



**PLANNING COMMISSION STAFF REPORT
CONDITIONAL USE PERMIT USE2024 0018
HEARING DATE: DECEMBER 10, 2024**

(907) 586-0715

CDD_Admin@juneau.gov

www.juneau.org/community-development

155 Heritage Way • Juneau, AK 99801

DATE: November 26, 2024

TO: Mandy Cole, Chair, Planning Commission

BY: Jay Larson, Planner II

THROUGH: Jill Lawhorne, Director, AICP

PROPOSAL: The applicant is proposing to open a 463 sq. ft. marijuana retail store at 5690 Glacier Hwy Unit 19.

STAFF RECOMMENDATION: Approval with conditions.

KEY CONSIDERATIONS FOR REVIEW:

- Marijuana retail store would operate under state security and control regulations.
- State marijuana license has been secured.
- Marijuana retail store is an allowed use in GC zone in conjunction with a Conditional Use Permit

GENERAL INFORMATION	
Property Owner	R & S Rentals LLC
Applicant	The Mason Jar
Property Address	5690 Glacier Highway
Legal Description	PINEWOOD PARK 1 BL A LT 1 FR
Parcel Number	5B1201050010
Zoning	General Commercial (GC)
Land Use Designation	Pinewood Park/ULDR
Lot Size	19,833 sq. ft.
Water/Sewer	CBJ/CBJ
Access	Glacier Hwy
Existing Land Use	Commercial
Associated Applications	SGN2024-18/PAC24-29 (Attachment D)

ALTERNATIVE ACTIONS:

1. **Amend:** require additional conditions, or delete or modify the recommended conditions.
2. **Deny:** deny the permit and adopt new findings for items 1-6 below that support the denial.
3. **Continue:** to a future meeting 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 not required for this permit.

STANDARD OF REVIEW:

- Quasi-judicial decision
- Requires five (5) affirmative votes for approval
- Code Provisions:
 - 49.15.330
 - 49.25.2.300
 - 49.40
 - 49.65.1200
 - 49.80

The Commission shall hear and decide the case per 49.15.330(a) Conditional Use Permit. A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedures is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.

SITE FEATURES AND ZONING



SURROUNDING ZONING AND LAND USES	
North (GC)	Gastineau Human Services Corporation
South (I)	Breeze In
East (GC)	Apartments
West (I)	Lemon Creek Business Center

SITE FEATURES	
Anadromous	No
Flood Zone	No
Hazard	Not Mapped
Hillside	No
Wetlands	No
Parking District	No
Historic District	No
Overlay Districts	Mining & Exploration Surface Activities Exclusion District

BACKGROUND INFORMATION

Project Description – The applicant would like to convert the former Subway sandwich shop into a marijuana retail store (**Attachment A**).

Hours of operation will be from 8am to 11 pm, seven days a week. The store will be operated by at least one full-time employee. Employees will have marijuana food handling certificates per State requirements. Marijuana handling and disposal will be handled in accordingly. Doors and windows will also be screened according to State statutes.

Security will be performed as follows:

- Commercial grade hardware on doors
- Security cameras
- Alarm system monitored by LJ Alarm Monitoring
- Motion sensors
- Keypad
- Security gate, if approved by property manager

Background –

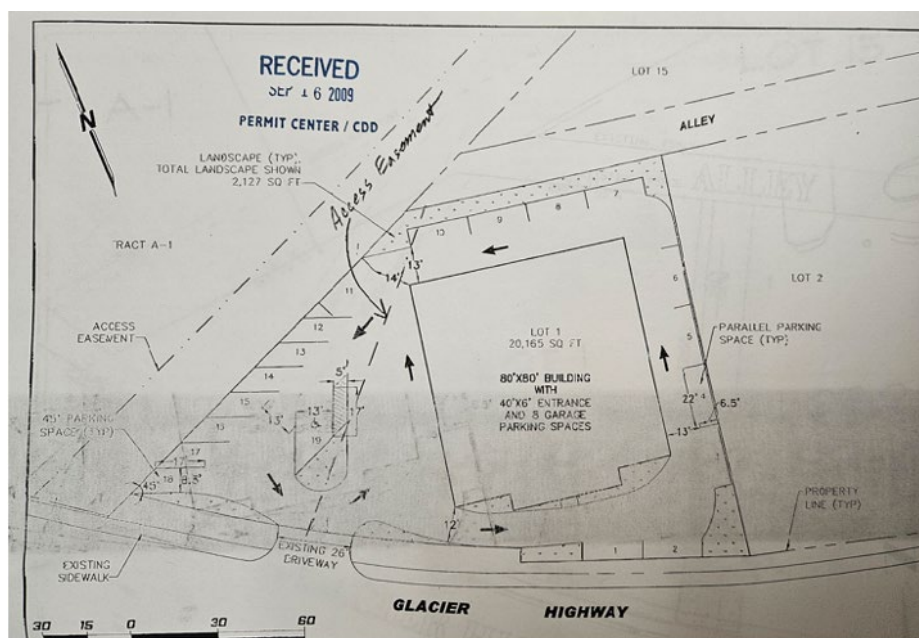
Date	Item	Summary
1993	BLD-0840101	Grading – Approximately 500 cubic yards
2005	BLD2004-01049	New office building
2009	UTL2009-00115	2" commercial water line connection for future commercial bldg.

2009	UTL2009-00116	Commercial sewer connection for future commercial bldg.
2009	BLD2009-00622	New 8-unit apartment bldg. with mixed use commercial storage and restaurant
2010	SGN20100060	Sign Permit for a 12 sq. ft. "Subway" sign attached to exterior wall
2010	BLD20100312	Modification of BLD2009-00622 to include remodel of existing space
2010	UTL20100024	Move fire hydrant 24' to allow for DOT required driveway location
2011	BLD20110298	Change of use to convert unit 16 from storage to retail for gunsmithing
2024	SGN20240018	Sign Permit for The Mason Jar
024	NCC20240029	Nonconforming Certificate Review
2024	PAC20240029	Preapplication Conference for Marijuana Retail Store

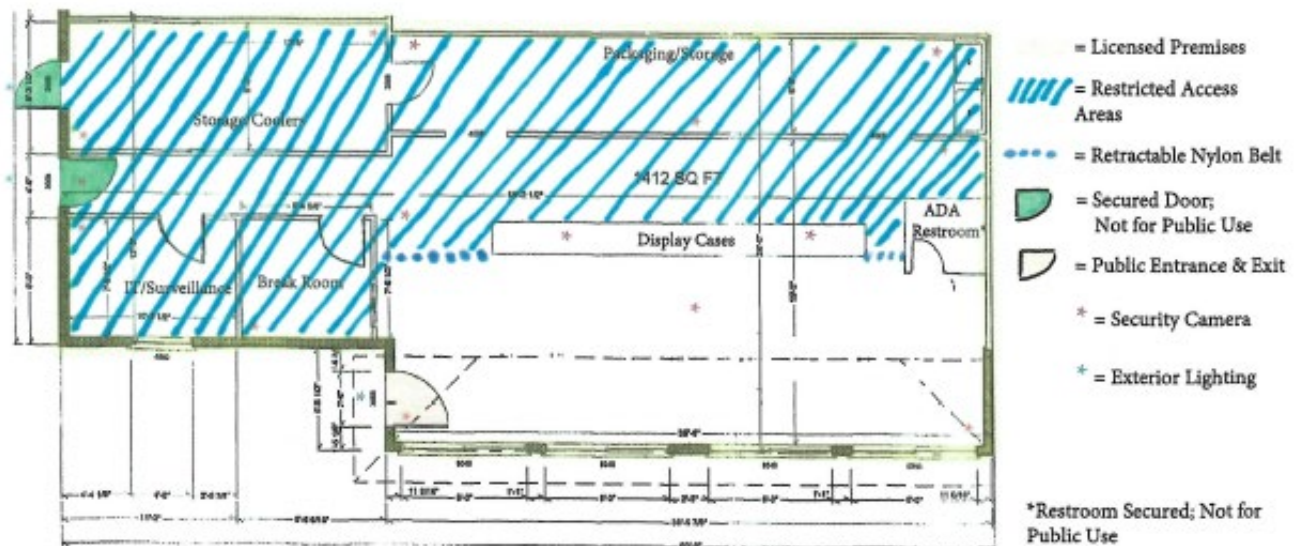
ZONING REQUIREMENTS

Standard		Requirement	Existing	Code Reference
Lot	Size	2,000 sq. ft.	19,833 sq. ft.	CBJ 49.25.400
	Width	20 ft.	~ 175 ft.	CBJ 49.25.400
Setbacks	Front (South)	10 ft.	12 ft.	CBJ 49.25.400
	Rear (North)	10 ft.	20+ ft.	CBJ 49.25.400
	Side (East)	10 ft.	13 ft.	CBJ 49.25.400
	Side (West)	10 ft.	14 ft.	CBJ 49.25.400
Lot Coverage Maximum		None	<Max allowed	CBJ 49.25.400
Maximum Dwelling Units (/Acre)		Up to 50 per acre	Eight (8)	CBJ 49.25.500
Height	Permissible	55 ft.	Standard Two-story	CBJ 49.25.400
	Accessory	45 ft.	None	CBJ 49.25.400
Vegetative Cover	Permissible	10%	0%	CBJ 49.50.300

SITE PLANS



Attachment B - Floor Plan
5690 Glacier Highway



Retail: 463 sq. ft.
Restricted Access: 949 sq. ft.
Total: 1,412 sq. ft.

ANALYSIS

Project Site – The ground level includes the retail store space, a laundry facility for the upper-level tenants, storage units, and a mechanical room. The second level provides five, two-bed apartments and three, one-bed apartment.

Condition: None.

Project Design – The marijuana retail space encompasses 463 sq. ft. of retail space, 949 sq. ft. of controlled access space.

Condition: None

Traffic – A traffic impact analysis is not required. The retail use would not increase previous use traffic.

Condition: None

Vehicle Parking & Circulation – Available parking of 18 spaces exceed the minimum requirement of 16.05.

Use	Unit/Total Sq. Ft.	Spaces Required	Total Spaces
Retail Commercial	1/463 sq. ft.	1 per 300 gross sq. ft.	2
Storage Bays	4/800 sq. ft.	1 per 1,000 sq. ft.	.8
1-bedroom apartments	3	1.5 per bedroom	4.5
2-bedroom apartments	5	1.75 per bedroom	8.75
Total Parking Requirement:			16.05

Condition: None

Noise – Noise is anticipated to be consistent with that expected in General Commercial zoning.

Condition: None.

Lighting – The exterior will not be modified.

Condition: None.

Vegetative Cover & Landscaping – This lot does not meet the minimum vegetative coverage of 10%. The non-compliant issue is the responsibility of the property owner, which has been forwarded to Code Enforcement.

Condition: None.

Habitat - Anadromous streams are not on or within 200 feet of the lot.

Condition: None.

Drainage and Snow Storage – The exterior will remain unmodified.

Condition: None.

Historic District – The parcel is not located within the Historic District.

Condition: None.

Hazard Zones - The parcel is outside moderate or severe avalanche hazard adopted maps.

Condition: None.

Property Value or Neighborhood Harmony – The use for this property fits the 2013 Comprehensive Plan.

Condition: None.

AGENCY REVIEW

CDD conducted an agency review comment period between November 11, 2024, and December 18, 2024, and received the following responses:

Agency	Summary
CDD Building Division	No issues.
CBJ General Engineering	No issues.
CBJ Fire	No issues.

PUBLIC COMMENTS

CDD conducted a public comment period between November 11, 2024, and December 18, 2024. Public notice was mailed to property owners within 500 feet of the proposed development (**Attachment B**). A public notice sign was also posted on-site on November 12, 2024, to the scheduled hearing (**Attachment C**). No Public comments were submitted at time of writing this staff report (**Attachment E**).

CONFORMITY WITH ADOPTED PLANS

The proposed development is in general conformity with the 2013 Comprehensive Plan.

PLAN	Chapter	Page No.	Summary
5	44	Policy 5.1	Diversify economy.
5	64	Policy 5.18	Support entrepreneurship and economic innovation.
5	66	5.20	Look Local First for purchase of goods.
11	185	Policy 10	Promote small-scale retail.

FINDINGS

Conditional Use Permit Criteria – Per CBJ 49.15.330 (e) & (f), Review of Director's & Commission's Determinations, the Director makes the following findings on the proposed development:

1. *Is the application for the requested Conditional Use Permit complete?*

Analysis: No further analysis needed.

Finding: Yes. The application submitted by the applicant, including the appropriate fees, meets the requirements of CBJ Chapter 49.15.

2. *Is the proposed use appropriate according to the Table of Permissible Uses?*

Analysis: No further analysis needed.

Finding: Yes. The requested permit is appropriate in General Commercial zoning, according to the Table of Permissible Uses. Section 2.300.

3. Will the proposed development comply with the other requirements of this chapter?

Analysis: This application is for a marijuana retail store.

Finding: Yes. The proposed development will comply with Title 49, including marijuana regulations [CBJ 49.65.1200]. The owner of the property must bring the lot into compliance for vegetative cover standards.

4. Will the proposed development materially endanger the public health, safety, or welfare?

Analysis: No further analysis needed.

Finding: No. There is no evidence to suggest that the requested marijuana retail store, in a GC zoning district, will materially endanger the public health or safety.

5. Will the proposed development substantially decrease the value of or be out of harmony with property in the neighboring area?

Analysis: No further analysis needed.

Finding: No. There is no evidence to suggest that the requested marijuana retail store, in a GC zoning district, will substantially decrease the value or be out of harmony with the property in the neighboring area.

6. Will the proposed development be in general conformity with the Land Use Plan, Thoroughfare Plan, or other officially adopted plans?

Analysis: No further analysis needed.

Finding: Yes. The proposed marijuana retail store will be in general conformity with the CBJ 2013 Comprehensive Plan.

RECOMMENDATION

Staff recommends the Planning Commission adopt the Director's analysis and findings and APPROVE the requested Conditional Use Permit. The permit would allow the development of a permitted marijuana retail business in the General Commercial zoning district.

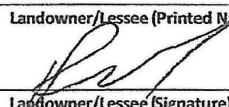
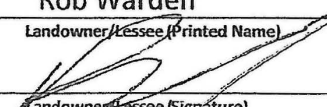
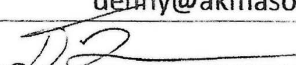
STAFF REPORT ATTACHMENTS

Item	Description
Attachment A	Application
Attachment B	Abutters Notice
Attachment C	Public Notice Sign
Attachment D	PAC24-29 Final Notes



DEVELOPMENT PERMIT APPLICATION

NOTE: Development Permit Application forms must accompany all other Community Development Department land use applications. This form and all documents associated with it are public record once submitted.

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address 5690 Glacier Highway, Unit 19		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) PINEWOOD PARK 1 BL A LT 1 FR		
	Parcel Number(s) 5B1201050010		
	<input type="checkbox"/> This property is located in the downtown historic district <input type="checkbox"/> This property is located in a mapped hazard area, if so, which _____		
	LANDOWNER/ LESSEE		
	Property Owner	Contact Person	
	R&S Rentals	Scott Jenkins	
	Mailing Address	P.O. Box 210194, Auke Bay, AK 99821	Phone Number(s) 907-723-8952
	E-mail Address	iglooracing_1@yahoo.com	
LANDOWNER/ LESSEE CONSENT Required for Planning Permits, not needed on Building/ Engineering Permits. Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.			
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows: A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission. B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.			
<div><div>Scott Jenkins Landowner/Lessee (Printed Name)</div><div>Lessee Title (e.g.: Landowner, Lessee)</div></div> <div>X  04/18/24 Landowner/Lessee (Signature) Date</div>			
<div><div>Rob Warden Landowner/Lessee (Printed Name)</div><div>Lessee Title (e.g.: Landowner, Lessee)</div></div> <div>X  04/18/24 Landowner/Lessee (Signature) Date</div>			
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.			
APPLICANT If same as LANDOWNER, write "SAME"			
Applicant (Printed Name) The Mason Jar, LLC		Contact Person Dennis Lavigne	
Mailing Address	P.O. Box 35264, Juneau, AK 99803	Phone Number(s) 907-723-6508	
E-mail Address	denny@akmasonjar.com		
X 	4/18/24 Applicant's Signature Date of Application		

DEPARTMENT USE ONLY BELOW THIS LINE

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

I:\FORMS\PLANFORM\DPA_Final Draft.docx

Intake Initials JPM	
Case Number USE24-18	Date Received 8/21/24

Updated 6/2022- Page 1 of 1



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

See reverse side for more information regarding the permitting process and the materials required for a complete application.

NOTE: Must be accompanied by a DEVELOPMENT PERMIT APPLICATION form.

To be completed by Applicant

PROJECT SUMMARY	
Application for a <u>1,412 sq. ft.</u> marijuana retail store at 5690 Glacier Highway, Unit 19.	
TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED	
<input type="radio"/> Accessory Apartment – Accessory Apartment Application (AAP) <input checked="" type="radio"/> Use Listed in 49.25.300 – Table of Permissible Uses (USE) Table of Permissible Uses Category: <u>2.300 Marijuana Retail Store</u>	
IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL? <input type="radio"/> YES – Case # _____ <input checked="" type="radio"/> NO	
UTILITIES PROPOSED	WATER: <input checked="" type="checkbox"/> Public <input type="checkbox"/> On Site SEWER: <input checked="" type="checkbox"/> Public <input type="checkbox"/> On Site
SITE AND BUILDING SPECIFICS	
Total Area of Lot <u>18,047</u> square feet Total Area of Existing Structure(s) <u>13,294</u> square feet Total Area of Proposed Structure(s) <u>1,412</u> square feet	
EXTERNAL LIGHTING	
Existing to remain <input type="radio"/> No <input checked="" type="radio"/> Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures Proposed <input checked="" type="radio"/> No <input type="radio"/> Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures	
ALL REQUIRED DOCUMENTS ATTACHED	
<input checked="" type="checkbox"/> Narrative including: <input checked="" type="checkbox"/> Current use of land or building(s) <input checked="" type="checkbox"/> Description of project, project site, circulation, traffic etc. <input checked="" type="checkbox"/> Proposed use of land or building(s) <input checked="" type="checkbox"/> How the proposed use complies with the Comprehensive Plan <input checked="" type="checkbox"/> Plans including: <input checked="" type="checkbox"/> Site plan <input checked="" type="checkbox"/> Floor plan(s) <input checked="" type="checkbox"/> Elevation view of existing and proposed buildings <input checked="" type="checkbox"/> Proposed vegetative cover <input checked="" type="checkbox"/> Existing and proposed parking areas and proposed traffic circulation <input checked="" type="checkbox"/> Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)	
<i>If this is a modification or extension include:</i> <input type="checkbox"/> Notice of Decision and case number <input type="checkbox"/> Justification for the modification or extension <input type="checkbox"/> Application submitted at least 30 days before expiration date	

DEPARTMENT USE ONLY BELOW THIS LINE

ALLOWABLE/CONDITIONAL USE FEES		Check No.	Receipt	Date
Application Fees	\$ <u>500-</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50-</u>			
Pub. Not. Sign Deposit	\$ <u>100-</u>			
Total Fee	\$ <u>650-</u>			

This form and all documents associated with it are public record once submitted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

For assistance filling out this form, contact the Permit Center at 586-0770.

Case Number	Date Received
<u>USE24-18</u>	<u>8-21-24</u>

The Mason Jar, LLC
P.O. Box 35264
Juneau, AK 99803

Project Narrative

The proposed project is a 1,412 square foot marijuana retail store at 5690 Glacier Highway, Unit 19. The proposed site is in an existing commercial building. Other uses of the proposed premises are as listed in **Attachment A**.

Utilities

All utilities for the proposed site of the retail store will be city provided.

Hours of Operation

Proposed hours of operation are 8am to 11pm, seven days a week.

Signage

Exterior signage will include one sign placed on the street-facing side of the building. It will be illuminated, but not in such a way to negatively impact neighboring businesses or residents. It will not exceed the size limits as required by CBJ.

Employees

The store will be operated by one to two employees at a time. Employees will have marijuana handling and food worker certifications as required by the State of Alaska.

Waste Disposal

Our marijuana packaging process creates small amounts of waste in the form of leaf, trim, and stems. Expired marijuana product is also considered waste. All waste will be recorded in a log book and stored in a designated bin in a secure packaging room. Waste will be reported in the marijuana inventory tracking system (METRC) prior to disposal. Processing the waste for disposal involves grinding and mixing the waste with an equal ratio of compostable or non-compostable materials per Alaska Administrative Code: 3 AAC 306.740, and placed in a garbage container for pickup and transport to the CBJ landfill.

Screening Plan

To be in compliance with AS 17.38.070, which makes it unlawful to display marijuana or marijuana products in a manner that is visible to the general public from a public right-of-way, all doors and windows will be lined with a non-transparent adhesive material to completely obscure the view into the retail store from the outside.

CO2/Smoke Detectors

The proposed unit for the retail store will have the required CO2 and smoke alarms to be in compliance with local and state regulations.

Security

The unit's security system will include commercial door hardware, surveillance cameras, and an alarm system to be installed by Doak's Lock & Key and monitored by LJ Alarm Monitoring. The alarm system will include motion sensors in the store during non-business hours. There will be alarm sensors on the door and window. A keypad will be installed to activate/deactivate the alarm system. A security gate will be installed in front of the main entrance if allowed by the property manager.

Cameras will be placed at the interior and exterior of the entrance of the retail unit with an unobstructed view of the entrance. Camera placement is specified on **Attachment B**. Cameras will be placed throughout the retail space (in the main retail area and the safe/package room). Cameras will be placed so that there is a clear view of the primary entrance to each area. Cameras will monitor all regular activity with unobstructed views. This will allow for the clear identification of any person and activity in the areas where marijuana is present. Video recording equipment will be housed in a locked area on site. Surveillance cameras will operate 24/7 and have the capability to hold 40 days' worth of footage. The video footage will be archived in a format that does not permit alteration of the recording images. All video surveillance will clearly and accurately display the time and date of recording. It will be surge- and power outage-protected as to not interrupt the recording.

