

# MEMORANDUM

CITY/BOROUGH OF JUNEAU  
155 South Seward Street, Juneau, Alaska 99801

**DATE:** October 15, 2014

**TO:** Planning Commission

**FROM:** Beth McKibben, Senior Planner  
Community Development Department

**FILE NO.:** AME2014 0006

**SUBJECT:** Revisions to Accessory Apartment requirements of CBJ 49, Land Use Code

## Attachments

- A- May 13, 2014 Staff Report to Planning Commission from Ben Lyman
- B- May 27, 2014 Excerpt of Planning Commission Minutes
- C- June 25, 2014 Memorandum to Affordable Housing Commission from Ben Lyman
- D- Draft "White Paper" on Accessory Apartments
- E- August 5, 2014 Affordable Housing Commission Minutes
- F- August 26, 2014 Excerpt of Planning Commission Minutes
- G- Draft Ordinance Amending the Land Use Code Relating to Accessory Apartments

## Discussion

The Planning Commission, at their August 26, 2014 meeting, heard testimony from Juneau resident Russ McDougall requesting the Commission to take action to increase the maximum size of accessory apartments. The Commission requested staff to bring forward the draft ordinance at the October 28, 2014 Planning Commission meeting. The draft ordinance is found as attachment G.

At the May 27, 2013 meeting when the Commission initially discussed this item, the Planning Commission also directed staff to investigate the feasibility of and issues resulting from allowing accessory apartments in conjunction with duplexes, common-wall dwellings, and in multifamily developments. The Planning Commission also requested that staff prepare a "white paper" on the pros and cons of various aspects of the proposed changes. This document investigates the larger ramifications of the proposed changes largely in light of national best practices and accepted conventions, rather than focusing on the CBJ Comprehensive Plan or CBJ 49, although both are quoted from in the paper. A draft "white paper" is found as attachment D.

In June, Affordable Housing Commission (AHC) member Russ McDougall asked the AHC to consider and comment on proposed changes to the Accessory Apartment requirements. A copy of the memorandum from Ben Lyman to the AHC is found as attachment C. The draft white paper was also provided to the AHC, as was the May 13, 2014 staff report to the Planning Commission. The AHC voted to support the concept framed in the June 25, 2014 memorandum - a two-tier accessory apartment permitting system.

On lots with 100-125% of the minimum lot area for the zoning district, accessory apartments could be up to 650 square feet net floor area (an outright increase under question #1) and would have to be one-bedroom or efficiency units. On lots with 175-200% of the minimum lot area for the zoning district, accessory apartments could be up to 950 square feet net floor area, and could be two-bedroom units (a new system for larger units under question #2). Accessory apartment sizes would be further limited to no more than 50% of the primary dwelling unit's floor area.

Staff requests the Planning Commission discuss the points in the May 13<sup>th</sup> staff report, the draft white paper, and the draft ordinance. Staff requests continued guidance on the questions asked in that report:

- 1) Should the size limits on accessory apartments be increased outright? Or,
- 2) Should a new larger accessory apartment land use be created, with its own permitting requirements, in order to address neighborhood harmony issues?
- 3) If either 1 or 2, what should the "larger" size limit be? A net floor area limit, a bedroom limit, a percentage of the area of the primary dwelling limit, or a combination of those limits?
- 4) Should accessory apartments of any size ever be allowed in conjunction with duplexes? And,
- 5) Should the provisions regarding accessory apartments and multi-family, commercial, and mixed-use zones be amended to clarify when they are allowed, or to disallow them entirely in these zones?

# MEMORANDUM

CITY/BOROUGH OF JUNEAU  
155 South Seward Street, Juneau, Alaska 99801

**DATE:** May 13, 2014  
**TO:** Planning Commission  
**FROM:** Ben Lyman, Senior Planner  
Community Development Department  
**FILE No.:** AME2014 0006  
**SUBJECT:** Potential Revisions to Accessory Apartment Provisions of CBJ 49, the Land Use Code

One of the items suggested to the Ad Hoc Housing Committee to help address housing affordability within the City and Borough of Juneau was to "allow higher square footage and two bedrooms for Accessory Apartments" (#7). Staff has been investigating this proposal, reviewing existing ordinances in other communities, and drafting and evaluating the repercussions of revised ordinances; this memorandum describes staff's findings and poses questions which must be answered by the community before progress can be made on finalizing a draft ordinance for review.

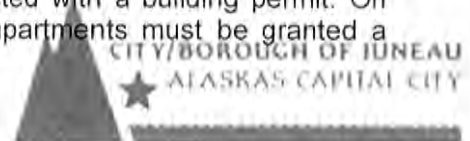
Although Accessory Apartments appear in CBJ 49 in several locations, including CBJ 49.25.300, the *Table of Permissible Uses*, and CBJ 49.40.210, *Minimum space and dimensional standards for parking and loading*, the primary ordinance controlling this type of development is CBJ 25.510(d)(2), *Special density considerations/Two-unit dwellings/Accessory apartments*. In short, this section limits accessory apartments to one-bedroom or studio apartment style dwellings no larger than 600 square feet net (interior) floor area. The suggestion made to the Ad Hoc Housing Committee is to increase this floor area limit and to allow accessory apartments to be configured as two-bedroom, one-bedroom, or studio apartments.

This proposal has several notable ramifications which merit discussion:

- 1) Increased household capacity (number of bedrooms and floor area) accommodate increased household size (number of residents);
- 2) Increase in household size increases potential:
  - a. Traffic;
  - b. Noise;
  - c. Storage (bikes, kayaks, boats, BBQs, etc.); and,
  - d. Parking; and,
- 3) Increased impacts may not be in harmony with some neighborhoods, but may be in harmony with others.

Under CBJ 49.25.400, the *Table of Dimensional Standards*, duplexes may be constructed on RR and single-family/duplex (D-1, D-3, and D-5) zoned-lots that are at least 150% of the minimum lot area for that zone. On lots between 100-150% of the minimum lot area (and on public sewer systems), accessory apartments may be constructed with a building permit. On lots smaller than 100% of the minimum lot area, accessory apartments must be granted a

**ATTACHMENT A**



Conditional Use permit before a building permit can be issued for the structure. This hierarchy is designed to allow more intense use (i.e. more residents) of larger lots, and also allows for public input when additional dwellings are proposed on smaller lots where neighbors may be more impacted by adjacent uses.

Although it was contentious when first adopted, the accessory apartment ordinance has been used to permit over 663 (2012 data) accessory apartments, and has for the most part been received positively. When the ordinance was amended in 2009 (Serial No. 2009-22(b)), it was to clarify the review process and eliminate some design restrictions that had been found unnecessary, not to tighten or restrict the development of accessory apartments. Overall, the ordinance can be considered a success at resulting in new dwelling unit construction.

CDD staff requested that the American Planning Association's Planner's Advisory Service assist in comparing various community's restrictions on "Accessory Dwelling Units" (ADU), with the following results:

<b>Jurisdiction</b>	<b>State</b>	<b>Pop.</b>	<b>Min. Attached ADU Size</b>	<b>Max. Attached ADU Size</b>	<b>Max. % of Primary DU Size</b>	<b>Max. Bedro oms</b>	<b>Varies by District or by Lot or Primary DU Size</b>
Anchorage	AK	291,826	300 sf	**	35%	2	no
Blaine	WA	4,684	**	1,500 sf	50%	**	yes
Bloomington	MN	82,893	300 sf	960 sf	33%	2	no
Bozeman	MT	37,280	**	600 sf	33%	1	yes
Calexico	CA	38,572	**	640 sf	**	**	no
Clallam County	WA	71,404	**	**	35%	**	no
Costa Mesa	CA	109,960	**	**	30%	**	no
Eagle	UT	21,415	**	800 sf	50%	**	no
Edmonds	WA	39,709	**	800 sf	50%	2	no
Kitsap County	WA	251,133	**	**	50%	**	no
Marysville	WA	60,020	300 sf	**	35%	2	no
Mat-Su Borough	AK	88,995	**	**	50%	**	no
Midvale	UT	27,964	**	**	25%	**	no
Minnetonka	MN	49,734	**	950 sf	35%	**	no
Richland	WA	48,058	200 sf	800 sf	40%	2	no
Sandpoint	ID	7,365	**	650 sf	90%	**	no
Santa Clara County	CA	1,781,642	**	1,200 sf	**	**	yes
Sedona	AZ	10,031	350 sf	800 sf	33%	2	yes
Selah	WA	7,147	**	800 sf	**	**	no
Sitka	AK	8,881	**	800 sf	**	**	no

Juneau's limit of 600 square feet is equal to that of Bozeman, Montana, and the smallest limit of any community on the list. Similarly, Bozeman is the only community on the list with a one-bedroom limit on accessory apartment size; 30% of communities listed limit accessory apartments at two bedrooms, and 65% do not have any limit on the number of bedrooms in an accessory apartment.

Be that as it may, the potential impacts of increasing the maximum accessory apartment size warrant discussion, and it may be that larger accessory apartments are not appropriate in some parts of the CBJ.

Staff suggests that a new land use classification be created for larger accessory apartments, potentially with a maximum size in the range of 800 to 1,000 square feet and two (or potentially more) bedrooms; this land use would be allowed on lots of at least 125% of the minimum area for the zoning district, and would require Conditional Use permit approval on lots not served by public sewer. Additionally, parking requirements for this use would be increased to two spaces per apartment, the same requirement that is adopted for single-family residences and each dwelling in a duplex.

In addition to the considerations above, staff has identified other inconsistencies and opportunities in the various ordinances which control accessory apartments. Namely, although accessory apartments can be permitted with common-wall dwellings (zero-lot-line or townhouse-style development, where each unit is on its own fee-simple piece of property), they cannot be permitted with duplexes regardless of the size of the lot or the zoning district, as this would result in three dwellings on a lot, which exceeds the clear limit set at CBJ 25.510(d)(2), *Two-unit dwellings*. In some instances, such as where lot configuration or the presence of natural hazards or habitat (e.g. setbacks from anadromous fish streams) precludes subdivision, a duplex with an accessory apartment would be consistent with the overall density and development pattern of the neighborhood and zoning district. Staff proposes that the threshold for allowing accessory apartments on lots with duplexes be set at 175% of the minimum lot area for the zone, if it is determined that this combination of uses is appropriate at all in single-family and duplex zones.

Finally, accessory apartments are listed at CBJ 49.25.300 as permissible in multi-family (D-10, D-15, and D-18), commercial (LC, GC, and WC), and mixed-use (MU and MU2) zones, all of which have allowable density based on lot area. Listing accessory apartments as permissible in these zones creates confusion, as CBJ 25.510(d)(2), *Two-unit dwellings* precludes development of accessory apartments as components of multi-family (three or more unit) developments. Although this provision does result in the permissibility of constructing accessory apartments on lots which are less than the minimum for two dwellings in the zone, this is not readily apparent and could be made much more transparent in the Land Use Code.

Staff requests that the Planning Commission discuss the points in this memorandum and provide guidance on the following questions:

- 1) Should the size limits on accessory apartments be increased outright? Or,
- 2) Should a new larger accessory apartment land use be created, with its own permitting requirements, in order to address neighborhood harmony issues?
- 3) If either 1 or 2, what should the "larger" size limit be? A net floor area limit, a bedroom limit, a percentage of the area of the primary dwelling limit, or a combination of those limits?
- 4) Should accessory apartments of any size ever be allowed in conjunction with duplexes? And,
- 5) Should the provisions regarding accessory apartments and multi-family, commercial, and mixed-use zones be amended to clarify when they are allowed, or to disallow them entirely in these zones?

## Benjamin Lyman

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**From:** Brad Fluetsch <bjf@gci.net>  
**Sent:** Tuesday, May 20, 2014 10:20 AM  
**To:** Benjamin Lyman  
**Subject:** Re: Accessory Apartment code changes

Thanks Ben,

I reviewed the document with my situation in mind. I don't understand why size of lot, in my case it would require 1.75 acres is your determining factor? Other possible factors could be:

- Can it be done within the existing footprint of the existing duplex?
- Is it on city water? Sewer? On grid?
- On bus system?
- Is there sufficient parking? On street? Off Street?
- What is the actual impact on the neighborhood?

This was in this mornings Seattle PI  
<http://www.seattlepi.com/local/article/Ready-for-tiny-2-400-micro-apartments-coming-to-5486211.php>

What are the real factors that impact the community? Utilities, traffic, Parking... not the size of lot.

Just my thoughts  
Brad

**From:** Benjamin Lyman <Ben\_Lyman@ci.juneau.ak.us>  
**Date:** Tuesday, May 20, 2014 at 9:51 AM  
**To:** Brad Fluetsch <bjf@gci.net>  
**Subject:** Accessory Apartment code changes

Good morning, Brad-

I wanted to let you know that the Planning Commission will be discussing and providing direction to staff on potential changes to the accessory apartment provisions of the Land Use Code during their May 27, 2014 regular meeting. I know that this is a topic that you are very interested in, and wanted to invite you to attend the meeting, or submit written comments if you prefer. The memorandum that the commission will be reviewing is attached.

Please let me know if you have any comments or questions.

Thank you for your interest in this matter,  
Ben

Ben Lyman  
Senior Planner  
Community Development Department  
City and Borough of Juneau  
907.586.0758

CSP2014 0010: Application for a private easement on CBJ-owned property in order for an adjacent property owner to construct a driveway.  
Applicant: James Stedman  
Location: 2765 Fritz Cove Road

**Staff Recommendation**

Staff recommends that the Planning Commission make a recommendation to the Assembly to approve this project proposal as described in the development application.

Mr. Voelckers asked what the Borough's use for this property was. He said there appeared to be inconsistencies.

Ms. Bronstein said that in order for the applicant to access his property which was very steep, he needed to crisscross over CBJ property in order to reach his own property at the top of the hill.

Mr. Voelckers asked if there are other incidences within the Borough where CBJ property is used to access private property.

Mr. Chaney said there are other cases within the Borough where this is done, and that the applicant will need to pay the Borough fair market value for use of the easement. It is a nonexclusive easement said Mr. Chaney, which means the Borough can use that easement as it sees fit as well.

**MOTION:** *by Ms. Grewe, to approve CSP2014 0010 with staff's findings, analysis and recommendations.*

The motion passed by unanimous consent.

AME2014 0006: Proposed amendment to Title 49 amending the Land Use Code related to accessory apartments.  
Applicant: City & Borough of Juneau  
Location: Borough-wide

**Staff Recommendation**

Staff requests that the Planning Commission discuss the points in this memorandum and provide guidance on the following questions:

- 1) Should the size limits on accessory apartments be increased outright? Or,
  - 2) Should a new larger accessory apartment land use be created, with its own permitting requirements, in order to address neighborhood harmony issues?
  - 3) If either 1 or 2, what should the "larger" size limit be? A net floor area limit, a bedroom limit, a percentage of the area of the primary dwelling limit, or a combination of those limits?
  - 4) Should accessory apartments of any size ever be allowed in conjunction with duplexes?
- And,

- 5) Should the provisions regarding accessory apartments and multi-family, commercial, and mixed-use zones be amended to clarify when they are allowed, or to disallow them entirely in these zones?

The proposal is that the sizes for accessory apartments be increased, said Mr. Lyman. The current size for accessory apartments is 600 square ft., he said, with either a studio size or a maximum of one bedroom.

It is currently a tiered hierarchy, said Mr. Lyman, where the larger lot size the more accessory apartments there could be. Mr. Lyman stated that they are looking for clarification on whether they should change the code and clarify when or if accessory apartments are allowed in these multi-family zones, or if they should state that they are not allowed. Mr. Lyman stated that right now the code is not terribly clear on this matter.

Mr. Voelckers asked why parking requirements would need to change. He asked why parking requirements would not be triggered by the number of bedrooms.

Mr. Lyman responded that only multi family dwelling units have parking requirements based upon the number of bedrooms.

Ms. Lawfer asked if there have been inquiries about accessory apartments.

Mr. Lyman responded that yes there have been inquiries, which is why the item is before the Commission this evening.

#### PUBLIC COMMENT

Russ McDougall said that he was being hindered from subdividing property due to the existing code. He said this is one of the details in the code which restricts affordable housing in Juneau. He recommended raising the accessory apartment size to 1000 ft.

Brad Fleutch, a resident on North Douglas Highway, said that the criteria for having an accessory apartment should be based upon functional criteria such as parking availability, and having sewer and water, and transportation access rather than on lot size. Mr. Fleutch added that the current code on accessory apartments is adding to the extreme problem with affordable housing in Juneau.

#### COMMISSION COMMENTS

Mr. Voelckers stated that he felt that starting with lot size as a way to begin with accessory apartments was a good way to go, and that parking and other items on the list would be taken care of by Ordinance. Mr. Voelckers said he was in favor of a two-tiered approach. The first tier would be linked to 100% to 125% of the lot size, and that would be a 600 square foot to a 650 square foot accessory apartment.

The second category would add up to a 950 square foot two-bedroom accessory apartment, said Mr. Voelckers. That category would be triggered with a lot size over 125% of the lot size. That would require the two parking spots, as Mr. Lyman has identified, said Mr. Voelckers. The final stipulation, said Mr. Voelckers, would be that 50% of the size of the primary residence could not be exceeded.

Mr. Peters commented that having worked on the ad hoc committee, that accessory apartments was a very hot topic. Mr. Peters said he was not necessarily in favor of the tier approach, but that he was in favor of an accessory apartment not to exceed 50% of the size of the maximum residence not to exceed 1200 square feet. Mr. Peters said the number of bedrooms could be left up to the home owner. He added he felt this should include duplexes.

Ms. Grewe said that she would fully support the proposal of Mr. Voelckers. She said she liked the tier approach, because it increased the size, while keeping design in mind. At the same time, she said, it helped to address the challenge before the community of the housing problem.

Ms. Lawfer stated that while she was in support of the general idea of the change in the Ordinance, she had a little bit of concern about modifying the idea of single-family zoning.

Chairman Satre said they are just beginning with the Ordinance, and that they could start with Mr. Voelcker's suggestions as a base, while keeping Ms. Lawfer's concerns in mind as well.

Mr. Lyman reviewed various portions of the Table of Permissible Uses for the Commission and showed how various portions of it are in need of clarification regarding accessory apartments in various zones.

Mr. Goddard clarified that the staff will enact the two-tiered direction as provided by Mr. Voelckers. He asked if the Commission would also like to see a critical analysis provided by the staff on what it would look like for triplexes and duplexes with an accessory dwelling unit.

Chairman Satre said that would be fine. He added that at this stage it is pure visualization, but that a white paper would be helpful.

TXT2009-00007: Planning Commission review of and recommendation to the Assembly regarding the Draft Wireless Telecommunication Facilities Master Plan.

Applicant: City and Borough of Juneau  
Location: Borough-wide

# MEMORANDUM

CITY/BOROUGH OF JUNEAU  
155 South Seward Street, Juneau, Alaska 99801

**DATE:** June 25, 2014

**TO:** Affordable Housing Commission

**FROM:** Ben Lyman, Senior Planner   
Community Development Department

**CASE:** AME2014 0006: Proposed amendment to Title 49 amending the Land Use Code related to accessory apartments.

**SUBJECT:** Accessory Apartment provisions of the Land Use Code, CBJ 49, and potential revisions thereto

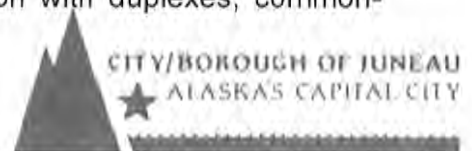
On May 27, 2014, staff of the CBJ Community Development Department presented the attached memorandum to the Planning Commission, requesting feedback and policy direction on five questions. The Commission's direction on each item is described in this memorandum.

- 1) Should the size limits on accessory apartments be increased outright? Or,
- 2) Should a new larger accessory apartment land use be created, with its own permitting requirements, in order to address neighborhood harmony issues?
- 3) If either 1 or 2, what should the "larger" size limit be? A net floor area limit, a bedroom limit, a percentage of the area of the primary dwelling limit, or a combination of those limits?
- 4) Should accessory apartments of any size ever be allowed in conjunction with duplexes? And,
- 5) Should the provisions regarding accessory apartments and multi-family, commercial, and mixed-use zones be amended to clarify when they are allowed, or to disallow them entirely in these zones?

The Planning Commission directed staff to draft an ordinance creating a two-tier accessory apartment permitting system. On lots with 100-125% of the minimum lot area for the zoning district, accessory apartments could be up to 650 square feet net floor area (an outright increase under question #1) and would have to be one-bedroom or efficiency units. On lots with 175-200% of the minimum lot area for the zoning district, accessory apartments could be up to 950 square feet net floor area, and could be two-bedroom units (a new system for larger units under question #2). Accessory apartment sizes would be further limited to no more than 50% of the primary dwelling unit's floor area.

The Planning Commission directed staff to investigate the feasibility of and issues resulting from allowing accessory apartments in conjunction with duplexes, common-wall dwellings, and in multifamily developments.

**ATTACHMENT C**



The Planning Commission also requested that staff prepare a "white paper" on the pros and cons of various aspects of the proposed changes. This document investigates the larger ramifications of the proposed changes largely in light of national best practices and accepted conventions, rather than focusing on the CBJ Comprehensive Plan or CBJ 49, although both are quoted from in the paper.

Attachments:

May 13, 2014 Memorandum from Ben Lyman to Planning Commission

DRAFT White Paper on Proposed Changes to CBJ 49 regarding Accessory Apartments

City & Borough of Juneau  
Department of Community Development  
230 S. Franklin Avenue  
Juneau, AK 99801

**Accessory Apartments**

Weighing the pros/cons of increasing the maximum size

By:  
Beth McKibben and Ben Lyman  
Project Coordinators  
Department of Community Development

**ATTACHMENT D**

## **“White Paper” on Accessory Apartments**

### **Outline/Concept:**

Beyond the objective “does it comply with the Comp Plan/Title 49” staff report for the draft Accessory Apartment ordinance, processed under AME2014 0006, Travis Goddard, Planning Manager, requested and was provided direction by the PC (May 27, 2014) that CDD staff should prepare a White Paper outlining the various issues with the proposed changes. This is the opportunity for staff to describe the planning pros/cons of the various proposed changes without having to relate those pros/cons back to the Comprehensive Plan or Land Use Code directly, although both the Comprehensive Plan and Land Use Code are referenced in this document.

### **Impacts of Accessory Apartments on Existing Neighborhoods**

From U.S. Census 2010 for Zip Code 99801:

Avg. household size of owner-occupied residences: 2.67

Avg. household size of renter-occupied residences: 2.24

Not a dramatic difference between owner and renter-occupied units. Impacts are likely to be similar. Only by limiting number of bedrooms/area can occupancy be restricted to a lower number of residents.

### **-Traffic**

From the Institute of Transportation Engineers *Trip Generation*, 7<sup>th</sup> Edition:

Land Use 210: Single-Family Detached Housing “This land use included data from a wide variety of units with different sizes, price ranges, locations and ages...As expected, dwelling units that were larger in size, more expensive, or farther away from the central business district (CBD) had a higher rate of trip generation per unit than those smaller in size, less expensive, or closer to the CBD...”

9.57 trip ends generated per dwelling unit per weekday

2.55 trip ends generated per person per weekday

(6.8 trip ends generated per dwelling unit per weekday; 99801 household size)

(3.75 persons per household in ITE data computed)

Land Use 220: Apartment does not include apartments located with fewer than three other units, which would be considered multifamily development under the Land Use Code, CBJ 49, so it is not the same as an accessory apartment. That said, the same caveat regarding location, price, and size of dwelling that is reprinted above is also given for apartments. Additionally, it provides the only comparison to the trip generation figures for Land Use 210 and is therefore worth considering.

6.72 trip ends generated per dwelling unit per weekday

3.35 trip ends generated per person per weekday

(7.5 trip ends generated per dwelling unit per weekday; 99801 household size)

(2.01 persons per household in ITE data computed)

These figures show us that it is only the reduced average household size in apartments compared to single family residences that prevent apartments from generating as much traffic or more traffic than single-family residences, since each resident of an apartment makes more trips on average than residents of single family residences do.

#### **-Noise**

Occupants of an accessory apartment will produce similar types of residential noise as those who occupy single-family/owner occupied dwelling units. It is therefore assumed that noise impacts from accessory apartments will be a function of how many units are on a property and how large the property is. This means noise impacts can be more dependent upon zoning factors like density, setbacks, and lot size. If noise is an issue of concern, the use of landscaping and screening could be an effective way for accessory apartment noise to be mitigated.

#### **-Parking**

Based on ITE trip generation data, parking requirements should be driven not just by dwelling unit size, with more parking required for larger apartments, but also by location/proximity to the Central Business District, and ideally rental rate (subsidized v market rate).

#### **-Massing/scale/visual harmony**

Adding an accessory apartment to a dwelling is likely to increase its size, unless it is an interior conversion of an existing structure. Limiting accessory apartments to situations where no additions are needed will complicate matters. It will cause people to apply for permits to expand existing structures, and then later apply to change the use of that space to an apartment. Staff does not recommend adding a policy that prohibits accessory apartment expansions because structural additions are already governed by zoning considerations (setbacks, height, lot coverage, etc.).

#### **Duplexes with Accessory Apartments**

CBJ 49.80.120:

*Duplex* means a building on a single lot containing two dwelling units, each of which, except for a common stairwell exterior to both dwelling units, is separated from the other by an unpierced wall extending from floor to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall.

*Accessory use* and *accessory structure* mean a use or structure customarily subordinate or incidental to and located on the same lot as an existing principal use, building or structure. The terms "accessory use" and "accessory structure" include signs, garages, required parking areas, boathouses, smokehouses and storage sheds.

*Dwelling* means a building or portion thereof, used exclusively for human habitation.

*Dwelling, detached,* means a dwelling which is not attached to any other dwelling by any means.

*Dwelling, single-family,* means a detached dwelling which is designed for and occupied by not more than one family.

*Dwelling unit* means a residential use consisting of a building or portion thereof, providing independent and complete cooking, living, sleeping and toilet facilities for one family.

Dwelling, multifamily means a building designed for or occupied by three or more families.

There is no minimum or maximum square foot floor area requirement for duplexes, but there is a minimum lot size requirement of at least 150 percent of the required square footage required for a single family dwelling in that zoning district.

When considering the idea of accessory apartments with duplexes, an important question is: at what point does the development become a “multifamily” development?

*The Latest Illustrated Book of Development Definitions* defines Accessory Apartment as “an independent dwelling unit that has been added onto, or created within, a single family house.” This book separately defines “accessory dwelling” as “a dwelling unit either attached to a single family principal dwelling or located on the same lot and having an independent means of access. The book includes comments about accessory units – Accessory apartments can be listed as permitted use in residential areas. Regulations vary from municipality to municipality but usually are concerned with health and safety issues, as well as maintaining the basic character of the neighborhood. These objectives can often be achieved by using designated minimum and maximum floor areas for the apartments, requiring off street parking and prohibiting any change in the basic single family appearance of the structure.

*A Planners Dictionary* compiles zoning definitions from around the United States. For “accessory apartment” there are five definitions from five different communities. (attachment \_\_\_\_). Three of the five definitions specifically indicate that an accessory apartment is established in conjunction with a single family dwelling. There are two definitions for “accessory dwelling unit” both of which are related to an existing single family dwelling.

CBJ defines residential zoning districts (CBJ 49.25.210). “The following districts are established to provide a healthy safe and pleasant environment for residential living protected from incompatible and disruptive activities. D1, D3 and D5 all state they are “intended to accommodate primarily single-family and duplex residential development”.

### **Common-Wall Dwellings with Accessory Apartments**

CBJ 49.80.120:

*Dwelling, attached,* means a one-family dwelling attached to one or more single-family dwellings by common walls.

*Dwelling, common wall,* means a single-family dwelling attached by a common wall to one other single-family dwelling on a separate lot.

Common-wall dwellings are permissible in the D5, D10SF, D10, D15, D18, and MU2 zoning districts, and accessory apartments are currently permissible in conjunction with common-wall dwellings. In all zoning districts other than D5 and D10SF, common-wall dwellings may be constructed on lots smaller than those required for other permissible uses. In the D10 zoning district, for example, the minimum lot size is reduced from 6,000 square feet (7.2 lots/acre) to 5,000 square feet (8.7 lots/acre) for common-wall dwellings. The maximum allowable density in the D10 zone on a 6,000 square foot lot is 1.4 (1) dwelling unit with an additional accessory apartment, or 14 dwellings including accessory apartments per acre. On 5,000 square foot common-wall lots, 16 units including accessory apartments could be built per acre.

In the multifamily, commercial, and mixed-use zoning districts, on lots not large enough to accommodate more than one unit under the density provisions at CBJ 49.25.510, allowing an accessory apartment in addition to the primary common-wall dwelling may be appropriate.

#### **Multifamily Developments with Accessory Apartments**

CBJ 49.80.120:

*Dwelling, multifamily*, means a building designed for or occupied by three or more families.

In the Table of Permissible Uses (CBJ 49.25.300) multifamily dwellings are not permitted in RR, D1, D3, D5 and D10SF zoning districts. They are allowed in D10, D15, LC, GC, MU, MU2 and WC zoning districts. Density (number of units) is regulated by CBJ 49.25.500. The multifamily zoning districts allow varying levels of density: D10 allows 10 units per acre, D15 allows 15 units per acre; D18 and WC allow 18 units per acre. LC allows 30 units per acre; GC 50 units per acre, MU2 80 and MU has no maximum density. CBJ 49.25.520 states that the number of dwelling units allowed on a lot in a multifamily zone shall be determined pursuant to this chapter without regard to whether the units are constructed in the same building or different buildings.

Allowing accessory units – subordinate and incidental to the primary use – does not make sense in the multifamily zoning districts on lots large enough to accommodate more than one unit. On small multifamily, commercial, and mixed-use zoned lots, where the lot area is insufficient to allow two dwelling units under the density provisions at CBJ 49.25.510, allowing an accessory apartment in addition to the primary dwelling may be appropriate.

**What is the actual demand?**

From the 2013 Comprehensive Plan:

**SIX YEARS VACANCY RATES**

Unit Type	2007	2008	2009	2010	2011	2012	Average
Eff.	3.0%	4.4%	10.3%	11.9%	1.6%	1.6%	5.4%
1 Bdrm.	1.6%	4.7%	3.6%	3.5%	2.5%	0.6%	2.8%
2 Bdrm.	4.6%	5.2%	5.0%	2.5%	3.8%	3.3%	4.1%
3 Bdrm.	6.4%	5.2%	9.4%	4.0%	2.1%	2.4%	4.9%
Single Family							
1 Bdrm.	3.4%	8.1%	12.9%	0.0%	6.1%	3.8%	5.7%
2 Bdrm.	11.1%	10.7%	7.7%	7.1%	9.5%	14.3%	10.1%
3 Bdrm.	8.0%	6.3%	6.5%	0.0%	3.7%	9.1%	5.6%
4 Bdrm.	N/A	22.2%	0.0%	0.0%	0.0%	12.5%	6.9%

Source: AHFC & AKDOL

Table 4.1

The data in this table indicates that two-bedroom apartments and single-family residences experience the highest vacancy rates of any of the listed housing types in their respective multi-/single-family residential categories. It appears that while there is demand for additional two-bedroom multi-family residential dwelling units, there was greater demand for all other configurations than for two bedroom units in 2011-12. Facilitating the construction of larger accessory apartments may result in not only construction of new two-bedroom apartments, but also the conversion/expansion of existing studio or one-bedroom apartments into two-bedroom dwellings. These conversions will reduce the stock of efficiency and one-bedroom apartments, further constricting the supply of these housing types. Furthermore, as owners ask for higher rents for larger spaces, the affordability of accessory apartments will be reduced.

With its rapidly aging population, the CBJ is in dire need of additional dwellings with “no-rise entries” and “universal design”. These concepts allow people with limited mobility, such as persons who use walkers, scooters, wheelchairs, and canes to enter and exit residences easily, and to be able to achieve all necessary tasks within the structure with little or no assistance. It may be prudent to allow larger accessory apartments where rooms will be designed to be wheelchair accessible or where other specified universal design features are used.

**When does an “accessory” apartment become a full size unit and change the density?**

abutting property to an adjacent street, is shared by two or more properties or is channeled by some means indirectly to the adjacent street. (*Beaverton, Ore.*)

■ **access management** The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed. (*Woodburn, Ore.*)

City regulations of access to streets, roads, and highways from public roads and private driveways. Regulations may include but are not limited to restrictions on the siting of interchanges, restrictions on the type, number, and location of access to roadways, and use of physical controls, such as signals, channelization, and raised medians. (*Beaverton, Ore.*)

A set of policies and standards that manage the number and location of access points (driveways) on the public road system. (*Wayne County, Ohio*)

■ **access point** (1) A driveway, a local street, or a collector street intersecting an arterial street; (2) a driveway or a local street intersecting a collector street; or (3) a driveway or a local street intersecting a local street. (*Grant County, Ky.*)

A private driveway or other private opening for vehicles to enter from or exit to a street. (*Ormond Beach, Fla.*)

■ **access, private** A private access is an access not in public ownership or control by means of deed, dedication, or easement. (*Beaverton, Ore.*)

■ **access, public** The ability of the public to physically reach, enter, or use recreational sites including beaches and shores. (*Temple Terrace, Fla.*)

A means of physical approach . . . available to the general public. This may also include visual approach. (*Renton, Wash.*)

■ **access strip** A strip of land which is part of a lot and provides access to the part thereof used or to be used for buildings and structures. (*Vernal City, Utah*)

*Commentary:* If you need terms related to access beyond those we have included here, we recommend that you consult the "Model Land Development & Subdivision Regulations that Support Access Management

for Florida Cities and Counties," *Center for Urban Transportation Research, University of South Florida, Tampa, Florida, January 1994*

■ **accessory** A use, activity, structure, or part of a structure that is subordinate and incidental to the main activity or structure on the site. (*Burien, Wash.*)

■ **accessory apartment** A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot. (*Blacksburg, Va.*)

A separate and complete dwelling unit that is contained on the same lot as the structure of a single-family dwelling or business. (*Asheville, N.C.*)

A permitted independent, subordinate dwelling unit contained within a single-family detached dwelling or its accessory detached garage. (*York County, Va.*)

A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provisions within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is an accessory use to the main dwelling. (*Sandy, Ore.*)

A structure or combination of structures that: (1) are located on the same lot, tract, or development parcel as the primary residential building (2) are clearly incidental to and customarily found in connection with a primary building or use; (3) are subordinate to and serving a primary building or use; (4) contribute to the comfort, convenience, or necessity or the occupants in the primary building or use; and (5) do not exceed the total gross square footage of the primary building or use, and comply with the definition of residential garage. (*Fort Wayne, Ind.*)

■ **accessory banking** (See also *bank*) A banking service(s) office, which may or may not include automated teller machines, that does not include drive-through services of any kind. (*Miami, Fla.*)

■ **accessory dwelling unit** (See also *ECHO housing*) A residential dwelling unit, but not a mobile home, located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. Secondary dwelling units shall be developed in accordance with the standards set forth in [local code] and only in those zoning districts where the use is listed as a special review use. (*Loveland, Colo.*)

A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure. (*Livermore, Calif.*)

■ **accessory structure** A subordinate structure detached from but located on the same lot as a principal building. The use of an accessory structure must be identical and accessory to the use of the principal building. Accessory structures include garages, decks, and fences. (*Ames, Iowa*)

A detached subordinate structure(s), the use of which is incidental to that of the principal structure and located on the same lot therewith. (*Guilford County, N.C.*)

A use or a structure subordinate to the principal use of a lot, or of a principal building on the same lot, and serving a purpose clearly incidental to a permitted principal use of the lot or of the building and which accessory use or structure is compatible with the principal permitted uses or structures authorized under zoning regulations applicable to the property. (*Santa Rosa, Calif.*)

[A structure] located on the same lot with the main building, detached or attached, and is subordinate and customarily incidental to the use of the main building. (*Maynard, Mass.*)

A use or structure that is subordinate in size or purpose to the principal structure or use of the same lot or parcel of ground and serving a purpose customarily incidental to the use of the principal structure or use of land. (*Wood River, Ill.*)

A detached subordinate building, the use of which is customarily incidental to that

**DRAFT Minutes**  
**Affordable Housing Commission**  
**Scheduled for Tuesday, August 5, 2014, 5:15pm**  
City Hall Conference Room 224  
155 S. Seward St., Juneau, AK 99801

**I. Call to Order/Roll Call**

Meeting called to order at 5:35pm due to a late quorum.

Members Present: Tamara Rowcroft; Norton Gregory; Margaret O'Neal; Jeremy Kerr; Wayne Coogan

Members Absent: Mandy O'Neal Cole; Justin Shearer; Russ McDougal; Honey Bee Anderson

Staff Present: Jessica Beck, Lands; Greg Chaney, Lands; Beth McKibben, CDD; Travis Goddard, CDD; Hal Hart, CDD

Public Present: Scott Ciambor, via teleconference

**II. Approval of Agenda**

Added the agenda topic "City Mobile Home Park" under Old/New Business.

Tamara moved to approve the agenda with the addition.

Hearing no objection, motion passes unanimously.

**III. Approval of Meeting Minutes**

Tamara moved to approve the July 1, 2014 AHC Minutes.

Hearing no objection, motion passes unanimously.

**IV. Public Participation on Non-Agenda Items**

There was no public participation on non-agenda items.

**V. Old/New Business**

**a. Alaska Coalition on Housing and Homelessness Conference**

Scott Ciambor, Alaska Coalition on Housing and Homelessness, said the annual Alaska Coalition on Housing and Homelessness conference has moved from Anchorage to Juneau this year. It will be on September 29-October 1 at Centennial Hall. There will be two national speakers. The conference will have a wide variety of discussion topics from homelessness to land issues. The final schedule and registration should be on the website later this week. He would like to highlight the role of local government and share the history of the AHC with other communities. The AHC discussed having a work session to talk about the history of the AHC and prepare a presentation for the conference.

*Tamara moved a subcommittee of Norton, Wayne and herself be formed to work on developing a workshop for the Alaska Coalition on Housing and Homelessness Conference held in Juneau.*

Hearing no objection, motion passes unanimously.

**b. Review Draft Housing Action Plan RFP**

There were some concerns regarding some of the language in the proposed RFP. Margaret shared her suggested changes to the RFP. The Commission decided to accept the majority of her changes plus some others. They decided they would like the pre-proposal conference to be 10 days after it goes out for bid and they would like the RFP to close 30 days after the pre-proposal conference. The work should be completed 6-8 months after the bid award. Since there were major changes to the original scope of work, the AHC decided they would like to meet again to review the updated version of the RFP. They decided to meeting during the noon lunch hour on Tuesday, August 12 in Room 224 to review the final revised RFP for approval.

**c. Appoint 2 AHC Members to the Selection Committee for the Housing Action Plan RFPs**

There was a brief discussion regarding who would like to participate in the selection committee for the Housing Action Plan RFPs. Margaret said she would like to but since she works for JEDC and they've bid on these types of projects in the past, she didn't think it would be appropriate to be evaluating proposals from previous competitors. It was decided that Tamara will participate in the selection committee. The Commission thought Mandy would also be a good person for this task; however, she was not at the meeting to accept it. They decided to continue with Tamara and Mandy on the selection committee, and if Mandy is not available, Norton will take her place.

**d. Potential Accessory Apartment Changes**

CDD is looking to the Planning Commission for a policy decision regarding what the requirements should be for an accessory apartment. There was some discussion regarding the ramifications of increasing the size of accessory apartments, and also whether or not the AHC should give any advice on the topic.

*Wayne moved the Affordable Housing Commission tell the Planning Commission that they support the second paragraph in Ben Lyman's memo to the AHC dated June 26, 2014.*

Hearing no objection, motion passes unanimously.

**e. Pederson Hill & Switzer Area Land Development Updates**

Greg said they have a consultant for the Switzer-2A development. The comment period has closed with the Army Corps of Engineers but they have not received a permit yet. They also have a consultant for the Pederson Hill development and the first task is to determine the best access to the future subdivision.

**f. City Mobile Home Park**

Wayne mentioned that there is a group of business people who are interested in getting land from the CBJ to develop a mobile home park. Hal said he's also been in contact with the same group and the two areas he suggested that might be available are not owned by the CBJ. Wayne will keep us informed of what the group's progress.

#### **VI. Staff Comments**

Hal: Great job! Also, there is a rezone request property in the rock area dump to be zoned commercial and have some housing. There is a renewed idea for housing behind Gastineau Avenue.

Beth: There are two rezones on the August 26<sup>th</sup> Planning Commission meeting. There is also a pre-application conference with St. Vincent for their senior housing expansion.

#### **VII. Assembly Liaison Comments**

The Assembly is changing the way they handle rezones because the new City Attorney has determined that they have been doing it incorrectly. The ones with no issues will go through as normal. There will be a change for the rezones that are fought over. The Assembly had two executive sessions regarding the Gastineau Apartments. Mark Romick, from AHFC, was at one of the meetings, but that is all he can share since they were in executive sessions. He appreciates all the work the AHC is doing on the Housing Action Plan.

#### **VIII. Commissioner Reports**

Wayne: He is pouring concrete for 24 units. Has a building application in for another 8 units. They are closing a sale on a mobile home and will have four more to sell soon.

Jeremy: Curious about the parking lot next to the Baranof? Greg said they are meeting next week to set some dates. Also curious about the Volunteers of America project?

Hal said they are inspecting foundations and pouring concrete.

Margaret: The public meeting for the Senior Housing Demand Study was very well attended and went really well. The information was well received. There will be a draft report out at the end of September.

#### **IX. Date for Next Meeting –**

- Tuesday, August 12, 2014 at noon in City Hall Conference Room 224 to discuss the amended RFP.
- Next regular meeting on September 2, 2014 in City Hall Conference Room 224.

#### **X. Adjournment: 8:15pm, meeting adjourned.**

## MINUTES

### REGULAR PLANNING COMMISSION MEETING

City and Borough of Juneau

Mike Satre, Chairman

August 26, 2014

#### I. ROLL CALL

Mike Satre, Chairman, called the Regular Meeting of the City and Borough of Juneau (CBJ) Planning Commission (PC), held in the Assembly Chambers of the Municipal Building, to order at 7:00 pm.

**Commissioners present:** Mike Satre, Chairman; Dennis Watson, Vice Chairman; Bill Peters, Ben Haight, Gordon Jackson, Paul Voelckers

**Commissioners absent:** Dan Miller, Karen Lawfer, Nicole Grewe

**Staff present:** Hal Hart, Planning Director; Travis Goddard, Planning Manager; Chrissy McNally, Planner I; Jonathan Lange, Planner II; Beth McKibben, Senior Planner; Robert Palmer, Municipal Attorney II

#### II. APPROVAL OF MINUTES

- July 22, 2014 – Special Planning Commission Meeting
- July 22, 2014 – Regular Planning Commission Meeting

**MOTION:** *by Mr. Watson, to approve the minutes of the Special Planning Commission Meeting of July 22, 2014, with the correction that the Special Meeting did not adjourn at 6:06 p.m. but reconvened in executive session, from which it adjourned at about 7:15 p.m., and approved the Regular Planning Commission Meeting of July 22, 2014, with any minor modifications by any Commission members or by staff.*

The motion by Mr. Watson was approved with no objection.

#### III. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

Wilma Avenue resident Russ McDougall addressed the Commission stating that he is a 40 year resident of Juneau. He told the Commission he felt that work on modifying the accessory apartment rule was coming along slowly, and he wanted to encourage the Commission to take action on this rule. They would like to increase the accessory apartment rule from 600 square

feet up to 800 to 1000 square feet, explained Mr. McDougall. Mr. McDougall said that he has a job pending because of this rule.

Mr. Watson asked when they began working on this issue.

Mr. McDougall responded they began working on this in 2007.

Mr. McDougall stated that it has been kicked around as an issue long enough and that it is now time to move forward to resolve these problems.

Mr. Voelckers asked where the current holdup is with this project.

Mr. McDougall said he believes that it is coming up before the Commission within the next month or two for a final recommendation.

**IV. PLANNING COMMISSION LIAISON REPORT**

Mr. Nankervis reported that the Assembly met last night and did see the Landscape Alaska appeal. That decision has not been made public yet, said Mr. Nankervis.

**V. RECONSIDERATION OF THE FOLLOWING ITEMS - None**

**VI. CONSENT AGENDA - None**

**VII. CONSIDERATION OF ORDINANCES AND RESOLUTIONS - None**

**VIII. UNFINISHED BUSINESS - None**

**IX. REGULAR AGENDA**

AME2013 0016: Rezone of approximately 245 acres of RR(T)D3 to D3 and RR(T)D15 to D15 and approximately 40 acres of D1(T)D3 to D3 along North Douglas Highway.  
Applicant: City and Borough of Juneau  
Location: North Douglas Highway

**Staff Recommendation**

1. Approve the zone transition from RR to D-15.
2. Approve the zone transition from D1 to D-3 for those lots designated RDR on the Land Use maps of the Comprehensive Plan.

Additionally, staff recommends consideration of the following:

1. An up zone to D5 for lots designated as ULDR on the Land Use maps of the Comprehensive Plan.
2. An up zone to D-15 for lots designated as MDR on the Land Use maps of the Comprehensive Plan.

Presented by: The Manager  
Introduced:  
Drafted by: A. G. Mead

## ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2014-\_\_\_\_

### An Ordinance Amending the Land Use Code Relating to Accessory Apartments

NOW, THEREFORE, BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

**Section 1. Classification.** This ordinance is of a general and permanent nature and shall become a part of the City and Borough of Juneau Municipal Code.

**Section 2. Amendment to Section.** Section 49.25.300(c), Determining uses, is amended to read as follows:

...

*Multifamily ~~Family~~ Residential Districts:* A residential development containing eight or fewer dwelling units, eight or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building of less than 5,000 square feet or using less than 10,000 square feet of land.

...

**Section 3. Amendment of Table.** Section 49.25.300 Table of Permissible Uses, is amended to read as follows:

1.00 0	RESIDENTIAL															
1.10 0	Single-family dwellings	R R	D 1	D 3	D 5	D1 0	D10S F	D1 5	D1 8	L C	G C	M U	MU 2	W C	W I	I
	1.11 0 Single-family	1	1	1	1	1	1	1	1	1	1	1	1	1	1 <sup>A</sup>	1 <sup>A</sup>

		detached, one dwelling per lot																
	1.12 0	Single- family detached, two dwellings per lot	1	1	1													
	1.13 0	Single family detached, <u>one 600</u> <u>square-</u> <u>foot</u> accessory apartment s X	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3			
	1.13 5	Two single family detached, one or two accessory apartment s		3	3													
	1.14 0	Two <u>single-</u> <u>family</u> <u>detached,</u> <u>one or two</u> <u>600</u> <u>square-</u> <u>foot</u> accessory apartment s		3	3													
	1.15 0	Single- family detached, accessory apartment , net floor																

		<u>area equal to 50% of primary dwelling unit's net floor area, not to exceed 1000 square feet</u>															
1.200		Duplex															
	<u>1.210</u>	Duplex, one 600 square foot accessory apartment	1	1	1	1	1		1	1	1	1	1	1	1		
	<u>1.220</u>			1	1	1											
1.300		Multifamily dwellings, and multiple dwellings on a single lot							1,3	1,3	1,3	1,3	1,3	1,3	3		

...

1.900	Common wall development																
	1.910	Two dwelling units					1	1	1	1	1						
	1.911	Accessory Apartment, <u>one 600 square foot</u> *	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	
	1.920	Three or more dwelling units						1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3		
	1.930	Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h)			3	3	3	3	3	3					3		

...

1  
2       **Section 4. Amendment to Table.** Section 49.25.300 Table of Permissible Uses is  
3 amended by adding to the Key section the following:

- 4           1, 3. Department approval required if minor development, conditional use permit  
5               required if major development.

6       **Section 5. Amendment of Table.** Section 49.25.300 Table of Permissible Uses, is  
7 amended by adding to the Notes section the following:

8           AB.

9  
10       **Section 6. Amendment to Section.** Section 49.25.510, Special density  
11 considerations, is amended to read as follows:

12  
13 **49.25.510 Special density considerations.**

14           (a) *Fractions of units.* If a density calculation results in fractions of dwelling units  
15 allowable, such fractions shall be rounded to the nearest whole number.

16           (b) *Factors precluding maximum density.* The number of units allowed by section  
17 49.25.500 is a maximum, achievement of which may be prevented by other factors, including  
18 topography, dimensional standards or dedication requirements.

19           (c) *Mobile home subdivisions.* Mobile home subdivisions shall meet the density  
20 requirements of the zoning district in which they are located, regardless of the lot size  
21 allowed.

22           (d) *Two-unit dwellings.*

23               (1) *Duplexes.* The minimum lot size for a duplex dwelling shall be at least  
24 150 percent of the square footage required for a single-family dwelling in the same zoning  
25  
26  
27  
28

1  
2 district, except in multi-family, mixed-use, and commercial zoning districts, where duplexes  
3 may be constructed on any lot of sufficient size for two dwelling units.

4 (2) *Accessory apartments.* The director may, through the department  
5 approval process, allow an accessory apartment to be constructed or maintained if all of the  
6 requirements of this subsection are met. No person shall construct or maintain an accessory  
7 apartment except in accordance with a permit issued under this subsection.

8 (A) Unless otherwise provided, the The accessory apartment shall  
9 be a one bedroom or efficiency unit not exceeding 600 square feet in net floor area. Areas  
10 common to more than one dwelling unit, including entry ways, furnace rooms, laundry  
11 rooms, and interior stairways, shall not be included in the computation of net floor area.

12 (i) On lots with a single family dwelling where the lot is at  
13 least 125% of the minimum lot area for permissible uses in that zone, an accessory  
14 apartment may be an efficiency, one bedroom, or two-bedroom unit having a net floor area of  
15 up to 50% of the primary dwelling unit's net floor area, not to exceed 1000 square feet.

16 (ii) In the D-1, D-3, D-5, and zoning districts, a duplex and  
17 one accessory apartment meeting the requirements of this subsection may be permitted on  
18 lots that are 175% of the minimum lot area for that zone or larger.

19 ...  
20

21  
22 (l) Single-family residences in multi-family zones with accessory apartments. In  
23 multifamily, commercial, and mixed-use zoning districts, a single accessory apartment of no  
24 more than 600 sq. ft. net floor area may be permitted as follows:  
25  
26  
27  
28

1  
2           (1) On lots of less than the minimum lot size for permissible uses in the  
3 zoning district, listed at 49.25.400, accessory apartments shall be reviewed through the  
4 Conditional Use Permit process at CBJ 49.15.330;

5           (2) On lots meeting the minimum lot size for permissible uses in the  
6 zoning district listed at 49.25.400, accessory apartments shall be, through the department  
7 approval process if all of the requirements of this subsection are met.

8  
9           (3) A permit under this subsection may be issued if the applicant  
10 establishes that:

11                   (i) The development meets all setback requirements;

12                   (ii) The total building footprint does not exceed the maximum lot  
13 coverage allowable under section 49.25.400, the table of dimensional standards, or, in the  
14 case of nonconforming structures, aggravate the nonconformity;

15                   (iii) The development does not violate the vegetative cover  
16 requirements imposed by section 49.50.300; or, in the case of nonconforming structures,  
17 aggravate the nonconformity; and

18                   (iv) The development meets the parking standards required by  
19 chapter 49.40.

20           (4) Accessory apartment applications shall be submitted on a form  
21 provided by the director and shall include:

22                   (i) A completed application form;

23                   (ii) The application fee required by chapter 49.85;  
24  
25  
26  
27  
28

(iii) A site plan drawn to scale or dimensioned indicating all required parking and minimum setbacks; and

(iv) A floor plan drawn to scale or dimensioned indicating all dwelling units including each room labeled as to use.

**Section 7. Amendment to Section.** Section 49.40.210, Minimum space and dimensional standards for parking and off-street loading, is amended with respect to accessory apartments to read as follows:

...

Accessory apartments ( <u>600 sq. ft. max. net floor area</u> )	<u>1</u>
Accessory apartments ( <u>1000 sq. ft. max. net floor area as authorized by 49.25.510(d)(2)(i)</u> )	<u>2</u>

...

**Section 8. Amendment to Section.** Section 49.40.230, Parking and circulation standards, is amended to read as follows:

**49.40.230 - Parking and circulation standards.**

(a) *Purpose.* Provisions for pedestrian and vehicular traffic movement within and adjacent to the site shall 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 shall be attractively landscaped and shall feature safely and conveniently arranged parking spaces.

(b) *Off-street parking and loading areas; design standards.*

(1) *Access.* There shall be adequate ingress and egress from all parking spaces. The required width of access drives for driveways shall be determined as part of plan review depending on use, topography and similar considerations. ~~Except in the case of single family dwellings and duplexes located in residential and rural reserve zoning districts, back out parking shall not be permitted on a right of way.~~

(2) *Size of aisles.* The width of all aisles providing direct access to individual parking stalls shall be in accordance with the following table:

Aisle width	Parking Angle				
	0°	30°	45°	60	90°
One-way traffic	<u>13</u>	11	<u>13</u>	18	24
Two-way traffic	<u>19</u>	20	21	23	24

(3) *General location.* All parking shall be located in bays generally perpendicular to driveways or roads.

(4) *Location in different zones.* No access drive, driveway or other means of ingress or egress shall be located in any residential zone if it provides access to uses other than those permitted in such residential zone.

(5) *Sidewalks and curbing.* Sidewalks shall be provided with a minimum width of four feet of passable area and shall 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 shall be provided in appropriate locations. Parked vehicles shall not overhang or extend over sidewalk areas, unless an additional sidewalk width of two feet is provided to accommodate such overhang.

1  
2 (6) *Stacked parking.* Stacked parking spaces may only be counted as required  
3 parking spaces for single-family residences, duplexes, and as otherwise specified for specific  
4 uses. In the case of single-family residences and duplexes, only a single parking space per  
5 dwelling unit may be a stacked parking space.

6 (7) Parking areas must provide adequate space for turning and maneuvering on-  
7 site to prevent back-out parking onto a right-of-way, except:

8 (A) In the case of single-family dwellings and duplexes with or without  
9 accessory apartments located in residential and rural reserve zoning districts; or,

10 (B) Where the right-of-way is an alley.  
11

12  
13 **Section 9. Effective Date.** This ordinance shall be effective 30 days after its adoption.

14 Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

15  
16  
17 \_\_\_\_\_  
Merrill Sanford, Mayor

18 Attest:

19 \_\_\_\_\_  
Laurie J. Sica, Municipal Clerk  
20  
21  
22  
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