

# Title 49 Rewrite Project Phase 1 Wave 1 Amendments

27JAN25

Rob Dumouchel, Special Projects Planning Manager

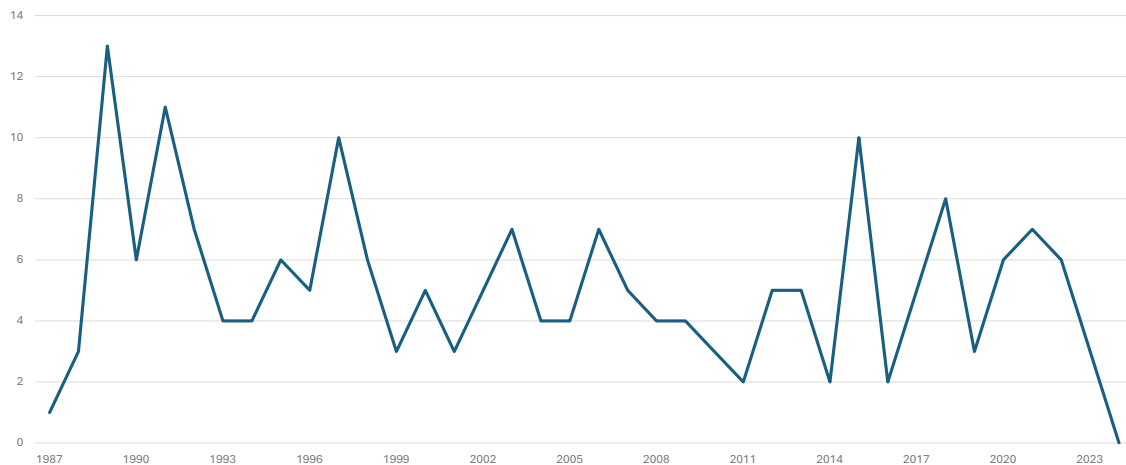
## Presentation Agenda

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

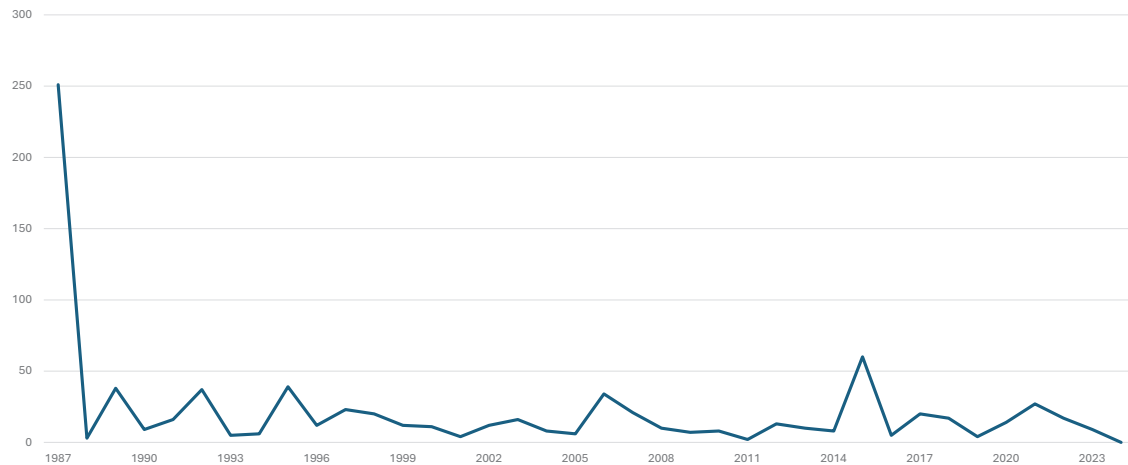
# What is Title 49?

- 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
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Post-Comp Plan Updates

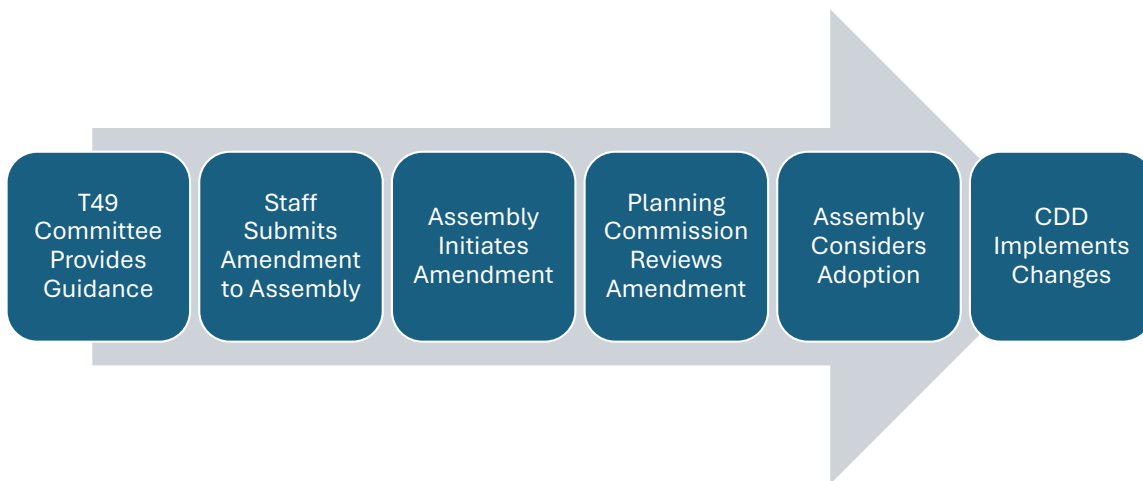


# Phase 1 - Prioritizing Considerations

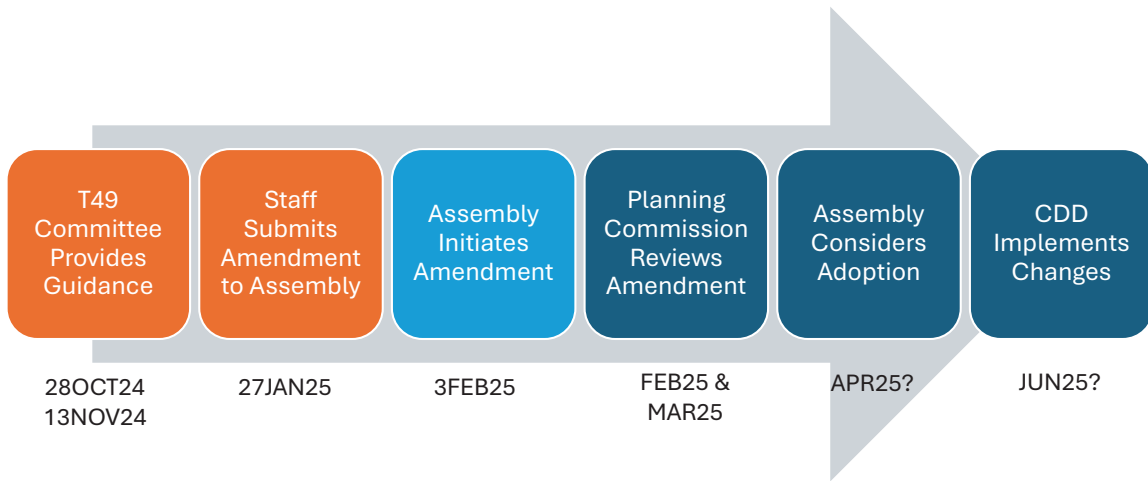
- Is it supported by the 2013 Comprehensive Plan and/or other adopted plans?
- Does it streamline a process and/or remove barriers to reasonable development?
- Does it move forward one or more Assembly Goals?

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 3<sup>rd</sup> 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 3<sup>rd</sup> Assembly meeting and give the Planning Commission 60 days to review and comment

**Thank You!**

Rob Dumouchel

[rob.dumouchel@juneau.gov](mailto:rob.dumouchel@juneau.gov)

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