CBJ Comprehensive Plan

The proposed use complies with the CBJ Comprehensive Plan by supporting economic development. This marijuana retail store location will create approximately seven new jobs. Also, by providing an in-demand retail option to the people of Juneau, the business expects to collect a sizeable amount of sales tax for CBJ.

Plans

- A. Floor Plan of Unit 19 – **Attachment B**
Elevation View – **Attachment C**
As-Built – **Attachment D**
Floor Plan of Building – **Attachment E**
- B. The proposed retail space is located in a commercial area with a parking lot. ADA accessible parking spaces are available.
- C. Traffic to and from the proposed site is via one street (Glacier Highway) with a clear entrance/exit.
- D. No new exterior lighting is proposed.
- E. No new vegetation is proposed.
- F. There are no applicable existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.).

The Mason Jar, LLC

ATTACHMENT A

OTHER USES ON THE PROPOSED PREMISES

5690 Glacier Highway, Unit 19, Juneau, AK 99801

Ground Level

Laundry facility for upper level tenants

39 storage units

Mechanical room

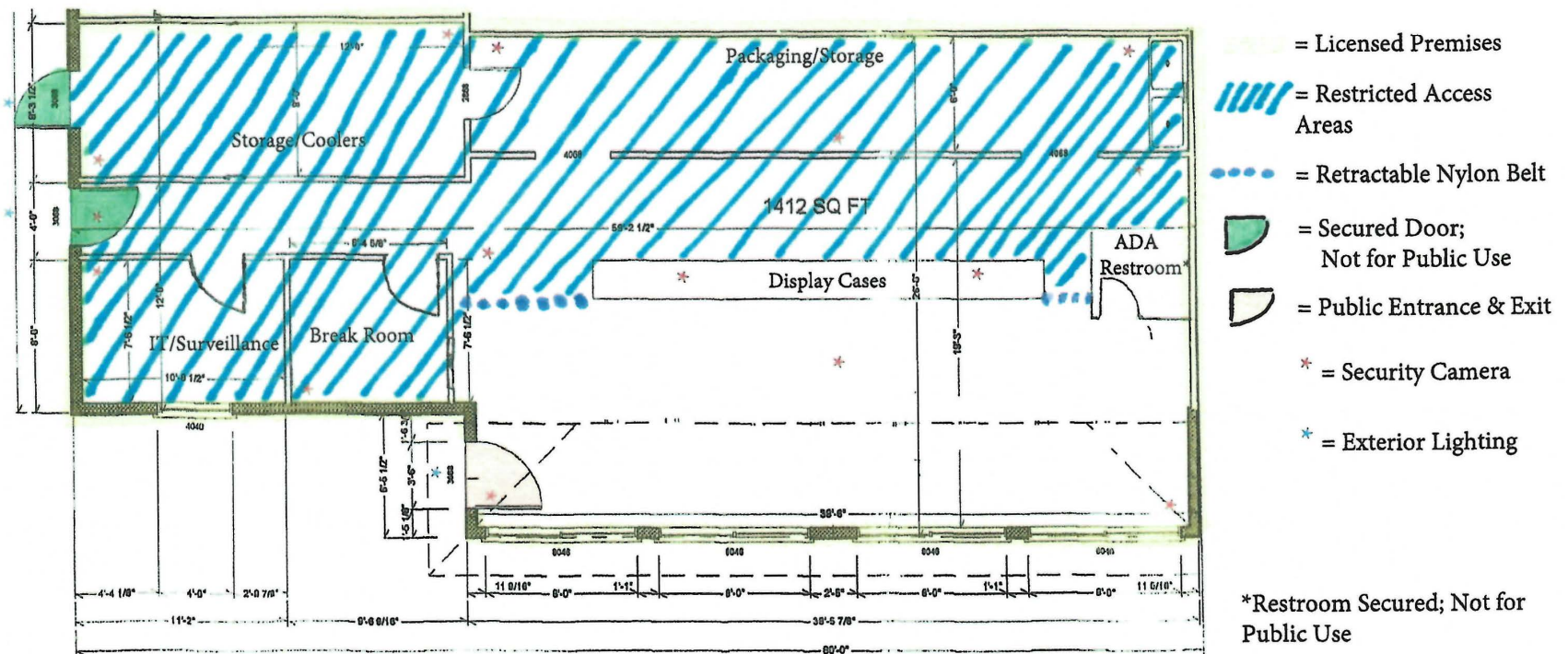
Upper Level

5 two-bedroom apartments

3 one-bedroom apartments

Attachment B - Floor Plan

5690 Glacier Highway



Retail: 463 sq. ft.

Restricted Access: 949 sq. ft.

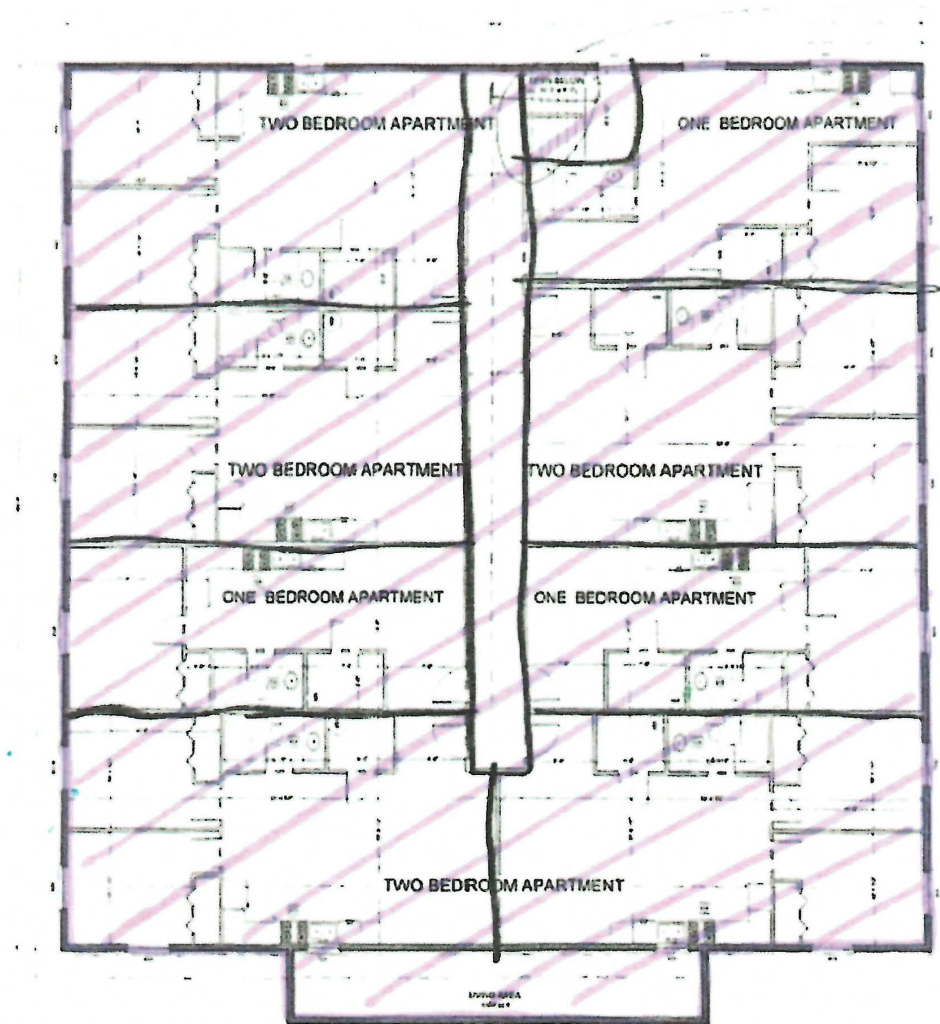
Total: 1,412 Sq. ft.

Attachment E
The Mason Jar, LLC

5690 Glacier Highway 2nd Floor

 = Unlicensed Premises

All units on the 2nd floor are residential apartments.



Attachment E
The Mason Jar, LLC

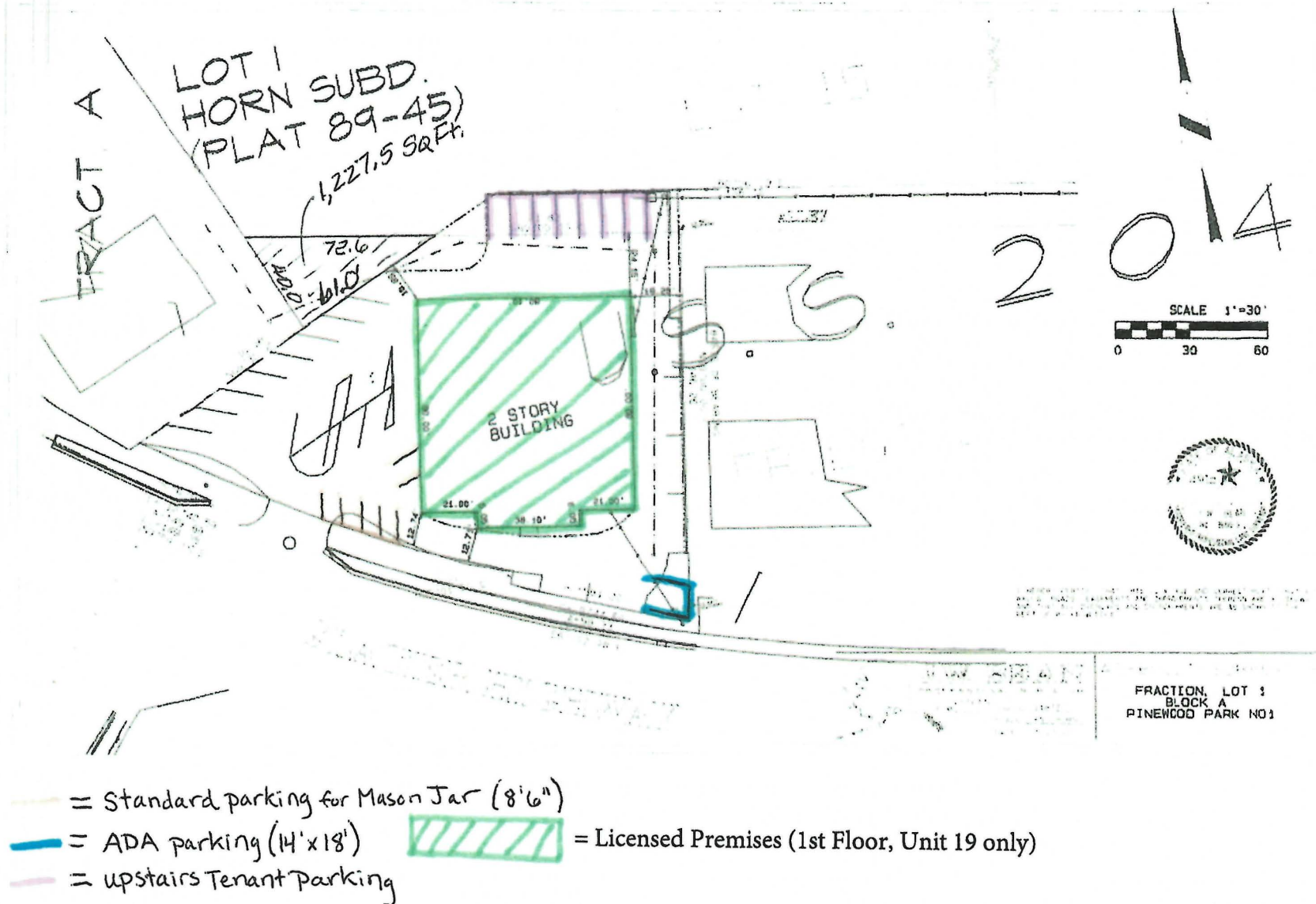
5690 Glacier Highway 1ST Floor

-  = Licensed Premises
-  = Unlicensed Premises
-  = Secured Door;
Not for Public Use
-  = Public Entrance/Exit

All other units on the 1st floor are storage unit rentals, except for the laundry facility and mechanical room as shown.



Attachment D
The Mason Jar, LLC



Attachment C - Elevation View of Existing Buildings



= Proposed Site



= Existing Parking



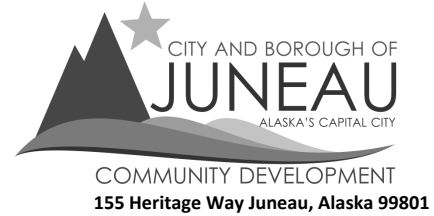
= Existing Traffic Circulation (Glacier Hwy.)

Attachment A - Application

Invitation to Comment

On a proposal to be heard by the CBJ Planning Commission

Your Community, Your Voice



TO

A Conditional Use Permit has been submitted for consideration and public hearing by the Planning Commission for a **marijuana retail store** at **5690 Glacier Highway in Unit 19** in a **GC zone**.

PROJECT INFORMATION:

Project Information can be found at:

<https://juneau.org/community-development/short-term-projects>

PLANNING COMMISSION DOCUMENTS:

Staff Report expected to be posted **December 2, 2024** at

<https://juneau.org/community-development/planning-commission>

Find hearing results, meeting minutes, and more here, as well.

Now through Nov. 25	Nov. 26 — noon, Dec. 6	HEARING DATE & TIME: 7:00 pm, Dec. 10 2024	Dec. 11
Comments received during this period will be sent to the Planner, Jay Larson to be included as an attachment in the staff report.	Comments received during this period will be sent to Commissioners to read in preparation for the hearing.	This meeting will be held in person and by remote participation. For remote participation: join the Webinar by visiting https://juneau.zoom.us/j/86939674618 and use the Webinar ID: 869 3967 4618 OR join by telephone, calling: 1-253-215-8782 and enter the Webinar ID (above). You may also participate in person in City Hall Assembly Chambers, 155 Heritage Way Juneau, Alaska.	The results of the hearing will be posted online.
FOR DETAILS OR QUESTIONS, Phone: (907)586-0753 ext. 4139 Email: pc_comments@juneau.gov or jason.larson@juneau.gov Mail: Community Development, 155 Heritage Way, Juneau AK 99801			
Case No.: USE2024 0018 Parcel No.: 5B1201050010 CBJ Parcel Viewer: http://epv.juneau.org			

Printed November 6, 2024



Attachment C - Public Notice Sign



(907) 586-0715
CDD_Admin@juneau.gov
www.juneau.org/community-development
155 Heritage Way • Juneau, AK 99801

Mason Jar Marijuana Retail

Case Number: PAC2024 0029
Applicant: The Mason Jar LLC, Dennis Lavigne
Property Owner: R & S Rentals
Property Address: 5690 Glacier Highway
Parcel Code Number: 5B1201050010
Site Size: 18,047 square feet
Zoning: General Commercial
Existing Land Use: commercial building

Conference Date: May 29, 2024

Report Issued: July 23, 2024

DISCLAIMER: Pre-application conferences are conducted for the purpose of providing applicants with a preliminary review of a project and timeline. Pre-application conferences are not based on a complete application and are not a guarantee of final project approval.

List of Attendees

Note: Copies of the Pre-Application Conference Report will be emailed, instead of mailed, to participants who have provided their email address below.

Name	Title	Email address
Dennis Lavigne	Applicant	Denny@akmasonjar.com
Teri Camery	Planning	Teri.Camery@juneau.gov
Dave Peterson	Planning	David.Peterson@juneau.gov
Jay Larson	Planning	Jason.larson@juneau.gov
Jeff Hedges	Building	Jeffrey.Hedges@juneau.gov

Conference Summary

Questions/issues/agreements identified at the conference that weren't identified in the attached reports.

The following is a list of issues, comments and proposed actions, and requested technical submittal items that were discussed at the pre-application conference.

Project Overview

The applicant proposes a 1,412 sq foot marijuana retail store in the General Commercial zoning district. The proposed site is an existing commercial building. The lot meets all zoning requirements.

The development requires a Conditional Use Permit, per Table of Permissible Uses Category 2.300, Marijuana Retail Store. The Conditional Use Permit application needs to address all requirements, clearly numbered, of the CBJ Land Use Code section 49.65.1200. Specifically, the applicant must address

- 49.65.1205, License Required;
- 49.65.1215 Application for a License;
- 49.65.1245 Marijuana establishment Conditional Use Permits;
- 49.65.1250 Hours of operation – Marijuana Retail Stores;
- 49.65.1255 Documents to be displayed; and
- 49.65.1260 Odor.

In addition, the application needs to address standard Conditional Use Permit requirements including:

- Project Narrative and site plans that address:
 - Project Site and Design
 - As discussed, make sure that the site plan clearly shows the retail area dimensions and storage area dimensions.
 - Traffic
 - Vehicle Parking & Circulation
 - As discussed, make sure that the site plan clearing demonstrates that parking space requirements and aisle width requirements have been met, and make sure that the spaces reserved for the marijuana use and all other uses on the lot are clearly labeled.
 - Noise
 - Lighting
 - Vegetative Cover
 - Snow Storage
 - Public Health, Safety, and Welfare
 - Property Value or Neighborhood Harmony
 - Conformity with Adopted Plans – 2013 Juneau Comprehensive Plan and 2015 Juneau Economic Development Plan.

Conditional Use Permit Process:

- Submit the application and back-up materials (listed on the back of the application).
 - Electronic submissions accepted at Permits@juneau.gov . Note that the permit center will call you for payment when the application is processed. Applications are submitted in the order in which they are received, and it may be a few days before you get a call.
- The project will be assigned to a planner. They will review submitted materials, and coordinate where necessary. When the planner assesses the file is complete, they will schedule a hearing before the Planning Commission.
 - A notice will be sent to property owners within 500 feet of the project.

- There will be two newspaper ads for the case.
 - The Applicant is required to post a Public Notice sign, which will be provided by CDD. The sign must be posted two weeks before the hearing.
 - Staff will prepare a report analyzing the project and make a recommendation to the Commission. The report will be publicly available the week before the hearing.
- At the Planning Commission meeting, the project can be:
 - On the Consent Agenda, where it will be passed without discussion.
 - On the Regular Agenda:
 - The Director will briefly describe the project.
 - The Applicant has 15 minutes to describe the project.
 - The public has the opportunity to comment. There is usually a time limit of two to three minutes.
 - The Applicant has time to respond to issues raised.
 - Public comment is closed and there is no additional opportunity to participate.
- The Planning Commission will either:
 - Approve the project
 - Approve the project with conditions (the most common outcome)
 - Deny the project, OR
 - Continue the project – if more information is required or if the Commission runs out of time.
- The decision can be appealed for 20 days after the Notice of Decision is filed with the City Clerk. If the decision is appealed, the Applicant can continue with their project at their own risk.

Videos of the Planning Commission activities are posted on Assembly's Minutes and Agendas site.

<https://juneau-ak.municodemeetings.com/>

Planning Division

1. **Zoning** – General Commercial
2. **Table of Permissible Uses** - Category 2.300 Marijuana Retail Store
3. **Setbacks** – 10 feet front, rear, and sides
4. **Height** – 55' maximum permissible uses; 45' maximum accessory uses
5. **Access** – Glacier Highway
6. **Parking & Circulation**– Retail uses require 1 parking space per 300 square feet. Five parking spaces are required, including one accessible space.
7. **Lot Coverage** – There is no maximum lot coverage in the General Commercial zoning district.
8. **Vegetative Coverage** – The vegetative cover requirement for the General Commercial zoning district is 10 percent.
9. **Lighting** – Exterior lighting may not shed light or glare above the roofline of the building or beyond the property line of the site. Industrial and exterior lighting shall not be used in a manner that produces glare on public highways or neighboring property.

All exterior lighting fixtures shall be of a “full cutoff” design.

10. **Noise** – Noise is expected to be typical for the General Commercial Area.
11. **Flood** – The structure is not in a Special Flood Hazard Area.

12. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – The lot is not in a mapped hazard area, and no slopes in excess of 18 percent are being created or cut.
13. **Wetlands** – None present.
14. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.
15. **Plat or Covenant Restrictions** – None noted.
16. **Traffic** – According to CBJ 49.40.300(a)(2) a traffic impact analysis IS NOT required. The project will generate less than 250 Average Annual Daily Traffic.
17. **Nonconforming situations** – There are no known nonconforming situations.

Building Division

18. **Building** – For the build out, supply plans for any architectural, structural, mechanical, plumbing, or electrical changes.
19. **Outstanding Permits** – No outstanding permits.

General Engineering/Public Works

20. **Engineering** – No concerns at this time.
21. **Drainage** – No concerns at this time.
22. **Utilities** – No concerns at this time.

Fire Marshal

23. **Fire Items/Access** – CCFR did not attend the meeting. Suppression system plans must be submitted with the building permit application. Suppression system design cannot be deferred.

Other Applicable Agency Review

24. N/A

List of required applications

Based upon the information submitted for pre-application review, the following list of applications must be submitted in order for the project to receive a thorough and speedy review.

1. Development Permit Application
2. Conditional Use Permit Application
3. Sign Permit Application

Additional Submittal Requirements

Submittal of additional information, given the specifics of the development proposal and site, are listed below. These items will be required in order for the application to be determined Counter Complete.

1. A copy of this pre-application conference report.
2. Suppression system plans must be submitted with the building permit application. Suppression system design cannot be deferred.

Exceptions to Submittal Requirements

Submittal requirements that staff has determined **not** to be applicable or **not** required, given the specifics of the development proposal, are listed below. These items will **not** be required in order for the application to be reviewed.

1. N/A

Fee Estimates

The preliminary plan review fees listed below can be found in the CBJ code section 49.85.

Based upon the project plan submitted for pre-application review, staff has attempted to provide an accurate estimate for the permits and permit fees which will be triggered by your proposal.

1. Conditional Use Permit. Class II use \$500.00
2. Conditional Use Permit Public Notice sign fee \$50; deposit \$100
3. Marijuana License Fee. \$250.00
4. Sign Permits. \$50 for the first two signs, and \$20 for each additional sign.

