



**PLANNING COMMISSION STAFF REPORT
TEXT AMENDMENT AME2025 0001
HEARING DATE: FEBRUARY 25, 2025**

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www.juneau.org/community-development

155 Heritage Way • Juneau, AK 99801

DATE: February 14, 2025

TO: Mandy Cole, Chair, Planning Commission

BY: Irene Gallion, Senior Planner

THROUGH: Jill Lawhorne, Director, AICP

PROPOSAL: The proposed ordinance amends the Title 49 Land Use Code Relating to Rules of Construction, Permits, Equivalent Use Determinations, Determination of Minor Versus Major Developments, Accessory Dwelling Units, Caretaker Units, and Transition Zones.

STAFF RECOMMENDATION: Forward the proposed ordinance with a recommendation of APPROVAL to the Assembly.

KEY CONSIDERATIONS FOR REVIEW:

- The Assembly requests substantive proposals for change, if warranted.
- The Assembly has directed the Planning Commission to provide a recommendation within 60 days of the Assembly action (January 27, 2025)
- The proposed ordinance conforms to the Comprehensive Plan.
- The proposed ordinance supports the Assembly's Goal 1 Housing: Assure adequate and affordable housing for all CBJ residents.

ALTERNATIVE ACTIONS:

1. **Amend:** modify the proposed ordinance and recommend approval to the Assembly.
2. **Deny:** recommend denial of the proposed ordinance to the Assembly. Planning Commission must make its own findings.
3. **Continue:** continue the hearing to a later date if determined that additional information or analysis is needed to make a decision, or if additional testimony is warranted.

ASSEMBLY ACTION REQUIRED:

Assembly action is required for this text amendment. The Commission's recommendation will be forwarded to the assembly for final action.

STANDARD OF REVIEW:

- Quasi-legislative decision
- Requires five (5) affirmative votes for approval

GENERAL INFORMATION	
Applicant	City and Borough of Juneau
Initiated By	Rob Dumochel, Special Project Planning Manager
Property Affected	Borough-wide

The Commission shall hear and decide the case per CBJ 49.10.170(d) Planning Commission Duties. The commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezoning, indicating compliance with the provisions of this title and the comprehensive plan.

DISCUSSION

Background – Attached memos summarize the proposed changes:

Attachment	Summary
A	<p>Title 49 Phase 1 Text Amendments, “First Wave” <i>This memo summarizes the proposed actions. These amendments focus on updates that are independent of the Comprehensive Plan rewrite process.</i></p>
B	<p>Accessory Dwelling Unit Text Amendment <i>Removes the Planning Commission requirement for review of ADUs on lots smaller than minimum lot size for the zoning district. Increases ADU size to 1,000 square feet or 40% principal structure size. Reduces rear yard setback to ten feet. Eliminates parking requirement for ADUs within one mile of a transit stop. Allows bungalow ADUs if they remain within the footprint of the bungalow.</i></p>
C	<p>Caretaker units in Industrial Areas <i>Limits caretaker units to 2,000 square feet. Eliminates the parking requirement for the caretaker unit.</i></p>
D	<p>Determining Uses – Major vs. Minor Developments <i>Underlying density is used to determine major versus minor development for multi-family structures. Characterized as “aggressive.”</i></p>
E	<p>Use Not Listed <i>Allows the Director to approve a use not listed, with the option of having the Commission weigh in.</i></p>
F	<p>Upzoning <i>Allows the Director to upzone a transition zone when certain triggers have been met, rather than requiring Planning Commission approval.</i></p>
G	<p>Amendments to Approved Permits <i>Creates an administrative pathway for minor amendments to permits, except for exploration and mining.</i></p>
H	<p>Rules of Construction <i>Codifies rules of interpretation for code.</i></p>

The Assembly has established an accelerated program for Title 49 rewrites.

- The Special Project Planning Manager has consolidated proposed changes based on previous work done by the Commission’s Title 49 Committee, The Assembly’s Title 49 Advisory Ad Hoc Committee, and Director input.
- A special contract attorney reviewed proposed changes.
- The Assembly’s Committee of the Whole reviewed the proposed changes and has established a 60-day timeline for Planning Commission input.

WORK SESSION DATES	
Assembly Title 49 Advisory Ad Hoc Committee (completed)	October 28, 2024
Assembly Title 49 Advisory Ad Hoc Committee (completed)	November 13, 2024
Assembly Committee of the Whole (completed)	January 27, 2025
Planning Commission (this meeting)	February 25, 2025
Assembly Meeting (planned)	April 7, 2025

Minutes and recording for the completed Assembly Title 49 Ad Hoc Committee meetings are not available.

Minutes for the January 27, 2025 Assembly Committee of the Whole meeting are not available. A recording is available at CBJ's Meetings and Agendas page: <https://juneau-ak.municodemeetings.com/> Time stamp 1:08. Meeting materials presented include the memos listed above, a PowerPoint (**Attachment I**) and a draft ordinance (**Attachment J**).

COMPLIANCE WITH TITLE 49

CBJ 49.05.100 - Purpose and intent. The purpose and Intent of Title 49 Land Use Code is:

(1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, and coastal management program;

(2) To ensure that future growth and development in the City and Borough is in accord with the values of its residents;

(3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;

(4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and other public requirements, and in general to promote public health, safety and general welfare;

(5) To provide adequate open space for light and air; and

(6) To recognize the economic value of land and encourage its proper and beneficial use.

TITLE 49 - The proposed text amendment complies with CBJ Title 49 Land Use Code.

COMPLIANCE WITH ADOPTED PLANS

2013 COMPREHENSIVE PLAN VISION: *The City and Borough of Juneau is a vibrant State Capital that values the diversity and quality of its natural and built environments, creates a safe and satisfying quality of life for its diverse population, provides quality education and employment for its workers, encourages resident participation in community decisions and provides an environment to foster state-wide leadership.*

2013 COMPREHENSIVE PLAN The proposed text amendment conforms to the 2013 Comprehensive Plan.			
Chapter	Page No.	Item	Summary
Accessory Dwelling Units			
3	14	Suburban	ADUs can achieve higher density while maintaining character.
4	28	Housing Need	Small units and high density developments are needed in the areas served by utilities.
10	130	IA10.2-IA2	Review zoning districts along transit corridors to increase density, including ADUs.
Caretaker Units			
10	135	10.7-DG2, F	Residential uses, other than caretaker units, should be prohibited in industrial zones.
	139	10.12-SOP1	Allow residences above water-dependent uses in Waterfront Commercial, and caretaker units in Waterfront Industrial.
Determining Uses/Use not listed			
18	227	Guiding Document	Analysis requires balancing relevant policies and looking wholistically at the situation, site and environs.
18	228	18.1-IA2	Revise code for timely implementation.
18	229	18.2-IA4	Establish procedures for public officials in plan review.
Upzoning			
3	15	Transition Area	When provided with sewer and road serviced, lands should be rezoned to the designated higher density.
3	19	3.1-IA1	Allow upzoning by petition from the property owner and approval by the Director.
10	133	10.5-SOP3	Allow appropriate densities in areas served by water and sewer.
Amending Permits			
4	40	4.6-IA4	Streamline residential permit.
Rules of Construction – No direct reference			

2016 HOUSING ACTION PLAN The proposed text amendment conforms with the 2016 Housing Action Plan			
Chapter	Page No.	Item	Summary
Accessory Dwelling Units			
	47	Zoning Changes	Create a policy that directs new development into areas with existing infrastructure.
	47	Implementation	Streamline infill housing permitting.
	48	Implementation	Look at reducing setbacks and minimum lot sizes for ADUs
Upzoning			
	47	Zoning Changes	When infrastructure is expanded, rezoning should be automatic.

2015 ECONOMIC DEVELOPMENT PLAN The proposed text amendment CONFORMS with the 2016 Housing Action Plan			
Chapter	Page No.	Item	Summary

2015 ECONOMIC DEVELOPMENT PLAN The proposed text amendment CONFORMS with the 2016 Housing Action Plan			
	38	Survey Results	Streamlining permitting would improve business climate.
	101	Local Government Role in Housing	Reduce permitting burden for housing development.

AGENCY REVIEW

Agency review is conducted through the Assembly’s process.

PUBLIC COMMENTS

The Assembly will accept public comments at their meeting on April 7, 2025.

FINDINGS

1. Does the proposed text amendment comply with the Comprehensive Plan and other adopted plans?

Analysis: The proposed amendment balances the varied 2013 Comprehensive Plan policies and is generally consistent with the overall vision. The proposed amendment is supported by the 2016 Housing Action Plan.

Finding: Yes. The proposed text amendment complies with the 2013 Comprehensive Plan, the 2016 Housing Action Plan, and the 2015 Economic Development Plan.

2. Does the proposed text amendment comply with Title 49 – Land Use Code?

Analysis: The proposed amendment was drafted with the purpose and intent of Title 49 taken into account. If approved as drafted, it will be consistent with the above purposes.

Finding: Yes. The proposed development complies with the purpose and intent of Title 49.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and make a recommendation to the Assembly to APPROVE the proposed text amendment to Title 49 Land Use Code Relating to Rules of Construction, Permits, Equivalent Use Determinations, Determination of Minor Versus Major Developments, Accessory Dwelling Units, Caretaker Units, and Transition Zones.

STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Memo: Title 49 Phase 1 Text Amendments, First Wave
Attachment B	Memo: Accessory Dwelling Unit Text Amendment
Attachment C	Memo: Caretaker Units in Industrial Areas
Attachment D	Memo: Determining Uses – Major vs. Minor Developments
Attachment E	Memo: Use Not Listed
Attachment F	Memo: Transition Zone Upzoning
Attachment G	Memo: Amendments to Approved Permits
Attachment H	Memo: Rules of Construction for Title 49

City and Borough of Juneau Special Projects Planning Manager

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Item	Description
Attachment I	PowerPoint Presentation from January 27, 2025 Assembly Committee of the Whole
Attachment J	Draft Ordinance 2025-15, presented at the January 27, 2025 Assembly Committee of the Whole



City and Borough of Juneau
 City & Borough Manager's Office
 155 Heritage Way
 Juneau, Alaska 99801
 Telephone: 586-5240 | Facsimile: 586-5385

TO: Mayor Weldon and Assembly
 FROM: Rob Dumouchel, Special Project Planning Manager
 THROUGH: Katie Koester, City Manager
 DATE: 14JAN25
 RE: Title 49 Phase 1 Text Amendments, First Wave

The rewrite of Title 49 – Land Use is a multi-phase project. Phase 1 began in August 2024 and is focused on updates that are not dependent on the upcoming rewrite of the Comprehensive Plan.¹ Text amendments related to housing and efficient permitting make up the bulk of the first wave of Phase 1 text amendment proposals.

This memo is a roadmap to the materials provided for the first wave of text amendments. The proposal touches on housing, code interpretation, and discretion. This memo provides a brief overview of the proposed amendments. Attached to this memo are a series of memos discussing technical elements of the text amendments. The table below lists memo topics, the sections of code involved, and a high-level description of the impacts:

Topic	Code Sections	Overview of Changes
Accessory Dwelling Units (ADUs)	Edits: 49.25.300 – Determining Uses and Table of Permissible Uses; 49.25.510(k) – Accessory Apartments; 49.40.210 – Number of Off-Street Parking Spaces Required; 49.65.630 – Bungalow Construction Standards; and 49.80.120 – Definitions Creates: 49.25.512 – Accessory Dwelling Units (ADUs)	Modernizes Accessory Apartment/ADU program and edits associated sections of Title 49
Caretaker Units in Industrial Areas	Edits: 49.25.250 – Waterfront Districts; 49.25.300 – Determining Uses and Table of Permissible Uses; 49.40.210 - Number of Off-Street Parking Spaces Required; 49.65.300 – Mobile Homes on Individual Lots; and 49.80.120 – Definitions Creates: 49.25.514 – Caretaker Units	Defines caretaker units and creates a framework for their administration and development
Use Not Listed	Edits: 49.20.320 – Use Not Listed	Allows the Director to make equivalent use determinations
Determining Uses	Edits: 49.25.300 Determining Uses	Removes select conditional use permit triggers
Transition Zones	Edits: 49.70.720 – Zoning Upgrade	Allows Director to upzone eligible Transition (T) zoned parcels
Amendments to Approved Permits	Creates: 49.15.160 – Amendments of Approved Permits & 49.15.130(d) regarding incomplete applications Deletes: 49.15.660 – Amendments to Approved Planned Unit Development Plan; 49.15.750 – Amendments to Approved Cottage Housing Development Plan; 49.15.970 – Amendments to Approved Alternative Residential Subdivision Plan	Creates a mechanism that allows for Director-level amendments for minor changes
Rules of Construction for Title 49	Replaces: 49.05.140 – Interpretation with 49.05.140 Rules of Construction Deletes: 49.80.110 – Rules of Construction	Improves existing code related to interpretation and construction of Title 49

¹ Phase 1 is envisioned to cover the following elements: **Wayward Code** – those sections of code that would be more appropriately located elsewhere in CBJ code; **Process Improvements** – amendments that streamline permitting by increasing clarity and efficiency; **Unfulfilled Aspirations** – concepts already vetted and approved by previous planning documents but not yet implemented; **Unfinished Business** – topics discussed at the Planning Commission level but not completed and advanced to the Assembly for consideration

The Ad Hoc Title 49 Advisory Committee was presented the concepts included in the text amendment at their October 28, 2024 meeting. The conversation was continued to their November 13, 2024 meeting where the Committee passed a motion to support the development of a text amendment containing all of the proposed concepts.² The text amendment was drafted in-house and preliminary legal review has been completed by the Title 49 Rewrite project's contract attorney.

On February 3, 2024, the Assembly will have the ability to initiate the text amendment process in accordance with 49.75.410(b).³ Staff is recommending that a 60-day "shot clock" provision be included in the motion to initiate the text amendment process. This ensures a timely return of the amendment to the Assembly for consideration.

Staff Recommendation: Introduce ordinance with proposed text amendments to Title 49 and refer to the Planning Commission for a review to be completed within 60 days.

Attachments:

- Memo: Accessory Dwelling Units
- Memo: Caretaker Units in industrial Areas
- Memo: Determining Uses – Major vs. Minor Developments
- Memo: Use Not Listed
- Memo: Transition Zone Upzoning
- Memo: Amendments to Approved Permits
- Memo: Rules of Construction for Title 49
- Text Amendment – Ordinance 2025-15

² There was disagreement over how to best implement industrial caretaker units, however, the committee generally supports a limited apartment-type use in industrial districts, more information is provided in the attached caretaker text amendment memo.

³ 49.75.410 Text Amendments. (a) **Commission initiated.** The commission shall initiate an amendment to this title by holding a public hearing to consider whether it should recommend such amendment to the assembly. The director shall provide at least ten days public notice of the hearing (b) **Assembly initiated.** The assembly shall initiate an amendment to this title by referring such amendment to the commission for proceeding in accordance with subsection (a) of this section.



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Telephone: 586-5240 | Facsimile: 586-5385

TO: Mayor Weldon and Assembly
FROM: Rob Dumouchel, Special Project Planning Manager
THROUGH: Katie Koester, City Manager
DATE: 14JAN25
RE: Accessory Dwelling Unit Text Amendment

A heightened focus on accessory dwelling units (ADUs) has emerged as an impactful strategy to increase housing in cities across America. ADUs can be attached or detached structures located on the same parcel as an existing residential use. They use a small-scale infill development pattern to bring a "gentle density" increase to neighborhoods and take advantage of existing infrastructure such as roads, sidewalks, transit, and utilities.

The proposed ADU text amendment builds on work begun by the Community Development Department (CDD), the Planning Commission, and the Title 49 Subcommittee. The text amendment is written with the intention of integrating current best practices for ADUs to remove barriers to development and streamline permitting. The text amendment is supported by numerous policies from the Comprehensive Plan adopted in 2013 and furthers 2024 Assembly Goal #1: Housing – Assure adequate and affordable housing for all CBJ residents.

ADU Background

ADUs can either be attached or detached dwellings, with complete independent living facilities for one or more people, which are an accessory use subordinate to a primary residential use. ADUs are commonly found as backyard cottages or apartments integrated into a larger existing home. They are a low impact way to add housing to existing neighborhoods. ADUs also tend to be more affordable in nature due to their smaller size.

Common motivations for building an ADU include housing a friend or family member, increasing property value, and gaining additional income⁴. ADUs have a broad appeal as dwelling units and have often been associated with the housing of aging family members and college students. In today's housing market, renters from wide economic and social backgrounds choose to rent ADUs for a variety of reasons.

ADUs are currently allowed in the City and Borough of Juneau (CBJ) through Title 49 – Land Use section 49.25.510(k) which calls them "accessory apartments." According to permit data collected by CDD from 2013 to 2024, ADUs have accounted for approximately 13% of the new housing units added in Juneau in the last decade. Under the current code, many ADUs must go to the Planning Commission for approval via a conditional use permit, however, ADUs seldom receive conditions that aren't already covered by existing codes or laws. In total, 11 use permits for ADUs have been considered by the Planning Commission since 2021. All have been approved, and only one ADU received conditions that went beyond a restatement of existing Title 49 regulations⁵. It can be inferred from this pattern that requiring conditional use permits for ADUs has not created meaningful value for the community and use permits have become an unnecessary barrier to housing development. Figure 1 below shows the pattern of ADU approvals by year from 1990 to 2024 (note that the permits are credited to the year in which they were applied for, not necessarily the year in which they were granted).

⁴ Volker, J. M., & Handy, S. (2023). Exploring homeowners' openness to building accessory dwelling units in the Sacramento metropolitan area. *Journal of the American Planning Association*, 89(1), 45-60.

⁵ One ADU was approved for a use permit but failed to secure a parking waiver in a separate vote which effectively denied the ADU. An appeal was filed with the Assembly and rejected; however, the Assembly has encouraged the applicant to reapply for a parking waiver. If the proposed ADU text amendment is approved, the subject ADU would not require a use permit or a parking waiver.

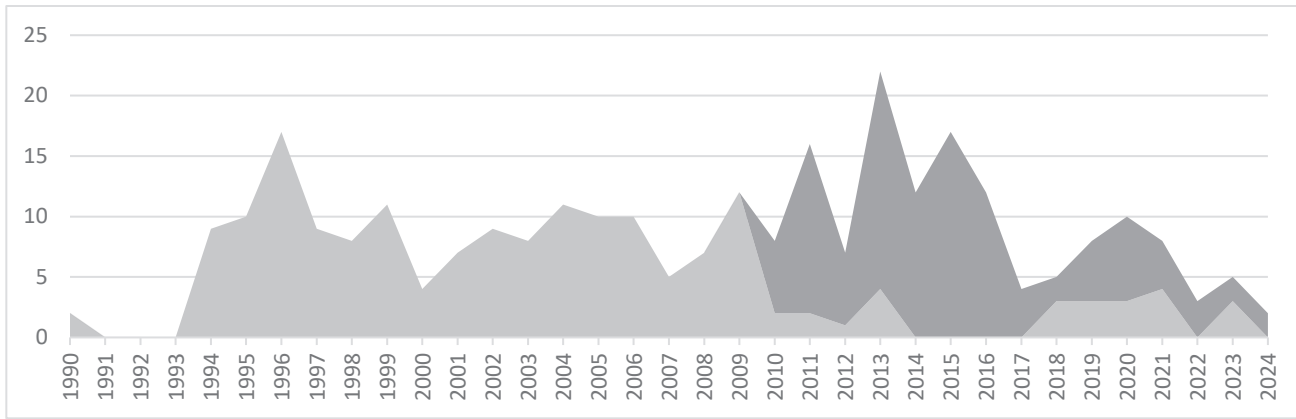


Figure 1: Approved ADU use permits (light gray) and accessory apartment permits (dark gray) by year 1990-2024

Barriers created by zoning codes, or perceived to be created by zoning codes, can deter the development of ADUs by homeowners who would otherwise have an interest in creating a unit – or encourage the development of unpermitted ADUs which can lead to unsafe housing conditions. The removal of barriers to ADU creation is a strategy that appears to have influenced a proliferation of ADUs in other parts of the country. To accelerate the use of ADUs for housing stock expansion, a growing number of state governments⁶ have taken the step to preempt local governments with ADU laws that remove barriers to development. For instance, California has passed multiple pieces of state-level ADU legislation that have been followed by a quadrupling of annual ADU permits from the early 2000s to 2022⁷. Alaska is unlikely to preempt the planning authority of local governments, however, CBJ is perfectly capable of mirroring current best practices for ADU regulations found throughout the rest of the country as a tool to incrementally relieve housing pressure.

Research has found that the most common barriers to ADU development include zoning, permitting, construction costs, and access to capital through lending institutions⁸. This proposed text amendment would relieve some of the zoning challenges and remove the need for applicants to go through the conditional use permit process in most cases. Matched with the Accessory Dwelling Unit Grant Program within the Juneau Affordable Housing Fund, there is a real potential for increased ADU development in Juneau. If the Assembly is interested in addressing issues related to lending, that is outside the scope of Title 49 and would be best handled through public/private partnerships between CBJ and lending institutions.

The basics of a high-performance ADU program include allowing ADUs by-right (meaning that they do not require a conditional use permit); streamlining approval processes; minimizing or removing parking requirements; allowing larger units; and not creating so many rules for ADUs that they become too expensive to build or are perceived as too difficult to build⁹. Another best practice is to create pathways for the permitting of illegal units through amnesty programs that agree to not penalize homeowners for past violations if they successfully bring their unpermitted ADU into compliance with current zoning and building codes¹⁰.

ADUs in Alaska

ADU ordinances in Alaska are on a spectrum from very restrictive to very permissive. On the restrictive end, cities allow only very small units, have owner occupancy requirements, high parking standards, and require use permits. On the permissive end, unit sizes are larger, parking requirements are either relaxed or absent, and approvals are ministerial. The Table below gives a brief overview of ADU programs in six different Alaskan municipalities.

⁶ California, Connecticut, Maine, New Hampshire, Oregon, Rhode Island, Utah, Vermont, and Washington
⁷ Wielga, C. (2023). Accessory Dwelling Units and the Preemption of Land Use Regulation. *Cityscape*, 25(3), 99-122.
⁸ Chapple, K., Wegmann, J., Mashhood, F., & Coleman, R. (2017). Jumpstarting the market for accessory dwelling units: Lessons learned from Portland, Seattle, and Vancouver; Volker, J. M., & Handy, S. (2023). Exploring homeowners’ openness to building accessory dwelling units in the Sacramento metropolitan area. *Journal of the American Planning Association*, 89(1), 45-60.
⁹ Alaska Municipal League. (2023). AkDU’s and Don’ts: A Practical Approach to Bringing Additional Dwelling Units to Alaska Communities.
¹⁰ Ramsey-Musolf, D. (2018). Accessory dwelling units as low-income housing: California’s Faustian bargain. *Urban Science*, 2(3), 89.

City/Borough	Size	Parking	Other Notable Features
Kodiak Island Borough	575 sq ft to 725 sq ft depending on zone district	2 spaces if <600 sq ft 3 spaces if >600 sq ft	Owner must live on site
Mat-Su Borough	Cannot exceed 50% of the principal dwelling floor area	Not addressed	Allow up to two ADUs
Palmer	300 sq ft minimum; 900 sq ft maximum; No more than 40% of gross floor area of principal dwelling	1 space for studio and one-bedroom units 2 spaces for two-bedroom units	Owner must live on site at least six months per year; Attached units must have interior door connecting units; ADU permits are non-transferrable
Petersburg	800 sq ft or: 40% of main dwelling on lots <.5 acres; 60% of main dwelling on lots >.5 acres and <1 acre; 80% of main dwelling on lots >1 acre	None required	ADU can't be taller than principal residence or closer to the front of the property
Sitka	800 sq ft	Parking plan required	Excluded from Short Term Rental usage; No RVs or mobile homes as ADUs; A conditional use permit can override general ADU requirements
Soldotna	750 sq ft	1 space	Excluded from Short Term Rental usage; No RVs or mobile homes as ADUs

ADU Text Amendment Proposal Highlights

The proposed text amendment removes the existing accessory apartment language in 49.25.510(k) and adds a new section for ADUs within Title 49. It also edits connected sections of code spread throughout Title 49. The proposal includes the following:

- Strikes 49.25.510(k) accessory apartments and replaces it with 49.25.512 accessory dwelling units which is written in plain English and is much shorter than the original code section.
- Reduces ADU permit application requirements contained within code which gives CDD more flexibility to adjust requirements within an evolving development context.
- Exempts ADUs from density calculations.
- Explains an ADU's relationship to a principal structure and acknowledges that a principal structure may become an accessory structure to a newly constructed single-family home.
- Exempts ADUs from minimum lot size and minimum lot width but retains maximum lot coverage and maximum height limits from the underlying zone district. Existing legal nonconforming structures converted to ADUs are not required to remedy noncompliance with lot coverage, setback, or height standards.
- Sets maximum size standard of 1000 square feet for detached ADUs.
- Sets maximum size standard of 1000 square feet or 40% of the principal residential structure, whichever is greater for attached ADUs.
- Sets a 10-foot rear setback for ADUs
- Removes on-site parking requirements for ADUs within one mile of a transit stop, as well as those created via conversion of an existing covered parking space.
- Defines Accessory Dwelling Unit in 49.80.120 – Definitions.
- Explicitly names ADUs as a minor development in single-family; multifamily; and commercial and mixed-use zone districts in 49.25.300 – Determining Uses.
- Principally permits ADUs in all residential districts.
- Allows attached ADUs within the allowable construction standards of a bungalow. The intent is that a conforming bungalow structure could have an ADU created within its footprint, to include the conversion of a covered parking area (i.e., garage).

Future Considerations

The proposed text amendment is intended to remove barriers and stimulate interest in ADU development. It is much less restrictive than the existing code for accessory apartments, but it is driven by best practices from other cities that have had success with ADUs as a housing strategy. If the Assembly chooses to adopt the changes, it would be advisable to analyze ADU interest and development patterns in the years following adoption. We may identify additional barriers to remove, or areas in the code where CBJ should become more restrictive. Additionally, ADUs should be a topic of discussion in the comprehensive plan update which begins soon.

Under the Juneau Affordable Housing Fund there is a grant program supporting ADU creation that provides up to \$16,000 to develop a new ADU. I recommend considering an increase to \$50,000 to match the per unit allocation for larger developments. A unit is a unit, regardless of whether it is an ADU or an apartment in a new multifamily complex. This increase has the potential to stimulate ADU development by property owners with less home equity or lower incomes. The Assembly could also consider a loan program to help potential ADU developers overcome the challenge of accessing the capital required to build a new unit.



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TO: Mayor Weldon and Assembly
 FROM: Rob Dumouchel, Special Project Planning Manager
 THROUGH: Katie Koester, City Manager
 DATE: 14JAN25
 RE: Caretaker Units in Industrial Areas

It is not appropriate to build extensive residential developments in industrial areas, however, caretaker units are a common and appropriate accessory residential use for industrial developments that provide management and oversight to areas that would otherwise be unsupervised outside of regular working hours. Caretaker units are currently allowed, but they are not well defined and are time consuming to review and approve under the current code. The proposed text amendments would define caretaker units in Title 49, create a section of code specifically for administration of caretaker units, make caretaker units a principally permitted use in Waterfront Industrial (WI) and Industrial (I) zone districts, and address some related issues connected to parking and mobile homes.

Caretaker Units in General

Caretaker units are an accessory residential use in an industrial setting that allows an owner, caretaker, superintendent, security guard, or other similar type of employee to live on the site of a principal industrial use and provide oversight. Caretaker units can be attached or detached, but they are not intended to be the primary use of a parcel.

Caretaker units are a limited exception for a residential use in an otherwise industrial area. Industrial zone districts, by their nature, are not well-suited to high-density residential uses. These areas can be noisy, dirty, and host to numerous physical hazards. Whis this in mind, the Alaska Department of Conservation has regulations relevant to specific industrial uses (e.g., asphalt plants) that may preclude the development of either a caretaker unit or an industrial use, depending on which was established first. Industrial zones generally do not have the amenities one would expect in a residential setting like sidewalks and parks, nor do they have the feelings of community developed through interactions with neighboring households.

There are practical benefits to caretaker units. Having a resident caretaker can increase safety and security for the principal industrial use. It can also ensure a qualified individual is on site to handle emergencies or critical maintenance tasks that may occur at any time of day or night. This could also be viewed as providing a public safety benefit as a caretaker could intervene before a situation escalates into a public health and safety hazard.

Caretake Units within Adopted CBJ Plans and Code

The 2013 Comprehensive Plan is clear that residential uses are not desired within industrial areas, with the exception that caretaker facilities should be allowed (see table below).

Light Industrial (LI)	Residential units should be limited to caretaker units where the occupant works directly for or owns the business for which the occupant is caretaking.
Heavy Industrial (HI)	Residential office, retail, and personal service uses are not to be allowed, except that residential caretaker facilities should be permitted.
Waterfront Commercial/Industrial (WCI)	Residential uses would not be allowed in Waterfront Commercial/Industrial Districts, with the exception of caretaker units.

Within Juneau's Code of Ordinances Title 49 – Land Use, caretaker units are not specifically defined, however, "single-family detached, one dwelling per lot" is listed in the table of permissible uses (49.25.300) as a principal use in Waterfront Industrial (WI) and Industrial (I) zone districts with the caveat that "a single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone." Despite being principally permitted, residential uses are not listed as a minor development in an industrial zone district under 49.25.300 which could be interpreted as a major development requiring a use permit. There is also code which allows for mobile homes to be used in lots outside of mobile home parks/subdivisions as a "caretaker residence" (49.65.300 (3)) which, in most cases, is a separate type of use from the industrial caretaker unit created by this proposed text amendment.

Title 19 – Building Regulations provides a construction-focused definition for "caretaker facilities" as a temporary building "used for occupancy as a dwelling unit on a temporary basis by a caretaker to protect property or equipment during construction or a limited time event."

The Ad Hoc Title 49 Advisory Committee supported the concept of apartments in industrial zones but was not certain that caretaker units were the best way to implement them. Based on the Committee's discussion, I considered different configurations like extending the accessory dwelling unit code to industrial zones or allowing an apartment with no other designations like caretaker or accessory dwelling. None of the alternatives would be aligned with the 2013 Comprehensive Plan. For that reason, I suggest approving the creation of a section for caretaker units at this time, and, if the updated Comprehensive Plan is more supportive of residential units within industrial zone districts, that we consider collapsing caretaker units into an accessory dwelling unit framework (the proposed 49.25.512 for Accessory Dwelling Units).

Caretaker Text Amendment Proposal Highlights

The proposed text amendment to Title 49 would define a caretaker unit and give guidelines for permitting and administration of this specific type of residence. The proposal:

- Creates a definition for "caretaker unit" under 49.80.120.
- Create a new code section for caretaker units – 49.25.514 which:
 - Requires a permit for development of a caretaker unit.
 - Requires caretaker units to be accessory to a principal use on the same parcel.
 - Limits residency to caretaker and family (family is defined in Title 49 as "one or more persons living as a single housekeeping unit").
 - Exempts caretaker units from density requirements, similar to the proposal for accessory dwelling units.
 - Allows caretaker units to be up to 2000 square feet in net floor area (currently no limit exists).
- Clarifies that caretaker units are a minor development under 49.25.300 – Determining Uses
- Edits the Table of Permissible Uses to:
 - Create a line for "Caretaker units" which principally permits them in Waterfront Industrial (WI) and Industrial (I) zone districts.
 - Remove the option for "Single-family detached, one dwelling per lot" from Waterfront Industrial (WI), and Industrial (I) zone districts as it has been replaced by the new caretaker unit use.
 - Edits entry for "Caretakers mobile homes on individual lots" to instead read as "Mobile homes on individual lots outside of mobile home parks" which principally permits them in the Waterfront Industrial (WI) and Industrial (I) zone districts with the caveat that they are further governed by 49.65, Article III – Mobile Homes.
- Adds caretaker units in industrial zone districts to the rules for mobile homes on individual lots under 49.65.300.
- Adds a line for caretaker units in the parking use table and requires zero off-street parking spaces with the intent that total parking requirements for the parcel hosting a caretaker unit will be driven by the principal industrial use.

Future Considerations: Juneau is home to many highly seasonal industries which have temporary needs for housing of workers. While it would not be appropriate to pursue traditional multi-family housing developments within industrial zone districts, it would be worthwhile to investigate the allowance of Single-Room Occupancy (SROs) for seasonal worker housing in industrial districts. Additionally, with the news that the US Coast Guard is planning to homeport an icebreaker in Juneau, consideration for allowing barracks-style military housing in Waterfront Industrial (WI) is warranted. These discussions could be included as part of the upcoming Comprehensive Plan update process. If SROs and military housing become supported uses in the new Comprehensive Plan, a Title 49 text amendment would be required for implementation.



City and Borough of Juneau
City & Borough Manager's Office
155 Heritage Way
Juneau, Alaska 99801
Telephone: 586-5240 | Facsimile: 586-5385

TO: Mayor Weldon and Assembly
FROM: Rob Dumouchel, Special Project Planning Manager
THROUGH: Katie Koester, City Manager
DATE: 14JAN25
RE: Determining Uses – Major vs. Minor Developments

The determination of major versus minor developments in Title 49 has created significant barriers to development, particularly the development of multifamily housing. This proposed amendment would improve interpretation of Title 49, but it would also aggressively expand the amount of housing that could be ministerially approved and greatly speed up the development process for multifamily projects.

Ministerial versus Discretionary Approval

When projects are submitted to the Community Development Department (CDD), they are divided into two major categories:

- (1) Minor developments which are projects that are principally permitted and allowed by-right through a ministerial approval process driven by objective standards in code and enforced under the authority of the CDD Director, and
- (2) Major developments which are projects that require discretionary review through a body like the Planning Commission who must make decisions at public meetings.

The determinations as to whether a use requires a discretionary use permit occurs in 49.25.300. The Table of Permissible Uses indicates if a use is allowed within a specific zone district and if it a principal use allowed by-right, or a conditional use requiring a discretionary permit. Further, 49.25.300(c)(3) defines minor developments by type of zoning district. If a project, even if it is a principal use, cannot fit within the definition of a minor use, it triggers a conditional use permit (i.e., a multifamily residence is principally permitted in multifamily residential districts unless it exceeds eight units, nine or more units require a conditional use permit).

Conditional use permits are a common discretionary permitting tool where the Planning Commission reviews a project based on objective code requirements, but also uses their collective expertise and judgement to include consideration of subjective matters when determining whether to approve a permit and apply conditions of approval (if any).

When drafting a zoning code, it is important to give thought as to whether a project should require a discretionary review or not. Every project that triggers a conditional use permit results in a significant amount of time and effort for CDD staff, as well as cost, anxiety/uncertainty, and potential conflict for applicants. If projects are meeting existing zoning standards and going through discretionary processes with no substantive conditions applied, it indicates that perhaps those projects should not be considered "major" developments in need of discretionary review. This text amendment is intended to reduce the number of projects that require discretionary review via a use permit by expanding the scope of minor developments within 49.25.300.

