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TO: Ad Hoc Title 49 Advisory Committee
FROM: Rob Dumouchel, Special Project Planning Manager
DATE: 4FEB2025
RE: Phase 1 Wave 2 Concept Discussion and Phase 1.5 Overview

This memo provides context for a discussion of the Committee regarding the next wave of near-term amendments (P1W2) as well as a broader discussion regarding a full technical rewrite of Title 49 which is being referred to as Phase 1.5.

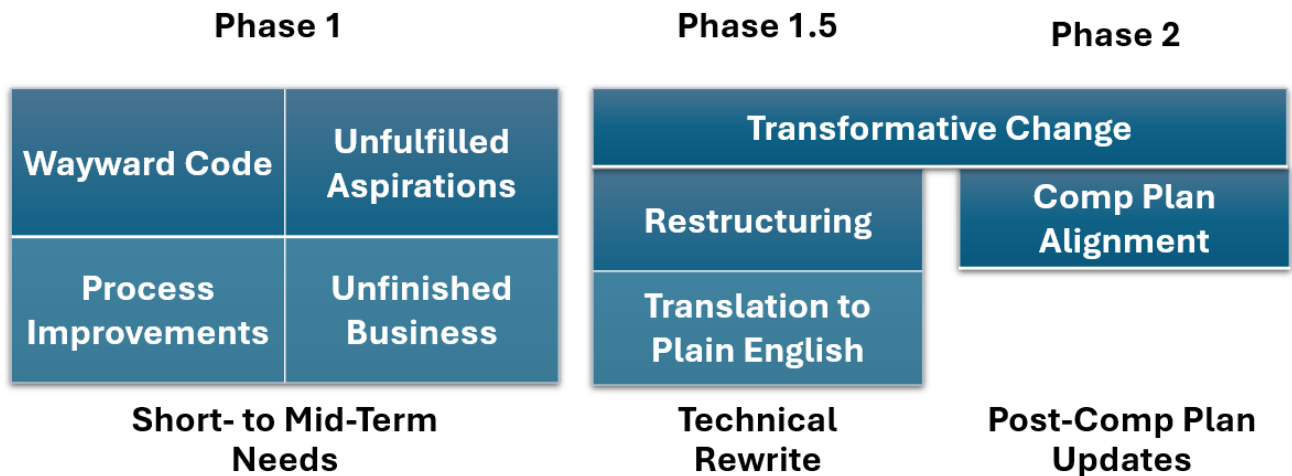
Potential Phase 1 Wave 2 Concepts

The following are concepts I'd like to suggest discussing for P1W2 consideration:

- **Creating a comprehensive rules of measurement section** – could include rules for measuring different distances, lot size and coverage, density, height, slope and grade; this could also be a Phase 1.5 topic.
- **Updating the comprehensive plan section (49.05.200) to clarify how the comprehensive plan is changed and interpreted** – currently, the subsection for changes, corrections, and interpretation is “reserved” and no guidance is provided.
- **Updating the zoning map rules (49.25.110)** – modernization item; should the “official” map be a printed map or a digitally maintained map by the department?
- **Creating code for reasonable accommodation** – this is an Americans with Disabilities Act/Fair Housing Act related update.
- **Creating code for lighting** – lighting is one of the items commonly listed as a use permit condition and a topic addressed sporadically throughout code; a focused lighting section may further reduce the need for use permits by addressing the topic for all developments as opposed to addressing it on an ad hoc basis. This update is not intended to include sign code, that is a separate discussion.
- **Discuss uses in the Table of Permissible Uses that should be modified** from conditionally allowed to principally allowed in specific zone districts.
- **Urban agriculture updates** – this topic has been discussed at length in the past, however, challenges remain and CBJ code enforcement has been having difficulties with related issues.
- **Removal of Chapter 49.65, Article XI - Marijuana Establishments from Title 49** in favor of transferring relevant rules to Title 20 Business Regulations (Chapter 20.30 Marijuana).
- **Removal of Chapter 49.65, Article I – Exploration and Mining & Article II – Sand and Gravel from Title 49** and relocating business regulations in another title.
- **Revisiting a prior proposal to adjust lot size for subdivisions on arterials (49.35.210) and private shared access (49.35.260-263)** – this was presented to the Planning Commission but never advanced to the Assembly.
- **A Chamber of Commerce committee proposal regarding lot width requirements** (this topic was raised by Mr. Harris at the November 13, 2024 Committee meeting)
- **Removal of references to defunct bodies and plans** – a housekeeping issue to remove references to the Subdivision Review Committee, Juneau Coastal Management Program, etc.

Phase 1.5 Technical Rewrite

As the Title 49 rewrite project has developed, it has become clear that there is an intermediate step between the originally envisioned Phase 1 and Phase 2. Phase 1.5 will be focused on a technical rewrite of Title 49. This means that the structure and language will be updated, code will be modernized, illustrations will be added, non-comprehensive plan dependent changes will be addressed (i.e., procedural streamlining), etc. The intent is to create a totally rewritten, clean, and modern version of Title 49 as soon as reasonably possible (within the next year) and then make modifications to the new code when the Comprehensive Planning process is complete to bring them into alignment. Phase 1.5 would complete roughly 85% of the Title 49 rewrite project's work. Afterwards, we will focus on integrating any larger policy issues driven by the Comprehensive Plan (expected to be a two-to-three-year project).



Below are some concepts for Committee discussion regarding the "big picture" of a modernized Title 49. I'm looking for general feedback to help drive preparations for Phase 1.5.

- **Should Title 49 be streamlined to just a zoning code with other items removed?** This could mean:
 - Moving subdivisions to a separate title – a very common format.
 - Moving Chapters 49.35 Public and Private Improvements and 49.55 – Financial Responsibility out of Title 49 – the technical elements of these chapters are more commonly administered by a Public Works Department and/or city engineer than a Community Development Department.
 - Moving hazards (flood, avalanche, landslide) to a hazard-specific title
- **How should Title 49 be organized?** Chapters, numbering, etc.
- **What concepts in Title 49 should be illustrated?**
- **How do we best deal with the Table of Permissible Uses (TPU)?**
 - The current table is unwieldy and difficult to use, I recommend considering a structure where the uses for each zone district are contained in a section for that zone to make the code easier to use
- **Should we remove fees from Title 49 and handle them through a separate fee schedule?**