



HOUSING AND DEVELOPMENT TASK FORCE

Appointed by the City & Borough of Juneau's Mayor

Meeting Agenda

Friday, January 21, 2022

12:00 P.M. – 1:30 P.M.

Marine View Building, 4th Floor Conference Room & Zoom Webinar

Members of the public may listen in or watch by following one of these options.

Please click the link to join the meeting:

<https://juneau.zoom.us/j/84155739685>, or call 1-669-900-6833 or 1-253-215-8782 or 1-346-248-7799 or 1-929-436-2866 or 1-301-715-8592 or 1-312-626-6799, and enter Webinar ID: 841 5573 9685

Assembly Charge

The purpose of this task force shall be to provide helpful advice to the Assembly regarding housing and development issues.

Specifically, the task force is asked to:

1. Review the path that a project must take to gain approval. Identify areas where pathways may be improved, keeping in mind staff constraints. Evaluate the current pre-application process and make recommendations.
2. Discuss possible structures to engage a working group that interfaces with land and facility developers in the industry.
3. Consistent with Assembly goals, identify general processes and areas in existing Title 49 code that inhibit growth and development. The goal is to identify and prioritize tasks or projects that could be worked on by this task force or other groups.

- A. Call to Order
- B. Approval of Agenda
- C. Minutes
 - a. December 10, 2021 Draft Minutes
- D. Comments About Last Meeting
- E. Title 49 Update – Specific Revisions to Title 49 by Developers
 - a. Discussion of the Items Contained in Mr. Heumann's Two Emails with Concerns
- F. Discussion of Table of Dimensional Standards and Related Code Sections
 - a. Discussion of the Motion by Ms. Gladyszewski and What to Forward to Assembly with That Motion: i.e. Written Comments by Mr. Voelckers – "The Housing and Development Task Force committee recommends that the Planning Commission review the Table of Dimensional Standards for the amendments that are needed to facilitate housing development."
- G. Public Comment (10 Minutes)
- H. Suggestions for Next Agenda
- I. Next Meeting Date is February 11, 2022

THE CITY AND BOROUGH OF JUNEAU, ALASKA
HOUSING & DEVELOPMENT TASK FORCE
December 10, 2021 – *DRAFT* Meeting Minutes

A. CALL TO ORDER

The meeting of the Housing and Development Task Force was held in the 4th Floor Conference Room of the Marine View Building, and was called to order by Chair Loren Jones at 11:03a.m.

Roll Call

Members Present: Ex-Officio Chair Loren Jones, Dave Hanna, Wayne Jensen, Bill Heumann, Paul Voelckers, Nathaniel Dye (via Zoom)

Members Absent: Vice Chair Maria Gladziszewski and Michelle Hale.

Staff Present: City Manager Rorie Watt, Mayor Beth Weldon, City Attorney Robert Palmer, Community Development Department Director Jill Maclean, CDD Administrative Assistant Chelsea Wallace, Assistant City Attorney Sherri Layne, Municipal Clerk Beth McEwen

B. Approval of Agenda

Hearing no changes, the agenda was approved as presented.

C. Approval of Minutes

a. September 30, 2021 Draft Minutes

b. October 15, 2021 Draft Minutes

c. October 29, 2021 Draft Minutes

Mr. Voelckers noted that the October 29 Meeting Minutes listed him as being present at the meeting, when he was actually absent and traveling during that time.

Hearing no further comments, the September 30 and October 15 Minutes were approved as presented.

D. Comments About Last Meeting

There were no comments about the November 12, 2021 meeting.

E. Review of Variance Ordinance

Mr. Jones referenced the discussion surrounding variances at the November 12 meeting, which prompted him to invite City Attorney Robert Palmer to today's meeting to provide additional insight to variance-related ordinances.

Mr. Palmer thanked Mr. Jones for the introduction, and identified two key concepts essential to this discussion: the Conditional Use Permit (CUP) and the concept of variances. He described the Conditional Use Permit as a permit approval process designed to provide flexibility to

developers, whereas a variance is a request that violates the law as it is written. He further explained that variances are not meant to be used for flexibility purposes.

Mr. Palmer gave a general overview describing the legal processes, comparing State law practice to local Assembly rulings in relation to variances.

Mr. Voelkers added that variances are often rather difficult to obtain, and heavily rely on geographical and physical limitations.

Mr. Hanna mentioned that 30% of Juneau's ordinances are in some way related to Title 49. He said that this number of ordinances is a testament to an underlying problem that is in need of being addressed, adding that a functional Title 49 would not necessitate such a high amount of ordinances.

Mr. Voelkers asked CDD Director Maclean to define the criteria in which a Conditional Use Permit is necessary. Ms. Maclean explained that the CUP process is often determined on the number of dwelling units, bedrooms, and acreage. She suggested that the committee keep neighborhoods in mind when considering the CUP process, and to recognize the impact that rezoning may have on neighboring properties.

Mr. Jones shared his experience from attending a significant amount of Planning Commission meetings over the past nine years, saying that the public process is often the most contentious part of the CUP process. He spoke to the importance of allowing the public the ability to weigh in by opting for a thorough public comment period.

Mr. Jones asked Ms. Maclean to clarify where in the process the public comment period begins prior to a Planning Commission decision, such as a neighborhood meeting hosted by CDD. Ms. Maclean shared that the initiation of the public comment period is at her discretion as CDD Director, and typically depends on the type of permit being issued. She added that she takes this aspect of her role very seriously, and has adopted the Systemic Racism Review Committee criteria into her decision-making. Ms. Maclean also added that CDD strives to issue notice to the public at least six weeks in advance, beyond the standard two week public notice requirement.

There was further discussion and clarification related to the Conditional Use Permit process.

F. Assembly Retreat Update

Mayor Weldon provided an update on the Assembly Retreat that was held on December 4, where the Assembly met to decide upon the Assembly Goals for 2022. Mayor Weldon reported that the Assembly considered the revision of Title 49 and updating the Comprehensive Plan as Assembly Goals related to the Housing and Development Task Force.

Mayor Weldon added that one of the Assembly Goals involved allocating funds for the purpose of accomplishing the goals they established.

Mr. Watt reported that the Assembly discussed revising and improving Title 49, facilitating housing, the implementation of projects and strategies that further develops the Affordable Housing Action Plan, and continue utilizing the Affordable Housing Fund.

Mr. Voelkers asked if the Assembly had considered an entire rewrite of Title 49 or selective upgrades to Title 49 as needed. Mayor Weldon said that the sentiment of the Assembly seemed to be to revise Title 49 as needed.

G. Examples of Permitting Delays

Mr. Jones recommended this topic be included in the agenda for a future meeting.

H. Recommendations for Changes to Title 49

Mr. Heumann shared that the developers held a meeting on December 7, the general consensus from this meeting expressed that a revised Title 49 should include specific requirements for the timing of the permitting process. He added that one of the biggest problems shared amongst local developers was identified as a lack of communication between developers and the City. Mr. Heumann provided examples of this through his experiences with the City from past developer projects.

Mr. Hanna agreed with Mr. Heumann's report, and said that communication issues was one of the biggest concerns discussed at the developer meeting. He acknowledged the staffing issues at CDD, and suggested the City address the empty positions through contracting outside help.

Mr. Voelkers noted that one of the first actions taken by this committee was to modify the pre-application process. He asked if a streamlined pre-application process would help address concerns regarding timing. Mr. Jensen explained that the pre-application process typically takes up to a year, during which the project often morphs and changes, which in turn results in further delays in the pre-application process.

There was further discussion regarding the details and the timing of the pre-application process.

Ms. Maclean explained that the issue regarding the pre-application schedule was recently brought to her attention, and she was able to fix that problem the following day. She encouraged the development sector to plan further out with their scheduling, noting that the winter months are often a slower time for CDD. Ms. Maclean also said that putting hard deadlines into Code would be difficult; if the developers were asking CDD to consider adopting hard deadlines into Code, she noted that in order to do so, pre-applications would need to be detailed, specific, and meeting the requirements set by the state.

Ms. Maclean provided an update on recently filled CDD staff positions.

I. Public Comment (10 Minutes)

Municipal Clerk Beth McEwen mentioned that the draft Assembly Retreat Meeting Minutes would be posted later that day, prior to the Regular Assembly Meeting on December 13.

J. Suggestions for Next Agenda

Mr. Jones set the agenda for the next meeting to include a discussion related to the Table of Dimensional Standards, Permitting, and Title 49.

There was a discussion about Title 49 in relation to the local housing shortage.

K. Next Meeting Date

Mr. Jones recommended the committee set the next HDTF meetings to be held on January 14 and January 28. Ms. Maclean shared that she would be travelling during January 28.

Mr. Jones then discussed possible dates with the task force and a consensus was reached to hold the next meeting dates on January 7 and January 21.

L. ADJOURNMENT

There being nothing else to come before the Housing & Development Task Force, the meeting was adjourned by Chair Loren Jones at 1:30p.m.

From: "Loren Jones" <Loren.Jones@juneau.org>
Subject: Fwd: Document11
Date: 07 January 2022 11:52
To: "Jill Maclean" <Jill.Maclean@juneau.org>

Sent from my iPhone

Begin forwarded message:

From: William Heumann <WHeumann@msn.com>
Date: January 7, 2022 at 10:20:04 AM AKST
To: Loren Jones <Loren.Jones@juneau.org>
Cc: Dave Hanna <thedavehanna@gmail.com>, Craig Dahl <cdahl@juneauchamber.com>
Subject: **FW: Document11**

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Loren,

These are bullet points that were compiled by the JCC Builder/Developer/Construction Sub-Committee. I was asked to forward them to the Task Force.

Thank you,

Bill

- **Overriding issue (many different examples) is timely communication**
 - Questions asked and then answered then experience lengthy delays before next step without acknowledgement
- **Absence of any kind of tracking system that allows both builders and staff to know where a permit is in the process (apparently the system exists but has not been used for quite some time)**
 - No standards are set for timely response
- **Permit reviews are scheduled on a limited basis causing unnecessary delays in moving projects forward**
 - The permitting is not viewed as a top priority for promoting development. Staffing or other priorities result in limited capacity to review permits each week, with no “standard” for a timely review/response
 - Residential and Commercial construction is the actual conversion of an idea/plan into employment and payrolls – so processing development permits should be the top priority to serve the goals of affordable housing and community development.
- **Simple projects need the same number of approval points as complex projects – no time standard for review/approval**
 - Needs to be more attention given to ways to speed up different types of permit applications
- **Interpretation of either Title 49 or Building Code can vary from person to person – need more consistency**

From: "Loren Jones" <Loren.Jones@juneau.org>
Subject: Fwd: Agenda Items
Date: 07 January 2022 11:52
To: "Jill Maclean" <Jill.Maclean@juneau.org>

Sent from my iPhone

Begin forwarded message:

From: William Heumann <WHeumann@msn.com>
Date: January 7, 2022 at 10:03:19 AM AKST
To: Loren Jones <Loren.Jones@juneau.org>
Cc: Dave Hanna <thedavehanna@gmail.com>
Subject: Agenda Items

EXTERNAL E-MAIL: BE CAUTIOUS WHEN OPENING FILES OR FOLLOWING LINKS

Loren,

Below are topics which have been discussed at Chamber/Developer meetings and amongst ourselves. We would like to place them on the Agenda for the next meeting after today's:

- O-lot lines – Why must they be connected? It is common in other communities to allow the development of detached O-lot lines.
- Temporary Cul-de-sacs - In general temporary cul-de-sacs are problematic. Where should they be required? What should be their physical characteristics. To what level should they be constructed in what time frame?
- Bonds - What is their purpose? What relief do they provide to developers?
- Major Subdivision improvements necessary for granting of Occupancy Permits – A Final Plat can be approved if a bond is placed in the hands of the CBJ. Building Permits can be issued. However, Occupancy Permits can be denied due to improvements not in place. Additional cash bonds can be required in addition to the original bonds to obtain an Occupancy Permit.
- Engineering Standards – Title 49 requires maintenance of a file containing the Engineering Standards and a Public Hearing to modify the standards;
 - Where is this file maintained?

- It there a history of the Public Hearings?
 - Is there a history of the changes?
 - Are they interpreted consistently?
- Some state and federal agencies would prefer less pavement (fewer sidewalks) than CBJ to keep drainage out of culverts to protect the environment. They wish to reduce impermeable surfaces.
- We are unclear about the relationship between CDD and Engineering. Who has the say over permits issued by the Engineering Department? Must applications for these permits pass through the Planning Department?
- Street Acceptance- The conditions for the acceptance of improvements in the CBJ ROW should be reviewed.
- Stub Streets – Discussion warranted as several issues have arisen regarding development of lots on stub streets, the requirement for temporary cul-de-sacs for lots accessed by stub streets, the belief that it is unfair to take land from one property owner to provide access to another.
- Conditional Use Permits – When are Conditional Use Permits required? Why is a CU required to build an apartment development? Can not an apartment development be proscriptive: meet setbacks, parking requirements, height restrictions, building code requirements, etc. Any residential development in a residential district, a commercial development in a commercial district, a mixed use development in a mixed use district, etc. should be proscriptive.
- Permitting Process -What discretion does CDD have to decide what parts of the code to enforce?
- Subdivision Review Committee – Title 49 provides for Subdivision Review Committee meetings where developers can discuss concepts with members of the Planning Commission. These meetings have been discouraged by CDD. Why is this?

Thank you,

Bill Heumann

Below are topics, which have been discussed at Chamber/Developer meetings and amongst ourselves. We would like to place them on the Agenda for the next meeting after the January 21 meeting:

- O-lot lines – Why must they be connected? It is common in other communities to allow the development of detached O-lot lines.
 - *Need clarification; structures are allowed to be detached (not called zero lot lines); is there an example of code to look at? Which communities use this?*
- Temporary Cul-de-sacs – In general, temporary cul-de-sacs are problematic. Where should they be required? What should be their physical characteristics? To what level should they be constructed in what time frame?
 - *Code specifies that temporary cul-de-sacs are required for phased subdivisions; this ensures that there is adequate turnaround for property owners, emergency access, and if the CBJ needs to take over the subdivision to complete buildout, the temporary cul-de-sac has been installed and doesn't fall to taxpayers to complete the street.*
- Bonds – What is their purpose? What relief do they provide to developers?
 - *Bonds protect the CBJ from paying for private sector work that is left incomplete – bonds protect the CBJ and taxpayers.*
- Major Subdivision improvements necessary for granting of Occupancy Permits – A Final Plat can be approved if a bond is placed in the hands of the CBJ. Building Permits can be issued. However, Occupancy Permits can be denied due to improvements not in place. Additional cash bonds can be required in addition to the original bonds to obtain an Occupancy Permit.
 - *Need a specific situation to identify what happened; COs are not issued until the work is complete or the street is accepted by CBJ or if CBJ has a bond.*
 - *Additional bonds have been provided to developers when they choose not to follow the schedule they set, and time runs out and paving companies close; it allows developers flexibility when they don't meet their construction schedule.*
- Engineering Standards – Title 49 requires maintenance of a file containing the Engineering Standards and a Public Hearing to modify the standards.
 - Where is this file maintained?
 - *Per CBJ records, Engineering and Public Works website (see links below).*
 - It there a history of the Public Hearings?
 - *Per the CBJ records retention, files are kept for 7 years.*
 - Is there a history of the changes?
 - *49.35.130 (c) outlines the process for “a **substantial** change in the standards applicable to required subdivision improvements” (emphasis added).*
 - *Engineering Standard Specifications were last issued in 2003 under Rosemary Matt, PE, who was Chief Contracts Engineer. A far as I am aware, a robust public process was followed, per the code requirements. Prior to that, the last issuance was in 1988. <https://juneau.org/engineering-public-works/standard-specifications>*
 - *There have been 16 erratum issued since to address errors, contradictions, and conflicts with the new standards and new product materials not in use in 2003.*

Those can be found at the same link labeled "Errata." Erratum do not occur overnight. Typically, the changes that would be made by an Erratum are included into CBJ CIP Bid contract's Special Provisions as an improvement coming from repetitive past problems, conflict and/or quality issue that needs to be addressed.

- *Standard Details were issued last in 2011 under Engineering Public Works Director Rorie Watt. Those can be found here: <https://juneau.org/engineering-public-works/cbj-engineering-standards> with the errata listed at the top of the page.*
- Are they interpreted consistently?
 - *The Department strives to treat all development equally; adherence to CBJ standards and specifications is critical in providing borough residents with quality services and infrastructure. However, in acknowledgment that no project is the same and unforeseen circumstances come up, Title 49 allows "the director of engineering and public works to prescribe different or additional standards if unusual or unforeseen conditions exist in a particular development, and the alternative **meets or exceeds** the intent of the original standard" (emphasis added).*
- Some state and federal agencies would prefer less pavement (fewer sidewalks) than CBJ to keep drainage out of culverts to protect the environment. They wish to reduce impermeable surfaces.
 - *Comp Plan and non-motorized transportation plans calls for sidewalks and safe streets for schoolchildren, people with physical impairments, and generally pedestrians.*
 - *Which state and federal agencies and under what circumstances?*
- We are unclear about the relationship between CDD and Engineering. Who has the say over permits issued by the Engineering Department? Must applications for these permits pass through the Planning Department?
 - *Director of CDD oversees CDD (Building / Code Compliance, Admin / Permit Tech, Planning / Zoning) and the Permit Center.*
 - *Director of Engineering & Public Works oversees Engineering, General Engineering (GE), Streets, Waste Water, Water, and Transit.*
 - *The departments work closely together and partner to staff pre-application conferences as a team.*
 - *Permits are issued through the Permit Center, which is managed by CDD and staffed by both CDD and GE.*
 - *Permit Center is a "one stop shop" – many communities strive to provide such a facility.*
- Street Acceptance – The conditions for the acceptance of improvements in the CBJ ROW should be reviewed.
 - *Okay.*
- Stub Streets – Discussion warranted as several issues have arisen regarding development of lots on stub streets, the requirement for temporary cul-de-sacs for lots accessed by stub streets, the belief that it is unfair to take land from one property owner to provide access to another.
 - *Stub street ordinance was updated in April 2019.*

- Conditional Use Permits –
 - When are Conditional Use Permits required?
 - *Review TPU 49.25.300.*
 - Why is a CU required to build an apartment development?
 - *Review 49.25.300(c).*
 - Cannot an apartment development be proscriptive: meet setbacks, parking requirements, height restrictions, building code requirements, etc. Any residential development in a residential district, a commercial development in a commercial district, a mixed-use development in a mixed use district, etc. should be proscriptive.
 - *Review 49.25.300(c).*
 - *Recommend reviewing thresholds for triggering the requirement of a CUP.*

- Permitting Process – What discretion does CDD have to decide what parts of the code to enforce?
 - *Land Use Code is law—it must be applied; the Land Use Code is not a guide or best management practice, it is regulation.*

- Subdivision Review Committee – Title 49 provides for Subdivision Review Committee meetings where developers can discuss concepts with members of the Planning Commission. These meetings have been discouraged by CDD. Why is this?
 - *Subdivision Review Committee was repealed in March 2020 and therefore meetings can't be scheduled, because the committee doesn't exist.*

TABLE 49.25.400

TABLE OF DIMENSIONAL STANDARDS

Consider CU process to allow density bonus of 10-20% on projects focused near transit and utilities.

Expand to 60-75% with CU?

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				7,000	3,600 ¹⁰	5,000	3,500	2,500		2,500					
Single-family detached, two dwellings per lot	72,000	72,000	24,000												
Minimum lot width	150'	150'	100'	70'	40'	50'	50'	50'	30' 50'	30' 50'	20'	20'	20'	20'	20'
Bungalow ⁹		75'	50'	35'	25'	25'	25'	25'							
Common wall dwelling				60'	40'	40'	30'	20'		20'					
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' ⁴	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' ¹⁵	17' ¹⁵	17' ¹⁰	13' ⁷	10' ⁵	13' ⁷	13' ⁵	13' ⁵	0'	5'	10'-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' ⁷	3' ⁵	5' ⁷	5'	5'	0'	5'	10'	10'	10'	10'	0'
Common wall dwelling				10' ⁶	3'	5' ⁷	5' ⁷	5' ⁷		5' ⁷					

(Dropped)

CBJ 49.25.15

(JUST MATCH)

add?

ZONING DISTRICTS

Notes:

- Minimum lot size is existing lot or area shown on chart in square feet.
- Sixty feet between nonresidential and designated or actual residential site; 80 feet between industrial, extractive and other uses.
- Where one district abuts another the greater of the two setbacks is required for both uses on the common property line.
- (Height Bonus) Reserved. *work out-link to mixed use and pedestrian amenities. Add 10' for at least 10-20% housing mix?*
- (Pedestrian Amenities Bonus) Reserved. *density?*
- Zero-foot setback for the portion of the dwelling 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 ten-foot setback for the remaining side yards of the lot.
- Zero-foot setback for the portion of the dwelling 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 five-foot setback for the remaining side yards of the lot.
- 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.
- Special restrictions apply to construction on bungalow lots. See special use provisions 49.65.600.

#10 - (drops to 10' if alley)

REDUCTION TO 5' WITH CU (MAX)

(sim to Anke Bay, new options)

I think it would be worth looking at the DIMENSIONAL STANDARDS in effect in 1980.

1. TRANSITIONAL ZONING IS
PROBLEMATIC

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	7,000	3,600 ¹⁰	5,000	3,500	2,500	2,500					
Common Wall Dwelling															
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'	40'	40'	30'	20'		20'					
Maximum lot coverage															
Permissible uses	10% 20%	10% 20%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Conditional uses	20% 30%	20% 30%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None

→ this results in lots that are deeper than needed. IN ALL DISTRICTS

Why are duplexes limited where common wall allowed?

Why lot larger for duplex

?

?

Down town

	RR	D-1	D-3	D-5	D-10 SF	D10	D15	D-18	MU	MU2	LC	GC	WC	WI	I
Maximum height permissible uses	45'	35'	35'	35'	35'	35'	35'	35'	None	45' ⁴	45'	55'	35' ⁴	45' ⁴	None
						45	45	45	Needs to be INCREASED				45		
Accessory Bungalow ⁹	45'	25'	25'	25'	25'	25'	25'	25'	None	35'	35'	45'	35' ⁴	45' ⁴	None
Minimum front yard setback ³	25'	25'	25'	20' ⁴ 15	20' ⁴⁻¹⁰ 15	20' 15	20' 15	20' 15	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'
	PROBLEMATIC FOR TRANSITIONAL ZONING					Seems arbitrary					Why				
Minimum rear yard setback ³	25' ² 5'	25' 5'	25' 5'	20' 5'	10' 5'	20' 5'	15' 5'	10' 5'	0'	5'	10'?	10'?	10' 5'	10'?	10'?
Minimum side yard setback ³	15' ² 10	15' 10	10'	5'	3'	5'	5'	5'	0'	5'	10'	10'	10'	10'	0'
Common wall dwelling				10' ⁶ 5'	3'	5' ⁷	5' ⁷	5' ⁷		5' ⁷					

Notes:

- Minimum lot size is existing lot or area shown on chart in square feet.
- Sixty feet between nonresidential and designated or actual residential site; 80 feet between industrial, extractive and other uses.
- Where one district abuts another the greater of the two setbacks is required for both uses on the common property line.
- (Height Bonus) Reserved.
- (Pedestrian Amenities Bonus) Reserved.
- Zero-foot setback for the portion of the dwelling 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 ten-foot setback for the remaining side yards of the lot.
- Zero-foot setback for the portion of the dwelling 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 five-foot setback for the remaining side yards of the lot.
- 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.
- Special restrictions apply to construction on bungalow lots. See special use provisions 49.65.600.

- Another zoning district is needed to allow the same density ~~BE~~ ALLOWED IN L.C. EXCLUSIVELY FOR RESIDENTIAL D-30.

O-LOT

O-LOT SHOULD NOT REQUIRE A COMMON WALL.

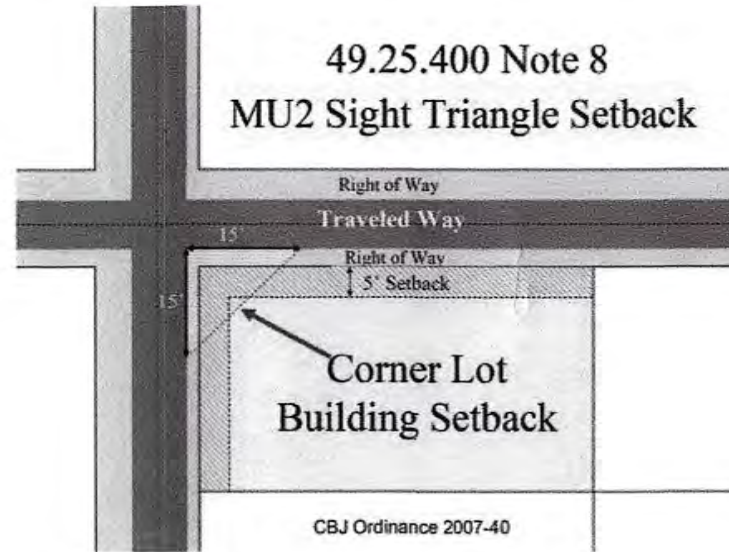
DRIVEWAY LOCATION IS NOT DEFINED

SIZE IS TOO RESTRICTIVE - 2-CAR GARAGES SHOULD BE ALLOWED

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

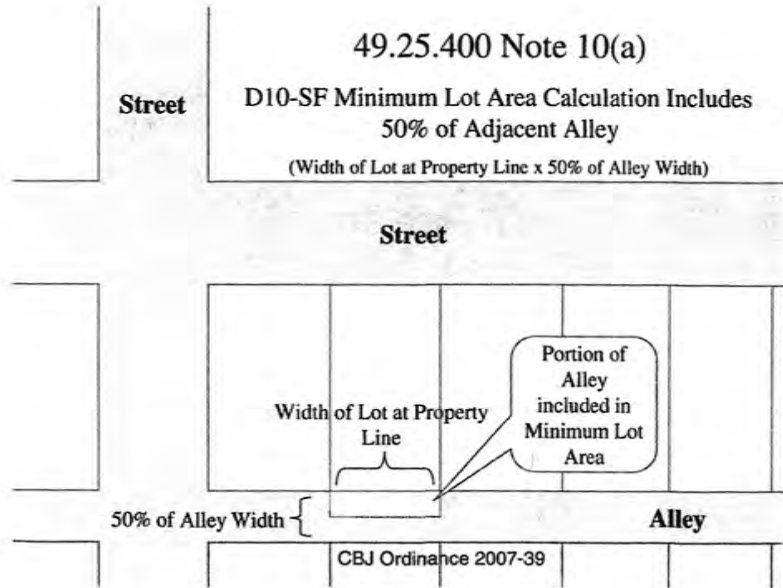
- (a) Minimal lot area includes 50% of adjacent alley (see graphic).
- (b) Reserved.
- (c) Minimum front yard setback of ten feet.

(Serial No. 2008-04, § 2, 2-25-2008, eff. 3-27-2008; Serial No. 2012-24, § 3, 5-14-2012, eff. 6-14-2012 ; Serial No. 2021-28 , § 4, 8-23-2021, eff. 9-22-2021)



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(Supp. No. 134)



(Serial No. 2007-39, § 9, 6-25-2007; Serial No. 2007-40, § 2, 6-25-2007)

49.25.410 Reserved.

Editor's note(s)—Serial No. 2021-28, § 5, adopted August 23, 2021, and effective September 22, 2021, repealed former § 49.25.410 in its entirety. Former 49.25.410 pertained to lot dimensions, and derived from Serial No. 87-49, of 1987.

49.25.420 Height of building.

- (a) The height of a building is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. Roofs with slopes greater than 75 percent shall be regarded as walls. The height of a stepped or terraced building is the height of the highest segment thereof.
- (b) The reference datum shall be whichever of the following yields the greater height of building:
 - (1) The highest point within a horizontal distance of five feet from the exterior wall of the building, when such point is not more than ten feet above the lowest point within said five-foot radius.
 - (2) An elevation ten feet higher than the lowest grade, when the highest point described in subsection (b)(1) of this section is more than ten feet above the lowest point.
- (c) Exceptions.
 - (1) Height limitations stipulated in this section shall not apply to tanks, church spires, belfries, cupolas, monuments, fire and hose towers, chimneys, flagpoles, masts, aerials, antennas, telecommunication and electrical transmission towers and other similar structures or facilities.
 - (2) Height calculations shall disregard any fill or construction which the director finds to have no significant purpose other than elevating the reference datum. In reaching such finding, the director shall consider only those architectural, structural, safety, aesthetic, access or other purposes claimed by the developer and supported by reasonable evidence.

(Serial No. 87-49, § 2, 1987; Serial No. 99-26, § 2, 2000)

49.25.430 Yard setbacks.

No portion of any of the items listed in subsection (1) of this section may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the table of dimensional standards in table 49.25.400, except as otherwise noted in this section. An alley or walkway is not subject to front setbacks unless it is the primary access to the lot.

- (1) *Buildings, as building is defined in 49.80.120, and the following items:*
 - (A) Motor vehicle fuel dispensing pumps and associated overhead canopies or roofs;
 - (B) Carports;
 - (C) Radio and television antennas, masts and towers (including telecommunications towers), any of which are 25 feet or greater in height or 25 square feet or greater in area at the base or foundation; and dishes greater than five feet in diameter; and
 - (D) Above ground fuel and water storage tanks with a volume greater than 660 gallons.

(2) *Street right-of-way line determined.* The street right-of-way line shall be determined by reference to a recorded map, monuments, right-of-way easements, right-of-way maps, or other means. The setback shall be measured from such right-of-way line.

(3) *Multiple frontage lots.* Buildings on lots bordered by two or more rights-of-way must meet the front yard setback from one lot line adjoining the rights-of-way. Setbacks from the remaining lot lines adjoining rights-of-way will be considered street side yards.

On undeveloped corner lots or corner lots on which existing buildings conform to required setbacks, the owner may establish the rear yard opposite either right-of-way frontage. The remaining yard(s) not fronting on a street right-of-way will be considered a side yard(s).

On lots with existing buildings that have nonconforming setbacks, setbacks for yards shall be established based on the yard that most closely meets the respective setback requirement.

Lots bordered by three or more rights-of-way shall not be required to provide a rear yard setback.

A front yard for a lot not bordered by a right-of-way shall be established on the lot line where access is provided to the lot.

(4) *Projections into required yards.*

(A) *Architectural features.* Architectural features and roof eaves may project into a required yard four inches for each foot of yard setback required but no closer than two feet to the side and rear lot lines.

(i) In the MU2 zoning district, architectural features, roof eaves, and canopies may project into a required front or street side yard setback to the front or street side yard property line.

(B) *Enclosures.* Bay windows, garden windows, chimney and ventilation shafts, and other similar enclosed structures that do not increase the building's floor area may project four feet into any required yard provided that the maximum length of projection along the building does not exceed 15 lineal feet for any one yard. In no instance shall the projecting structure be closer than three feet to a lot line.

(C) *Structures unheated.* The following unheated structures are allowed in required yard setbacks, as provided below, and provided that roof eaves associated with these structures may be no closer than two feet to any side or rear lot line.

(i) Unenclosed balconies, connecting deck stairways, walkways, ramps and landings with or without roofs, may extend to the front lot line or street side lot lines provided the structure does not exceed five feet in internal width exclusive of support structure and is no closer than three feet to a side or rear lot line;

(ii) Arctic entries not exceeding 65 square feet gross floor area, and no closer than five feet to any property line;

(iii) Enclosures for outdoor fuel tanks, detached storage sheds, greenhouses, playhouses, refuse containers, woodsheds, and similar accessory buildings, if less than four feet high in a front or street side yard and ten feet high in a side yard, and 12 feet high in a rear yard. The total encroachment into a yard, regardless of the number of encroaching buildings, shall be no more than 40 square feet in a front yard, 65 feet in a side yard, and 120 square feet in a rear yard. Where a structure is located in more than one setback, the more restrictive standards shall prevail. In no instance shall the enclosure be closer than three feet to a lot line;

- (iv) Temporary boat or recreational vehicle shelters consisting of a plastic, canvas or similar cover material applied to a frame for winter storage provided that the cover and associated framework are removed during the period of April 15 through September 30 and provided that the shelter is no closer than three feet to a lot line; *I doubt this is ENFORCED*
- (v) Other enclosures, devices, structures or accessories deemed by the director to be similar to a building or to those other items listed in this subsection.

(D) *Uncovered porch, terrace, or patio.* An uncovered porch, terrace, or patio extending no more than 30 inches above the finished grade may be no closer than three feet to a side lot line and no closer than ten feet to a front, street side or rear lot line.

(E) *Unenclosed porches or decks.* Unenclosed first story porches or decks, with or without roof, and with or without non-sight obscuring safety rails less than 44 inches in height, may project ~~no more than six feet into any yard setback, provided, however, such projection is no closer than five feet to a lot line.~~ *to within* ~~Eaves may project a maximum of three feet from these structures.~~ *FIVE FEET ON SIDE AND REAR LOTS* *IT APPEARS THAT ROOFS ARE ALLOWED*

5' of property line

(F) *Sloping lots.* If the natural gradient of a sloping lot, from front to rear, exceeds 25 percent, the front yard setback shall not be less than the established yard of a dwelling, not including accessory structures, such as garages and storage buildings, which occupies an adjoining lot. In no instance shall the setback be less than five feet. *VACANT LOTS NEED TO BE ADDRESSED WHERE LOTS ARE VACANT ON EACH SIDE.*

F&H need to be combined and more detail provided

(G) *Shoreline properties.* In any zoning district, yard setbacks are not required from tidewater lot lines.

(H) *Carports and garages.* A minimum setback of five feet from any property line shall apply to carports and garages in any residential zoning district if:

- (i) The topography of the lot makes construction a hardship; *Needs definition should apply to uphill AND downhill lots*
- (ii) The carport or garage has a maximum height of 17 feet measured from the finished garage floor level, instead of from the datum established in 49.25.420(b), and a maximum gross floor area of 600 square feet;
- (iii) Sight distance is approved by the director; and
- (iv) Enclosed space directly under the garage shall be subject to the above setback exception, and no additional stories are allowed on top of the garage.

(I) *Parking decks.* A parking deck, no part of which exceeds one foot above the level of the adjoining roadway, and which does not include other uses, is exempt from the setback requirements of this chapter; provided a non-sight-obscuring safety rail not more than 42 inches in height is allowed.

(J) *Substandard lots.* If the lot width is less than required, the corresponding side, street side, or rear setbacks may be reduced to the same percentage that the lot width bears to the zoning district requirements, except that in no case shall the side, street side, and rear yard setbacks be less than half those required by this chapter, or five feet, whichever is greater.

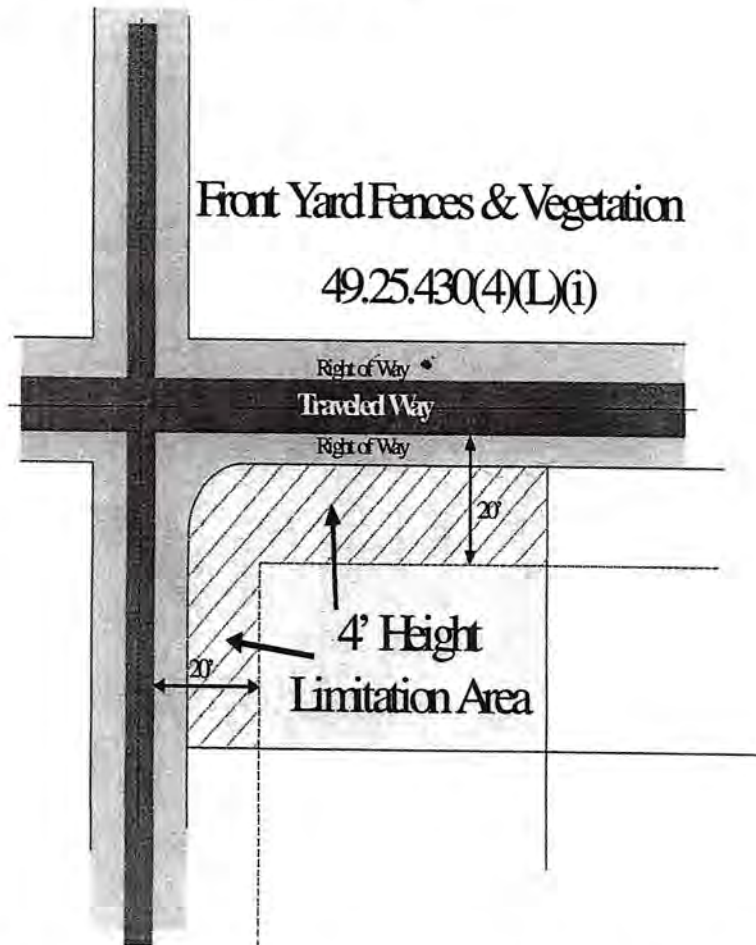
(K) *Existing substandard setbacks.* A new building may have a front yard setback equal to the average front yard setback of the three closest adjacent buildings, or a street side yard setback equal to the average street side yard setback of the three closest adjacent buildings, or a rear yard setback equal to the average rear yard setback of the three closest adjacent buildings. The average calculation shall be made using one building per lot. If any of the three buildings used in the averaging calculation is located a greater distance from the required setback, then the required front yard setback, or street side yard setback, or rear yard setback shall be used to calculate the average. An existing building located on the subject lot may be used as one of the three buildings to calculate the setback determination.

Is this problematic? Seems to be considering the number of words contained within

For purposes of this section, the buildings used in averaging must be either conforming or legally nonconforming enclosed buildings or carports and have a wall or column height of at least seven feet measured from the finished grade. Porches, bay windows, and temporary buildings allowed to project into setbacks cannot be used for averaging. In no instance shall the required setback be less than half that required by this chapter or ten feet, whichever is greater.

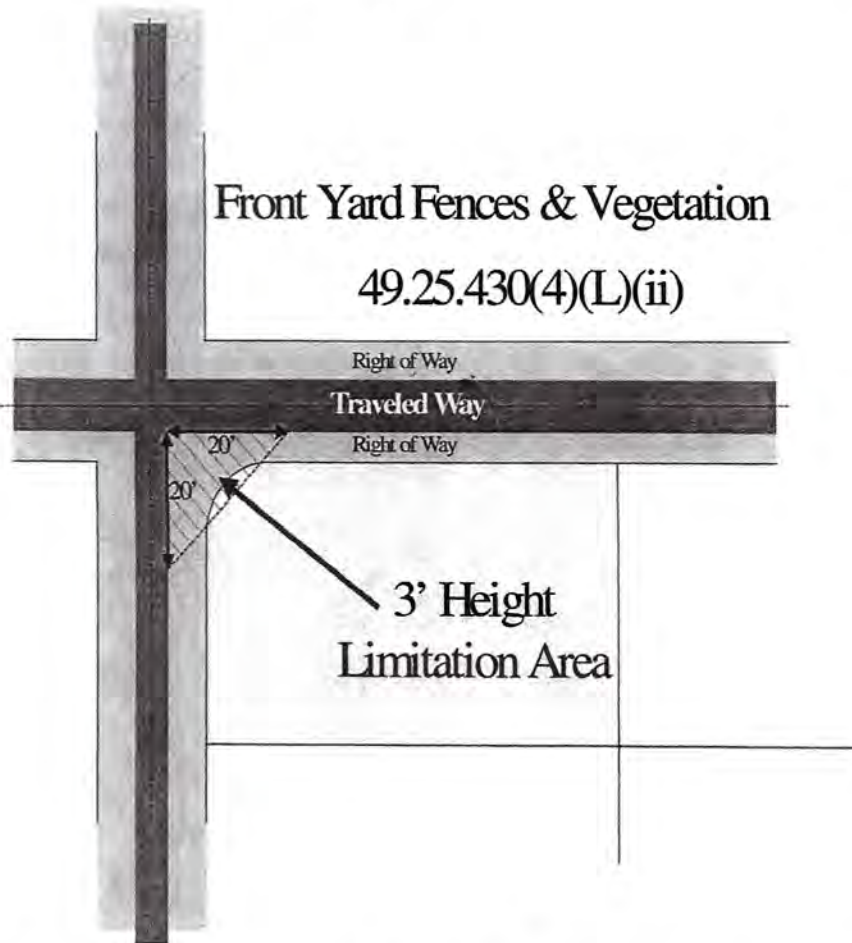
If there are fewer than three buildings within 500 feet of the subject property, then the required setback shall be the average of front yard setbacks, or street side yard setbacks, or rear yard setbacks, of such fewer buildings, using a maximum of one building per lot.

- (L) *Fences and vegetation.* For this section a "traveled way" is defined as the edge of the roadway shoulder or the curb closest to property.
 - (i) The maximum height of a sight obscuring fence or vegetation shall not exceed four feet within 20 feet of the edge of the traveled way. Trees are allowed within 20 feet of the edge of the traveled way provided they do not obscure view from a height of four feet to a height of eight feet above the ground;



- (ii) On corner lots the maximum height of a sight-obscuring fence or vegetation located within 20 feet of a street intersection shall not exceed three feet. The area in which sight-obscuring fences and vegetation is restricted shall be determined by extending the edge of the traveled ways to a point of intersection, then measuring back 20 feet, then connecting the points. In this area, vegetation shall be maintained to a maximum height of three feet.

Trees are allowed in this area provided the trees do not obscure view from a height of three to eight feet above the ground.



- (M) *Additional stories.* The commission, through the conditional use permit process, may allow the addition of a second or third story atop or below an existing enclosed structure which projects into a required yard setback if the structure is either nonconforming or if a variance was previously granted for the structure. The commission may deny such request if it finds that the structure, with the addition, would result in excessive blockage of views, excessive restriction of light and air, or other deleterious impacts. *Does this apply if the ADDITION DOES NOT PROJECT INTO the SET BACK?*
- (N) *Parcels adjoining publicly owned land.* The commission, through the conditional use permit process, may allow structural projections into required side or rear yard setbacks if the affected yard adjoins publicly owned land which has been placed in a park, open space, or similarly restrictive land management classification; provided such projections are minimized and are necessary to prevent substantial hardship to the applicant. The commission may deny such requests if it finds that the structure, with the addition, would result in excessive blockage of views, excessive restriction of light and air, or other deleterious impacts.
- (O) *Energy efficiency.* Energy efficiency improvements that do not increase interior square footage, such as exterior insulation, may project up to eight inches into a required yard. An energy efficiency improvement may not be approved under this section if it projects into the right-of-way or across a property line.

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- (5) *Replacement and reconstruction of nonconforming structures.* The replacement and reconstruction of nonconforming structures in residential districts shall be governed by chapter 49.30.

(Serial No. 87-49, § 2, 1987; Serial No. 89-05, § 2, 1989; Serial No. 91-03, § 3, 1991; Serial No. 95-33, § 7, 1995; Serial No. 97-49, § 2, 1998; Serial No. 2004-13, § 3, 9-27-2004; Serial No. 2006-15, § 4, 6-5-2006; Serial No. 2007-40, § 3, 6-25-2007; Serial No. 2012-36, § 2, 9-17-2012 ; Serial No. 2015-03(c)(am), § 20, 8-31-2015 ; Serial No. 2018-06, § 2, 3-5-2018, eff. 4-5-2018 ; Serial No. 2019-37, § 3, 3-16-2020, eff. 4-16-2020 ; Serial No. 2021-28 , § 6, 8-23-2021, eff. 9-22-2021)

Cross reference(s)—Right-of-way encroachment permits, CBJ Code ch. 62.55.

49.25.440 Lot coverage.

Notwithstanding the lot coverage standards set forth in section 49.25.400, in the RR, rural reserve district, and the D-1, residential district, if the area of a lot is less than the minimum lot size, the corresponding maximum lot coverage for a dwelling may be increased in the same proportion as the inverse of the ratio of the actual lot area to the required lot area, except that in no case shall lot coverage exceed 50 percent.

(Serial No. 91-50, § 2, 1991)

PART II - CODE OF ORDINANCES
TITLE 49 - LAND USE
Chapter 49.25 - ZONING DISTRICTS
ARTICLE IV. DIMENSIONAL STANDARDS

ARTICLE IV. DIMENSIONAL STANDARDS

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 ; Serial No. 2021-28 , § 4, 8-23-2021, eff. 9-22-2021)