For informational handouts with submittal requirements for development applications, please visit our website at www.juneau.org/community-development.

Submit your Completed Application

You may submit your application(s) online via email to permits@juneau.gov

OR in person with payment made to:

City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center
Juneau, AK 99801

Phone: (907) 586-0715

Web: www.juneau.org/community-development

Attachments:

- 49.15.330 Conditional Use Permit
- 49.65.1200 Marijuana
- 49.40 Parking and Loading

49.15.330 Conditional use permit.

- (a) *Purpose.* A conditional use is a use that may or may not be appropriate in a particular zoning district according to the character, intensity, or size of that or surrounding uses. The conditional use permit procedure is intended to afford the commission the flexibility necessary to make determinations appropriate to individual sites. The commission may attach to the permit those conditions listed in subsection (g) of this section as well as any further conditions necessary to mitigate external adverse impacts. If the commission determines that these impacts cannot be satisfactorily overcome, the permit shall be denied.
- (b) *Preapplication conference.* Prior to submission of an application, the developer shall meet with the director for the purpose of discussing the site, the proposed development activity, and the conditional use permit procedure. The director shall discuss with the developer, regulation which may limit the proposed development as well as standards or bonus regulations which may create opportunities for the developer. It is the intent of this section to provide for an exchange of general and preliminary information only and no statement by either the developer or the director shall be regarded as binding or authoritative for purposes of this code. A copy of this subsection shall be provided to the developer at the conference.
- (c) *Submission.* The developer shall submit to the director one copy of the completed permit application together with all supporting materials and the permit fee.
- (d) *Director's review procedure.*
 - (1) The director shall endeavor to determine whether the application accurately reflects the developer intentions, shall advise the applicant whether or not the application is acceptable and, if it is not, what corrective action may be taken.
 - (2) After accepting the application, the director shall schedule it for a hearing before the commission and shall give notice to the developer and the public in accordance with section 49.15.230.
 - (3) The director shall forward the application to the planning commission together with a report setting forth the director's recommendation for approval or denial, with or without conditions together with the reasons therefor. The director shall make those determinations specified in subsections (1)(A)—(1)(C) of subsection (e) of this section.
 - (4) Copies of the application or the relevant portions thereof shall be transmitted to interested agencies as specified on a list maintained by the director for that purpose. Referral agencies shall be invited to respond within 15 days unless an extension is requested and granted in writing for good cause by the director.
 - (5) Even if the proposed development complies with all the requirements of this title and all recommended conditions of approval, the director may nonetheless recommend denial of the application if it is found that the development:
 - (A) Will materially endanger the public health or safety;
 - (B) Will substantially decrease the value of or be out of harmony with property in the neighboring area; or
 - (C) Will not be in general conformity with the land use plan, thoroughfare plan, or other officially adopted plans.
- (e) *Review of director's determinations.*
 - (1) At the hearing on the conditional use permit, the planning commission shall review the director's report to consider:
 - (A) Whether the proposed use is appropriate according to the table of permissible uses;

-
- (B) Whether the application is complete; and
 - (C) Whether the development as proposed will comply with the other requirements of this title.
- (2) The commission shall adopt the director's determination on each item set forth in paragraph (1) of this subsection (e) unless it finds, by a preponderance of the evidence, that the director's determination was in error, and states its reasoning for each finding with particularity.
- (f) *Commission determinations; standards.* Even if the commission adopts the director's determinations pursuant to subsection (e) of this section, it may nonetheless deny or condition the permit if it concludes, based upon its own independent review of the information submitted at the hearing, that the development will more probably than not:
- (1) Materially endanger the public health or safety;
 - (2) Substantially decrease the value of or be out of harmony with property in the neighboring area; or
 - (3) Lack general conformity with the comprehensive plan, thoroughfare plan, or other officially adopted plans.
- (g) *Specific conditions.* The commission may alter the director's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:
- (1) *Development schedule.* A reasonable time limit may be imposed on construction activity associated with the development, or any portion thereof, to minimize construction-related disruption to traffic and neighborhood, to ensure that development is not used or occupied prior to substantial completion of required public or quasi-public improvements, or to implement other requirements.
 - (2) *Use.* Use of the development may be restricted to that indicated in the application.
 - (3) *Owners' association.* The formation of an association or other agreement among developers, homeowners or merchants, or the creation of a special district may be required for the purpose of holding or maintaining common property.
 - (4) *Dedications.* Conveyance of title, easements, licenses, or other property interests to government entities, private or public utilities, owners' associations, or other common entities may be required.
 - (5) *Performance bonds.* The commission may require the posting of a bond or other surety or collateral approved as to form by the city attorney to guarantee the satisfactory completion of all improvements required by the commission. The instrument posted may provide for partial releases.
 - (6) *Commitment letter.* The commission may require a letter from a public utility or public agency legally committing it to serve the development if such service is required by the commission.
 - (7) *Covenants.* The commission may require the execution and recording of covenants, servitudes, or other instruments satisfactory in form to the city attorney as necessary to ensure permit compliance by future owners or occupants.
 - (8) *Revocation of permits.* The permit may be automatically revoked upon the occurrence of specified events. In such case, it shall be the sole responsibility of the owner to apply for a new permit. In other cases, any order revoking a permit shall state with particularity the grounds therefor and the requirements for reissuance. Compliance with such requirements shall be the sole criterion for reissuance.
 - (9) *Landslide and avalanche areas.* Development in landslide and avalanche areas, designated on the landslide and avalanche area maps dated September 9, 1987, consisting of sheets 1—8, as the same may be amended from time to time by assembly ordinance, shall minimize the risk to life and property.
 - (10) *Habitat.* Development in the following areas may be required to minimize environmental impact:

(A) Developments in wetlands and intertidal areas.

- (11) *Sound*. Conditions may be imposed to discourage production of more than 65 dBa at the property line during the day or 55 dBa at night.
- (12) *Traffic mitigation*. Conditions may be imposed on development to mitigate existing or potential traffic problems on arterial or collector streets.
- (13) *Water access*. Conditions may be imposed to require dedication of public access easements to streams, lake shores and tidewater.
- (14) *Screening*. The commission may require construction of fencing or plantings to screen the development or portions thereof from public view.
- (15) *Lot size or development size*. Conditions may be imposed to limit lot size, the acreage to be developed or the total size of the development.
- (16) *Drainage*. Conditions may be imposed to improve on and off-site drainage over and above the minimum requirements of this title.
- (17) *Lighting*. Conditions may be imposed to control the type and extent of illumination.
- (18) *Other conditions*. Such other conditions as may be reasonably necessary pursuant to the standards listed in subsection (f) of this section.

(Serial No. 87-49, § 2, 1987; Serial No. 2006-15, § 2, 6-5-2006; Serial No. 2015-03(c)(am), § 9, 8-31-2015 ; Serial No. 2017-29, § 3, 1-8-2018, eff. 2-8-2018)

ARTICLE XI. MARIJUANA ESTABLISHMENTS¹

49.65.1200 Purpose.

It is the purpose of this article to establish reasonable regulations that allow for the operation of marijuana establishments within the City and Borough in a manner that promotes public health, safety, and general welfare. It is not the intent of this chapter to authorize anything specifically prohibited by state law.

(Serial No. 2015-38(b)(am), § 2(49.65.1100), 5-2-2016, eff. 6-2-2016)

49.65.1205 License required.

- (a) No person may operate a marijuana establishment within the City and Borough without a conditional use permit, a valid license issued by the City and Borough, and a valid license issued by the State of Alaska. The following types of licenses may be issued under this article:
 - (1) Marijuana retail store license;
 - (2) Marijuana cultivation facility license;
 - (3) Marijuana product manufacturing facility license; and
 - (4) Marijuana testing facility license.
- (b) A separate license shall be required for each specific business or business entity or for each specific location identified on the license as the licensed premise.
- (c) Upon denial or revocation of a marijuana establishment license issued by the State of Alaska, any license issued by the City and Borough under this article shall be null and void. If a court of competent jurisdiction determines that the issuance of local licenses violates state or federal law, all licenses issued under this article shall be deemed immediately revoked by operation of law, with no grounds for appeal or redress on behalf of the licensee.

(Serial No. 2015-38(b)(am), § 2(49.65.1105), 5-2-2016, eff. 6-2-2016)

49.65.1210 Prohibited acts.

- (a) It is unlawful for any licensee to engage in business contrary to any term or condition of any City and Borough of Juneau marijuana establishment license or any provision of this article.
- (b) It is unlawful for any person to obtain or attempt to obtain a license by making a false statement in any application for a license, or by any other fraudulent or deceptive means.

¹Editor's note(s)—Sec. 2 of Serial No. 2015-38(b)(am), adopted May 2, 2016, enacted provisions to be designated as Art. X, §§ 49.65.1100—49.65.1170. Inasmuch as there already exists an Art. X, §§ 49.65.1100, 49.65.1120, said new provisions have redesignated as Art. XI, §§ 49.65.1200—49.65.1270, per City's instructions. Original section designations have been maintained in the history notes following each section.

-
- (c) It is unlawful for any person to forge, counterfeit, or fraudulently alter a license issued under this chapter.
 - (d) It is unlawful for any person to obstruct, impede or otherwise refuse to allow an administrative inspection authorized under CBJ 49.65.1240.
 - (e) It is unlawful for any person licensed or regulated under this article to knowingly or willfully authorize, order, instruct, or permit an employee, agent or person under the licensee's control to act in connection with the licensed activity which violates any provision of this article or any license issued under this article.

(Serial No. 2015-38(b)(am), § 2(49.65.1110), 5-2-2016, eff. 6-2-2016)

49.65.1215 Application for license.

- (a) An applicant for a marijuana establishment license shall submit an application on a form provided by the director accompanied by the appropriate fee. Applications must include the following documentation:
 - (1) If the applicant is not a natural person, the organizational documents for all entities identified in the application;
 - (2) A copy of the lease or deed for the property upon which the marijuana establishment will be located;
 - (3) A list of all other uses on the property;
 - (4) A statement verifying compliance with any buffer requirements imposed by 3 AAC Chapter 306 of the Alaska Administrative Code;
 - (5) A copy of the Notice of Decision approving the conditional use permit by the City and Borough of Juneau Planning Commission; and
 - (6) Any additional documentation determined by the director to be necessary to make a decision whether to approve or deny the license application, or approve with conditions.

(Serial No. 2015-38(b)(am), § 2(49.65.1110), 5-2-2016, eff. 6-2-2016)

49.65.1220 Term of license; renewal.

- (a) No license granted or issued under any of the provisions of this title shall be in any manner assignable or transferable.
- (b) Licenses are valid only as long as the applicant holds a current license from the state and is in compliance with the applicable conditional use permit.
- (c) Licenses issued under this chapter are effective from the date of issuance through December 31 of the same year.
- (d) In order to be eligible for renewal, a licensee must submit proof of inspection by the department or the department's designees for compliance with this chapter and any applicable permit. The licensee shall schedule the inspection no later than 60 days prior to the annual expiration of the license.
- (e) Licenses shall automatically renew on January 1, conditional upon the timely remittance of the annual license fee, no outstanding corrective orders or enforcement actions, and proof of inspection. Failure to timely remit proof of inspection or the annual license fee shall result in the license expiring and will require a new license application.

(Serial No. 2015-38(b)(am), § 2(49.65.1115), 5-2-2016, eff. 6-2-2016; Serial No. 2021-04, § 2, 3-1-2021, eff. 3-31-2021)

49.65.1225 Corrective orders.

- (a) The director may issue a corrective order whenever a licensee:
 - (1) Has violated any provision of this chapter;
 - (2) Has relinquished legal control of the licensed establishment to any other person;
 - (3) Has failed, refused or neglected to comply with any provision of the license issued under this chapter, any conditional use permit issued for the marijuana establishment, or any provision of AS Chapter 17.38 or regulations adopted pursuant to that chapter;
 - (4) Is delinquent in the remittance of any sales tax or penalty or interest on sales tax arising out of the operation of the licensed premises;
 - (5) Has delinquent property taxes or local improvement district assessments or penalty or interest thereon arising out of real or personal property owned in whole or in part by any person named in the application as an applicant or on the permit which is to be continued where such property is used, or is to be used, in whole or in part in the business conducted or to be conducted under the license;
 - (6) Has a delinquent charge or assessment owing the City and Borough by the licensee for a municipal service provided for the benefit of the business conducted under the license or for a service or an activity provided or conducted by the municipality at the request of or arising out of an activity of the business conducted under the license;
 - (7) Is in violation of state or local fire, health, or safety codes; or
 - (8) Any reason identified by state statute or regulation as appropriate grounds to protest a license.
- (b) A corrective order shall be served on the licensee by hand-delivery or certified mail and shall specify:
 - (1) The provision of the license, state law, or CBJ Code that has been violated;
 - (2) The corrective action, if any, the licensee may take to prevent suspension or revocation of the license, and the time limit for such corrective action, which shall be no earlier than seven days following date of issuance of the corrective order;
 - (3) Notification of the penalties provided by this title; and
 - (4) That the licensee may request an informal meeting before the director prior to suspension or revocation of the license in order to allow the licensee to contest the grounds for issuance of the corrective order and to provide the licensee the opportunity to provide information to the director relevant to the grounds for the corrective order.
- (c) Based on information timely received from the licensee, or from any other source, the director may amend the terms or conditions of the corrective order, or after consideration of the information provided by the licensee, affirm the corrective order as issued.

(Serial No. 2015-38(b)(am), § 2(49.65.1125), 5-2-2016, eff. 6-2-2016; Serial No. 2021-04, § 3, 3-1-2021, eff. 3-31-2021)

49.65.1230 License suspension or revocation.

- (a) Upon the expiration of the time allowed in a corrective order issued in CBJ 49.65.1225, if the licensee has not complied with the corrective order, the marijuana establishment license may be suspended or revoked, as determined by the director. Upon suspension or revocation of any license, the director shall notify the person whose license has been suspended or revoked by certified mail or by hand-delivery. Following such

suspension or revocation and after notification, it is unlawful for the licensee to continue to operate the marijuana establishment.

- (b) In deciding whether a license should be suspended or revoked, and in deciding what conditions to impose in the event of a suspension, if any, the director shall consider:
- (i) The nature and seriousness of the violation;
 - (ii) Corrective action, if any, taken by the licensee;
 - (iii) Prior violation(s), if any, at the licensed premises by the licensee and the effectiveness of any prior corrective action;
 - (iv) The likelihood of recurrence;
 - (v) All circumstances surrounding the violation;
 - (vi) Whether the violation was willful;
 - (vii) The length of time the license has been held by the licensee;
 - (viii) The number of violations by the licensee within the applicable 12-month period;
 - (ix) Previous sanctions imposed, if any, against the licensee; and
 - (x) Any other factor making the situation with respect to the licensee or the licensed premises unique or the violation of greater concern.
- (c) Any person whose marijuana establishment license has been revoked shall be prohibited from applying for a license under this chapter for a period of one year.

(Serial No. 2015-38(b)(am), § 2(49.65.1130), 5-2-2016, eff. 6-2-2016)

49.65.1235 Appeal.

The denial, revocation, or suspension of a marijuana establishment license is appealable to the assembly in accordance with CBJ 01.50.

(Serial No. 2015-38(b)(am), § 2(49.65.1135), 5-2-2016, eff. 6-2-2016)

49.65.1240 Inspection of premises.

- (a) A marijuana establishment or an applicant for a marijuana establishment license under this chapter shall, upon request, make the licensed premises or the proposed licensed premises, including any place for storage, available for inspection by the director for the purpose of ensuring compliance with this chapter and any applicable marijuana establishment license. Inspection shall include access to any marijuana or marijuana product on the premises, equipment used in cultivating, processing, manufacturing, testing or storing marijuana, the inventory tracking system and business records of the licensee or applicant.

(Serial No. 2015-38(b)(am), § 2(49.65.1140), 5-2-2016, eff. 6-2-2016)

49.65.1245 Marijuana establishment conditional use permits.

- (a) In addition to the permit application and supporting materials required by CBJ 49.15.330(c), an applicant for a conditional use permit for a marijuana establishment must submit the following additional materials:

-
- (1) A site plan of all buildings on the property where the marijuana use will be located, including, but not limited to: A floor plan showing how the floor space is or will be used to include, but not limited to, restricted access areas and the total floor area of the building(s);
 - (2) A security plan indicating how the applicant will comply with the requirements imposed by state law;
 - (3) A waste disposal plan indicating how the applicant will comply with the requirements imposed by state law;
 - (4) A screening plan illustrating the applicants compliance with AS 17.38.070 making it unlawful to display marijuana or marijuana products in a manner that is visible to the general public from a public right-of-way;
 - (5) If the establishment is to be served by a private septic system, certification from a registered, qualified engineer licensed by the State of Alaska that the system has adequate capacity for the proposed use, or will with improvements;
 - (6) Marijuana cultivation facility license applicants must provide a ventilation and filtration plan describing the systems that will be used to ensure compliance with CBJ 49.65.1260 and whether the applicant intends on using carbon dioxide. The applicant shall specify if carbon dioxide enrichment will be used in cultivation and by what means the carbon dioxide will be produced. Plans should indicate the storage area for fuels used to produce carbon dioxide;
 - (7) Marijuana product manufacturing facility license applicants, marijuana cultivation facility license applicants, and marijuana testing facility license applicants must specify all means to be used for cultivating, growing, extracting, heating, washing or otherwise changing the form of the marijuana plant, along with proposed ventilation and safety measures to be implemented for each process;
 - (8) Marijuana cultivation facility license applicants and marijuana product manufacturing facility license applicants must specify the methods to be used to prevent the growth of harmful mold and compliance with limitations on discharge into the wastewater system; and
 - (9) Any additional documentation determined by the director to be necessary for the commission to make a decision whether to approve or deny the permit, or approve with conditions, to ensure compliance with this chapter or CBJ 49.15.330(f).
- (b) If a licensee desires to modify the licensed premises by changes to equipment, increased use, such as in accordance with an approved state license endorsement, or any approved plan, an amendment to the original application and required fee shall be submitted for review and approval.
 - (c) In addition to any conditions imposed under CBJ 49.15.330(g), the commission may impose any conditions necessary to ensure compliance with this chapter or state law or designed to mitigate impacts of the development on surrounding residences.
 - (d) The commission shall impose as a condition of any permit issued by the commission under this title a requirement that the applicant submit a complete copy of the applicant's approved state license application to the department for review prior to operating. If the director determines there are substantive inconsistencies between the state license application and the conditional use permit application, the commission shall review the development for consistency with this title.
 - (e) Conditional use permits issued to marijuana establishments shall expire 180 days after issuance if (i) the developer takes action consistent with an intent to abandon the conditional use permit or (ii) the developer ceased operating the marijuana establishment and has not substantially restarted operations. Determination of expiration shall be made by the director and supported by written findings. An expiration determination may be reconsidered within 20 days of the date of the determination.

-
- (1) A director's determination of abandonment is rebuttable and may be overcome upon a finding that the information submitted establishes all of the following:
 - (A) The developer has been maintaining the land and structure(s) in accordance with applicable building, fire, and other codes and regulations;
 - (B) The developer has been maintaining or pursuing applicable permits and licenses;
 - (C) The developer has filed applicable taxes and documents; and
 - (D) The developer has been engaged in activities that are consistent with or would affirmatively prove there was no intent to abandon, such as actively and continuously marketing the land, business, or structure for sale or lease.
 - (2) The burden of proof for overcoming a presumption of abandonment is on the developer.

(Serial No. 2015-38(b)(am), § 2(49.65.1145), 5-2-2016, eff. 6-2-2016; Serial No. 2022-10, § 2, 2-28-2022, eff. 3-30-2022)

49.65.1250 Hours of operation—Marijuana retail stores.

Unless otherwise specified by a conditional use permit, licensed premises may not be open between the hours of 1:00 a.m. and 8:00 a.m., Monday through Sunday. No marijuana may be distributed, sold or dispensed at a licensed premises when the licensed premises is required to be closed pursuant to this section.

(Serial No. 2015-38(b)(am), § 2(49.65.1150), 5-2-2016, eff. 6-2-2016)

49.65.1255 Documents to be displayed.

- (a) A licensee shall prominently display the marijuana establishment license, in the same size and font as the original license issued by the director, in a conspicuous location inside the licensed premises near the main entrance.
- (b) A licensee shall display two separate warning signs as follows:
 - (1) A sign containing the following health warnings:
 - (A) "Marijuana has intoxicating effects and may be habit forming.";
 - (B) "Marijuana can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery under its influence.";
 - (C) "There may be health risks associated with consumption of marijuana.";
 - (D) "For use only by adults twenty-one and older. Keep out of the reach of children."; and
 - (E) "Marijuana should not be used by women who are pregnant or breastfeeding."
 - (2) A sign containing the following warnings:
 - (A) "Consumption of marijuana in public is prohibited by law. AS 17.38.040; CBJ 42.20.230."; and
 - (B) "The transportation or shipment of marijuana and marijuana products outside of the City and Borough of Juneau by U.S. mail, air travel or in the waters of the United States is prohibited by federal law. AS 17.38.010(d)."

-
- (c) The warning signs required by subsection (b) of this section must be at least 11 inches by 14 inches in size, and the lettering must be at least one-half inch high and in contrasting colors. The warning signs must be displayed in conspicuous locations inside the licensed premises near the main entrance.

(Serial No. 2015-38(b)(am), § 2(49.65.1155), 5-2-2016, eff. 6-2-2016)

49.65.1260 Odor.

All marijuana establishments shall utilize a ventilation and odor system that prohibits the detection of noxious odors from outside the licensed premises. For purposes of this section, noxious odors are those odors detectable outside of the licensed premises that a reasonable person of ordinary sensibilities would find negatively affects the person's enjoyment of life, health or property.

(Serial No. 2015-38(b)(am), § 2(49.65.1160), 5-2-2016, eff. 6-2-2016)

49.65.1265 Marijuana cultivation in the D-1 zoning district.

- (a) Marijuana cultivation facilities located in the D-1 zoning district shall be an accessory use. An owner or manager must live on the same lot as the licensed premises.
- (b) In the D-1 zoning district, the minimum setback for marijuana facilities shall be at least 25 feet from the facility to any property line.

(Serial No. 2015-38(b)(am), § 2(49.65.1165), 5-2-2016, eff. 6-2-2016)

49.65.1270 Penalty.

- (a) A person who violates or causes or permits to be violated a provision of this chapter is guilty of a civil violation. Each and every day during which a violation of this chapter is committed, permitted, or continued shall be treated as a separate offense and subject the offender to separate charges and fines, in accordance with CBJ 03.30.075. Civil fines and penalties for violations of this chapter may be imposed in addition to any other remedies provided by law, including the imposition of corrective orders or license actions authorized by this chapter.
- (b) In addition to any other remedies provided by law, the City and Borough may seek a court order enjoining the continued operation, within the municipality, of any business whose owner or operator fails to comply with correction orders issued under CBJ 49.65.1225, terms of any decision on appeal under CBJ 49.65.1235, or who fails to cease operation following suspension or revocation of a license under CBJ 49.65.1230.

(Serial No. 2015-38(b)(am), § 2(49.65.1170), 5-2-2016, eff. 6-2-2016)

ARTICLE II. PARKING AND LOADING¹

49.40.200 General applicability.

Developers must provide off-street parking spaces for automobiles in accordance with the requirements set forth in this chapter at the time any structure is erected, expanded, or when there is a change in the principal use.

- (a) *Special parking areas.*
 - (1) *Town center parking area.* The town center parking area, as depicted in Ordinance 2022-04(b) is adopted. The town center parking area consists of the lots within the area bound by West Tenth Street, Egan Drive, West Twelfth Street, D Street, West Ninth Street, C Street and its projection, West Eight Street and its projection, the rear lot lines of property between 370 through Distin Avenue, Sixth Street and its projection, Harris Street, projection of Third Street, projection of East Street, projection of Second Street, projection of Harris Street, the rear lot lines of property between 143 and 400 Gastineau Avenue, the rear lot lines of property between 511 and 889 South Franklin Street, and Gastineau Channel.
 - (2) *No parking required area.* The no parking required area, as depicted in Ordinance 2022-04(b) is adopted. The lots within the area bound by Gastineau Avenue, Fourth Street, Seward Street, Gastineau Channel, 490 South Franklin Street, and Layton Way are excluded from the parking requirements of this chapter. No additional parking is required for development in this area.
- (b) *Conforming parking.* The requirements, alternatives and reductions of this chapter can be combined to meet parking requirements of a development.
- (c) *Developer responsibility.* Developer must submit documentation to demonstrate that applicable parking code requirements have been met, in conformance with this chapter.
- (d) *Owner/occupant responsibility.* The provision and maintenance of off-street parking and loading spaces required in this chapter is a continuing obligation and joint responsibility of the owner and occupants.
- (e) *Determination.* The determination of whether the parking requirements of this chapter are satisfied, with or without conditions, and deemed necessary for consistency with this title, must be made by:
 - (1) The director for minor development;
 - (2) The commission for major development; or

¹Sec. 2 of Serial No. 2022-04(b) , adopted April 25, 2022, repealed and reenacted art. II in its entirety to read as herein set out. Former art. II pertained to the same subject matter, consisted of §§ 49.40.200—49.40.230, and derived from Serial No. 87-49, 1987; Serial No. 89-05, 1989; Serial No. 89-33, 1989; Serial No. 92-11, 1992; Serial No. 97-49, 1997; Serial No. 2006-14(b), adopted May 15, 2006; Serial No. 2006-15, adopted June 5, 2006; Serial No. 2006-33am, adopted October 30, 2006; Serial No. 2007-18, adopted April 23, 2007; Serial No. 2009-22(b), adopted October 12, 2009; Serial No. 2010-22, adopted July 19, 2010 ; Serial No. 2015-07(b)(am), adopted February 13, 2015; Serial No. 2015-32 , adopted August 10, 2015; Serial No. 2016-14 , adopted May 2, 2016; Serial No. 2016-46 , adopted March 6, 2017; Serial No. 2018-31 , adopted June 4, 2018; and Serial No. 2019-37 , adopted March 16, 2020.

-
- (3) The commission if the development application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the director.
- (f) *Expansion.* In cases of expansion of a structure on or after the effective date of Ordinance 2022-04(b) :
- (1) The number of additional off-street parking spaces required must be based on the gross floor area added.
 - (2) No additional parking spaces are required if the additional spaces would amount to less than ten percent of the total required for the development and amount to two or less spaces.
 - (3) For phased expansion, the required off-street parking spaces is the amount required for the completed development, as determined by the director.
- (g) *Change in use.* In cases of a change in use on or after the effective date of Ordinance 2022-04(b) , the number of spaces required will be based on this chapter.
- (h) *Replacement and reconstruction of certain nonconforming structures.* Off-street parking requirements for the replacement and reconstruction of certain nonconforming structures in residential districts must be governed by chapter 49.30.
- (i) *Mixed occupancy.* Mixed occupancy is when two or more of the parking uses in section 49.40.210 share the same lot(s). For mixed occupancy, the total requirement for off-street parking facilities is the sum of the requirements for the uses computed separately.
- (j) *Uses not specified.* The requirements for off-street parking in section 49.20.320 are based on the requirements for the most comparable use specified, as determined by the director for minor development or by the commission for major development.
- (k) *Location.* Off-street parking facilities must be located as provided in this chapter. If a distance is specified, such distance is the walking distance measured from the building being served to the parking provision. Off-street parking facilities for:
- (1) Single-family dwellings and duplexes must be on the same lot as the building served;
 - (2) Multifamily dwellings may not be more than 100 feet distant, unless compliant with section 49.40.215; and
 - (3) Uses other than those specified above, may be not more than 500 feet distant, unless compliant with section 49.40.215.
- (l) *Off-street parking requirements for a lot accessible by air or water only.* Off-street parking requirements do not apply to a lot if it is accessible only by air or water. If the director determines that public access by automobile to the lot later becomes available, the owner of the property must be given notice and within one year must provide the required off-street parking.

(Serial No. 2022-04(b) , § 2, 4-25-2022, eff. 5-26-2022)

49.40.210 Number of off-street parking spaces required.

- (a) *General.* The minimum number of off-street parking spaces required must be as set forth in the following table. The number of spaces must be calculated and rounded down to the nearest whole number:

Use	Spaces Required in All Other Areas	Spaces Required in Town Center Parking Area
-----	------------------------------------	---

Single-family and duplex	2 per each dwelling unit	1 per each dwelling unit
Multifamily units	1 per one bedroom unit	0.4 per one bedroom unit
	1.5 per two-bedroom unit	0.6 per two-bedroom unit
	2.0 per three- or more bedroom unit	0.8 per three- or more bedroom unit
Rooming house, boardinghouse, single-room occupancies with shared facilities, bed and breakfast, halfway house, and group home	1 per 2 bedrooms	1 per 5 bedrooms
Single-room occupancies with private facilities	1 per each single-room occupancy plus 1 additional per each increment of four single-room occupancies with private facilities	1 per 5 single-room occupancies, plus 1 per each increment of ten single-room occupancies with private facilities.
Accessory apartment	1 per each unit	0 per each unit
Motel	1 per each unit in the motel	1 per each 12 units in the motel
Hotel	1 per each four units	1 per each 12 units
Hospital and nursing home	2 per bed OR one per 400 square feet of gross floor area	2 per bed OR one per 400 square feet of gross floor area
Senior housing	0.6 parking spaces per dwelling unit	0.3 spaces per dwelling unit
Assisted living facility	0.4 parking spaces per maximum number of residents	0.4 parking spaces per maximum number of residents
Sobering center	1 parking space per 12 beds	2 parking spaces
Theater	1 for each four seats	1 for each 10 seats
Church, auditorium, and similar enclosed places of assembly	1 for each four seats in the auditorium	1 for each 10 seats in the auditorium
Bowling alley	3 per alley	1.2 per alley
Bank, office, retail commercial, salon and spa	1 per 300 square feet of gross floor area	1 per 750 square feet of gross floor area
Medical or dental clinic	1 per 200 square feet of gross floor area	1 per 400 square feet of gross floor area
Funeral Home	1 per six seats based on maximum seating capacity in main auditorium	1 per 15 seats based on maximum seating capacity in main auditorium
Warehouse, storage, and wholesale businesses	1 per 1,000 square feet of gross floor area	1 per 2,500 square feet of gross floor area
Restaurant and alcoholic beverage dispensary	1 per 200 square feet of gross floor area	1 per 750 square feet of gross floor area
Swimming pool serving general public	1 per four persons based on pool capacity	1 per 10 persons based on pool capacity
Shopping center and mall	1 per 300 square feet of gross leasable floor area	1 per 750 square feet of gross floor area
Convenience store	49.65 Article V	1 per 750 square feet of gross floor area
Watercraft moorage	1 per three moorage stalls	2 per 15 moorage stalls
Manufacturing uses; research, testing and	1 per 1,000 square feet gross floor area except that office space must	1 per 2,500 square feet gross floor area except that office space must provide parking as provided for offices

processing, assembling, industry	provide parking as required for offices	
Library and museum	1 per 600 square feet gross floor area	1 per 1,500 square feet of gross floor area
School, elementary	2 per classroom	2 per classroom
Middle school or junior high	1.5 per classroom	1.5 per classroom
High school	A minimum of 15 spaces per school; where auditorium or general assembly area is available, one per four seats; one additional space per classroom	A minimum of 15 spaces per school; where auditorium or general assembly area is available, one per four seats; one additional space per classroom
College, main campus	1 per 500 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater	1 per 500 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater
College, satellite facilities	1 per 300 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater	1 per 300 square feet of gross floor area of an enclosed area, or, where auditorium or general assembly area is available, one per four seats, whichever is greater
Repair/service station	5 spaces per bay. For facilities with two or more bays, up to 60 percent of the required non-accessible parking spaces may be in a stacked parking configuration.	3 spaces per bay. All but two of the required non-accessible parking spaces may be in a stacked configuration
Post office	1 per 200 square feet gross floor area	1 per 500 square feet of floor area
Childcare Home	49.65 Article X, cannot be varied or FIL	49.65 Article X, cannot be varied or FIL
Childcare Center	49.65 Article X, cannot be varied or FIL	49.65 Article X, cannot be varied or FIL
Indoor sports facilities, gyms	1 per 300 square feet gross floor area	1 per 750 square feet gross floor area
Mobile Food Vendors	No parking requirement	No parking requirement
Open air food service (TPU 8.3)	1 per 400 square feet of gross floor area.	Zero

- (b) *Accessible parking spaces.* Accessible parking spaces must be provided as part of the required off-street parking spaces, according to the following table (Table 49.40.210(b)). Except, Accessible parking spaces are not required for residential uses that require fewer than ten parking spaces and there are no visitor parking spaces.