CBJ Use Permit Review

I conducted a review of Planning Commission meeting minutes spanning from January 2021 to September 2024. As part of that review, I collected data on all use permits which went before the Planning Commission. In total, 66 permits were agendized. 64 permits were approved, 1 permit was rejected, and 1 permit was withdrawn by the applicant. Many use permits were approved on consent (28%), and the Planning Commission

only made modifications to the Director's recommendation in 21% of cases. Objections to approval were uncommon with only 15% of cases experiencing a split vote. What I infer from this information is that:

- (1) CDD staff is doing a good job in helping applicants develop projects with a high chance of success.
- (2) Many projects are unnecessarily subjected to the use permit process.

Digging deeper into the use permits, I reviewed Notices of Determination which contain the conditions, if any, imposed upon the approved projects. Most projects (~65%) have two conditions or less applied to their use permits, and most conditions are just restatements of existing code. Common existing regulations as conditions include restatements of parking requirements (49.40), required adherence to building code regulations (Title 19), restatements of setbacks (49.25.400), signage rules (49.45), and requirements for bear-resistant trash cans (36.20.056).

Determining Uses Text Amendment Highlights

The existing code for determining uses is restrictive and perceived as being somewhat confusing by staff and the public. The proposed text amendment would remove some unnecessary text, clarify that multiple minor developments can be combined and still considered a minor development, and modify dwelling unit restrictions from multi-family and commercial/mixed-use districts¹¹. The proposal:

- Removes outdated references to bedrooms leased on a daily or weekly basis
- Clarifies that a project can combine minor developments without triggering a major development determination
- Removes specific number limits for dwelling units in multifamily and commercial/mixed-use districts and instead relies on existing density and development standards

Multifamily Unit Cap Removal

The most ambitious portion of this proposal is the removal of specific number limits for dwelling units in multifamily and commercial/mixed-use districts. **This is a very aggressive move to support housing.** As currently written, this section designates multifamily housing projects that meet the allowable density in a district but exceed a specific number of units (i.e., over eight units in multifamily residential districts, or twelve in commercial/mixed-use districts) as major developments requiring a conditional use permit. The proposed text amendment removes the numerical standard and instead relies on the density standard of an underlying zone district. So, for instance, if a 20-unit multifamily residence is proposed for a 2-acre parcel in D-15, no use permit would be required because it does not exceed the underlying density standard of the zone district. Theoretically, a very large multifamily project could be permitted as a minor development as long as it meets existing standards in code. This increases certainty for housing developers and reduces carrying costs associated with waiting for discretionary permits.

¹¹ The amendments for accessory dwelling units and caretaker units would also make changes to this section of code.
Title 49 Rewrite, Phase 1 Wave 1 – Page 11



City and Borough of Juneau
City & Borough Manager's Office
155 Heritage Way
Juneau, Alaska 99801

Telephone: 586-5240 | Facsimile: 586-5385

TO: Mayor Weldon and Assembly
FROM: Rob Dumouchel, Special Project Planning Manager
THROUGH: Katie Koester, City Manager
DATE: 14JAN25
RE: Use Not Listed

Title 49 – Land Use is very restrictive when it comes to making equivalent use-related decisions. Updating the use not listed regulations is intended to streamline permitting processes by giving the Community Development Director the ability to approve new and innovative land uses more quickly, a benefit to the business community and supported by 2024 Assembly goal #2 – assure Juneau has a vibrant, diverse local economy.

Title 49 has an existing mechanism for approval of uses not listed in the table of permissible uses that requires any equivalent use determination to go to the Planning Commission for a public hearing. In many cases, this is inefficient and a poor use of the Planning Commission's time and creates significant work for Community Development staff.

The proposed text amendment would allow the Community Development Director to consider a use not listed and approve it if it meets certain specific conditions. This is an important tool to be able to handle evolutions of business and local land uses that are similar to existing uses in a timely fashion.

The Director would have the option to refer an equivalent use determination to the Planning Commission, and Director-level decisions would be appealable to the Planning Commission. If there is no logical equivalent use connection, the use would need to be considered through a text amendment as outlined in 49.75.410.



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TO: Mayor Weldon and Assembly
FROM: Rob Dumouchel, Special Project Planning Manager
THROUGH: Katie Koester, City Manager
DATE: 14JAN25
RE: Transition Zone Upzoning

The City and Borough of Juneau (CBJ) had the foresight to designate certain lands as eligible for upzoning¹² once certain triggers are met. This can be a powerful and effective tool to allow the CBJ to evolve as public water and sewer infrastructure is developed. Unfortunately, despite the clear intent to automatically upzone eligible parcels, no mechanism exists in code to allow that to happen. This issue was identified in the 2013 Comprehensive Plan and Implementing Action 3.1-IA1¹³ suggested that this tool would be better implemented if the Community Development Department (CDD) Director were granted the authority to approve the upzoning of transition zones. This proposed text amendment would give the CDD Director the ability to identify lands eligible for upzoning and ministerially enact the change, saving significant costs in both staff time and financial resources.

Transition Zones in General

Transition zones are governed by 49.70.700 et seq. which states the purpose of a transition zone as follows:

A transition zone is an overlay zone district for certain lands located in the urban service boundary that are set aside for higher density development after public water and sewer have been provided. Transition zones shall be identified as such by the designator "T" on the official zoning maps adopted pursuant to section 49.25.110. The overlay district specifies the current lower density zoning classification as well as the proposed increase. The increase in density will take place at the time public services are provided.

The current code requires either the applicant for a major development permit, or the Planning Commission, to initiate the upzoning of a transition zone and move it forward to a public hearing. Creating staff reports, hosting public meetings, and considering the action at a hearing is a significant amount of work for an action that was predetermined when the land's current zone was adopted.

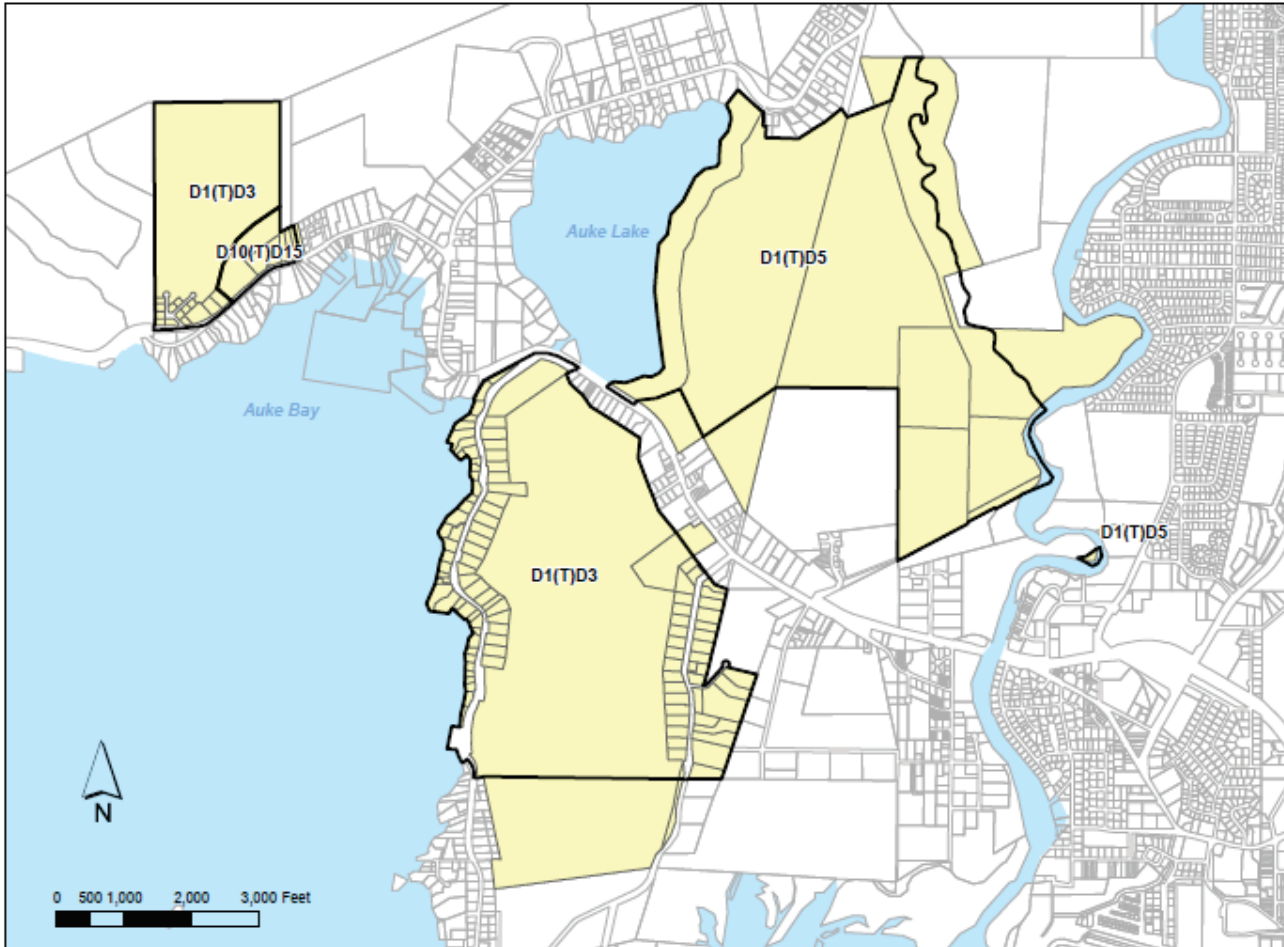
Current Transition Zoned Parcels Eligible for Upzoning

At this time, there are approximately 140 (T) zoned parcels located within the Auke Bay area. The vast majority are zoned to move from D-1 to either D-3 or D-5. While there are relatively few parcels that would be affected by this proposal, having a ministerial upzoning tool available will be very useful as the CBJ water and sewer system expands over time. Additionally, after the Comprehensive Plan update is completed, there is a high

¹² Title 49 refers to upzoning as a "zoning upgrade."

¹³ 3.1 - IA1 Revise the Land Use Code to allow, in zoning Transitional (T) zones, the higher density zoning designation to be allowed upon petition by the property owner and approval by the Community Development Department (CDD) Director, rather than by a rezoning action, provided that, as a condition of approval, the property owner ensures the provision of adequate municipal water and sewer service and provides adequate roadway capacity to serve the increased population. For example, a D-3 (T) D-10 could transition to D-10, and a D-1 (T) D-5 could transition to a D-5 as a zoning map amendment, with CDD Director's approval, upon the financial assurance of provision of the water, sewer, road and intersection capacity at a LOS D or better prior to its development.

likelihood that new transition zones will be identified, and it will be very advantageous to the efficient administration of those zone districts to have a ministerial approval process for the upzoning of eligible parcels.



Remaining Parcels within Transition Zones as of December 2024 (approx. 140 parcels)

Transition Zone Text Amendment Proposal Highlights

This proposed text amendment to Title 49 would grant the CDD Director authority to ministerially upzone parcels with the transition zone (T) indicator if they have met the eligibility requirements of having water and sewer utilities. The amendment does the following:

- Identifies the CDD Director as having the authority to upzone an eligible transition zone parcel.
- Allows the CDD Director to initiate the upzoning of an eligible transition zone parcel.
- Removes the procedure and hearing sections. **If a rezone exceeds the Director’s authority it will go through the normal rezoning process under 49.75.130.**

Future Considerations

It’s important to ensure that there is ongoing communication between CDD and the City Engineer regarding the expansion of utility services to new parcels throughout the CBJ. It may also be worthwhile to consider other potential triggers for upzoning transition zones in the upcoming Comprehensive Plan update process. As Juneau goes through stages of development and densification, there may be other logical reasons to automatically upzone areas in the future to achieve CBJ transportation and development goals.



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TO: Mayor Weldon and Assembly
FROM: Rob Dumouchel, Special Project Planning Manager
THROUGH: Katie Koester, City Manager
DATE: 14JAN25
RE: Amendments to Approved Permits

It is common for development projects to require modifications after approval. Under current regulations, some relatively insignificant changes end up returning to the Planning Commission. Re-entry to a discretionary process can add months to a project and significant costs for the developer. The intent of this proposed text amendment is to give the Community Development Department (CDD) Director the ability to review minor amendments to approved permits without having to repeat a trip to the Planning Commission for review.

