

Presented by: The Manager  
Introduced: 06/05/2017  
Drafted by: A. G. Mead

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

Serial No. 2017-16

### An Ordinance Amending the Land Use Code Relating to Alternative Development Overlay Districts.

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

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

**Section 2. Amendment of Chapter.** Title 49, Chapter 70 is amended by adding a new article XII to read:

#### ARTICLE XII. ALTERNATIVE DEVELOPMENT OVERLAY DISTRICT

##### 49.70.1200 Purpose.

The purpose of the Alternative Development Overlay District is to provide adequate minimum standards and procedures for the construction of new residential buildings and the expansion, restoration, or repair of existing residential buildings, while providing time to implement new zoning regulations. This article is intended to provide for the development of housing, preserve the character of neighborhoods, and promote the restoration of blighted buildings.

##### 49.70.1210 Overlay Districts.

(a) *Downtown Juneau Overlay District.* This article applies to property within the Alternative Development Overlay District for Downtown Juneau as shown on the map dated May 25, 2017. The Downtown Juneau Overlay District shall cease to exist and the provisions of this article shall not apply to property within the Downtown Juneau Overlay District after August 1, 2019.

(b) *Downtown Douglas Overlay District.* This article applies to property within the Alternative Development Overlay District for Downtown Douglas as shown on the map dated May 25, 2017. The Downtown Douglas Overlay District shall cease to exist and the provisions of this article shall not apply to property within the Downtown Douglas Overlay District after August 1, 2020.

**49.70.1220 Relationship to Existing Zoning.**

This article applies only to allowed residential uses in the Alternative Development Overlay District. This article provides an alternative development process in addition to the underlying zoning regulations. An alternative development permit does not exempt a developer from obtaining all other required permits.

**49.70.1230 Alternative Development Procedure.**

(a) *Alternative Development Permit.* The board of adjustment shall hear all applications pursuant to this article.

(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 alternative development permit procedure. 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 article shall be provided to the developer at the conference.

(c) *Application.* 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's intentions, shall advise the developer 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 board of adjustment and shall give notice to the developer and the public in accordance with CBJ 49.15.230.
- (3) The director shall forward the application to the board of adjustment together with a report setting forth the director's recommendation for approval or denial, with or without conditions, and the reasons therefor. The director shall make the determinations specified in 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 alternative development permit, the board of adjustment shall review the director's report to consider:
  - (A) Whether the proposed development is appropriate according to the Alternative Development Overlay District;
  - (B) Whether the application is complete; and
  - (C) Whether the development as proposed will comply with the other requirements of this title.
- (2) The board of adjustment shall adopt the director's determination on each item set forth in paragraph (1) of this subsection 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) *Board of adjustment determinations.* Even if the board of adjustment 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.

**49.70.1240 Alternative Development Requirements.**

The board of adjustment may reduce the following requirements of the Table of Dimensional Standards, 49.25.400, for development of new residential buildings, and the expansion, restoration, or repair of existing residential buildings. The term residential building includes accessory structures.

(a) *Setbacks.* No part of any residential building may be erected closer to the property line than

(1) The average corresponding setback(s) of residential buildings within a 150 foot radius as determined by the director. If any of the corresponding setbacks used in the averaging calculation is located a greater distance than the required setback of the underlying zoning, then the standard setback in 49.25.400 of the underlying zoning will be used. If any of the corresponding setbacks used in the averaging calculation encroaches into the public right of way or onto an adjacent property, then zero feet will be used in the averaging calculation for that setback; or

(2) The footprint of the existing residential building. No encroachment into the public right-of-way or on adjacent property shall be permitted.

(b) *Lot Coverage.* A lot within the overlay district shall not exceed 60% lot coverage.

(c) *Vegetative Coverage.* A lot within the overlay shall maintain 15% vegetative coverage.

**Section 3. Amendment of Section.** CBJ 49.85.100 Generally, is amended to read:

...

(10) Board of adjustment.

(A) De minimis variance, \$120.00;

(B) Variance other than a de minimis variance, \$400.00;

(C) Alternative development permit, \$400.00.

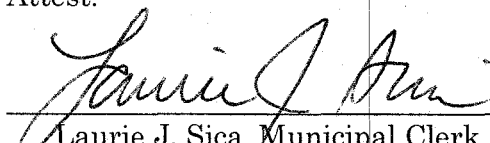
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**Section 4. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this 26<sup>th</sup> day of June, 2017.

  
Kendell D. Kocsch, Mayor

Attest:

  
Laurie J. Sica, Municipal Clerk