

Presented by: The Manager
Introduced: 02/13/2017
Drafted by: A. G. Mead

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2016-46

An Ordinance Amending the Land Use Code Relating to Parking Waivers.

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 Section. CBJ 49.15.780 Access and parking, is amended to read:

49.15.780 Access and parking.

(a) *Purpose.* The intent of the access and parking standards is to minimize the visual impact of vehicles and parking areas for residents of the cottage housing development and adjacent properties, and to provide for adequate off-street parking for cottage housing developments.

...

(2) *Parking requirement.* Each cottage housing development shall have two parking spaces per cottage. Cottage housing parking requirements are eligible for waivers as provided by CBJ 49.40.210(d)(6).

...

Section 3. Amendment of Section. CBJ 49.40.210 Minimum space and dimensional standards for parking and off-street loading, is amended to read:

49.40.210 Minimum space and dimensional standards for parking and off-street loading.

...

(d) *Exceptions.*

(1) *Superimposed parking districts.* There is adopted the parking district map dated June 5, 2006, as the same may be amended from time to time by the assembly by

ordinance. The off-street parking and loading requirements set forth in subsections (a) and (c)(2) of this section may be reduced by 30 percent in the PD-2 parking district. The requirements shall not apply in the PD-1 parking district except in the case of the expansion of an existing building or the construction of a new building, in which case they may be reduced by 60 percent.

(2) *Off-street parking requirements.* Off-street parking requirements do not apply to lots if they are accessible only by air or water and are used for single-family and two-family residential and remote commercial recreational uses. If the director determines that public access by automobile to the property has become physically available, the owner of the property shall be given notice and within one year thereof shall provide the required off-street parking.

(3) *Enlargement or expansion.* No additional parking spaces are required for an enlargement or expansion if the additional spaces would amount to less than ten percent of the total required for the whole development and amount to less than three spaces. Phased expansion shall be regarded as a whole.

(4) *Replacement and reconstruction of certain nonconforming buildings.* Off-street parking requirements for the replacement and reconstruction of certain nonconforming buildings in residential districts shall be governed by subsections 49.30.500(b) and (c).

(5) *Fee in lieu of parking spaces.*

(A) There is adopted the Downtown Fee in Lieu of Parking District Map, dated October 30, 2006, as the same may be amended from time to time by the assembly by ordinance.

(B) Off-street parking for new and existing developments, for any use, may be waived if the requirements of this section are met. The determination of whether these requirements are met shall be made by the Director if the requested waiver is for five or fewer parking spaces, or by the Commission if the requested waiver is for six or more parking spaces.

(C) The property seeking a waiver of the parking requirement must be located within the area shown on the Downtown Fee In Lieu of Parking District Map, and be supported by a finding by the Director or Commission as set forth in CBJ 49.40.210(d)(5)(B), above, that it will not have significant adverse impacts on nearby on-street parking and:

(i) Vacant on the effective date of this ordinance;

(ii) Occupied by a building built within the 50 years prior to the date of adoption of this ordinance; or

(iii) Occupied by a building built more than 50 years prior to the date of adoption of this ordinance, and the Director or Commission, after considering the recommendation of the Historic Resources Advisory Committee, finds that the proposed development does not affect the historical significance, historical attributes, or otherwise compromise the historic integrity of the structure based on the United States Secretary of the Interior's Standards for Rehabilitation.

(D) The applicant shall pay a one-time fee to the City and Borough of \$8,500.00 per parking space waived under this section. For residential uses, this fee shall be reduced by 50 percent to \$4,250.00. This fee shall be adjusted annually by the Finance Department to reflect the changes in the Consumer Price Index for Anchorage as calculated by the State of Alaska, Department of Labor; or the United States Department of Labor, Bureau of Labor Statistics.

(E) Any fee due and not paid within 45 days after the development obtains temporary or permanent occupancy, or, in the case of existing developments, 45 days after the waiver is granted, shall be a lien upon all real property involved and shall be paid in ten equal annual principal payments plus interest. The lien shall be recorded and shall have the same priority as a City and Borough special assessment lien. Except as provided herein, the annual payments shall be paid in the same manner and on the same schedule as provided for special assessments, including penalties and interest on delinquent payments, as provided in CBJ 15.10.220. The annual interest rate on unpaid fees shall be one percent above the Wall Street Journal Prime Rate, or similar published rate, on January 2nd of the calendar year the agreement is entered into, rounded to the nearest full percentage point, as determined by the finance director.

(6) *Parking Waivers.* The required number of non-accessible parking spaces required by this section may be reduced if the requirements of this subsection are met. The determination of whether these requirements are met, with or without conditions, deemed necessary for consistency with this title, shall be made by the director in the case of minor development; the commission in the case of major development; and the commission if the application relates to a series of applications for minor developments that, taken together, constitute major development, as determined by the director.

(A) Any waiver granted under this subsection shall be in writing and shall include the following required findings and any conditions, such as public amenities, imposed by the director or commission that are consistent with the purpose of this title:

(1) The granting of the waiver would result in more benefits than detriments to the community as a whole as identified by the comprehensive plan;

(2) The development is located outside of the PD-1 parking district, PD-2 parking district, and Downtown Fee in Lieu of Parking District Map areas;

(3) Granting the waiver will not result in adverse impacts to property in the neighboring area; and

(4) The waiver will not materially endanger public health, safety, or welfare.

(B) Applications for parking waivers shall be on a form specified by the director and shall be accompanied by a one-time fee of \$400. If the application is filed in conjunction with a major development permit, the fee shall be reduced by 20 percent.

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

(D) Approved parking waivers shall expire upon a change in use.

Section 4. Amendment of Section. CBJ 49.30.400 Aggravation of nonconforming situations, is amended to read:

49.30.400 Aggravation of nonconforming situations.

(a) Except as provided in this section, section 49.25.430, section 49.25.440, section 49.25.510, and section 49.40.210(d)(6), nonconforming situations may not be aggravated. As used herein, "aggravate" includes the physical alteration of structures or the placement of new structures on open land if such results in:

(1) An increase in the total amount of space devoted to a nonconforming use; or

(2) A greater invasion in any dimension of setback requirements or height limitations, a further violation of density requirements or further deficiencies in parking or other requirements.

(b) A use made nonconforming by the adoption of the ordinance codified in this title may be extended throughout any portion of a completed building manifestly designed or arranged to accommodate such use, but may not, except as provided in section 49.30.800, be extended to other buildings or to land outside the original building.

Section 5. Amendment of Section. CBJ 49.65.430 Design requirements, is amended to read:

...

(b) *Street system.*

(1) Access to recreational vehicle parks shall be designed to minimize congestion and hazards at entrance and exit and shall be approved by the City and Borough engineer. All traffic into and out of the parks shall be through such entrances and exits. Access to recreational vehicle spaces shall be from internal streets only.

(2) No entrance or exit from a recreational vehicle park may be permitted from a local street or through an established residential neighborhood. The applicant shall construct the necessary access in all cases where there is no existing all-weather surfaced street or road meeting City and Borough standards connecting the recreational vehicle park site with an improved existing public street or road. Any street or road improvement required beyond the boundary of the recreational vehicle park must be approved by the city engineer.

(3) Access roads within the recreational vehicle park shall be surfaced with all-weather material approved by the engineering department and shall have a minimum width of 15 feet for one-way traffic and 25 feet for two-way traffic.

(4) At least one and one-half parking spaces per recreational vehicle space shall be provided in the park. Unless a waiver is obtained pursuant to CBJ 49.40.210(d)(6), at least one parking space shall be provided at each recreational vehicle space.

...

Section 6. Amendment of Section. CBJ 49.65.1110 Child care home standards, is amended to read:

49.65.1110 Child care home standards.

(a) A child care home shall comply with the following minimum standards for initial permit approval and during the use of the child care home:

(1) Any fencing required or used to delineate an outdoor play space shall be constructed of materials of a permanent nature, as determined by the director, and shall be constructed to safely confine and protect children and be in visual harmony with the neighborhood.

(2) Unless a waiver is obtained pursuant to CBJ 49.40.210(d)(6), a minimum of two parking spaces as required for the dwelling unit and one parking space for each on-shift employee shall be provided.

(b) The department shall issue a permit for a child care home that complies with this section and the requirements of this title.

(c) The department may initiate enforcement action consistent with CBJ 49.10, article VI for any violations of this section.

Section 7. Amendment of Section. CBJ 49.65.1120 Child care center standards, is amended to read:

49.65.1120 Child care center standards.

(a) In addition to other conditions imposed by the commission, a child care center shall comply with the following minimum standards for initial permit approval and during the use of the child care center:

(1) Any fencing required or used to delineate an outdoor play space shall be constructed of materials of a permanent nature, as determined by the director, and shall be constructed to safely confine and protect children and be in visual harmony with the neighborhood.

(2) In residential zoning districts, no parking or loading areas shall be located in any setback, except in an approved driveway.

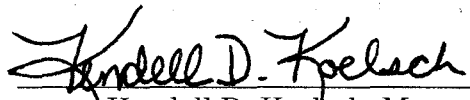
(3) Unless a waiver is obtained pursuant to CBJ 49.40.210(d)(6), a minimum of one off-street parking space shall be provided for each on-shift employee of the child care center, plus one space per ten children served.

(b) The commission may issue a permit for a child care center that complies with this section and the requirements of this title.

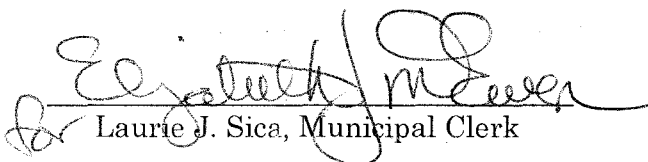
(c) The department may initiate enforcement action consistent with CBJ 49.10, article VI for any violations of this section.

Section 8. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 6th day of March, 2017.


Kendell D. Koelsch, Mayor

Attest:


Laurie J. Sica, Municipal Clerk