

Agenda

Planning Commission - Title 49 Committee City and Borough of Juneau

February 1, 2017
Marine View Building 4th Floor
1:00 AM

- I. ROLL CALL
- II. APPROVAL OF AGENDA
- III. AGENDA TOPICS
 - A. Title 49 Overview - Purpose of Committee
 - B. Election of Officers
 - C. Panhandle Subdivisions - Proposed Code Changes
 - D. Variances Update - Proposed Code Changes
- IV. COMMITTEE MEMBER COMMENTS AND QUESTIONS
- V. ADJOURNMENT



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January 30, 2017

Memorandum

To: Title 49 Committee

From: Beth McKibben, AICP, Planning Manager

RE: Proposed amendments to 49.15.423 - Panhandle lots - AME2017 0003.

The Planning Commission has expressed interest in amending the panhandle lot provisions in Title 49. The purpose of the amendment is to allow for the creation of smaller panhandle lots. Title 49 states that panhandle subdivisions may be allowed in order to facilitate the subdivision of large parcels that are insufficiently wide but otherwise meet all other requirements for subdivision. These requirements have been seen as too restrictive. Currently, the minimum lot size for a lot created by a panhandle subdivision is 20,000 square feet when served by City and sewer, and 36,000 when sewer is not available. By allowing smaller lots to be subdivided through the panhandle provisions, more “in fill” lots could be created in the zoning districts that have smaller minimum lot size requirements. These lots would have frontage on a public right-of-way.

Lot Area Reduced

The proposed amendment would allow for any lot to be subdivided through the panhandle provisions if the lots created meet the minimum dimensional standards of the underlying zoning district. This means that both the front lot and the panhandle lot will have the minimum square feet of lot area, and meet both lot width and depth requirements. The flagpole/handle/stem of the panhandle lot would not be used to calculate lot area. This will preserve the density requirements of the underlying zoning district.

Width Flagpole/Handle/Stem Reduced

The proposed amendment would also reduce the minimum width of the flagpole/handle/stem of the panhandle lot. Currently it is required to be 30-feet wide. The proposed amendment would require a minimum width of 20-feet for the stem. This will facilitate the subdivision of larger lots in zoning districts that have a small minimum lot size. At the same time it assures adequate access to the right-of-way and sufficient room for a driveway.

Driveway Location

The current code requires that a panhandle lots share one access and requires it be shown on the plat with an easement or plat note. The code further requires a maintenance agreement for the shared

driveway. The Community Development Department's (CDD) past practice has been to allow the shared access to be located anywhere within the lots created by the panhandle subdivision. The purpose of the stem has been considered as the means to meet the requirement for frontage on a publicly maintained right-of-way and not necessarily to provide access. Recently, it has been discussed that the shared access should be located only within the stem or shared equally, with half the driveway within the handle of the panhandle lot, half on the front lot. Staff asks the Title 49 Committee to consider this. If this is the desired or preferred driveway alignment then staff recommends adding that requirement to code. This will ensure that the public and future staff understand this requirement. If this is the preferred location for the driveway, staff recommends language be added to the code that would allow the Director of Community Development, in consultation with the Fire Marshal and Director of Engineering, to allow alternative locations when topography or other physical constraints prohibit the preferred location.

Driveway Grade

The current code requires the maximum grade of the driveway to be no more than 15%. Through our work on shared access we understand that the Fire Department accessible grade is 10%. The Fire Marshall can approve grades of more than 10% on a case by case basis. Staff recommends the maximum grade be amended to be 10% or as required by the Fire Code at CBJ 19.10. This means that the subdivider may apply to the Fire Marshal for an exception to the Fire Code to have a driveway grade of more than 10%.

Driveway specifications

Also included in the proposed amendment is language which is specifically directed at panhandle subdivisions that involve four lots rather than the typical two lots created in a panhandle form. This would require the driveway serving four lots be at least 20-feet wide and paved. This is more specific than is proposed for a two lot panhandle subdivision. When 3 or more dwellings are involved Fire Code requirements apply. One of those code requirements is a minimum driveway width of 20-feet.

The Committee should discuss whether a minimum width of 20-feet for the shared driveway and paving are appropriate requirements for a four lot subdivision. It is consistent with the draft "shared access" ordinance which may serve up to four lots (note the number of lots may change). Is this a requirement the Committee recommends for driveways serving a two lot panhandle subdivision? The Fire Code would require a 20-foot wide driveway for multi-family developments on panhandle lots, even if it was a two lot subdivision.

Attachments:

- A. Existing 49.15.423 Panhandle lots.
- B. Proposed amendments to 49.15.423.
- C. Language to consider for driveway location.

Existing 49.15.423

49.15.423 Panhandle lots.

- (a) The subdivision of a parcel creating a pan-handle lot may be allowed in order to facilitate the subdivision of large parcels that are insufficiently wide but otherwise meet all other requirements for subdivision. Panhandle lots may be created by subdivision under this section if the new lots meet the requirements detailed below.
 - (1) *Dimensional requirements.*
 - (A) The front and panhandle lots must meet all the dimensional and area requirements of this title.
 - (B) No part of the panhandle portion of the lot shall be less than 30 feet wide.
 - (C) The panhandle portion of the lot shall not be longer than 300 feet in D-1 zones and one and one-half times the minimum lot depth in other residential zoning districts.
 - (D) No buildings are allowed to be built or placed in the panhandle portion of the lot.
 - (E) In a D-1 zoning district, 30 feet of the width of the panhandle of the rear lot may be used in determining the width of the front lot.
 - (F) The common property line between the two lots in any zoning district shall be limited to two changes in direction.
 - (G) The lot width for the panhandle lot shall be the distance between its side boundaries measured behind the back lot line of the front lot. Such lot line shall also be considered the front lot line of the panhandle lot for the purpose of determining the front yard setback.
 - (2) *Minimum lot size.* Each lot served by a public sewer system shall be 20,000 square feet. The minimum lot size for lots not served by a public sewer system shall be 36,000 square feet. Any marine outfall serving the lots shall extend to a point four feet below mean low water, and each lot using such disposal must abut the salt water to a minimum of 30 feet.
 - (3) *Access and parking.*
 - (A) Only one access to the public right-of-way shall be permitted for the two lots. Such access shall be designated on the plat, in the form of an easement or plat note.
 - (B) Off street parking shall be provided in an amount sufficient to meet the requirements of CBJ 49.40, article II.
 - (C) A driveway and parking plan shall be submitted and approved by the director prior to recording the plat.
 - (D) Back out parking is prohibited.
 - (E) The applicant must submit a plan that shows the feasibility of off-street parking for the lots and a turnaround that will allow drivers to drive forward onto the road in front of their lot.

- (F) The applicant must provide assurance in the form of an easement, plat note, and a maintenance agreement that is recorded with the subdivision, on forms acceptable to the director, ensuring the required access and parking areas will be constructed and maintained by all future property owners.
 - (G) Any portion of a driveway not located in a public right-of-way shall have a maximum grade not exceeding 15 percent. A profile of the proposed driveway centerline shall be submitted as part of the plat application, and must meet Alaska Department of Transportation and Public Facilities or CBJ driveway standards, as appropriate based on ownership of the right-of-way.
 - (H) Existing driveways and access points not meeting the requirements of this section must be abandoned, and improvements thereto removed and relocated prior to plat recordation.
- (b) Neither lot resulting from a panhandle subdivision may be further divided into another panhandle subdivision.

Existing 49.15.423

49.15.423 Panhandle lots.

- (a) The subdivision of a parcel creating a pan-handle lot may be allowed in order to facilitate the subdivision of ~~large~~ parcels that are insufficiently wide but otherwise meet all other requirements for subdivision as required for the underlying zone. Panhandle lots may be created by subdivision under this section if the new lots meet the requirements detailed below.
- (1) *Dimensional requirements.*
- (A) The front and panhandle lots must meet all the dimensional and area requirements of this title.
 - (B) No part of the panhandle portion of the lot shall be less than ~~30~~ 20 feet wide.
 - (C) The panhandle portion of the lot shall not be longer than 300 feet in D-1 zones and one and one-half times the minimum lot depth in other residential zoning districts.
 - (D) No buildings are allowed to be built or placed in the panhandle portion of the lot.
 - ~~(E) In a D-1 zoning district, 30 feet of the width of the panhandle of the rear lot may be used in determining the width of the front lot.~~
 - (E) The panhandle portion of the lot will not be used to calculate lot area.
 - (F) The common property line between the lots ~~two lots in any zoning district~~ shall be limited to two changes in direction.
 - (G) The lot width for the panhandle lot shall be the distance between its side lot lines ~~boundaries~~ measured behind the back lot line of the front lot. Such lot line shall also be considered the front lot line of the panhandle lot for the purpose of determining the front yard setback.
- (2) *Minimum lot size.* Shall meet the dimensional requirements for the underlying zoning district, including minimum lot depth and width excluding the panhandle portion of the subdivision.
OR The required lot area, width and depth shall not include any portion of the panhandle.
~~Each lot served by a public sewer system shall be 20,000 square feet. The minimum lot size for lots not served by a public sewer system shall be 36,000 square feet. Any marine outfall serving the lots shall extend to a point four feet below mean low water, and each lot using such disposal must abut the salt water to a minimum of 30 feet.~~
- (3) *Access and parking.*
- (A) Only one access to the public right-of-way shall be permitted for the ~~two~~ lots. Such access shall be designated on the plat, in the form of an easement or plat note.
 - (B) Off street parking shall be provided in an amount sufficient to meet the requirements of CBJ 49.40, article II.

- (C) A driveway and parking plan shall be submitted and approved by the director prior to recording the plat.
 - (D) Back out parking is prohibited.
 - (E) The applicant must submit a plan that shows the feasibility of off-street parking for the lots and a turnaround that will allow drivers to drive forward onto the road in front of their lot.
 - (F) The applicant must provide assurance in the form of an easement, plat note, and a maintenance agreement that is recorded with the subdivision, on forms acceptable to the director, ensuring the required access and parking areas will be constructed and maintained by all future property owners.
 - (G) Any portion of a driveway not located in a public right-of-way shall have a maximum grade not exceeding ~~15~~ 10 percent or as required by the Fire Code at CBJ 19.10. A profile of the proposed driveway centerline shall be submitted as part of the plat application, and must meet Alaska Department of Transportation and Public Facilities or CBJ driveway standards, as appropriate based on ownership of the right-of-way.
 - (H) Existing driveways and access points not meeting the requirements of this section must be abandoned, and improvements thereto removed and relocated prior to plat recordation.
- (b) ~~Neither~~ No lot resulting from a panhandle subdivision may be further divided into another panhandle subdivision.
- (c) Panhandle lot configurations that enable four lots to be accessed by a common driveway are allowed provided that the shared driveway is at least 20 feet wide and paved at the time of final plat approval. All other requirements for panhandle lots in this section must be met.

Language to Consider for Driveway Location

- (l) The access way or driveway shall be located in the stem of the panhandle lot, or shared equally between stem of the panhandle lot and the front lot. Alternative alignments may be approved by the Director of Community Development, in consultation with the Fire Marshal and Director of Engineering to allow alternative locations when topography or other physical constraints prohibit the preferred location.