Table 49.40.210(b)	
Total Parking Spaces in Lot	Required Minimum Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2

51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of total spaces
1,001 and over	20 plus 1 space for each 100 spaces over 1,100 total spaces in lot

- (c) *Facility loading spaces.* In addition to the required off-street parking requirements, a development must provide loading spaces as set forth in the following table:

Use	Gross Floor Area in Square Feet		Loading Space Required
	All other areas	Town Center Parking District	
Motels and hotels	5,000—29,999	6,000—60,000	1
	30,000—60,000		2
	Each additional 30,000	Each additional 30,000	1
Commercial	5,000—24,999	6,000—50,000	1
	25,000—50,000		2
	Each additional 30,000	Each additional 30,000	1
Industrial, manufacturing, warehousing, storage, and processing	5,000—24,999	6,000—50,000	1
	25,000—50,000		2
	Each additional 30,000	Each additional 30,000	1
Hospital	5,000—40,000	6,000—40,000	1
	Each additional 40,000	Each additional 40,000	1
School	For every two school buses		1
Home for the aged, convalescent home, correctional institution	More than 25 beds		1

(Serial No. 2022-04(b) , § 2, 4-25-2022, eff. 5-26-2022)

49.40.215 Parking alternatives.

Parking alternatives are methods of accommodating required parking without building parking on site. A developer may apply for one or more parking alternatives. Parking alternatives may be combined with approved reductions.

-
- (a) *Joint use.* Joint use occurs when the same off-street parking space is used to meet the parking requirement of different uses at different times. Joint use of off-street parking spaces may be authorized when the developer demonstrates there is no substantial conflict in the principal operating hours of the structures and uses involved and subject to the following requirements:
- (1) Any structure or use sharing the off-street parking facilities of another structure or use must be located within 500 feet of such parking facilities, unless a lesser radius is identified in this chapter. A developer may apply to provide off-street parking in an area greater than 500 feet distant, if approved by the commission.
 - (2) The developer demonstrates with appropriate analysis or data that there is no substantial conflict in the principal operating hours of the structures or users for which joint use of off-street parking facilities is proposed.

The developer must present to the director a written instrument, proposed by the parties concerned, providing for joint use of off-street parking facilities. Upon approval by the director, such instrument must be recorded by the developer and documentation of recording provided to the director.

- (b) *Loading spaces off-site.* The required loading space(s) may be met by an alternative private off-site loading parking space, if the alternate space is determined by the director of adequate capacity and proximity. In no case will the distance exceed standards established in subsection 49.40.200(k).

(Serial No. 2022-04(b) , § 2, 4-25-2022, eff. 5-26-2022)

49.40.220 Parking reductions.

A parking reduction reduces the required off-street parking spaces for a development. A developer may apply for one or more parking reductions. Accessible parking spaces must not be reduced and must be provided in accordance with subsection 49.40.210(b). Loading spaces must not be reduced and must be provided in accordance with subsection 49.40.210(c).

- (a) *Parking waivers.* The required number of parking spaces required by this chapter may be reduced if the requirements of this section are met.
- (1) *Standards.* Any waiver granted under this section must be in writing and must include the following required findings and any conditions, such as public amenities, imposed by the director or commission that are consistent with the purpose of this title:
 - (A) The effect of granting a waiver would result in more benefits than detriments to the neighboring area and community as a whole as identified by the comprehensive plan; and
 - (B) The effect of granting a waiver will not materially endanger public health, safety, or welfare.
 - (2) *Relevant information.* The following information may be relevant for the director or commission's review:
 - (A) Analysis or data relevant to the intended use and related parking demands.
 - (B) Provision for alternative transportation.
 - (C) Traffic mitigation measures supported by industry standards.
 - (D) Bicycle and pedestrian amenities.
 - (3) *Applications.* Applications for parking waivers must be on a form specified by the director and must be accompanied by a one-time fee as provided in chapter 49.85.

(4) *Public notice.* The director must mail notice of any complete parking waiver application to the owners of record of property located within a 250-foot radius of the site seeking the waiver. If the parking waiver application is filed in conjunction with a major development permit, notice of both applications should be made concurrently in accordance with CBJ 49.15.230.

(5) *Expiration.* An approved parking waiver expires upon a change in use.

(b) *Town center parking area, fee-in-lieu of off-street parking spaces.* In the town center parking area, a developer may pay a one-time fee in lieu of providing off-street parking spaces to satisfy the minimum parking requirements of this chapter. Fee in lieu can be used in any combination with other parking provisions of this chapter. Any fee in lieu due must be paid in full prior to the issuance of a temporary certificate of occupancy.

(Serial No. 2022-04(b) , § 2, 4-25-2022, eff. 5-26-2022)

49.40.225 Dimensions and signage for required off-street parking spaces.

(a) *Standard spaces.*

(1) Except as provided in this section, each standard parking space must consist of a generally rectangular area at least eight and one-half feet by 17 feet. Lines demarcating parking spaces may be drawn at any angle to curbs or aisles so long as the parking spaces so created contain within them the rectangular area required by this section.

(2) Spaces parallel to the curb must be no less than 22 feet by six and one-half feet.

(b) *Accessible spaces.*

(1) Each accessible parking space must consist of a generally rectangular area at least 13 feet by 17 feet, including an access aisle of at least five feet by 17 feet. Two accessible parking spaces may share a common access aisle.

(2) One in every eight accessible parking spaces, but not less than one, must be served by an access aisle with a width of at least eight feet and must be designated "van-accessible."

(3) Accessible parking spaces must be designated as reserved by a sign showing the symbol of accessibility. "Van-accessible" parking spaces must have an additional sign designating the parking space as "van-accessible" mounted below the symbol of accessibility. A sign must be located so it cannot be obscured by a vehicle parked in the space.

(4) Access aisles for accessible parking spaces must be located on the shortest accessible route of travel from parking area to an accessible entrance.

(c) *Facility loading spaces.*

(1) Each off-street loading space must be not less than 30 feet by 12 feet, must have an unobstructed height of 14 feet six inches, and must be permanently available for loading.

(Serial No. 2022-04(b) , § 2, 4-25-2022, eff. 5-26-2022)

49.40.230 Parking area and site circulation review procedures.

(a) *Purpose.* The purpose of these review procedures is to ensure that proposed parking and related site access areas provide for adequate vehicular and pedestrian access and circulation; that parking spaces are usable, safe, and conveniently arranged; that sufficient consideration has been given to off-street loading and unloading; and that the parking area will be properly drained, lighted, and landscaped.

-
- (b) *Plan submittal.* Development applications must include plans for parking and loading spaces. Major development applications must include plans prepared by a professional engineer or architect. These plans may be part of a plan submission prepared in conjunction with the required review of another aspect of the proposed development.
- (1) *Contents.* The plans must contain the following information:
- (A) Parking and loading space plans drawn to scale and adequate to show clearly the circulation pattern and parking area function;
 - (B) Existing and proposed parking and loading spaces with dimensions, traffic patterns, access aisles, and curb radii;
 - (C) Improvements including roads, curbs, bumpers and sidewalks indicated with cross sections, designs, details, and dimensions;
 - (D) A parking schedule indicating the number of parking spaces required, the number provided, and how such calculations were determined;
 - (E) Topography showing existing and proposed contour intervals; and
 - (F) Landscaping, lighting and sign details, if not provided in conjunction with the required review of another aspect of the proposed development.
- (2) *Waiver of information.* The director may waive submission of any required exhibits.
- (c) *Review procedure.* Plans must be reviewed and approved according to the procedures of this chapter and chapter 49.15.
- (d) *Public improvements required.* As a condition of plan approval, the department may require a bond approved as to form by the municipal attorney for the purpose of ensuring the installation of off-site public improvements. As a condition of plan approval, the applicant is required to pay the cost of providing reasonable and necessary public improvements located outside the property limits of the development but necessitated by construction or improvements within such development.
- (Serial No. 2022-04(b) , § 2, 4-25-2022, eff. 5-26-2022)

49.40.235 Parking and circulation standards.

- (a) *Purpose.* Provisions for pedestrian and vehicular traffic movement within and adjacent to the site must address layout of parking areas, off-street loading and unloading needs, and the movement of people, goods, and vehicles from access roads, within the site, and between buildings and vehicles. Parking areas must be landscaped and must feature safely arranged parking spaces.
- (b) *Off-street parking and loading spaces; design standards.*
- (1) *Access.* There must be adequate ingress and egress from parking spaces. The required width of access drives for driveways must be determined as part of plan review depending on use, topography and similar considerations.
 - (2) *Size of aisles.* The width of aisles providing direct access to individual parking stalls must be in accordance with the following table. Other angles may be approved by the director that satisfy the needs of this chapter.

Parking Angle	0°	30°	45°	60°	90°
One-way traffic aisle width	13'	11'	13'	18'	24'

Two-way traffic aisle width	19'	20'	21'	23'	24'
--------------------------------	-----	-----	-----	-----	-----

- (3) *Location in different zones.* No access drive, driveway or other means of ingress or egress may be located in any residential zone if it provides access to uses other than those permitted in such residential zone.
 - (4) *Sidewalks and curbing.* Sidewalks must be provided with a minimum width of four feet of passable area and must be raised six inches or more above the parking area except when crossing streets or driveways. Guardrails and wheel stops permanently anchored to the ground must be provided in appropriate locations. Parked vehicles must not overhang or extend over sidewalk areas, unless an additional sidewalk width of two feet is provided to accommodate such overhang.
 - (5) *Stacked parking.* Stacked parking spaces may only be counted as required parking spaces for single-family residences, duplexes, and as otherwise specified for specific uses. In the case of single-family residences and duplexes with or without accessory uses and child care homes in a residential district, only a single parking space per dwelling unit may be a stacked parking space.
 - (6) *Back-out parking.* Parking space aisles must provide adequate space for turning and maneuvering on-site to prevent back-out parking onto a right-of-way. If the director or the commission, when the commission has authority, determines back-out parking would not unreasonably interfere with the public health and safety of the parking space aisles and adjacent right-of-way traffic, back-out parking is allowed in the following circumstance:
 - (A) In the case of single-family dwellings and duplexes with or without accessory uses located in residential and rural reserve zoning districts;
 - (B) Where the right-of-way is an alley; or
 - (C) In the case of a child care home in a residential district.
 - (c) *Drainage.*
 - (1) Parking areas must be suitably drained.
 - (2) Off-site drainage facilities and structures requiring expansion, modification, or reconstruction in part or in whole as the result of the proposed development must be subject to off-site improvement requirements and standards as established by the city.
 - (d) *Lighting.* Parking areas must be suitably lighted. Lighting fixtures must be "full cutoff" styles that direct light only onto the subject parcel.
 - (e) *Markings and access.* Parking stalls, driveways, aisles and emergency access areas and routes must be clearly marked.
 - (f) *General circulation and parking design.*
 - (1) Parking space allocations must be oriented to specific buildings. Parking areas must be linked by walkways to the buildings they serve.
 - (2) Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks must be clearly designated by pavement markings or signs. Crosswalk surfaces must be raised slightly to designate them to drivers, unless drainage problems would result.
- (Serial No. 2022-04(b) , § 2, 4-25-2022, eff. 5-26-2022)