

Presented by:
Presented:
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ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2023-03 vLHED1

An Ordinance Amending the Private Shared Access Requirements of the Land Use Code, Title 49, Related to Maximizing Residential Density.

WHEREAS, the 2017 Housing Action Plan identified a noticeable lack of available housing, especially affordable and workforce housing for first-time home buyers;

WHEREAS, the community needs land use regulations that encourage infill development and efficient use of land to encourage development of affordable and workforce housing;

WHEREAS, land use regulations that allow or encourage low-density residential development, such as one house per five acres in the urban service area, harm the community;

WHEREAS, the private shared access requirements, CBJC 49.35.260-263, need to be amended to prohibit low density development when the land is reasonably developable for higher density housing; and

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 Section. CBJ 49.35.260 is amended to read:
49.35.260 Purpose.

Shared access serving four or fewer lots without frontage on a right-of-way may be constructed within a private easement consistent with this division. Shared access is intended

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2 to provide an alternative access standard for subdivisions in which public streets are not
3 practical and to maximize residential density through infill development. Shared access is not
4 intended to result in a large lot with multiple buildable residential sites.
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6 **Section 3. Amendment of Section.** CBJ 49.35.262 is amended to read:

7 **49.35.262 Standards.**
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- 9 (a) *Agency review.* The director shall forward the complete application to the fire department
10 and to the engineering and public works department for review.
- 11 (b) *Approval criteria.* The director may approve a subdivision, with or without conditions, that
12 has a shared access if all of the following criteria are met:
- 13 (1) The shared access will be located in a private easement completely on the lots served.
14 (2) The shared access serves four or fewer lots.
- 15 (i) If a subsequent common wall residential subdivision is intended to be served by
16 shared access, the common wall parent lot shall count as two lots.
- 17 (3) The shared access does not endanger public safety or welfare.
18 (4) The shared access complies or can be improved to comply with the emergency service
19 access requirements of CBJ 19.10.
20 (5) The use of each lot served by the shared access shall be limited to one single-family,
21 including a duplex residence if permissible, and an accessory apartment.
22 (6) The total average daily trips resulting from the subdivision shall not exceed 70.
23 (7) Shared access is only allowed in RR, ~~and~~ D-1, D-3, D-5, and D-10 SF zoning districts
24 defined by CBJ 49.25.210.
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- 2 (8) Shared access is prohibited if the subdivision abuts a parcel that does not have
- 3 alternative and practical frontage on a publicly maintained right-of-way.
- 4 (9) The portion of the shared access in the right-of-way shall be paved or surfaced with
- 5 materials consistent with the adjacent public roadway. The length of the portion of the
- 6 shared access in the right-of-way shall consist of a minimum two-foot apron or as
- 7 required by the governing agency of the right-of-way.
- 8
- 9 (10) Lots must meet the minimum standards for the ~~zone~~ zoning district according to the
- 10 table of dimensional standards excluding the shared access easement. A buildable area
- 11 must exist without the need for a variance.
- 12 (11) Lots are the smallest reasonable size for development of a single family residence per lot
- 13 considering the zoning district, the dimensions of the parent parcel, access location,
- 14 topography, drainage, and other similar development factors.
- 15 (c) *Approval process.*
- 16 (1) Upon preliminary plat approval by the director, the applicant shall construct the shared
- 17 access pursuant to the corresponding standard in Table 49.35.240 for a roadway with
- 18 zero to 70 average daily trips. A financial guarantee cannot be used as a condition of
- 19 construction.
- 20
- 21 (2) The shared access easement shall be recorded.
- 22 (3) The following shall be noted on a plat or in a recorded decision that contains a shared
- 23 access:
- 24 (i) The private easement is for access, drainage, and if applicable utilities, and shall be
- 25 specifically identified.

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- 2 (ii) The owner(s) of the lots served by the private access easement acknowledge the City
- 3 and Borough is not obligated and will not provide any maintenance or snow removal
- 4 in the private easement.
- 5 (iii) The owner(s) of the lots served by the private access easement shall be responsible
- 6 and liable for all construction and maintenance of the shared access from the edge
- 7 of the publicly maintained travel lane.
- 8 (iv) Except a subsequent common wall subdivision depicted on this plat, the lots served
- 9 by the private access easement are prohibited from subdividing unless the access is
- 10 upgraded to a public street, dedicated to, and accepted by the City and Borough.
- 11 (v) Owner of a lot served by the private access easement shall automatically abandon
- 12 all rights to and usage of the private access easement except for utilities, if any, if a
- 13 publicly maintained street serves that lot.
- 14 (vi) A lot with frontage on a collector or arterial ~~public~~ street and on the shared access is
- 15 prohibited from having vehicular access to the collector or arterial ~~the public~~ street
- 16 except through the shared access. A lot with frontage on a street other than an
- 17 arterial or collector, may have a separate and additional access if approved by the
- 18 government entity that controls the right-of-way.
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22 **Section 4. Amendment of Section.** CBJ 49.35.263 is amended to read

23 **49.35.263 Other shared access requirements.**

- 24 (a) If a shared access is approved, the applicant must apply for and receive a right-of-way
- 25 permit to construct the shared access.

(b) If the director determines that a street sign is required for a health, safety, or welfare reason, the applicant shall install a street sign provided by the City and Borough at the applicant's expense.

(c) The front yard setback shall be measured from the shared access easement. Except, the front yard setback for a lot with frontage on a public street shall be measured from the public right-of-way and not the shared access.

(d) The width of the shared access easement may be reduced down to a width of 30 feet ~~up to 20 feet~~ if the director finds there is sufficient area for the provision of utilities, drainage, snow storage, and that it is unlikely for the shared access easement to expand in the future to a public street.

(e) The director shall determine the placement location of mailboxes. The director may require additional improvements and design changes to enable efficient mail delivery and minimize traffic interferences.

(f) The standards identified in this article do not apply to any preexisting shared access previously permitted by the department.

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

Adopted this _____ day of _____, 2022.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk