellings per lot, accessory apartment approval.
 - (i) When a lot has two primary dwelling units, each primary dwelling unit may have up to one accessory apartment that is consistent with the requirements of this section. The lot shall not have more than two accessory apartments.
 - (ii) An application for an accessory apartment with a net floor area that exceeds 600 square feet shall not be approved on a lot that is less than 250 percent of the minimum lot size.
 - (iii) The director may approve a 49.25.300.1.140 accessory apartment application if all of the requirements of this section and the following are met:
 - (a) The application is for an efficiency, or one-bedroom unit that does not exceed 600 square feet in net floor area, is on a double sized lot (two times the minimum lot size), and the lot does not have another accessory apartment in excess of 600 square feet in net floor area; or
 - (b) The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, on a lot that exceeds 250 percent of the minimum lot size, and the lot does not have more than one other accessory apartment in excess of 600 square feet in net floor area.
 - (iv) The commission may approve, with a conditional use permit, a 49.25.300.1.140 accessory apartment application if all of the requirements of this section and the following are met:
 - (a) The application is for an efficiency, or one-bedroom unit that does not exceed 600 square feet in net floor area, is on a lot that is less than the minimum lot size, and the lot does not have another accessory apartment in excess of 600 square feet in net floor area;

Attachment D

- (b) The application is for an efficiency, one-bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, is on a lot that exceeds 250 percent of the minimum lot size, and where the lot does not have more than one other accessory apartment in excess of 600 square feet in net floor area.
- (G) Multifamily dwelling and accessory apartment approval. Unless authorized by this section, an accessory apartment is prohibited in multifamily, commercial, and mixed-use zoning districts.
 - (i) The director may approve a 49.25.300.1.300 accessory apartment application if all the requirements of this section and the following are met:
 - (a) The application is for an efficiency, or one-bedroom unit that does not exceed 600 square feet in net floor area, is on a lot that exceeds the minimum lot size, and the primary use of the lot is a single-family dwelling.
 - (ii) The commission may approve, with a conditional use permit, a 49.25.300.1.300 accessory apartment application if all of the requirements of this section and the following are met:
 - (a) The application is for an efficiency, or one-bedroom unit that does not exceed 600 square feet in net floor area, is on a lot that is less than the minimum lot size, and the primary use of the lot is a single-family dwelling.
- (H) Common wall accessory apartment approval.
 - (i) Each common wall dwelling may have up to one accessory apartment that does not exceed 600 square feet in net floor area and that is consistent with the requirements of this section.
 - (ii) The director may approve a 49.25.300.1.911 accessory apartment application if all of the requirements of this section and the following are met:
 - (a) The application is for an efficiency, or one-bedroom unit that does not exceed 600 square feet in net floor area, and is on a lot that exceeds the minimum lot size.
 - (iii) The commission may approve, with a conditional use permit, a 49.25.300.1.911 accessory apartment application if all of the requirements of this section and the following are met:
 - (a) The application is for an efficiency, or one-bedroom unit that does not exceed 600 square feet in net floor area, and is on a lot that is less than the minimum lot size.

Comment [JM6]: No changes recommended.

Comment [JM7]: Reminder to make consistent with TPU if line items are changed.

Comment [JM8]: Reminder to make consistent with TPU if line items are changed.

(Serial No. 87-49, § 2, 1987; Serial No. 89-33, § 2, 1989; Serial No. 91-01, § 2, 1991; Serial No. 94-07, § 4, 1994; Serial No. 95-33, § 8, 1995; Serial No. 97-49, § 3, 1998; Serial No. 2001-12, § 3, 4-2-2001; Serial No. 2006-15, §§ 5, 6, 6-5-2006; Serial No. 2007-39, § 11, 6-25-2007; Serial No. 2009-22(b), § 3, 10-12-2009; [Serial No. 2012-24, § 4, 5-14-2012, eff. 6-14-2012](#); [Serial No. 2012-36, § 3, 9-17-2012](#); [Serial No. 2015-7\(b\)\(am\), § 5, 2-23-2015, eff. 3-26-2015](#).)