

Agenda

Committee of the Whole

City and Borough of Juneau

Ben Haight, Chair

July 24, 2018

Assembly Chambers

7:00 PM

I. **ROLL CALL**

II. **REGULAR AGENDA**

- A. Discussion of proposed Title 49 Land Use Code regarding Alternative Residential Subdivisions

III. **OTHER BUSINESS**

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

V. **ADJOURNMENT**



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155 S. Seward Street • Juneau, AK 99801

July 20, 2018

MEMO

To: Nathaniel Dye, Chair Title 49 Committee

From: Jill Maclean, AICP, Director
Community Development Department

RE: Alternative Residential Subdivision Draft Ordinance

Background

The Alternative Residential Subdivision (ARS) ordinance, also sometimes referred to as “unit lot subdivisions”, is designed to provide reasonable minimum standards and procedures for small-lot residential communities in which all or some of the lots do not substantially conform to the minimum requirements for a traditional subdivided lot. The ARS is intended to provide a housing option to allow dwellings on small-lots to be conveyed by long-term leases, less than fee-simple ownership, or fee-simple ownership, including condominium and other common-interest communities.

The ARS allows for the ability to develop a range of housing options that are not available today, while at the same time encourage developments that are in harmony with the surrounding area. Such development possibilities include infill development, tiny houses, and cottage-size housing.

Recommendation:

Staff recommends that the Title 49 committee favorably recommend the ARS draft ordinance to the Planning Commission for review.

Attached

Comparison of Planned Unit Development and Alternative Residential Subdivision
Draft Alternative Residential Subdivision Ordinance
Planned Unit Development Ordinance Excerpt from Title 49
Letter, S. Ciambor, Chief Housing Officer dated July 12, 2018

COMPARISON OF PLANED UNIT DEVELOPMENT vs ALTERNATIVE RESIDENTIAL SUBDIVISION			
	PUD (49.15.600)	ARS (proposed 49.15.900)	NOTES
Purpose	The general purpose of the planned unit development code is to permit flexibility in the regulation and use of land in order to promote its most appropriate use; to facilitate the adequate and economical provisions of streets and utilities; to preserve the natural and scenic qualities of open space; and to encourage, consistent with the goals and objectives of the comprehensive plan, residential developments that are planned, designed and developed to function as integral units. The specific purposes of the planned unit development code are to...	The general purpose of this article is to provide reasonable minimum standards and procedures for small-lot, including small-site, residential communities in which the lots or sites do not conform to the minimum requirements for a traditional subdivided lot. The specific purpose of this article is to permit flexibility in the regulation and use of land in order to promote its most appropriate use for small-lot residential communities; to encourage residential developments that are planned, designed and developed to function as integral units with common facilities; to encourage developments that provide different types of housing options; to encourage development of quality affordable housing; to facilitate the adequate and economical provisions of access and utilities; and to encourage developments that are in harmony with the surrounding area	Main distinctions: PUD allows for commercial in residential zoning districts – mixed uses ARS will allow only for residential Open Space: PUD is 30% and 40% depending on zoning district; ARS is a range
Zoning Districts	RR, D1, D3, D5, D10SF, D10, D15, D18, LC	RR, D1, D3, D5, D10SF, D10, D15, D18, LC	ARS is not permissible in commercial districts except LC; PUD is permitted in LC, but no other commercial districts; neither are permissible in industrial zoning districts
Minimum Site Size (parent lot)	2 acres in D10SF, D10, D15, D18, LC 3 acres in RR, D1, D3, D5	2 acres in D10SF, D10, D15, D18, LC 3 acres in RR, D1, D3, D5	Same. The lot size restrictions proposed for ARS to help ensure that enough dwellings are constructed to make the HOA successful; a minimum number of dwellings is needed to make maintaining the road/drive, utilities feasible
Lot Size (lots created within the parent lot)	No required minimum lot size within PUD; lot sizes established as part of the preliminary plan approval	There is no minimum size for subdivided small-lots	
Zoning District / Dimensional	The standards applicable to a planned unit	The minimum lot dimensions, lot coverage,	

Standards	development shall be those of the underlying zoning district except as provided in this section...	vegetative coverage, and setbacks shall be applied to the parent lot and not the subdivided small-lots. There is no minimum size for subdivided small-lots	
Density	Number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the planned unit development and rounding to the nearest whole number	The number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the alternative residential subdivision and rounding to the nearest whole number	
Density Bonus	Total bonus shall not exceed 15% of the density	Total bonus shall not exceed 15%;	Refer to 49.15.670 (g) PUDs; and 49.15.920(3)
Building Height / Spacing	No structure shall exceed 35 feet in height; Each dwelling structure must be located at least ten feet from any other dwelling unless structurally attached thereto (common wall)	35 feet in height	
Open Space Minimum	30% required D10SF, D10, D15, D18, LC 40% required RR, D1, D3, D5 70% of the required open space must be contiguous regardless of zoning district	25% in the RR and D1 zoning districts; 20 % in the D5 and D10 zoning districts; 15% in the D10SF district Open space must be permanently protected in perpetuity and may not be further developed	In lieu of the open space requirement in D15, D18 and LC, a vegetated buffer and connectivity to open space, e.g. trails, is important
Perimeter Buffer	There shall be a buffer of no less than 25 feet between the exterior boundary of the planned unit development and the nearest structure, road, or parking area within the development, unless the development includes a perimeter of transitional lots meeting the minimum dimensional standards in the zoning district. No building structures or parking areas may be located within the perimeter buffer	There shall be a vegetated perimeter buffer within the boundaries of parent lot. The buffer shall be vegetated or may be partially vegetated if the commission requires non-vegetated screening. The commission shall determine the width and type of vegetated perimeter buffer upon considering, but not limited to, the following factors: location of the subdivision structures and uses therein, the access, and parking areas; the location and type of off-site uses or development; topography; and the presence	The “shall” in the PUD language has limited the use / effectiveness of the PUD; the more discretionary standard of the ARS provides for precision buffers to protect the existing neighborhoods and providing a better transition from lower density development/neighborhoods to the potential ARS developments

		Residential only; based upon underlying uses	
Accessory Uses		Accessory structures e.g. garage, carport, shed permissible; Accessory apartment not permissible except on standard sized lots (if any)	
Access	Development shall have access to a public right-of-way. PUD which adjoins undeveloped land shall provide for a right-of-way between the undeveloped land and an existing public right-of-way, where appropriate Access to each dwelling unit shall be via a public right-of-way or a private street or pedestrian way owned by the individual property owner or in common planned unit development ownership	The parent lot shall front on and be accessed by a publically maintained right-of-way. Access within the development may be exempted from 49.35 and be privately owned and maintained if it complies with the following requirements...	Refer to 49.15.920 (f)
Parking	Standards in chapter 49.40, access, parking, and traffic apply except as provided in this section; In a residential planned unit development, common parking and maneuvering areas shall be set back at least 25 feet from any point on the exterior boundary of the planned unit development and from any boundary of a phase not contiguous with a completed	Each dwelling unit shall comply with the minimum	

Homeowners' Association	Refer to 49.15.640		
Review Process			
Approval Process	PC (Refer to 49.15.630)	PC (Refer to 49.15.930)	
Phased Development	<i>Phasing allowed.</i> An applicant may develop a planned unit development in phases, provided the initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire planned unit development on the neighborhood and the environment according to the standards in subsection 49.15.630(b)(5)	<i>Phasing allowed.</i> An applicant may develop an alternative residential subdivision in phases, provided the initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire alternative residential subdivision on the neighborhood and the environment according to the standards in subsection 49.15.930(b)(5)	

Presented by:
Introduced:
Drafted by:

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2018-41

An Ordinance Amending the Land Use Code Relating to Subdivisions.

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. Title 49, Chapter 15 is amended to by adding a new article IX to read:

ARTICLE IX. ALTERNATIVE RESIDENTIAL SUBDIVISIONS

49.15.900 Purpose.

The general purpose of this article is to provide reasonable minimum standards and procedures for small-lot residential communities in which all or some of the lots do not substantially conform to the minimum requirements for a traditional subdivided lot. This article would provide a housing option to allow dwellings on small-lots to be conveyed by long-term leases, less than fee-simple ownership, or fee-simple ownership, including condominium and other common-interest communities. The specific purpose of this article is to permit flexibility in the regulation and use of land in order to promote its most appropriate use for small-lot residential communities; to encourage residential developments that are planned, designed and developed to function as integral units with common facilities; to encourage

developments that provide different types of housing options; to encourage development of quality affordable housing; to facilitate the adequate and economical provisions of access and utilities; and to encourage developments that are in harmony with the surrounding area.

49.15.910 Application.

The provisions of this article apply when a parent lot is subdivided into developable small-lots.

49.15.920 General provisions.

(a) *General.* The requirements of this title apply except as provided in this article.

(b) *Zoning districts.* An alternative residential subdivision is only allowed in the following zoning districts: RR, D-1, D-3, D-5, D-10SF, D-10, D-15, D-18, and LC.

(c) *Parent lot size.* The parent lot shall have a minimum size of at least 3.0 acres in the RR, D-1, D-3, and D-5 acres and at least 2.0 acres in D-10SF, D-10, D-15, D-18, and LC zoning districts.

(d) *Dimensional standards.* The minimum lot dimensions, lot coverage, vegetative coverage, and setbacks shall be applied to the parent lot and not the subdivided small-lots. There is no minimum size for subdivided small-lots.

(e) *Density.*

- (1) The number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the alternative residential subdivision and rounding to the nearest whole number.

(2) Land and water bodies used in calculating allowable density shall be delineated on the preliminary and final plans in a manner allowing confirmation of acreage and density computations.

(3) The commission may award a density bonus as an incentive to add enhancements to the development. The total bonus shall not exceed 15 percent of the density provided in subsection (e)(1) of this section and rounded to the nearest whole number and shall be the sum of individual density bonuses of up to:

(A) One percent for each ten percent increment of common open space in excess of that required to a maximum bonus of five percent for open space in excess of that required;

(B) Three percent for a continuous setback of greater than 50 feet, designated in the plan as undisturbed open space along important natural water bodies, including anadromous fish streams, lakes, and wetlands;

(C) Five percent for a mixture of housing units, at least 15 percent of which are designed for purchase via a monthly mortgage payment of no more than 30 percent of the median income in the City and Borough, as calculated by the Alaska Department of Labor;

(D) Five percent for excellence in siting, design, landscaping, and provision of common facilities and additional amenities that provide an unusual enhancement to the general area;

(E) Five percent for dedication of a public right-of-way accessible to all small-lots consistent with Chapter 49.35;

(F) Five percent for providing pedestrian or bicycle pathways to facilitate movement within the development and to ensure non-vehicular access to common open space, common facilities and to public services; and

(G) Five percent for separating dwelling structures by at least 10 feet.

(4) A density bonus may be limited or denied to avoid the creation of:

(A) Inconvenient or unsafe access to the development;

(B) Unreasonable adverse effects on adjacent property;

(C) Traffic congestion in the streets adjoining the development; or

(D) An excessive burden on sewer, water, parks, recreational facilities, schools or other existing or proposed public facilities.

(f) *Frontage and access.* The parent lot shall front on and be accessed by a publically maintained right-of-way. Access within the development may be exempted from 49.35 and be privately owned and maintained if it complies with the following requirements:

(1) The access shall be located completely on the parent lot;

(2) The access does not endanger public safety or welfare;

(3) The access complies with or can be improved to comply with the emergency service access requirements of CBJ 19.10;

(4) Access within the urban service boundary is paved. For access outside the urban service boundary, the portion of the access in the right-of-way or the first 20 feet from the edge of the public roadway shall be paved, whichever length is greater;

(5) The developer submits adequate evidence that upon approval of the development, a homeowners association will be formed, can obtain liability insurance, and is solely responsible for maintaining the private access—including winter maintenance; and

(6) The alternative residential subdivision does not abut a parcel that lacks alternative and practical frontage on a publically maintained right-of-way.

(g) *Utilities.* An alternative subdivision is required to connect each dwelling unit to public sewer and water. A master meter for water shall be installed by the developer.

(h) *Parking.* Parking required for each dwelling unit may be located on either the parent lot or the small-lot.

(i) *Open Space.* Open space is required as follows: 25 percent in the RR and D-1 zoning districts; 20 percent in the D-5 and D-10 zoning districts; 15 percent in the D10SF district. The open space must be usable. Open space is not required in the D-15, D-18, or LC zoning districts.

(j) *Buffer.* There shall be a vegetated perimeter buffer within the boundaries of parent lot. The buffer shall be vegetated or may be partially vegetated if the commission requires non-vegetated screening. The commission shall determine the width and type of vegetated perimeter buffer upon considering, but not limited to, the following factors: location of the subdivision structures and uses therein, the access, and parking areas; the location and type of off-site uses or development; topography; and the presence of existing visual and sound buffers. No parking areas or dwelling units may be located within the perimeter buffer.

(k) *Parent lot.* Portions of the parent lot not subdivided into small-lots shall be owned in common by the owners of the individual small-lots or by a homeowners association comprised of the owners of the individual small-lots located within the parent lot.

(l) *Stormwater management.* Facilities for the control and disposal of stormwater must be adequate to serve the development and areas draining through the development. Management shall be in accordance with the Stormwater Best Management Practices manual. Where appropriate, natural drainage channels, swales, or other similar areas within the common open

1
2 space may be used for stormwater management at the development. The developer shall
3 provide the CBJ Engineering and Public Works Department with an evaluation of offsite
4 drainage outfalls for the additional runoff contributed by the alternative residential
5 subdivision. The commission may require construction of offsite drainage improvements
6 necessary to accommodate additional runoff from the development.
7

8 (m) *Permitted uses.* No primary uses are permitted on the parent lot except a recreational
9 center or community facility. Consistent with the Table of Permissible Uses, 49.25.300, only
10 residential uses and associated accessory structures are allowed on the small-lots. Accessory
11 dwelling units are prohibited on the parent lot and on any small-lots. Home occupations are
12 permissible on the small-lots. If an alternative residential subdivision creates a lot that
13 complies with the Table of Dimensional Standards, 49.25.400, for the underlying zoning
14 district, the accessory dwelling unit prohibition of this subsection does not apply.
15

16 (n) *Street sign.* A street sign is required. The developer shall install a street sign provided
17 by the City and Borough of Juneau at the developer's expense. The director shall determine the
18 type of street sign—addresses or street name—upon considering public health, safety, and
19 welfare given the size of the subdivision.

20 (o) *Mailboxes.* Upon consultation with the United States Postal Service, the director shall
21 determine the placement location of mailboxes. The director may require additional
22 improvements and design changes to enable efficient mail delivery and to minimize traffic
23 interferences and compliance with CBJ standard details.
24

25 **49.15.920 Alternative Residential Subdivision Review Process.**

1
2 (a) *General procedure.* A proposed alternative residential subdivision shall be reviewed
3 according to the requirements of section 49.15.330, conditional use permit, and in the case of
4 an application proposing a change in the number or boundaries of small-lots, section
5 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be
6 a two-step process, preliminary plan approval and final plan approval. In cases involving a
7 change in the number or boundaries of small-lots, the preliminary and final plat submissions
8 required by section 49.14.430 shall be included with the preliminary and final plan
9 submissions required by this chapter.
10

11 (b) *Preapplication conference.* Prior to submission of an application, the director shall
12 conduct an informal preapplication conference with the developer to discuss the proposed
13 alternative residential subdivision. The purpose of the preapplication conference shall be to
14 exchange general and preliminary information and to identify potential issues. The developer
15 may discuss project plans and the director may provide an informal assessment of project
16 permit eligibility, but no statement made by either party shall be regarded as binding, and
17 the result of the conference shall not constitute preliminary approval by the department. The
18 conference shall include a discussion of the zoning, size, topography, accessibility, and
19 adjacent uses of the development site; the uses, density and layout of buildings, parking
20 areas, the open space and landscaping proposed for the development; the common facilities;
21 provision of utilities, including solid waste and recycling collection; the access, the vehicle and
22 pedestrian circulation, and winter maintenance including snow removal locations; the
23 development schedule and the alternative residential subdivision permit procedures. The
24 developer shall provide a sketch of the proposed alternative residential subdivision.
25

49.15.930 - Preliminary alternative residential subdivision plan approval.

(a) *Application.* The developer shall submit to the department one copy of a complete alternative residential subdivision application, which shall include an application form, the required fee, any information required in subsection 49.15.430(1), the information required by this section, and any other information specified by the director.

(b) *Required submissions.* The application shall include the following material:

(1) *Ownership.* The application shall identify, and shall be signed by or upon, the included written authorization of, all owners, lessees, and optionees of land within the boundaries of all phases of the alternative residential subdivision.

(2) *Preliminary development plan.* The application shall include a preliminary development plan, explaining how the proposed alternative residential subdivision will achieve the purposes set forth in section 49.15.900. The preliminary development plan shall summarize the different land uses proposed, including the amount of land for housing, common open space, buffer, access, and parking; the number and types of housing units and proposed density; the natural features to be protected and hazards to be avoided; and the public, if any, and private services to be provided.

(3) *Design.* The application shall describe the design of the alternative residential subdivision, with particular attention to building massing, color, and architectural features; the layout of buildings, parking, and access; provision of utilities including drainage and trash collection; provision of winter maintenance for access and parking areas; and the circulation of traffic and pedestrians.

(4) *Common open space, facilities, and general landscaping.* The preliminary plat shall show and describe improved and undisturbed common open space, buffers, and landscaping.

(5) *Description of phased development.* The preliminary development plan for a phased alternative residential subdivision shall include:

- (A) A drawing and development schedule for each phase and for the entire alternative residential subdivision;
- (B) The size and general location of proposed land uses for each phase at a projected level of density;
- (C) A description of the access connecting all the phases and where they will connect at the alternative residential subdivision boundaries;
- (D) A description of how the developer will address the cumulative impacts of the phased development on the neighborhood and the natural environment;
- (E) A description of the overall design theme unifying the phases;
- (F) An analysis of how each phase in the project will meet the requirements of subsection 49.15.950(b); and
- (G) A sketch plat consistent with 49.15.410.

(c) *Department review.* The director shall advise the developer whether the alternative residential subdivision application is complete, and, if not, what the developer must do to make it complete. Within 45 days after determining an application is complete, the director shall schedule the preliminary plan for a public hearing before the commission. The director shall give notice to the developer and the public according to section 49.15.230.

(d) *Commission action.* The commission may approve an alternative residential subdivision preliminary plan if it meets the requirements of section 49.15.330 and:

- (1) The design effectively provides for clustered buildings or housing;
- (2) The development protects natural features and avoids natural hazards by reserving them as undisturbed open space;
- (3) The development is consistent with the land use code;
- (4) The development incorporates boundary buffers sufficient to minimize off-site impacts of the subdivision and to maximize harmony with the neighborhood;
- (5) Utilities proposed for connection to the City and Borough system meet City and Borough standards, and all others are consistent with sound engineering practices, as determined by the City and Borough Engineering and Public Works Department;
- (6) The configuration of the development provides for economy and efficiency in utilities, housing construction, access, parking and circulation;
- (7) If the approval is for a phased development, that each phase is consistent with the preliminary development plan and design of the entire alternative residential subdivision; and
- (8) Adequately addresses the cumulative impacts of the phased development on the neighborhood and the natural environment.

(e) *Expiration.* Approval of a preliminary plan shall expire 18 months after the commission notice of decision unless a final plan for the entire project or, in the case of a phased development, the first phase thereof, is submitted to the department for commission action. An application for extension of a preliminary plan shall be according to section 49.15.250, development permit extension.

49.15.940 - Final alternative residential subdivision plan approval.

(a) *Application.* Upon completion of all conditions of the preliminary plan, the developer shall submit an application, fee, and a final plan for commission approval.

(b) *Homeowners' association.* The formation of a homeowners' association, or similar entity, is required.

(1) The articles of incorporation and bylaws of the homeowners' association, required under A.S. 34.08 or this chapter, shall be prepared by a lawyer licensed to practice in the state.

(2) The homeowners' association shall be responsible for the open space, water and sewer utilities, and stormwater control features and drainages. The association documents shall specify how any other common facilities shall be operated and maintained. The documents shall require homeowners to pay periodic assessments for the operation, maintenance and repair of common facilities. The documents shall require that the governing body of the association adequately maintain common facilities.

(3) If the alternative residential subdivision is phased, the association documents shall specify how the cost to build, operate, and maintain improved common open space and common facilities shall be apportioned among homeowners of the initial phase and homeowners of later phases.

(4) The homeowners' association documents shall be recorded with the approved final plat, as required by state law, or both.

(c) *Commission action.* The commission may approve the final plan if it substantially conforms to the approved preliminary plan and all requirements of this article.

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2 (d) *Expiration.* An approved final plan shall expire 18 months after recording if the applicant
3 fails to obtain an associated building permit and make substantial construction progress. An
4 application for extension of a final plan shall be according to section 49.15.250, development
5 permit extension.
6

7
8 **49.15.950 - Phased development.**

9 (a) *Phasing allowed.* An applicant may develop an alternative residential subdivision in
10 phases, provided the initial application includes a preliminary development plan sufficient to
11 assess the cumulative effects of the entire alternative residential subdivision on the
12 neighborhood and the environment according to the standards in subsection 49.15.930(b)(5).

13 (b) *Completion of an individual phase.* Each phase shall be so designed and implemented
14 that, when considered with reference to any previously constructed phases but without
15 reference to any subsequent phases, it meets the design and density standards applicable to
16 the entire alternative residential subdivision. Construction and completion of open space and
17 common facilities serving each phase in a alternative residential subdivision shall proceed at a
18 rate no slower than that of other structures in that phase. No phase shall be eligible for final
19 plan approval until all components of all preceding phases are substantially complete.
20

21 (c) *Standards for phases.* Each phase of an alternative residential subdivision shall be
22 reviewed according to the provisions of this chapter then current. Each phase of an alternative
23 residential subdivision shall maintain design continuity with earlier phases. At no point during
24 a phased development shall the cumulative density exceed that established in the approved
25 preliminary plan.

49.15.960 - Amendments to approved alternative residential subdivision plan.

(a) *Request for amendment.* The developer of an alternative residential subdivision may request an amendment to an approved preliminary or final alternative residential subdivision plan. The request shall state the reasons for the amendment and shall be submitted in writing to the director, who shall inform the developer within 15 days whether the request shall be processed as a minor amendment or major amendment.

(b) *Minor amendment.* A minor amendment may be submitted without a filing fee and may be approved by the director. For purposes of this section, a minor amendment is a change consistent with the conditions of the original plan approval, the general character of the overall alternative residential subdivision, and the criteria set out in subsection 49.15.930(d), and would result in:

- (1) Insignificant change in the outward appearance of the development;
- (2) Insignificant impacts on surrounding properties;
- (3) Insignificant modification in the location or siting of buildings or open space;
- (4) No reduction in the number of parking spaces below that required;
- (5) A delay of no more than one year in the construction or completion schedule for the project or, in the case of a phased project, the phase for which the amendment is requested.

(c) *Major amendment.* All other amendments shall be reviewed by the commission upon payment of a filing fee and in accordance with the requirements of the original plan approval.

Section 3. Amendment of Section. 49.80.100, Fees For Land Use Actions, is amended by adding a new fee for Alternative Residential Subdivisions to read:

49.80.100(8)

(G) Alternative Residential Subdivision.

(i) Preliminary plan application approval, \$400.00 plus \$80.00 per residential unit;

(ii) Final Plan approval, \$300.00 plus \$60.00 per residential unit.

Section 4. Amendment of Section. 49.80.120, Definitions, is amended by adding a new definition to read:

Parent lot: means the original lot from which small-lots are created through an alternative residential subdivision.

Small-lot: means any lot, site, parcel, unit-site, and similar geographically defined property that is created through an alternative residential subdivision and that is substantially smaller than the minimum lot size required for the zoning district.

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

Adopted this _____ day of _____, 2017.

Kendell D. Koelsch, Mayor

Attest:

Laurie J. Sica, Municipal Clerk

ARTICLE VI. - PLANNED UNIT DEVELOPMENTS

49.15.600 - Purpose.

The general purpose of the planned unit development code is to permit flexibility in the regulation and use of land in order to promote its most appropriate use; to facilitate the adequate and economical provisions of streets and utilities; to preserve the natural and scenic qualities of open space; and to encourage, consistent with the goals and objectives of the comprehensive plan, residential developments that are planned, designed and developed to function as integral units. The specific purposes of the planned unit development code are to:

- (a) Encourage uses of land that are efficient, aesthetic, in harmony with the surrounding area, and consistent with the comprehensive plan and available public services;
- (b) Encourage innovation in site design and building layout, pedestrian and vehicular circulation, parking facilities and streets, configuration and use of open space, and mixing of housing types and compatible land uses;
- (c) Encourage economy and efficiency in common facilities;
- (d) Preserve and protect natural features, streams, lakes, wetlands, natural drainage channels, vegetation, and vistas;
- (e) Avoid avalanche, landslide, and flood hazard areas; and
- (f) Encourage development of quality housing at a reasonable price.

(Serial No. 97-12, § 2, 1997)

49.15.610 - General provisions.

- (a) *Zoning districts.* A residential planned unit development is allowed in zoning districts RR, D-1, D-3, D-5, D-10 SF, D-10, D-15, D-18, and LC.
- (b) *Permitted uses.* The uses allowed in the underlying zoning district, according to section 49.25.300, table of permissible uses, are permitted in all planned unit developments. The following additional uses are permitted in a residential planned unit development:
 - (1) A mixture of single-family, two-family, and multifamily housing; and
 - (2) A recreational facility or a planned unit development community center.

(Serial No. 97-12, § 2, 1997; Serial No. 2007-39, § 2, 6-25-2007, eff. 6-25-2007)

49.15.620 - Planned unit development review process.

- (a) *General procedure.* A proposed planned unit development shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of lots, section 49.15.402, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of lots, the preliminary and final plat submissions required by section 49.14.430 shall be included with the preliminary and final plan submissions required by this chapter.
- (b) *Preapplication conference.* Prior to submission of an application, the director shall conduct an informal preapplication conference with the developer to discuss the proposed planned unit development. The purpose of the preapplication conference shall be to exchange general and preliminary information and to identify potential issues. The developer may discuss project plans and the director may provide an informal assessment of project permit eligibility, but no statement made

by either party shall be regarded as binding, and the result of the conference shall not constitute preliminary approval by the department. The conference shall include a discussion of the zoning, size, topography, accessibility, and adjacent uses of the development site; the uses, density and layout of buildings, parking areas, the open space and landscaping proposed for the development; the common facilities; the street layout and the vehicle and pedestrian circulation; the development schedule and the planned unit development permit procedures. The developer shall provide a sketch of the proposed planned unit development.

(Serial No. 97-12, § 2, 1997)

49.15.630 - Preliminary planned unit development plan approval.

- (a) *Application.* The developer shall submit to the department one copy of a complete planned unit development application, which shall include an application form, the required fee, any information required in subsection 49.15.430(1), the information required by this section, and any other information specified by the director.
- (b) *Required submissions.* The application shall include the following material:
 - (1) *Ownership.* The application shall identify, and shall be signed by or upon, the included written authorization of, all owners, lessees, and optionees of land within the boundaries of all phases of the planned unit development.
 - (2) *Preliminary development plan.* The application shall include a preliminary development plan, explaining how the proposed planned unit development will achieve the purposes set forth in section 49.15.600. The preliminary development plan shall summarize the different land uses proposed, including the amount of land for housing, common open space, streets, and parking; the number and types of housing units and proposed density; the natural features to be protected and hazards to be avoided; and the public and private services to be provided.
 - (3) *Design.* The application shall describe the design of the planned unit development, with particular attention to building massing, color, and architectural features; the layout of buildings, parking, and streets; and the circulation of traffic and pedestrians.
 - (4) *Common open space, facilities, and general landscaping.* The preliminary plat shall show and describe improved and undisturbed common open space.
 - (5) *Description of phased development.* The preliminary development plan for a phased planned unit development shall include:
 - (A) A drawing and development schedule for each phase and for the entire planned unit development;
 - (B) The size and general location of proposed land uses for each phase at a projected level of density;
 - (C) A description of the streets connecting all the phases and where they will connect at the planned unit development boundaries;
 - (D) A description of how the developer will address the cumulative impacts of the phased development on the neighborhood and the natural environment;
 - (E) A description of the overall design theme unifying the phases; and
 - (F) An analysis of how each phase in the project will meet the requirements of subsection 49.15.650(b).
- (c) *Department review.* The director shall advise the developer whether the planned unit development application is complete, and, if not, what the developer must do to make it complete. Within 45 days after determining an application is complete, the director shall schedule the preliminary plan for a

public hearing before the commission. The director shall give notice to the developer and the public according to section 49.15.230.

- (d) *Commission action.* The commission shall approve a planned unit development preliminary plan if it meets the requirements of section 49.15.330 and:
 - (1) The design effectively provides for clustered buildings, mixed uses, or mixed housing types;
 - (2) The development protects natural features and avoids natural hazards by reserving them as undisturbed open space;
 - (3) The development is consistent with the land use code;
 - (4) The development incorporates boundary buffers sufficient to separate adjacent property from dissimilar uses;
 - (5) Utilities proposed for connection to the City and Borough system meet City and Borough standards, and all others are consistent with sound engineering practices, as determined by the City and Borough engineering department;
 - (6) The configuration of the development provides for economy and efficiency in utilities, housing construction, streets, parking and circulation;
 - (7) If the approval is for a phased development, that each phase is consistent with the preliminary development plan and design of the entire planned unit development; and
 - (8) Adequately addresses the cumulative impacts of the phased development on the neighborhood and the natural environment.
- (e) *Expiration.* Approval of a preliminary plan shall expire 18 months after the commission notice of decision unless a final plan for the entire project or, in the case of a phased development, the first phase thereof, is submitted to the department for commission action. An application for extension of a preliminary plan shall be according to section 49.15.250, development permit extension.

(Serial No. 97-12, § 2, 1997)

49.15.640 - Final planned unit development plan approval.

- (a) *Application.* Upon completion of all conditions of the preliminary plan, the developer shall submit an application, fee, and a final plan for commission approval.
- (b) *Homeowners' association.*
 - (1) The articles of incorporation and bylaws of the homeowners' association, required under AS 34.08, or this chapter, shall be prepared by a lawyer licensed to practice in the state.
 - (2) The association documents shall specify how common facilities shall be operated and maintained. The documents shall require homeowners to pay periodic assessments for the operation, snow removal, maintenance and repair of common facilities. The documents shall require that the governing body of the association adequately maintain common facilities.
 - (3) If planned unit development utilities or streets are not accepted for maintenance by the City and Borough, the homeowners' association documents shall clearly indicate that a special assessment may be levied in the future for extraordinary repairs or to perform necessary work in order to connect or dedicate common facilities to the City and Borough system. If the planned unit development is phased, the association documents shall specify how the cost to build, operate, and maintain improved common open space and common facilities shall be apportioned among homeowners of the initial phase and homeowners of later phases.
 - (4) The homeowners' association documents shall be recorded with the approved final plat, as required by state law, or both.

- (c) *Commission action.* The commission shall approve the final plan if it substantially conforms to the approved preliminary plan and all requirements of this article.
- (d) *Expiration.* An approved final plan shall expire 18 months after recording if the applicant fails to obtain an associated building permit and make substantial construction progress. An application for extension of a final plan shall be according to section 49.15.250, development permit extension.

(Serial No. 97-12, § 2, 1997)

49.15.650 - Phased development.

- (a) *Phasing allowed.* An applicant may develop a planned unit development in phases, provided the initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire planned unit development on the neighborhood and the environment according to the standards in subsection 49.15.630(b)(5)
- (b) *Completion of an individual phase.* Each phase shall be so designed and implemented that, when considered with reference to any previously constructed phases but without reference to any subsequent phases, it meets the design and density standards applicable to the entire planned unit development. Construction and completion of common open space and common facilities serving each phase in a planned unit development shall proceed at a rate no slower than that of other structures in that phase. No phase shall be eligible for final plan approval until all components of all preceding phases are substantially complete.
- (c) *Standards for phases.* Each phase of a planned unit development shall be reviewed according to the provisions of this chapter then current. Each phase of a planned unit development shall maintain design continuity with earlier phases. At no point during a phased development shall the cumulative density exceed that established in the approved preliminary plan.

(Serial No. 97-12, § 2, 1997)

49.15.660 - Amendments to approved planned unit development plan.

- (a) *Request for amendment.* The developer of a planned unit development may request an amendment to an approved preliminary or final planned unit development plan. The request shall state the reasons for the amendment and shall be submitted in writing to the director, who shall inform the developer within 15 days whether the request shall be processed as a minor amendment or major amendment.
- (b) *Minor amendment.* A minor amendment may be submitted without a filing fee and may be approved by the director. For purposes of this section, a minor amendment is a change consistent with the conditions of the original plan approval, the general character of the overall planned unit development, and the criteria set out in subsection 49.65.630(d), and would result in:
 - (1) Insignificant change in the outward appearance of the development;
 - (2) Insignificant impacts on surrounding properties;
 - (3) Insignificant modification in the location or siting of buildings or common open space;
 - (4) No reduction in the number of parking spaces below that required;
 - (5) A delay of no more than one year in the construction or completion schedule for the project or, in the case of a phased project, the phase for which the amendment is requested.
- (c) *Major amendment.* All other amendments shall be reviewed by the commission upon payment of a filing fee and in accordance with the requirements of the original plan approval.

(Serial No. 97-12, § 2, 1997)

49.15.670 - Planned unit development design standards.

- (a) *Zoning district standards.* The standards applicable to a planned unit development shall be those of the underlying zoning district except as provided in this section.
- (b) *Minimum site.* The minimum site area for a residential planned unit development, or the first phase of a phased development, shall be 2.0 acres in the D-10 SF, D-10, D-15, D-18, and LC districts and 3.0 acres in the RR, D-1, D-3, and D-5 districts.
- (c) *Lot size.* There is no required minimum lot size within a planned unit development. Lot sizes will be established as part of the preliminary plan approval.
- (d) *Building height and spacing.* No structure shall exceed 35 feet in height as calculated in section 49.25.420, height of building. Each dwelling structure must be located at least ten feet from any other dwelling unless structurally attached thereto.
- (e) *Perimeter buffer.* There shall be a buffer of no less than 25 feet between the exterior boundary of the planned unit development and the nearest structure, road, or parking area within the development, unless the development includes a perimeter of transitional lots meeting the minimum dimensional standards in the zoning district. No building structures or parking areas may be located within the perimeter buffer.
- (f) *Common open space.*
 - (1) At least 30 percent of a residential planned unit development in the D-10 SF, D-10, D-15, D-18, and LC zoning districts, and 40 percent in the RR, D-1, D-3, and D-5 zoning districts shall be common open space.
 - (2) Common open space shall be conveniently and appropriately located throughout the planned unit development in relation to the dwellings and natural features and in a manner reasonably accessible to all residents. At least 70 percent of the total common open space shall be provided as a single, contiguous unit.
- (g) *Density.*
 - (1) The number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the planned unit development and rounding to the nearest whole number.
 - (2) Land and water bodies used in calculating allowable density shall be delineated on the preliminary and final plans in a manner allowing confirmation of acreage and density computations.
 - (3) The commission may award a density bonus as an incentive to add enhancements to the development. The total bonus shall not exceed 15 percent of the density provided in subsection (g)(1) of this section and rounded to the nearest whole number and shall be the sum of individual density bonuses of up to:
 - (A) One percent for each ten percent increment of common open space in excess of that required to a maximum bonus of five percent for open space 50 percent in excess of that required;
 - (B) Five percent for a mixture of housing units, at least 15 percent of which are designed for purchase via a monthly mortgage payment of no more than 30 percent of the median income in the City and Borough, as calculated by the Alaska Department of Labor;
 - (C) Three percent for a continuous setback of greater than 50 feet, designated in the plan as undisturbed open space along important natural water bodies, including anadromous fish streams, lakes, and wetlands;

- (D) Five percent for excellence in siting, design, landscaping, and provision of common facilities and additional amenities that provide a distinctive development and unusual enhancement to the general area; and
 - (E) Five percent for dedication of a public right-of-way accessible to all lots.
- (4) A density bonus may be limited or denied to avoid the creation of:
 - (A) Inconvenient or unsafe access to the development;
 - (B) Unreasonable adverse effects on adjacent property;
 - (C) Traffic congestion in the streets adjoining the development; or
 - (D) An excessive burden on sewer, water, parks, recreational facilities, schools or other existing or proposed public facilities.
- (h) *Access, pedestrian and vehicular circulation, and parking.*
 - (1) The standards in chapter 49.40, access, parking, and traffic apply except as provided in this section.
 - (2) In a residential planned unit development, common parking and maneuvering areas shall be set back at least 25 feet from any point on the exterior boundary of the planned unit development and from any boundary of a phase not contiguous with a completed phase. A landscaped yard of at least ten feet shall be provided between a common parking area and a lot line within the planned unit development.
 - (3) Pedestrian or bicycle pathways shall be provided to facilitate movement within the development and to ensure access to common open space, common facilities and to public services, where available.
 - (4) The development shall have access to a public right-of-way. A planned unit development which adjoins undeveloped land shall provide for a right-of-way between the undeveloped land and an existing public right-of-way, where appropriate.
 - (5) Access to each dwelling unit shall be via a public right-of-way or a private street or pedestrian way owned by the individual property owner or in common planned unit development ownership.
- (i) *Services.*
 - (1) All common facilities shall be developed to Code standards as established in chapter 49.35 and chapter 49.40, unless waived or modified by the planning commission upon the recommendation of the engineering department. Water and sewer systems within 500 feet of the public system shall be developed to Code standards and connected to the public system.
 - (2) Private utilities such as a community water or sewer system shall be designed by a licensed engineer and approved by the engineering department. The homeowners' association shall annually retain a licensed engineer to inspect the private utility system and provide a report on its condition to the engineering department.
 - (3) An on-site disposal system shall be designed and approved by a licensed, qualified engineer and may be constructed to serve two or more dwelling units. The disposal system may be placed in the common open space. The applicant shall provide evidence that the site has soils of sufficient permeability to accommodate the proposed on-site system. The disposal system shall be designated on the final plan and any final plat.
 - (4) Private streets must at a minimum meet Code street construction requirements for roadbed design and slope erosion control, as specified in Code engineering standard details. Other street requirements may be waived by the commission upon recommendation of the engineering department and its own finding that any internal street intended to serve the planned unit development shall provide adequate ingress and egress; access shall be of a width adequate to serve anticipated traffic; design features of the planned unit development make

standard street widths unnecessary; and the street will not create hazardous conditions for vehicular, bicycle or pedestrian traffic. Private streets must provide adequate fire safety and emergency access as approved by the fire chief, and shall include adequate provision for snow removal and storage.

- (j) *Stormwater management.* Facilities for the control and disposal of stormwater must be adequate to serve the development site and areas draining through the site. Management shall be in accordance with the Stormwater Best Management Practices manual. Where appropriate, natural drainage channels, swales, or other similar areas within the common open space may be used for stormwater management at the development. The homeowners' association shall provide the engineering department with an evaluation of offsite drainage outfalls for the additional runoff contributed by the planned unit development. The commission may require construction of offsite drainage improvements necessary to accommodate additional runoff from the development.

(Serial No. 97-12, § 2, 1997; Serial No. 2007-39, §§ 3, 4, 6-25-2007, eff. 6-25-2007; [Serial No. 2015-03\(c\)\(am\), § 15, 8-31-2015](#))

49.15.680 - Reserved.

Editor's note— Sec. 16 of [Serial No. 2015-03\(c\)\(am\)](#), adopted Aug. 13, 2015, repealed and reserved § 49.15.680, which pertained to definitions, and derived from Serial No. 97-12, 1997.



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July 12, 2018

MEMO

TO: Title 49 Committee

Re: Unit Lot Subdivisions

Dear Title 49 Committee –

I wanted to send a quick note to encourage the committee to amend the land use code to allow and regulate site “condo” or “unit lot subdivision”.

There are a number of reasons to consider this type of a change, including:

- **The CBJ Housing Action Plan (HAP)** has language encouraging zoning ordinance, development code, and land management changes that look to maximize infill housing development opportunities and encourage higher densities. Also, the HAP calls for streamlining or fast-tracking housing permitting which would be the case if the suggested unit lot subdivision language changes were adopted.
- **The “missing middle”:** There is much discussion about providing more code flexibility to allow the creation of more housing opportunities through multi-unit or clustered type of housing than the typical single-family home and multi-family options. This code change would help developers with potential options in design and financing for projects in the future.
- **Financing:** The financing landscape for housing development changes frequently – in this case with conventional mortgages (USDA, FHA) now allowing for opportunities to lend on site condos or detached condos. These Title 49 changes would give developers another tool to develop future projects.

Thanks,

Scott Ciambor,
Chief Housing Officer