

Agenda

Committee of the Whole City and Borough of Juneau Ben Haight, Chair

March 10, 2020
Assembly Chambers
5:00 PM

I. **ROLL CALL**

II. **REGULAR AGENDA**

- A. AME2013 0012: Proposed regulations for two new zoning districts, and the proposed Auke Bay rezone and overlay district

III. **OTHER BUSINESS**

IV. **REPORT OF REGULAR AND SPECIAL COMMITTEES**

V. **ADJOURNMENT**



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Date: February 24, 2020

TO: Michael LeVine, Planning Commission Chair

FROM: Allison Eddins, Planner II *A. Eddins*

CASE NO.: AME2020-0001 & AME2015-0010

RE: *Amendments to CBJ Land Use Code to include NC and MU3 zoning districts (AME2020-01) and proposed rezone and overly district for Auke Bay Center (AME2015-0010)*

CDD staff and the Auke Bay Area Plan Implementation Ad Hoc Committee of the Planning Commission are proposing amendments to the CBJ Land Use Code 49.25 for the addition of zoning districts Neighborhood Commercial (NC) and Mixed Use 3 (MU3) and CBJ 49.70 for the addition of the Auke Bay Overlay District.

Background

In 2017, CDD received two rezone requests from five property owners for lots fronting Glacier Highway in Auke Bay. AME2017-0005 was a request to rezone approximately 30 acres from D10(T)D15 to GC. This application was later withdrawn. AME2017-0013 was a request from four property owners to rezone approximately 7 acres from D10 to LC. Staff recommend approval but noted that, although close, LC does not entirely comply with the Auke Bay Area Plan or the Comprehensive Plan. On December 12, 2017, the Planning Commission denied the rezone request and a motion for reconsideration failed at the January 23, 2018 meeting.

The Ad Hoc Committee formed in January 2018. During this time, the Ad Hoc Committee held 17 public work sessions, where public testimony was taken in the form of written comments, and a series of seven neighborhood meetings in Auke Bay where staff presented the details of the proposed zoning districts and the overlay district. Ad Hoc Committee members attended these neighborhood meetings.

Neighborhood Commercial (NC) and Mixed Use 3 (MU3)

The proposed NC and MU3 zoning districts are consistent with Medium Density Residential (MDR), High Density Residential (HDR), Traditional Town Center (TTC) and Marine/Mixed Use (M/MU) Comp. Plan land use designations. The proposed zoning districts place a greater emphasis on mixed use development of small scale commercial and medium to high density residential with flexible setbacks that encourage the development of pedestrian-oriented buildings. Commercial development within the NC and MU3 zoning districts will be on a smaller scale than the MU, MU2, LC and GC zoning district while allowing for more commercial uses than are currently allowed in multi-family zoning districts.

Currently within the Auke Bay Center boundary as identified in the Auke Bay Area Plan (ABAP) there are seven zoning districts: D3, D10, D10 (T) D15, D15, LC, GC and WC. This variety of zoning within a small area can lead to

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AME2020-0001 & AME2015-0010

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the development of incompatible uses that makes planning for future growth challenging. The 2013 Comprehensive Plan Land Use Designation for this area is Medium Density Residential (MDR) and Marine/Mixed Use (M/MU).

Key Concepts of NC and MU3:

- Minimum lot size of 3,000 square feet
- Minimum density of 3 dwelling units per lot. 1 and 2 dwelling units are allowed only if they are part of a mixed use building.
- NC - Maximum density of 15 dwelling units per acre.
- MU3 – Maximum density of 30 dwelling units per acre.
- Building height maximums of 35' for primary buildings and 25' for accessory buildings
- Flexible front yard setback of 0' to 20' for NC and 0' to 15' for MU3. Maximum front yard setbacks will require parking to be located in the rear.
- Increased setbacks and landscaping requirements when buildings over 15' in height about a residential zoning district.

Auke Bay Overlay District

The ABAP recommends the creation of a connected street-grid network, the preservation of views of Auke Bay and Statter Harbor, and building and streetscape design standards such as building heights of at least two stories, ground floor commercial with residential above, and building facades and entrances designed to attract pedestrians. CDD staff and Ad Hoc Committee members, being mindful that requiring compliance with design standards may be seen as increasing development cost, are proposing an Auke Bay Overlay District (ABOD) with voluntary design standards, site features and public amenities that can be incorporated into a development in exchange for bonus points. These bonuses can then be used to increase height and density maximums, or reduce parking minimums.

Key Concepts of ABOD:

- The Planning Commission shall hear all applications for ABOD bonus points.
- Structures or sites already existing that contain all or some of the public amenities, design standards or site features may earn bonus points retroactively. The application process will be the same as with new development.
- Bonus points can be earned by incorporating any of the following into a development:
 - Dedicating private land for the future development of a public right of way
 - Developing and maintaining public parking on private land
 - Mixed use, multi-story buildings that incorporate commercial and residential uses
 - Street facing building facades that incorporate transparency, canopies, and/or building facades with at least 20% transparency
 - The addition of bike racks, outdoor seating, and/or outdoor planters or landscaping
 - Screening parking lots, trash and recycle receptacles, and free standing utility, mechanical and electrical boxes
 - Preserving views of Auke Bay and Statter Harbor
- Bonus points can be used in the following ways:
 - Parking minimums can be reduced by up to 30%
 - Assuming the Auke Bay Center is rezoned to NC and MU3
 - In NC building heights can be increased from 35' to 45'

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- In NC density can increase from 15 dwelling units per acre to a maximum of 30 dwelling units per acre
- In MU3 building heights can be increased from 35' to 55'
- In MU3 density can increase from 30 dwelling units per acre to a maximum of 50 dwelling units per acre

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Presented by: The Manager
Introduced:
Drafted by:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2020-XX

An Ordinance Amending the Land Use Code to Create a Mixed Use 3 (MU3) Zoning District and a Neighborhood Commercial (NC) Zoning District

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 2. Amendment of Chapter. Chapter 49.25 Zoning Districts is amended to read:

Chapter 49.25 – ZONING DISTRICTS

ARTICLE II. ZONING DISTRICTS

49.25.220 Mixed use districts.

(c) The MU3, mixed use 3 district, is intended to place a greater emphasis on the integration of small-scale commercial uses within high-density residential structures. Flexible setback regulations are deliberate to promote cohesive neighborhoods and encourage the development of pedestrian-oriented buildings.

49.25.230 Commercial districts.

(c) The NC, neighborhood commercial district, is intended to encourage the development of a vibrant, mixed-use neighborhood that is compact and walkable. Greater emphasis is placed upon medium density residential as the primary use with neighborhood-scale commercial activity that

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is less intensive than that permitted in the light commercial, general commercial, and mixed use zoning districts. NC zoning districts are primarily used as a buffer between commercial and mixed use zoning districts and single-family residential zoning districts.

ARTICLE III. TABLE OF PERMISSIBLE USES

49.25.300 TABLE OF PERMISSIBLE USES

		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	NC	MU3
1.000	RESIDENTIAL																	
1.100	Single-family dwellings																	
1.110	Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1	1	1 ^A	1 ^A		
1.120	Single-family detached, two dwellings per lot	1	1	1														
1.130	Single-family detached, accessory apartment ^x	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3				
1.140	Single-family detached, two dwellings per lot, accessory apartments ^x	1, 3	1, 3	1, 3														
1.200	Duplex	1	1	1	1		1	1	1	1	1	1	1	1				
1.300	Multifamily dwellings						1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3			1, 3	1, 3
1.500	Child and Day care homes																	

1	1.510	Child; 12 or fewer children under the age of 12	1	1	1	1	1	1	1	1	1	1	1	1	1			1	1
2	1.520	Reserved																	
3	1.530	Adult; 12 or fewer people, 12 years and older	1	1	1	1	1	1	1	1	1	1	1	1	1			1	
4	1.540	Reserved																	
5	1.550	Child care residence, 6 to 9 children under 18 years of age		3	3	3	3	3	3	3	3	3	3	3	3			3	
6	1.600	Miscellaneous, rooms for rent situations																	
7	1.610	Rooming, boarding houses, bed and breakfasts, single room occupancies with shared facilities, transitional housing, and temporary residences. Owner or manager must live on site.	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1	3 ^N			1, 3	1,3
8	1.620	Hotels, motels	3					-	-		1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N		1, 3	1, 3
9	1.630	Single room occupancies with private facilities						1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3			1, 3	1,3
10	1.700	Home occupations	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
11	1.800	Mobile homes																	

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1.810	Residential mobile homes on individual lots ^E	3	3	3														
1.815	Caretakers mobile homes on individual lots ^E	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	
1.820	Mobile home parks ^E				3	3	3	3	3	3								
1.830	Mobile home subdivision ^E				3	3	3	3	3	3								
1.840	Recreational vehicle parks ^F	3 ^F	3 ^F	3 ^F														
1.900	Common wall development																	
1.910	Two dwelling units				1	1	1	1	1									
1.911	Accessory apartments ^X	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3			
1.920	Three or more dwelling units				1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3				1, 3	1, 3
1.930	Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h)			3	3	3	3	3	3	3	3		3					
1.950	Mixed use residential building																1,3	1,3
2.000	SALES AND RENTAL GOODS, MERCHANDISE OR EQUIPMENT ^G																	

1	2.100	With less than 5,000 square feet and less than 20 percent of the gross floor area of outside merchandising of goods																
2																		
3	2.110	<i>Reserved</i>																
4	2.120	Miscellaneous							1	1	1	1	3 ^N	3 ^N	3	1	1	
5																		
6	2.130	Marine merchandise and equipment	3 ^T						1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3	1	1	
7																		
8	2.200	Storage and display of goods with greater or equal to 5,000 square feet and/or 20 percent of the gross floor area of outside merchandising of goods							1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	3			
9																		
10	2.300	Marijuana retail store	3						3	3	3	3	3	3	3		3	
11	3.000	PROFESSIONAL OFFICE, CLERICAL, RESEARCH, REAL ESTATE, OTHER OFFICE SERVICES ^G																
12																		
13	3.050	Offices of not more than 1,000 square feet		3	3	3	3	3	3	3	1	1	1	1	1 ^N		1	1
14																		
15	3.100	Offices greater than 1,000 but not more than 2,500 square feet					3	3	3	1	1	1	1	3 ^N			1	1
16																		
17	3.200	<i>Reserved</i>																
18	3.300	Research, laboratory uses	3 ^T							1, 3	1, 3	1, 3	1, 3	1 ^N , 3	1 ^N , 3	1, 3		1, 3
19																		
20	3.400	Offices greater than 2,500 square feet								1, 3	1, 3	1, 3	1, 3	1 ^N , 3		3 ^S	3	1, 3

1	3.500	Marijuana testing facility	3							3	3	3	3			3			
2	4.000	MANUFACTURING, PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, ASSEMBLING OF GOODS ^G																	
3	4.050	Light manufacturing	3 ^T						3	3	1, 3	1, 3	1, 3	1, 3	1 ^N ,	1 ^N ,	1, 3	1,3	1,3
4	4.070	Medium manufacturing	3 ^T									3	3	3	3 ^N	1 ^N ,	1, 3		
5	4.100	Heavy manufacturing	3 ^T	3 ^Q												3 ^N	3		
6	4.150	Rock crusher	3 ^T	1 ^Q	1 ^Q											3 ^N	3		
7	4.200	Storage of explosives and ammunition	3													3 ^N	3		
8	4.210	Seafood processing	3 ^T											3	1, 3	1, 3			
9	4.220	Marijuana product manufacturing facility	3 ^{AC}								3	3					3		
10	5.000	EDUCATIONAL, CULTURAL, RELIGIOUS, PHILANTHROPIC, SOCIAL, FRATERNAL USES																	
11	5.100	Schools																	
12		5.110	Elementary and secondary schools including associated grounds and other facilities		3	3	3	3	3	3	3	3	3	3	3	3		3	3
13		5.120	Trade, vocational schools, commercial schools		3 ^T						3	3	3	3	3 ^N	3 ^N	3		3
14		5.130	Colleges, universities		3 ^T	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	3	3	3

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5.200	Churches, synagogues, temples	3 ^T	3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	1, 3	3	3
5.300	Libraries, museums, art galleries	3 ^T	3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3 ^N			1,3	1,3
5.400	Social, fraternal clubs, lodges, union halls, yacht clubs	3 ^T						-	-		1, 3	1, 3	1, 3	1, 3	1 ^N , 3 ^N	3 ^N	1, 3	1,3	1,3
6.000	RECREATION, AMUSEMENT, ENTERTAINMENT																		
6.100	Indoor activity conducted entirely within building or substantial structure																		
6.110	Bowling alleys, billiard, pool halls							-	-		1, 3	1, 3	1, 3	1, 3			3	1,3	1,3
6.120	Tennis, racquetball, squash courts, skating rinks, exercise facilities, swimming pools, archery ranges				3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3			3	1,3	1,3
6.130	Theaters seating for 200 or fewer	3 ^T						-	3	3	1	1	1	1	3 ^N		3	1,3	1
6.135	Theaters seating from 201 to 1,000							-	-		3	1	1	1	3 ^N		3	1,3	1
6.140	Coliseums, stadiums, and other facilities in the 6.100 classification seating more than 1,000 people											3	3	3	3 ^N				

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	6.150	Indoor shooting range	1, 3									3					3		
	6.200	Outdoor activity conducted outside enclosed buildings or structures																	
	6.210	Recreational facilities such as golf, country clubs, swimming, tennis courts not constructed pursuant to a permit authorizing the construction of a school	3	3	3	3	3	3	3	3	3	1, 3			3 ^N		3	1,3	
	6.220	Miniature golf courses, skateboard parks, water slides, batting cages	3	3	3	3	3	3	3	3	3	1, 3	3	3	3 ^N		3	1,3	
	6.240	Automobile, motorcycle racing tracks; off-highway vehicle parks	3									3					3		
	6.250	<i>Reserved</i>																	
	6.260	Open space	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
	6.262	Parks with improved facilities, not approved in conjunction with a major subdivision																	
	6.264	Capacity for up to 20 people ^w	1 ^T	1	1	1	1	1	1	1	1	1	1	1	1	3 ^N		1	1

1	6.266	Capacity for more than 20 people ^w	3 ^T	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N		3	3
2	6.270	Aerial conveyances and appurtenant facilities	3	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	3		
3	6.280	Shooting ranges	3														3		
4	7.000	INSTITUTIONAL DAY OR RESIDENTIAL CARE, HEALTH CARE FACILITIES, CORRECTIONAL FACILITIES																	
5	7.100	Hospital									3	3	3	3					
6	7.150	Health care clinics, other medical treatment facilities providing out-patient care							3	3	1, 3	1, 3	1, 3	1, 3				1,3	1,3
7	7.200	Assisted living		3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3			1,3	1,3
8	7.300	Day care centers					3	3	3	1, 3	1, 3	1, 3	1, 3					1,3	1,3
9	7.310	Child care centers	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3					1,3	1,3
10	7.500	Correctional facilities	3	3	3	3	3	3	3	3	3	3	3	3					
11	7.600	Sobering centers								3	3	3	3						
12	8.000	RESTAURANTS, BARS, NIGHTCLUBS																	
13	8.050	Small restaurants, less than 1,000 ft ² without drive through service	3 ^T					3	3	3	1	1	1	1	1 ^N		3	1	1
14																			
15																			
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1	10.000	STORAGE, PARKING, MOORAGE																
2	10.100	Automobile parking garages or parking lots not related to a principal use on the lot								3	1	1, 3	1, 3			1	1, 3	1, 3
3																		
4	10.200	Storage and handling of goods not related to sale or use of those goods on the same lot on which they are stored																
5																		
6																		
7	10.210	All storage within completely enclosed structures	1, 3	3						3	1	1 ^U , 1 ^U , 3	1 ^N , 1 ^N	1				
8																		
9	10.220	General storage inside or outside enclosed structures	1, 3	3							1, 3		1 ^N , 1 ^N	1				
10																		
11	10.230	Snow storage basin																
12	10.232	Neighborhood, less than ½ acre	3	3	3 ^Z	3 ^Z	3 ^Z	3 ^Z	3 ^Z	3 ^Z	3 ^Z	1		3 ^Z	1	1		
13																		
14	10.235	Regional, ½ to 1 acre	3	3	3 ^Z						3 ^Z	3		3 ^Z	1	1		
15																		
16	10.237	Area wide, over 1 acre	3	3 ^Z	3 ^Z							3 ^Z			3	3		
17																		
18	10.300	Parking of vehicles or storage of equipment outside enclosed structures where they are owned and used by the user of the lot and parking and storage is more than a minor and incidental use of the lot	1, 3	3								1, 3		1 ^N , 1 ^N	1			
19																		
20																		
21																		
22																		

1	10.400	Temporary contractor's storage connected with construction project off-site for a specified period of time	1, 3	3	3	3	3	3	3	3	3	1, 3	3	3	3	1 ^N	1	3	3	
2																				
3	10.500	Moorage																		
4	10.510	Public, commercial	3	3	3						3	3	3	3	1, 3	1, 3	1, 3			
5	10.520	Private	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		
6																				
7	10.600	Floating structures supporting seasonal, commercial recreation	3	3	3										3	3				
8																				
9	11.000	MATERIALS SALVAGE YARDS, WASTE MANAGEMENT																		
10	11.100	Recycling operations																		
11	11.110	Enclosed collection structures ⁰ of less than 80 square feet total and less than six feet in height	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1 ^P	1	1	1 ^P	1 ^P	1	1	1	1 ^P	1 ^P
12																				
13	11.120	Enclosed structures for recyclable materials collection	1 ^P ,	1 ^P ,	1 ^P ,	1 ^P ,	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	1 ^P , 3	3	3	1	1	1 ^P	3 ^P	3 ^P
14																				
15	11.130	Sorting, storage, preparation for shipment occurring outside an enclosed structure															1 ^N	1		
16																				
17	11.200	Reclamation landfill not associated with a specific use	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	1, 3			
18																				
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1	11.300	Sanitary landfill	3															3			
2	12.000	SERVICES AND ENTERPRISES RELATED TO ANIMALS																			
3	12.100	Veterinary clinic	3	3	3						3	1, 3	3	3	1 ^N ,	1 ^N ,	1	3	3		
4	12.200	Kennel	3	3							3	3						1, 3			
5	12.250	Day animal services, grooming, walking, day care	3	3	3	3	3				3	3	3	3				1, 3	3	3	
7	12.300	Zoos, aquaria, or wild animal rehabilitation facilities with a visitor component	3	3							3	3		3	3 ^N			3			
8	12.310	Wild animal rehabilitation facilities without a visitor component	3	3	3	3					3	3			3 ^N			3			
9	12.400	Horseback riding stables, dog team yards	3	3							3	3						3			
10	13.000	EMERGENCY SERVICES																			
11	13.100	Fire, police, ambulance	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3 ^N	3 ^N	1, 3	3	3
12	14.000	AQUACULTURE, AGRICULTURE, SILVICULTURE, MINING, QUARRYING OPERATIONS, SPRING WATER BOTTLING																			
13	14.100	Aquaculture	3	3	3						3	3	3	3	1	1		3			
14	14.150	Weirs, channels, and other fisheries enhancement	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1	1		1			

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1	14.200	Commercial agricultural operations																	
2		14.210 Excluding farm animals	1, 3	1, 3	3	3	3	3	3	3	3	3					1, 3	3	3
3		14.220 Including farm animals ^M	1, 3	3													1, 3		
4		14.230 Stabling of farm animals ^M	3	3	3	3					3	3					1, 3		
5		14.240 Marijuana cultivation (500 square feet or more under cultivation)	3								3	3					3		
6		14.245 Marijuana cultivation (fewer than 500 square feet under cultivation)	3	3 ^{AB}							3	3					3		
7		14.250 Personal use agriculture																	
8		14.253 Hens, 6 maximum	1	1	1	1	1	1	3	3	1	1	3	3	1	1	1		
9		14.300 Silviculture and timber harvesting ^J	3	3													3		
10		14.400 Mining operations	2, 3	3	3										3 ^N	3 ^N	2		
11		14.500 Sand and gravel operations ^I	3	3	3						3	3			3 ^N	3 ^N	3		
12		14.800 Spring water bottling	3	3			3	3	3	3	3	3					1, 3	3	
13		15.000 MISCELLANEOUS PUBLIC AND SEMIPUBLIC FACILITIES																	

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1	15.100	Post office	3	3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	1, 3	3 ^N	3 ^N	1, 3	1,3	1, 3	
2	15.200	Airport	3															1, 3			
3	15.400	Military reserve, National Guard centers	3	3	3						3	3				3 ^N	3 ^N	3	3	3	
4	15.500	Heliports, helipads	3									3				3 ^N	3 ^N	3			
5	15.600	Transit facilities																			
6		15.610 Transit center			3	3	3	3	3	3	3	1, 3	1, 3	1, 3	1, 3	3		1, 3	1,3	1, 3	
7		15.620 Transit station		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
8		15.630 Park and ride not associated with transit station	3	3	3	3	3	3	3	3	3	1	1	3	3			1			
9	15.700	Public works facility	3	3	3	3						3	3					1, 3			
10	16.000	DRY CLEANER, LAUNDROMAT																			
11	16.100	Drop off and pickup only, no onsite laundry or dry cleaning process										1, 3	1, 3	1, 3	1, 3	1, 3	1 ^N , 1 ^N	1 ^N , 1 ^N	1, 3	1,3	1,3
12	16.200	Full service onsite laundry and/or dry cleaning											3	1, 3	3	3	3 ^N	1 ^N , 1 ^N	1, 3	1,3	1,3
13	17.000	UTILITY FACILITIES																			
14	17.100	Minor	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

1	17.150	Intermediate	3	3	3	3	3	3	3	3	3	3	3	1, 3	3	3	1, 3	1	1	3	3	
2	17.200	Major	3	3	3	3	3	3	3	3	3	3	3	3			3	3	3	3	3	
3	17.300	Driveways and private roads																				
4	18.000	TOWERS AND RELATED STRUCTURES																				
5	18.100 ^{AA}	Towers and antennas 35 feet or less	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
6	18.200 ^{AA}	Towers and antennas 35 to 50 feet	1	3	3	3	3	3	3	3	3	1	1	1	1	1	1	1	1	3	3	
7	18.300 ^{AA}	Towers and antennas more than 50 feet in height	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	1			
8	18.400	Amateur (ham) radio towers and antennas more than 35 feet in height ^R	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	
9	18.500	Wireless Communication Facilities	See CBJ 49.65, Wireless Communication Facilities																			
10	19.000	OPEN AIR MARKETS, NURSERIES, GREENHOUSES																				
11	19.100	Open air markets (farm, craft, flea, and produce)	1, 3	1, 3										1, 3	1		1, 3	1, 3	1 ^N , 1 ^N	1, 3	1, 3	1, 3
12	19.200	Nurseries, commercial greenhouses																				
13	19.210	Retail sales	3	3	3	3	3	3	3	3	3	1, 3	1		1 ^V	1 ^V				1	1, 3	1, 3
14	19.220	Nonretail sales	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1		1 ^V	1 ^V				1		

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19.230	Marijuana cultivation (500 square feet or more under cultivation)	3								3	3						3	
19.240	Marijuana cultivation (fewer than 500 square feet under cultivation)	3	3 ^{AB}							3	3						3	
20.000	CEMETERY, CREMATORIUM, MORTUARY																	
20.100	Cemetery	1, 3	3	3	3	3	3	3	3	3	3	3						
20.200	Crematorium	3															1, 3	
20.300	Funeral home	3	3	3	3	3	3			1, 3	1	3	3				1,3	1,3
21.000	VISITOR-ORIENTED, RECREATIONAL FACILITIES																	
21.100	Resort, lodge	3	3															
21.200	Campgrounds	1, 3	3															
21.300	Visitor, cultural facilities related to feature the site	3	3					-	-	3	3	3	3	3 ^N			3	3
22.000	TEMPORARY STRUCTURES ASSOCIATED WITH ONSITE CONSTRUCTION																	
22.100	Temporary structures used in connection with construction	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

ARTICLE IV. DIMENSIONAL STANDARDS

49.25.400 TABLE OF DIMENSIONAL STANDARDS

(a) A bonus awarded consistent with this title may allow for a dimension to exceed the corresponding dimension in the table of the dimensional standards.

(b) The following shall be known as the table of dimensional standards:

Zoning Regulations	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	MU3	NC	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	3,000	3,000	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														

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Minimum lot width	150'	150'	100'	70'	40'	50'	50'	50'	50'	50'	50'	40'	40'	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'	None	None	80'	60'	60'	60'	60'
Maximum lot coverage																		
Permissible uses	10%	10%	35%	50%	50%	50%	50%	50%	50%	None	80%	75%	None	None	None	None	None	None
Conditional uses	20%	20%	35%	50%	50%	50%	50%	50%	50%	None	80%	75%	None	None	None	None	None	None
Maximum height permissible uses	45'	35'	35'	35'	35'	35'	35'	35'	35'	None	45' ⁴	35'	35'	45'	55'	35' ⁴	45' ⁴	None
Accessory	45'	25'	25'	25'	25'	25'	25'	25'	25'	None	35'	25'	25'	35'	45'	35' ⁴	45' ⁴	None
Bungalow ⁹		25'	25'	25'	25'	25'	25'	25'	25'									
Minimum front yard setback ³	25'	25'	25'	20'	20' ¹⁰	20'	20'	20'	20'	0'	5' ^{5,8}	0'	0'	25'	10'	10'	10'	10'
Maximum front yard setback												20'	15'					
Minimum street side yard setback	17'	17'	17'	13'	10'	13'	13'	13'	13'	0'	5'	0'	0'	17'	10'	10'	10'	10'

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Maximum street side yard setback												15'	10'					
Minimum rear yard setback ³	25' ²	25'	25'	20'	10'	20'	15'	10'	0'	5'	5'	5'	0' ¹¹	10'	10'	10'	10'	10'
Minimum side yard setback ³	15' ²	15'	10'	5'	3'	5'	5'	5'	0'	5'	0' ¹¹	0' ¹¹	10'	10'	10'	10'	0'	
Common wall dwelling				10' ⁶	3'	5' ⁷	5' ⁷	5' ⁷		5' ⁷								

Notes:

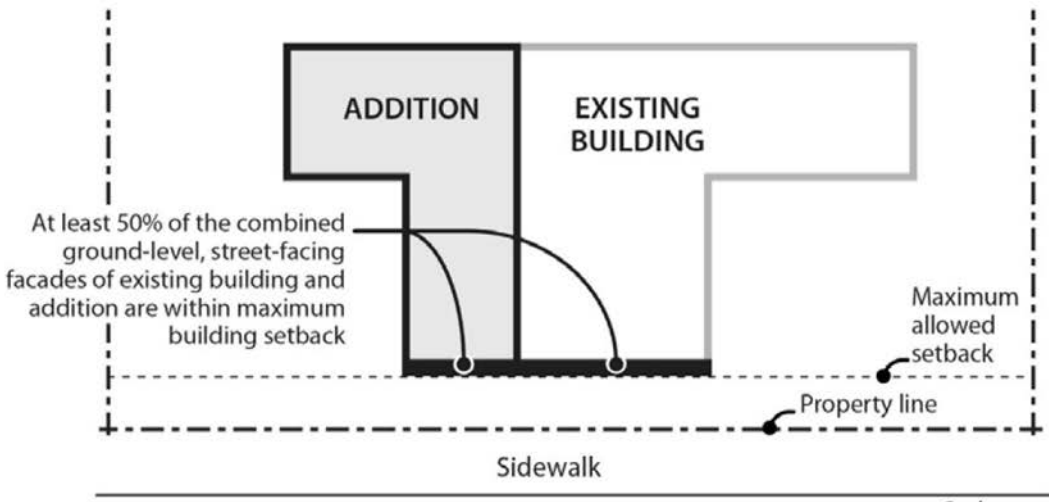
1. Minimum lot size is existing lot or area shown on chart in square feet.
2. Sixty feet between nonresidential and designated or actual residential site; 80 feet between industrial, extractive and other uses.
3. Where one district abuts another the greater of the two setbacks is required for both uses on the common property line.
4. (Height Bonus) Reserved.
5. (Pedestrian Amenities Bonus) Reserved.
6. Zero-foot setback for the portion of the dwelling 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.
7. 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.
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).
 - (b) Minimal lot depth includes 50% of the width of adjacent alley.
 - (c) Minimum front yard setback of ten feet.
11. Additional setbacks apply when lot abuts a multi-family or single-family residential zoning district as required by 49.25.430(8).

49.25.430 Yard setbacks.

(6) *Maintaining building façade continuity.* In order to maintain building façade continuity, a new building in the NC or MU3 zoning districts shall have a front yard setback and street side yard setback equal to the average front yard setback of the three closest buildings sharing a frontage and within a 150-foot radius. An existing building on the subject lot may be used as one of three buildings to calculate the setback determination. For the purposes of this section, the buildings used in averaging must be conforming enclosed buildings.

(7) *Maximum building setback for NC and MU3.* In NC and MU3 zoning districts, at least 50 percent of the length of the ground level, street-facing façade of a new or altered building shall be within the maximum setback for the underlying zoning district. Where there is more than one building on a lot, the maximum standard applies to the combined ground level, street-facing facades of all the buildings.

Alteration to Existing Building in Conformance with Maximum Setback Standard



(8) NC and MU3 parcels abutting residential zoning districts. When a building in the NC or MU3 zoning district abuts a residential zoning district the following setbacks and landscaping requirements apply:

Height of building wall	Lots abutting a residential zone side lot line	Lots abutting a residential zone rear lot line
15 ft. or less	5-foot setback and landscaping	Underlying zoning district setback, no landscaping
15.1 ft. to 25 ft.	8-foot setback and landscaping	
25.1 ft. and taller	10-foot setback and landscaping	

ARTICLE V. DENSITY

49.25.500 Density.

The maximum number of dwelling units allowed per acre shall be as provided in the following table:

Zoning District	Maximum Dwelling Units/Acre
RR	Density determined by minimum lot size in section 49.25.400 and special density requirements in section 49.25.510.
D-1	Density determined by minimum lot size in section 49.25.400 and special density requirements in section 49.25.510.
D-3	Density determined by minimum lot size in section 49.25.400 and special density requirements in section 49.25.510.
D-5	Density determined by minimum lot size in section 49.25.400 and special density requirements in section 49.25.510.

D-10	10 units per acre
D-10 SF	Density determined by minimum lot size in section 49.25.400 and special density requirements in section 49.25.510.
D-15	15 units per acre
D-18	18 units per acre
MU	No maximum density
MU2	80 units per acre
<u>MU3</u>	<u>30 units per acre</u>
<u>NC</u>	<u>15 units per acre</u>
LC	30 units per acre
GC	50 units per acre
WC	18 units per acre

Section 3. Amendment of chapter. Chapter 49.50 Parks, Open Space and Vegetative Cover is amended to read:

CHAPTER 49.50 PARKS, OPEN SPACE AND VEGETATIVE COVER

Article III. – Vegetative Cover

49.50.300 Minimum vegetative cover.

A minimum percent by area of each development site shall be maintained with live vegetative cover according to the following table. In the event of a conflict between district and area standards, the greater shall apply.

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Zoning District	Percentage of Lot in Vegetation
D-1, D-3, and D-5, residential districts	20
D-10 SF residential districts	15
D-10, D-15, and D-18 multifamily residential districts	30
MU2, mixed use district	5
<u>MU3, mixed use district</u>	<u>10</u>
<u>NC, neighborhood commercial district</u>	<u>15</u>
LC, light commercial district	15
GC, general commercial district	10
WC, waterfront commercial district	10
WI, waterfront industrial district	5
I, industrial district	5
Convenience store, outside a commercial district	20

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2 **Section 4. Amendment of Chapter.**

3 Chapter 70 is amended by adding a new article XIII to read:
4

5 **ARTICLE XIII. AUKE BAY OVERLAY DISTRICT**

6 **49.70.1300 Purpose.**

7
8 The purpose of the Auke Bay Overlay District is to implement the Auke Bay Area Plan
9 Vision through design standards and development bonuses that promote the creation of a
10 lively, village-like setting. Bonuses may be earned by providing a combination of design
11 standards, site features and community improvements envisioned by the Auke Bay Area
12 Plan.

11 **49.70.1310 Applicability.**

12 *Auke Bay Overlay District.* This article applies only to parcels located within the Auke
13 Bay Overlay District as shown on the adopted map.

14 **49.70.1320 Relationship to Existing Zoning.**

15
16 If a developer chooses to earn bonus points, a minimum of 10 percent of bonus points must
17 be earned by providing design standards. Bonus points may be used to increase density,
18 increase building height, or reduce minimum parking requirements. All other
19 requirements of the underlying zoning district apply.

18 **49.70.1330 Auke Bay Overlay District Procedure.**

19
20 (a) *Auke Bay Overlay District Permit.* The commission shall hear all applications
21 pursuant to this article.

21
22 (b) *Pre-application Conference.* Prior to submission of an application, the developer shall
23 meet with the director for the purpose of discussing the site, the proposed development
24 activity including design standards, site features and/or community improvements that
25 will be incorporated and how bonus points will be used.

24
25 (c) *Application.* The developer shall submit to the director one copy of the completed
permit application together with all supporting materials and the permit fee. A
developer that applies for a bonus, must show the nature and extent of such bonuses in
the Auke Bay Overlay District application.

(d) *Director's review procedure.*

(1) The director shall endeavor to determine whether the application accurately
reflects the developer's intentions; shall advise the developer whether or not the

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2 application is acceptable; and, if it is not, shall advise what corrective action may be
3 taken.

4 (2) After accepting the application, the director shall schedule it for a hearing before
5 the commission and shall give notice to the developer and the public in accordance
6 with section 49.15.230.

7 (3) The director shall forward the application to the commission together with a
8 report setting forth the director's recommendation for approval or denial, with or
9 without conditions together with the reasons therefore.

10 (4) Copies of the application or the relevant portions thereof shall be transmitted to
11 interested agencies as specified on a list maintained by the director for that purpose.
12 Referral agencies shall be invited to respond within 15 days unless an extension is
13 requested and granted in writing for good cause by the director.

14 (5) Even if the proposed development complies with all the requirements of this title
15 and all recommended conditions of approval, the director may nonetheless
16 recommend denial of the application if it is found that the development:

- 17 (A) Will materially endanger the public health or safety;
- 18 (B) Will substantially decrease the value of or be out of harmony with
19 property in the neighboring area; or
- 20 (C) Will not be in general conformity with the comprehensive plan.

21 (e) *Review of director's determinations.*

22 (1) At the hearing on the Auke Bay Overlay District permit, the commission shall
23 review the director's report to consider:

- 24 (A) Whether the proposed development is appropriate according to the
25 comprehensive plan, Auke Bay Area Plan, or other official adopted plan;
- (B) Whether the application is complete; and
- (C) Whether the development as proposed will comply with the other
requirements of this title.

(2) The commission shall adopt the director's determination on each item set forth
in paragraph (1) of this subsection (e) unless it finds, by a preponderance of the
evidence, that the director's determination was in error, and states its reasoning for
each finding with particularity.

(f) *Commission determinations.* Even if the commission adopts the director's
determinations pursuant to subsection (e) of this section, it may nonetheless deny or
condition the permit if it concludes, based upon its own independent review of the
information submitted at the hearing, that the development will more probably than not:

- (1) Materially endanger the public health or safety;
- (2) Substantially be out of harmony with property in the neighboring area; or
- (3) Lack general conformity with the comprehensive plan.

Bonus points may be awarded for site features and design features that were existing on the date this ordinance was adopted.

(a) Community Improvements

(1) *Platting new public rights-of-way.* A development that includes the dedication of private land for the future development of a publically maintained connected street grid system is eligible for the following bonus points.

Linear feet of public right of way	Standard	Points Earned
3 feet (a minimum of 25 ft. must be platted)	All platted public rights-of-way shall be consistent with the public right-of-way width standard for streets other than arterials and connectors, as found in Chapter 49.35.	1 point

(2) *Providing public parking on private property.* A minimum of 12 parking spaces must be provided. The public parking spaces are in addition to the minimum parking required for the lot. The public parking area shall be paved, the parking spaces shall be striped, and a public parking sign must be installed and clearly visible from abutting public rights-of-way. The property owner will retain ownership of the lot and is responsible for all maintenance of the parking area. The owner may charge reasonable fees for use of the parking area.

Parking Spaces Provided	Standard	Points Earned
12 or more	Bonus points may be earned for public parking providing 12 or more spaces.	1 point per space, twelve and above

(3) *Mixed use structures.* Mixed use structures are intended to encourage structures that combine medium- to high-density residential uses with compatible commercial uses on a single site and within the same structure.

Residential/Commercial floor area ratio	Points Earned
1:1	8 points
2:1	12 points (16 points for zoning districts with height restrictions of 35 feet including maximum height with bonuses)
3:1	16 points (24 points for zoning districts with height restrictions of 45 feet including maximum height with bonuses)
4:1	24 points

(4) *Building Design Standards.* Building design standards are intended to encourage the inclusion of specific design standards within new development, and additions or exterior improvements to existing structures. The building design standards represent the vision of future development in the Auke Bay Center, as identified in the Auke Bay Area Plan. A minimum of 10 percent of all bonus points earned must be earned from meeting design standards.

Design Standards		Points Earned
Welcoming street facing building facades	Windows and building entrances comprise at least 20% of the ground floor wall area for all non-residential uses. Street facing façade windows shall be no more than 4 feet above finished grade. Windows and doors shall consist of clear glass.	3 points for every 20% transparency
Ground level entrances	Entryways shall be designed to orient customers with attractive architectural features, such as a recessed entryway, pedestrian oriented lighting, and weather protection. Each public entrance shall be clearly defined and highly visible.	3 points for each entryway
Canopies provided for public right-of-ways and improved pedestrian walkways	Canopies shall span the entire frontage of the building and shall meet CBJ canopy standards.	1 point for every 5 ft. of canopy

(5) *Site Features*. Site features are intended to encourage the installation of features that promote pedestrian safety and create interesting and inviting outdoor spaces.

Site Feature	Standard	Points Earned
Pedestrian walkways	Pedestrian walkways shall provide a direct route from a right-of-way or parking area to the building's main entrance, as determined by the director; be a minimum of 5 feet wide; be separated from a parking area or right-of-way with landscaping or a raised surface of at least 6 inches; consist of a walking surface other than dirt or gravel; connect to a pedestrian walkway on an abutting lot when possible	1 points per 10 feet of walkway
Covered bike rack	Bike rack(s) shall be installed near a building's ground level entrance; have a minimum capacity of four bikes. Bike racks shall be covered and shall be compatible with a U lock, as recommended in the Juneau Non-Motorized Transportation Plan.	1 point per bike rack
Outdoor seating	Outdoor seating shall consist of at least one bench that seats at least 4 people or one table that seats at least four people; be secured to the ground or building; and be provided at a minimum during the summer months	1 point per bench or table

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Outdoor Planters or Landscaping	Outdoor planters or landscaping shall span a minimum of 25 percent of the building right-of-way facing façade(s); contain live, non-invasive plant(s); be designed and located in a manner that does not interfere with site distance from public right-of-ways or pedestrian walkways, as determined by the commission	1 point for every quarter of the building façade with planters or landscaping
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(6) *Screening.* Screening is intended to preserve and enhance the aesthetic value of Auke Bay by minimizing views of specific parts of properties or structures from streets, pedestrian walkways, or abutting properties when the specific part(s) of property or structure are located within 30 feet of a property line, public rights-of-way, or pedestrian walkways.

Structures to be screened	Standard	Points Earned
Above-ground parking lots	Screening shall be four feet tall and shall consist of sight obscuring landscaping or a sight obscuring fence or wall. Parking areas do not need to be screened from pedestrian walkways that intersect the parking area.	3 points per parking lot
Recycle and trash receptacles; above-ground oil, gas, water or wood pellet storage containers; freestanding utility, mechanical and electrical boxes	Screening shall be as tall as the structure or object being screened; shall consist of sight obscuring landscaping, a sight obscuring fence or wall, murals or other forms of public art, or other methods that meet the purpose of this section, as determined by the commission	1 point each

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(7) *Preserving views of Auke Bay and Statter Harbor.* Preservation of the view is intended to protect the aesthetic value of private property by encouraging developers of structures greater than two stories in height to preserve the view(s) of Auke Bay and Statter Harbor from abutting properties, as determined by the planning commission.

Building Stepback	Points Earned
Reduction of the upper floor footprint in relation to the ground floor.	1 point for every 3% reduction

49.70.1350 Using Bonus Points

- (a) *General.* Despite the other provisions of this title, a bonus may be granted as described in this section.
- (b) *Density Bonus.* The allowable density of dwelling units per acre may be increased based on bonus points earned. Density increase shall be rounded to the nearest whole number

Bonus Points Needed	NC	MU3	WC
Standard Zoning	15 units per acre	30 units per acre	18 units per acre
8 points	17 units per acre	35 units per acre	21 units per acre
16 points	19 units per acre	38 units per acre	24 units per acre
24 points	21 units per acre	42 units per acre	27 units per acre
32 points	25 units per acre	50 units per acre	30 units per acre

- (c) *Height Bonus.* Bonus points for increased height are not allowed in the Waterfront Commercial zoning district.

Bonus Points Needed	NC	MU3
	Principle / accessory height limit	
Standard zoning	35' / 25'	35' / 25'
6 points	45' / 35'	45' / 35'
12 points		55' / 45'

- (d) *Reduce minimum parking requirements.* The maximum allowed parking reduction in the Auke Bay Overlay District is 30 percent of the total number of parking spaces

required for all uses on the site. Dimensional standards for parking and off-street loading in 49.40.210 shall apply.

Bonus Points Needed	Parking Reduction
Standard zoning	Parking as required in 49.40
6 points	10% reduction
10 points	15% reduction
15 points	20% reduction
22 points	25% reduction
30 points	30% reduction

Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2020.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

Presented by: The Manager
Introduced:
Drafted by:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2020-XX

An Ordinance Amending the Land Use Code to Create the Auke Bay Overlay District.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

Section 4. Amendment of Chapter.

Chapter 70 is amended by adding a new article XIII to read:

ARTICLE XIII. AUKE BAY OVERLAY DISTRICT

49.70.1300 Purpose.

The purpose of the Auke Bay Overlay District is to implement the Auke Bay Area Plan Vision through design standards and development bonuses that promote the creation of a lively, village-like setting. Bonuses may be earned by providing a combination of design standards, site features and community improvements envisioned by the Auke Bay Area Plan.

49.70.1310 Applicability.

Auke Bay Overlay District. This article applies only to parcels located within the Auke Bay Overlay District as shown on the adopted map.

49.70.1320 Relationship to Existing Zoning.

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1 If a developer chooses to earn bonus points, a minimum of 10 percent of bonus points must
 2 be earned by providing design standards. Bonus points may be used to increase density,
 3 increase building height, or reduce minimum parking requirements. All other
 4 requirements of the underlying zoning district apply.

5 **49.70.1330 Auke Bay Overlay District Procedure.**

6 (a) *Auke Bay Overlay District Permit.* The commission shall hear all applications
 7 pursuant to this article.

8 (b) *Pre-application Conference.* Prior to submission of an application, the developer shall
 9 meet with the director for the purpose of discussing the site, the proposed development
 10 activity including design standards, site features and/or community improvements that
 11 will be incorporated and how bonus points will be used.

12 (c) *Application.* The developer shall submit to the director one copy of the completed
 13 permit application together with all supporting materials and the permit fee. A
 14 developer that applies for a bonus, must show the nature and extent of such bonuses in
 15 the Auke Bay Overlay District application.

16 (d) *Director's review procedure.*

17 (1) The director shall endeavor to determine whether the application accurately
 18 reflects the developer's intentions; shall advise the developer whether or not the
 19 application is acceptable; and, if it is not, shall advise what corrective action may be
 20 taken.

21 (2) After accepting the application, the director shall schedule it for a hearing before
 22 the commission and shall give notice to the developer and the public in accordance
 23 with section 49.15.230.

24 (3) The director shall forward the application to the commission together with a
 25 report setting forth the director's recommendation for approval or denial, with or
 without conditions together with the reasons therefore.

(4) Copies of the application or the relevant portions thereof shall be transmitted to
 interested agencies as specified on a list maintained by the director for that purpose.
 Referral agencies shall be invited to respond within 15 days unless an extension is
 requested and granted in writing for good cause by the director.

(5) Even if the proposed development complies with all the requirements of this title
 and all recommended conditions of approval, the director may nonetheless
 recommend denial of the application if it is found that the development:

- (A) Will materially endanger the public health or safety;
- (B) Will substantially decrease the value of or be out of harmony with
 property in the neighboring area; or
- (C) Will not be in general conformity with the comprehensive plan.

(e) *Review of director's determinations.*

(1) At the hearing on the Auke Bay Overlay District permit, the commission shall review the director's report to consider:

- (A) Whether the proposed development is appropriate according to the comprehensive plan, Auke Bay Area Plan, or other official adopted plan;
- (B) Whether the application is complete; and
- (C) Whether the development as proposed will comply with the other requirements of this title.

(2) The commission shall adopt the director's determination on each item set forth in paragraph (1) of this subsection (e) unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.

(f) *Commission determinations.* Even if the commission adopts the director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the hearing, that the development will more probably than not:

- (1) Materially endanger the public health or safety;
- (2) Substantially be out of harmony with property in the neighboring area; or
- (3) Lack general conformity with the comprehensive plan.

49.70.1340 Auke Bay Overlay District Standards.

Bonus points may be awarded for site features and design features that were existing on the date this ordinance was adopted.

(a) Community Improvements

(1) *Platting new public rights-of-way.* A development that includes the dedication of private land for the future development of a publically maintained connected street grid system is eligible for the following bonus points.

Linear feet of public right of way	Standard	Points Earned
3 feet (a minimum of 25 ft. must be platted)	All platted public rights-of-way shall be consistent with the public right-of-way width standard for streets other than arterials and connectors, as found in Chapter 49.35.	1 point

(2) *Providing public parking on private property.* A minimum of 12 parking spaces must be provided. The public parking spaces are in addition to the minimum parking required for the lot. The public parking area shall be paved, the parking spaces shall be striped, and a public parking sign must be installed and clearly visible from abutting public rights-of-way. The property owner will retain ownership of the lot and is responsible for all maintenance of the parking area. The owner may charge reasonable fees for use of the parking area.

Parking Spaces Provided	Standard	Points Earned
12 or more	Bonus points may be earned for public parking providing 12 or more spaces.	1 point per space, twelve and above

(3) *Mixed use structures.* Mixed use structures are intended to encourage structures that combine medium- to high-density residential uses with compatible commercial uses on a single site and within the same structure.

Residential/Commercial floor area ratio	Points Earned
1:1	8 points
2:1	12 points (16 points for zoning districts with height restrictions of 35 feet including maximum height with bonuses)
3:1	16 points (24 points for zoning districts with height restrictions of 45 feet including maximum height with bonuses)
4:1	24 points

(4) *Building Design Standards.* Building design standards are intended to encourage the inclusion of specific design standards within new development, and additions or exterior improvements to existing structures. The building design standards represent the vision of future development in the Auke Bay Center, as identified in the Auke Bay Area Plan. A minimum of 10 percent of all bonus points earned must be earned from meeting design standards.

Design Standards		Points Earned
Welcoming street facing building facades	Windows and building entrances comprise at least 20% of the ground floor wall area for all non-residential uses. Street facing façade windows	3 points for every 20% transparency

	shall be no more than 4 feet above finished grade. Windows and doors shall consist of clear glass.	
Ground level entrances	Entryways shall be designed to orient customers with attractive architectural features, such as a recessed entryway, pedestrian oriented lighting, and weather protection. Each public entrance shall be clearly defined and highly visible.	3 points for each entryway
Canopies provided for public right-of-ways and improved pedestrian walkways	Canopies shall span the entire frontage of the building and shall meet CBJ canopy standards.	1 point for every 5 ft. of canopy

(5) *Site Features.* Site features are intended to encourage the installation of features that promote pedestrian safety and create interesting and inviting outdoor spaces.

Site Feature	Standard	Points Earned
Pedestrian walkways	Pedestrian walkways shall provide a direct route from a right-of-way or parking area to the building's main entrance, as determined by the director; be a minimum of 5 feet wide; be separated from a parking area or right-of-way with landscaping or a raised surface of at least 6 inches; consist of a walking surface other than dirt or gravel; connect to a pedestrian walkway on an abutting lot when possible	1 points per 10 feet of walkway
Covered bike rack	Bike rack(s) shall be installed near a building's ground level entrance; have a minimum capacity of four bikes. Bike racks shall be covered and shall be compatible with a U	1 point per bike rack

	lock, as recommended in the Juneau Non-Motorized Transportation Plan.	
Outdoor seating	Outdoor seating shall consist of at least one bench that seats at least 4 people or one table that seats at least four people; be secured to the ground or building; and be provided at a minimum during the summer months	1 point per bench or table
Outdoor Planters or Landscaping	Outdoor planters or landscaping shall span a minimum of 25 percent of the building right-of-way facing façade(s); contain live, non-invasive plant(s); be designed and located in a manner that does not interfere with site distance from public right-of-ways or pedestrian walkways, as determined by the commission	1 point for every quarter of the building façade with planters or landscaping

(6) *Screening.* Screening is intended to preserve and enhance the aesthetic value of Auke Bay by minimizing views of specific parts of properties or structures from streets, pedestrian walkways, or abutting properties when the specific part(s) of property or structure are located within 30 feet of a property line, public rights-of-way, or pedestrian walkways.

Structures to be screened	Standard	Points Earned
Above-ground parking lots	Screening shall be four feet tall and shall consist of sight obscuring landscaping or a sight obscuring fence or wall. Parking areas do not need to be screened from	3 points per parking lot

	pedestrian walkways that intersect the parking area.	
Recycle and trash receptacles; above-ground oil, gas, water or wood pellet storage containers; freestanding utility, mechanical and electrical boxes	Screening shall be as tall as the structure or object being screened; shall consist of sight obscuring landscaping, a sight obscuring fence or wall, murals or other forms of public art, or other methods that meet the purpose of this section, as determined by the commission	1 point each

(7) *Preserving views of Auke Bay and Statter Harbor.* Preservation of the view is intended to protect the aesthetic value of private property by encouraging developers of structures greater than two stories in height to preserve the view(s) of Auke Bay and Statter Harbor from abutting properties, as determined by the planning commission.

Building Stepback	Points Earned
Reduction of the upper floor footprint in relation to the ground floor.	1 point for every 3% reduction

49.70.1350 Using Bonus Points

- (a) *General.* Despite the other provisions of this title, a bonus may be granted as described in this section.
- (b) *Density Bonus.* The allowable density of dwelling units per acre may be increased based on bonus points earned. Density increase shall be rounded to the nearest whole number

Bonus Points Needed	NC	MU3	WC
Standard Zoning	15 units per acre	30 units per acre	18 units per acre
8 points	17 units per acre	35 units per acre	21 units per acre
16 points	19 units per acre	38 units per acre	24 units per acre
24 points	21 units per acre	42 units per acre	27 units per acre

32 points	25 units per acre	50 units per acre	30 units per acre
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(c) *Height Bonus.* Bonus points for increased height are not allowed in the Waterfront Commercial zoning district.

Bonus Points Needed	NC	MU3
	Principle / accessory height limit	
Standard zoning	35' / 25'	35' / 25'
6 points	45' / 35'	45' / 35'
12 points		55' / 45'

(d) *Reduce minimum parking requirements.* The maximum allowed parking reduction in the Auke Bay Overlay District is 30 percent of the total number of parking spaces required for all uses on the site. Dimensional standards for parking and off-street loading in 49.40.210 shall apply.

Bonus Points Needed	Parking Reduction
Standard zoning	Parking as required in 49.40
6 points	10% reduction
10 points	15% reduction
15 points	20% reduction
22 points	25% reduction
30 points	30% reduction

Section 5. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2020.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk

