

MEMORANDUM

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

DATE: December 3, 2014

TO: Planning Commission

FROM: Laura Boyce, AICP, Senior Planner *Laura A Boyce*
Community Development Department

FILE NO.: TXT2009-00001

PROPOSAL: Proposed Title 49 and Title 4 changes regarding the subdivision of land.

BACKGROUND

The Community Development Department (CDD) has been working on proposed revisions to Title 49 regarding subdivisions. The reasons for the proposed revisions are numerous. Some subdivision requirements in the existing Code originate from the 1960's. In the intervening 50+ plus years, many amendments and additions were made to the Code resulting in a piecemeal approach to subdivisions. Furthermore, Code sections concerning subdivisions are scattered throughout Title 49. This has led to Code sections that conflict with each other, are out of date, or are repetitive. Additionally, general changes are needed in order to encourage orderly development within the Borough and reflect current subdivision practices. This proposed ordinance should rectify many of these problems as well as consolidate requirements into a new chapter solely for subdivisions.

These revisions will culminate in an ordinance that will go before the Assembly for consideration. The Subdivision Review Committee completed its review of the proposed changes in October, 2014. The Planning Commission Committee of the Whole met to discuss the proposed changes on November 13, 2014. The Committee of the Whole directed staff to remove the proposed change to CBJ 49.10.110 concerning Planning Commission attendance so that the proposed change could be discussed further with the Title 49 Committee. Additionally, staff asked that the proposed changes to CBJ 49.70 Article II concerning Hillside Development be removed and considered at a future time due to the complexity of the topic. Staff was directed to make the needed changes and keep it with these proposed changes. Those two chapters with the requested changes are included with this report.

There are two versions of the proposed revisions included with this report. One version is a clean copy for ease of reading as well as to show how the final version would look if approved. The second version includes strikethrough/underlined sections showing the ~~stricken~~ language and proposed language. Both versions include the chapters' Table of Contents with the sections highlighted indicating proposed changes to that section. Although the majority of the proposed changes concern the subdivision of land, some of the changes do not. Minor changes or clarifications to other Code sections are included with this re-write that are not necessarily related to the subdivision of land. Since many of the Code chapters were "open" already for subdivision-related changes, other minor changes were incorporated. The Commission can separate out the non-subdivision-related changes if it wishes.

A summary of some of the more significant changes proposed are discussed below.

GENERAL

In general, code sections of Title 49 that deal with subdivision development will move into a new chapter solely for subdivision requirements, Chapter 17.

Most notably, these code sections include:

- The monumentation and platting requirements from Title 4 of the CBJ Administrative Code;
- The minor and major subdivision permitting section (with changes) from Chapter 15;
- The subdivision design and monumentation sections from Chapter 35;
- The remainder of Chapter 35 will be consolidated to a new section, Subdivision Improvements, in the new subdivision chapter, Chapter 17;
- The access section from Chapter 40 Access, Parking, and Traffic;
- The remote subdivisions section, the bulk of which is from Chapter 70; and
- A portion of the Common Wall section of Code from Chapter 65.

The purpose of this consolidation is to make it easier for the public to understand what is required for completing a subdivision development. It also will help staff administer the Code. With so many Code sections regarding subdivisions scattered throughout Title 49, a provision could be overlooked.

Subdivision permitting and requirements will become a stand-alone chapter, Chapter 17.

With the addition of so many sections from other parts of Title 49, subdivision permitting becomes a very large part of Title 49.

The permitting process and criteria for approval has been modified to better suit subdivision development, rather than using general land use permitting procedures.

This will be discussed in more detail below.

The submittal and approval of construction plans will be integrated into the subdivision permitting process.

Approval of construction plans and completion of public improvements are a fundamental part of subdivision development. However, these major components are not currently clearly integrated into the subdivision approval process.

PERMITTING PROCESS

This code update will lay out each step of the process for subdivision permit approval. There are two types of subdivision permits proposed, each with its own requirements.

These two types of subdivision permits proposed, each with its own process, include the following:

- Minor subdivision (1 - 13 Lots), and
- Major Subdivision (more than 14 Lots)

Currently, many steps in the approval process are not clear or not described in Title 49. The bulk of the revisions address these discrepancies. These are discussed in more detail below.

MINOR SUBDIVISIONS (1 - 13 lots)

The director's decisions on minor subdivisions will be formalized with a Notice of Decision for the preliminary plat.

The purpose of this change is to clarify and standardize the approval process for minor subdivisions. The Notice of Decision will clarify the status of the subdivision and itemize all remaining conditions.

Part of the approach to streamline the permitting process is to allow more applications to be approved by the director. Currently, any subdivision over four lots is a major subdivision and requires two full public hearings before the Planning Commission. This new process allows director approval and no public hearings for subdivisions of 1 to 13 lots. Additional information might be required for subdivisions of more than 5 lots. This will allow the director to evaluate and use discretion to approve these somewhat larger subdivisions. These subdivisions do have complex issues that can be adequately addressed and approved by the director when higher levels of standards are applied.

A pre-application meeting is required for a minor subdivision.

The purpose for requiring a pre-application meeting is to help identify any major issues and/or required improvements early on in the process before an applicant completes costly plans and reports for subdivision platting.

APPROVAL CRITERIA FOR MAJOR SUBDIVISIONS

The criteria, or findings, for approval of major subdivisions will be modified. Currently, the criteria for approval of major subdivisions are the same as those used for approval of Conditional Use permits.

Currently, major subdivisions are required to follow the Conditional Use permit process for approval by the Planning Commission. The purpose of this proposed Code change is to amend the criteria for subdivision approval, where appropriate, to better fit subdivision development. For example, one of the existing criteria that must be considered for approval of a Conditional Use permit is:

“Will substantially decrease the value of or be out of harmony with property in the neighboring area...”

The proposed changes would eliminate this criterion, as well as others. This is an important policy change based on the following premise: a subdivision is a use of land that is presumed to be compatible with surrounding development when developed to its zoning standards, rather than the subdivision be treated as a use of land that may or may not be appropriate for the neighborhood. The reason to treat subdivisions as compatible uses is that all lots in a new subdivision must meet the standards for the zoning district and any future use of these lots must comply with the existing zoning district. These proposed changes to the criteria do not preclude the Planning Commission from placing conditions on the plat approval.

ADDITIONAL CHANGES

Additional proposed changes and additions include the following:

- **Application cancellation**

This is a new section that provides for an application to be cancelled due to inactivity by the applicant. Currently, there is no provision in the Code to cancel applications due to inactivity by the applicant. There have been many subdivision applications pending for decades and there is currently no mechanism to remove these from the books. This will apply to all permit types, not just subdivisions.

- **Driveways in public rights-of-ways**

This section is moving from the Public Improvements chapter (Chapter 35) to the Permits chapter, Chapter 15, and it will be a stand-alone permit. This section will clarify and provide a clear process for approving driveways in existing rights-of-way.

- **Access/Street standards**

This section proposes provisions for subdivision of land from publicly-maintained access as well as from privately-maintained access. The type of roadway required is proposed to be based upon average daily trips generated from the proposed subdivision and is proposed to be shown in a new table, *Table of Roadway Construction Standards*, in Chapter 17.

- **Right-of-way Acquisition Plats**

Currently the Code does not address the unique situation concerning right-of-way acquisition plats. This section of Code will provide an orderly process to assist the CBJ and the State with right-of-way acquisitions by tailoring the platting requirements to facilitate construction of right-of-way.

- **Hillside development**

Proposed changes now make it clear which type of hillside development activities warrant department review or Commission review. Minor development activities on hillsides will be reviewed by the department and major development activity and/or any activity in a mapped hazard area will require commission review and approval.

- **Definitions**

Changes to existing definitions and new definitions are proposed.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

Chapter 7 – Natural Resources and Hazards

AIR QUALITY

Discussion on Page 87: *Air quality refers to the quality or purity of the air we breathe, the quality of the air we see and see through, as well as the absence of harmful, nuisance or annoying sounds or odors that are transmitted through the air. Although breathable and visible air quality in the CBJ area has generally been high, it can be a serious problem in some areas of concentrated burning of fire places, wood-stoves, outdoor burning of refuse, and the increase of engine emissions from vehicles, cruise ships and aircraft. The Mendenhall and Lemon Creek Valleys are the areas most seriously affected by breathable air pollution, due to air inversions during the winter months. The CBJ has adopted air quality control regulations that prohibit wood-stove burning during periods of poor air quality, provide for emission standards for new wood-stoves, prohibit open burning during the winter, and require construction of energy- efficient single-family homes. The CBJ has also enacted laws to regulate open burning. Another significant effort being made to assure compliance with air quality regulations is through the program to pave residential streets to control dust. As a result of these efforts, the CBJ's air quality is relatively good most of the time.*

POLICY 7.9 TO CONTINUE EDUCATIONAL PROGRAMS, CAPITAL IMPROVEMENT PROJECTS, AND REGULATORY MEASURES TO PROTECT AND IMPROVE OVERALL AIR QUALITY.

Chapter 8 – Transportation

Local Transportation System

POLICY 8.5 TO PROMOTE A BALANCED, WELL-INTEGRATED LOCAL MULTI-MODAL SURFACE TRANSPORTATION SYSTEM THAT PROVIDES SAFE, CONVENIENT, AND ENERGY-EFFICIENT ACCESS AND TRANSPORT FOR PEOPLE AND COMMODITIES.

8.5 – DG1 Require dedication of all rights-of-ways and easements, including those for trails, roads and transit corridors and facilities on subdivision plats and development plans as determined to be appropriate by the Planning Commission for that development. Obtain commitments to construct trails and local and collector roadway improvements from private

developers when projects are approved, and ensure that those improvements are complete prior to issuing building permits on adjacent properties within that development.

8.5 – DG2 Review, implement and maintain appropriate and affordable development standards for major subdivisions and major developments to ensure safe and convenient vehicular traffic and to provide safe pedestrian and bicycle access internal to the subdivision/development as well as to ensure a Level of Service of D or better for roadways and intersections serving the development.

8.5 – DG4 Minimize access roadways or driveways onto major and minor arterial roadways or highways by requiring shared access points, such as a frontage road, and connections to adjacent subdivisions' roadways that lead to a "downstream" controlled or grade-separated intersection.

Chapter 10 – Land Use

Neighborhood Facilities

POLICY 10.5. THAT RESIDENTIAL DEVELOPMENT PROPOSALS, OTHER THAN SINGLE-FAMILY RESIDENCES, MUST BE LOCATED WITHIN THE URBAN SERVICE AREA BOUNDARY OR WITHIN A DESIGNATED NEW GROWTH AREA. APPROVAL OF NEW RESIDENTIAL DEVELOPMENT PERMITS DEPENDS ON THE PROVISION OR AVAILABILITY OF NECESSARY PUBLIC AMENITIES AND FACILITIES, SUCH AS ACCESS, SEWER, AND WATER.

10.5 - SOP1 Encourage public/private partnerships in the development of new subdivisions with roads, intersections, separated pedestrian and bicycle pathways/trails, water and sanitary sewer systems that meet adopted CBJ standards.

10.5 - SOP2 Maintain the provisions in the Land Use Code that require developers to provide for access, facilities, and services prior to final plat approval.

POLICY 10.6. TO REQUIRE NEW RESIDENTIAL DEVELOPMENTS TO MEET MINIMUM CRITERIA FOR OVERALL SITE DESIGN INCLUDING PROVISION OF LIGHT, AIR AND PRIVACY.

10.6 - IA2 The CDD should improve the development review process to require all applications for major residential developments, including major subdivisions, to provide detailed site information at the pre-application stage of review that identifies existing on-site slopes, soil characteristics, natural hazards, drainage channels, locations of old growth trees, access to streets and public utilities, and existing buildings or historic resources, along with the proposed building(s) pads, lot configuration(s), drainage systems, and new road configurations. This pre-application review would focus the site and project analysis and would expedite the review process once the application is made.

Chapter 18 – Implementation and Administration

The Comprehensive Plan as a Guiding Planning Document

POLICY 18.1. TO ESTABLISH THIS COMPREHENSIVE PLAN AS THE PRIMARY POLICY DOCUMENT WITH WHICH TO GUIDE RESOURCE CONSERVATION AND FUTURE GROWTH AND DEVELOPMENT AND TO MANAGE THE PHYSICAL ENVIRONMENT.

18.1 - IA2 Revise, as necessary, zoning, subdivision and other land development ordinances to ensure consistency with the Plan's provisions. Amend the Land Use Code Maps (zoning designation maps), considering them to be the official application of the *Comprehensive Plan* Maps, to ensure that the zoning designations of specific sites within the CBJ are consistent with the Land Use Map designations of this *Plan*.

DISCUSSION

The proposed changes regarding subdivision regulations generally support and further the Comprehensive Plan. The intent of the changes is to:

- Establish a process that facilitates the fair and predictable division of land;
- Encourage efficient and cost-effective provision of public services;
- Address traffic and circulation to reduce congestion;
- Provide for flexibility in the division and establishment of residential and commercial lots;
- Establish procedures for subdividing land to accommodate a variety of housing types;
- Accomplish uniform monumentation for land subdivision and facilitate accurate legal descriptions for land conveyance; and
- Fairly balance and distribute development costs.

One proposed change does not necessarily further the intent of Comprehensive Plan; this is regarding air quality generated from unpaved roads. Subdivisions that would generate 250 average daily trips (ADT) or less have the option to build a private driveway in the right-of-way to serve the subdivision (Chapter 17, Table 49.17.525); this would be in conjunction with approval of a Driveway in the Right-of-Way permit (Chapter 15). These proposed changes could potentially increase the amount of unpaved roads in the City and Borough of Juneau which would impact air quality. However, current Title 49 requirements already allow gravel roads/unpaved roads to be built within the CBJ in certain situations. Currently, with approval, driveways in rights-of-ways can be built in existing unbuilt rights-of-ways; they cannot be built in newly created rights-of-ways and no further subdivision is allowed until the right-of-way is built to CBJ standards. Additionally, outside the Urban Service Area, local streets are not required to be paved. The proposed changes may potentially increase the amount of unpaved roads potentially impacting air quality. While the Comprehensive Plan discusses air quality and unpaved roads, there is no clear policy, development guideline, implementing action, or standard operating procedure regarding the requirement to pave roads.

FINDINGS

Staff finds that the proposed amendments are generally consistent with the Comprehensive Plan as they propose to facilitate orderly development and the fair and predictable division of land as well as to encourage more affordable housing by providing more options regarding subdivision improvement requirements.

RECOMMENDATION

Staff recommends that the Planning Commission forward proposed TXT2009-00001 to the Assembly with a recommendation for adoption.

Chapter 49.10

ADMINISTRATION AND COMPLIANCE

Article I. Planning Commission

49.10.100 Establishment.
49.10.110 Membership; term of office.
49.10.120 Seal.
49.10.130 Meetings.
49.10.140 Decisions.
49.10.150 Committees.
49.10.160 Office and staff.
49.10.170 Duties.

Article II. Board of Adjustment

49.10.200 Organization.
49.10.210 Duties.

Article III. Design Review Board (Reserved)

Article IV. Advisory Committees

49.10.400 Subdivision review committee.
49.10.410 Historic resources advisory committee.

Article V. Community Development Director

49.10.500 Community development director.
49.10.510 Approvals.
49.10.520 Meetings.

Article VI. Enforcement

49.10.600 Emergency powers.
49.10.610 Injunctions.
49.10.620 Compliance order.
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Article VII. Wetlands Review Board

49.10.700 Establishment and functions.
49.10.710 Membership.
49.10.720 Appointment.
49.10.730 Term of office.
49.10.740 Quorum.
49.10.750 Officers.
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49.10.770 Meetings.
49.10.780 Record of meetings.
49.10.790 Rules of procedure.

ARTICLE I.

PLANNING COMMISSION*

* **Cross References:** Docks and harbors board, § 49.05.170.

49.10.110 - Membership; term of office.

- (a) The members of the commission shall be nine citizens who are residents of the City and Borough and who shall serve without pay but may be paid an honorarium. Members of the commission shall be appointed by the assembly.
- (b) Members of the commission shall be appointed for a term of three years. Terms shall end on December 31 of the third year, provided that a member shall continue to serve until a successor is appointed and takes office. Appointments to fill vacancies shall be for the unexpired term. In the event a seat has six months or less remaining to the unexpired term, the assembly, at its discretion, may choose to appoint the member to the remainder of the current term as well as to the full term immediately following the expiration date of the unexpired term. No member of the planning commission who has served for three consecutive terms or nine years shall again be eligible for appointment until one full year has intervened, provided, however, that this restriction shall not apply:
 - (1) If there are no other qualified applicants at the time reappointment is considered by the assembly human resources committee, or
 - (2) To qualified board members serving in board seats for which a specific occupation or expertise is set forth by ordinance.
- (c) Officers of the commission shall be chair, vice chair, clerk and assistant clerk elected by a majority vote of the members of the commission at the second meeting after the appointment of new commissioners each year or when necessary because of a vacancy.
- (d) A vacancy in the planning commission shall exist under the following conditions:
 - (1) If a person appointed to membership fails to qualify and take office within 30 days of appointment;
 - (2) If a member departs from the City and Borough with the intent to remain away for a period of 90 or more days;
 - (3) If a member submits his or her resignation to the commission or assembly;
 - (4) If a member is unable to attend regular commission meetings for a period of more than 90 days;
 - (5) If a member misses more than 40 percent of the regular commission meetings in a 12-month period; or
 - (6) If a member is removed by the assembly, in its sole discretion, for the convenience of the City and Borough.

49.10.130 Meetings.

- (a) Regular meetings shall be held on the second and fourth Tuesday of each month.
- (b) Special meetings may be called by the chair or any three members of the commission. Public notice of special meetings shall be made 24 hours in advance and shall be supplied to the local news media and posted on the municipal bulletin board. Commission members will be notified by the department.
- (c) Public notice for all permits and other land use ordinance actions shall be according to the requirements established for such actions.
- (d) Meetings shall be conducted under ~~Mason's Manual~~ Robert's Rules of Order, as modified by the commission.

(e) The commission may, by motion, establish its own rules of procedure and committees, meeting times, dates and places, ~~media for public notice~~, development application ~~and evidentiary~~ forms, referral and review agencies and procedures, and any other matter reasonably necessary or desirable for the full and complete conduct of its duties pursuant to this title and any other provision of law.
(Serial No. 87-49, § 2, 1987)

49.10.140 Decisions.

Unless specifically described. All permit actions of the commission, shall be in the form of a notice of decision setting forth the reasons therefor and conditions thereon, if any, signed by the presiding officer of the commission, and promptly filed with the municipal clerk. Notice shall be mailed to the applicant with a copy retained in the department permanent records.
(Serial No. 87-49, § 2, 1987; Serial No. 97-01, § 3, 1997)

Comment [RP1]: I deleted the revisions that inserted director decisions because this article only applies to the PC.

The intro was changed to accommodate the proposed CSP process.

49.10.170 Duties.

(a) *Comprehensive plan review.* The commission shall undertake a general review of the comprehensive plan two years after the adoption of the most recent update, and shall recommend appropriate amendments to the assembly. Proposed map changes shall be reviewed on a neighborhood or community basis as directed by the planning commission.

(b) *Review of the capital improvements program.* Upon adequate notice which shall be provided by the director, the commission shall review annually the capital improvements program of the City and Borough and submit its recommendations to the assembly.

(c) *City and borough land acquisitions, disposals and projects.*

(1) General. The commission shall review and make recommendations to the assembly on land acquisitions and disposals as prescribed by Title 53, or capital improvement projects by any City and Borough agency. The report and recommendation of the commission shall be based upon the provisions of this title, the comprehensive plan, and the capital improvements program.

(2) Right-of-way acquisition plats – substandard parcels. If a City and Borough, State of Alaska, or other government-agency project includes acquisition of land to increase right-of-way width that results in an original parcel left with substandard dimensions, density, or any other nonconforming situations according to Chapter 49.30, ~~Noneonforming Development~~, then the project can only be permitted if the commission approves a request to allow the substandard situation in accordance with CBJ 49.17.270, Right-of-way acquisition plat.

Comment [RP2]: I think this should be in 49.17.270.

Check with 49.10.100 and AS 29.35.180b

(d) *Development code amendments.* The commission shall make recommendations to the assembly on all proposed amendments to this title, zonings and rezonings, indicating compliance with the provisions of this title and the comprehensive plan.

(e) *Land use actions.*

- (1) All plats approved by the platting board prior to adoption of Serial No. 87-49 are ratified, notwithstanding the use of the commission seal or resolution.
 - (2) The commission shall hear and decide all major development permit applications, density bonus requests and appeals of decisions made by the director.
- (Serial No. 87-49, § 2, 1987)

ARTICLE VI. ENFORCEMENT

49.10.620 Compliance order.

(a) When, in the opinion of the department, a person is violating or is about to violate a provision of this title, or a lawful order of the department, or a permit, or a term or condition of a permit, issued by the department ~~under this section~~, the department may notify the person of its determination by personal service, or certified mail.

(b) The recipient of the determination must file with the department, within the time period specified in the notice, a report stating what measures have been and are being taken, or are proposed to be taken, to correct or control the conditions outlined in the notice.

(c) After the report is filed under subsection (b) of this section or the time period specified for it has elapsed, the department may issue a compliance order. A copy of the compliance order shall be served personally or sent by certified mail to the person affected. A compliance order is effective upon receipt.

(d) Within 15 days after receipt, the recipient may request a hearing before the commission to review the compliance order. Failure to request a hearing within 15 days after the receipt of a compliance order constitutes a waiver of the recipient's right of review.

(e) The commission shall hold a hearing within 20 days after receipt of a request for one under subsection (d) of this section. After the hearing, the commission may rescind, modify or affirm the compliance order.

(f) Appeal from a decision of the commission shall be to the assembly in accordance with the provisions of section 49.20.200120.

(g) ~~The city attorney may seek enforcement of a compliance order.~~
(Serial No. 87-49, § 2, 1987)

Comment [RP3]: While this technically does not need to be in code, it is slightly helpful to show this is the final step in the process.

ARTICLE VII.
WETLANDS REVIEW BOARD

49.10.720 Appointment.

The Planning commission ~~members shall be appointed by the commission~~ shall appoint its own members to the wetlands review board. Public board members shall be appointed by the assembly. When public members are appointed, the assembly shall consider obtaining the broadest possible representation of members with knowledge of the values, functions and uses of wetlands, such as fish or wildlife biology, geology, hydrology, land use planning, and engineering. Appointments to fill vacancies shall be for the unexpired term only.
(Serial No. 95-35, § 2, 1995)

49.10.770 Meetings.

(a) *Regular meetings.* The wetlands review board ~~shall~~ may hold one regular meeting each month and ~~may~~ shall hold additional regular meetings as the board may prescribe ~~by resolution~~.

Comment [RP4]: Is a resolution necessary?

(b) *Special meetings.* The wetlands review board may hold special meetings upon the call of the chair or any two members. At least 24 hours before the meeting, personal notice shall be given to each board member designating the time, place, and purpose of the special meeting, or written notice shall be left at each member's usual place of residence. At least 24 hours before the meeting, copies of the notice shall also be delivered to the newspapers of general circulation in the municipality and to the commercial radio and television stations operating in the municipality. No business may be transacted at any special meeting except as stated in the notice of the meeting.

(c) *Public notice.* All meetings of the wetlands review board shall be publicly noticed in the same manner as other City and Borough boards and commissions, and shall be conducted in accordance with the Alaska Open Meetings Act.
(Serial No. 95-35, § 2, 1995)

49.10.790 Rules of procedure.

Meetings shall be conducted under ~~Mason's Manual~~ Robert's Rules of Order and such additions or amendments to the rules as may be adopted by the wetlands review board.
(Serial No. 95-35, § 2, 1995)

Chapter 49.15

PERMITS*

*Administrative Code of Regulations cross reference-- Subdivision survey requirements, Part IV, § 04 CBJAC 005.010; platting requirements, Part IV, § 04 CBJAC 010.010.

Article I. In General

- 49.15.110 Permits required.
- 49.15.120 Who may submit permit applications.
- 49.15.130 Complete applications.
- 49.15.140 Application format and submittals.
- 49.15.150 Application Cancellation

Article II. Development Permits

- 49.15.210 Type of development permit required.
- 49.15.220 Minor and major development.
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Article III. Types of Development Permits

- 49.15.310 Department approval.
- 49.15.320 Allowable use permit.
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Article IV. ~~Minor and Major Subdivisions~~ Driveways in Public Rights-of-Way

- 49.15.410 Generally. State Project Review Purpose.
- 49.15.420 Minor subdivisions. Submittals.
- 49.15.430 Major subdivisions. Department action.
- 49.15.440 Final plat. Driveways abutting thirteen or fewer lots or serving thirteen or fewer dwellings.
- 49.15.445 450 Minor lot consolidation. Driveways abutting six or more lots and having the potential to provide access to 11 or more dwellings.
- 49.15.450 460 Street vacations. Mandatory conditions of the permit.
- 49.15.460 470 Design. Notice of decision.
- 49.15.470 480 Recorded plats legalized. Other requirements.

Article V. State Project Review

- 49.15.580 State project review.

Article VI. Planned Unit Developments

- 49.15.600 Purpose.
- 49.15.610 General provisions.
- 49.15.620 Planned unit development review process.
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- 49.15.650 Phased development.
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- 49.15.670 Planned unit development design standards.

Article VII. Cottage Housing Developments

49.15.700 Purpose.

49.15.710 General provisions.

49.15.720 Cottage housing development review process.

49.15.730 Preliminary plan approval.

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49.15.750 Amendments to approved cottage housing development plan.

49.15.760 Cottage housing development standards.

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Article VIII. Canopies and Awnings

49.15.800 Purpose.

49.15.810 Application.

49.15.820 Canopy permit required.

49.15.830 Canopy and awning standards.

49.15.850 Indemnification.

ARTICLE I.

IN GENERAL

49.15.110 Permits required.

No person may perform or cause to be performed any development work within the City and Borough except in accordance with a valid development permit, [RP1] or early start or fast track authorization approved under the provisions of chapter 19.01 of the building code.
(Serial No. 87-49, § 2, 1987; Serial No. 97-26, § 3, 1997)

49.15.120 Who may submit permit applications.

(a) Applications for permits will be accepted only from persons who have, or upon issuance of the permit, will have the legal authority to take action in accordance with the permit. All applications must be signed by the owners or lessees of the land to be subject to the permit.

(b) The director may require an applicant to submit evidence of authority to submit an application in accordance with subsection (a) of this section.
(Serial No. 87-49, § 2, 1987)

49.15.130 Complete applications.

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

(b) The director shall determine if the application is complete. An application is complete when it contains all of the information necessary to determine if the development will comply with the requirements of the permit. The director may request additional information from the applicant as necessary to assess the proposed project.

(c) Permit applications shall contain a permission form signed by the applicant and the property owner granting permission to City and Borough officials, employees, and agents to enter upon the site during reasonable hours, to examine and inspect the site as part of the permitting procedure.
(Serial No. 87-49, § 2, 1987; Serial No. 91-51, § 2, 1991)

49.15.140 Application format and submittals.

The director shall decide the form and type of information required for each type of application.
(Serial No. 87-49, § 2, 1987)

49.15.150 Application cancellation.

(a) A permit application may be cancelled for inactivity if an applicant fails to respond to the department's written request for revisions, corrections, or additional information within 180 days of the date of the request. The director may extend the response period up to an additional 180 days.

(b) For an ~~When considering applications filed~~ prior to the effective date of this ordinance, the director shall assess the status of the application. If the director ~~it is determines~~ the application is ~~d to be~~ incomplete, the applicant shall be informed in writing of the additional information needed and that the application will be cancelled for inactivity if the applicant fails to provide the requested information within 180 days from the date of the letter.^[ATG2].^[AGM3]The director shall not extend the response period beyond the initial 180 days from the date of the letter.

(c) If an application is cancelled due to inactivity, the application fee shall be forfeited.

49.15.160 Application withdrawal.^[RP4]

The applicant or property owner may withdraw a permit application at any time. If an application is withdrawn after a staff report is published, the application fee shall be forfeited.

ARTICLE II.

DEVELOPMENT PERMITS

49.15.210 Type of development permit required.

The type of development permit required for a particular use shall be as specified in the Table of Permissible Uses in chapter 49.25, article III. Subdivisions shall be permitted in accordance with chapter 49.17.
(Serial No. 87-49, § 2, 1987)

49.15.220 Minor and major development.

The intent of this chapter is to require a shortened approval process for minor developments and a more detailed review by the commission for major developments in accordance with the following:

- (1) Unless otherwise specified in this title, minor development shall require department approval. If the director determines that a series of applications for minor developments, taken together, constitute a major development, the applications shall be subject to the appropriate major development permit procedures and standards.
- (2) Except as otherwise specified in this title, a major development shall require one or more of the following approvals or permits:
 - (A) Allowable use permit; or
 - (B) Conditional use permit.

~~(C) Preliminary plat approval;~~

~~(D) Final plat approval.~~

(Serial No. 87-49, § 2, 1987)

49.15.230 Public notice. [RP5]

The purpose of the following public notice requirements is to reasonably inform interested people that an application or matter is scheduled to be considered by the planning commission at a specific date, time, and place. The public notice must generally describe the application or matter. The department must make specific application information available upon request and upon publishing a staff report. [RP6] Public notice of planning commission consideration of development permits and rezonings shall be provided as follows:

- (1) Permit consideration shall be included as an item in the posted agenda.
- (2) Notice of the commission meeting, and the agenda item shall be published in a newspaper of general circulation in the City and Borough a minimum of ten days prior to the date of the meeting.
- (3) The developer shall post a sign, or signs, as determined by the director, -on the site, or other location approved by the director, -at least 14 days prior to the meeting. If the proposed development is on the road system, ~~T~~the sign shall be visible [RP7] from a public right-of-way, shall be between four square feet and 32 square feet in area, shall have a red background, and shall indicate in white lettering, 216-point font or larger, that a development permit or rezoning, as applicable, has been sought for the site, and include the date of the hearing ~~thereon,~~ and state that further information is available from the director. The developer shall maintain the sign and shall remove it within 14 days after final action on the application.
- (4) The director shall mail notice of the application and the public hearing~~initial commission meeting~~ to the neighbor associations listed with the municipal clerk in accordance with CBJ 11.35 and owners of record of all property located within 500 feet of the property subject to the permit or rezoning. The actual cost of mailing shall be paid by the applicant. [RP8]
- (5) The applicant shall deliver individual written notice by certified mail, return receipt requested of

the application and the initial meeting to each tenant of any multifamily residential development for which the application seeks a change in use.

(6) The director may require more than one sign and may mail notice to additional owners of record of properties beyond 500 feet of the property under section (4) upon a determination that such expanded notice is required in order to provide ~~reasonable~~ meaningful and adequate [RP9] public notice.

(7) The director may conduct one or more neighborhood meetings prior to the commission meeting. The purpose of a neighborhood meeting is to make application materials available for interested parties, to solicit input regarding an application, and for the department to describe the application review process. The applicant may also present at a neighborhood meeting. [RP10]

(Serial No. 87-49, § 2, 1987; Serial No. 99-15, § 2, 1999)

49.15.239 Effective date.

- a. **Planning Commission Decision:** Major development permits and major subdivision permits are effective on the date the notice of decision is filed with the municipal clerk.
- b. **Director Decision:** Minor development permits, minor subdivision permits, and director approvals are effective on the date the director signs the permit. [RP11]

A minor dDevelopment permits and subdivision permits shall be effective on the date that the notice of decision is filed with the City and Borough municipal clerk. Effective dates for minor subdivisions shall be the date the NOD is signed by the director, or the director for minor development permits, upon execution by the director. A major development permit shall be effective upon approval by the commission. A development permit shall not be final until the disposition of any appeal thereof, or until the time for appeal has run and no appeal has been filed.

(Serial No. 97-01, § 4, 1997) add new

49.15.240 Development permit expiration.

A development permit shall become void 18 months after its effective date if no associated building permit, right-of-way permit or similar permit for construction has been issued and substantial construction progress pursuant thereto has been made, ~~or if no plat has been issued~~ in accordance with the plans for which the development permit was authorized. A development permit shall become void if all building permits issued for the development expire or become void.

(Serial No. 87-49, § 2, 1987; Serial No. 97-01, § 5, 1997)

49.15.250 Development permit extension.

Upon an application submitted at least 30 days before the expiration of an existing major development permit, the commission shall hold a hearing to consider whether the permit should be extended. At least ten days prior to the hearing, notice thereof shall be mailed to the property owners of record adjacent to the land included in the application and at least two days prior to the hearing a general notice thereof shall be printed in a newspaper of general circulation in the municipality. At the hearing, the burden of proof for the justification for

a permit extension shall rest with the applicant. Upon written findings that such burden has been met, the commission may grant an extension not to exceed 18 months, but shall not delete from, amend or add to the conditions contained in the permit. Upon written findings that the applicant's burden has not been met, or that the conditions contained in the permit should be changed, or both, the commission shall deny the application whereupon the applicant may submit the entire project, including the previously authorized use, to a full review by the commission as though it were a new application. Upon application and consideration pursuant to this section, the commission may grant no more than one additional extension, the maximum duration of which shall be 18 months.

(Serial No. 87-49, § 2, 1987)

ARTICLE III.

TYPES OF DEVELOPMENT PERMITS

49.15.310 Department approval.

- (a) *Purpose.* The department shall review minor developments to ensure compliance with this title.
- (b) *Application form.* The director shall provide a minor development application form to be submitted as part of the application process for a building permit.
- (c) *Pre-application conference.* Prior to submitting an application, the applicant shall be afforded the opportunity to discuss with the director such facts, issues and proceedings as may be relevant to the application.
- (d) *Community development director procedure.*
 - (1) *Review of application.* The director shall review the application, consult with the applicant, and approve a minor development permit unless:
 - (A) The application is incomplete;
 - (B) Issuance of the requested permit is beyond the director's authority according to the table of permissible uses; or
 - (C) The development as proposed will not comply with one or more requirements of this title.
 - (2) *Conditions on approval.* The director may condition department approval as necessary to ensure compliance with this title.

(Serial No. 87-49, § 2, 1987)

49.15.320 Allowable use permit.

- (a) *Purpose.* An allowable use permit is established for uses allowed in a particular zoning district but which, due to size, intensity or particular characteristics must be reviewed and approved by the planning commission. To ensure the compatibility of the use with the location, the commission may attach conditions to the permit to help mitigate external impacts. Conditions that may be attached to the permit are limited to those

listed in subsection (f) of this section.

(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 allowable use permit procedure. The director shall discuss with the developer, regulations which may limit the proposed development as well as the 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 title. 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 application together with all attachments and the permit fee.

(d) *Application review procedure.*

- (1) The director shall endeavor to determine whether the application is complete as intended by the developer, 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) 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.
- (4) The director shall forward the application to the commission together with a report setting forth the director's recommendation for approval or denial, with or without conditions together with the reasons therefor.

(e) *Decision.* The commission shall consider the allowable use permit application. The commission shall review the director's recommendation with respect to:

- (1) Whether the application is complete;
 - (2) Whether the requested permit is appropriate according to the table of permissible uses;
 - (3) Whether the development as proposed will comply with the other requirements of this title; and
 - (4) Whether conditions are necessary for approval. The commission shall approve the application and grant the permit unless it finds, by a preponderance of the evidence, that one or more of the criteria have not been met. In either case the commission shall adopt written findings setting forth the basis for its decision.
- (f) *Conditions on approval; allowable uses.* The commission may condition an allowable use permit

upon 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 neighbors, 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, 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 shall provide for partial releases of no less than ten percent of the original amount posted.
- (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 responsibility of the owner to apply for a new permit. 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) *Habitat.* Development in the following areas may be required to minimize environmental impact:
 - (A) Developments within 330 feet of an eagle nest located on private land; and
 - (B) Developments in wetlands and intertidal areas, including freshwater marshes, saltwater marshes and intertidal flats.
- (10) *Sound.* Conditions may be imposed to discourage sound in excess of 65 dBa at the property line during the day or 55 dBa at night.
- (11) *Screening.* The commission may require construction of fencing or plantings to screen the

development or portions thereof from public view.

- (12) *Drainage.* The commission may require on and off-site drainage improvements in excess of the minimum requirements of this title.

(Serial No. 87-49, § 2, 1987)

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. ~~The procedures and standards established in this section shall also be applied to major subdivision preliminary plat approval pursuant to section 49.15.430.~~

(b) *Pre-application 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 within 330 feet of an eagle's nest located on private land; and
 - (B) 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)

ARTICLE IV.

DRIVEWAYS IN PUBLIC RIGHTS-OF-WAY

~~*Administrative Code of Regulations cross references—Survey, monumentation, and platting standards, Part IV, § 04 CBJAC 005.010 et seq.; platting requirements, Part IV, § 04 CBJAC 010.010 et seq.
Cross References: Public ways and property, CBJ Code tit. 62; utilities, CBJ Code tit. 75.~~

49.15.410 Purpose.

With a permit, driveways may be constructed within a right-of-way, and constructed to less than full public street construction standards. Such a permit may also allow subdivisions creating new lots accessed by a roadway not accepted for maintenance by an agency of government. Such permits may be approved according to the following sections.

49.15.420 Submittals.

The applicant must submit the following:

- (a) An application, on a form provided by the department~~The appropriate application form, and~~
- (b) A preliminary plan and profile of the proposed driveway^[RP12] and any proposed public or private utilities.

49.15.430 Department action.

The director shall forward the complete application to the engineering, public works, and fire departments for their review.

49.15.440 Driveways in the right-of-way abutting thirteen or fewer single-family lots or serving thirteen or fewer dwellings.^[RP13]

If a proposed driveway would abut and provide access to thirteen or fewer lots each limited to a single-family residence by the Table of Dimensional Standards, CBJ 49.25.400, or could serve thirteen or fewer dwelling units not including any accessory apartments that might be permitted under CBJ 49.25.510(d)(2), based on the existing maximum allowable residential density of the lots accessed by the driveway, the director may approve a permit for a driveway in the right-of-way as follows:

(a) Criteria. ~~If the following conditions are met, the director shall approve the permit~~^{[RP14]:}

(1) The proposed driveway will be located in a public right-of-way that has not been accepted for public maintenance;

(2) The proposed driveway does not endanger the public safety or welfare;

(3) The proposed driveway will be improved to meet the needs for emergency service access; and

(4) ~~Reasonable conditions can be practicably accomplished.~~ The mandatory conditions of the permit required by section 49.15.460 have been met

(be) Director's action. The director can approve the permit with or without conditions or deny the permit. ~~The director shall approve the permit unless the director finds that one or more of the criteria as set forth in 49.15.440(a)(1) — (4) have not been met.~~^[RP15] The director shall make written findings stating the basis for the decision.

49.15.460 Mandatory conditions of the permit. The following conditions must be attached to all permits to construct a driveway in the public right-of-way:

(a) The applicant must provide the department with a notarized covenant, affirming that:

(1) The applicant acknowledges that the City and Borough is not obligated to provide any maintenance or snow removal for the driveway ~~that on private land.~~^[RP16]

(2) ~~That the~~ applicant and the applicant's heirs, successors, and assigns, will defend, indemnify and hold harmless the City and Borough from any claim or action for any injury, loss or damage suffered by any person arising from the design, maintenance, or use of the driveway;

(3) ~~That the~~ applicant will ensure that use of the driveway will not be blocked from vehicular or pedestrian access by the public in the right-of-way^{[RP17];}

(4) That the City and Borough will have unimpeded access in the right-of-way;

(5) That the applicant and the applicant's heirs, successors, and assigns will maintain the access driveway according to the conditions established in the covenant;

(6) That the City and Borough will record a copy of the agreement, at the applicant's expense,[RP18] with the state recorder's office for each lot or parcel of land either, in the case of existing lots, those adjoining the segment of right-of-way in which the access driveway is to be located; or, in the case of lots created by subdivision and accessed by the driveway, those lots so created; and,

(7) That the owners of the lots subject to these covenants are notified that they will be required to participate in upgrades to the road's construction when such upgrades are required, or in order to allow additional subdivision or development accessed by the driveway.

(be) That the applicant must purchase a sign from the City and Borough for placement by the public works department in the right-of-way. This sign must will describe convey the message that the driveway is not maintained by the City and Borough.

49.15.470 Notice of decision.

The director will prepare and file a notice of decision according to section 49.10.140[RP19], that includes the director's or commission's findings and any conditions of approval. After the notice of decision has been filed with the municipal clerk of the City and Borough, a copy will immediately be forwarded to the engineering department.

49.15.480 Other requirements.

(a) No new lots may be created from the division of any parcel of land that is served by a driveway in the public right-of-way that has been approved under this section of code.

(b) — If a permit for a driveway in the public right-of-way is approved, the applicant must apply to the engineering department for a permit to construct the driveway under chapter 62.05, accompanied by final construction plans[AGM20], prior to the expiration of the permit as specified by section 49.15.240[RP21]. Additional fees and bonding may be required for final plan review, inspection, and construction of the driveway and utilities.

ARTICLE V.

STATE PROJECT REVIEW

49.15.580 State project review.

~~The commission shall review proposed Alaska State Capital Improvement Projects for consistency with this title pursuant to AS 35.30.010, and may impose conditions on and modifications to such projects. (Serial No. 87-49, § 2 (part), 1987)~~

(a) *City project review*: The commission shall review proposed City and Borough Capital Improvement Projects for consistency with this title and may recommend conditions on and modifications to such projects through a notice of recommendation. The notice of recommendation shall be forwarded to the Assembly for further action.

(b) *State project review*: The commission shall review proposed Alaska State Capital Improvement Projects for consistency with this title pursuant to AS 35.30.010 and may impose conditions on and modifications to such projects. If the commission approves or approves with conditions or modifications, a notice of decision shall be issued. A notice of decision becomes final 90 days from the date the project was submitted unless modified or disapproved by the Assembly. If the commission disapproves, a notice of recommendation and draft resolution shall be forwarded to the Assembly for further action.

ARTICLE VI.

PLANNED UNIT DEVELOPMENTS

49.15.600 Purpose.

The general purpose of the planned unit development code is to permit flexibility in the regulation and use of land in order to promote its most appropriate use; to facilitate the adequate and economical provisions of streets and utilities; to preserve the natural and scenic qualities of open space; and to encourage, consistent with the goals and objectives of the comprehensive plan, residential developments that are planned, designed and developed to function as integral units. The specific purposes of the planned unit development code are to:

- (a) Encourage uses of land that are efficient, aesthetic, in harmony with the surrounding area, and consistent with the comprehensive plan and available public services;
- (b) Encourage innovation in site design and building layout, pedestrian and vehicular circulation, parking facilities and streets, configuration and use of open space, and mixing of housing types and compatible land uses;
- (c) Encourage economy and efficiency in common facilities;
- (d) Preserve and protect natural features, streams, lakes, wetlands, natural drainage channels, vegetation, and vistas;
- (e) Avoid avalanche, landslide, and flood hazard areas; and
- (f) Encourage development of quality housing at a reasonable price.

(Serial No. 97-12, § 2, 1997)

49.15.610 General provisions.

- (a) *Zoning districts*. A residential planned unit development is allowed in zoning districts RR, D-1,

D-3, D-5, D-10 SF, D-10, D-15, D-18, and LC.

(b) *Permitted uses.* The uses allowed in the underlying zoning district, according to section 49.25.300, table of permissible uses, are permitted in all planned unit developments. The following additional uses are permitted in a residential planned unit development:

(1) A mixture of single-family, two-family, and multifamily housing; and

(2) A recreational facility or a planned unit development community center.

(Serial No. 97-12, § 2, 1997; Serial No. 2007-39, § 2, 6-25-2007, eff. 6-25-2007)

49.15.620 Planned unit development review process.

(a) *General procedure.* A proposed planned unit development shall be reviewed according to the requirements of section 49.15.330, conditional use permit, and in the case of an application proposing a change in the number or boundaries of lots, section ~~49.15.430~~ 49.17.220, major subdivisions, except as otherwise provided in this article. Approval shall be a two-step process, preliminary plan approval and final plan approval. In cases involving a change in the number or boundaries of lots, the preliminary and final plat submissions required by section ~~49.14.430~~ 49.17.220 shall be included with the preliminary and final plan submissions required by section 49.17.

(b) *Pre-application conference.* Prior to submission of an application, the director shall conduct an informal pre-application conference with the developer to discuss the proposed planned unit development. The purpose of the pre-application conference shall be to exchange general and preliminary information and to identify potential issues. The developer may discuss project plans and the director may provide an informal assessment of project permit eligibility, but no statement made by either party shall be regarded as binding, and the result of the conference shall not constitute preliminary approval by the department. The conference shall include a discussion of the zoning, size, topography, accessibility, and adjacent uses of the development site; the uses, density and layout of buildings, parking areas, the open space and landscaping proposed for the development; the common facilities; the street layout and the vehicle and pedestrian circulation; the development schedule and the planned unit development permit procedures. The developer shall provide a sketch of the proposed planned unit development.

(Serial No. 97-12, § 2, 1997)

49.15.630 Preliminary planned unit development plan approval.

(a) *Application.* The developer shall submit to the department one copy of a complete planned unit development application, which shall include an application form, the required fee, any information required in section ~~49.15.430(1)~~ 49.17.220, the information required by this section, and any other information specified by the director.

(b) *Required submissions.* The application shall include the following material:

(1) *Ownership.* The application shall identify, and shall be signed by or upon, the included written authorization of, all owners, lessees, and optionees of land within the boundaries of all phases of the planned unit development.

- (2) *Preliminary development plan.* The application shall include a preliminary development plan, explaining how the proposed planned unit development will achieve the purposes set forth in section 49.15.600. The preliminary development plan shall summarize the different land uses proposed, including the amount of land for housing, common open space, streets, and parking; the number and types of housing units and proposed density; the natural features to be protected and hazards to be avoided; and the public and private services to be provided.
- (3) *Design.* The application shall describe the design of the planned unit development, with particular attention to building massing, color, and architectural features; the layout of buildings, parking, and streets; and the circulation of traffic and pedestrians.
- (4) *Common open space, facilities, and general landscaping.* The preliminary plat shall show and describe improved and undisturbed common open space.
- (5) *Description of phased development.* The preliminary development plan for a phased planned unit development shall include:
 - (A) A drawing and development schedule for each phase and for the entire planned unit development;
 - (B) The size and general location of proposed land uses for each phase at a projected level of density;
 - (C) A description of the streets connecting all the phases and where they will connect at the planned unit development boundaries;
 - (D) A description of how the developer will address the cumulative impacts of the phased development on the neighborhood and the natural environment;
 - (E) A description of the overall design theme unifying the phases; and
 - (F) An analysis of how each phase in the project will meet the requirements of subsection 49.15.650(b).

(c) *Department review.* The director shall advise the developer whether the planned unit development application is complete, and, if not, what the developer must do to make it complete. Within 45 days after determining an application is complete, the director shall schedule the preliminary plan for a public hearing before the commission. The director shall give notice to the developer and the public according to section 49.15.230.

(d) *Commission action.* The commission shall approve a planned unit development preliminary plan if it meets the requirements of section 49.15.330 and:

- (1) The design effectively provides for clustered buildings, mixed uses, or mixed housing types;

- (2) The development protects natural features and avoids natural hazards by reserving them as undisturbed open space;
- (3) The development is consistent with the land use code;
- (4) The development incorporates boundary buffers sufficient to separate adjacent property from dissimilar uses;
- (5) Utilities proposed for connection to the City and Borough system meet City and Borough standards, and all others are consistent with sound engineering practices, as determined by the City and Borough engineering department;
- (6) The configuration of the development provides for economy and efficiency in utilities, housing construction, streets, parking and circulation;
- (7) If the approval is for a phased development, that each phase is consistent with the preliminary development plan and design of the entire planned unit development; and
- (8) Adequately addresses the cumulative impacts of the phased development on the neighborhood and the natural environment.

(e) *Expiration.* Approval of a preliminary plan shall expire 18 months after the commission notice of decision unless a final plan for the entire project or, in the case of a phased development, the first phase thereof, is submitted to the department for commission action. An application for extension of a preliminary plan shall be according to section 49.15.250, development permit extension.
(Serial No. 97-12, § 2, 1997)

49.15.640 Final planned unit development plan approval.

- (a) *Application.* Upon completion of all conditions of the preliminary plan, the developer shall submit an application, fee, and a final plan for commission approval.
- (b) *Homeowners' association.*
- (1) The articles of incorporation and bylaws of the homeowners' association, required under AS 34.08, or this chapter, shall be prepared by a lawyer licensed to practice in the state.
 - (2) The association documents shall specify how common facilities shall be operated and maintained. The documents shall require homeowners to pay periodic assessments for the operation, snow removal, maintenance and repair of common facilities. The documents shall require that the governing body of the association adequately maintain common facilities.
 - (3) If planned unit development utilities or streets are not accepted for maintenance by the City and Borough, the homeowners' association documents shall clearly indicate that a special assessment may be levied in the future for extraordinary repairs or to perform necessary work in order to connect or dedicate common facilities to the City and Borough system. If the planned unit

development is phased, the association documents shall specify how the cost to build, operate, and maintain improved common open space and common facilities shall be apportioned among homeowners of the initial phase and homeowners of later phases.

- (4) The homeowners' association documents shall be recorded with the approved final plat, as required by state law, or both.

- (c) *Commission action.* The commission shall approve the final plan if it substantially conforms to the approved preliminary plan and all requirements of this article.

- (d) *Expiration.* An approved final plan shall expire 18 months after recording if the applicant fails to obtain an associated building permit and make substantial construction progress. An application for extension of a final plan shall be according to section 49.15.250, development permit extension.
(Serial No. 97-12, § 2, 1997)

49.15.650 Phased development.

- (a) *Phasing allowed.* An applicant may develop a planned unit development in phases, provided the initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire planned unit development on the neighborhood and the environment according to the standards in subsection 49.15.630(b)(5)

- (b) *Completion of an individual phase.* Each phase shall be so designed and implemented that, when considered with reference to any previously constructed phases but without reference to any subsequent phases, it meets the design and density standards applicable to the entire planned unit development. Construction and completion of common open space and common facilities serving each phase in a planned unit development shall proceed at a rate no slower than that of other structures in that phase. No phase shall be eligible for final plan approval until all components of all preceding phases are substantially complete.

- (c) *Standards for phases.* Each phase of a planned unit development shall be reviewed according to the provisions of this chapter then current. Each phase of a planned unit development shall maintain design continuity with earlier phases. At no point during a phased development shall the cumulative density exceed that established in the approved preliminary plan.
(Serial No. 97-12, § 2, 1997)

49.15.660 Amendments to approved planned unit development plan.

- (a) *Request for amendment.* The developer of a planned unit development may request an amendment to an approved preliminary or final planned unit development plan. The request shall state the reasons for the amendment and shall be submitted in writing to the director, who shall inform the developer within 15 days whether the request shall be processed as a minor amendment or major amendment.

- (b) *Minor amendment.* A minor amendment may be submitted without a filing fee and may be approved by the director. For purposes of this section, a minor amendment is a change consistent with the conditions of the original plan approval, the general character of the overall planned unit development, and the criteria set out in subsection 49.65.630(d), and would result in:

- (1) Insignificant change in the outward appearance of the development;
- (2) Insignificant impacts on surrounding properties;
- (3) Insignificant modification in the location or siting of buildings or common open space;
- (4) No reduction in the number of parking spaces below that required;
- (5) A delay of no more than one year in the construction or completion schedule for the project or, in the case of a phased project, the phase for which the amendment is requested.

(c) *Major amendment.* All other amendments shall be reviewed by the commission upon payment of a filing fee and in accordance with the requirements of the original plan approval.
(Serial No. 97-12, § 2, 1997)

49.15.670 Planned unit development design standards.

(a) *Zoning district standards.* The standards applicable to a planned unit development shall be those of the underlying zoning district except as provided in this section.

(b) *Minimum site.* The minimum site area for a residential planned unit development, or the first phase of a phased development, shall be 2.0 acres in the D-10 SF, D-10, D-15, D-18, and LC districts and 3.0 acres in the RR, D-1, D-3, and D-5 districts.

(c) *Lot size.* There is no required minimum lot size within a planned unit development. Lot sizes will be established as part of the preliminary plan approval.

(d) *Building height and spacing.* No structure shall exceed 35 feet in height as calculated in section 49.25.420, height of building. Each dwelling structure must be located at least ten feet from any other dwelling unless structurally attached thereto.

(e) *Perimeter buffer.* There shall be a buffer of no less than 25 feet between the exterior boundary of the planned unit development and the nearest structure, road, or parking area within the development, unless the development includes a perimeter of transitional lots meeting the minimum dimensional standards in the zoning district. No building structures or parking areas may be located within the perimeter buffer.

(f) *Common open space.*

- (1) At least 30 percent of a residential planned unit development in the D-10 SF, D-10, D-15, D-18, and LC zoning districts, and 40 percent in the RR, D-1, D-3, and D-5 zoning districts shall be common open space.
- (2) Common open space shall be conveniently and appropriately located throughout the planned unit development in relation to the dwellings and natural features and in a manner reasonably accessible to all residents. At least 70 percent of the total common open space shall be provided

as a single, contiguous unit.

- (g) *Density.*
 - (1) The number of dwelling units permitted in the development shall be calculated by multiplying the maximum number of dwelling units per gross acre permitted in the underlying zoning district by the number of acres in the planned unit development and rounding to the nearest whole number.
 - (2) Land and water bodies used in calculating allowable density shall be delineated on the preliminary and final plans in a manner allowing confirmation of acreage and density computations.
 - (3) The commission may award a density bonus as an incentive to add enhancements to the development. The total bonus shall not exceed 15 percent of the density provided in subsection (g)(1) of this section and rounded to the nearest whole number and shall be the sum of individual density bonuses of up to:
 - (A) One percent for each ten percent increment of common open space in excess of that required to a maximum bonus of five percent for open space 50 percent in excess of that required;
 - (B) Five percent for a mixture of housing units, at least 15 percent of which are designed for purchase via a monthly mortgage payment of no more than 30 percent of the median income in the City and Borough, as calculated by the Alaska Department of Labor;
 - (C) Three percent for a continuous setback of greater than 50 feet, designated in the plan as undisturbed open space along important natural water bodies, including anadromous fish streams, lakes, and wetlands;
 - (D) Five percent for excellence in siting, design, landscaping, and provision of common facilities and additional amenities that provide a distinctive development and unusual enhancement to the general area; and
 - (E) Five percent for dedication of a public right-of-way accessible to all lots.
 - (4) A density bonus may be limited or denied to avoid the creation of:
 - (A) Inconvenient or unsafe access to the development;
 - (B) Unreasonable adverse effects on adjacent property;
 - (C) Traffic congestion in the streets adjoining the development; or
 - (D) An excessive burden on sewer, water, parks, recreational facilities, schools or other existing or proposed public facilities.

(h) *Access, pedestrian and vehicular circulation, and parking.*

- (1) The standards in chapter 49.40, access, parking, and traffic apply except as provided in this section.
- (2) In a residential planned unit development, common parking and maneuvering areas shall be set back at least 25 feet from any point on the exterior boundary of the planned unit development and from any boundary of a phase not contiguous with a completed phase. A landscaped yard of at least ten feet shall be provided between a common parking area and a lot line within the planned unit development.
- (3) Pedestrian or bicycle pathways shall be provided to facilitate movement within the development and to ensure access to common open space, common facilities and to public services, where available.
- (4) The development shall have access to a public right-of-way. A planned unit development which adjoins undeveloped land shall provide for a right-of-way between the undeveloped land and an existing public right-of-way, where appropriate.
- (5) Access to each dwelling unit shall be via a public right-of-way or a private street or pedestrian way owned by the individual property owner or in common planned unit development ownership.

(i) *Services.*

- (1) All common facilities shall be developed to Code standards as established in chapter-[49.35](#) [49.17](#) and chapter [49.40](#), unless waived or modified by the planning commission upon the recommendation of the engineering department. Water and sewer systems within 500 feet of the public system shall be developed to Code standards and connected to the public system.
- (2) Private utilities such as a community water or sewer system shall be designed by a licensed engineer and approved by the engineering department. The homeowners' association shall annually retain a licensed engineer to inspect the private utility system and provide a report on its condition to the engineering department.
- (3) An on-site disposal system shall be designed and approved by a licensed, qualified engineer and may be constructed to serve two or more dwelling units. The disposal system may be placed in the common open space. The applicant shall provide evidence that the site has soils of sufficient permeability to accommodate the proposed on-site system. The disposal system shall be designated on the final plan and any final plat.
- (4) Private streets must at a minimum meet Code street construction requirements for roadbed design and slope erosion control, as specified in Code engineering standard details. Other street requirements may be waived by the commission upon

recommendation of the engineering department and its own finding that any internal street intended to serve the planned unit development shall provide adequate ingress and egress; access shall be of a width adequate to serve anticipated traffic; design features of the planned unit development make standard street widths unnecessary; and the street will not create hazardous conditions for vehicular, bicycle or pedestrian traffic. Private streets must provide adequate fire safety and emergency access as approved by the fire chief, and shall include adequate provision for snow removal and storage.

(j) *Stormwater management.* Facilities for the control and disposal of stormwater must be adequate to serve the development site and areas draining through the site. Management shall be in accordance with the CBJ Manual of Stormwater Best Managements. Where appropriate, natural drainage channels, swales, or other similar areas within the common open space may be used for stormwater management at the development. The homeowners' association shall provide the engineering department with an evaluation of offsite drainage outfalls for the additional runoff contributed by the planned unit development. The commission may require construction of offsite drainage improvements necessary to accommodate additional runoff from the development.

(Serial No. 97-12, § 2, 1997; Serial No. 2007-39, §§ 3, 4, 6-25-2007, eff. 6-25-2007)

ARTICLE VII.

COTTAGE HOUSING DEVELOPMENTS

49.15.760 Cottage housing development standards.

(a) *General.* The standards applicable to a cottage housing development shall be those of the underlying zoning district except as provided in this article.

(b) *Density, lot area, and number of dwellings.* The intent of the density and lot area standards is to establish the density for a cottage housing development in the specified residential zoning districts.

(1) *Density.* A cottage housing development shall not exceed one dwelling unit per 4,500 square feet in the D-3 Zoning District, one dwelling unit per 3,600 square feet in the D-5 Zoning District, or one dwelling unit per 3,000 square feet in the D-10 SF and D-10 Zoning Districts inclusive of property line setbacks, parking and access, spacing around cottages, and the common open area within the cottage housing development.

(2) *Number of dwellings allowed.* The minimum number of dwellings in a cottage housing development is four units. The maximum number of dwellings in a cottage housing development is 12 units, provided, however, that in a D-10 zoning district the maximum shall be 14 units.

(c) *Dimensional and site requirements.* It is the intent of the dimensional and site requirements section to provide for cottage housing developments that fit readily into existing residential neighborhoods by specifying maximum height and lot coverage; and to preserve the unique design and layout of a cottage housing development by addressing common area requirements and spacing between structures.

- (1) *Right-of-way frontage.* At least one lot line of a cottage housing development lot must abut a public right-of-way for a distance of at least 30 feet.
- (2) *Lot coverage.* Maximum lot coverage for all structures in a cottage housing development shall not exceed 60 percent of the lot area.
- (3) *Setbacks and spacing.*
 - (A) Cottage housing development lot setbacks. Setbacks shall be as provided for the zoning district in which the cottage housing development lot is located.
 - (B) Cottages shall be no less than five feet, and no more than 15 feet, from the common open area, measured from the facade of the cottage to the nearest delineation of the common open area.
 - (C) Cottages shall be separated from each other by at least ten feet.
- (4) *Common open area.*
 - (A) A minimum of 250 square feet of common open area per cottage shall be included in every cottage housing development.
 - (B) At least 50 percent of the front of each cottage shall face the common open area.
 - (C) At least two sides of the common open area shall have cottages along its perimeter.
 - (D) The perimeter of the common open area may have no more than seven changes of direction.

(Serial No. 2005-52(b), § 3, 1-30-2006; Serial No. 2007-39, § 6, 6-25-2007, eff. 6-25-20)

Chapter 49.17

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ARTICLE I.

GENERAL

49.17.105 Purpose.

The purpose of this chapter is to facilitate the subdivision of land to promote the public health, safety, and general welfare of the citizens of the City and Borough in accordance with the CBJ comprehensive plan. To meet this objective, this chapter is intended to:

- (1) Establish a process that facilitates the fair and predictable division of land;
- (2) Encourage efficient and cost-effective provision of public services;
- (3) Address traffic and circulation to reduce congestion;
- (4) Provide for flexibility in the division and establishment of residential and commercial lots;
- (5) Establish procedures for subdividing land to accommodate a variety of housing types;
- (6) Accomplish uniform monumentation for land subdivision and facilitate accurate legal descriptions for land conveyance; and

(7) Fairly balance and distribute development costs.

49.17.110 Applicability.

This chapter shall apply to any division or redivision of real property within the City and Borough. This chapter shall not apply to cemetery plots or land leases. ~~or land leases for less than 55 years.~~ [I2][RP3]

49.17.120 Plat approval.

(a) The owner of land located in a subdivision may not transfer, sell, offer to sell, or enter into a contract to sell land in a subdivision before a plat of the subdivision has been prepared, approved, filed, and recorded in accordance with this chapter.

(b) A person may not file or record a plat or other document depicting any subdivision of land in a State Recorder's office unless the plat or document has been approved by the commission or the director, as [specified by this title](#).

(c) The City and Borough attorney may bring an action in accordance with section 49.10.600 – 660 to restrain and enjoin further subdivision sales, transfers, or offers of sale or transfer and compel compliance with this chapter.

49.17.130 Who may submit subdivision permit applications.

(a) Applications for subdivision permits will be accepted only from persons who have, or upon issuance of the permit, will have the legal authority to take action in accordance with the permit. All applications must be signed by the owners or lessees of the land to be subject to the permit.

(b) The director may require an applicant to submit evidence of authority to submit an application in accordance with subsection (a) of this section.

49.17.140 Complete applications.

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

(b) The director shall determine if the application is complete. An application is complete when it contains all of the information necessary to determine if the development will comply with the requirements of this title. The director may request additional information from the applicant as necessary to assess the proposed project.

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

49.17.150 Application format and submittals.

The director shall decide on the form and type of information required for each type of application, and may, when a particular application warrants, authorize less or require more information than normally specified.

49.17.160 Application cancellation.

(a) A permit application may be cancelled for inactivity if an applicant fails to respond to the department's written request for revisions, corrections, or additional information within 180 days of the date of the request. The director may extend the response period up to an additional 180 days.

(b) When considering applications made prior to the effective date of this ordinance, the director shall assess the status of the application. If it is determined to be incomplete, the applicant shall be informed in writing of the additional information needed and that the application will be cancelled for inactivity if the applicant fails to provide the requested information within 180 days from the date of the letter.

(c) If an application is cancelled due to inactivity, the application fee shall be forfeited.

49.17.170 Recorded plats legalized.

(a) *Generally.* All plats recorded before March 30, 1953^{[14][RP5]}, whether executed and acknowledged in accordance with AS 40.15.050 or not, are validated and all streets, alleys or public thoroughfares on these plats are considered to have been dedicated to public use. This section does not prohibit the abandonment of a plat recorded before March 30, 1953, if a subsequent plat is filed indicating abandonment. The last plat of the area and the streets, alleys or thoroughfares shown on are deemed to be the streets, alleys or thoroughfares dedicated to public use. The streets, alleys or thoroughfares shown on an earlier plat of the same area or any part of it which is in conflict with those shown on the official plat are deemed to have been abandoned and vacated.

(b) *Missing plats.* Where a recorded plat is missing and no present record is available except by reference to the missing plat, a counterpart copy, approved by the planning commission, may be recorded and after recordation will be considered effective as of the original date of the missing plat and will have the same legal effect and notice as the original missing plat.

49.17.180 Pre-application conference.^[RP6]

(a) A preapplication conference is an informal discussion between a potential applicant and City and Borough staff regarding a proposed project. A preapplication conference shall not include extensive field inspection or correspondence. The purpose of the preapplication conference is to assist the applicant by identifying the following:

(1) Requirements for submittal, including types of permits likely needed to complete the proposal.

(2) Compliance with applicable plans, goals, policies, codes or guidelines and possible revisions to the proposed project that will enhance the proposal with respect to these requirements.

(3) Required plans, studies, reports, and/or other materials specific to the proposal that will provide necessary information for staff to review the project.

ARTICLE II.

SUBDIVISION PERMITS

49.17.210 Minor subdivisions.

(a) Applicability. A minor subdivision permit is required for a subdivision resulting in thirteen or fewer lots.:

(1) ~~Four~~ Thirteen or fewer lots. A minor subdivision permit is required for all subdivisions resulting in ~~four~~ thirteen or fewer lots. No minor subdivision application may be filed or approved:

(A) If it is a part of or made in connection with a present or projected major subdivision development as determined by the director;

(B) If the property is within a parcel any part of which has been subdivided by a minor subdivision within the preceding 24 months unless the proposed subdivision creates no new lots; or

(C) For the subdivision of a parcel any part of which is within a landslide or avalanche area identified as such in the comprehensive plan, attachments thereto, other adopted maps, or in accordance with CBJ 49.70.300, ~~Landslide and Avalanche Areas~~.

(2) *Accretion surveys*. The minor subdivision process shall be used for the review and recording of accretion surveys, regardless of the number of lots affected.

(3) *Conservation lot subdivisions*. The minor subdivision process shall be used for the review and recording of conservation lot subdivisions, regardless of the number of lots affected.

(4) *Lot line adjustments*. The minor subdivision process shall be used to review adjustments to any number of lot boundary lines if the subdivision does not result in an increase in the number of lots.

(5) *Right-of-way acquisition plats*. The minor subdivision process shall be used for the review and recording of right-of-way acquisition plats filed by an agency of government, regardless of the number of lots affected, in accordance with section 49.17.270 unless such acquisitions create any non-conforming lots.

(b) Preliminary Approval process. Minor subdivision approval shall be a two-step process. The first step shall consist of preliminary plat approval and

construction authorization by the dDirector. The second step shall be approval of the final plat by the dDirector.

(1) *Pre-application conference.* A preapplication conference is required prior to submitting an application for a minor subdivision. The director may shall require a pre application conference in complex situations if necessary due to topography, hazards, drainage, habitat, access, or similar circumstances. [RP7]

(2) Preliminary plat. The director shall be responsible for review and approval of the preliminary application. The following are required:

(A) Application. Application for a minor subdivision shall be on a form provided by the department and accompanied by a preliminary plat and the appropriate fee. The preliminary plat shall meet the standards set forth in section 49.17.315. The director shall make a determination as to the completeness of the application in accordance with section 49.17.140. ~~No public notice is required.~~

(B) Public notice. The department shall send written notice of the application to the owners of adjoining property within five working days following the director's determining that the subdivision application is complete. The purpose of the notice is to solicit input about the application. [RP8]

(3C) *Review by the director of engineering.* The director of engineering shall review the subdivision proposal based on the following criteria:

(Ai) That the subdivision meets applicable drainage and water quality requirements;

(Bii) That the streets and pedestrian ways as proposed align and, where appropriate, connect with streets and pedestrian ways serving adjacent properties, and accommodate anticipated traffic;

(Ciii) That the minor subdivision conforms to the requirements of this chapter and that any proposed improvements can feasibly be constructed in accordance with Article V, *Subdivision Improvements*; and

(Diy) Where public sewer is not proposed, the applicant has shown that soils are suitable for individual on-lot wastewater treatment and disposal or has shown the feasibility of alternative methods for wastewater treatment

and disposal.

(4D) *Subdivision Review Committee.* The director or applicant may request review by the subdivision review committee.

(5E) *Review - Decision Criteria.* The director shall review the application, preliminary plat, and related materials if the following criteria are met:

(Ai) The application is complete;

(Bii) The applicable subdivision development standards of this chapter are met, or can reasonably be met with conditions;

(Ciii) The proposed subdivision will provide building sites suitable for the zoning district; and

(Div) The proposed street names are unique in the City and Borough or are continuations of existing streets, and are otherwise acceptable.

(6F) *Notice of Decision on Preliminary Plat.* The decision of the director will be set forth in a notice of decision, signed by the director, with any conditions and/or plat notes required for final plat approval. If the preliminary plat is denied, the applicant may submit a revised plat application, without paying additional application fees, if it is submitted within 180 days from the date of the notice of decision and the resubmittal addresses the issues of denial.

(73) *Construction plans.* The applicant shall submit complete sets of construction plans for all required improvements in accordance with section 49.17.510 to the department for review by the director of engineering.

(84) *Survey and monumentation.* Upon approval of construction plans by the director of engineering, the applicant shall complete required surveying and monumentation, in accordance with chapter 49.17 *Article VI.*

(95) *Final plat approval.*

(A) A final plat for a minor subdivision meeting the

requirements set forth in the ~~N~~notice of ~~D~~decision issued under section 49.17.210(b)(~~26~~)(F) shall be submitted by the applicant in accordance with section 49.17.320(a)(3) section 49.17.320(a)(4), and section 49.17.320(b).

(B) Prior to plat recording, the applicant must construct all required improvements, or provide a financial guarantee in accordance with section 49.40, to ensure their construction.

(C) Notes ~~and~~, ~~restrictions~~ ~~and~~ ~~covenants~~. The director may place such conditions upon granting of final plat approval as are necessary to preserve the public welfare according to section 49.17.320(a)(3)(B).

(10) *Plat recording.*

(A) The director shall sign the plat upon a determination that the final plat meets all of the requirements of this chapter and title and all plat certificates, per section 49.17.320(a)(3)(C); ~~Certification, all plats~~, have been signed and notarized.

(B) The department shall file the original plat at the Alaska Department of Natural Resources, Juneau Recorder's Office, First Recording District.

49.17.220 Major subdivisions.

(a) *Applicability.* A major subdivision permit is required for subdivision resulting in ~~fourteen~~14 or more lots

(b) *Approval process.* Major subdivision approval shall be a two-step process. The first step shall consist of preliminary plat approval and construction authorization by the commission. The second step shall be approval of the final plat by the commission. The following is required:

(1) *Pre-application conference and sketch plat.* ~~A preapplication conference is required prior to submitting an application for a major subdivision.~~ The director shall schedule a pre-application conference prior to the submittal of a major subdivision application. The applicant shall provide a sketch plat as set forth in CBJ 49.17.310; ~~Pre-application conference and sketch plat.~~

(2) *Preliminary plat.* The commission shall ~~be responsible for~~ review ~~and approval of~~ the preliminary application. The following are required:

(A) *Application.* Application for a major subdivision

preliminary plat shall be on a form provided by the department and accompanied by a preliminary plat and the appropriate fee. The preliminary plat shall meet the standards set forth in CBJ 49.17.315, ~~Preliminary Plat~~. The director shall make a determination as to the completeness of the application in accordance with CBJ 49.17.140, ~~Complete applications~~. An application for a major subdivision shall include the following when applicable:

- (i) Proof of the availability of water according to CBJ 49.17.315(b)(5), ~~Water; and~~
- (ii) A shadow plat for a subdivision proposed in a transition area according to CBJ 49.17.315(b)(9), ~~Shadow Plats~~; and
- (iii) Certification of approval of the Alaska Department of Environmental Conservation for a proposed community water system according to CBJ 49.17.320(a)(4)(C), ~~Other documents~~.

(B) *Review by the director of engineering.* The director of engineering shall review the subdivision proposal based on the following criteria:

- (i) That the subdivision meets applicable drainage; and water quality requirements;
- (ii) That the streets and pedestrian ways as proposed align and, where appropriate, connect with streets serving adjacent properties, and accommodate anticipated traffic;
- (iii) That the subdivision conforms to the requirements of this chapter and that any proposed improvements can feasibly be constructed in accordance with CBJ 49.17 Article V, ~~Subdivision Improvements~~; and
- (iv) Where public sewer is not proposed, the applicant has shown that soils are suitable for individual on-lot wastewater treatment and disposal or has shown the feasibility of alternative methods for wastewater treatment and disposal.

(C) *Subdivision Review Committee.* The director or applicant may request review by the subdivision review committee.

(D) *Director's report.* The director shall prepare and submit the report to the commission ~~that~~^{which} addresses how the plat complies with the following; and includes any recommended conditions of approval:

(i) The application is complete;

(ii) The applicable subdivision development standards of this chapter are met, or can reasonably be met with conditions; ~~and the following, if applicable, have been addressed:~~

- ~~(a) Fire and Emergency Vehicle Access;~~
- ~~(b) Traffic study/traffic flow and connectivity;~~
- ~~(c) Drainage;~~
- ~~(d) Public improvements;~~
- ~~(e) Landscaping;~~
- ~~(f) Habitat protection;~~
- ~~(g) Noise;~~
- ~~(h) Public access to water;~~
- ~~(i) Pedestrian amenities;~~
- ~~(j) Health and safety;~~
- ~~(k) Landslide, avalanche, and flood hazard areas; and~~
- ~~(l) Dedications;~~

(iii) The proposed subdivision will provide building sites suitable for the zoning district; and

(iv) The proposed street names are unique in the City and Borough or are continuations of existing streets, and are otherwise acceptable.

(E) *Review by the commission.* The commission may alter the director's proposed permit conditions, impose its own, or both. The commission shall approve, or approve with conditions, an application for a preliminary plat if it finds that the criteria listed in CBJ 49.17.220(b)(2)(D); ~~Director's report~~, have been met.

(F) *Naming.* The commission will review proposed subdivision and street names for acceptability in accordance with CBJ 49.17.240; ~~Street naming~~.

(G) *Public notice.* Consideration of the preliminary plat by the commission shall include public notice according to CBJ 49.15.230; ~~Public notice~~.

(H) *Decision.* The decision of the commission will be recorded in a notice of decision, ~~signed by the chair and clerk of the commission,~~ and filed with the CBJ clerk according to CBJ 49.10.140.

(3) *Construction plans.* The applicant shall submit complete sets of construction plans for all required improvements in accordance with CBJ 49.17.510, ~~Construction plans,~~ to the department for review by the director of engineering.

(4) *Survey and monumentation.* Upon approval of construction plans by the director of engineering, the applicant shall complete required surveying and monumentation, in accordance with CBJ 49.17 Article VI, ~~Survey and Monumentation Standards.~~

(5) *Final plat.* The commission shall ~~be responsible for review and approval of~~ the final plat. The following are required:

(A) *Application.* Application for a major subdivision final plat shall be on a form provided by the department and accompanied by a final plat and the appropriate fee. The final plat shall meet the standards set forth in CBJ 49.17.320, ~~Final Plat.~~ The director shall make a determination as to the completeness of the application in accordance with CBJ 49.17.140, ~~Complete applications.~~ An application for a major subdivision shall include the following when applicable:

(i) A ~~certificate of appropriation of permit to~~ appropriate water in accordance with CBJ 49.17.320(a)(4)(C); ~~and~~

(ii) A shadow plat for a subdivision proposed in a transition area according to CBJ 49.17.315(b)(9), ~~Shadow Plats;~~ and

(iii) Certification of approval of the Alaska Department of Environmental Conservation for a proposed community water system according to CBJ 49.17.320(a)(4)(C), ~~Other documents.~~

(B) Prior to plat recording, the applicant must construct all required improvements, or provide a financial guarantee in accordance with CBJ 49.40, ~~Financial Responsibility,~~ to ensure their construction.

(C) *Staff report.* The director shall prepare and submit a staff report to the commission which addresses compliance of the final plat with this title, and includes any recommended conditions of approval.

(D) *Review by the commission.* The commission shall review the final plat to determine consistency with the approved preliminary plat and compliance with the requirements of this title. If the plat complies, the commission will either approve or conditionally approve the final plat.

(E) *Notes ~~and~~ restrictions ~~and covenants~~.* The commission may place such conditions upon granting final plat approval as may be necessary to preserve the public welfare according to CBJ 49.17.320(a)(3)(B), ~~Notes, Restrictions, and Covenants.~~

(F) *Public notice.* Permit consideration shall be shown as an item in the posted agenda^[RP9].

(6) *Plat recording.*

(A) The Chair of the commission shall sign the plat upon a determination that the final plat meets all of the requirements of this chapter and title and all plat certificates, per CBJ 49.17.220(a)(3)(C), ~~Certification, all plats,~~ have been signed and notarized.

(B) The department shall file the original plat at the Alaska Department of Natural Resources, Juneau Recorder's Office, Juneau Recording District.^[AGM10]

(C) The plat shall become legally binding upon recording.

49.17.230 Lot consolidation.

(a) *Purpose.* A lot consolidation is the process of combining ~~of~~ two or more parcels, ~~where a greater number than what originally existed is not created.~~

(b) *Application.* Application for lot consolidation shall be submitted on a form provided by the department. The form shall be accompanied by:

- (1) The application fee;

(2) Written evidence that all of the parcels are owned by the same person(s); and

(3) A plat prepared by a professional land surveyor licensed to practice in Alaska. This requirement may be waived if the director finds that a legal description of the new parcel and a drawing showing all existing and proposed lot lines clearly identifies the new lot.

(c) *Eligibility.* The procedures set forth in this section may be used to consolidate abutting lots of record into one, provided that before final approval, the following shall apply:

(1) All lots proposed for consolidation are under common ownership;

(2) CDD receives a certificate of Payment of Taxes from the CBJ Treasurer's office stating that all property taxes owing on the lots are paid in full;

(3) The lots are located in the same zoning district; and;

(4) Consolidation of the lots does not create a zoning or building violation.

(d) *Procedure.* When a plat is submitted, the review procedure is the same as for CBJ 49.17.210, ~~Minor subdivisions~~. If the director finds that a plat is not necessary, then the procedure is as follows:

(1) The director determines whether t~~he~~ The application is complete and whether the proposed consolidation is eligible pursuant to subsection (c) of this section.

(2) Documents pertaining to the proposed lot consolidation shall be submitted to the Director of Engineering for review and approval. [RP11]

(3) Upon CBJ approval, the community development department shall prepare and provide to the applicant a letter of lot consolidation. The letter shall provide for acceptance of the consolidation by notarized signature thereon by the owner or owners of the new lot, and upon such execution, the department shall record the document. [RP12]

49.17.235 Public Way/Easement Vacations.

(a) Purpose. A vacation is a legislative decision. This section provides procedures for the commission to recommend and the assembly to decide a proposal to vacate, abandon, discontinue, close, and renounce public ways and similar public areas.

(b) *Applicability.* This section applies to any petition to vacate any portion of an existing public way, public easement, or any other area dedicated to the public. This section does not apply to property owned by the City and Borough in its proprietary capacity.

(c) *Submittals.* Application for a vacation shall be submitted on a form provided by the department and include the following:

(1) *Petition.* No public way, public easement, or similar area dedicated to the public may be vacated except upon petition by the City and Borough or by the owner(s) of a majority of the land fronting the area sought to be vacated;

(2) *Current Title.* Deed(s) or other sufficiently reliable legal instrument(s) describing the owner(s) of the land fronting the area sought to be vacated;

(3) *Sketch Plat.* A sketch plat and all relevant submittals according to CBJ 49.17.310 showing the area proposed to be vacated and the proposed configuration of all adjoining parcels that would be modified if the vacation application is approved;

(4) *Original Title.* Deed(s) or other sufficiently reliable legal instrument(s) describing how title to the vacated area should be allocated consistent with CBJ 49.17.235(d)(8)(B)(i);

(5) *Fee.* The application fee.

(6) *Appraisal.* If CBJ 49.17.235(d)(8)(B)(ii) applies, then an appraisal report is required.

(7) *Traffic Impact Analysis.* If a traffic impact analysis is required or likely to be required as determined by the director, a traffic impact analysis shall be included in accordance with CBJ 49.40, Article III.

(d) *Permitting process.*

(1) *Preapplication conference.* Prior to submittal of an application, a preapplication conference with the subdivision advisory group is required.

(2) *Complete Application.* The director shall make a determination as to the completeness of the application in accordance with CBJ 49.17.140.

(3) *Public Notice.* After determining the application is complete, the department shall send public notice consistent with CBJ 49.15.230.

(4) Referrals. After receipt of the application and determination of completeness, the director shall transmit a copy of the application to the members of the subdivision advisory group, together with a request for written recommendations. The director may transmit copies to other public agencies and private entities that may have an interest in the proposal for their comments.

(5) Review by the director of engineering. The director of engineering shall review and comment on the application and will present comments to the director of community development in writing and will include any recommended conditions of approval.

(6) Subdivision Review Committee. The director or applicant may also request review and comment by the subdivision review committee in accordance with CBJ 49.10.400.

(7) Decision Criteria. The director shall submit a recommendation to the commission that addresses the following criteria:

(A) The area proposed to be vacated is not a right-of-way acquired under the former 43 U.S.C. 932 (RS 2477 right-of-way);

(B) There is no current or anticipated future public purpose to retain the area proposed to be vacated;

(C) The proposed vacation will not have a detrimental effect on the adjacent property or on the neighborhood;

(D) The proposed vacation is in the best interest of the public; and

(E) How title should be ordered.

(8) Planning Commission Review. All vacations shall be considered by the commission. The commission shall conduct a public hearing to review the application. The commission shall issue a notice of recommendation and have a resolution prepared.

(A) Burden: All public ways and similar public areas are presumed to be of value and of benefit to the public. The petitioner has the burden to prove otherwise.

(B) Title to vacated area. If the commission recommends approval, in whole or in part, the commission must also

make the necessary findings to determine how title to the vacated area should be ordered:

(i) The title to the public area vacated on a plat attaches to the lot or land bordering the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the public area that lies on one side of the boundary line shall attach to the abutting property on that side, and the public area that lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated public area that lies inside the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the City and Borough. If the property vacated is a lot, title vests in the rightful owner.

(ii) If the City and Borough acquired the vacated area for legal consideration, or by express dedication to and acceptance by the City and Borough other than as a subdivision platting requirement, then before final vacation the fair market value of the vacated area shall be deposited with the platting authority to be paid over to the City and Borough on final vacation as required by CBJ 53.09.600.

(9) *Assembly Review.* A vacation is not valid without approval by the assembly and recording of a plat. If the assembly approves the vacation, the assembly shall approve the vacation by resolution. If the assembly does not approve the vacation, a subsequent vacation application cannot be filed within one year from the date of the commission's recommendation.

(10) *Plat required.* Property added to a parcel shall be platted per the subdivision requirements below.

(A) If the request involves a vacation that includes the resubdivision of thirteen or fewer lots, the submittal and platting requirements for a minor subdivision shall be met in accordance with CBJ 49.17.210.

(B) If the request involves a vacation that includes the resubdivision of more than thirteen lots, the application must follow the procedures and platting requirements for approval of a major subdivision in accordance with CBJ 49.17.220. [113]

State Law References—AS 25.35.090(b)(restricting vacations of RS 2477 rights of ways); AS 29.40.120 (alteration or replat petition); AS 29.40.160(a-c) (title to vacated area).

49.17.240 Street naming.

(a) *New streets.* When a plat is filed, street names must be unique, in order to avoid confusion, especially for emergency service providers. When streets are extended, the name must remain the same for the new segment. Proposed street names shall be shown on preliminary plats. The names of streets fronting thirteen or fewer lots shall be approved by the director through the minor subdivision processes. The names of streets fronting more than thirteen lots shall be approved by the commission at the time of preliminary plat approval for major subdivisions.

(b) *Existing streets.* In order to change the name of any existing public street or right-of-way, an application must be submitted on a form provided by the department. The form must be accompanied by:

- (1) The application fee-;
- (2) Evidence that the applicant(s) own property with access to the public street proposed for the street name change; and-
- (3) Signed letters of approval from a majority of property owners whose properties have access to the public street proposed for the name change.

(c) *Street name change process.* After submittal of a completed application under (b) of this section, the department must schedule a public hearing by the planning commission. Public notification shall be according to notice as set forth in section 49.15.230, Public notice.

(1) *Commission review.* The Commission shall review the proposed street name change pursuant to the approval criteria of this subsection. Upon completion of the review, the Commission shall approve or deny the application.

(A) Approval Criteria.

- (i) There is minimal or no objection from the public;
and

(ii) The proposed name change will not increase confusion for the public or the dispatchers and drivers of emergency vehicles.

(2) *Sign replacement.* If the name change is approved, the applicant(s) shall be responsible for replacing all existing street name signs according to public works department requirements.

49.17.255 Remote subdivisions.

(a) *Purpose.* The purpose of the remote subdivision code section is to provide for the waiver or reduction of submittal, design, and improvement requirements related to access and potable water for subdivisions in remote areas, specifically for subdivisions located in remote areas according to CBJ 49.70.1110.

(b) *Street improvements.* The director for minor subdivisions and the commission for major subdivisions, designated as remote subdivisions according to CBJ 49.70.1110, may:

(1) Authorize a lesser improvement than that which would otherwise be required by CBJ 49.17.525(b), ~~Street Construction Standards~~, upon a finding that such lesser improvement would provide sufficient and practical access to lots created by the subdivision, and that the developer has established a system for common maintenance of the improvements by property owners within the subdivision.

(2) Waive the requirements of CBJ 49.17.525(b), ~~Street construction standards~~, upon a finding that construction of the required right-of-way is not necessary to provide for sufficient and practical access to lots created by the subdivision and would be an unnecessary public maintenance burden.

(c) *Access.* A remote subdivision according to CBJ 49.70.1110 shall be exempt from the requirements for direct and practical access on, and a minimum 30 feet of frontage to, a publically-maintained street according to CBJ 49.17.420, ~~Access~~, upon a finding by the director for minor subdivisions or the commission for major subdivisions that:

(1) Sufficient and practical access is provided by at least 30 feet of frontage on a navigable waterbody; and

(2) There is no reasonable probability in the foreseeable future that frontage on a dedicated right-of-way will be necessary for access to the lot; and

(3) A pedestrian easement must be provided, with a minimum width of ten feet, along the lots on the upland side as close to the line of extreme high tide as is practical given topography and existing easements.

~~(---) The director or the commission may require a common boat access or another mechanism adequate to accommodate reasonably anticipated boat traffic.~~

- (d) *Water.* A remote subdivision according to CBJ 49.70.1110 shall be exempt from the submittal requirements according to CBJ 49.17.215(a)(3)(D)(i) and (ii), and the requirement to provide water improvements according to CBJ 49.17.430(b) ~~*Private Water Systems*~~ *Required.*

49.17.260 Common wall subdivisions.

- (a) *Purpose.* The purpose of the common wall subdivision is to divide the completed common wall structure, and the associated parcel, into single family dwellings on individual lots.
- (b) *Subdivision permits.* Common wall subdivisions shall be approved in accordance with CBJ 49.17.210, ~~*Minor Subdivisions*~~, or CBJ 49.17.220, ~~*Major subdivisions*~~, and must meet the additional subdivision requirements of CBJ 49.65, ~~*Article VII-Common Wall Residential Development*~~, specifically CBJ 49.65.720, ~~*Subdivision*~~.

49.17.270 Right-of-way acquisitions.

- (a) *Purpose.* The purpose of this section is to provide an orderly process to assist the City and Borough and the State with right-of-way acquisitions by tailoring platting requirements to facilitate construction of right-of-way.
- (b) *Generally.* The minor subdivision permit process shall govern right-of-way acquisition plats, except as noted in the following subsections.
- (c) *Substandard lots.* If the acquisition of property for right-of-way would create a substandard lot in size, lot coverage, vegetative cover, parking, setbacks, suitability for on-lot waste water disposal, or loss of access to existing utilities, commission review pursuant to CBJ 49.15.580, ~~*State project review*~~, or CBJ 49.10.170(c), ~~*City and borough land acquisitions, disposals and projects*~~, and this section, shall be required. The commission may approve creation of substandard lots if each lot has at least one practical building site that may be reasonably developed. The commission may add conditions of project approval.
- (d) *Application.*

(1) Signatures of the owners or lessees of the subject parcels are not required for applications under this section.

(2) Notwithstanding *CBJ 49.17.120, ~~Plat approval~~*, the owner of land subject to a right-of-way acquisition may offer to sell, or enter into a contract to sell land to the State or City and Borough before a final plat of the subdivision has been prepared, approved, filed, and recorded in accordance with this chapter.

(3) Applications for preliminary right-of-way acquisition plat approval shall comply with the requirements of CBJ 49.17.315, *~~Preliminary plat application~~*, provided, however, that the following subsections are not applicable:

(A) CBJ 49.17.315(b)(2), *~~On-lot waste disposal~~*. This section is not applicable unless the director determines that the proposed reduction in lot area of an existing parcel without public sewer access causes it to become unsuitable for on-lot waste disposal;

(B) CBJ 49.17.315(b)(3), *Subdivision design*;

(C) CBJ 49.17.315(b)(5), *Water*;

(D) CBJ 49.17.315(b)(7), *Tree removal*;

(E) CBJ 49.17.315(b)(8), *Traffic study*; and

(F) CBJ 49.17.315(b)(9), *Shadow plats*

(e) *Final plat submittal.*

(1) All applications for right-of-way acquisition plats must comply with the requirements of CBJ 49.17.320, *~~Final plat applications~~*, provided, however, that the following sections are not applicable:

(A) CBJ 49.17.320(a)(4)(B), *Proof of construction plan approval*;

(B) CBJ 49.17.320(a)(4)(D), *Utility statements*;

(C) CBJ 49.17.320(a)(4)(E), *Improvement guarantee draft*;

(D) CBJ 49.17.320(b)(4), *Improvement guarantee final*; and

(E) CBJ 49.17.320(b)(5), *Deeds, easements, or rights-of-way*.

(f) *Design.* Right-of-way acquisition plats must comply with the requirements of CBJ 49.17 Article V, *Subdivision Design*, provided, however, that the following subsections are not applicable:

- (1) CBJ 49.17.405 *General*;
- (2) CBJ 49.17.410 *Streets*; and
- (3) CBJ 49.17.415 *Lots*.

(g) *Improvements.* The requirement to construct public improvements according to chapter CBJ 49.17 is waived except in the situation where the acquisition of right-of-way and subsequent change to property boundaries results in the loss of access to public utilities or street frontage for an existing lot necessitating replacement of these public improvements.

(h) *Survey and monumentation standards.* All applications for right-of-way acquisition plats must comply with the requirements of CBJ 49.17.620, *Monumentation*, except the following sections are waived as noted:

- (1) CBJ 49.17.620(b)(1) is modified to require that only corners located along the new right-of-way line be monumented.

(i) *Right-of-way maps.* Submittal and filing of the final right-of-way maps is the last step in the right-of-way acquisition plat process.

- (1) *Submittal.* After completion of a right-of-way project, the following will be submitted:

- (A) Final right-of-way maps that identify all required survey and monumentation information.

- (2) *Process.* The final right-of-way maps will be reviewed by the City and Borough of Juneau Engineer for completeness and then recorded at the Alaska Department of Natural Resources, Juneau Recorder's Office, Juneau Recording District [RP14].

ARTICLE III.

PERMIT APPLICATIONS

49.17.310 Pre-application conference and sketch plat.

(a) *Purpose.* The purpose of a pre-application conference and the submittal of a sketch plat outlining the approximate layouts of the proposed subdivision is to:

(1) Inform the applicant of the City and Borough's subdivision requirements, public improvement requirements, and platting procedures, before substantial costs are incurred by the developer in preparation of a subdivision application;

(2) Inform the department of the applicant's development plans; and

(3) Identify issues with the proposed subdivision early on, including the subdivision layout, the extent and nature of required improvements, the location and protection of sensitive areas, impacts to adjoining properties, traffic, platting requirements, drainage, utilities, and any other issues relating to the proposal.

(b) *Applicability.*

(1) For major subdivisions, a pre-application conference and a sketch plat are required.

(2) For minor subdivisions, an applicant or the director may request a pre-application conference with or without a sketch plat.

(c) *Sketch plat.* A sketch plat shall include:

(1) A scaled drawing of the property, at a scale no smaller than 200 feet to an inch;

(2) The size of the original tract(s) being subdivided;

(3) A north arrow;

(4) The name of the owner;

(5) The approximate locations of existing lot layouts of adjoining properties;

(6) Any existing rights-of-way, easements, or other encumbrances;

~~(7) General topography of the site;~~

~~(8) Approximate locations of areas which may be affected by flooding, wetlands, geophysical hazards, and similar features;~~

(9) The approximate location of existing structures;

(108) The approximate location and sizes of existing sewer lines, water lines, culverts, and other underground structures;

(119) Proposed phasing (if applicable);

(120) The number, dimensions, and approximate areas of all proposed lots;

(131) The locations and names of all planned streets or other public ways within the subdivision;

(142) If the sketch plat submitted covers only a part of the tract under the control of the applicant, the prospective street system of the unplatted part must be shown;

(143) The approximate location of any parcels proposed to be set aside for public use or for the use of all the property owners within the proposed subdivision, if applicable;

(154) Proposed connections to sewer and water or a plan for any on-lot wastewater disposal; and

(165) Proposed plans for collecting and discharging drainage water.

49.17.315 Preliminary plat requirements.

(a) *Plat.* A preliminary plat shall meet the following requirements:

(1) *Preparer.* The preliminary plat shall be prepared by a professional land surveyor, registered in the State of Alaska;

(2) *Size.* The preliminary plat shall be submitted on 22 by 34 inch sheets. The director of engineering may approve alternate sheet sizes;

(3) *Illustration.* The preliminary plat shall be drawn with black ink to a scale of one-inch to 100 feet or less, or other suitable scale, approved by the director of engineering;

(4) *Title block.* The preliminary plat must show:

(A) An enclosed title block in the lower right-hand

corner containing:

- (i) The proposed name of the subdivision;
- (ii) The legal description of the parcel to be subdivided including U.S. Survey, U.S. Mineral Survey, A.T.S. number, or section, township and range number, as applicable;
- (iii) City and Borough of Juneau, Alaska;
- (iv) Juneau Recording District;
- (v) The date the preliminary plat was prepared and revised;
- (vi) The horizontal scale;
- (vii) The name and address of the owner of record;
- (viii) The case number for the preliminary plat;
- ~~(viii)~~ The parcel numbers of the property; and
- ~~(viii)~~ The name, address, and telephone number of the surveyor preparing the preliminary plat.

(5) *Lot, Block, and Street Information.* The preliminary plat must show:

- (A) The area of each lot;
- (B) The dimensions in feet and hundredths of a foot;
- (C) An identifying number and letter for lots and blocks;
- (D) Lots numbered consecutively commencing with the number “1” with no omissions or duplications;
- (E) If the remainder of an original parcel being subdivided is relatively large, it shall be designated as a “tract” with an identifying number;
- (F) All parcels of land intended to be dedicated for

public use or reserved for the use of all of the property owners in the proposed subdivision shall be shown as lots, and consecutively numbered. The purpose and any conditions or limitations on the use of the parcel shall be noted on the plat;

(G) Abutting properties shall be shown with dashed lines, numbers, and/or letters;

(H) For resubdivisions or public way vacations, the lines and legal description of the previous lots shall be shown with light dashed lines, numbers, and/or letters, or by a separate plat on the same sheet showing the previous lot lines;

(I) The minimum data shown for each curve shall be:

- (a) Length;
- (b) Central angle;
- (c) Radius; and
- (d) Bearing and distance of long chord.

(J) Setbacks shall be shown on all corner lots and any lots with multiple frontage. Setbacks shall be shown on typical lots.

(6) *Boundary lines.* The preliminary plat must show:

(A) All boundary lines of the subdivision with bearings and distances described;

(B) The retraced boundary lines shall show record and measured bearings and distances where they differ. Record dimension information shall be shown within parentheses and include a record source identification;

(C) The exterior boundary lines of the subdivision shall be a solid black opaque line that is of a width that distinguishes it from all other property lines shown on the plat; and

(D) If phasing is proposed, then the boundaries and

number of each phase, sequential lot numbering, and a subdivision name consistent with previous phases shall be shown;

(7) *Monumentation.* The preliminary plat must show:

- (A) The monuments used to establish the basis of bearing;
- (B) Each monument found or set shall be identified on the plat by a symbol;
- (C) A complete description of the monument, including type and all information printed on the cap;
- (D) A legend showing the symbols for all the types of monuments; and
- (E) The identification, description location, elevation, and datum of the benchmark used to establish vertical control.

(8) *Site access, circulation, and utilities.* The preliminary plat must show:

- (A) The widths and names of existing rights-of-way within the subdivision, and rights-of-way within 100 feet of the subdivision boundary;
- (B) Proposed rights-of-way, including their width and proposed names;
- (C) The grades of existing and proposed streets within these rights-of-way;
- (D) The width, ownership, use, and record reference of all proposed and existing easements within the subdivision, and any easements within 100 feet of the subdivision boundary;
- (E) The width, ownership, and use of all proposed easements;
- (F) All easements shall have sufficient dimensions shown to determine their location on the ground;

(G) Existing trails or pathways within the subdivision and within 100 feet of the subdivision boundary, including the width of any associated rights-of-way or easements;

(H) Proposed trails or pathways, and widths of their rights-of-way; and

(I) If the plat submitted covers only a part of the tract under the control of the applicant, a sketch plat of the prospective street system of the unplatted part shall be submitted.

(9) *Topographic information.* The following information must be displayed:

(A) For slopes of less than five percent, one foot contour lines and spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions;

(B) For slopes between five percent and ten percent show two foot contour lines;

(C) For slopes greater than ten percent show five foot contour lines;

(D) Every fifth elevation contour shall be distinctive and clearly labeled;

(E) Dashed lines shall represent existing contours;

(F) Mapping shall include any significant features, which can materially affect the design of the subdivision, including, but not limited to structures, fences, walls, and utility poles;

(G) If irregular slopes or special features are present, additional contour information may be required by the director of engineering for planning or construction purposes. Additional required information may include projecting the topography of the site after grading has taken place that shows such items as:

(i) Pad elevations and drainage patterns for each lot;

(ii) Tops and toes of all manufactured slopes, including daylight lines; and

(iii) Existing and proposed retaining wall locations and heights.

(H) For subdivisions located in hillside areas, those areas with slopes greater than eighteen percent, additional requirements apply in accordance with CBJ 49.70 Article II ~~Hillside Development~~.

(10) *Sewer and water*. The plat must show:

(A) Existing sewer and water mains within the tract with pipe sizes and grades; and

(B) A draft plan for proposed water and sewer lines showing the size, approximate slope, and connection points with elevations for the purpose of determining the feasibility of construction.

(11) *Multisheet plats*. When a plat requires more than one sheet, exclusive of a certificate sheet, the following data must be included on all additional sheets:

(A) North arrow;

(B) Legend;

(C) Surveyor's seal and signature;

(D) Title block;

(E) Sheet _____ of _____;

(F) Scale:

(G) All plat notes; and

(H) When a plat requires more than three sheets, a cover sheet shall also be included showing the subdivision title, a key map, and all certificates.

(b) *Additional mapping or reports*. The following additional information must be submitted with the preliminary plat. The director may require that this information be shown on supplemental maps for clarity.

(1) Overlay maps.

(A) *General.* Any portion of a special flood hazard area, landslide or avalanche area, a habitat area according to CBJ 49.70.310, or a wetland area, within the proposed subdivision shall be shown on the overlay maps adopted in this title and any areas that are found to exist on the site.

(B) *Wetlands.* The boundaries of wetland areas shall be shown on the preliminary plat and must be determined by a person trained-qualified to perform to make wetland delineations.^[ATG15]

(C) *Geophysical hazard areas.* Additional regulations apply to subdivisions located in geophysical hazard areas in accordance with CBJ 49.70, Article III, *Landslide and avalanche areas.*

(2) Soils. A soils report shall address the following:

(A) On-lot waste disposal. A soils report prepared by an engineer licensed by the State of Alaska shall be required if the proposed subdivision is located farther from the existing public sewer system than specified in CBJ 49.17.535, *Sewer systems,* and the applicant chooses to provide on-lot waste disposal rather than to connect to the public system.

(A_i) A soils report shall include the following:

(i_a) Certification that the proposed lots are large enough and have soil of sufficient permeability to permit the construction of approved waste treatment systems for on-lot waste disposal. (See CBJ 17.535(b));^[RP16]

(i_b) The location and size of drain fields for each lot;

(i_c) The locations and logs of test borings, percolation test results, and a hydrological evaluation of on-site sewage disposal;

(i_d) If the soils report indicates the soils

found on the site are not of sufficient permeability, or the lots are not large enough to permit the construction of systems for on-lot waste disposal, the size of the proposed lots must be increased, or alternate methods for waste disposal proposed;

(3B) *Subdivision design.* The soils report shall describe the nature of the subsurface soils and any soil conditions that would affect the design of the proposed development. The soils report shall state whether the proposed subdivision plan is feasible and provide general solutions for all known geotechnical conditions or problems.

(43) *Drainage.* The method by which the applicant proposes to manage surface and subsurface drainage for the subdivision and the effect of such method on adjacent areas. Specifically, a drainage plan that includes the following:

(A) A calculation of the increase in stormwater runoff resulting from the proposed development as well as the runoff from the total drainage area(s) associated with the site. Runoff calculations shall be based on a fully-developed subdivision and a 25-year storm event;

(B) How drainage from the proposed subdivision will join an established drainage channel or channels, unless the director of engineering approves use of an alternative drainage way.

(C) An evaluation of existing drainage ways and structures located between the subdivision and the receiving water body and verification that the existing drainage ways can accommodate the increased runoff. If the increased runoff cannot be handled, the plan must propose general solutions to the problem.

(D) All required improvements, on or off-site, will be shown on the construction plans in accordance with CBJ 49.17.540 and constructed as part of the subdivision.

(54) *Water.* This section does not apply to submittals for a minor subdivision of four or fewer lots. For subdivisions of five or more lots, including major subdivisions, the following shall be included where applicable in accordance with CBJ 49.17.320(a)(4)(C):

(A) If a proposed subdivision is located at greater distance from the existing public water system than specified in CBJ 49.17.530, ~~Water systems~~, and the applicant chooses not to connect to the public system, a statement that the applicant will provide a community water system or that individual wells will be used;

(B) A report by a registered engineer or geologist that clearly supports the legal and physical availability of adequate water. Methods for proof of water availability and the standards for quantity are listed in CBJ 49.17.530, ~~Water systems~~. This subsection does not apply to submittals for a subdivision designated as a remote subdivision in accordance with CBJ 49.17.255, Remote subdivisions, or to a minor subdivision of four or fewer lots in accordance with CBJ 49.17.530(b)(2);

(C) A copy of the state application for securing a permit to appropriate ~~water rights~~ for the quantity of water required to meet subdivision demand; and

(D) The director, for minor subdivisions, and the planning commission for major subdivisions, may, for good cause, temporarily waive the requirement to provide a water report for preliminary plat approval. If the provision of a water report and the proof of water availability are waived, then these requirements must be included as a condition of preliminary plat approval.

~~(65)~~ *Erosion control.* The method by which the applicant proposes to manage runoff, to control erosion, and deal with any potential impacts to adjacent properties or water bodies including;

(A) A plan for preservation of ground cover may be required in areas where runoff and resulting erosion need to be minimized; and

(B) An erosion control plan, which includes necessary control structures, will be required with construction plans.

~~(7) —Tree removal. The location of existing trees and areas of planned tree removal are required to be shown. If, after review of the clearing plan, the director finds there is a potential safety issue due to reduced wind firmness of the remaining trees, the applicant may be required to investigate and propose mitigation for the~~

~~hazard.~~

(86) Traffic study. A traffic impact analysis may be required with the preliminary plat in accordance with CBJ 49.40.300

~~Traffic.~~

(97) *Shadow plats.* This section does not apply to submittals for a minor subdivision of four or fewer lots. For subdivisions of five or more lots, including major subdivisions, the following shall be included when applicable.

(A) In transition areas, a shadow plat shall be submitted according to CBJ 49.70.710, ~~Subdivisions in transition zones shadow platting.~~

(B) The shadow plat shall consist of a sketch superimposed on the proposed subdivision layout. This sketch shall reflect any future resubdivision of the parcels into smaller lots consistent with the higher density and lot size allowed under the transition zoning.

(c) *Other documents*

(1) A copy of traverse computations.

(2) Disclosure of all known environmental hazards and any proposed mitigation measures recommended in the applicable environmental document.

49.17.320 Final plat applications.

(a) *Application submittals.* All applications for final plat approval shall be accompanied by the following:

(1) *Application form.* The appropriate form(s) approved by the director;

(2) *Fees.* The appropriate fees in accordance with CBJ 49.85, *Fees*;

(3) *Plat.* A final plat meeting the following requirements:

(A) *General requirements.* All final plats must meet the requirements set forth in CBJ 49.17.315, ~~Preliminary Plat Application, specifically sections (a)(3), Title block; (a)(5) Lot, block, and street information; (a)(6), Boundary lines; and (a)(7),~~

(B) *Notes and restrictions ~~and covenants~~.* The director for minor subdivisions, and the commission for major subdivisions, may place such conditions upon granting of final plat approval as are necessary to preserve the public welfare in accordance with this chapter. When such a condition of approval entails a restriction upon the use of all or part of the property being subdivided, a note specifying such restrictions shall be placed on the face of the plat. Such note shall constitute a ~~restrictive restriction~~ covenant in favor of the municipality and the public, and shall run with the land, enforceable against all subsequent owners. Any such ~~restrictive restriction~~ covenant may be enforced against the applicant or any subsequent owner by the municipality by injunction or other appropriate action, in the same manner as a permit or permit condition, pursuant to CBJ 49.10.600—660, or by any specifically affected member of the public.

(C) *Certification, all plats.* The following certificates shall appear on all plats:

(i) Ownership Certificate

I (we) hereby certify that I am (we are) the owners of the property shown and described hereon and that I (we) hereby adopt this plat of subdivision with my (our) free consent, and dedicate all streets, alleys, pathways, sidewalks, other improvements easements, parks and other open spaces to public use, or to private use as noted.

Date: _____, _____, 20____

____(signature)____ ____ (signature)____

Owner ____ (text)____ ____ (text)____

(An appropriate individual notary acknowledgement (Alaska) required).

(ii) Corporate Ownership Certificate

I hereby certify that (corporation name in text) is the owner of the property shown and described hereon and that I as (title in text) hereby adopt this plat of subdivision with my free consent, and dedicate all streets, alleys, pathways, sidewalks, other improvements, easements, parks and other open spaces to public use, or to private use as noted.

Date: _____, _____, 20__

_____(signature)____

Owner

Company _____

Name _____

Title _____

(An appropriate notary's acknowledgement (Alaskan) of a corporation required).

(iii) Surveyor's Certificate

I hereby certify that I am a professional Land Surveyor registered in the State of Alaska, and that this plat represents the survey made by me or under my direct supervision, that the accuracy of the survey is within the limits required by Title 49 of the Code of the City and Borough of Juneau, that all dimensional and relative bearings are correct and that monuments are set in place and noted upon this plat as presented.

Date: _____

(stamp with signature & license)

(D) *Certification, minor subdivisions.* The following certificate shall appear on minor subdivisions.

(i) Director's Certificate

I hereby certify that the plat hereon has been found to comply with Title 49 of the Code of the City and Borough of Juneau and is approved by the City and Borough of Juneau, Department of Community Development, for recording in the office of the Juneau Recording District, Juneau, Alaska.

Date: _____

_____(signature)____

Director City and Borough of Juneau Department of Community Development

Attest: (seal)

_____(signature)____

Clerk City and Borough of Juneau

Plat case number: ____ (text) ____

(E) *Certification, major subdivisions.* The following certificate shall appear on major subdivisions:

(i) Planning Commission Certificate:

I hereby certify that the subdivision plat shown hereon has been found to comply with Title 49 of the City and Borough code Juneau, Alaska and that said plat has been approved by the Planning Commission on ____, 20__, and has been approved for recording in the office of the District Recording Office, Juneau, Alaska.

Dated ____, 20__

____ (signature) ____

Chair of the City and Borough of Juneau Planning Commission

Attest:

(seal)

____ (signature) ____

Clerk, City and Borough of Juneau Planning Commission

(F) *Certificate sheet.* The director may require a certificate sheet to be included with the final plat for clarity. The certificate sheet will include a title block, sheet number, and all certificates, statements, and acknowledgements required by this chapter

(4) *Other documents.* While not required to be placed on the plat, the following documents are required, except as noted below:

(A) Proof that all conditions of preliminary plat approval have been satisfactorily completed;

(B) Proof of construction plan approval;

(C) If a community water system is proposed, then a Certification of approval of the Alaska Department of Environmental Conservation is required. This requirement does not apply to submittals for a minor subdivision of four lots or fewer. For minor subdivisions involving five to thirteen lots, the following shall be included when applicable;

(D) *Utility statements.* A statement from each private utility company that will be serving the subdivision stating that the easements shown on the final plat are satisfactory for use by that utility company for service to the proposed subdivision and that arrangements have been made to convey such easements to the appropriate utility company that will use them; and

(E) *Improvement guarantee.* A draft improvement guarantee, in accordance with CBJ 49.55, *Financial Responsibility*, if the applicant is proposing to record the plat prior to the completion of all required improvements.

(b) *Submittals for final plat recording.* After the director ~~of engineering and the director of community development have~~ has approved the final plat for recording, the following additional materials must be submitted, except as noted below:

- (1) One original reproducible plat on 22- by 34-inch sheets. The director may approve other suitable sheet sizes and will determine whether copies of the plat are required;
- (2) The plat shall be drawn with ~~non-fading~~ black ink at a scale of one-inch equals 100 feet or less. The director may approve other suitable scales;
- (3) All certificates signed and notarized, and one plat must have original signatures;
- (4) Any improvement guarantee in accordance with CBJ 49.55, *Financial Responsibility*;
- (5) Deeds, easements, or rights-of-ways for land that the applicant is transferring to public agencies that is not dedicated or granted by the landowner's certificate on the final plat;
- (6) Written evidence of rights-of-entry or permanent easements on or across private property not within the proposed subdivision that may be necessary to allow construction and maintenance of subdivision improvements, to allow for and to grant necessary slope rights, and any other similar needs;
- (7) Certification of payment of taxes and special assessments levied against the property; and
- (8) If a non-public source of water is proposed for the subdivision

water supply, a ~~certificate of appropriation or permit to appropriate~~ water is required. This requirement does not apply to submittals for a minor subdivision of four lots or fewer in accordance with CBJ 49.17.605(b)(5)(A)(i). For subdivisions of five lots or more, the following shall be included when applicable in accordance with CBJ 49.17.605(b)(5)(A)(ii).

ARTICLE IV.

SUBDIVISION DESIGN

49.17.405 General.

The following design standards ~~shall~~ apply to all subdivisions. ~~except as noted:~~

~~(a) *Topography.* The subdivision layout must take into account the design limitations imposed and opportunities presented by slopes, waterways, and other topographic features.~~

~~(b) *Cultural Resources.* Locations with important cultural resources shall be taken into consideration during subdivision layout.~~

49.17.420~~[118]~~ 410 Access.

(a) *Publicly Maintained Access.* All lots must have direct and practical access to a publicly maintained street with a minimum 30 feet of frontage on that street ~~[119]~~ except as provided in CBJ 49.17.430, *Public use lots*; CBJ 49.17.655, *Remote Subdivisions*; CBJ 49.17.270, *Right-of-way Acquisitions*; CBJ 49.17.420(b); or where the minimum lot width for the zoning district or use in the zoning district at CBJ 49.25.400 is less than 30 feet. These requirements for frontage and access can be accomplished by:

(1) Dedication of a new right-of-way with construction of the street to public standards. This street must connect to an existing publicly maintained street;

(2) Use of an existing publicly maintained street;

(3) Upgrading the roadway within an existing right-of-way to public street standards. This existing right-of-way must be connected to another publically maintained street; or

(4) A combination of the above.

(b) *Privately Maintained Access.* Subdivision creating lots accessed from driveways in right-of-ways. A subdivision may create new lots fronting on right-

of-ways not maintained by an agency of government as provided by this section.^[AGM20]

~~— A subdivision may create no more than eight lots fronting on and served by an access driveway in a right-of-way.~~

(1) *Permit Required.* A permit for an access driveway that could serve one to eight lots may be issued only after approval of the concept for the access driveway by the director.

(2) *Publicly Maintained Access.* An access driveway in a public right-of-way shall be designed and constructed according to Table 49.XX.XXX Table of roadway construction standards and section 49.15 article IV.

49.17.410-415 Streets^[121].

(a) *General.* A right-of-way dedication as a part of a plat shall also meet the requirements in accordance with CBJ 49.17.525, *Streets*.

(b) *Layout.* Subdivision street systems shall be designed for the most advantageous development of the entire neighborhood area and the following:

(1) The street system shall provide for connecting streets into adjoining unsubdivided lands.

(2) *Street connectivity.* Subdivision street systems shall be designed to maximize the number of connecting streets in a given area – to reduce the volume of traffic and traffic delays on major streets (arterials and major collectors), to minimize bypass and through trips on residential streets, and to increase the number of local street connections facilitating safer bicycle and pedestrian travel.

(3) Streets shall be laid out to discourage the use of cul-de-sacs.

(4) Traffic calming should be taken into account in street layout and design.

(c) *Intersections.* Street jogs shall be avoided in accordance with section 49.17.525(4)(E).

(d) *Street classification map.* There are adopted street classification

maps A - D, dated June 5, 2006, as the same may be amended from time to time by ordinance. These maps set forth the classification of streets within the CBJ. The street classification maps will govern references to streets in this Title.

(e) *Major and minor arterials.* Except as provided in subsection (3) of this section, if a new subdivision involves frontage along an arterial street:

- (1) The plat shall note that no lots shall access directly onto the arterial;
- (2) Access shall be provided onto an interior access street or a separate frontage road; and
- (3) A parcel of land with less than 500 feet of frontage on a street, or with less than 350 feet in depth may be subdivided so as to allow access directly onto a minor arterial street if all of the following conditions are met:
 - (A) All of the resulting lots must meet the minimum lot area standard for a single family dwelling in the D-1 zoning district (36,000 sq. ft.);
 - (B) All of the lots must share a common access point and further subdivision of the newly created lots is not allowed;
 - (C) Common access to all lots is required and back out parking is prohibited. The applicant must submit a plan that shows the feasibility of off street parking for all lots and an adequate area for a turnaround to prevent back out parking;
 - (D) The applicant must provide assurance in the form of an easement, plat note, and a maintenance agreement that is recorded with the subdivision, all of which must be acceptable to the director, that ensures the required common access will be constructed and maintained by the property owners; and
 - (E) The proposed subdivision must meet all other applicable subdivision standards and requirements.

(f) *Collector streets.* Collector streets in adjoining subdivisions shall be continued in the new subdivision as needed.

(1) *Major collectors.* Except as provided in subsection (C) of this section, if a new subdivision involves frontage along a major collector street:

(A) The plat shall note that no lots shall access directly onto the major collector; and

(B) Access shall be provided onto an interior access street or a separate frontage road.

(C) Exception a parcel of land with less than 500 feet of frontage or less than 350 feet of depth may be subdivided so as to allow access directly onto a major collector street.

(2) *Minor collectors.* Access for lots is allowed directly onto minor collector streets if no other restrictions apply. [BSL22]

49.17.415-420 Lots^[123].

(a) *Generally.*

(1) Subdivision lots shall meet the minimum dimensional standards established by section 49.25.400, except as provided in CBJ 49.17.425; *Cul-de-sac lots* and CBJ 49.17.430; *Public use lots*.

(2) The shape, orientation, and setback lines of lots shall be appropriate for the development proposed.

(A) ~~For lots with more than four sides, The director may require yard setbacks to be front, street side, side, and rear lot lines to be listed or labeled on the preliminary plat.~~

(3) Each lot must have at least one practical building site.

(4) Side lot lines should be at 90 degree angles to straight streets and radial to curved streets unless topographic conditions require otherwise.

(b) *Double frontage lots.* Except for corner lots, lots served by an alley, or where a frontage road or interior access road is required, double frontage lots should be avoided. When such lots are permitted by the commission or the director, the plat shall indicate which abutting street is not approved for access when access restrictions are deemed appropriate in order to:

(1) Prevent direct access to a collector or arterial street;

(2) Restrict access to prevent unsafe sight distances; or,

(1)(3) Prevent the construction or maintenance of driveways near intersections.

(c) *Shadow plats.* When the applicant is required to submit a shadow plat in accordance with section [49.70.710](#), *Transition Areas*, the director in the case of a minor subdivision, and the commission in the case of a major subdivision, shall review and approve the application based on how well the proposed lot layout will lend itself to future resubdivision as well as other requirements of this title.

49.17.425 Cul-de-sac lots.

Cul-de-sac lots. If a proposed lot fronts on a cul-de-sac, or a similar sharply curved right-of-way, the director for minor subdivisions and the commission for major subdivisions, makes a determination that meeting minimum lot width at the front building line in accordance with the Table of Dimensional Standards in CBJ 49.25.400 is impractical, the minimum width may be reduced as necessary to achieve a reasonable lot configuration.

49.17.430 Public use lots.

Certain dimensional, access, and improvement standards can be waived for particular cases of land subdivision in accordance with the following:

(a) The director for minor subdivisions and the commission for major subdivisions, may waive the dimensional standards for minimum lot size, lot width, and lot depth as set forth in CBJ 49.25.400, ~~*Dimensional Standards*~~, for lot frontage and access requirements as set forth in CBJ 49.17.420, ~~*Access*~~, and the provision of public improvements as set forth in [CBJ 49.17](#) Article V, ~~*Subdivision Improvements*~~, if the proposed use of the lot is for open space, natural park, public and private utilities, conservation lot, or similar uses, and if the following requirements are met:

(1) The director or the commission finds that there is no public purpose or need that would be served by requiring the parcel meet these code provisions and are not applicable for the proposed public or quasi public use of the lot.

(2) Restriction of building development, further subdivision, and other appropriate limitations shall be noted on the plat in accordance with CBJ 49.17.320(a)(3)(B), ~~*Notes, restrictions, and covenants*~~, that restricts the parcel to no development or limited use, and any other restrictions; and

(3) For uses restricted from any building development (e.g., open space), that the land be put into some form of permanent protected status through the use of conservation easements, deed restriction, or other instruments acceptable to the City Attorney to assure building development will not occur [where prohibited](#).

49.17.435 Panhandle lots.

(a) The subdivision of a parcel with a panhandle lot may be allowed in order to facilitate the subdivision of large parcels, which are insufficiently wide, but otherwise meet all other requirements for subdivision. Panhandle lots may be created by subdivision under this section if the new lots meet the following additional requirements:

(1) Dimensional requirements.

(A) The front and panhandle lots must meet all the dimensional and area requirements of this title.

(B) No part of the panhandle portion of the lot shall be less than 30 feet wide.

(C) The panhandle portion of the lot shall not be longer than 300 feet in D-1 zones and 1-1/2 times the minimum lot depth in other residential zoning districts.

~~(ED)~~ No buildings ~~other than those allowed to encroach into setbacks at CBJ 49.25.430(4)~~ are allowed to be built or placed in the panhandle portion of the lot.

~~(FE)~~ In a D-1 zoning district, 30 feet of the width of the panhandle of the rear lot may be used in determining the width of the front lot.

~~(GF)~~ The common property line between the two lots in any zoning district shall be limited to two changes in direction.

~~(HG)~~ The lot width for the panhandle lot shall be the distance between its side boundaries measured behind the back lot line of the front lot. Such lot line shall also be considered the front lot line of the panhandle lot for the purpose of determining the front yard setback.

(2) *Minimum lot size.*

(A) Each lot shall be 20,000 square feet for lots served by a public sewer system. and The minimum lot size for lots not served by a public sewer system shall be 36,000 square feet ~~for lots not so served~~. Any marine outfall serving the lots shall extend to a point four feet below mean lower low water, and each lot using such disposal must abut the salt water to a minimum extent of 30 feet.

(3) *Access and parking.*

(A) Only one access to the public right-of-way shall be permitted for the two lots. Such access shall be designated on the plat, in the form of an easement and/or a plat note.

(B) Off street parking shall be provided in an amount sufficient to meet ~~municipal~~ requirements at section 49.40 article II.

(C) A driveway and parking plan shall be submitted and approved by the director prior to recording the plat. ~~and construction of the driveway and off street parking shall be completed prior to issuance of a building permit and recordation of the plat.~~

~~(D) — There shall be no back out parking onto collectors or arterials.~~

~~(E) — The lots must share a common access point.~~

~~(F) — Common access to the lots is required.~~

~~(G)~~ Back out parking is prohibited.

~~(H)~~ The applicant must submit a plan that shows the feasibility of off street parking for the lots and a turnaround that will allow drivers to drive forward onto the road in front of their lot.

~~(I)~~ The applicant must provide assurance in the form of an easement, plat note, and a maintenance agreement that is recorded with the subdivision, all of which are acceptable to the director, that ensures the required access and parking areas will be constructed and maintained by all future property owners.

~~(J)~~ Any portion of a driveway not located in a public right-of-way shall have a maximum grade not exceeding 15 percent. A profile of the proposed driveway centerline shall be submitted as part of the plat application, and must meet DOT/PFA Alaska Department of Transportation and Public Facilities or CBJ driveway standards, as appropriate based on ownership of the right-of-way.

~~(K)~~ Existing driveways and access points not meeting the requirements of this section, must be abandoned, and improvements thereto removed and relocated prior to plat

recordation.

(b) Neither lot resulting from a panhandle subdivision may be further divided into another panhandle subdivision.

~~(c) Any marine outfall serving the lots shall extend to a point four feet below mean lower low water, and each lot using such disposal must abut the salt water to a minimum extent of 30 feet.~~

ARTICLE V.

SUBDIVISION AND DEVELOPMENT IMPROVEMENTS

49.17.505 Generally.

- (a) *Purpose.* The purpose of this chapter is to:
- (1) Establish design and development criteria for public improvements; and
 - (2) Outline the procedures and responsibilities of the subdivider for furnishing plans and completing the improvements.
- (b) *Extent of improvements.* The subdivider must install all of the required improvements within the boundaries of the subdivision, and may be required to make improvements beyond the subdivision boundary in order for all of the improvements to function properly. In addition, improvements must be designed and constructed to provide for future extension to adjoining lands.
- (c) *Standards.* The subdivider must construct all improvements according to this chapter, and, at a minimum, meet the requirements of the CBJ Standard Specifications for Civil Engineering Projects and Subdivision Improvements, and the Standard Details.
- (d) *Oversizing sewer, water, and storm drainage lines.* When the subdivider is required to install connecting lines, to increase the size of existing public lines, or to install a distribution system as part of a subdivision proposal, the director for minor subdivisions and the commission for major subdivisions, after reviewing a recommendation from the director of engineering, may require any or all parts of such installation to be oversized if the director of engineering finds it likely that within the expected life of the new construction an increase in capacity will be required to serve other areas.
- (e) *Unusual or unforeseen conditions.* The director of engineering may prescribe different or additional standards like those listed above in subsection (c) of this section, if unusual or unforeseen conditions exist in a particular

subdivision, and the alternative meets or exceeds the intent of the original standard.

49.17.510 Construction plans.

(a) *Generally.* The subdivider must submit construction plans for all proposed public improvements and associated private improvements and utilities within and outside the proposed subdivision boundary.

(b) *Construction plan submittal.*

(1) *Plan sets.* Prior to submittal of the final plat, and before the start of any construction, the subdivider must furnish to the City and Borough Permit Center complete sets of construction plans, profiles, details, and special construction provisions for all existing and proposed improvements. The director of engineering shall determine the number of plan sets to be submitted. Plan sets will be forwarded to the appropriate City and Borough departments and agencies.

(2) *Engineer's stamp.* Construction plans must be stamped by the professional engineer licensed in the State of Alaska who is responsible for the improvement designs. Multiple engineer stamps are required for plans with multiple discipline designs, e.g., civil, electrical, structural engineering.

(c) *Construction plan – Details.*

(1) *Size.* All construction plans shall be submitted on 22 by 34 inch sheets. The director of engineering may approve alternative sheet sizes.

(2) *Information.* The drawings must contain the following information:

(A) Name of subdivision;

(B) Type of work;

(C) Date;

(D) Name of engineer preparing the drawings and the engineer's stamp;

(E) Space for approval signature by the director of engineering;
and

(F) A north arrow and scale.

(3) *Scale.* Horizontal scale must be one inch equals 50 feet or greater. Vertical scale must be one inch equals five feet or less with a minimum scale of one inch equals ten feet. The director of engineering may approve alternative scales.

(4) *Benchmarks.* The locations, elevations and description of datum of permanent benchmarks must be shown.

(5) *Street profiles.* Profiles of streets shall indicate finished and existing grades for centerline of the street and shall extend a minimum of 200 feet beyond the limits of the proposed project or, if intersecting an existing street, extend to the far side of the existing street.

(6) Plans and profiles, where applicable, shall include location, elevation, size, materials, and all other details of the proposed improvements.

(7) Complete survey data must be shown for all horizontal and vertical curves.

(d) *As-built drawings.* The subdivider, upon completion of required improvements, must submit a reproducible and digital format copy of as-built plans unless otherwise required by the director of engineering.

49.17.515 Easements.

(a) *Easements, public.* Where easements are required, and approved, for public water systems, sanitary sewers, storm drainage facilities, or other similar public uses, the following requirements apply:

(1) *Width.* All easements must be accessible ~~by~~ for maintenance ~~vehicles~~ and must have adequate space within the easement to accomplish maintenance, excavation, and stockpiling of material. The minimum width for a public easement that does not abut ^[BSL24] a public right-of-way is 20 feet, unless otherwise required by the director of engineering.

(2) *Surface.* Easements ~~surfaces~~ shall be graded and compacted to provide a drivable-suitable surface for access and maintenance ~~vehicles~~. ^[BSL25]

(3) *~~Gate~~Restricted access.* ^[BSL26] Where easements adjoin a public street, the director of engineering may require ~~a locked gate to be installed~~ improvements to prevent access by the public. ^[BSL26]

(b) *Easements, private.* The director or planning commission may require easements to be shown on a plat that grant access or other rights in the favor of

certain properties. These private easements are not dedicated to or maintained by the public and must be noted as such on the plat.

- (c) *Plat notes.* A note must be added to the plat stating the purpose of the easement, the grantee of the easement, restrictions on the easement use, and whether the easement is permanent or temporary; private or public.

49.17.520 Permits and schedule.

The subdivider must obtain a Public Transmission Facilities (PTF) permit from the engineering department and a building permit from the community development department before any work related to the construction of the subdivision begins. The application must provide a detailed schedule for the completion of all improvements as part of the application for a PTF permit.

49.17.525 Streets

- (a) *Street design.*

- (1) *Right-of-way widths.* The minimum right-of-way width of proposed streets is as follows:

(A) *Arterials:* ~~primary~~, 100 feet; ~~secondary~~minor, 80 feet;

(B) *Collectors:* 60 feet;

(C) *Streets other than arterials and collectors:* 60 feet;

~~(i) With paving, curbs, gutters, and sidewalks on both sides of the street: 50 feet;~~

~~(ii) Without two sidewalks and curb and gutter: 60 feet;~~

(D) *Cul-de-sacs:* temporary or permanent turnaround: a radius of 50 feet;

(E) *Alleys:* 20 feet; and,

(F) Stairways and other non-motorized access routes: 15 feet.

(G) Half streets. Whenever there exists a dedicated or platted half street or alley adjacent to the tract of land to be subdivided, the other half of the street or alley must be platted, dedicated, and the entire street or alley constructed to current improvement standards.

~~(GH)~~ *Substandard width.* Any previously platted right-of-way

less than ~~50 feet~~ in the minimum width shall be expanded to meet the minimum dimensions established by this title. The department for minor subdivisions, and the planning commission for major subdivisions, may require additional right-of-way dedication for an existing right-of-way that is 50 feet or more in width but less than the minimum required by CBJ 49.17.525 (a)(1), if they find the extra width will likely be needed to serve development in the area.

(H) Right-of-way minimum width reductions.

(i) The director may reduce minimum right-of-way width requirements ~~other than those for alleys, stairways and other non-motorized access routes:~~

(a) For a collector, the right-of-way width may be reduced by up to 10 feet;

(b) For an intermediate volume street, a low volume street, or a driveway in a right-of-way, the width may be reduced by up to ~~250~~ feet; and,

(c) Where the dedicated right-of-way abuts and runs parallel to an exterior property line, will serve as a half-street, and will be developed as a low volume street or a driveway in a right-of-way, the width may be reduced by up to 30 feet.

(d) Alleys and stairway right of ways may be reduced by up to 5 feet.

(ii) The director shall make written findings supporting right-of-way minimum width reductions granted under this section. The director's findings shall state that:

(a) The applicant has provided room for electric utility features and demonstrates that if the road is upgraded in the future to include additional sidewalks that there is sufficient right-of-way for construction of the sidewalks without need for retaining walls over two feet in height;

(b) There is sufficient right-of-way or easements to allow for drainage improvements required by construction of the sidewalks;

(c) That any driveways in the subdivision shall be constructed to accommodate the elevations of future sidewalks; and,

~~(a)~~(d) No additional right-of-way width will be required in order to provide for sufficient access

to abutting lands.

(2) *Sight distance.* Sight distances for intersection. ~~P~~passing and stopping ~~sight distances~~ must be in accordance with the specifications set forth in *A Policy on Geometric Design of Highways and Streets*.

(3) *Street grades.* Street grades are as follows:

(A) *Maximum.* Grades on arterial streets must not exceed six percent. Grades on other streets must not exceed 12 percent.

(B) *Minimum.* The minimum grade for all streets is one half percent.

(C) *Cross slope.* The minimum cross slope on all streets is 3 percent.

(D) *Exception.* Grades for all streets in hillside areas may be increased under certain circumstances according to chapter 70, article II, Hillside Development.

(4) *Intersections.*

(A) *Corner sight distance.* Corner sight distance must be in accordance with CBJ 49.17.525(a)(2), Sight distance; however, in no case shall the sight distance be less than 200 feet.

(B) *Intersection angle.* Intersections of right-of-way lines must not be less than 60 degrees. The intersection of the centerline of the constructed roadway must not be less than 80 degrees.

(C) *Grade.* The grade for the approach leg of a new roadway at an intersection must not exceed 2 percent for the first 30 feet, measured from the edge of the existing roadway. The grade for the next 70 feet of the new roadway must not exceed 6 percent (See Figure 1).

(D) *Adjustment to grade.* In certain circumstances, the director of engineering may require the centerline grade to be adjusted to ensure the grades along the edge of the intersecting street do not exceed the maximum grades listed above.

(E) *Alignment.* A proposed street that will intersect with an existing cross street shall, whenever practicable, align with an existing street intersection on the opposite side of the cross street. Street jogs that have center line offsets of less than one hundred

feet, shall not be permitted (See Figure 3).

(5) *Curves.* Curves shall be designed according to the following:

(A) *Design.* Curves shall be designed ~~to fit the use of the street and meet the required sight distance in accordance with A Policy on Geometric Design of Highways and Streets.~~

(B) *Vertical curve.* The minimum length of vertical curves is 200 feet unless otherwise approved by the director of engineering[WU27].

(6) *Cul-de-sacs.*

(A) *Length.* Streets designed to have one end permanently closed shall be no more than 600 feet and not less than 150 feet in length measured from the center of the intersection to the radius point of the turnaround. The director for minor subdivisions, and the commission for major subdivisions, may authorize a longer or shorter cul-de-sac if it is found that the unique characteristics of the site warrant modification to the length.

(B) *Turnaround diameter.* The diameter of the right-of-way for a cul-de-sac turnaround is 100 feet.

(C) *Temporary cul-de-sacs.* Temporary cul-de-sacs will be allowed where a street can logically be extended in the near future, and if the following are met:

(i) The temporary portions of the cul-de-sac turnaround must be shown on easements on the plat rather than as dedicated right-of-way;

(ii) All of the cul-de-sac must be constructed to permanent street construction standards except as noted in (vii) below;

(iii) The CBJ will record a release of the easements for the temporary portions of the turnaround at the State Recorder's office at the time the turnaround is removed and the street improvements have been extended;

(iv) Easement lines for the temporary turnaround will be considered front property lines for determining building setbacks;

(v) All improvements, including utilities, must be designed to accommodate the eventual extension of the street and reversion of the temporary turnaround to adjoining properties;

(vi) Temporary cul-de-sacs must be extended to as close to the adjoining property boundary as practical. If it is not practical to construct the turnaround portion of the cul-de-sac at this location, then the right-of-way must be extended beyond the temporary turnaround to the adjoining property line, and the street extension constructed to standard (See Figure 4);

(vii) If the temporary turnaround is constructed on property outside of the subdivision boundary, curb, gutter, and sidewalks are not required for the temporary turnaround;

(viii) Before final acceptance of all subdivision improvements by the CBJ, the subdivider must provide a financial guarantee to cover the cost of removal of the temporary turnaround and reconstruction of the street. The guarantee must be for a period of five years from the date the plat is recorded. If it is necessary to construct the street to the adjoining property within that five-year period, the subdivider can complete the reconstruction and extension, or the guarantee may be used by the CBJ for that purpose. If a right-of-way has not been dedicated on the adjoining property for the purpose of connection to the temporary cul-de-sac within this five-year period, the financial guarantee will be released, and

(ix) When the subdivider of adjoining property is required to connect to the temporary cul-de-sac, and the temporary cul-de-sac has not been extended through subsection (viii) of this section, then the subdivider must remove the temporary portions of the turnaround and reconstruct and extend the street to CBJ standards at that time.

(D) Hammerhead Turnarounds. Hammerhead turnarounds may be built in lieu of a temporary cul-de-sac, upon approval by the Engineering Director.

(b) *Street construction standards.* The subdivider must construct streets according to the following:

|

(1) *Arterials.* The subdivider is not responsible for the construction of arterial streets, but may be required to dedicate the necessary right-of-way during the platting process.

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(2) Other streets

Table 49. 17.525 Table of roadway construction standards

<u>Average Daily Trips (ADT) *</u>	<u>(Adopted) Traffic Impact Analysis Required?</u>	<u>Sidewalks</u>	<u>Curb and Subsurface Drainage</u>	<u>Travel Way Width</u>	<u>Street Lights</u>	<u>ROW Width</u>	<u>Paved Roadway</u>	<u>(Draft) Subdivision Process – by # of Lots Created</u>	<u>Roadway Classification</u>
<u>≥</u>	<u>Yes</u>	<u>Both Sides</u>	<u>Both Sides</u>	<u>26 Feet</u>	<u>Continuous</u>	<u>60 Feet**</u>	<u>Required</u>	<u>Major</u>	<u>Collector</u>
<u>500- —</u>	<u>Yes</u>	<u>Both Sides</u>	<u>Both Sides</u>	<u>26 Feet</u>	<u>Continuous</u>	<u>60 Feet**</u>	<u>Required</u>	<u>Major</u>	
<u>251- 499</u>	<u>Maybe</u>	<u>One Side</u>	<u>One Side</u>	<u>24 Feet</u> [BSL28]	<u>All Intersections</u>	<u>60 Feet**</u>	<u>Required</u>	<u>Major</u>	<u>Intermediate Volume</u>
<u>78- 250</u>	<u>No</u>	<u>Not Required</u>	<u>Not Required</u>	<u>22 Feet for Public Maintenance; or, As Required by CBJ 19.10 Appendix D: Fire Apparatus Access Roads for Driveway in Right-of-Way (private maintenance)</u>	<u>Intersections of Subdivision Streets with External Street System</u>	<u>60 Feet**</u>	<u>Not Required***</u>	<u>IntermediateMinor</u>	<u>Low Volume ; or, Driveway in Right-of-Way***</u> * —
<u>≤77</u>	<u>No</u>	<u>Not Required</u>	<u>Not Required</u>	<u>22 Feet for Public</u>	<u>Intersections of Subdivision</u>	<u>60 Feet**</u>	<u>Not Required***</u>	<u>Minor</u>	<u>Low Volume ; or,</u>

				<u>Maintenance; or, As Required by CBJ 19.10 Appendix D: Fire Apparatus Access Roads for Driveway in Right-of-Way (private maintenance)</u>	<u>ion Streets with External Street System</u>				<u>Driveway in Right-of-Way***</u> <u>*</u>
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* Relationship between ADT and number of single-family dwellings (SFD) created based on 9.57 average weekday trip ends per dwelling unit; *Trip Generation*, 7th Edition, Institute of Transportation Engineers, Use 210

** ROW Width may be reduced as prescribed at CBJ 49.35.230(g).^[129]

*** Paving of roadway required for any street type within the area within the PM-10 Non-Attainment Area Map. map needs to be created, based on http://dec.alaska.gov/air/doc/JNU_pm10_map_dec08.pdf

**** Driveway in Right-of-Way street classification requires private maintenance agreement; see CBJ 49.35.240(d)^[130] for restrictions and procedures.

(3) *Signs and markings.* The subdivider must install street name signs, traffic control signs, and traffic control pavement markings in accordance with approved plans and the requirements of the current issue of the *Manual on Uniform Traffic Control Devices*, including the current *Alaska Traffic Manual Supplement*, published by the Alaska Department of Transportation and Public Facilities.

(c) *Street construction waivers.* The ~~commission, or director as noted~~director, after considering the recommendations of the directors of the engineering and public works departments and of the Fire Marshal, may waive the following and no other street improvement requirements:

(1) *Right-of-way relocation.* If a plat is submitted for the purpose of relocating a right-of-way, the ~~commission~~director may waive all or some of the construction requirements under the following conditions:

(A) The proposed relocation will improve access to abutting or neighboring property not otherwise adequately served;

(B) The subdivider has provided sufficient engineering information to demonstrate to the director of engineering the feasibility of constructing a public street at the location of the relocated right-of-way;

(C) The relocated right-of-way and the resulting subdivision layout will conform to all the other standards of this chapter;

(D) The improvements required in the new right-of-way will not be less than those in the existing right-of-way; and

(E) No additional lots are being platted.

(2) *Stub streets.*

(A) The director for minor subdivisions, and the commission for major subdivisions may waive the full construction of a roadway within a right-of-way that is required to provide access to a bordering property, and does not provide required access to any lot within the subdivision. The commission or director may require provision of a roadbed, utility line extensions, or other appropriate improvements (See Figure 5).

(B) In addition, before final acceptance of subdivision improvements, the subdivider must provide a financial guarantee to cover the costs of constructing that part of the roadway

improvements waived by the commission or director in subsection (A) of this section. The guarantee must be for a period of five years from the date the plat is recorded. If it is necessary to connect the roadway to adjoining property within that five-year period, the subdivider may complete the construction, or the guarantee may be used by the City and Borough for that purpose. If a right-of-way has not been dedicated on the adjoining property that accomplishes the connection to the stub street within this five-year period, the financial guarantee will be released.

(C) When the subdivider of adjoining property is required to connect to the stub street, and the stub street will not be constructed through subsection (B) of this section, then the subdivider of the adjoining property will be required to construct the stub street to City and Borough standards at the time.

(3) *Cost equivalent.* If a proposed subdivision includes dedication of a right-of-way that extends an existing street, the ~~commission~~ director may allow a subdivider to allow construct all or a portion of the existing street, as well as the proposed street, to a standard of improvement that would result in a cost equivalent to that of meeting the full improvement standards for the construction of the proposed street. The ~~commission~~ director will base its decision to allow this cost equivalent alternative on whether the proposal meets or exceeds the intent of the original standard.

(4) *Remote subdivisions.* The commission and the director may waive roadway improvements and other construction requirements for remote subdivisions according to CBJ 49.17.255, ~~Remote subdivisions~~.

(5) The procedure for waiving full construction of a street in an existing public right-of-way to public standards is found in chapter 49.15 Article IV.

49.17.530 Water systems.

(a) *Public water systems required.* For new subdivisions, the subdivider must construct a public water system that provides for daily water supply and fire protection needs according to the following:

(1) *Applicability.* The subdivider must construct a public water distribution system within the subdivision, and the connection to the existing public system, in conformance with the city and borough of Juneau Subdivision Standard Specifications and Standard Details, under the following circumstances:

(A) If a minor subdivision of five or more lots, or a major

subdivision is proposed within 500 feet of an existing public water system; or

(B) If a minor subdivision is proposed within 200 feet of an existing public water system.

(2) *Nonresidential subdivisions.* The subdivider must provide an evaluation by an Alaska licensed engineer and submit the written evaluation to the director of engineering for review and approval to determine the specific quantity and distribution requirements for nonresidential subdivision.

(3) *Distance.* For the purpose of this section, distance is measured as the radial distance from the closest water main to the nearest point of the subdivision boundary.

(4) *Fire protection.* Fire protection requirements are based on whether a subdivision is located within or outside Service Area 10, the Fire Protection Service Area. All public water distribution systems constructed according to subsections (1) and (2) of this section, ~~and located in Service Area 10,~~ must be sized and constructed to meet fire flow and hydrant requirements, and provide the necessary fire flows for fire protection. All improvements must be constructed according to the International Fire Code (IFC). The director of engineering and the City and Borough fire marshal must approve all plans.

(b) *Private water systems required.* If a proposed subdivision is located at greater distances from the existing public water system as specified in CBJ 49.17.530(a)(1) above, and the subdivider chooses to not connect to the public system, the subdivider must construct a water system that provides for daily water supply and fire protection needs according to the following:

(1) ~~*Subdivisions of five or more lots*~~~~*Intermediate and major subdivisions.*~~ For minor subdivisions of five or more lots, and intermediate and major subdivisions, the subdivider must construct a water system adequate to supply water for daily use according to the following:

(A) *Daily water supply.* There are two acceptable options for meeting the daily water supply for a subdivision:

(i) *Community water system.* A subdivider can choose to construct a community water system if the following requirements are met:

(a) The community system must meet the quantity standards established in CBJ

49.17.530(b)(1)(B) below.

(b) Any proposed water system must be approved by the Alaska Department of Environmental Conservation and any other agency having jurisdiction. The subdivider must submit proof of approval(s) to the department.

(c) All improvements must meet the city and borough standards for construction of public water systems. The community system must provide a separate service to the boundary of each proposed lot.

(d) The subdivider must submit the appropriate documents that show the continued maintenance of the community water system is guaranteed. The city and borough may review and comment on the documents, but is not responsible for their content or enforcement of any provisions.

(ii) *Individual wells.* A subdivider can also choose the option of individual wells to supply daily water needs, if the following requirements are met:

(a) The subdivider must clearly demonstrate to the satisfaction of the director of engineering, through test wells, draw down tests, and other suitable methods, that the quantity standards in CBJ 49.17.530(b)(1)(B) below can be met for all proposed lots.

(b) The proposed source and supply system must be approved by the Department of Natural Resources [BSL31] and other agencies having jurisdiction. Proof of the approval must be submitted to the department.

(B) *Quantity.* Quantity requirements are as follows:

(i) *Residential use.* The proposed source and system for residential use must be capable of producing and delivering not less than 75 gallons per capita per day and a peak hour factor of 150 percent.

(ii) *Nonresidential subdivisions.* To determine quantity

and distribution requirements for nonresidential subdivisions, the subdivider must provide an evaluation by an engineer licensed in the State of Alaska and submit the written evaluation to the director of engineering for review and approval.

(iii) *Water rights.* The subdivider must show proof that the appropriate ~~application and certification permit to appropriate water~~ has been obtained from the State of Alaska for water rights for the source of water being proposed for use in the subdivision. The specific documents required and the timing for their submittal, are outlined in the subdivision permitting process as shown in CBJ 49.17. Article III, Plat Requirements.

(C) *Fire protection.* For a major subdivision proposed within ~~the fire service area~~ ~~Service Area 10~~ ^[BSL32], and not connecting to the public water system, the subdivider must, ~~nevertheless,~~ construct a water supply system that will provide adequate fire protection. This distribution system must meet all the requirements of CBJ 49.17.530(a)(4) above and may be separated or combined with the domestic water supply system.

(2) Other ~~minor~~ subdivisions not under Section (1) above.

(A) Neither a community water system, nor individual wells are required for minor subdivisions. Cross reference to CBJ 49.17.(b)(5), *Water*.

(B) *Fire protection.* Fire protection requirements will be determined at the time the individual lots are developed.

(3) *Exception for remote subdivisions.* Neither a community water system nor individual wells are required for subdivisions designated as remote subdivisions according to CBJ 49.17.255, ~~Remote subdivisions~~.

49.17.535 Sewer systems.

(a) *Public sewer systems required.* For new subdivisions, the subdivider must construct a public sewer system according to the following:

(1) *Applicability.* A subdivider must construct a public sewer system within the subdivision, and connect to the existing public sewer system, in conformance with the City and Borough of Juneau Subdivision Standard Specifications and Standard Details, under the following circumstances:

(A) If a major subdivision is proposed within 500 feet of an existing public sewer system; or

(B) If a minor subdivision is proposed within 200 feet of an existing public sewer system.

(2) *Distance.* For the purpose of this section, distance is measured as the radial distance [133] from the closest sewer main to the nearest point of the boundary of the proposed subdivision.

(b) *Private wastewater systems required.* If a proposed subdivision is located at greater distances from the existing public sewer system as specified in CBJ 49.17.535(a) above, and the subdivider chooses to not connect to the public system, then the requirements for wastewater systems in new subdivisions are as follows:

(1) *~~Subdivisions of five or more lots~~Intermediate and major subdivisions.* For ~~intermediate~~ minor subdivisions of five or more lots, and major subdivisions, the following wastewater systems shall be acceptable:

(A) *Community and cluster wastewater systems.* Community wastewater systems, which have shared collection, treatment, and disposal and cluster wastewater systems, which have individual on-site treatment with a shared collection and disposal system are acceptable if the following requirements are met:

(i) The subdivider must provide a report and certification by a registered, qualified engineer licensed by the State of Alaska, which clearly shows that the proposed community or cluster wastewater system will operate satisfactorily, and how it will meet all other state and federal standards, to the satisfaction of the director of engineering.

(ii) The director of engineering must review the report and make a recommendation to the commission. The director of engineering will not make independent findings, but will make a recommendation as to the adequacy of the methodology and data provided in the report.

(iii) All improvements must meet the city and borough standards of construction for public sewer systems. The community and cluster wastewater systems must provide separate service to the boundary of each proposed lot.

(iv) The proposed wastewater systems must be approved

by the Alaska Department of Environmental Conservation and any other agencies having jurisdiction. Proof of approval must be submitted to the department.

(B) *On-site wastewater systems.* Wastewater systems, which have individual on-site treatment and individual on-site disposal shall be acceptable if all the following requirements are met:

(i) The subdivider must provide a report and certification by a registered, qualified engineer or geologist licensed by the State of Alaska, which clearly shows that the proposed lots are large enough and have existing soils of sufficient permeability to permit the construction of on-site wastewater treatment and disposal systems.

(ii) The director of engineering shall review the report and make a recommendation to the director for ~~intermediate~~ minor subdivisions and to the commission for major subdivisions. The director of engineering will not make independent findings but will make a recommendation as to the adequacy of the data provided and of the methodology proposed in the report for wastewater treatment and disposal.

(iii) If adequate soils are not available onsite, the applicant can propose alternative methods for individual on-site wastewater systems. Alternative methods may include mound systems, marine outfalls, or other suitable wastewater systems. Review and approval of a proposal under this section must meet the applicable requirements of subsections (i) and (ii) of this section.

~~(2) — *Minor subdivisions.* On lot wastewater treatment for minor subdivisions will be approved if the requirements for intermediate and major subdivisions in CBJ 49.17.535(b)(1)(B) above are met with the following exceptions:~~

~~(A) — *Prohibited wastewater systems.* Community and cluster wastewater systems will not be approved for minor subdivision proposals.~~

~~(32)~~ *Residential wastewater systems – property owner responsibility.* The responsibilities of individual property owners for their individual wastewater systems are as follows:

(A) *Permitting.* All the owners of lots in new minor and major

residential subdivisions using cluster or on-site wastewater systems must obtain a City and Borough on-site wastewater treatment and disposal system (OWTDS) permit from the engineering department, and have completed construction and inspection of the system prior to issuance of any certificate of occupancy. The requirements for obtaining a wastewater treatment and disposal system permit, and the permit fees, shall be established by regulations issued by the manager pursuant to CBJ 01.60.

(B) *Limited maintenance contract required.* In addition, the property owners in new residential ~~minor, intermediate, and new residential~~ major subdivisions shall be required to enter into a contract with the department of public works or its designee for inspection, monitoring, and treatment plant pumping of the private wastewater facility according to CBJ XXX of this chapter. All other maintenance of the wastewater system is the responsibility of the property owner.

(C) Violation of a regulation adopted pursuant to subsections (A) and (B) of this section is an infraction.

(c) Compliance with (b) *Private wastewater systems required* of this section does not exempt the subdivider or individual property owners from meeting all requirements of the Alaska State Department of Environmental Conservation regarding approval of wastewater systems.

49.17.540 Drainage

(a) *Drainage plan.* [BSL34] The subdivider must provide a total surface drainage plan for approval by the director of engineering. This plan is an extension of the plan submitted with the preliminary plat as shown in CBJ 49.17.315(b)(4). The plan must be prepared by a civil engineer licensed to practice in the State of Alaska, must show all drainage facilities, and must include:

- (1) The calculated increase in stormwater runoff resulting from the proposed development as well as the runoff from the total drainage area(s) associated with the site. Runoff calculation shall be based on a fully developed subdivision and a 25-year storm event.
- (2) An evaluation of existing drainage ways and structures located between the subdivision and the receiving water body shall verify that the existing drainage ways can accommodate the increased runoff.
- (3) All public and any required private drainage facilities.
- (4) A demonstration of how drainage from the proposed subdivision

will outlet into an established drainage channel(s), unless an alternative drainage way(s) is approved by the director of engineering.

- (b) *Easements.* All subdivisions must be provided with necessary drainage easements, and drainage facilities adequate to prevent increased surface or subsurface runoff to abutting properties.
- (c) *Drainage systems required.* The subdivider must install all on and off-site improvements necessary to deal with increases in or changes to existing flows as shown on the approved drainage plan.
- (d) *Construction timing.* Any drainage improvements required by this section must be constructed and approved prior to or at the same time as the completion of any street construction.
- (e) Municipal planned area drainage system (Reserved).

49.17.545 Pedestrian and bicycle access.

- (a) *Shared use pathways.* Shared-use pathways for pedestrian and bicycle use may be required through blocks longer than 600 feet, or where deemed necessary to provide reasonable circulation within and between residential areas, or to provide access to schools, playgrounds, shopping centers, transportation or other community facilities according to the following:
 - (1) *Shared-use pathway width.* The width of a shared use path must not be less than 8-10 feet.
 - (2) *Construction standards.* Shared-use pathways, where required, must be constructed according to the *Alaska Department of Transportation and Public Facilities Preconstruction Manual on "Bicycle Ways."* The director of engineering may approve alternative construction when deemed appropriate to the conditions of the site.
 - (3) *Right-of-way width.* A shared-use pathway must be located in dedicated right-of-way with a minimum width of 10-15 feet. The width of the right-of-way may be modified by the director for minor and by the commission for major subdivisions, to accommodate the width of the fully constructed pathway and/or topographic features of the site.
 - (4) *Construction timing.* Shared-use pathways must be constructed prior to occupancy of any dwellings on lots located adjacent to the pathway, or at the time of all subdivision improvements are accepted by the City and Borough, whichever comes first.
- (b) *Sidewalks.* The subdivider shall construct sidewalks [according to table](#)

~~49.17.525 on both sides of all collector streets in any residential subdivision, or all streets furnished with curbs and gutters and in any commercial subdivision within the Urban Service Area. Sidewalks are not required on low volume roads or driveways within public right-of ways.~~

(1) *Minimum width.* The minimum width of sidewalks is five feet.

(2) ~~*Low density alternative.* The low density alternative for a local street may be constructed with one sidewalk not less than five feet wide.~~

(3) ~~—~~ *Waiver.* The director, after consulting with the director of engineering and the director of public works, for minor or intermediate subdivisions and the commission for major subdivisions, may waive the requirement for sidewalks and allow alternative pedestrian improvements to be constructed upon a written finding that the alternative will:

(A) Take advantage of natural features of the site or implement the Juneau Non-motorized Transportation Plan; and

(B) Provide a safety, quality, and functional equivalent to the requirement being waived.

49.17.550 Utilities

(a) *Underground utilities.* The requirements for the under grounding of utilities in new subdivisions are found in CBJ 62.40.070, *New installations; underground utilities required.*

(b) *Provision of utilities.* [Reserved]

ARTICLE VI.

SURVEY AND MONUMENTATION STANDARDS

49.17.605 Compliance.

All land subdivided in accordance with CBJ Title 49 shall be surveyed by a professional land surveyor licensed in the State of Alaska and in compliance with this article.

49.17.610 Boundary lines - Basis of bearing.

(a) *Boundary retracement.* Each existing boundary line of the proposed subdivision shall be retraced to an existing monument of record. If a boundary consists of a U.S. Survey line, Mineral Survey line, or an Alaska Tideland

Survey line, the nearest recorded primary monument on each side of the proposed subdivision shall be located.

(b) *Established lines.* A monumented centerline of a right-of-way must be considered in making the surveys and in preparing the plat. All monuments found shall be indicated and proper references made to field notes or maps of public record relating to the monuments. If the points were reset by ties, that fact shall be stated.

(c) The basis of bearing referred to on the plat shall be a line defined by two found monuments shown on the same record bearing and shall be clearly delineated or identified on the plat and in the basis of bearing statement

(d) *Basis of bearing statement.* A Basis of Bearing statement is required. The statement shall include the monument description, corner description, record bearing and the record documentation source with recording date.

(e) *Record information.* A note listing all plats of record, with recording information, pertinent to the boundary and property resolution.

49.17.620 Accuracy of survey.

A survey and traverse of the boundaries of the subdivision and all lots and blocks shall close within a limit of error of one foot in ten thousand feet of perimeter for field closures and one foot in twenty thousand feet for calculated distances.

49.17.620 Monumentation.

(a) Monumentation required for subdivisions of five or more lots. ~~major and intermediate subdivisions.~~

(1) *Primary monuments.* Primary monuments shall conform to the following requirements:

(A) All exterior corners, points of curvature and points of tangency shall be monumented with a minimum two-inch diameter metal pipe, at least 30 inches long, with a minimum four-inch flange at the bottom. A minimum two and one half inch diameter metal cap shall be permanently attached at the top. If both the cap and the pipe are of nonferrous metal, then additives with magnetic qualities shall be permanently attached at both the top and bottom of the monument. Every primary monument cap shall be permanently stamped with the year set, the surveyor's registration number, year which the monument was set, initials of subdivision, and the corner identification. This data shall be orientated so that the data may be read when the reader is facing north. Monuments

and accessories found in a disturbed condition shall be returned to the original position and condition as nearly as possible or replaced so as to perpetuate the position.

(B) No portion of a survey or subdivision may be more than 1,320 feet from a primary monument.

(C) If an exterior boundary line is less than 2,640 feet, but more than 1,320 feet long, then the intermediate primary monument shall be set as close to the midpoint as practical.

(2) *Witness corners.* If the point for a primary monument is in a place that would be impractical to monument because of natural obstacles, a witness corner shall be set. The witness distance must be shown on the plat of survey, from the existing monument, as set, to the true corner position. Witness corners shall be set on a survey property line and at a distance considered reasonable and practical from the true corner point. Witness corners shall comply with the standards for primary monuments.

(3) *Alternate primary monuments.* If conditions make it impractical to set a primary monument, one of the following methods may be substituted:

(A) A two and one-half inch brass or aluminum cap may be grouted firmly into a boulder; or

(B) A five-eighths inch minimum drive rod may be driven to a depth necessary to provide a stable base for an aluminum cap. The depth of all drive rods shall be noted on the plat.

(4) *Secondary monuments.* All lot corners, interior angle points and interior curvature control points shall be monumented with at least a five-eighths inch metal rod three feet in length with a one and one-quarter inch cap.

(5) *Monumentation installation.*

(A) Monuments shall be installed by the applicant's land surveyor at points designated on the final plat.

(B) The applicant's surveyor must install monuments before the final plat is filed with the State of Alaska recorder's office. The director of engineering may require that monumentation be certified prior to final acceptance of the subdivision improvements to ensure that any monuments disturbed or destroyed during construction are reset.

(C) If construction begins prior to submittal of the final plat, all lot corners adjacent to any proposed improvements must be staked throughout construction.

(b) Monumentation required for minor subdivisions.

(1) *Monumentation.* All exterior corners of the plat and all corners of each lot shall be monumented with a five-eighths inch by 30 inch pipe or bar capped and marked as required by the director of engineering; provided, if a plat or lot corner is identical with a United States Survey, a United States Mineral Survey, or an Alaskan Tideland Survey, the primary monument shall be shown on the plat or reestablished and shown if not found.

(2) *Monument Type.* Monumentation for minor subdivisions must meet all the requirements for major subdivisions listed above in (a) with the exception that the type of monument set may be a secondary monument.

ARTICLE VII.

PLAT EXPIRATION, APPEALS, EFFECTIVE DATE

49.17.710 Plat expiration.

(a) A preliminary plat shall expire five years from the date that the notice of decision is filed with the City and Borough clerk unless substantial progress has been made in construction of required improvements or an application for the final plat has been accepted as being complete in accordance with CBJ 49.17.140, *Complete Applications.*

49.17.720 Appeals.

Appeals for subdivision permits shall be in accordance with CBJ 49.20, *Appeals.*

49.17.730 Subdivision permit effective date.

A minor subdivision permit shall be effective upon execution by the director. The effective date for a subdivision permit shall be the date that the notice of decision is filed with the City and Borough clerk for permits approved by the commission.

49.17.740 Plat Effective Date

Once the plat has been approved in accordance with this chapter, the plat shall

|
become effective upon recordation with the State Recorder's Office.

DRAFT

Chapter 49.20

APPEALS, VARIANCES AND INTERPRETATIONS

Article I. Appeals

49.20.110 Appeals to the planning commission.

49.20.120 Appeal to the assembly.

Article II. Variances

49.20.200 Variance.

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49.20.300 Authorization to interpret.

49.20.310 Submittal.

49.20.320 Use not listed.

ARTICLE I.

APPEALS

49.20.120 Appeal to the assembly.

Appeal to the assembly is a matter of right. Unless ordered otherwise by ~~the commission or~~ [AGM1] the assembly, a decision by the commission shall not be stayed pending appeal, but action by the ~~appellee~~ applicant in reliance on the decision shall be at the risk that the decision may be reversed on appeal. The appeal of a commission decision not to hear a case shall be limited to that issue, the remedy for which shall be a remand to the commission for a hearing on the merits of the case. Appeals shall be conducted ~~according to~~ in accordance ~~with~~ chapter 01.50 of this Code, except as provided in this section.

(Serial No. 87-49, § 2, 1987; Serial No. 91-41, § 2, 1991)

Chapter 49.25

ZONING DISTRICTS*

* **Cross References:** Building regulations, CBJ Code tit. 19; one- and two-family dwellings, CBJ Code ch. 19.10; docks and harbors board, CBJ Code § 49.05.170; public ways and property, CBJ Code tit. 62.

Article I. Zoning Maps

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49.25.500 Density.

49.25.510 Special density considerations.

49.25.520 Multiple buildings; density determinations.

ARTICLE I.

ZONING MAPS

49.25.110 Zoning maps.

(a) *Adopted.* The maps contained in the atlas entitled "Zoning Maps of the City and Borough of Juneau, Alaska," dated June 5, 2006, and consisting of sheets 1--184, as the same may be amended from time to time by the assembly by ordinance, are adopted and made a part of this title.

(b) *Maintained on file.* The official zoning maps shall remain on file in the department and shall be identified by signatures of the City and Borough municipal clerk and mayor.

(c) *Amendment.* If, in accordance with the provisions of this chapter, changes are made in the district

classification, such changes shall be entered on the official zoning map promptly after the amendment has been adopted by the assembly by ordinance.

(d) *Final authority.* The official zoning map shall be the final authority as to the current zoning status of land in the City and Borough, regardless of the existence of copies of the official zoning map which may be published from time to time.

(e) *Replacement of official map.* In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the assembly may by resolution adopt a new copy of the official zoning map, which shall supersede the prior copy of the official zoning map, but no such replacement shall have the effect of amending the contents or meaning of the original official zoning map. The prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

(f) *District boundary lines.* Except where reference is made on the zoning map to a street line, political boundary or other designated line, the district boundary lines are intended to follow property lines, centerlines of streets, alleys, streams, or the extension of such lines as they existed on the date of adoption of the ordinance codified in this title.

(g) ~~*Street*~~ *Public way* vacations. Whenever any street, alley or other public way is vacated as provided by section ~~49.15.450~~ 49.17.2635, the zoning districts adjoining the side of such public way shall automatically be extended to follow property lines legally created by such vacation. ~~Such extension following vacation shall have the same force and effect as boundary changes accomplished by explicit amendment.~~

(h) ~~*Stability.* In addition to designation as a particular zone, areas on the map shall be designated as stable areas not subject to bonus regulations.~~ *[Reserved]* [BSL1]
(Serial No. 87-49, § 2, 1987; Serial No. 2006-15, § 3, 6-5-2006)

ARTICLE III.

TABLE OF PERMISSIBLE USES

49.25.300 Determining uses.

(a) (1) *Listed uses.* There is adopted the table of permissible uses, table 49.25.300. The uses permitted in a zoning area shall be determined through the table of permissible uses by locating the intersection of a horizontal, or use axis and a vertical, or zone axis. The conditions and procedures applicable to the use in the zone thus located shall be as indicated thereat by the digits "1," "2" or "3" as more fully set out in this section and by circled letters of the alphabet as more fully set out by footnotes in the table. The absence of a digit at the intersection of use and zone axes means that the identified use is not permitted in the identified zone.

(2) *Unlisted uses.* The allowability of a use not listed shall be determined pursuant to section 49.20.320.

- (3) *Uses listed more than once.* Where a use might be classified under more than one category, the more specific shall control. If equally specific, the more restrictive shall control.
- (4) *Accessory uses.* Uses constituting an incidental or insubstantial part of a permissible use and commonly associated with the permissible use may be allowed as an accessory use.
- (b) (1) When used in conjunction with a particular use in the table of permissible uses, the number "1" indicates that the use requires department approval pursuant to chapter 49.15, article III, in conjunction with the issuance of a building permit. The use is allowed in the district, but limited conditions may be attached to the approval.
- (2) The number "2" indicates the use requires an allowable use permit from the planning commission. Such uses are allowed in the district, but specified conditions may be attached to the allowable use permit by the commission. The permit procedure is outlined in chapter 49.15, article I.
- (3) The number "3" indicates the use requires a conditional use permit from the commission. The use may or may not be allowed at a particular location, depending on a determination of its compatibility with surrounding or proposed land uses. The planning commission may attach any condition to ensure the compatibility of the proposed use. The conditional use permit procedure is outlined in chapter 49.15, article I.
- (c) A combination of digits such as "1, 3" or "2, 3" indicates that the approval procedure for the identified use in the identified zone will vary depending on whether the project is a major or minor development.
- (1) If the project is a minor development the first number of the combination shall indicate the applicable procedure.
- (2) If the project is a major development the second number shall indicate the applicable procedure.
- (3) The following are the distinctions between minor and major development:

Minor development means development that is classified by zoning district as follows:

Rural Reserve District: A residential development containing two or fewer dwelling units, two or fewer bedrooms leased on a daily or weekly basis, or nonresidential buildings totaling less than 10,000 square feet or using less than one acre of land.

Single Family Residential Districts: A residential development containing two or fewer dwelling units, two or fewer bedrooms leased on a daily or weekly basis, nonresidential buildings totaling less than 5,000 square feet or using less than 10,000 square feet of land.

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 nonresidential buildings totaling less than 5,000 square feet, or uses totaling less than 10,000 square feet of land.

Commercial and Mixed Use Districts: A residential development containing 12 or fewer dwelling units, 12 or fewer bedrooms leased on a daily or weekly basis, or nonresidential buildings totaling less than 10,000 square feet or using less than one-half acre of land.

Industrial Districts: Non-residential buildings of 15,000 square feet or using less than one acre of land.

(4) Major development means all development activity that is not a minor development.

(d) *Exceptions.* Exceptions to the use of minor and major development classifications as a method of determining the applicable approval procedure shall be as noted in the table of permissible uses.

(Serial No. 87-49, § 2, 1987; Serial No. 89-01, § 2, 1989; Serial No. 89-14, § 2, 1989; Serial No. 89-16, § 2, 1989; Serial No. 89-20, § 2, 1989; Serial No. 89-28, § 2, 1989; Serial No. 89-29, § 2, 1989; Serial No. 89-30, § 2, 1989; Serial No. 89-31, § 2, 1989; Serial No. 90-21, § 2, 1990; Serial No. 90-52, § 3, 1990; Serial No. 90-54, §§ 2, 3, 1991; Serial No. 91-01, § 3, 1991; Serial No. 91-36, § 2, 1991; Serial No. 92-09, § 3, 1992; Serial No. 93-05, § 2, 1993; Serial No. 93-46, §§ 2--4(Exh. A) and (Exh. B), 1993; Serial No. 94-07, §§ 2, 3(Exh. A) and (Exh. B), 1994; Serial No. 94-40, § 2(Exh. A), 1994; Serial No. 95-09, §§ 2, 3(Exh. A) and (Exh. B), 1995; Serial No. 97-10, § 2(Exh. A), 1997; Serial No. 97-19, § 2(Exh. A), 1997; Serial No. 97-47, §§ 2, 3(Exh. A), 1997; Serial No. 98-09, § 4(Exh. A), 1998; Serial No. 98-39, §§ 2--4(Exh. A), 1998; Serial No. 98-40, § 2(Exh. A), 1999; Serial No. 99-22, § 7, 1999; Serial No. 2000-46, § 2(Exh. A), 11-20-2000; Serial No. 2001-12, § 2(Exh. A), 4-02-2001; Serial No. 2010-22, §§ 2, 3(Exh. A), 7-19-2010)

ARTICLE IV.

DIMENSIONAL STANDARDS

49.25.430 Yard setbacks.

No portion of any of the items listed in subsection (1) of this section may be located on any lot closer to any lot line or to the street right-of-way line or centerline than is authorized in the table of dimensional standards in table 49.25.400, except as otherwise noted in this section. An alley or walkway is not subject to front setbacks unless it is the primary access to the lot.

(1) *Buildings, as building is defined in 49.80.120, and the following items:*

- (A) Motor vehicle fuel dispensing pumps and associated overhead canopies or roofs;
- (B) Carports;
- (C) Radio and television antennas, masts and towers (including telecommunications towers), any of which are 25 feet or greater in height or 25 square feet or greater in area at the base or foundation; and dishes greater than five feet in diameter; and

- (D) Above ground fuel and water storage tanks with a volume greater than 660 gallons.
- (2) *Street right-of-way line determined.* The street right-of-way line shall be determined by reference to a recorded map, monuments, right-of-way easements, right-of-way maps, or other means. The setback shall be measured from such right-of-way line.
- (3) *Multiple Frontage lots.* Buildings on lots bordered by two or more rights-of-way must meet the front yard setback from one lot line adjoining the rights-of-way. Setbacks from the remaining lot lines adjoining rights-of-way will be considered street side yards.

On undeveloped corner lots or corner lots on which existing buildings conform to required setbacks, the owner may establish the rear yard opposite either right-of-way frontage. The remaining yard(s) not fronting on a street right-of-way will be considered a side yard(s).

On lots with existing buildings that have nonconforming setbacks, setbacks for yards shall be established based on the yard that most closely meets the respective setback requirement.

Lots bordered by three or more rights-of-way shall not be required to provide a rear yard setback.

A front yard for a lot not bordered by a right-of-way shall be established on the lot line where access is provided to the lot.

- (4) *Projections into required yards.*
 - (A) *Architectural features.* Architectural features and roof eaves may project into a required yard four inches for each foot of yard setback required but no closer than two feet to the side and rear lot lines.
 - (i) In the MU2 zoning district, architectural features, roof eaves, and canopies may project into a required front or street side yard setback to the front or street side yard property line.
 - (B) *Enclosures.* Bay windows, garden windows, chimney and ventilation shafts, and other similar enclosed structures that do not increase the building's floor area may project four feet into any required yard provided that the maximum length of projection along the building does not exceed 15 lineal feet for any one yard. In no instance shall the projecting structure be closer than three feet to a lot line.
 - (C) *Structures unheated.* The following unheated structures are allowed in required yard setbacks, as provided below, and provided that roof eaves associated with these structures may be no closer than two feet to any side or rear lot line.
 - (i) Unenclosed balconies, connecting deck stairways, walkways, ramps and landings with or without roofs, may extend to the front lot line or street side lot lines provided the structure does not exceed five feet in internal width exclusive of support structure and is no closer than three feet to a side or rear lot line;

- (ii) Arctic entries not exceeding 65 square feet gross floor area, and no closer than five feet to any property line;
 - (iii) Enclosures for outdoor fuel tanks, detached storage sheds, greenhouses, playhouses, refuse containers, woodsheds, and similar accessory buildings, if less than four feet high in a front or street side yard and ten feet high in a side yard, and 12 feet high in a rear yard. The total encroachment into a yard, regardless of the number of encroaching buildings, shall be no more than 40 square feet in a front yard, 65 feet in a side yard, and 120 square feet in a rear yard. Where a structure is located in more than one setback, the more restrictive standards shall prevail. In no instance shall the enclosure be closer than three feet to a lot line;
 - (iv) Temporary boat or recreational vehicle shelters consisting of a plastic, canvas or similar cover material applied to a frame for winter storage provided that the cover and associated framework are removed during the period of April 15 through September 30 and provided that the shelter is no closer than three feet to a lot line;
 - (v) Other enclosures, devices, structures or accessories deemed by the director to be similar to a building or to those other items listed in this subsection.
- (D) *Uncovered porch, terrace, or patio.* An uncovered porch, terrace, or patio extending no more than 30 inches above the finished grade may be no closer than three feet to a side lot line and no closer than ten feet to a front, street side or rear lot line.
- (E) *Unenclosed porches or decks.* Unenclosed first story porches or decks, with or without roof, and with or without non-sight obscuring safety rails less than 44 inches in height, may project no more than six feet into any yard setback, provided, however, such projection is no closer than five feet to a lot line. Eaves may project a maximum of three feet from these structures.
- (F) *Sloping lots.* If the natural gradient of a sloping lot, from front to rear, exceeds 25 percent, the front yard setback shall not be less than the established yard of a dwelling, not including accessory structures, such as garages and storage buildings, which occupies an adjoining lot. In no instance shall the setback be less than five feet.
- (G) *Shoreline properties.* In any zoning district, yard setbacks are not required from tidewater lot lines.
- (H) *Carports and garages.* A minimum setback of five feet from any property line shall apply to carports and garages in any residential zoning district if:
 - (i) The topography of the lot makes construction a hardship;
 - (ii) The carport or garage has a maximum height of 17 feet measured from the

finished garage floor level, instead of from the datum established in 49.25.420(b), and a maximum gross floor area of 600 square feet;

- (iii) Sight distance is approved by the director; and
 - (iv) Enclosed space directly under the garage shall be subject to the above setback exception, and no additional stories are allowed on top of the garage.
- (I) *Parking decks.* A parking deck, no part of which exceeds one foot above the level of the adjoining roadway, and which does not include other uses, is exempt from the setback requirements of this chapter; provided a non-sight-obscuring safety rail not more than 42 inches in height is allowed.
- (J) *Substandard lots.* If the lot width, lot depth, or both are less than required, the corresponding side or rear setbacks may be reduced to the same percentage that the lot width, depth, or both, bear to the zoning district requirements, except that in no case shall the side and rear yard setbacks be less than half those required by this chapter, or five feet, whichever is greater.
- (K) *Existing substandard setbacks.* A new building may have a front yard setback or street side yard setback equal to the average front yard setback or street side yard setback of the three closest adjacent buildings. The average calculation shall be made using one building per lot. If any of the three buildings used in the averaging calculation is located a greater distance from the required setback, then the required front yard setback or street side yard setback shall be used to calculate the average.

An existing building located on the subject lot may be used as one of the three buildings to calculate the setback determination.

For purposes of this section, the buildings used in averaging must be either conforming or legally nonconforming enclosed buildings or carports and have a wall or column height of at least seven feet measured from the finished grade. Porches, bay windows and temporary buildings allowed to project into setbacks cannot be used for averaging. In no instance shall the required setback be less than half that required by this chapter or ten feet, whichever is greater.

If there are fewer than three buildings within 500 feet of the subject property, then the required setback shall be the average of front yard setbacks or street side yard setbacks of such fewer buildings, using a maximum of one building per lot.

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TITLE 49 - LAND USE

Chapter 49.35 PUBLIC IMPROVEMENTS

~~Chapter 49.35 PUBLIC IMPROVEMENTS⁽¹⁾~~

~~ARTICLE I. — GENERALLY~~

~~ARTICLE II. — STREETS~~

~~ARTICLE III. — WATER SYSTEM~~

~~ARTICLE IV. — SANITARY SYSTEMS~~

~~ARTICLE V. — DRAINAGE~~

~~ARTICLE VI. — PEDESTRIAN ACCESS~~

~~ARTICLE VII. — UTILITIES~~

~~ARTICLE VIII. — BUILDING STANDARDS~~

FOOTNOTE(S):

~~---(1)---~~

~~Cross reference — Public ways and property, CBJ Code tit. 62. [\(Back\)](#)~~

~~**ARTICLE I. GENERALLY**~~

~~49.35.110 Purpose.~~

~~49.35.120 Extent and nature of improvements.~~

~~49.35.130 Standard specifications.~~

~~49.35.140 Construction plans.~~

~~**49.35.110 Purpose.**~~

~~The purpose of this chapter is to:~~

- ~~(1) Establish design and development criteria for public improvements; and~~
- ~~(2) Outline the procedures and responsibilities of the developer for furnishing plans and completing the improvements.~~

~~(Serial No. 87-49, § 2, 1987)~~

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~~49.35.120 Extent and nature of improvements.~~

- ~~(a) All required improvements shall be installed to the boundaries of the development and shall be designed to provide for future extension and service to contiguous areas.~~
- ~~(b) In all subdivisions or other developments in which public streets are to be constructed, the developer shall construct a year-round roadway according to CBJ 49.35.240~~
- ~~(c) The developer shall install street name signs, traffic control signs and traffic control pavement markings in accordance with the approved plans and the requirements of the current issue of the Manual on Uniform Traffic Control Devices, including the current supplement.~~
- ~~(d) The commission may waive construction requirements only as provided in CBJ 49.35.240 and CBJ 49.35.620~~
~~(Serial No. 87-49, § 2, 1987; Serial No. 95-27, § 5, 1995; Serial No. 2002-20, § 2, 8-5-2002)~~

~~49.35.130 Standard specifications.~~

- ~~(a) *Compliance with specifications.* Except as provided in this chapter, all subdivision improvements shall be in accordance with the latest revision of the City and Borough subdivision standard specifications and details on file in the engineering department.~~
- ~~(b) *Unusual or unanticipated conditions.* If unusual or unanticipated conditions exist in a particular plat, the director of engineering may prescribe different or additional standards to ensure equal or better performance under the special conditions.~~
- ~~(c) *Change of standards.* Prior to a substantial change in the standards generally applicable to required subdivision improvements, the director of engineering or the director of engineering's designee shall hold a public hearing on the proposed change. The hearing shall be preceded by ten days' published notice. The standards may be changed in response to comments received at the hearing or received at any other time prior to the effective date. The standards shall become effective 30 days after the first notice of the hearing is published. The manager may shorten the notice period or waive the requirement for a hearing and may specify an earlier effective date if the manager finds an emergency exists or that other conditions warrant such action. If the hearing is held with less than three days' published notice, a second hearing preceded by ten days' published notice shall be held.~~
~~(Serial No. 87-49, § 2, 1987; Serial No. 92-09, § 2, 1992; Serial No. 99-34, § 5, 1-24-2000; Serial No. 2002-20, § 3, 8-5-2002)~~

~~49.35.140 Construction plans.~~

- ~~(a) *Generally.* All of the required improvements shall be installed to the boundaries of the subdivision and shall be designed to provide for future extension to contiguous areas. At least five days prior to construction of required improvements, the developer shall notify the City and Borough engineer of the intended construction.~~
- ~~(b) *Construction plans and profiles.* With the final plat and prior to commencement of construction, the subdivider shall furnish to the director three complete sets of construction plans and profiles of all existing and proposed improvements within the subdivision. All such documents shall be prepared by a licensed professional engineer. The director shall refer the plans to the City and Borough engineer for review.~~
- ~~(c) *Procedure and requirements.*~~

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- ~~(1) Plans and profiles and all construction drawings shall be submitted in triplicate on 22 by 34 inch or 24 by 36 inch plan or profile sheets.~~
- ~~(2) The drawings shall contain the following information:~~
- ~~(A) Name of subdivision;~~
 - ~~(B) Type of work;~~
 - ~~(C) Date;~~
 - ~~(D) Name of engineer preparing the drawings; and~~
 - ~~(E) Space for approval by the City and Borough engineer.~~
- ~~(3) North arrow and scale. Horizontal scale is preferred at one inch equals 50 feet. Vertical scale is preferred at one inch equals five feet; minimum is one inch equals ten feet.~~
- ~~(4) Location and elevations of permanent bench marks shall be shown.~~
- ~~(5) Profiles of streets shall indicate finished and existing grades for the centerline of the street and shall extend a minimum of 200 feet beyond the limits of the proposed project.~~
- ~~(6) Plans and profiles, where applicable, shall include details of curbs and gutters, sidewalks, street cross sections, locations and elevations of manholes, catch basins, storm sewers and their appurtenant works, elevations of fire hydrants, water mains, type of pipes, valves and their appurtenant works and locations, size and elevation of sewer mains with their grades and type of pipes, manholes, cleanouts and any other appurtenances.~~
- ~~(7) Complete survey data must be shown for all horizontal and vertical curves. The minimum length of vertical curves is 200 feet unless otherwise approved.~~
- ~~(8) Monuments shall be installed by the subdivider's land surveyor at points designated on the final plat as approved by the City and Borough. The monuments must be placed prior to release of the improvement or performance bond.~~
- ~~(d) As-built drawings. Upon completion of required improvements, a reproducible mylar copy of as-built plans shall be submitted by the subdivider in accordance with the requirements set forth in the City and Borough of Juneau Subdivision Standard Specifications and Standard Details.~~
- ~~(Serial No. 87-49, § 2, 1987)~~

~~ARTICLE II. STREETS^[2]~~

~~49.35.210 Street system.~~

~~49.35.220 Street names.~~

~~49.35.230 Design criteria.~~

~~49.35.240 Construction standards.~~

~~49.35.210 Street system.~~

- ~~(a) Layout. Subdivision street system shall be designed for the most advantageous development of the entire neighborhood area. Collector streets in adjoining subdivisions shall be continued and shall be of at least equal width. Street jogs shall be avoided. The street system shall provide for connecting streets into adjoining unsubdivided lands.~~

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- ~~(b) Discouragement of through traffic. Except for major thoroughfares, residential streets shall be laid out to discourage their use by through traffic.~~
- ~~(c) Future streets. Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street and utility system of the unsubdivided part shall be furnished and the street and utility system of the submitted part shall be considered in the light of proposed plans for the entire area.~~
- ~~(d) Half streets. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be divided, the other half of the street or alley shall be platted and dedicated, and the entire street or alley shall be constructed.~~
- ~~(e) Right-of-way widths. The minimum right-of-way width of proposed streets shall be as follows:~~
 - ~~(1) Arterials: primary, 100 feet; secondary, 80 feet;~~
 - ~~(2) Collectors: 60 feet;~~
 - ~~(3) Streets other than arterial and collectors: 60 feet; provided that for such streets developed with paving, underground drainage and curbs, gutters, and sidewalks on both sides of the street, the minimum right-of-way width shall be 50 feet;~~
 - ~~(4) Permanent culs-de-sac: a radius of 50 feet;~~
 - ~~(5) Alleys: 20 feet.~~~~(Serial No. 87-49, § 2, 1987; Serial No. 95-27, § 6, 1995; Serial No. 2002-20, § 4, 8-5-2002)~~

~~49.35.220 Street names.~~

~~Streets shall be given names unique in the municipality but similar in style to others in the neighborhood. Proposed street names shall appear on the preliminary plat. The names of streets serving four or fewer lots shall be approved by the director through the minor subdivision process. The names of streets serving more than four lots shall be approved by the commission at the time it approves the preliminary plat. A proposal to change the name of any existing street or right-of-way must be approved by the commission through the conditional use notification and hearing process.~~

~~(Serial No. 87-49, § 2, 1987; Serial No. 95-27, § 7, 1995)~~

~~49.35.230 Design criteria.~~

- ~~(a) Design speed. (Reserved)~~
- ~~(b) Sight distance. Sight distances for intersection, passing and stopping shall be in accordance with the specifications set forth in A Policy on Geometric Design of Highways and Streets, 1984, as published by the American Association of State Highway and Transportation Officials.~~
- ~~(c) Street grades. Grades on arterial streets shall not exceed six percent. Grades on other streets shall not exceed 12 percent. The minimum grade for all streets shall be three tenths percent. Grades in hillside developments shall be as specified in chapter 49.70, article II.~~
- ~~(d) Intersections.~~
 - ~~(1) Residential streets should not intersect with arterial or other major streets.~~
 - ~~(2) Corner sight distance shall be in accordance with subsection (b) of this section; however in no case shall the sight distance be less than 200 feet.~~

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~~(3) Intersections of right-of-way lines shall not be less than 60 degrees. Intersection of construction centerlines shall not be less than 80 degrees.~~

~~(4) The grade on the approach leg of an intersection shall not exceed six percent for the last 100 feet toward the centerline of the intersection and shall not exceed two percent for the final 15 feet to the edge of the major street. The distances shall be measured along centerlines. The grades shall be computed on a line within the traveled way and no more than seven feet from the edge of the roadway.~~

~~(e) Curves.~~

~~(1) An arterial street with an alignment deflection angle of more than ten degrees shall have a centerline radius of curvature of not less than 300 feet.~~

~~(2) Between reversed curves on arterials there shall be a tangent at least 100 feet in length.~~

~~(f) Cul-de-sacs. Streets designed to have one end permanently closed shall be no more than 600 feet long and not less than 150 feet in length from the center of the intersection to the radius point of the cul-de-sac provided that the director may authorize longer or shorter cul-de-sac streets if design considerations and site, lot layout, and surrounding street conditions warrant.~~

~~(Serial No. 87-49, § 2, 1987; Serial No. 95-27, § 8, 1995)~~

49.35.240 Construction standards.

~~(a) Roadway requirements within the urban service boundary as shown in the CBJ Comprehensive Plan shall be as follows:~~

~~(1) Arterials. The developer shall not be responsible for the construction of arterial streets.~~

~~(2) Collectors. The roadway portion of collector streets shall be at least 32 feet wide and shall be constructed by the developer with a paved roadway, curbs, gutters, street lights, sidewalks on both sides of the street, and a storm drainage system whether surface, subsurface, or both.~~

~~(3) Other streets.~~

~~(A) Typical. The roadway portion of streets other than arterials and collectors shall be at least 28 feet wide, shall be constructed by the developer with a paved roadway, curbs, gutters, street lights, sidewalks on both sides of the street, and a storm drainage system whether surface, subsurface, or both.~~

~~(B) Local access street. In areas zoned D1, D3, or RR the developer may choose to construct a local access street.~~

~~(i) Standards. A local access street shall have a roadway at least 26 feet wide, at least 22 feet of which shall be paved. It shall include street lights, storm drainage, and at least one paved sidewalk.~~

~~(ii) Limitations. A local access street shall not exceed 600 feet in length. It shall not directly serve or have the potential to serve a lot or group of lots on which more than 50 dwelling units may lawfully be constructed as estimated by the planning commission in the case of major development and the community development director in the case of minor development. Estimates shall be based upon the maximum development allowed in the zoning district for the area of the proposed development together with adjacent areas that could be served by the proposed street or extensions thereof. In a transition zone, estimates shall be based upon the zoning district having the higher density.~~

~~(b) Roadway requirements outside the urban service boundary.~~

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- ~~(1) *Arterials.* The developer shall not be responsible for the construction of arterial streets.~~
- ~~(2) *Collectors.* The roadway portion of collector streets shall be at least 32 feet wide with a gravel surface.~~
- ~~(3) *Other streets.*~~
 - ~~(A) The roadway portion of streets other than arterials and collectors shall be at least 28 feet wide with a gravel surface.~~
 - ~~(B) Provided, however, the roadway portion of local streets in new subdivisions located outside the urban service boundary may be constructed to a width of not less than 24 feet provided the estimated maximum traffic to be carried by the proposed street is less than 250 ADT. The estimation of maximum traffic to be carried shall be based upon the maximum development allowed in the zoning district for the area of the proposed development and the adjacent areas that could be served by the proposed street or extensions thereof using traffic generation rates established by the Institute of Transportation Engineers, or other recognized standard for estimating traffic generation acceptable to the City and Borough engineer.~~
- ~~(c) *Waivers.* The commission and the director of the engineering department may waive the following and no other construction requirements:~~
 - ~~(1) The requirement for curbs and gutters may be waived upon a determination by the director of engineering that curbs and gutters would be impractical with the drainage system specified by the engineering department. A decision by the director of engineering on drainage, curbs or gutters may be appealed to the manager.~~
 - ~~(2) The commission may waive requirements for paving, curb and gutters for subdivision of four and fewer lots in that area designated on the map identified as paving, curb and gutter waiver which is on file in the engineering department.~~
 - ~~(3) The commission may waive the requirement for a subdivider to install curbs and gutters in residential subdivisions of no more than four lots, if:~~
 - ~~(A) The existing street to be connected to the proposed right-of-way has no curbs or gutters; and~~
 - ~~(B) The proposed street does not exceed 200 feet in length, has no potential for extension, and terminates in a cul-de-sac.~~
 - ~~(4) If the plat is primarily for the purpose of relocating a right-of-way, the commission may vary the construction requirements under the following conditions:~~
 - ~~(A) The existing right-of-way dedication or reservation was shown on a plat recorded before March 30, 1953, or on a conveyance from the United States of America;~~
 - ~~(B) The proposed relocation will improve access to abutting or neighboring property not otherwise adequately served;~~
 - ~~(C) The relocated right-of-way will conform to the other standards of this chapter; and~~
 - ~~(D) The improvements required in the new right-of-way will not be less than those in the existing right-of-way.~~
 - ~~(5) The commission may waive the full construction of a roadway within a right-of-way that is required to provide access to a bordering property but does not provide any access within the subdivision. The commission can require provision of a roadbed or other appropriate improvements.~~

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- ~~(6) If a proposed subdivision includes dedication of a right-of-way to extend an existing street, then in lieu of the full improvement standards otherwise applicable to the proposed street, the commission may allow a subdivider to improve all or a portion of the existing street, as well as the proposed street, to a standard of improvement of a cost equivalent to that of the full improvement standards otherwise applicable to the proposed street; provided, curb, gutter and sidewalk improvements shall not be waived in commercial areas where pedestrian traffic is likely to occur, in commercial areas which provide parking in excess of ten spaces, adjacent to schools, or where an existing development plan requires such improvements.~~
- ~~(7) Where a right-of-way, not necessary to provide minimum frontage and access to the proposed subdivision, is required to be dedicated for access to adjacent property, the commission may waive street construction requirements other than those applicable to roadbed design and slope erosion control.~~
- ~~(8) For major subdivisions designated as remote subdivisions pursuant to section 49.70.1100, the commission may:~~
 - ~~(A) Waive right-of-way improvements upon a finding that construction of the required right-of-way is unnecessary for sufficient and practical access to lots created by the subdivision and would be an unnecessary public maintenance burden.~~
 - ~~(B) Reduce required right-of-way improvements upon a finding that a lesser improvement than that which is otherwise required would provide for sufficient and practical access to lots created by the subdivision and that the developer has established a system for common maintenance of the improvements by property owners within the subdivision.~~
 - ~~(C) To the extent consistent with topography, existing easements, and the need to promote access between neighbors, require that coastal lots in remote subdivisions include a pedestrian easement parallel to the line of extreme high tide.~~
- ~~(d) Access driveways allowed in rights-of-way. The director of engineering may issue an excavating permit under chapter 62.05 to the owner of a lot of record which adjoins a public right-of-way to construct an access driveway to provide vehicular access to the owner's lot. In order to issue the permit, the director must find that all of the following requirements and conditions have been met, in addition to all other applicable requirements of the City and Borough Code:~~
 - ~~(1) All lots to be served by the access driveway must be properly existing lots of record.~~
 - ~~(2) Only public rights-of-way not improved for and in use as a public road may be used for the access driveway.~~
 - ~~(3) The applicant must provide a notarized statement agreeing to and acknowledging the following:~~
 - ~~(A) That the City and Borough shall not be obligated to provide any maintenance, grading or snow plowing for the access driveway that would not be provided as a matter of course for any other driveway located on private land;~~
 - ~~(B) That the applicant and the applicant's heirs, successors, and assigns, will defend, indemnify and hold harmless the City and Borough from any claim or action for any injury, loss or damage suffered by any person arising from the design, maintenance, or use of the access driveway;~~
 - ~~(C) That the access driveway will not be blocked from vehicular or pedestrian access by the public;~~
 - ~~(D) That the City and Borough will have unimpeded access to the driveway to carry out other responsibilities not associated with subsection (d)(3)(A) of this section;~~

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- ~~(E) That the applicant will maintain the access driveway according to the requirements and conditions established by the director of engineering in the excavation permit; and~~
- ~~(F) That the City and Borough will record a copy of the agreement with the state recorder's office for each lot or parcel of land adjoining the segment of right-of-way in which the access driveway is to be located.~~
- ~~(4) A permit fee, inspection fee and performance bond must be provided according to the requirements of the engineering department. In addition, the applicant must pay a one-time sign placement fee in an amount to be established by the manager.~~
- ~~(5) No new lots may be created from the division of any parcel of land that is served by the access driveway unless the driveway is converted to a full standard public road or street or other full standard access is provided.~~
- ~~(6) A permit for an access driveway that could serve one to four lots may be issued only after approval of the concept for the access driveway by the director.~~
- ~~(7) A permit for an access driveway that could serve five or more lots may be issued only after approval of the concept for the access driveway by the planning commission under the conditional use permit procedure.~~
- ~~(Serial No. 87-49, § 2, 1987; Serial No. 88-30, § 2, 1988; Serial No. 2002-20, § 5, 8-5-2002; Serial No. 2006-15, § 8, 6-5-2006; Serial No. 2010-41, § 2, 1-10-2011)~~

FOOTNOTE(S):

~~—(2)—~~

~~**Cross reference**— Public ways and property, CBJ Code tit. 62. (Back)~~

~~**ARTICLE III. WATER SYSTEM**^[3]~~

~~49.35.310 Systems required.~~

~~49.35.320 Fire flow.~~

~~49.35.330. [Reserved.]~~

~~49.35.340 Oversizing lines.~~

~~**49.35.310 Systems required.**~~

- ~~(a) If a major development is constructed within 500 feet or a minor development other than a single-family dwelling within 200 feet of an existing and adequate public water system, the developer shall construct a distribution system and the connection thereof to the public system. The developer shall construct and pay for any increase in the size of existing public water lines and production facilities required to serve the proposed development. A public system is adequate if, in the judgment of the~~

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~~manager, it is feasible for the developer to make improvements to the public system which will provide the increased capacity necessary to serve the existing users and the new development at the same level provided to the existing users.~~

~~(b) If an adequate public water system is not available, the developer shall construct a community water system unless the developer has clearly demonstrated that individual wells will provide an adequate source of safe drinking water. Proposed community water systems must meet the quantity standards established in subsection (c) of this section and must be approved by the state department of environmental conservation and other agencies having jurisdiction.~~

~~(c) The proposed source and system must meet all applicable state requirements and must be capable of producing and delivering not less than 75 gallons per person per day. Population and development densities used for the purpose of determining system capacity shall be based on those existing in similar areas.~~

~~(d) Neither a community water system nor individual wells shall be required in major subdivisions designated as remote subdivisions pursuant to section 49.70.1110~~

~~(e) If a subdivision creates two lots, the first of which is within 200 feet of an existing and adequate public water system and the second of which is more than 1,000 feet from the system after it is extended to the first, this section shall not apply to the second lot, provided that the property is zoned RR, D-1, or D-3 and has not previously been exempted under this subsection.~~

~~(Serial No. 87-49, § 2, 1987; Serial No. 99-34, § 6, 1-24-2000; Serial No. 2003-02, § 2, 2-10-2003)~~

49.35.320 Fire flow.

~~All water distribution systems within a development in Service Area 10 and the connection between such distribution systems and the source shall be sized and constructed to meet fire flow and hydrant requirements for fire protection, without regard to the capacity of the proposed source.~~

~~(Serial No. 87-49, § 2, 1987)~~

49.35.330. [Reserved.]

Editor's note—

~~Serial No. 2006-15, § 9, adopted June 5, 2006, effective July 6, 2006, repealed § 49.35.330, which pertained to the municipal water system plan. See also the Code Comparative Table.~~

49.35.340 Oversizing lines.

~~When the developer is required to install connecting lines, to increase the size of existing public lines, or to install a distribution system within the development, the manager or the manager's designee may require any or all parts of such installation to be oversized if it can be reasonably believed that within the expected life of the new construction an increase in capacity will be required to serve other areas. The installation, compensation and other relevant matters shall be accomplished in the same manner as provided for oversized sewers under article IV of this chapter. Notwithstanding the requirement that the contractor construct improvements to existing systems, the manager or the manager's designee may elect to accomplish the design or construction, or both, of improvements to be made to existing public systems. In such case, the manager may require advance payment to the City and Borough of the~~

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~~estimated cost of work to be accomplished by the City and Borough. The City and Borough shall be reimbursed for all expenses of such design or construction not paid in advance.~~

~~(Serial No. 87-49, § 2, 1987)~~

FOOTNOTE(S):

~~—(3)—~~

~~Cross reference — Utilities, CBJ Code tit. 75. (Back)~~

~~**ARTICLE IV. SANITARY SYSTEMS**~~^[4]

~~49.35.410 Systems required.~~

~~49.35.420 Oversizing lines.~~

~~49.35.430 Private treatment systems.~~

~~**49.35.410 Systems required.**~~

- ~~(a) If public sewer facilities are available within 500 feet of the boundary of a major development, or within 200 feet of a minor development, the owner or developer shall install all necessary collectors and laterals.~~
- ~~(b) If a subdivision creates two lots, the first of which is within 200 feet of public sewer facilities and the second of which is more than 1,000 feet from the facilities after they are extended to the first, this section shall not apply to the second lot, provided that the property is zoned RR, D-1, or D-3 and has not previously been exempted under this subsection.~~

~~(Serial No. 87-49, § 2, 1987; Serial No. 2003-02, § 3, 2-10-2003)~~

~~**49.35.420 Oversizing lines.**~~

~~When installation of oversized sewer pipelines is required by the City and Borough engineer, the subdivider shall install such sewer pipeline at the subdivider's own expense except that in a residential development where the commission determines that the public interest is served by development prior to installation of public sewer service:~~

- ~~(a) The developer may enter into an agreement with the City and Borough whereby the City and Borough, upon completion and municipal acceptance of the development sewer system, will reimburse the developer, the amount determined by the City and Borough engineer to be the difference in cost between the installed cost of the oversized sewer pipeline and the installed cost of sewer lines adequate to serve both the development concerned and all other land to be served by the sewer which is owned or under control of the developer; provided that no such agreement shall be entered into unless funds have been appropriated for this purpose by the~~

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~~City and Borough and the City and Borough finance department certifies there is a sufficient unencumbered balance in such appropriation. No such payment shall be made unless the developer has conveyed to the City and Borough sufficient land to ensure control by the City and Borough of connection by adjacent landowners and such conveyance has been recorded. Such conveyance shall contain the description of land to be served by the sewer, which land has been determined to be owned or under the control of the developer, and shall further contain a description of all other land which the oversized sewer pipeline is designed to serve.~~

~~(b) The developer may enter into an agreement with the City and Borough whereby the developer will convey to the City and Borough sufficient land to ensure control by the City and Borough of connection by adjacent landowners, in return for a promise by the City and Borough that it will not allow connection by such adjacent landowners unless payment is made to the City and Borough of the amount to be set out in each contract, which the City and Borough engineer has determined to be the difference in cost between the installed cost of the oversized pipeline and the installed cost of sewer lines, adequate to serve both the development concerned and all other land to be served by the sewer, which land is owned or under the control of the developer.~~

~~(c) No development of any land described in any conveyance pursuant to subsections (a) and (b) of this section shall be approved by the platting board or commission, nor shall connection of the described lands to such sewer system be allowed by the municipal engineer until the City and Borough finance department has determined and certified to the commission, in writing, that any amounts paid to the developer under this section have been repaid to the City and Borough with interest.~~

~~No such repayment shall be required from the lands which were considered as the lands owned or controlled by the developer in computation of the original amount to be set out in the contract and described as such in the conveyance referred to above.~~

~~Such agreement shall provide that such amounts, without interest, and collected by the City and Borough, be paid to the owner of record of each lot, tract or parcel within the development. It shall further provide that there shall be no such latecomer charge for connections which serve only the lands which were considered as lands owned or controlled by the developer in computation of the original amount set out in the contract.~~

~~(d) When connections to such oversized pipeline are made by any land subject to the requirement of repayment under subsections (a) and (b) of this section, the entire amount shall be paid; however, should such lands comprise less than the total land benefitted by the oversized pipeline, the prorata share allowable to the other benefitted lands may be included in an agreement as in subsection (c) of this section.~~

~~(Serial No. 87-49, § 2, 1987)~~

49.35.430 Private treatment systems.

~~(a) If a public sewer is not available, septic tanks, leaching fields or other private sewerage facilities may be permitted, provided the state department of environmental conservation must approve all private sewerage systems and treatment plants, and provided that the owner of a lot using one of the above-listed private sewerage facilities obtains from the Engineering Department a CBJ on-site wastewater treatment and disposal system permit prior to a certificate of occupancy being issued. The requirements for obtaining a wastewater treatment and disposal system permit, and the permit fees, shall be established by regulations issued by the Manager pursuant to CBJ 01.60. Such regulations may require the landowner to enter into a contract with the CBJ Public Works Department or its designee for operation, monitoring, or maintenance of the private sewerage facility.~~

~~(b) Violation of a regulation adopted pursuant to subsection (a) of this section is an infraction.~~

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~~(CBJ Code 1970 §§ 49.35.430, 49.35.440; Serial No. 87-49, § 2, 1987; Serial No. 2005-16(b), § 2, 6-13-2005)~~

FOOTNOTE(S):

~~---(4)---~~

~~Cross reference — Utilities, CBJ Code tit. 75. [\(Back\)](#)~~

~~ARTICLE V. DRAINAGE~~ ^[5]

~~49.35.510 Drainage plan.~~

~~49.35.520 Systems required.~~

~~49.35.530 Municipal planned area drainage system.~~

~~49.35.540 Easements.~~

49.35.510 Drainage plan.

- ~~(a) The developer shall provide a total surface drainage plan for approval by the director of engineering. The plan shall be prepared by a civil engineer licensed to practice in Alaska, shall show all drainage facilities, and shall include the calculated increase in stormwater runoff resulting from the proposed development as well as the runoff from the included drainage area runoff calculations shall be based on a fully developed subdivision and a 25-year storm event. The plan shall include an evaluation of existing drainage ways and structures located between the subdivision and the approved waterway and shall verify that the existing drainage ways can accommodate the increased runoff. Any improvements required due to increased flows shall be included as part of the subdivision improvements. The plan shall show all public and any required private drainage facilities in the subdivision. Changes in the locations of drainage outfalls from the subdivision will not be permitted unless approved by the director of engineering.~~
- ~~(b) All major developments shall be provided with private drainage easements and drainage facilities adequate to prevent increased surface or subsurface runoff to abutting properties. Any drainage improvements required by this section shall be constructed and approved prior to or contemporaneous with the final approval of any required streets.~~

~~(Serial No. 87-49, § 2, 1987; Serial No. 95-27, § 9, 1995; Serial No. 2002-20, § 6, 8-5-2002)~~

49.35.520 Systems required.

~~The developer shall install all on and off-site improvements shown on the plan except as otherwise noted.~~

~~(Serial No. 87-49, § 2, 1987)~~

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~~49.35.530 Municipal planned area drainage system.~~

~~The developer shall install that part of a municipal planned area drainage system within 500 feet of a major development, or 200 feet of a minor development, if the rights-of-way, easements or other permits necessary to construct such system part have been or will be acquired by the City and Borough prior to a date to be established by the commission. If the commission does not set a date, the date shall be six months from preliminary plat approval. If adequate easements or permits have not been acquired by the time of preliminary plat approval, the City and Borough shall immediately attempt to acquire the necessary easements or permits without cost to the City and Borough or at a cost not to exceed either fair market value or the amount appropriated for the purpose of acquiring such easements or permits, whichever is less. If the manager determines that the easement or permit will be acquired by the City and Borough before the development is developed, the developer shall deposit with the City and Borough the amount determined by the engineering department to be the applicant's fair share of the easement cost. The developer may acquire for the City and Borough the necessary easements or permits or may contribute to the City and Borough part or all of the cost of acquiring any easements or permits which the City and Borough is willing to acquire but for which adequate funds are unavailable. The commission may require the developer to make improvements to the downstream parts of the municipal planned area drainage system necessary to accommodate the drainage from the development. If the developer does not install such improvements or that part of the municipal planned area drainage system that is within the development, the developer shall make a payment in lieu thereof to the City and Borough and shall install an interim drainage system, both as prescribed by the engineering department. Payments made in lieu thereof made by a developer under this section shall be used to offset special assessments made against the property for municipal planned area drainage system improvements within the development or applied to the cost of such improvements within the development.~~

~~(Serial No. 87-49, § 2, 1987)~~

~~49.35.540 Easements.~~

~~The developer shall provide and dedicate easements along any stream or body of water in such width as the City and Borough engineering department determines is necessary for widening, improving or protecting the stream or body of water.~~

~~(Serial No. 87-49, § 2, 1987)~~

FOOTNOTE(S):

~~---(5)---~~

~~Cross reference — Utilities, CBJ Code tit. 75. (Back)~~

ARTICLE VI. PEDESTRIAN ACCESS

~~49.35.610 Walkways.~~

~~49.35.620 Sidewalks.~~

~~49.35.630 Bike paths.~~

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~~49.35.610 Walkways.~~

~~Pedestrian walkways not less than five feet wide may be required through blocks longer than 600 feet or where deemed essential to provide reasonable circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.~~

~~(Serial No. 87-49, § 2, 1987; Serial No. 2002-20, § 7, 8-5-2002)~~

~~49.35.620 Sidewalks.~~

~~(a) The subdivider shall construct sidewalks on both sides of all streets furnished with curbs and gutters in any residential or commercial subdivision within the urban service area, provided that local access streets may be constructed with one sidewalk not less than five feet wide.~~

~~(b) Waivers.~~

~~(1) If the topography and lot arrangement in a residentially zoned subdivision is such that lots or property on a side of the street will not use that street for primary street access, and the commission determines that development of abutting and other nearby property will not create a need for sidewalks on both sides of the street, the commission may require a sidewalk on only one side of the street. If it grants such a waiver, it may require the remaining sidewalk to be constructed to a greater width than would otherwise be required.~~

~~(2) The commission may waive a sidewalk requirement and allow alternative pedestrian improvements to be constructed outside the right of way upon a finding that the alternative will:~~

~~(A) Take advantage of natural features of the site or implement the Juneau Non-motorized Transportation Plan; and~~

~~(B) Provide safety, quality, and function equivalent to the requirement waived.~~

~~(Serial No. 87-49, § 2, 1987; Serial No. 2002-20, § 8, 8-5-2002)~~

~~49.35.630 Bike paths.~~

~~Bike paths, where required, shall be constructed pursuant to the state department of transportation and public facilities highway preconstruction manual on "Bicycle Ways."~~

~~(Serial No. 87-49, § 2, 1987)~~

~~ARTICLE VII. UTILITIES ⁽⁶⁾~~

~~49.35.710 Underground utilities. (Reserved)~~

~~49.35.720 Provision of utilities. (Reserved)~~

~~49.35.730 Construction plans.~~

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~~49.35.710 Underground utilities. (Reserved)~~

~~Cross reference—Public utility transmission facilities, CBJ Code ch. 62.40.~~

~~49.35.720 Provision of utilities. (Reserved)~~

~~49.35.730 Construction plans.~~

~~Construction plans required under this chapter shall include the location of all existing and proposed utilities.~~

~~(Serial No. 87-49, § 2, 1987)~~

~~FOOTNOTE(S):~~

~~---(6)---~~

~~Cross reference—Utilities, CBJ Code tit. 75. (Back)~~

~~ARTICLE VIII. BUILDING STANDARDS~~

~~49.35.800 Sustainable building standards for construction and renovation of buildings.~~

~~49.35.800 Sustainable building standards for construction and renovation of buildings.~~

~~(a) *New construction and renovation of existing buildings and facilities by the City and Borough.* The City and Borough shall construct and renovate its public facilities and buildings to sustainable building standards through the use of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system, and shall be responsible for ensuring that public facilities and buildings meet the requirements as set out in this section and are operated accordingly.~~

~~(1) LEED shall be the quantitative measurement for how well standards are met;~~

~~(2) All public facilities and buildings utilizing municipal funds and costing over \$5,000,000.00 (either general or bonded), including new private construction for Municipal leasing or renting, shall be designed and constructed in such a fashion as to achieve a minimum level of LEED Certified;~~

~~(A) The City and Borough Engineering Department shall determine if attainment of specific LEED credits will be required within the credits pursued for LEED Certification. These required credits shall be documented in CBJ policy and shall be reviewed and updated each time a new version of the LEED standard is issued. Such update shall occur within three months of the issuance of a new LEED standard.~~

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- ~~(b) *Application.* The sustainable building standards for municipal buildings and facilities, including but not limited to, the Juneau School District, the Juneau International Airport, and Bartlett Regional Hospital, shall apply to facilities and buildings where the principal use is regularly occupied space, including, but not limited to, buildings occupied for office, retail, classroom, healthcare, or assembly purposes.~~
- ~~(1) As used in this section, occupied means a facility or building whose primary purpose is for people to work, assemble, or intend to remain within to perform functions (other than routine maintenance) of the principal use of the building. Industrial facilities, such as maintenance, warehouse, and vehicle storage, are excluded from this section.~~
- ~~(c) *Exception procedure.* If the Manager, with the consent of the Assembly, after consideration of the recommendation of the Sustainability Commission, determines that it would not be economically feasible to satisfy the prerequisites for LEED Certification in the case of a specific project, that project shall be exempt from the requirement for LEED Certification.~~
- ~~(d) *Effective date.* This ordinance shall become effective on July 1, 2011. Existing projects with fully executed contracts for design services on the effective date shall be exempt from this ordinance.~~
- ~~(Serial No. 2010-42, §§ 2-4, 1-10-2011, eff. 7-1-2011)~~

Chapter 49.40

ACCESS, PARKING AND TRAFFIC*

*Administrative Code of Regulations cross reference--Access, parking and traffic, Part IV, § 04 CBJAC 025.010 et seq.
Cross References: Traffic, CBJ Code tit. 72.

Article I. Access

- 49.40.105 ~~Roadway classification map.~~ Reserved
- 49.40.110 ~~Utilities.~~ Reserved
- 49.40.120 ~~Streets.~~ Reserved
- 49.40.130 ~~Arterial streets.~~ Reserved
- 49.40.140 ~~Collector streets.~~ Reserved
- 49.40.150 Streams and bodies of water.
- 49.40.160 Trailhead dedications or easements.
- 49.40.170 Driveways.
- 49.40.180 Acceleration and deceleration lanes.

Article II. Parking and Loading

- 49.40.200 General applicability.
- 49.40.210 Minimum space and dimensional standards for parking and off-street loading.
- 49.40.220 Parking area and site circulation review procedures.
- 49.40.230 Parking and circulation standards.

Article III. Traffic

- 49.40.300 Applicability.
- 49.40.305 Traffic impact analysis (TIA) requirements.
- 49.40.310 Traffic; minimum standards.
- 49.40.320 Traffic impact analysis review.
- 49.40.330 Traffic impact mitigation.
- 49.40.340 Mitigation waiver.

ARTICLE I.

ACCESS

~~49.40.105 Roadway classification map.~~ Reserved^[11]

~~There is adopted road classification maps A–D dated, June 5, 2006, as the same may be amended from time to time by the assembly by ordinance. These maps set forth the classification of roads within the CBJ. The roadway classification maps will govern references to roadways in this Title.~~
~~(Serial No. 2006-15, § 10, 6-5-2006)~~

~~49.40.110 Utilities.~~ Reserved^[12]

~~Public rights of way or easements, together with the right of ingress and egress, shall be provided where necessary for public utilities.~~
~~(Serial No. 87-49, § 2, 1987)~~

~~49.40.120 Streets. Reserved~~^[13]

~~Each lot shall abut and be physically accessible from a dedicated street.
(Serial No. 87-49, § 2, 1987)~~

~~49.40.130 Arterial streets. Reserved~~^[14]

~~(a) Except as provided in subsection (b) of this section, if a new subdivision involves frontage along an arterial street:~~

~~— (1) The plat shall note that no lots shall access directly onto the arterial; and~~

~~— (2) Access shall be provided onto an interior access street or a separate frontage made.~~

~~(b) Land involving frontage directly along a minor arterial street may be subdivided so as to allow access directly onto the minor arterial street provided all of the following conditions are met:~~

~~— (1) All of the resulting lots must comply with the D-1 zoning district lot area standards;~~

~~— (2) All of the lots must share a common access point and no additional lots may be added;~~

~~— (3) The owner or the developer, as appropriate, must construct a parking area of sufficient size to provide a minimum parking and maneuvering area to prevent back-out parking;~~

~~— (4) The owner or the developer, as appropriate, must provide assurance in the form of an easement, plat note, or other form acceptable to the City and Borough, that the required access will be maintained by the property owners; and~~

~~— (5) The proposed subdivision must meet all other applicable City and Borough subdivision standards and requirements.~~

~~(Serial No. 87-49, § 2, 1987; Serial No. 91-13, § 2, 1991)~~

~~49.40.140 Collector streets. Reserved~~^[15]

~~If a tract fronting on a major road for a distance of 500 feet or more with an average depth from the major road of more than 350 feet is to be subdivided, the commission shall require all residential lots adjoining the road to be provided with frontage on a secondary or interior street.~~

~~(Serial No. 87-49, § 2, 1987)~~

49.40.150 Streams and bodies of water.

The developer shall convey such easements or make such dedications as may be made necessary by the development in order to provide public access to all streams and public bodies of water.

(Serial No. 87-49, § 2, 1987)

49.40.160 Trailhead dedications or easements.

Trailhead dedications or easements as may be made necessary by the development shall be provided in order to provide public access to existing trails.

(Serial No. 87-49, § 2, 1987)

49.40.170 Driveways.

All driveways shall be constructed as provided in section 62.36.015.

49.40.180 Acceleration and deceleration lanes.

(a) If a driveway serves right-turning traffic from a parking area providing 200 or more parking spaces, and the road has a peak-hour traffic volume exceeding 750 vehicles per hour, an acceleration lane at least 200 feet long and at least ten feet wide measured from the driveway to the acceleration lane shall be provided.

(b) If a driveway serves as an entrance to a land development providing 100 or more parking spaces, a deceleration lane shall be provided for traffic turning right into the driveway from the road. The deceleration lane shall be at least 200 feet long and at least 13 feet wide measured from the road curb radius. A minimum 35-foot curb return radius shall be used from the deceleration lane in the driveway.

(Serial No. 87-49, § 2, 1987)

Chapter 49.65

SPECIFIED USE PROVISIONS*

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ARTICLE VI.

BUNGALOW LOTS AND STRUCTURES

49.65.600 Purpose.

The intent of this chapter is to encourage construction of small houses on property served by municipal water and sewer and publicly maintained roads. Bungalow style infill development is intended to allow property to be utilized to its maximum potential without adversely impacting established residential neighborhoods. (Serial No. 2007-13, § 3, 4-2-2007)

49.65.610 Bungalow lot subdivisions.

- (a) Subdivisions creating bungalow lots must meet the following requirements:
 - (1) Lots must be served by municipal water and sewer and publicly maintained roads.
 - (2) In zoning districts D1, D3, D5, D10-SF, and D10, subdivisions shall not exceed two bungalow

lots for each standard lot.

- (3) In zoning districts D15 and D18, bungalow lots may be platted without creating standard lots.
- (4) A note shall be included on all plats which create bungalow lots, providing: "At the time of plat recording, structures on (lot and block number for all bungalow lots) were limited to one 1,000 square foot detached single-family residence per lot; other restrictions apply as well. See the City and Borough of Juneau Land Use Code for current regulations."
- (5) Lots created through the Planned Unit Development process shall not be further subdivided into bungalow lots.

(Serial No. 2007-13, § 3, 4-2-2007)

49.65.620 Review procedure.

- (a) The review procedure for bungalow lot subdivisions shall be:

- (1) In zoning districts D1, D3, D5, D10-SF, and D10:

- (A) A minor subdivision procedure may be used for subdivision of a parcel into not more than four lots, provided that no fewer than one standard lot for each bungalow lot shall be created through this process.
- (B) Subdivisions containing one standard lot and two bungalow lots shall be processed as major subdivisions.

- (2) In zoning districts D15 and D18, bungalow lots may be platted through the subdivision process set forth in Chapter 49.15, Article IV, Minor and Major Subdivisions.

(Serial No. 2007-13, § 3, 4-2-2007)

49.65.630 Construction standards.

- (a) Construction on bungalow lots shall be limited to the following:

- (1) One detached single-family dwelling with a net floor area not to exceed 1,000 square feet, and in addition, no more than 300 square feet, net floor area, of enclosed storage space such as garages, carports or sheds.
- (2) Structures on bungalow lots shall not exceed 25 feet in height, as measured under section 49.25.420.
- (3) Area calculations for staircases and elevators:
 - (A) Up to 100 square feet of the footprint of interior staircases and elevators shall not be counted toward the net floor area of the dwelling.

- (B) The footprint of exterior staircases or elevators providing access to floors above the ground floor shall be counted toward the net floor area of the dwelling.
 - (4) Up to 100 square feet of a second story deck shall not be counted toward the net floor area.
 - (5) The primary entrance must be separate from the garage or carport, and where practicable, must be clearly visible from the street providing access. Where such visibility is not practicable, a pedestrian path must be provided from the street to the primary entrance.
 - (b) The following dwelling types shall be prohibited on bungalow lots:
 - (1) accessory apartments
 - (2) mobile homes
 - (3) recreational vehicles
 - (4) bed and breakfast or boarding houses
- (Serial No. 2007-13, § 3, 4-2-2007)

ARTICLE VII.

COMMON WALL RESIDENTIAL DEVELOPMENT

49.65.700 Purpose.

The purpose of this article is to allow, in certain residential districts, the development of common wall residential structures ~~that are~~ where each dwelling and underlying property is held under separate ownership.
(Serial No. 87-49, § 2, 1987)

49.65.705 ~~Procedure~~ Approval Process.

~~An application shall be made for a development permit to construct a common wall residential structure. An application for four or fewer units shall be considered under the department approval procedure and one for over four dwelling units shall be considered under the allowable use procedure.~~

The approval process for common wall development is as follows:

(a) *Development permits.* The development permits required for construction of common wall development are either department approval or conditional use permit. The particular permit is determined by which zoning district within which the project is located, and the proposed number of units, in accordance with CBJ 49.25.300, *Table of Permissible Uses.*

(1) *Department approval:*

(A) *Application submittals.* The following submittals are required with an application

for department approval:

- (i) Building plans that meet the requirements of this chapter and Title 19.
- (ii) A sketch plat in accordance with section 49.17.310. The sketch plat must include information necessary to demonstrate that the proposed common wall development will be able to comply with all the dimensional standards of this article after the parcel and structure have been divided.
- (iii) A draft set of common wall agreements^[11] and homeowner agreements, which set forth the rights and obligations of the owners for all common elements of the development.

(B) Application review. The application shall be reviewed by the director, and if all the requirements of this title are met, the director shall grant department approval.

(2) Conditional use permit:

(A) Application submittals. The following submittals shall be required with the conditional use permit application:

- (i) Building plans that include a detailed site plan and elevations of the proposed structures. Plans suitable for a building permit application are not required at this time.
- (ii) A draft set of common wall agreements, covenants, and homeowners agreements which set forth the rights and obligations of the owners for all common elements of the development.
- (iii) A sketch plat in accordance with section 49.17.310. The sketch plat must include that information necessary to demonstrate that the proposed common wall development will be able to comply with all the dimensional standards of this article after the parcel and structure have been divided.

(B) Application review. The commission will review and approve the application in accordance with section 49.15.330.

49.65.710 ~~Four dwellings or less.~~ Common wall Bbuilding permit.

The applicant, upon securing a building permit, may ~~then~~ proceed with construction of the common wall dwellings.

The following submittals and procedures are required for approval of a common wall development of four or fewer dwellings:

- ~~(1) Building plans that meet the requirements of this chapter and the building code shall be submitted.~~
 - ~~(2) The application shall be reviewed by the director and if all requirements of this title are met, given preliminary departmental approval. The applicant, upon securing a building permit, may proceed with construction of the common wall dwellings.~~
 - ~~(3) After completion of the project the applicant shall submit an application pursuant to chapter 49.15, article IV, for a minor subdivision to subdivide the property into individual lots. The application shall include the following:
 - ~~(A) A set of common wall agreements or covenants which set forth the rights and obligations of the owners for any common elements of the development;~~
 - ~~(B) An as built survey of the common wall dwelling that includes the location of the common wall in relation to the common property line;~~
 - ~~(C) Occupancy permits which document the substantial completion of all units in accordance with the preliminary approval of the director; and~~
 - ~~(D) After review and approval of all submittals by the director, the plat and the common wall agreement will be recorded by the department at the office of the recorder.~~~~
- ~~(Serial No. 87-49, § 2, 1987)~~

49.65.720 ~~Five dwellings or more.~~ Subdivision.

The applicant shall submit an application to subdivide the common wall development into individual dwellings and lots in accordance with section 49.17.210, section 49.17.220, and section 49.17, 260 and the following additional requirements:

- (a) **Preliminary plat.** The following additional items will be submitted with the preliminary plat, in accordance with section 49.17.315.:
 - (1) An as-built survey ~~that~~**which** includes all structures and the location of the common walls in relation to the **proposed** common property lines;
 - (2) Framing inspections ~~that~~**which** document substantial construction of all units in accordance with the preliminary plans approved by the director or the commission through the department approval, or the conditional use process, respectively; and
 - (3) Final common wall agreements, ~~covenants~~, and/or homeowners' agreements suitable for recording.
- (b) **Final Plat.** After review and approval of the final plat, in accordance with section 49.17.320, the plat and the common wall agreement documents may be recorded by the department at the State of

Alaska recorder's office after issuance of final occupancy permits.

~~The following submittals and procedures shall be required for common wall development of five or more dwellings in one or more structures:~~

- ~~— (1) — The applicant shall submit building plans that include a detailed site plan and elevations of the proposed structures. Final plans suitable for a building permit application are not required at this time.~~
 - ~~— (2) — The applicant shall submit a set of common wall agreements, covenants, and homeowner agreements which set forth the rights and obligations of the owners for all common elements of the development.~~
 - ~~— (3) — The applicant shall show evidence of an application pursuant to chapter 49.15, article IV, for a preliminary plat to subdivide the property into separate lots.~~
 - ~~— (4) — The application will be reviewed by the commission, and if it meets all requirements of this title, will be given preliminary approval. The applicant, upon securing a building permit, may then proceed with construction of the common wall dwellings.~~
 - ~~— (5) — After completion of the project, the applicant shall submit pursuant to chapter 49.15, article IV, a final plat to complete the subdivision and recording of the common wall development. In addition to the requirements of chapter 49.15, article IV, the final plat application shall include the following:~~
 - ~~— (A) — An as built survey which includes all structures and the location of the common walls in relation to the common property lines;~~
 - ~~— (B) — Occupancy permits which document substantial completion of all units in accordance with the preliminary plans approved by the commission; and~~
 - ~~— (C) — Final common wall agreements, covenants or homeowners' agreements suitable for recording.~~
 - ~~— (6) — After review and approval of the final plat by the commission, the plat and common wall agreement documents shall be recorded by the department at the office of the recorder.~~
- ~~(Serial No. 87-49, § 2, 1987)~~

49.65.725 Uses.

The use of each common wall dwelling shall be limited to a single-family dwelling and accessory uses.
(Serial No. 87-49, § 2, 1987)

49.65.730 Utilities.

~~All common wall dwellings must be served by individual public water and sewer services unless~~

~~suitable easements and maintenance agreements are provided. All utilities must be separated and under single ownership within the individual dwellings unless authorized under Title 75.~~

(Serial No. 87-49, § 2, 1987)

49.65.735 Parking and access.

(a) ~~Common wall development shall meet the parking requirements for single-family dwellings in accordance with section 49.40.~~

(b) Common wall subdivisions shall meet the requirements for lot access in accordance with [Article IV, section 49.17](#), ~~Article IV~~, ~~except in the situation where the minimum lot frontage requirement exceeds the minimum lot width, then minimum lot frontage can be reduced accordingly~~^[RP2].

(c) ~~For common wall structures of three or more dwellings, access to public rights-of-way is restricted to common driveways for each pair of dwellings.~~

(d) ~~The commission can consider alternative parking and access proposals, such as common parking areas, under the conditional use permitting process.~~

(e) ~~All common parking and access arrangementssituations shall include appropriate easements and homeowners' agreements.~~

~~Parking shall meet all requirements of chapter 49.40 for single family dwellings. For common wall dwellings of three or more units, access to the public right of way is restricted to common driveways for each pair of units or a common parking area for all units. The option chosen shall be reviewed by the commission as part of the application and shall include appropriate easements and homeowners' agreements.~~

(Serial No. 87-49, § 2, 1987)

49.65.740 Density.

The density allowed for common wall dwellings in any zoning district is the density specified for dwellings other than duplexes in that district ~~and in accordance with sections 49.25.500--and the exceptions noted in section 49.25.510.~~

(Serial No. 87-49, § 2, 1987)

49.65.745 Zoning districts.

Common wall development is allowed in the D-5, D-10 SF, D-10, D-15 and D-18, residential districts, and the MU2, mixed use district, except that no common wall development of three or more adjoining units is allowed in the D-5, residential district.

(Serial No. 87-49, § 2, 1987; Serial No. 98-09, § 10, 1998; Serial No. 98-19, § 2, 1998; Serial No. 2007-39, § 15, 6-25-2007)

49.65.750 Dimensional standards.

Common wall development shall meet the dimensional standards of the zoning district in which it is

located except for the following:

- (1) *Minimum lot size.* The minimum lot size may be reduced for common wall development of three ~~or more~~ [BSL3] contiguous units ~~or more~~ according to the following:
 - (A) D-10, residential district, 5,000 square feet;
 - (B) D-15, residential district, 3,500 square feet;
 - (C) D-18, residential district, 2,500 square feet;
 - (D) MU2, mixed use district, 2,500 square feet.
- (2) *Minimum lot width.* Lot width may be measured at either the front building line as defined by the code or at the actual front line of the building, and may be reduced according to the following:
 - (A) D-5, residential district, 60 feet;
 - (B) D-10, residential district, 40 feet;
 - (C) D-15, residential district, 30 feet;
 - (D) D-18, residential district, 20 feet;
 - (E) MU2, mixed used district, 20 feet.
- (3) *Minimum side yard setback.*
 - (i) *Common property line.* The minimum side yard setback from the common property line is reduced to zero feet for the common wall only. ~~The remaining side yard setbacks shall be ten feet in a D-5 zone, three feet in a D-10 SF zone, and five feet in a D-10, D-15, D-18 or MU2 zone.~~ For any ~~significant~~ part of the structure opposite the common property line but not connected to the structure on the other lot, a five-foot minimum setback from the common property line ~~shall be maintained~~ or a combination of setback, and minimum five-foot maintenance easement on the adjoining parcel, resulting in a minimum of five feet shall be maintained. ~~An and~~ adequate homeowners agreement must be provided to address that arrangement situation. [RP4]
 - (ii) *Remaining side yard setbacks.* The remaining side yard setbacks shall be ten feet in a D-5 zone, three feet in a D-10 SF zone, and five feet in a D-10, D-15, D-18, or MU2 zone.
- (4) *Common wall length.* The common wall shall extend at least 15 feet along the common property line.

(Serial No. 87-49, § 2, 1987; Serial No. 98-09, § 11, 1998; Serial No. 98-19, § 3, 1998; Serial No. 2007-39, § 16, 6-25-2007)

49.65.755 Architectural features.

Architectural features other than roof eaves, authorized to project into required yard setbacks under chapter 49.25, article IV, may not project into required side yard setbacks required under this article. No architectural features may project into the neighboring lots.
(Serial No. 87-49, § 2, 1987)

Chapter 49.70

SPECIFIED AREA PROVISIONS*

* **Cross References:** Building regulations, CBJ Code tit. 19.

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ARTICLE II.

HILLSIDE DEVELOPMENT

49.70.200 Purposes.

The purposes of this article are to:

- (1) Ensure that hillside development provides erosion and drainage control to protect adjoining parcels;
- (2) Protect waterways from sedimentation and pollution;
- (3) Minimize injury or damage to people or property from natural or artificial hazards in hillside development; and
- (4) Minimize any adverse aesthetic impact of hillside development.

(Serial No. 87-49, § 2, 1987)

49.70.2105 Applicability Scope.

This article applies to all development on hillsides in the City and Borough, which involves~~except:~~

(1) ~~Development on a hillside lots that~~which does not involves:

~~(A)~~ Removal of vegetative cover on any slope in excess of 18 percent;

~~(2) (B)~~ Excavation of any slope in excess of 18 percent;

~~(3) (C)~~ Creation of a new slope in excess of 18 percent for a vertical distance of at least five feet;
or

~~(4) (D)~~ Development in aAny hazard area identified 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 the assembly by ordinance or any other areas determined to be susceptible to geophysical hazards.

49.70.210 Scope.

Development as described above shall be reviewed by the commission through the Conditional Use Permit process. Minor projects are described below, may be reviewed by the director.

~~(21)~~ ~~This article does not apply to an~~ Development that consists of excavation below finished grade for basements and footings of a building, a retaining wall or other structure authorized by a building permit, provided that this shall not exempt any fill made with the material from such excavation nor any excavation having an unsupported height greater than two feet after the completion of the associated structure;

~~(32)~~ Graves;

~~(4)~~ Refuse disposal sites controlled by other regulations;

~~(53)~~ Mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate or clay provided such operations do not affect the location or peak volume of runoff, the location or amount of standing water, or the lateral support for, the stresses in, or the pressure upon, any adjacent or contiguous property;

~~(64)~~ Exploratory excavations less than 200 square feet in area and under the direction of a civil engineer with knowledge and experience in the application of geology in the design of civil work;

~~(75)~~ An excavation which:

(A) Is less than two feet in depth and covers less than 200 square feet; or

(B) Does not create a cut slope greater than five feet in height or steeper than 1 1/2 horizontal to one vertical;

(86) A fill less than one foot in depth and intended to support structures which fill is placed on natural terrain with a slope flatter than five horizontal to one vertical, which does not exceed 20 cubic yards on any one lot and which does not obstruct a drainage course;

(97) A fill less than three feet in depth and not intended to support structures which fill is placed on natural terrain on a slope flatter than five horizontal to one vertical, which does not exceed 50 cubic yards on any one lot and which does not obstruct a drainage course; or

(408) Minor development.

(Serial No. 87-49, § 2, 1987; Serial No. 2006-15, § 22, 6-5-2006)

49.70.220 - Hillside development endorsement application.

(a) *Endorsement required.* ~~Except as set forth in section 49.70.210, a~~ All development on hillsides shall be pursuant to a hillside development endorsement. ~~to the allowable or conditional use permit otherwise required.~~

(b) *Compliance.* The developer shall apply for and obtain a hillside development endorsement prior to any site work other than land and engineering surveys and soils exploration. ~~If soils exploration requires construction of a drilling pad, platform, or other structure not exempt under section 49.70.210, then a hillside development endorsement for the pad, platform or structure shall be obtained.~~

(c) *Application.* Contemporaneous with an application for any land use or engineering reviews, an ~~allowable or conditional use permit,~~ the developer shall submit one copy of a hillside development application, supporting materials, and fee to the department. The department shall forward the application to the municipal engineer. Applications shall be submitted prior to application for any associated building permit. The engineer shall return an incomplete application to the applicant within three working days of submission.

(Serial No. 87-49, § 2, 1987)

49.70.230 - Fees.

The City and Borough shall charge the developer the gross hourly rate for professional review of the application and for inspection. The developer shall deposit one percent of the value of the site development, excluding that portion of the site determined by the engineer to be subject to a public transmission facility permit, in a specially designated reserve account, against which the City and Borough may bill its documented time and expenses. The developer shall promptly replenish this amount when requested, and no endorsement may be issued if there is any deficiency in the developer's reserve account. All unexpended funds in the reserve account shall be returned to the developer upon final approval of development or when the engineer is satisfied that the work under the hillside development endorsement has been completed and the requirements of this chapter have been met.

(Serial No. 87-49, § 2, 1987)

49.70.240 - Submission requirements; application.

The application shall be accompanied by the following materials, which shall be signed and stamped by a licensed civil engineer, architect, geologist or land surveyor:

- (1) A vicinity map, at a clear and legible scale, showing roads, place and street names and natural waterbodies;
- (2) Site maps, showing the present condition of the site at a clear and legible scale compatible with the size of the development and including:
 - (A) Two-foot contours for flat terrain or five-foot contours for steep terrain and extending 50 feet in all directions beyond the development site; 12 percent line, 30 percent line;
 - (B) Water bodies, tidelands and drainage ways from the development site to accepting natural waterbody;
 - (C) Lot boundaries and easements for the site and adjacent lots; and
 - (D) Existing improvements on the site and adjacent lots, including structures, roads, driveways and utility lines.
- (3) The application shall include a finished proposed site plan at a clear and legible scale including:
 - (A) Finished grade at two-foot contours for flat terrain or five-foot contours for steep terrain and extending 50 feet in all directions beyond the development site; 12 percent line, 30 percent line;
 - (B) Water bodies, tidelands and drainage ways, and temporary and permanent drainage systems from the development site to the accepting natural waterbody;
 - (C) Lot boundaries, easements and setback lines;
 - (D) The location of improvements including structures, roads, driveways, utility lines, culverts, walls and cribbing;
 - (E) Clearing limits of existing vegetative cover; and
 - (F) A cross section of the development site.
- (4) The application shall include detailed engineering drawings of roads, driveways, parking areas, structural improvements for foundations, off-site stormwater runoff systems; cross sections and road elevations;
- (5) A description of the source and type of any off-site fill, and the site for depositing excess fill;
- (6) A landscaping plan, including all trees to be retained in excavation areas, all plant species and locations; temporary slope protection measures; erosion and siltation control measures; seeding or sodding materials, a planting and maintenance program; and methods of stabilization and protection of bare slopes;
- (7) An engineering geologic report, including a summary of the relevant surface and bedrock geology of the site, a discussion of active geologic processes with conclusions and recommendations regarding the effect of geologic factors on the proposed development; data regarding the nature, distribution and relevant parameters of existing soils, recommendations

for grading procedures; design criteria for corrective measures as necessary, and recommendations covering the suitability of the site for the proposed development;

(8) A work schedule, by phase; and

(9) Such other different or more detailed submissions as the engineer may require.

(Serial No. 87-49, § 2, 1987)

49.70.250 - Standards for approval.

Hillside development shall meet the following minimum standards:

- (1) *Roads.* The City and Borough road standards shall apply to hillside development, except that:
 - (A) *Modification of standards.* The engineer or planning commission may modify road standards as identified in subsections (1)(B) and (C) of this section, if:
 - (i) The developer's traffic analysis and circulation, land ownership, and development patterns indicate future use of the roadway at less than collector street levels;
 - (ii) The modification would enable the development to meet, or more closely approximate, the criteria set forth in [section 49.70.260](#); and either
 - (iii) The proposed road or access in question would result in a permanent cul-de-sac; or
 - (iv) A secondary access to the proposed development exists or will be developed as a part of the project.
 - (B) *Road width.* The width of a section of residential roadway may be narrowed to 20 feet, with a single four-foot pedestrian way and underground storm drain system, if:
 - (i) The section is not more than 200 feet in length, and is separated from other such sections by at least 100 feet of standard roadway;
 - (ii) No entrances, intersections or parking are allowed in the section;
 - (iii) Guard rails, if any, are designed to permit the passage of plowed snow;
 - (iv) There is at least a 200-foot line of sight along the centerline of the section;
 - (v) The section enables the development to meet, or more closely approximate, the criteria set forth in [section 49.70.260](#)
 - (vi) Grouped off-street parking spaces are provided at the entry to the section; and
 - (vii) Adequate provision is made for storage of snow.
 - (C) *Road grade.* The grade of a section of residential roadway may be increased to a maximum of 15 percent if:
 - (i) The section is not more than 200 feet in length and separated from other such sections by at least 100 feet of roadway;
 - (ii) No entrances or intersections are allowed in the section;

- (iii) Through intersections at the end of the section have approaches at least 50 feet long measured from the edge of the traveled way of the crossroad and are at a grade of eight percent or less; intersections requiring a full stop have approaches no less than 20 feet long at a grade of two percent or less, or no less than 50 feet long at a grade between two and six percent;
 - (iv) Any guard rails are designed to permit the passage of plowed snow;
 - (v) All sight distances conform to standards of the American Association of State Highway and Transportation Officials; and
 - (vi))The section enables the development to meet, or more closely approximate, the criteria set forth in [section 49.70.260](#)
- (2) *Weather.* The engineer may prohibit a developer from earthmoving during periods of very wet soil conditions, in which case the permit shall be extended by a like period.
 - (3) *Sediment.* The developer shall not allow any increase in sediment to flow off-site during or after construction if such would be likely to cause an adverse impact on a down slope lot or waterbody.
 - (4) *Peak discharge.* The developer shall ensure that during and after construction of major development, the peak discharge of all streams and natural drainage ways at the down slope boundary shall be no greater than that occurring prior to excavation.

(Serial No. 87-49, § 2, 1987)

49.70.260 - Criteria.

The commission [or director](#) shall consider the extent to which development meets the following criteria:

- (1) *Soil erosion.* Soil disturbance and soil erosion shall be minimized and the effects thereof mitigated.
- (2) *Existing vegetation.* Depletion of existing vegetation shall be minimized.
- (3) *Contours.* The developer shall recontour the finished grade to natural-appearing contours which are at or below 30 percent or the natural angle of repose for the soil type, whichever is lower, and which will hold vegetation.
- (4) *Time of exposure and soil retention.* The developer shall minimize the period of time that soil is exposed and shall employ mats, silt blocks or other retention features to maximize soil retention.
- (5) *Replanting.* The developer shall mat, where necessary, and plant all exposed soil in grass or other soil-retaining vegetation and shall maintain the vegetation for one full growing season after planting.
- (6) *Drainage.* The developer shall minimize disturbance to the natural course of streams and drainage ways. Where disturbance is unavoidable, the developer shall provide a drainage system or structures which will minimize the possibility of sedimentation and soil erosion on-site and downstream and which will maintain or enhance the general stream characteristics,

spawning quality, and other habitat features of the stream and its receiving waters. Where possible, development shall be designed so lot lines follow natural drainage ways.

- (7) *Foundations.* The developer shall ensure that buildings will be constructed on geologically safe terrain.
- (8) *Very steep slopes.* The developer shall minimize excavation on slopes over 30 percent.
- (9) *Soil retention features.* The developer shall minimize the use of constructed retention features. Where used, their visual impact shall be minimized through the use of natural aggregate or wood, variation of facade, replanted terraces, and the like.
- (10) *Wet weather periods.* The developer shall minimize exposure of soil during the periods of September 1—November 30 and March 1—May 1.

(Serial No. 87-49, § 2, 1987)

49.70.270 - Conditions on approval.

The commission [or director](#) may place conditions upon a hillside development endorsement as necessary or desirable to ensure that the spirit of this chapter will be implemented in the manner indicated in the application. Fulfillment of conditions shall be certified by the engineer. The conditions may consist of one or more of the following:

- (1) *Development schedule.* The commission [or director](#) may place a reasonable time limit on or require phasing of construction activity associated with the development or any portion thereof, in order to minimize construction-related disruption to traffic and neighbors or to ensure that the development is not used or occupied prior to substantial completion of required improvements.
- (2) *Dedications.* The commission [or director](#) may require conveyances of title or other legal or equitable interests to public entities, public utilities, a homeowner's association, or other common entities. The developer may be required to construct any public facilities, such as drainage retention areas, to City and Borough standards prior to dedication.
- (3) *Construction guarantees.* The commission [or director](#) may require the posting of a bond or other surety or collateral providing for whole or partial releases, in order to ensure that all required improvements are constructed as specified in the approved plans.
- (4) *Lot size.* If justified by site topography, the commission [or director](#) may require larger lot areas than prescribed by zoning requirements.

Chapter 49.80

DEFINITIONS

49.80.110 Rules of construction.

49.80.120 Definitions.

49.80.120 Definitions.

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

Access driveway in a right-of-way means a street designed to serve no more than eight lots, with up to 250 Average Daily Trips projected, that is privately maintained.

Access driveway in the public right-of-way means a street that the department or the commission has permitted to be constructed at less than full public street standards in an existing right-of-way. The driveway in the public right-of-way can be used by the public, and can provide access to more than one parcel, but will not be publicly maintained. A driveway in the public right-of-way is distinguished from an ordinary driveway in that an ordinary driveway provides access between a parcel of land and the public portion of the street, and is not for public access (See Figure 6). [RP1]

Alaska Highway Preconstruction Manual Chapter 12: Non-Motorized Transportation means the January 2005 Edition, as amended, [RP2] Published by the Alaska Department of Transportation and Public Facilities.

A Policy on Geometric Design of Highways and Streets means A Policy on Geometric Design of Highways and Streets, 6th Edition, 2011, as amended [RP3], commonly referred to as the "Green Book," Published by the American Association of State Highway and Transportation Officials.

Bicycle lane means a portion of a street which has been designed for the preferential or exclusive use of bicycles. It is distinguished from the portion of the roadway for motor vehicular traffic by a paint stripe, signage or similar devices.

Bikeway means a pathway intended for the use of bicycles.

Cluster wastewater treatment system means a system with individual on-site wastewater treatment and a shared wastewater collection system under some form of common ownership, other than public ownership, that collects wastewater from two or more dwellings and conveys it for disposal on a suitable site near the dwellings.

Common facilities means streets, sidewalks, parking areas, community buildings, refuse disposal systems, sewer systems, and water systems, held in common ownership by planned unit development homeowners.

Common open space means open space held in common ownership by planned unit development

homeowners. Buildings, parking areas, and similar improvements may be located in and included in the calculation of common open space if related and necessary to the function of the open space. Stormwater drainage and flood storage may be located in and included in the calculation of the common open space. Common on-site sewage disposal systems, but not individual septic systems, may be located in and included in the calculation of common open space. Streets may be located in but shall not be included in the calculation of common open space.

Community wastewater treatment and disposal system means a system with a shared wastewater treatment and collection system under some form of common ownership, other than public ownership, that collects wastewater from two or more dwellings and conveys it to a treatment plant and disposal system located on a suitable site near the dwellings.

~~Cul-de-sac means the turnaround at the end of a dead-end street.~~

Density bonus means an increase in allowable density above that otherwise allowed in the zoning district in which the planned unit development is located.

Development means any of the following:

(1) Construction, reconstruction or enlargement of a structure involving more than 120 square feet;

~~(2)~~ A subdivision^[RP4];

~~(3)~~ Conduct of a home occupation;

~~(4)~~ Change in use of a lot, including any structure thereon;

~~(5)~~ Installation or emplacement of a mobile or modular home;

~~(6)~~ Removal of substantial vegetative cover;

~~(7)~~ Excavation, dredge or fill activity;

~~(8)~~ Installation of a sign;

~~(9)~~ For the purposes of chapter 49.65, article I, the work performed in relation to a deposit, subsequent to exploration but prior to extraction of commercial quantities of a mineral commodity, aimed at, but not limited to, preparing the site for mining, defining an ore deposit, conducting pilot plant operations, and construction of roads or ancillary facilities;

~~(10)~~ Any site work in preparation or anticipation of the above.

Department means the community development department.

Development permit means department approvals, subdivision permits and approvals, allowable use permits, and conditional use permits.

Director means the community development director of the City and Borough or ~~his or her~~ a designee.

Director of engineering means the director of the engineering department or a designee.

Driveway means a private roadway providing vehicular access to a structure.

~~*Driveway in the public right of way* means a street that the department or the commission has permitted to be constructed at less than full public street standards in an existing right of way. The driveway in the public right of way can be used by the public, and can provide access to more than one parcel, but will not be publicly maintained. A driveway in the public right of way is distinguished from an ordinary driveway in that an ordinary driveway provides access between a parcel of land and the public portion of the street, and is not for public access (See Figure 6).~~

Improved common open space means common open space containing common facilities, recreational equipment, parks, gardens, picnic areas, landscaping, or other outdoor improvements.

~~*Intermediate Volume Street* means a street designed to serve nine to 16 lots, with 251 to 500 Average Daily Trips projected, that has been accepted for maintenance by the CBJ City and Borough or the State of Alaska.~~^[RP5]

Lot consolidation means the combining of two or more parcels, where a greater number than what originally existed is not created.

~~*Low Volume Street* means a street designed to serve no more than eight lots, with up to 250 Average Daily Trips projected, that has been accepted for maintenance by the CBJ City and Borough or the State of Alaska.~~^[RP6]

~~*Major development* means all development activity that is not a minor development.~~

Manual of Stormwater Best Management Practices means the ~~City and Borough CBJ~~ Manual of Stormwater Best Management Practices, August, 2010, as amended.

Manual on Uniform Traffic Control Devices means the Manual on Uniform Traffic Control Devices, 2009 Edition, published by the U.S. Department of Transportation, Federal Highway Administration, as amended in the Alaska Traffic Manual Supplement, effective January 12, 2013.

~~*Minor development* means a subdivision of four or fewer lots in any zoning district; minor development is also classified by zoning district as follows:~~

~~*Rural Reserve District:* A residential development containing two or fewer dwelling units, two or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building of less than 10,000 square feet or using less than one acre of land.~~

~~*Single Family Residential Districts:* A residential development containing two or fewer dwelling units, two 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.~~

~~*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.~~

~~*Commercial and Mixed Use Districts:* A residential development containing 12 or fewer dwelling units, 12 or fewer bedrooms leased on a daily or weekly basis, or a nonresidential building of less than 10,000 square feet or using less than one half acre of land.~~

~~*Industrial Districts:* Non-residential buildings of 15,000 square feet or using less than one acre of land.~~

Mitigate means:

- (1) ~~Avoid~~^[BSL7]ing the impact altogether by not taking a certain action or parts of an action;
- (2) ~~Minimiz~~^[BSL8]ing impacts by limiting the degree or magnitude of the action and its implementation;
- (3) ~~Rectifying~~ the impact by repairing, rehabilitating or restoring the affected environment;
- (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- (5) Compensating for the impact by replacing or providing substitute resources or environments.
^[BSL9]

~~*Panhandle portion of a lot* means any portion of a ^{subdivided}^[RP10] lot subdivided under CBJsection 49.XX17.XXX435 ~~pPanhandle subdivision lots~~, ~~the width of which is less than the minimum specified at CBJsection 49.24.400, and that which connects the portion of the lot which does meet the minimum lot width requirements at CBJsection 49.25.400 to the adjacent right-of-way.~~ ~~[may be useful to include a diagram]~~~~

Planned unit development means a tract of land at least two acres in area, under single, corporation, firm, partnership, or association ownership, planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according to approved preliminary and final development plans. Planned unit developments shall comply with all requirements of the land use code, except to the extent that such requirements are superseded by a permit issued pursuant to this article.

Private improvements means those improvements required as part of a subdivision or other land use permit that will not be maintained by the City and Borough or other ~~public~~ agency of government.

Public improvements means those improvements required as part of a subdivision or other ~~use permits~~ that will be maintained by the City and Borough or other ~~public entity~~ agency of government, including but not limited to: streets; retaining walls; street signs and markings; curbs and gutters; street lights and associated power conduits; sidewalks; shared use pathways; sewer mains, pump stations, service laterals, manholes, cleanouts and all associated parts; storm sewer mains, manholes, catch basins, pump stations, service laterals, and all associated parts; water mains, fire hydrants, service laterals, valves, pump stations, reservoirs, and all associated parts.

Public sewer and water system means any system that is operated by a municipality ~~or~~ governmental agency, ~~or a public utility licensed as such by the state~~ [BSL11] for the collection, treatment and disposal of wastes and ~~the~~ furnishing of potable water and fire protection.

Public square means an area dedicated for public use for temporary leisure, assembly, markets, and similar uses.

Public way means pedestrian ways and streets and any other way held for or held open by a public entity ~~the municipality~~ for purposes of public access.

Quasi-public means property or infrastructure that is normally owned by the public sector, but owned by the private sector serving in the public interest.

Radial distance means the shortest distance measured along a radius extending from a point of the object [BSL12] being measured from to a point on the object being measured to.

Right-of-way means a strip of land ~~including surface, and overhead, and/or underground space~~, which is granted by deed, easement, or dedication that is ~~condemned and~~ occupied or intended to be occupied by a street, sidewalk, road, public way, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

Roadway means the portion of a street intended for vehicular traffic; where curbs are laid, the portion of the street between the back of the curbs.

Roadway Width, is measured as the paved section of a paved street or from shoulder to shoulder on a gravel street [RK13] [BSL14].

Shared-use pathway means a bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the right-of-way or within an independent right-of-way. Shared-use paths may also be used by pedestrians, skaters, wheelchair users, joggers, and other non-motorized users.

Sight distance [BSL15] means the distance, which a driver needs to react appropriately to a situation. Three types are commonly used in traffic engineering; stopping sight distance, passing sight distance, and intersection sight distance.

Street means ~~the entire right-of-way of~~ a public way, including a right-of-way, a roadway, and all other similar thoroughfares open to general public use~~improvements, -that which~~ affords the principal means of access, frontage and address to properties abutting the public right-of-way.

Street, collector, means a street which collects traffic from local streets and minor collectors, [BSL16] and connects to the minor arterials and major arterials. [RP17]

Street, cul-de-sac, means a street with a single common ingress and egress and with a turnaround at the end.

~~*Street, local*, means a street intended for vehicular access to abutting property and not intended for through traffic.~~

Street, local, means a street intended for vehicular access to abutting property and not intended for through traffic. Local streets include Intermediate Volume Streets, Low Volume Streets, and Access Driveways in Rights-of-Way.

Street, major arterial, means a street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterials, collectors, and minor collectors.

Street, minor arterial, means a street with signals at important intersections and stop signs on the side streets, and which collects and distributes traffic to and from collector and minor collector streets.

Street, minor collector, means a street which is shorter and carries less traffic than a collector, and collects traffic from local streets and connects to collectors, and to minor arterials and arterial streets. [RP18]

Subdivider means the ~~developer of a subdivision~~ owner of the property being subdivided or a designee.

Subdivision means the division, redivision, or development of land into two or more lots, or land leases of 35 or more years. [RP19]

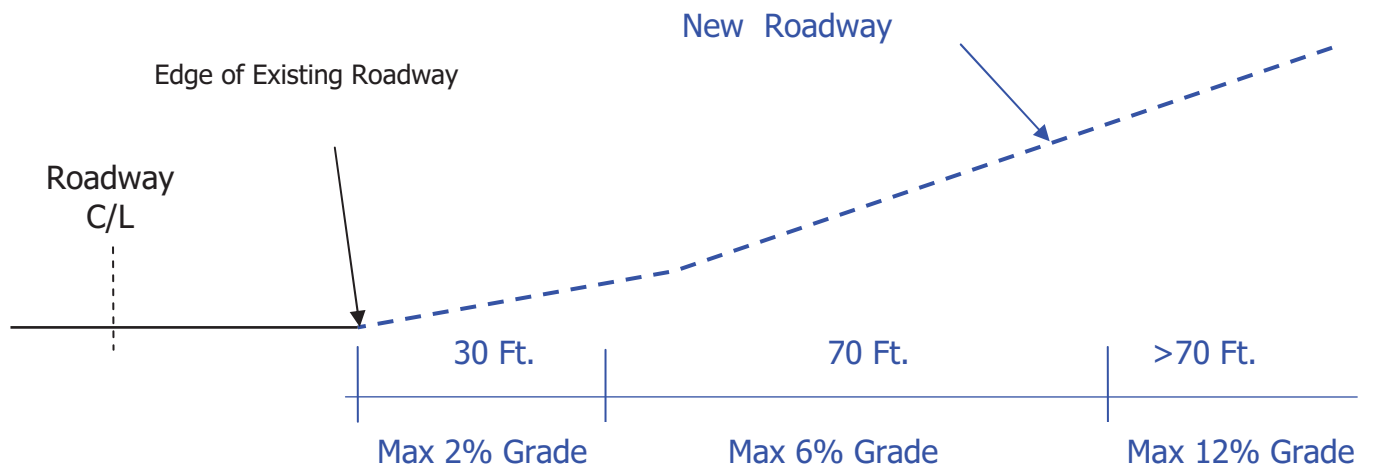
Substantial construction progress [BSL20] means the completion of a portion of the improvements, which represents no less than twenty percent of the costs of the proposed improvements. In the case of a subdivision development, the cost of construction of buildings on those lots shall not be included.

Through-street means that segment of a street that intersects with one or more streets, and is not a dead-end street.

Undisturbed common open space means common open space left in its natural condition.

Urban Service Area means the area of the City and Borough that is planned for urban type growth as shown in the latest adopted version of the comprehensive plan of the City and Borough of Juneau as the Urban Service Area or as being within the Urban Service Area boundary.

~~*Urban service boundary* means the boundary of the urban service established in the comprehensive plan.~~

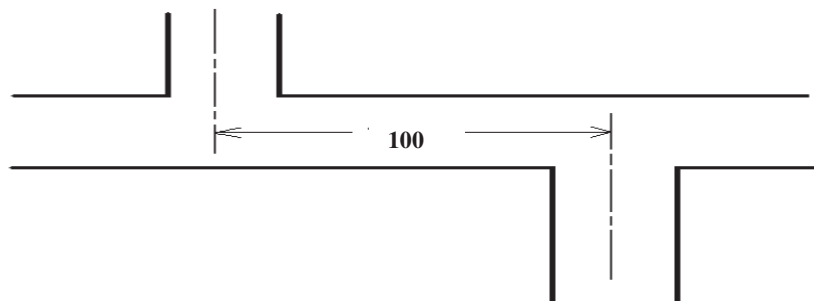


Maximum Grades at the Intersection of a New Roadway

FIGURE 1

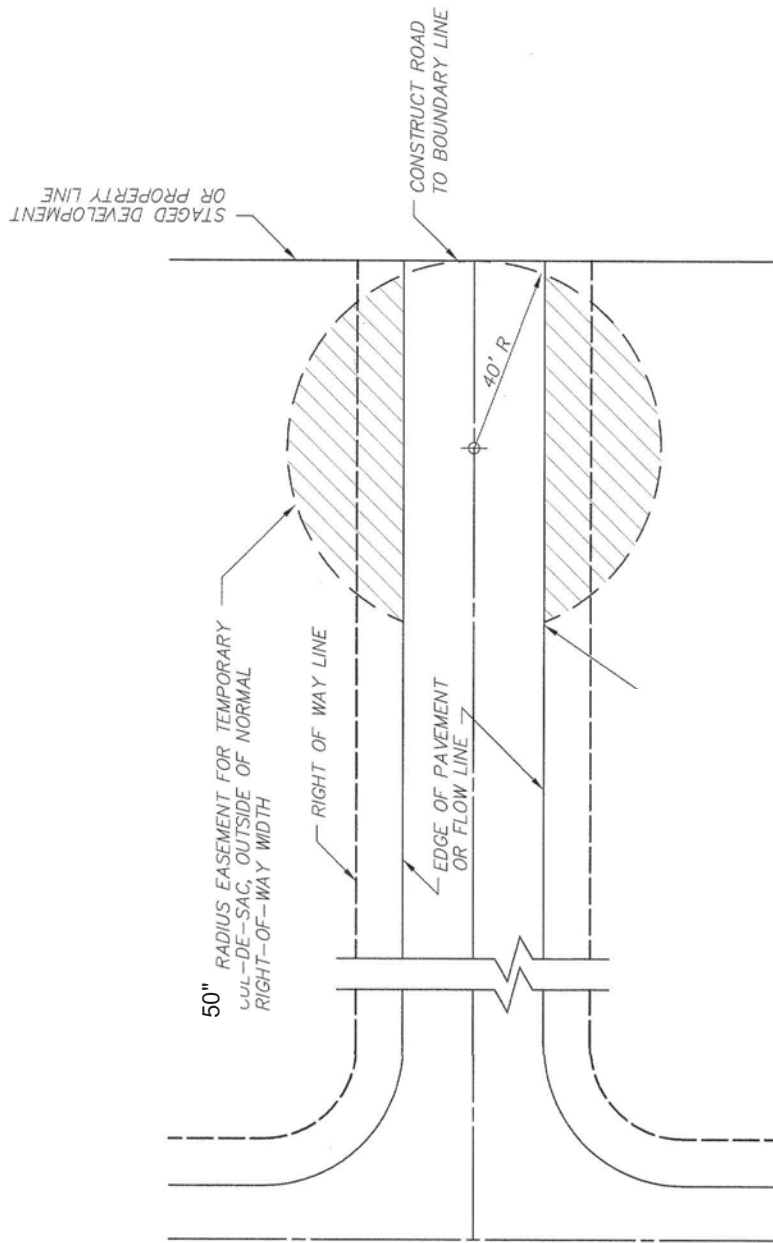
The latest wording revisions have eliminated the need for Figure 2. Numbering will be revised with the final draft.

FIGURE 2.



Street jogs shall be no less than 100' apart, measured from the center of the street.

FIGURE 3



(NOT TO SCALE)

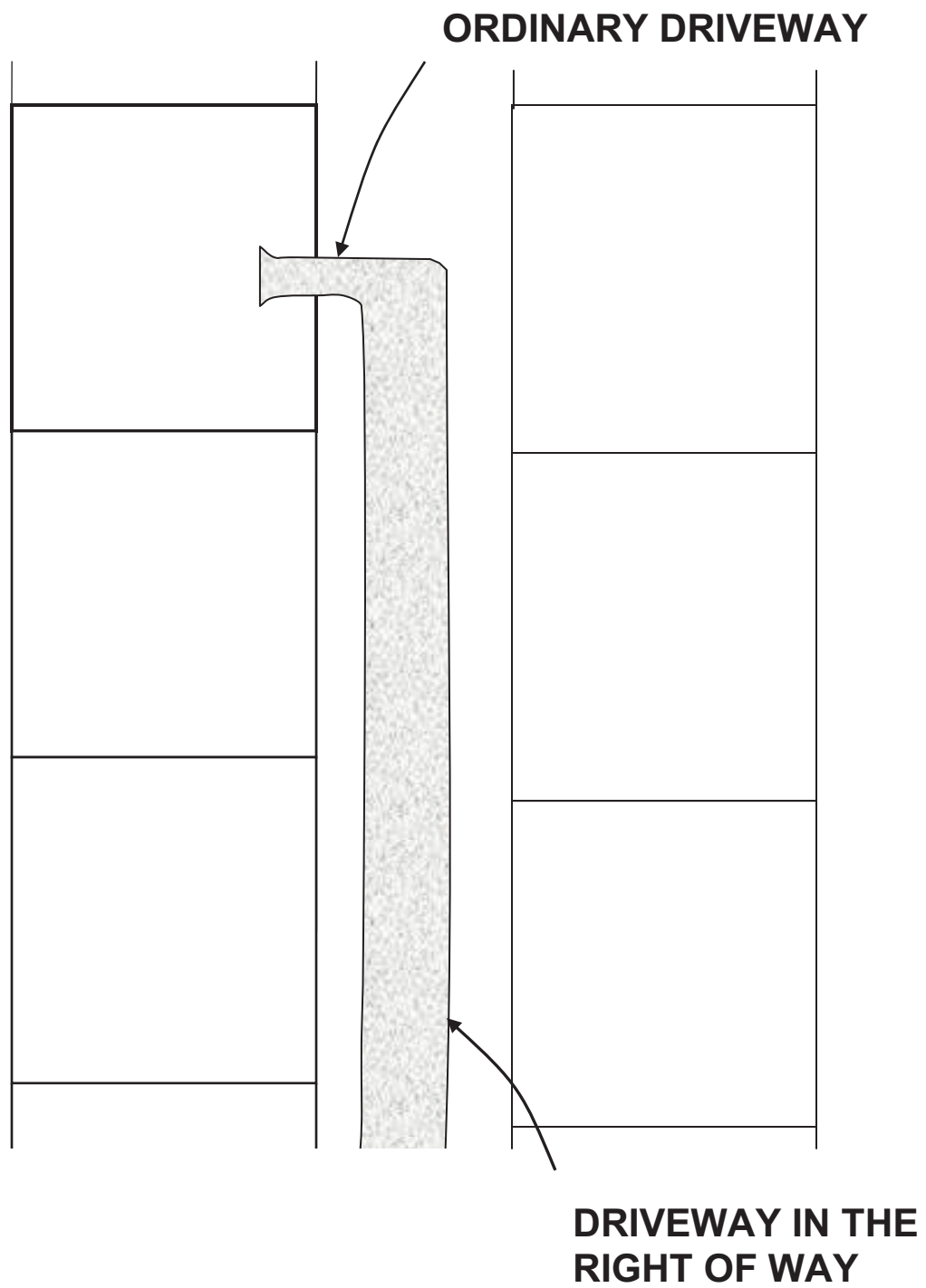


FIGURE. 6