Currently, Title 49 has specific sections for amendments to approved planned unit development plans (49.15.660), approved cottage housing development plans (49.15.750), and approved alternative residential subdivisions plans (49.15.970). Title 49 does not, however, have a globally applicable pathway for amendments to approved permits. This text amendment would create a new section for "Amendments of approved permits" that applies to all zoning permits (except for exploration and mining), clarifies the differences between minor and major amendments, and allows the CDD Director to approve minor amendments. Major amendments would return to the original permit approval authority and would be required to repeat noticing and public hearing steps required for the original permit.

Proposal Highlights

The proposal includes the following:

- The creation of 49.15.160 – Amendments of Approved Permits.
- The deletion of 49.15.660, 49.15.750, and 49.15.970 as they will be replaced by 49.15.160.
- Creation of an amendment request/application process.
- Defines a minor amendment as:
 - Not expanding or intensifying uses or structures beyond original approval;
 - Having an insignificant change in the outward appearance of the development;
 - Having an insignificant impact on surrounding properties;
 - Having an insignificant impact on the location of buildings;
 - Not impacting a feature that was the basis for conditions of approval or a feature specifically considered by the review authority in granting the original permit;
 - Not reducing parking below the original requirement; and
 - Not creating a delay of more than one year for the project's completion.
- Director has 15 working days to determine if an amendment is minor or major.
- Requires major amendments to return to the same review authority as the original approval with the same public notice and hearing requirements as the original permit.
- Exploration and mining permits are an exception to this new section, they are governed by Chapter 49.65 Article I – Exploration and mining permits.
- Appeal language is not included as 49.20.110 already covers appeals to the planning commission.
- Creation of 49.15.130(d) that clarifies how to deal with an incomplete application.



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Telephone: 586-5240 | Facsimile: 586-5385

TO: Mayor Weldon and Assembly
FROM: Rob Dumouchel, Special Project Planning Manager
THROUGH: Katie Koester, City Manager
DATE: 14JAN25
RE: Rules of Construction for Title 49

In a zoning code, like Title 49, the rules of construction contain guidelines for how words are to be used, how the code is to be interpreted, and how to resolve conflicts between different elements of the code. Rules for construction are commonly found in either the general provisions at the beginning of the code, or they are packaged with the definitions section. At this time, CBJ's rules of construction are located in section 49.80.110 which immediately precedes 49.80.120 – Definitions. I'm uncertain of the context in which 49.80.110 was created. It is not very comprehensive and does not add much value to those interpreting Title 49.

I am recommending the deletion of 49.80.110 – Rules of construction and the replacement of 49.05.140 – Interpretation with the creation of 49.05.140 - Rules of construction which is significantly more comprehensive. The proposed update provides more relevant definitions and resolves common ambiguities that arise in code interpretation which is intended to allow for the more efficient review and approval of permits.

The proposed update includes guidelines for the following:

- General interpretation of Title 49
- Cross reference to CBJ 01.15.020 regarding word usage and grammatical rules
- The use of lists
- Measurement of time
- Rules of rounding for fractions
- References to other documents and regulations
- The delegation of authority in the zoning code
- How to solve conflicts between provisions

Having a clear and comprehensive set of rules of construction is an important tool for the Community Development Department. This upgrade will allow the Director and staff to more efficiently and consistently interpret Title 49 which will likely improve the experience for permit applicants and reduce wait times for permit approvals. A future amendment will address the related concept of "rules of measurement" which are provisions that set rules for how developments are measured for compliance with zoning regulations (i.e. height, distances, etc.).

Title 49 Rewrite Project Phase 1 Wave 1 Amendments

27JAN25

Rob Dumouchel, Special Projects Planning Manager

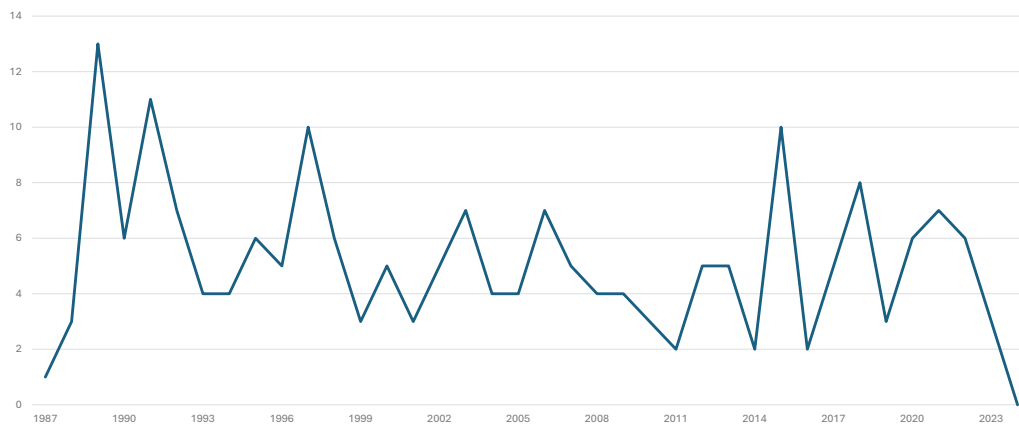
Presentation Agenda

- Title 49 Basics
- Title 49 Rewrite Project Overview
- Amendment Elements
- Next Steps

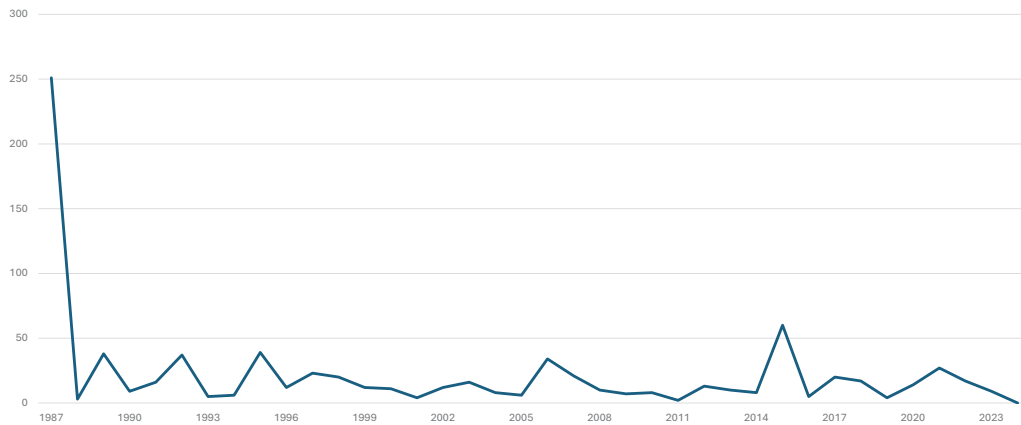
What is Title 49?

- Title 49 is the Land Use portion of CBJ's Code of Ordinances
- Title 49 covers zoning districts, allowable uses, parking, dimensional standards, subdivisions, permits, and much more
- The current iteration of Title 49 was adopted in 1987 and has been amended since approximately 193 times in the last 38 years!

T49 Amendments per Year, 1987-2024



T49 Elements Amended per Year, 1987-2024



Title 49 Purpose and Intent (49.05.100)

- **Enact the comprehensive plan**
- Grow CBJ in a way that is aligned with the values of its residents
- Maximize benefits of growth while minimizing the negative impacts
- Ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities
- Promote public health, safety, and general welfare
- Provide adequate open space for light and air
- Recognize the economic value of land and encourage its proper and beneficial use

Title 49 Organization

T49 has 17 Chapters, 72 Articles, 10 Divisions, and ~374 sections

49.05 Establishment	49.50 Parks, Open Space and Vegetative Cover
49.10 Administration and Compliance	49.55 Financial Responsibility
49.15 Permits	49.60 Bonus Procedures and Policies
49.20 Appeals, Variances and Interpretations	49.65 Specified Use Provisions
49.25 Zoning Districts	49.70 Specified Area Provisions
49.30 Nonconforming Situations	49.75 Rezonings, Special Standards, Regulations and Text Amendments
49.35 Public and Private Improvements	49.80 Definitions
49.40 Parking and Traffic	49.85 Fees for Land Use Actions
49.45 Signs	

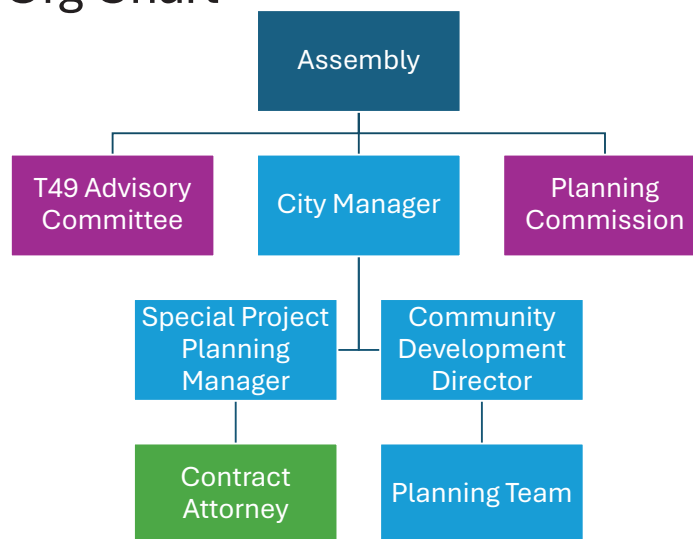
Why Rewrite Title 49?

- Title 49 has been identified as a barrier to development and Assembly goals
- Title 49 has aged to the point that a large-scale overhaul/rewrite is a very appropriate action

Title 49 Project History

- Title 49 Rewrite identified as a project at **2023** Assembly retreat
- Committee meets for first time **October 2024**
- Project approved **June 2024** in FY25 budget
- Contract Attorney joins team **October 2024**
- Special Project Planning Manager joins CBJ **August 2024**
- Committee meets **November 2024** and supports Phase 1 Wave 1 Amendments going to Assembly for consideration
- Ad Hoc Title 49 Rewrite Advisory Committee appointed **September 2024**
- Phase 1 Wave 1 Amendments presented to Assembly Committee of the Whole **January 2025**

Project Org Chart



Ad Hoc Title 49 Rewrite Advisory Committee

- Created in September 2024 to provide strategic advice and help advance a rewrite of Title 49
- Members:
 - Gregory Smith, CBJ Assembly, Committee Chair
 - Mandy Cole, CBJ Planning Commission, Committee Vice-Chair
 - Maggie McMillian, Juneau Chamber of Commerce
 - Lorraine DeAsis, Tlingit-Haida Regional Housing Authority
 - Corey Baxter, Building Trades Representative
 - Rich Harris, Development Community Representative
 - Bill Heumann, Development Community Representative

Title 49 Project Vision

The updated Title 49 will be **streamlined and easy to understand**, improving the experiences of the public, the development community, and CBJ staff. Title 49 will be **modernized** to better meet current needs and set CBJ up for success in the future.

Title 49 Project Goals

- Reduce Uncertainty for Applicants
- Remove Unnecessary Barriers to Development
- Reduce Time to Acquire Permits

Tactics

- Remove regulations that provide minimal value and create unnecessary burdens on applicants and staff
- Create objective standards in code that can be applied by staff as much as reasonably possible
- Delegate authority to the CDD Director when reasonable to save time in decision-making

Title 49 Project Phases – Initial Vision

Phase 1

Wayward Code	Unfulfilled Aspirations
Process Improvements	Unfinished Business

Phase 2

Transformative Change
Restructuring
Translation to Plain English

Title 49 Project Phases – Updated Vision

Phase 1

Wayward Code	Unfulfilled Aspirations
Process Improvements	Unfinished Business

Short- to Mid-Term Needs

Phase 1.5

Transformative Change
Restructuring
Translation to Plain English

Technical Rewrite

Phase 2

Comp Plan Alignment

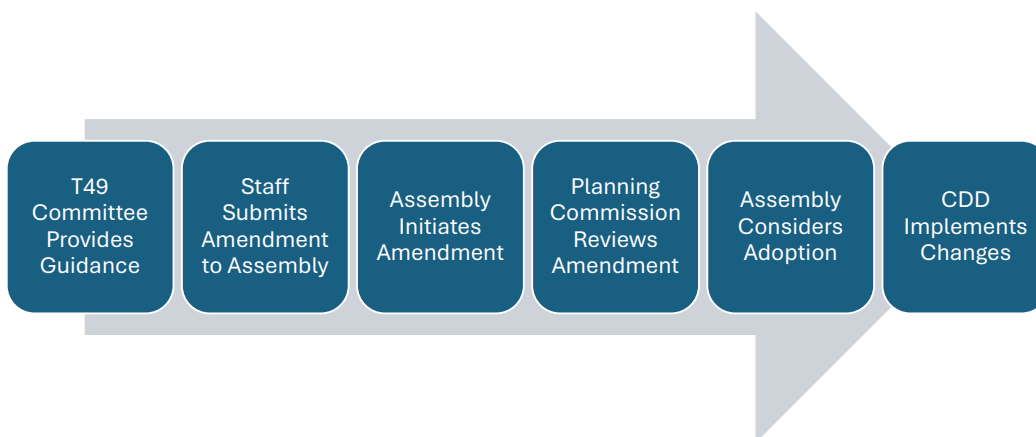
Post-Comp Plan Updates

Phase 1 - Prioritizing Considerations

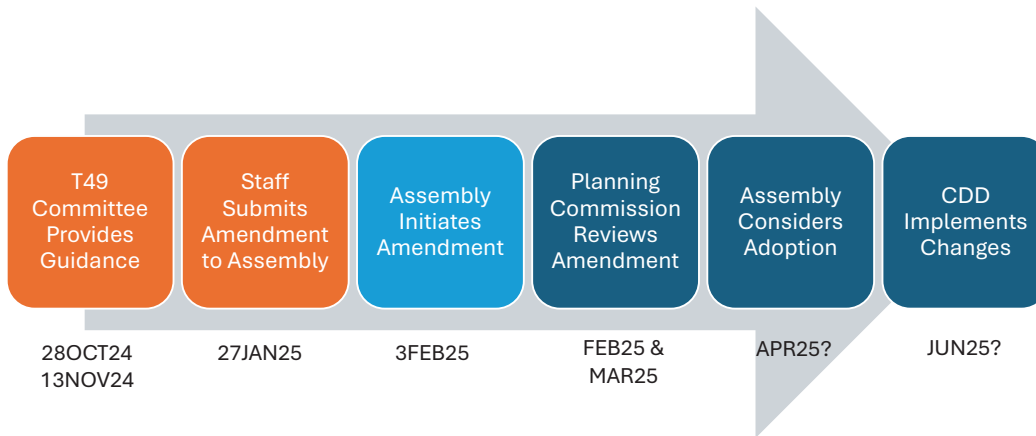
- Is it supported by the 2013 Comprehensive Plan and/or other adopted plans?
- Does it streamline a process and/or remove barriers to reasonable development?
- Does it move forward one or more Assembly Goals?

Wayward Code	Unfulfilled Aspirations
Process Improvements	Unfinished Business

Public Process



P1W1 Public Process Progress



P1W1 Elements

- Accessory Dwelling Units
- Caretaker Units
- Determining Use – Major vs. Minor
- Use Not Listed - Equivalent Use Determinations
- Transition Zones
- Adjustments to Approved Permits
- Rules of Construction

Accessory Dwelling Units (ADUs)

- Concept: Loosen regulations on ADUs to allow for an easier pathway to development of a popular, low impact housing type that can have a significant cumulative impact on housing availability over time.

Wayward Code	Unfulfilled Aspirations
Process Improvements	Unfinished Business

Accessory Dwelling Units (ADUs)

- Proposed amendment concept:
 - Creates ADU definition to replace accessory apartment
 - Exempts ADUs from density calculations
 - Exempts ADUs from minimum lot size and width
 - Maximum detached ADU size of 1000 square feet
 - Maximum attached ADU size of 1000 square feet or 40% of the principal residential structure, whichever is greater
 - 10-foot rear setback for ADUs, unless zone allows less
 - Removes parking requirements within 1 mile of transit
 - Principally permits ADUs in all residential districts
 - Makes ADUs a minor development under 49.25.300
 - Allows attached ADUs within the footprint of a bungalow

Caretaker Units

- Concept: Create a more formal structure for caretaker units which exist in Title 49 as a TPU footnote and have virtually no rules, definitions, or standards
- T49 Advisory Committee suggested seeking alternative solutions, however, this is the only pathway supported by the existing comprehensive plan

Wayward Code	Unfulfilled Aspirations
Process Improvements	Unfinished Business

Caretaker Units

- Proposed amendment concept:
 - Creates definition for caretaker unit
 - Exempts caretaker units from density calculations
 - Allows caretaker units up to 2000 square feet (currently unlimited)
 - Makes caretaker units a minor development under 49.25.300
 - Adds caretaker units to the TPU in WI and I zone districts
 - Cleans up other references in code (i.e. mobile homes 49.65.300)

Determination of Use – Major vs Minor

- Concept: Modify language to make 49.25.300(c)(3) less confusing and avoid triggering use permits for projects that would otherwise easily meet existing objective development standards.

Wayward Code	Unfulfilled Aspirations
Process Improvements	Unfinished Business

Determination of Use – Major vs Minor

- Proposed amendment concept:
 - Removes references to bedrooms leased on a daily or weekly basis
 - Clarifies that a project can combine minor developments without triggering a major development determination
 - **Removes specific number limits for dwelling units in multifamily and commercial/mixed-use districts and instead relies on existing density and development standards**
 - Specifies ADUs are minor developments in residential districts
 - Specifies that caretaker units are minor developments in industrial districts

Use Not Listed

- Concept: Create a streamlined mechanism that allows for Director-level approval of equivalent use determinations which speeds up approval process for new businesses. Uses not reasonably equivalent to existing uses must be considered by the Planning Commission.

Wayward Code	Unfulfilled Aspirations
Process Improvements	Unfinished Business

Use Not Listed

- Proposed amendment concept:
 - Allows the CDD Director to consider a use not listed and approve it if it meets certain specific conditions
 - Director can instead refer to Planning Commission at their discretion
 - Director decisions are appealable to the Planning Commission
 - If a use does not meet conditions, it would have to go through a text amendment process to be added to the TPU

Transition Zones

- Concept: Title 49 has zones that are pre-approved for upzoning but there is not an efficient mechanism to make the change when eligible, this amendment would create a streamlined process for upzoning (T) zoned parcels

Wayward Code	Unfulfilled Aspirations
Process Improvements	Unfinished Business

Transition Zones

- Proposed amendment concept:
 - Allows the CDD Director to initiate and ministerially approve upzoning of (T) parcels
 - Confirms that rezones of (T) parcels that differ from the pre-determined future zone, must go through the normal rezoning procedure in 49.75.130

Adjustments to Approved Permits

- Concept: Create a globally applicable permit modification mechanism for Title 49 which will allow for more flexibility in making minor modifications to dynamic development projects

Wayward Code	Unfulfilled Aspirations
Process Improvements	Unfinished Business

Adjustments to Approved Permits

- Proposed amendment concept:
 - Creates a section for amendments of approved permits
 - Creates a definition for a minor amendment
 - Allows CDD Director to approve minor amendments
 - Routes major amendments back to the body that originally approved the permit complete with any public notices and public hearings
 - Deletes sections made redundant by this new section

Rules of Construction

- **Concept:** Improve the ability of planning commission, staff, developers, and the public to interpret Title 49 through clear and comprehensive rules of construction
- Rules of construction contain guidelines for how words are to be used, how the code is to be interpreted, and how to resolve conflicts between different elements of code

Wayward Code	Unfulfilled Aspirations
Process Improvements	Unfinished Business

Rules of Construction

- Proposed amendment concept:
 - Deletes 49.80.110 – Rules of construction and replaces 49.05.140 – Interpretation with a new 49.05.140 – Rules of Construction
 - Addresses word usage issues via cross reference to 01.15.020
 - Addresses usage of lists
 - Clarifies measurement of time
 - Sets rules for rounding of fractions
 - Discusses delegation of authority in T49
 - Sets rules for solving conflicts between provisions

Next Steps

- Phase 1 Wave 1 Amendments will be introduced to the Assembly on February 3rd for consideration of text amendment initiation
- Staff recommends giving the Planning Commission a 60-day shot clock to review and comment on the proposed amendments
- Staff expects to return to the Assembly in April to begin the process of considering amendments for adoption

Looking Forward at the Big Picture

- Staff and the project's contract attorney will continue to work on a full technical rewrite of Title 49 with strategic advice from Title 49 Advisory Committee
- When the Comprehensive Plan Update project is conducting public engagement, the Title 49 Rewrite project will also participate
- When the Comprehensive Plan is complete, Phase 2 amendments will begin

Staff Recommendation Preview

- Initiate proposed text amendments at the February 3rd Assembly meeting and give the Planning Commission 60 days to review and comment

Thank You!

Rob Dumouchel

rob.dumouchel@juneau.gov

<https://juneau.org/manager/t49rewrite>

Presented by: The Manager
Presented: 01/27/2025
Drafted by: Birch Horton

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2025-15 vCOW

An Ordinance Amending the Title 49 Land Use Code Relating to Rules of Construction, Permits, Equivalent Use Determinations, Determination of Minor Versus Major Developments, Accessory Dwelling Units, Caretaker Units, and Transition Zones.

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 Title. Title 49, Land Use, is amended to read:

TITLE 49 LAND USE

...

49.05.140 Rules of construction. Interpretation.

(a) General interpretation.

(1) All words, terms, and provisions in this title shall be interpreted in a manner consistent with the purpose and intent set out in CBJC 49.05.100.

(2) The director has authority to determine the interpretation or usage of terms used in this title, subject to appeal pursuant to the provisions of chapter 49.20.

(b) Word usage and grammatical rules. Unless the context clearly indicates otherwise, the rules of construction found in CBJC 01.15.020 apply.

(c) Headings, captions, and illustrations. In cases where text conflicts with any heading, table, figure, or illustration, the text controls.

(d) Conjunctions.

(1) “And” means that all connected items, conditions, or provisions apply.

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(2) “Or” means that one or more of the connected items, conditions, or provisions apply.

(3) “And/or” means that the connected items may apply singularly or in any combination.

(4) “Either... or” means that the connected words or provisions apply singularly, but not in combination.

(e) *Lists and examples.*

(1) When terms such as “including,” “for example,” or “such as” are used, the examples provided are not exhaustive and do not limit other possible inclusions.

(2) Unless otherwise specifically indicated, the word “including” always means “including but not limited to.”

(3) Unless otherwise specifically indicated, a list does not imply a priority or chronological order.

(f) *Measurement of time.*

(1) References to “days” shall be interpreted as calendar days unless stated otherwise.

(2) Any computation of time shall exclude the first day and include the last day, unless the final day is a weekend or municipal holiday, in which case the period extends to the next business day.

(3) When business days are referenced, they include weekdays (Monday through Friday) but exclude holidays observed by the city and borough.

(g) *Fractions.*

(1) Unless otherwise stated, a fraction of one-half or more will be rounded to the next highest whole number and a fraction less than one-half will be rounded to the next lowest number.

(2) Unless otherwise stated, fraction calculations are to be truncated to two numbers past the decimal point and rounded. For example, 1.2345 would be rounded to 1.23 and 5.6789 would be rounded to 5.68.

(h) *References to other regulations or documents.* References to other laws, regulations, or documents shall be construed as referring to the latest version, unless otherwise specifically indicated.

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(i) Delegation of authority. Any act required to be performed by a specific official may be delegated to an authorized designee.

(j) Public officials and agencies. All references to public officials, bodies, and agencies shall refer to those of the city and borough unless otherwise specified.

(k) Conflicting provisions. In case of conflict between the provisions of this title, the more specific provision shall prevail. If no specific provision exists, the more restrictive provision shall prevail. If two provisions are equally specific, the more restrictive provision shall prevail.

~~All questions of interpretation of the provisions of this title may be treated as an appeal, pursuant to the provisions of chapter 49.20.~~

~~(Serial No. 87-49, § 2, 1987)~~

...

49.15.130 Complete applications.

(a) All applications for permits must be complete, signed and accompanied by the applicable fee before the permit-issuing authority can accept the application.

(b) An application is complete when it contains all of the information necessary to determine if the development will comply with all of the requirements of the permit applied for.

(c) Permit applications shall contain a permission form signed by the applicant and the property owner granting permission to City and Borough officials, employees, and agents to enter upon the site during reasonable hours, to examine and inspect the site as part of the permitting procedure.

(d) Incomplete applications will be rejected and notice regarding the incomplete status of the application will be sent to the address included on the application.

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49.15.160 Amendments of approved permits.

(a) Request for amendment.

(1) A permit holder may request an amendment to an approved permit through an application on a form provided by the department.

(2) Application must be filed with any required fees, scale-drawn site plans and floor plans, and any other materials required by the department at the time of submittal.

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(3) The director will inform the permit holder within 15 business days of receipt of a complete request whether the request shall be processed as a minor amendment or major amendment.

(b) Minor amendment. The director may authorize minor amendments to approved permits if the changes:

(1) Do not involve any expansion, intensification, or increase in size of the land use or structure beyond the original approval;

(2) Would have an insignificant change in the outward appearance of the development;

(3) Would have insignificant impacts on surrounding properties;

(4) Result in insignificant modification in the location or siting of buildings or common open space;

(5) Do not involve a feature of the project that was a basis for conditions of approval for the permit;

(6) Do not involve a feature of the project that was a specific consideration by the review authority in granting the permit;

(7) Do not reduce the number of parking spaces below that are required by the original permit; or

(8) Do not create a delay greater 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 same review authority as the original approval. The same public notice and hearing requirements that applied to the original approval also apply to the requested major amendment.

(d) Exceptions.

(1) Amendments related to exploration and mining permits are governed by Chapter 49.65, Article I. - Exploration and mining permits.

...

49.15.660 Reserved. 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~~

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- ~~(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.~~

~~(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. 2005-52(b), § 3, 1-30-2006)~~

~~...~~

49.15.970 Reserved. ~~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, 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.~~

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(Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019)

...

49.20.320 Use not listed.

(a) The director may determine that a use not specifically listed in the table of permissible uses may be permitted if all the following findings can be made:

(1) The use is consistent with the Comprehensive Plan and other relevant officially adopted plans;

(2) The use will not be detrimental to public health, safety, or welfare;

(3) The use is consistent with the intentions of the underlying zone district;

(4) The use is similar to other uses allowed in the underlying zone district;

(5) The density or intensity of the use is similar to other uses in the underlying zone district; and

(6) The use is compatible with principally and conditionally permitted uses in the underlying zone district.

(b) When the director determines that a proposed use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use with respect to development standards, permits required, and all applicable requirements of Title 49.

(c) Director determinations will be in writing and maintained by the department for public review.

(d) The director may refer any equivalent use determination to the planning commission for review and final decision.

(e) Equivalent use determinations by the director may be appealed to the planning commission.

~~After public notice and a hearing, the planning commission may permit in any district any use which is not specifically listed in the table of permissible uses but which is determined to be of the same general character as those which are listed as permitted in such district. Once such determination is made, the use will be deemed as listed in the table of permissible uses.~~

(Serial No. 87-49, § 2, 1987; Serial No. 2021-19, § 5, 8-2-2021, eff. 9-1-2021)

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49.25.250 Waterfront districts.

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The following districts are established to accommodate those uses that are dependent or directly related to the water, a waterfront location, or both. These districts regulate development of the waterfront to take advantage of the unique attributes and limitations of its lands:

...

- (b) The WI, waterfront industrial district, is intended for industrial and port uses which need or substantially benefit from a shoreline location. In addition, many of the uses that are allowed in the WC, waterfront commercial district, are also allowed in the WI, waterfront industrial district. Residential uses are limited to permitted caretaker units residences in the waterfront industrial district.

...

49.25.300 Determining uses.

...

- (c) A combination of digits such as "1, 3" or "2, 3" indicates that the approval procedure for the identified use in the identified zone will vary depending on whether the project is a major or minor development.

- (1) If the project is a minor development the first number of the combination shall indicate the applicable procedure.
- (2) If the project is a major development the second number shall indicate the applicable procedure.
- (3) Minor development means development which is classified by zoning district as follows:

- (A) Any combination of the following within the rural ~~Rural~~ reserve district: A residential development containing two or fewer dwelling units; ~~two or fewer bedrooms leased on a daily or weekly basis, or~~ a nonresidential building totaling less than 10,000 square feet or using less than one acre of land in total; any accessory dwelling units (ADUs) compliant with CBJC 49.25.512.

- (B) Any combination of the following within single-family ~~Single family~~ residential districts: A residential development containing two or fewer dwelling units on a lot; ~~two or fewer bedrooms leased on a daily or weekly basis, or~~ a nonresidential building totaling less than 5,000 square feet or using less than 10,000 square feet of land in total; any accessory dwelling units (ADUs) compliant with CBJC 49.25.512.

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- (C) Any combination of the following within multifamily ~~Multifamily~~ residential districts: A residential development that meets the density standards of the underlying zone district; ~~containing eight or fewer dwelling units, eight or fewer bedrooms leased on a daily or weekly basis, or~~ a nonresidential building totaling less than 5,000 square feet or using less than 10,000 square feet of land in total; any accessory dwelling units (ADUs) compliant with CBJC 49.25.512.
 - (D) Any combination of the following within commercial ~~Commercial~~ and mixed use districts: A residential development that meets the density standards of the underlying zone district; ~~containing 12 or fewer dwelling units, 12 or fewer bedrooms leased on a daily or weekly basis, or~~ a nonresidential building totaling less than 10,000 square feet or using less than one-half acre of land in total; any accessory dwelling units (ADUs) compliant with CBJC 49.25.512.
 - (E) Any combination of the following within industrial ~~Industrial~~ districts: Non-residential buildings totaling 15,000 square feet or using less than one acre of land in total; accessory caretaker units compliant with CBJC 49.25.514.
- (4) “Major development” means all development activity that is not a minor development.
- (5) *Exceptions.* Exceptions to the use of minor and major development classifications as a method of determining the applicable approval procedure shall be as noted in the table of permissible uses.

...

TABLE OF PERMISSIBLE USES – CBJC 49.25.300

	Use Description	Zones																
		RR	D-1	D-3	D-5	D-10SF	D-10	D-15	D-18	LC	GC	MU	MU2	MU3	NC	WC	WI	I
...																		
1.110	Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1				1A	1A
...																		
1.130	Single family detached, accessory apartment	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,	1,3	1,3	1,3														

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		accessory apartment																	
	1.150	Caretaker unit																1	1
	...																		
	1.815	Caretakers mobile Mobile homes on individual lots outside of mobile home parks ^E	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3-1 ^A	3-1 ^A
	...																		
	1.911	Accessory apartments dwelling units	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3		
	...																		
	1.930	Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h) 49.25.512			3	3	31	31	31	31	31	1	1	31	1	1	1		

- ...
- A. A mobile home may only be used as a caretaker unit which complies with CBJC 49.25.514. A single family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.
- ...
- E. See special use regulations for mobile homes, chapter 49.65, article III.
- ...
- X. Special requirements apply to accessory ~~apartment~~ dwelling unit applications. See CBJC § ~~49.25.510(k)~~ 49.25.512.
- ...
- 49.25.510 Special density considerations.**
- ...
- ~~(k) Accessory apartments. No person shall construct or maintain an accessory apartment except in accordance with a permit issued under this section.~~
- ~~(1) Application. Accessory apartment applications shall be submitted on a form provided by the director and shall include:~~

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- ~~(A) — A completed application form;~~
- ~~(B) — The application fee required by chapter 49.85;~~
- ~~(C) — A site plan drawn to scale or dimensioned indicating all required parking, minimum setbacks, and actual lot size; and~~
- ~~(D) — A floor plan drawn to scale or dimensioned indicating all dwelling units and including each room labeled as to use;~~
- ~~(E) — A statement that the property is connected to sewer. If the property is not connected to sewer, a statement from the department of environmental conservation confirming that the existing wastewater disposal system is sufficient for the development, including the proposed accessory apartment, and a statement from a qualified inspector that the existing wastewater disposal system is functioning as designed.~~

~~(2) — Approval standards.~~

- ~~(A) — Unless otherwise provided, the accessory apartment shall be a one-bedroom or efficiency unit not exceeding 600 square feet in net floor area.~~
- ~~(B) — Areas common to more than one dwelling unit including entry ways, furnace rooms, laundry rooms, and interior stairways shall not be included in the computation of the net floor area for the accessory apartment.~~
- ~~(C) — The minimum lot size as used in this section refers to the minimum lot size for permissible uses listed in the table of dimensional standards, CBJ 49.25.200.~~
- ~~(D) — A permit under this subsection may be issued if the applicant establishes:
 - ~~(i) — The development meets all setback requirements;~~
 - ~~(ii) — The total building footprint does not exceed the maximum lot coverage allowable under section 49.25.400, the table of dimensional standards, or, in the case of nonconforming structures, the total building footprint does not increase with the proposed accessory apartment;~~
 - ~~(iii) — The development does not violate the vegetative cover requirements imposed by section 49.50.300; or, in the case of nonconforming structures, the proposed accessory apartment does not decrease the existing vegetative cover;~~~~

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- ~~(iv) — The development meets the parking standards required by chapter 49.40; and~~
- ~~(v) — The development is connected to public sewer or the existing wastewater disposal system has adequate capacity for the development, including the proposed accessory apartment.~~
- ~~(E) — Single family detached accessory apartment approval.~~
 - ~~(i) — The director may approve a 49.25.300.1.130 accessory apartment application if all of the requirements of this section and the following are met:
 - ~~(a) — The application is for an efficiency or one bedroom unit that does not exceed 600 square feet in net floor area and is on a lot that exceeds the minimum lot size; or~~
 - ~~(b) — The application is for an efficiency, one bedroom, or two bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, and is on a lot that exceeds 125 percent of the minimum lot size.~~~~
 - ~~(ii) — The commission may approve, with a conditional use permit, a 49.25.300.1.130 accessory apartment application if all of the requirements of this section and the following are met:
 - ~~(a) — The application is for an efficiency or one bedroom unit that does not exceed 600 square feet in net floor area, and is on a lot that is less than the minimum lot size; or~~
 - ~~(b) — The application is for an efficiency, one bedroom, or two bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, and is on a lot that exceeds 125 percent of the minimum lot size.~~~~
 - ~~(iii) — An application for an accessory apartment with a net floor area that exceeds 600 square feet shall not be approved on a lot that is less than 125 percent of the minimum lot size.~~
- ~~(F) — Single family detached, two dwellings per lot, accessory apartment approval.~~

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- ~~(i) — When a lot has two primary dwelling units, each primary dwelling unit may have up to one accessory apartment that is consistent with the requirements of this section. The lot shall not have more than two accessory apartments.~~
- ~~(ii) — An application for an accessory apartment with a net floor area that exceeds 600 square feet shall not be approved on a lot that is less than 250 percent of the minimum lot size.~~
- ~~(iii) — The director may approve a 49.25.300.1.140 accessory apartment application if all of the requirements of this section and the following are met:
 - ~~(a) — The application is for an efficiency, or one bedroom unit that does not exceed 600 square feet in net floor area, is on a double sized lot (two times the minimum lot size), and the lot does not have another accessory apartment in excess of 600 square feet in net floor area; or~~
 - ~~(b) — The application is for an efficiency, one bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, on a lot that exceeds 250 percent of the minimum lot size, and the lot does not have more than one other accessory apartment in excess of 600 square feet in net floor area.~~~~
- ~~(iv) — The commission may approve, with a conditional use permit, a 49.25.300.1.140 accessory apartment application if all of the requirements of this section and the following are met:
 - ~~(a) — The application is for an efficiency, or one bedroom unit that does not exceed 600 square feet in net floor area, is on a lot that is less than the minimum lot size, and the lot does not have another accessory apartment in excess of 600 square feet in net floor area;~~
 - ~~(b) — The application is for an efficiency, one bedroom, or two-bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, is on a lot that exceeds 250 percent of the minimum lot size, and where the lot does not~~~~

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have more than one other accessory apartment in excess of 600 square feet in net floor area.

~~(G) Multifamily dwelling and accessory apartment approval. Unless authorized by this section, an accessory apartment is prohibited in multifamily, commercial, and mixed use zoning districts.~~

~~(i) The director may approve a 49.25.300.1.300 accessory apartment application if all the requirements of this section and the following are met:~~

~~(a) The application is for an efficiency, or one bedroom unit that does not exceed 600 square feet in net floor area, is on a lot that exceeds the minimum lot size, and the primary use of the lot is a single family dwelling.~~

~~(ii) The commission may approve, with a conditional use permit, a 49.25.300.1.300 accessory apartment application if all of the requirements of this section and the following are met:~~

~~(a) The application is for an efficiency, or one bedroom unit that does not exceed 600 square feet in net floor area, is on a lot that is less than the minimum lot size, and the primary use of the lot is a single family dwelling.~~

~~(H) Common wall accessory apartment approval.~~

~~(i) Each common wall dwelling may have up to one accessory apartment that does not exceed 600 square feet in net floor area and that is consistent with the requirements of this section.~~

~~(ii) The director may approve a 49.25.300.1.911 accessory apartment application if all of the requirements of this section and the following are met:~~

~~(a) The application is for an efficiency, or one bedroom unit that does not exceed 600 square feet in net floor area, and is on a lot that exceeds the minimum lot size.~~

~~(iii) The commission may approve, with a conditional use permit, a 49.25.300.1.911 accessory apartment application if all of the requirements of this section and the following are met:~~

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~~(a) The application is for an efficiency, or one bedroom unit that does not exceed 600 square feet in net floor area, and is on a lot that is less than the minimum lot size.~~

49.25.512 Accessory dwelling units (ADUs).

(a) Permit. An ADU permit is required for the creation of an ADU.

(1) ADU permits require an application. The application must be completed and submitted to the Department on a form provided by the Department

(2) An application must be filed with any required fees, scale-drawn site plans and floor plans, and any other materials required by the Department at the time of submittal to be considered complete. Incomplete applications will not be considered.

(b) ADU development standards. ADUs are subject to the following development standards:

(1) Density. ADUs are exempt from the density requirements of the underlying zone district.

(2) Number of ADUs.

(A) One ADU per principally permitted residence is allowed and up to two ADUs per parcel.

(3) Relationship to principal structures.

(A) An ADU may be within, attached to, or detached from a single- or multi-family residential structure.

(B) An ADU must contain complete independent living facilities for one or more people.

(C) If a lot contains an existing single-family home 1000 square feet in size or less, the existing home may be designated as an ADU as part of a project to construct a new single-family home on the lot.

(4) Lot size, lot coverage, height, and setbacks.

(A) ADUs are not subject to minimum lot size or minimum lot width standards.

(B) ADUs are subject to the same lot coverage standards that apply to primary dwellings in the underlying zone district.

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(C) ADUs are subject to the same height standards that apply to primary dwellings in the underlying zone district.

(D) ADUs are subject to the same front and side setbacks that apply to primary dwellings in the underlying zone district.

(E) ADUs are subject to a minimum 10-foot rear yard setback. If the underlying zone district's rear yard setback standard is less than 10 feet, the smaller setback applies.

(F) ADUs created through the conversion of an existing legal structure which does not conform to height and setback standards are considered to be in compliance if the conversion does not make the existing legal structure more nonconforming.

(5) *Maximum unit size.*

(A) A detached ADU may not exceed 1000 square feet in net floor area.

(B) An attached ADU may not exceed 1000 square feet or 40% of the floor area of the principal residential structure, whichever is greater.

(C) Areas common to more than one dwelling unit – including entry ways, furnace rooms, laundry rooms, and interior stairways – are not to be included in net floor area calculations.

(6) *Parking.* ADU parking is governed by 49.40.210 with the following exception:

(A) When an existing covered parking space is converted into living space for an ADU, replacement parking is not required for the eliminated parking space.

49.25.514 Caretaker units.

(a) *Permit.* A permit is required for the creation of a caretaker unit.

(1) Caretaker unit permits require an application. The application must be complete and submitted to the Department on a form provided by the Department.

(2) An application must be filed with any required fees, scale-drawn site plans and floor plans, and any other materials required by the Department at the time of submittal to be considered complete. Incomplete applications will not be considered.

(b) *Caretaker development standards.* Caretaker units are subject to the following development standards:

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(1) Accessory use.

(A) The caretaker unit, whether attached or detached to a principal structure, is an accessory use to the principal use of the lot upon which it is located

(2) Residency.

(A) In order to qualify as a caretaker unit under this Code, the unit must be used exclusively as a residence by a caretaker and their family.

(3) Lot size, lot coverage, height, and setbacks.

(A) Caretaker units are subject to the lot coverage, height, and setback requirements of the underlying zone district.

(B) Caretaker units are exempt from lot size requirements of the underlying zone district.

(4) Density.

(A) Caretaker units are exempt from density requirements of the underlying zone district.

(5) Number of caretaker units.

(A) One caretaker unit per lot is allowed.

(6) Size.

(A) The maximum size of a caretaker unit is 2000 square feet in net floor area

(B) For attached caretaker units, areas shared with the principal use – including entry ways, furnace rooms, laundry rooms, storage areas, garages, workspaces, and interior stairways – are not to be included in the computation of the net floor area.

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49.40.210 Number of off-street parking spaces required.

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Use	Spaces Required in All Other Areas	Spaces Required in Town Center Parking Area
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Accessory apartment dwelling unit	1 per each unit; 0 per each unit if located within 1 mile of a public	0 per each unit

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	<u>transit stop (see CBJC 49.25.512)</u>	
<u>Caretaker unit</u>	<u>0 per each unit</u>	<u>0 per each unit</u>
...

49.65.300 Mobile homes on individual lots.

Mobile homes may be located on individual lots outside of mobile home parks or mobile home subdivisions only under the following conditions and after issuance of a building permit:

- (1) A mobile home may be used as a temporary structure during construction of a dwelling on a lot. Occupancy of the mobile home is permitted only after issuance of a building permit for the dwelling under construction and only if construction commences within 120 days of issuance of the permit.
- (2) Mobile Homes which meet the building code and zoning requirements applicable to permanent construction may be located on any lot in the same manner.
- (3) Caretaker units within industrial zone districts that comply with CBJC 49.25.514.
- ~~(4) (3) The commission may issue a conditional use permit for a single mobile home used as an ordinary residence on an individual lot in the RR, rural reserve district, and the D1 and D3, residential districts, or used as a caretaker residence in any district.~~

...

49.65.630 Construction standards.

- (a) Construction on bungalow lots shall be limited to the following:
 - (1) One detached single-family dwelling with a net floor area not to exceed 1,000 square feet, and in addition, no more than 300 square feet, net floor area, of enclosed storage space such as garages, carports or sheds.
 - (2) A single attached accessory dwelling unit may be constructed within the allowable footprint of a single-family dwelling, to include the conversion of a covered parking area.
 - ~~(3) (2) Structures on bungalow lots shall not exceed 25 feet in height, as measured under section CBJC 49.25.420.~~
 - ~~(4) (3) Area calculations for staircases and elevators:~~

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(A) Up to 100 square feet of the footprint of interior staircases and elevators shall not be counted toward the net floor area of the dwelling.

(B) The footprint of exterior staircases or elevators providing access to floors above the ground floor shall be counted toward the net floor area of the dwelling.

~~(5)(4)~~ Up to 100 square feet of a second story deck shall not be counted toward the net floor area.

~~(6)(5)~~ The primary entrance must be separate from the garage or carport, and where practicable, must be clearly visible from the street providing access. Where such visibility is not practicable, a pedestrian path must be provided from the street to the primary entrance.

(b) The following dwelling types shall be prohibited on bungalow lots:

- (1) ~~Detached accessory dwelling units~~ ~~Accessory apartments~~
- (2) Mobile homes
- (3) Recreational vehicles
- (4) Bed and breakfast or boarding houses

...

49.70.720 Zoning upgrade.

~~For lands located within a transition zone, the zoning will be upgraded to the higher density classification at the time public water, sewer or other required improvements are provided according to the following procedures:~~

~~(1) Procedure. A zoning upgrade in a transition zone may be initiated by either of two different procedures:~~

~~A. The applicant for a major development permit in a transition zone may make a concurrent request for a zoning upgrade. The plans accompanying the development permit application shall be based upon the density requested. A request for a zoning upgrade shall include preliminary plans and a determination by a certified engineer that such improvements are feasible.~~

~~B. The planning commission may initiate a zoning upgrade if the public sewer, water, or other required improvements already exist or will be provided by the City and Borough.~~

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~~(2) — Hearing and decision.~~

~~A. — Hearing. The commission shall consider the upgrade at a hearing upon notice provided in accordance with section 49.15.230. The commission shall base its decision to grant the upgrade on the determination of the feasibility of providing public water, sewer, and other required improvements. The staff report to the commission shall include a review of the plans and a feasibility report by the City and Borough engineer. The feasibility of providing public services shall consider the ability of the existing sewer and water system to handle the increased demand created by the proposed development.~~

~~B. — Decision.~~

~~(a) The director will have the authority to upgrade the zoning of a parcel located within a transition zone from a lower density classification to a pre-determined higher density classification once public water, sewer, or other required improvements are provided to the parcel. The director may also upgrade zoning in cases where an approved development project will provide the required services.~~

~~(b)(a) The ~~director~~ ~~commission~~ may grant a zoning upgrade only to the classification indicated by the prefix (T) on the official zoning maps. A change to any other classification, or to the classification indicated by the prefix (T) on the official zoning maps before meeting the public improvement requirements for rezoning, shall be considered pursuant to section 49.75.130.~~

~~(b) — The commission shall determine the boundary of the area to be upgraded.~~

~~(c) — If the public water, sewer or other required improvements are not constructed or bonded, the commission may grant only conditional approval to the zoning upgrade request. The effective date of the zoning upgrade will be the date of final acceptance or bonding of the improvements.~~

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49.80.110 ~~Reserved. Rules of construction.~~

For the purpose of this title, certain terms or words shall be interpreted as follows:

~~(a) — “Sign, major” means a sign which requires a permit and review by the department.~~

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(b) ~~“Sign, minor” means a sign which does not require a permit or review by the department, but which must meet the requirements and standards set forth in chapter 49.45.~~

(e) ~~“Used” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged,” or “designed” to be used or occupied.~~

49.80.120 Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

~~*Accessory apartment* means one or more rooms with private bath and kitchen facilities comprising of an independent, self contained dwelling unit or attached to a single family dwelling or in a detached building on the same lot as the primary dwelling unit. An accessory apartment is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance. *Accessory dwelling unit (ADU)* means an attached or detached residential dwelling unit with complete independent living facilities for one or more persons. An ADU includes permanent provisions for living, sleeping, eating, cooking, and bathing on the same parcel as an existing or proposed residential use.~~

...

Caretaker unit means a residential dwelling unit, either attached or detached, in a non-residential zone district, which is designated for the occupancy of one or more persons who provide oversight, security, or maintenance services on the same property where the caretaker unit is located.

...

Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this _____ day of _____, 2025.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk