



DEVELOPMENT PERMIT APPLICATION

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

To be completed by Applicant	PROPERTY LOCATION		
	Physical Address NHN Glacier Hwy. Juneau, Ak.		
	Legal Description(s) (Subdivision, Survey, Block, Tract, Lot) USS 2386 Lot-G, Tr. 2		
	Parcel Number(s) 4B2201060050		
	<input type="checkbox"/> This property is located in the downtown historic district <input type="checkbox"/> This property is located in a mapped hazard area, if so, which N/A		
	LANDOWNER/ LESSEE		
	Property Owner	Harris Homes L.L.C.	Contact Person Richard Harris
	Mailing Address	P.O. Box 32403 Juneau, Ak. 99803	Phone Number(s) 907-723-4791
	E-mail Address	harrishomesjnu@gmail.com	
	LANDOWNER/ LESSEE CONSENT		
Required for Planning Permits, not needed on Building/ Engineering Permits.			
Consent is required of all landowners/ lessees. If submitted with the application, alternative written approval may be sufficient. Written approval must include the property location, landowner/ lessee's printed name, signature, and the applicant's name.			
I am (we are) the owner(s) or lessee(s) of the property subject to this application and I (we) consent as follows:			
A. This application for a land use or activity review for development on my (our) property is made with my complete understanding and permission.			
B. I (we) grant permission for the City and Borough of Juneau officials/employees to inspect my property as needed for purposes of this application.			
Harris Homes L.L.C.			
Landowner/Lessee (Printed Name)		Title (e.g.: Landowner, Lessee)	
X	 Landowner/Lessee (Signature)	Digitally signed by 185e1593-9e67-4ace-aa57-245a17f66e60 Date: 2025.01.09 11:37:32 -09'00'	
		Date	
Landowner/Lessee (Printed Name)		Title (e.g.: Landowner, Lessee)	
X	Landowner/Lessee (Signature)	Date	
NOTICE: The City and Borough of Juneau staff may need access to the subject property during regular business hours. We will make every effort to contact you in advance, but may need to access the property in your absence and in accordance with the consent above. Also, members of the Planning Commission may visit the property before a scheduled public hearing date.			
APPLICANT If same as LANDOWNER, write "SAME"			
Applicant (Printed Name)	Harris Homes L.L.C.	Contact Person Richard Harris	
Mailing Address	P.O. Box 32403 Juneau Ak. 99803	Phone Number(s) 907-723-4791	
E-mail Address	harrishomesjnu@gmail.com		
X	 Applicant's Signature	Digitally signed by 185e1593-9e67-4ace-aa57-245a17f66e60 Date: 2025.01.09 11:38:01 -09'00'	
		Date of Application	

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

Intake Initials

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number	Date Received
USE 25-04	1/31/25



ALLOWABLE/CONDITIONAL USE PERMIT APPLICATION

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

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

To be completed by Applicant

PROJECT SUMMARY

The development and construction of up to 38 single family housing units,

TYPE OF ALLOWABLE OR CONDITIONAL USE PERMIT REQUESTED

- Accessory Apartment – Accessory Apartment Application (AAP)
- Use Listed in 49.25.300 – Table of Permissible Uses (USE)
Table of Permissible Uses Category: 1.300

IS THIS A MODIFICATION or EXTENSION OF AN EXISTING APPROVAL? YES – Case # _____ NO

UTILITIES PROPOSED WATER: Public On Site SEWER: Public On Site

SITE AND BUILDING SPECIFICS

Total Area of Lot 165,000 square feet Total Area of Existing Structure(s) None square feet
Total Area of Proposed Structure(s) 46,000 square feet

EXTERNAL LIGHTING

- Existing to remain No Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures
- Proposed No Yes – Provide fixture information, cutoff sheets, and location of lighting fixtures

ALL REQUIRED DOCUMENTS ATTACHED

- Narrative including:**
- Current use of land or building(s)
 - Description of project, project site, circulation, traffic etc.
 - Proposed use of land or building(s)
 - How the proposed use complies with the Comprehensive Plan
- Plans including:**
- Site plan
 - Floor plan(s)
 - Elevation view of existing and proposed buildings
 - Proposed vegetative cover
 - Existing and proposed parking areas and proposed traffic circulation
 - Existing physical features of the site (e.g.: drainage, habitat, and hazard areas)

If this is a modification or extension include:

- Notice of Decision and case number
- Justification for the modification or extension
- Application submitted at least 30 days before expiration date

-----DEPARTMENT USE ONLY BELOW THIS LINE-----

ALLOWABLE/CONDITIONAL USE FEES				
	Fees	Check No.	Receipt	Date
Application Fees	\$ <u>1,000.00</u>			
Admin. of Guarantee	\$ _____			
Adjustment	\$ _____			
Pub. Not. Sign Fee	\$ <u>50.00</u>			
Pub. Not. Sign Deposit	\$ <u>100.00</u>			
Total Fee	\$ <u>1,150.00</u>			

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

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

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

Case Number	Date Received
<u>USE25-04</u>	<u>1/31/25</u>

Allowable/Conditional Use Permit Application Instructions

Allowable Use permits are outlined in CBJ 49.15.320, Conditional Use permits are outline in CBJ 49.15.330

Pre-Application Conference: A pre-application conference is required prior to submitting an application. There is no fee for a pre-application conference. The applicant will meet with City & Borough of Juneau and Agency staff to discuss the proposed development, the permit procedure, and to determine the application fees. To schedule a pre-application conference, please contact the Permit Center at 586-0770 or via e-mail at permits@juneau.org.

Application: An application for an Allowable/Conditional Use Permit will not be accepted by the Community Development Department until it is determined to be complete. The items needed for a complete application are:

1. **Forms:** Completed Allowable/Conditional Use Permit Application and Development Permit Application forms.
2. **Fees:** Fees generally range from \$350 to \$1,600. Any development, work, or use done without a permit issued will be subject to double fees. All fees are subject to change.
3. **Project Narrative:** A detailed narrative describing the project.
4. **Plans:** All plans are to be drawn to scale and clearly show the items listed below:
 - A. Site plan, floor plan and elevation views of existing and proposed structures
 - B. Existing and proposed parking areas, including dimensions of the spaces, aisle width and driveway entrances
 - C. Proposed traffic circulation within the site including access/egress points and traffic control devices
 - D. Existing and proposed lighting (including cut sheets for each type of lighting)
 - E. Existing and proposed vegetation with location, area, height and type of plantings
 - F. Existing physical features of the site (i.e. drainage, eagle trees, hazard areas, salmon streams, wetlands, etc.)

Document Format: All materials submitted as part of an application shall be submitted in either of the following formats:

1. Electronic copies in the following formats: .doc, .txt, .xls, .bmp, .pdf, .jpg, .gif, .xlm, .rtf (other formats may be preapproved by the Community Development Department).
2. Paper copies 11" X 17" or smaller (larger paper size may be preapproved by the Community Development Department).

Application Review & Hearing Procedure: Once the application is determined to be complete, the Community Development Department will initiate the review and scheduling of the application. This process includes:

Review: As part of the review process the Community Development Department will evaluate the application for consistency with all applicable City & Borough of Juneau codes and adopted plans. Depending on unique characteristics of the permit request the application may be required to be reviewed by other municipal boards and committees. During this review period, the Community Development Department also sends all applications out for a 15-day agency review period. Review comments may require the applicant to provide additional information, clarification, or submit modifications/alterations for the proposed project.

Hearing: All Allowable/Conditional Use Permit Applications must be reviewed by the Planning Commission for vote. Once an application has been deemed complete and has been reviewed by all applicable parties the Community Development Department will schedule the requested permit for the next appropriate meeting.

Public Notice Responsibilities: Allowable/Conditional Use requests must be given proper public notice as outlined in CBJ 49.15.230:

The Community Development Department will give notice of the pending Planning Commission meeting and its agenda in the local newspaper a minimum of 10-days prior to the meeting. Furthermore, CDD will mail notices to all property owners within 500-feet of the project site.

The Applicant will post a sign on the site at least 14 days prior to the meeting. The sign shall be visible from a public right-of-way or where determined appropriate by CDD. Signs may be produced by the Community Development Department for a preparation fee of \$50, and a \$100 deposit that will be refunded in full if the sign is returned within seven days of the scheduled hearing date. If the sign is returned between eight and 14 days of the scheduled hearing \$50 may be refunded. The Applicant may make and erect their own sign. Please contact the Community Development Department for more information.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Applicant: Harris Homes L.L.C.

P.O. Box 32403 Juneau Ak, 99803

harrishomesjnu@gmail.com

907-723-4791

Peterson Hill West Project Narrative

USS 2386 Lot-G TR.2

Parcel # 4B2201060050

Zoning: D-10, MDR

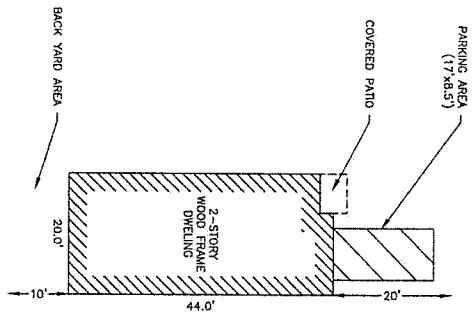
The Peterson Hill West project will provide for up to 38 single family housing units. The project is planned for maximizing the use of the land, while allowing for comfort and privacy of the neighborhood and its occupants. The property consists of approximately 3.8 acres of previously cleared land, a driveway was constructed into the property in the 1960's and has since been overgrown with alders. Per CBJ locate, the water main is located at the project entrance, and an existing 8" PVC sewer service extends into the project entrance, all electrical utilities are located at the entrance of the project.

The property is bordered by CBJ undeveloped lands to the South, a residential neighborhood of the same zoning to the West, Glacier Hwy to the North, and The Church of Latter-Day Saints to the east.

The CBJ Comprehensive plan designates the property as MDR -Medium Density Residential, the proposed development fits nicely within the MDR designation. The proposed project is a suggested use of the property in the CBJ comprehensive plan.

The proposed housing units will be accessed through a private driveway that will circle through the project, each unit is planned to have two parking spaces, guest parking will be provided in the center of the development.

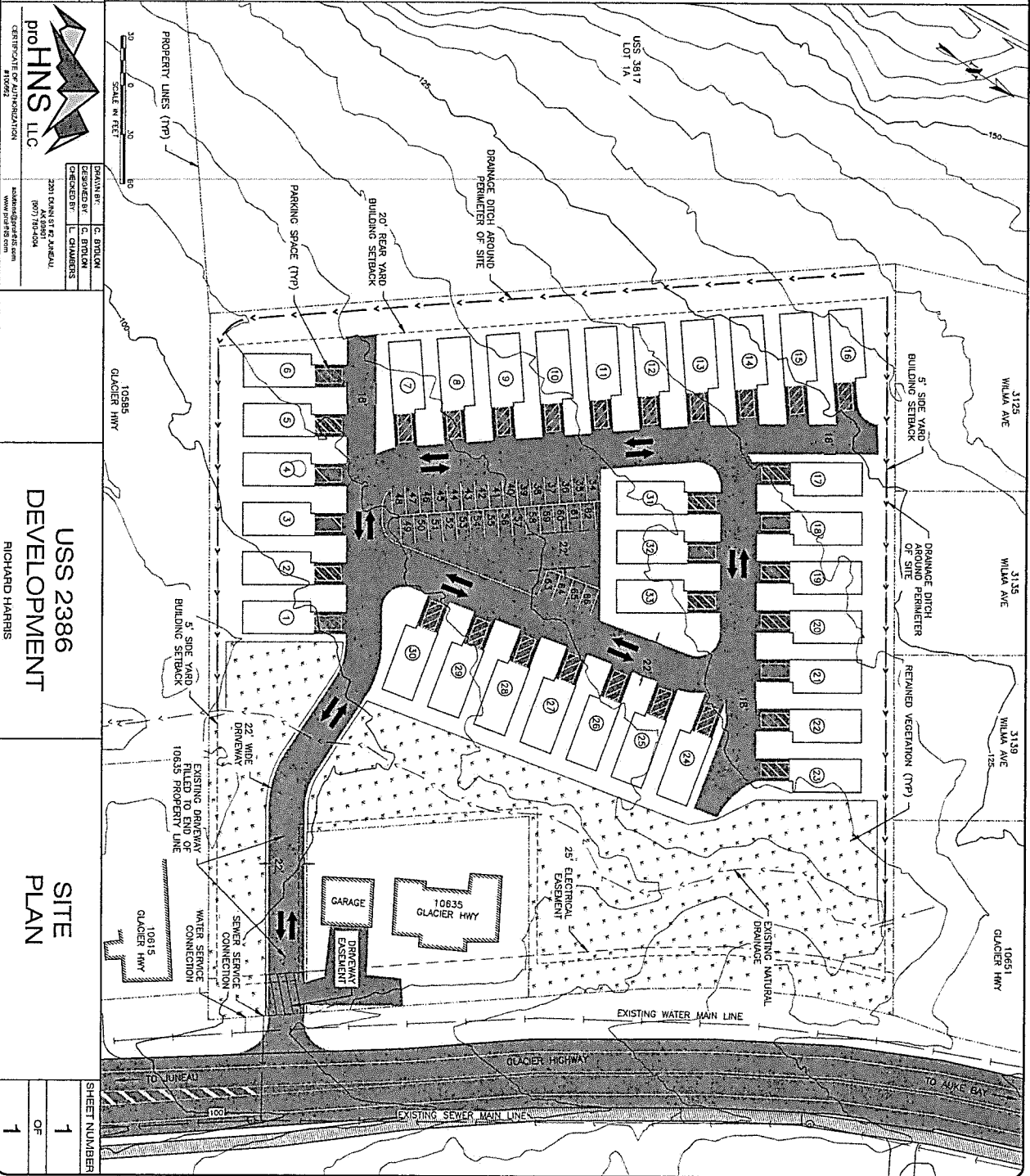
The housing units are planned to be single-family occupancy. Utilities are to be located through the center of the development, branching to each individual housing unit. The units shall have approximately 10 feet of separation. All CBJ required property line setbacks are met.



1 UNIT DETAIL
SCALE: NOT TO SCALE

- SHEET NOTES:**
1. THE PROPOSED DRIVEWAY WILL TAKE ACCESS FROM THE EXISTING DRIVEWAY AND BE LOCATED WITHIN THE EXISTING DRIVEWAY APPROX. 15' WITHIN AN EXISTING DRIVEWAY EASEMENT FOR MORE DETAILS ABOUT THIS EASEMENT.
 2. ALL PARKING SPACES ARE 17'x8.5'. PARKING SPACES #34-66 WILL BE GUEST PARKING DEMARKED WITH PAVEMENT MARKINGS. PARKING SPACES #1-33 WILL HAVE PAVEMENT MARKINGS. ONE ADDITIONAL PARKING SPACE WILL BE PROVIDED INSIDE THE GARAGE OF EACH UNIT.
 3. EXISTING GROUND CONTOURS SHOWN ARE FROM CBD'S 2014 LIDAR DATA.

NO.	DATE	REVISIONS	BY



proHNS LLC
CENTROPOINT OF AUTHORIZATION
ARCHITECT

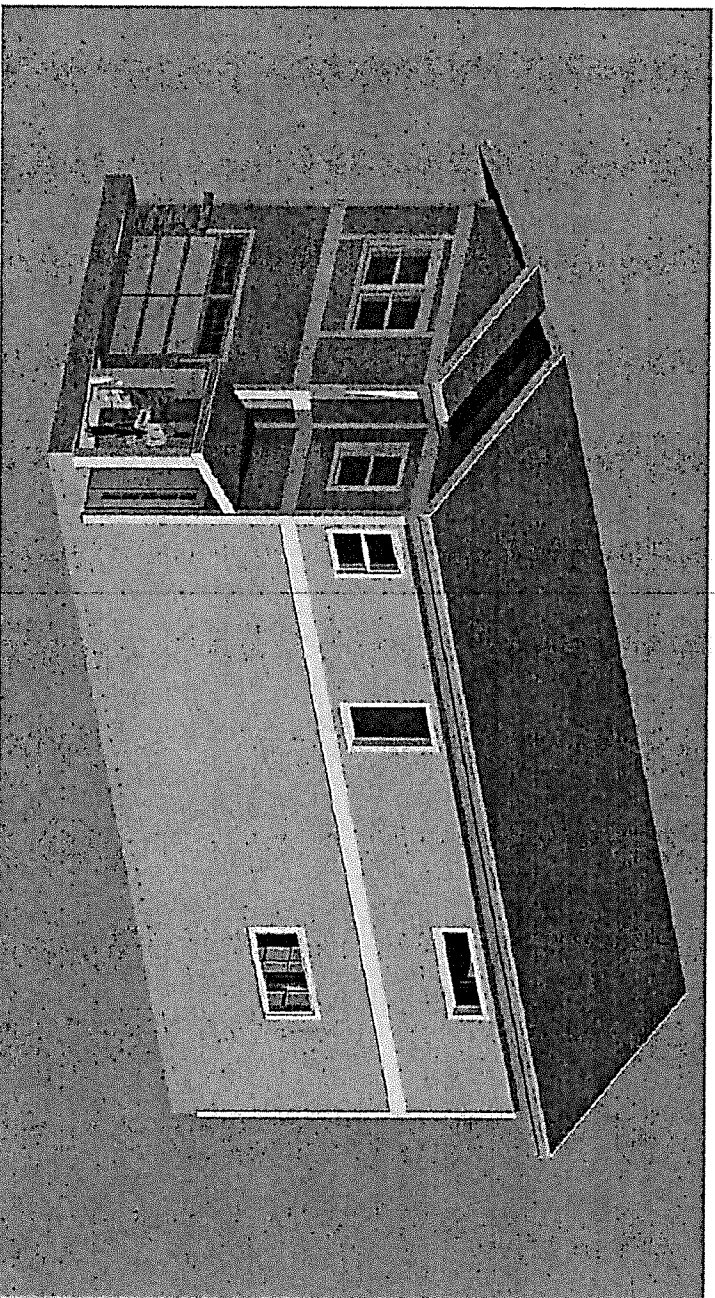
2201 DAWN ST #2, ANCHORAGE, AK 99503
907.786.0444
ak@prohns.com
www.prohns.com

DESIGNER: C. BRULIN
RECORDING: C. BRULIN
CHECKED BY: L. CHAMBERS

USS 2386 DEVELOPMENT
RICHARD HARRIS

SITE PLAN

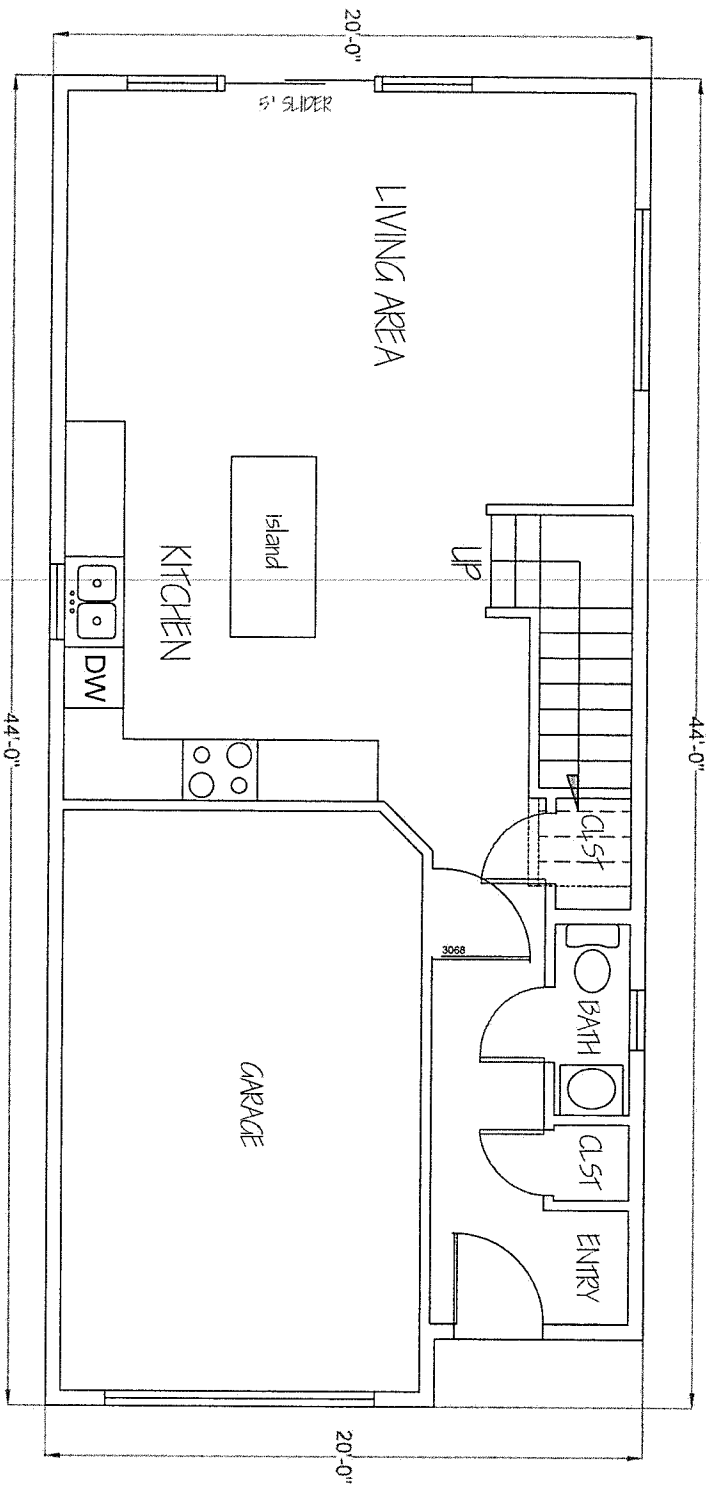
SHEET NUMBER
1 OF 1



Peterson Hill
West Housing
Development

Conceptual
housing design,
1450 Sq ft. 3 Br. 2
 $\frac{1}{2}$ Bath
Single car
Garage.

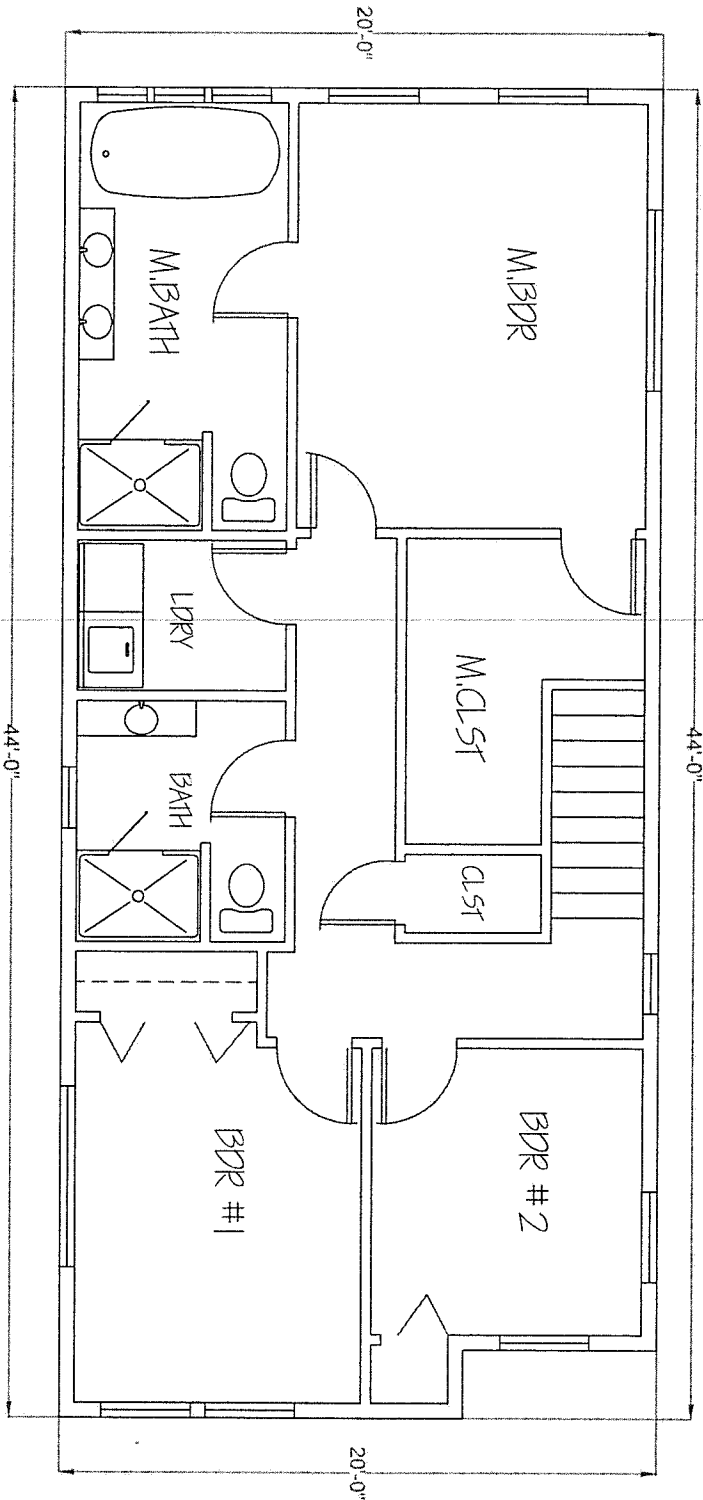




FIRST FLOOR PLAN
 1/4"=1'0"

Peterson Hill West FLOOR PLAN

PAGE INFO	
PROJECT	PHW
CHECKED BY	RH
DRAWN BY	SKH
DATE	08/16/24
PAGE	A001



SECOND FLOOR PLAN
1/4"=1'0"

Peterson Hill West
2ND FLOOR PLAN

PAGE INFO	
PROJECT	PHW
CHECKED BY	RH
DRAWN BY	SKH
DATE	08/16/24
PAGE	A001.1



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

Peterson Hill West

Case Number: PAC2024 0062
 Applicant: Rich Harris
 Property Owner: Harris Homes LLC.
 Property Address: USS2386 Lot G, Tract 2.
 Parcel Code Number: 4B2201060050
 Site Size: 165,964 square feet/3.81 acres
 Zoning: D10 - Multifamily
 Existing Land Use: Vacant Land

Conference Date: December 18, 2024
 Report Issued: January 31, 2025

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

List of Attendees

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

Name	Title	Email address
Harris Homes	Applicant	harrishomesjnu@gmail.com
David Peterson	Planning	David.Peterson@juneau.gov
Jeff Hedges	Building	Jeffrey.Hedges@juneau.gov
	General Engineering	xxx.xxx@juneau.gov
Theresa Ross	CCFR, Fire Marshal	Theresa.Ross@juneau.gov
David Sevdy	Permitting	David.Sevdy@juneau.gov

Conference Summary

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

- Will ROW be maintained by CBJ?
- Note: Future plans to subdivide may be completed by way of an ARS.

Project Overview

Applicant is proposing (30) single family rental units on a 3.8 acre lot. Per the table of permissible uses, major development will require Planning Commission approval through a Conditional USE permit (USE).

Step 1: The Developer shall submit to the Permit Center one copy of the completed permit along with a site plan and a construction plan. The site plan will address vegetative coverage, parking, building layout with setbacks shown, and rights of way. The construction plan will address drainage, ROW improvements, open space and conditions related to.

Step 2: Schedule Planning Commission meeting.

- Planning Commission will review for, public safety, whether project would substantially decrease the value of or be out of harmony with the neighboring area, or whether proposal would not be consistent with the comprehensive plan.
- The Planning Commission may request specific conditions.
 - Per 49.15.330(g)
 1. Development Schedule
 2. Use
 3. Owners Association
 4. Dedications
 5. Performance Bonds
 6. Commitment Letter
 7. Covenants
 8. Revocation of Permits
 9. Landslide and Avalanche areas
 10. Habitat
 11. Sound
 12. Traffic Mitigation
 13. Water access
 14. Screening
 15. Lot/Development Size
 16. Drainage
 17. Lighting
 18. Other Conditions as may be reasonably necessary pursuant to the standards listed in this subsection.

Planning Division

1. **Zoning** – D10 zoning allows for a density of 10 dwelling units per acre. The 3.8 acres would allow for a total of 38 dwelling units.

- The minimum permissible lot size is 6,000 square feet with a minimum width of 50 feet.
- Common wall dwellings must be at least 5,000 square feet with a minimum width of 40 feet.
- Bungalow lots must be at least 3,000 square feet with a minimum width of 25 feet.

2. **Table of Permissible Uses** – Single family homes are an approved building type. Per 49.15.402(a) – A subdivision resulting in more than 14 lots will be considered a Major Subdivision.

3. **Subdivision** – N/A

4. **Setbacks** – Per 49.25.400:

Front and Rear setbacks = 20 feet.

Side Yard setbacks = 5 feet.

Street side yards = 13 feet.

Separation between units: Per 49.65.310(b)(1)(D)(iii), No wall, post, or column supporting a roof of any mobile home shall be placed less than 15 feet away from any other mobile home, accessory buildings or addition.

5. **Height** – Permitted building heights are limited to 35 feet. Accessory and Bungalow structures are limited to a maximum height of 25 feet.

6. **Access** – Site would have direct and practical access to Glacier Highway (an arterial roadway).

7. **Parking & Circulation** – Per section 49.40.210 - Single family and Duplex, dwelling units are required to provide two (2) parking spaces.

8. **Lot Coverage** – **Maximum lot coverage for permissible and conditional uses is 50%.**

9. **Vegetative Coverage** – D10 zones require a minimum of 30% vegetative coverage.

10. **Lighting** – Exterior lighting may not shed light or glare above the roofline of the building or beyond the property line of the site. Industrial and exterior lighting shall not be used in a manner that produces glare on public highways or neighboring property.

Prior to issuance of a building permit, the applicant shall submit a lighting plan illustrating the location and type of exterior lighting proposed for the development. Exterior lighting shall be designed and located to minimize offsite glare. Approval of the plan shall at the discretion of the Community Development Department, according to the requirements at §49.40.230(d) [and Historic District Design Guidelines, if applicable]. All exterior lighting fixtures shall be of a “full cutoff” design.

11. **Noise** – Per 42.20.095(c) It is unlawful to operate any pile driver, power shovel, pneumatic hammer, derrick, power hoist, or similar heavy construction equipment, before 7:00 a.m. or after 10:00 p.m., Monday through Friday, or before 9:00 a.m. or after 10:00 p.m., Saturday and Sunday, unless a permit shall first be obtained from the City and Borough building official.

12. **Flood** – Per panel 02110C1219E effective 9/18/2020, no flood zones present in CBJ record.

13. **Hazard/Mass Wasting/Avalanche/Hillside Endorsement** – Per 49.70.210(a) - Excavation or creation of any slope in excess of 18% will require a Hillside endorsement.
14. **Wetlands** – N/A
15. **Habitat** – Check with the U.S. Fish and Wildlife on the presence of eagle nests in the area. The presence of eagle nests may impact construction scheduling. No anadromous waterbodies are on the subject parcel, or within 50 feet.
16. **Plat or Covenant Restrictions** – PENDING
17. **Traffic** – Per 49.40.300(a) Should a development generate between 250 Average Daily Trips(ADT) and 500 ADT shall be required to have a Traffic Impact Analysis.
18. **Nonconforming situations** – As-built will help determine the presence of nonconforming situations.

Building Division

19. **Building** – Be aware of separation distances. Anything less than 10' separation will create a need for fire rated construction, as well as limit openings and projections.
20. **Outstanding Permits** – No outstanding building permits.

General Engineering/Public Works

21. **Engineering** – No comments at this time.
22. **Drainage** –
23. **Utilities** – (water, power, sewer, etc.)

Fire Marshal

24. **Fire Items/Access** – If applicant decides to develop more than 30 units, a secondary fire access location shall be provided. D107.1

Other Applicable Agency Review

25. DOT&PF
- 26.

List of required applications

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

1. Development Permit Application (DPA).
2. Conditional Use Permit (USE)

Additional Submittal Requirements

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

1. A copy of this pre-application conference (PAC) report.
2. Site Plan
3. Construction Plan

Exceptions to Submittal Requirements

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

1. N/A

Fee Estimates

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

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

1. Public Notice Sign fee and Deposit (\$150). \$100 will be refunded upon return of the Public Notice sign.
2. Class III uses, \$750 for Residential Structures, 11-30 dwelling units.

OR

3. Class IV uses, \$1,000 for Residential Structures, 31-60 dwelling units.

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

Submit your Completed Application

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

OR in person with payment made to:

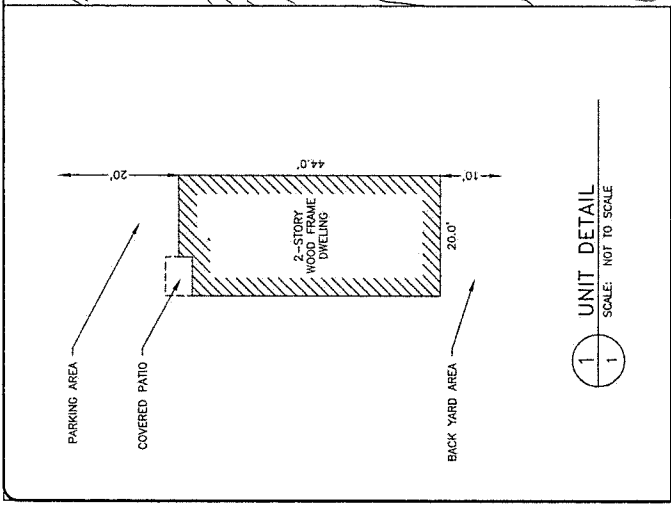
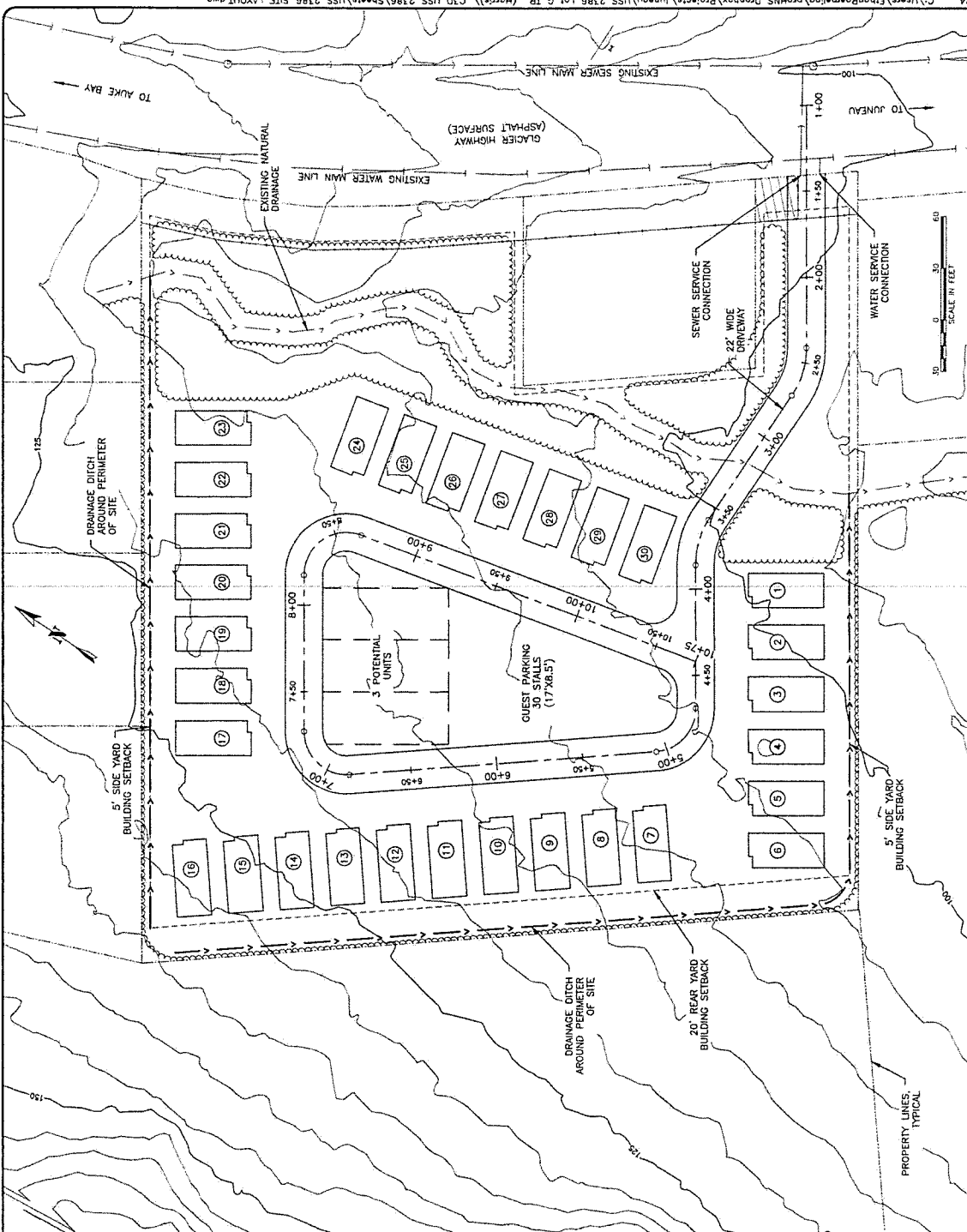
City & Borough of Juneau, Permit Center
230 South Franklin Street
Fourth Floor Marine View Center
Juneau, AK 99801


Phone: (907) 586-0715

Web: www.juneau.org/community-development

Attachments:

- 49.70 Article IV – if in a flood zone
- 49.15.330 – if a Conditional Use Permit



 <p>proHNS LLC CERTIFICATE OF AUTHORIZATION #18692</p>		<p>USS 2386 DEVELOPMENT</p> <p>RICHARD HARRIS</p>		<p>SITE LAYOUT</p>		<p>SHEET NUMBER 1 OF 1</p>	
<p>DATE</p>	<p>RECORD OF REVISIONS DESCRIPTION</p>	<p>DRAWN BY E. ROEMLING</p>	<p>DESIGNED BY E. ROEMLING</p>	<p>CHECKED BY L. CHAMBERS</p>	<p>2201 DAWN ST #2 JANEAU, AK 99831 (907) 754-4004 askon@prohns.com www.prohns.com</p>	<p>PROPERTY LINES, TYPICAL</p>	

PART II - CODE OF ORDINANCES
TITLE 49 - LAND USE
Chapter 49.15 - PERMITS
ARTICLE IX. ALTERNATIVE RESIDENTIAL SUBDIVISIONS

ARTICLE IX. ALTERNATIVE RESIDENTIAL SUBDIVISIONS

49.15.900 Purpose.

The general purpose of this article is to provide reasonable minimum standards and procedures for unit-lot residential communities in which all or some of the lots do not substantially conform to the minimum requirements for a traditional subdivided lot. This article provides a housing option to allow dwellings on unit-lots to be conveyed by long-term leases, less than fee-simple ownership, or fee-simple ownership, including condominium and other common-interest communities. The specific purpose of this article is to permit flexibility in the regulation and use of land in order to promote its most appropriate use for unit-lot residential communities; to encourage residential developments that are planned, designed and developed to function as integral units with common facilities; to encourage developments that provide different types of housing options; to encourage development of quality affordable housing; to facilitate the adequate and economical provisions of access and utilities; and to encourage developments that are in harmony with the surrounding area.

(Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019)

49.15.910 Application.

The provisions of this article apply when a parent lot is subdivided into developable unit-lots and where a portion of the parent lot remains.

(Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019)

49.15.920 General provisions.

- (a) *General.* The requirements of this title apply except as provided in this article.
- (b) *Zoning districts.* An alternative residential subdivision is only allowed in the following zoning districts: RR, D-1, D-3, D-5, D-10SF, D-10, D-15, D-18, and LC.
- (c) *Lot size.* The parent lot shall be at least 150 percent of the minimum lot size for the zoning district in which it is located. There is no minimum size for the unit-lots.
- (d) *Other dimensional standards.* The minimum lot dimensions, lot coverage, and vegetative coverage shall be applied to the parent lot and not the unit-lots.
- (e) *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 alternative residential subdivision and rounding to the nearest whole number.
 - (2) Land and water bodies used in calculating the number of dwelling units permitted 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 for enhancements to the development. The total bonus shall not exceed 50 percent in the RR, D1, D3, D5, D10 zoning districts, and 25 percent in the D-10SF, D15, D18 and LC zoning districts of the density provided in subsection (e)(1) of this section and rounded to the nearest whole number and shall be the sum of individual density bonuses as follows:
- (A) Five percent for each ten percent increment of open space in excess of that required in the zoning district to a maximum bonus of 15 percent for open space in excess of that required;
 - (B) Five percent for a continuous setback greater than 50 feet or ten percent for a continuous setback greater than 50 feet on both sides of a stream, if applicable, designated in the plan as undisturbed open space along important natural water bodies, including anadromous fish streams, lakes, and wetlands;
 - (C) Fifteen percent for a mixture of housing units restricted by a recorded document for a period of 30 years from the first sale:
 - (i) In which ten percent of the dwelling units are set aside for lower income households earning no more than 80 percent of the area median income; or
 - (ii) In which 20 percent of the dwelling units are set aside for workforce households earning no more than 120 percent of the area median income.
 - (D) Up to ten percent for provision of common facilities and additional amenities that provide an unusual enhancement to the general area, such as siting, landscaped buffers, or the creation or preservation of view corridors;
 - (E) Ten percent for dedication of a public right-of-way accessible to all unit-lots consistent with chapter 49.35;
 - (F) Five percent in the RR, D-1, D-3, D-5, and D-10SF zoning districts, and ten percent in the D-10, D-15, D-18 and LC zoning districts for providing shared use pathways to facilitate safe pedestrian and bicycle movement within the development and to ensure non-vehicular access to open space, common facilities and to public services;
 - (G) Five percent for designing all dwelling structures to a five-star plus energy efficiency rating; ten percent for designing all dwelling structures to a six-star energy efficiency rating; and
 - (H) Up to ten percent for using high-efficiency primary heating methods, such as heat pumps, in all dwelling structures.
- (4) A density bonus may be limited or denied if it will more probably than not:
- (A) Materially endanger public health or safety;
 - (B) Substantially be out of harmony with property in the neighboring area;
 - (C) Lack general conformity with the comprehensive plan or another adopted plan; or
 - (D) Create an excessive burden on roads, sewer, water, schools, or other existing or proposed public facilities.
- (f) *Frontage and access.* The parent lot shall front on and be accessed by a publically maintained right-of-way. Access within the development may be exempted from [chapter] 49.35 and be privately owned and maintained if it complies with the following requirements:
- (1) The access shall be located completely on the parent lot;
 - (2) The access does not endanger public safety or welfare and provides for safe pedestrian and vehicular traffic circulation;

-
- (3) The access complies with the emergency service access requirements of CBJ [chapter] 19.10;
 - (4) Access to and within the development is paved;
 - (5) The developer submits adequate evidence that upon approval of the development, a homeowners' association will be formed, can obtain liability insurance, and is solely responsible for maintaining the private access—including winter maintenance; and
 - (6) The alternative residential subdivision does not abut a developable parcel that lacks alternative and practical frontage on a publically maintained right-of-way.
- (g) *Utilities.* An alternative subdivision is required to connect each dwelling unit to public sewer and water. A master meter for water shall be installed by the developer.
 - (h) *Parking.* Parking required for each dwelling unit may be located on either the parent lot or the unit-lot.
 - (i) *Open space.* Open space is required as follows: 25 percent in the RR and D-1 zoning districts; 20 percent in the D-3, D-5 and D-10 zoning districts; 15 percent in the D-10SF district. Open space is not required in the D-15, D-18, or LC zoning districts.
 - (j) *Buffer.* There are no setback requirements on the unit-lots. A perimeter buffer is required in lieu of the setback requirements of this title on the parent lot. The presumptive buffer width shall not be less than the setback set by the underlying zoning district to ensure neighborhood harmony and minimize off-site impacts. The commission may enlarge a buffer or a portion of a buffer up to 25 feet in total width, and the commission may reduce a buffer or a portion of a buffer by 75 percent of the setback for the underlying zoning district. The commission may only enlarge or reduce the buffer width upon considering, but not limited to: type of buffer, location of the subdivision structures and uses therein; the location and type of surrounding uses or development; topography; and the presence of existing visual and sound buffers. A buffer shall be vegetated unless the commission requires non-vegetated screening. A buffer may include fencing, natural berm, or other similar features. No parking areas, dwelling units, unit-lots, or permissible uses may be located within the perimeter buffer. Access to the development may cross a portion of the buffer.
 - (k) *Parent lot.* Portions of the parent lot not subdivided into unit-lots shall be owned in common by a homeowners' association, or similar entity, comprised of the owners of the unit-lots located within the parent lot.
 - (l) *Stormwater management.* Facilities for the control and disposal of stormwater must be adequate to serve the development and areas draining through the development. Management shall be in accordance with the Stormwater Best Management Practices manual. Where appropriate, natural drainage channels, swales, or other similar areas within the open space may be used for stormwater management at the development. The developer shall provide the CBJ Engineering and Public Works Department with an evaluation of offsite drainage outfalls for the additional runoff contributed by the alternative residential subdivision. The commission may require construction of offsite drainage improvements necessary to accommodate additional runoff from the development.
 - (m) *Permitted uses.* No primary uses are permitted on the parent lot except a recreational center, community facility, or a child care center. Consistent with the table of permissible uses, 49.25.300, only residential uses and associated accessory structures are allowed on the unit-lots. Accessory dwelling units are prohibited on the parent lot and on any unit-lots. A home occupation or a child care home is permissible on the unit-lots. If an alternative residential subdivision creates a lot that complies with the table of dimensional standards, 49.25.400, for the underlying zoning district, the accessory dwelling unit prohibition of this subsection does not apply.
 - (n) *Street sign.* Street signage is required. The developer shall install a street sign provided by the City and Borough of Juneau at the developer's expense. The director shall determine the type of street sign—

addresses or street name—upon considering public health, safety, and welfare given the size of the subdivision.

- (o) *Mailboxes.* Upon consultation with the United States Postal Service, the director shall determine the placement location of mailboxes. The director may require additional improvements and design changes to enable efficient mail delivery and to minimize traffic interferences and compliance with CBJ standard details.

(Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019)

49.15.930 Alternative residential subdivision review process.

- (a) *General procedure.* A proposed alternative residential subdivision 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 unit-lots, section 49.15.402, 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 unit-lots, the preliminary and final plat submissions required by section 49.15.402 shall be included with the preliminary and final plan submissions required by this chapter.
- (b) *Preapplication conference.* Prior to submission of an application, the director shall conduct an informal preapplication conference with the developer to discuss the proposed alternative residential subdivision. The purpose of the preapplication conference shall be to exchange general and preliminary information and to identify potential issues and bonuses. 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; provision of utilities, including solid waste and recycling collection; the access, the vehicle and pedestrian circulation, and winter maintenance including snow removal locations; the development schedule and the alternative residential subdivision permit procedures. The developer shall provide a sketch of the proposed alternative residential subdivision.

(Serial No. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019)

49.15.940 Preliminary alternative residential subdivision plan approval.

- (a) *Application.* The developer shall submit to the department one copy of a complete alternative residential subdivision application, which shall include an application form, the required fee, any information required in subsection 49.15.402, 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 alternative residential subdivision.
 - (2) *Preliminary development plan.* The application shall include a preliminary development plan, explaining how the proposed alternative residential subdivision will achieve the purposes set forth in section 49.15.900. The preliminary development plan shall summarize the different land uses proposed, including the amount of land for housing, open space, buffer, access, parking and pedestrian circulation; the number and types of housing units and proposed density; the natural features to be protected and hazards to be avoided; and the public, if any, and private services to be provided.

-
- (3) *Design.* The application shall describe the design of the alternative residential subdivision, with particular attention to building siting, massing, access, parking, and architectural features; provision of utilities including drainage and trash collection; provision of winter maintenance for access and parking areas; and the circulation of traffic and pedestrians.
 - (4) *Open space, common facilities, and general landscaping.* The preliminary plat shall show and describe common facilities, pedestrian circulation to common facilities and amenities, open space, buffers, landscaping, and similar features.
 - (5) *Request for density bonuses.* If a density bonus is being applied for, the application shall include a narrative describing the justification for the requested bonus, and the application shall show the nature and extent of the requested bonus.
 - (6) *Description of phased development.* The preliminary development plan for a phased alternative residential subdivision shall include:
 - (A) A drawing and development schedule for each phase and for the entire alternative residential subdivision;
 - (B) The size and general location of proposed land uses for each phase at the maximum level of density, including maximum allotment of density bonuses;
 - (C) A description of the access (pedestrian and vehicular) connecting all the phases and where they will connect at the alternative residential subdivision 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;
 - (F) An analysis of how each phase in the project will meet the requirements of subsection 49.15.960(b); and
 - (G) A sketch plat consistent with section 49.15.410.
 - (c) *Department review.* The director shall advise the developer whether the alternative residential subdivision 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 may approve an alternative residential subdivision preliminary plan if it meets the following requirements:
 - (1) The development protects natural features and avoids natural hazards by reserving them as open space;
 - (2) The development is consistent with the land use code;
 - (3) The development incorporates perimeter buffers sufficient to minimize off-site impacts of the subdivision and to maximize harmony with the neighborhood;
 - (4) 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 and Public Works Department;
 - (5) The configuration of the development provides for economy and efficiency in utilities, housing construction, access, parking and circulation;

-
- (6) If the approval is for a phased development, that each phase is consistent with the preliminary development plan and design of the entire alternative residential subdivision;
 - (7) Adequately addresses the cumulative impacts of the phased development on the neighborhood and the natural environment; and
 - (8) If the approval includes an allotment of a density bonus, the density bonus complies with section 49.15.920(e)(4).
- (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. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019)

49.15.950 Final alternative residential subdivision 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.* The formation of a homeowners' association, or similar entity, is required.
 - (1) The articles of incorporation and bylaws of the homeowners' association, required under A.S. 34.08 or this chapter, shall be prepared by a lawyer licensed to practice in the state.
 - (2) The homeowners' association shall be responsible for the maintenance of open space, water and sewer utilities, and stormwater control features and drainages. The association documents shall specify how any other common facilities shall be operated and maintained. The association documents shall require homeowners to pay periodic assessments for the operation, maintenance and repair of common facilities. The documents shall require that the governing body of the association adequately maintain common facilities.
 - (3) If the alternative residential subdivision is phased, the association documents shall specify how the cost to build, operate, and maintain improved 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.
- (c) *Commission action.* The commission may 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. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019)

49.15.960 Phased development.

- (a) *Phasing allowed.* An applicant may develop an alternative residential subdivision in phases, provided the initial application includes a preliminary development plan sufficient to assess the cumulative effects of the entire alternative residential subdivision on the neighborhood and the environment according to the standards in subsection 49.15.940.

-
- (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 alternative residential subdivision. Construction and completion of open space and common facilities serving each phase in an alternative residential subdivision 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 and homeowners' association documents have been approved.
 - (c) *Standards for phases.* Each phase of an alternative residential subdivision shall be reviewed according to the provisions of this chapter then current. Each phase of an alternative residential subdivision 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. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019)

49.15.970 Amendments to approved alternative residential subdivision plan.

- (a) *Request for amendment.* The developer of an alternative residential subdivision may request an amendment to an approved preliminary or final alternative residential subdivision 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, 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 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. 2018-41(c), § 2, 12-17-2018, eff. 1-17-2019)

49.65.310 Mobile home parks.

(a) *Park permit required exemptions.*

- (1) No person shall establish, maintain, expand, alter, modify, reconstruct or operate a mobile home park, or expand a mobile home park existing at the time the ordinance codified in this article becomes effective except pursuant to a valid conditional use permit issued pursuant to chapter 49.15, article III, as modified by this article.
- (2) Mobile home parks existing on September 5, 1981, are exempt from the provisions of subsections (b)(2)—(5) of this section, except that if such an exempted park is expanded, the entire park shall be made to substantially conform with the requirements for new parks except those establishing street widths and mobile home space layout. The remaining sections of this chapter are applicable to such existing parks.

(b) *Park design requirements.*

(1) *Dimensional site standards.* Dimensional site standards are as follows:

- (A) Minimum mobile home park area, two acres;
- (B) Minimum setback from public streets, 25 feet;
- (C) Minimum side and rear yard setback from the exterior lot line, 15 feet;
- (D) Standards for mobile home lots within mobile home parks are as follows:
 - (i) *Lot occupancy.* No more than one mobile home shall occupy a mobile home lot. No other dwelling unit shall occupy a mobile home lot.
 - (ii) *Minimum lot size.* All single mobile home lots shall be at least of 3,000 square feet in area, except that a doublewide mobile home lot shall be at least 4,500 square feet in area.
 - (iii) *Separation of mobile homes.* No wall, post, or column supporting a roof of any mobile home, accessory building, or addition to any mobile home shall be placed less than 15 feet away from any other mobile home, accessory buildings or addition. A mobile home, or its addition or accessory building having an interior finish of gypsum board or equivalent fire resistive materials, may be placed no less than ten feet from one likewise finished, and no less than 12½ feet from one not so finished. An accessory building to a mobile home may be placed less than ten feet away from that mobile home or its addition. Eaves and other projections may extend no more than 12 inches into the separation distance. Uncovered ramps and associated landings needed for access by people with disabilities may project five feet into the separation distance.
 - (iv) *Maximum lot coverage.* Coverage of a mobile home lot shall not exceed 50 percent of the total land area.

(2) *Road and parking standards.*

- (A) Two driveway entrances may be permitted to serve a mobile home park when spaced not less than 200 feet apart. Additional driveway entrances may be allowed upon approval by the commission if such entrance or entrances are spaced not less than 200 feet from any other entrance. The driveway entrances shall be at right angles to the public road from which they are served. This angle shall be maintained for a distance of at least 100 feet.
- (B) Access roads within the mobile home park shall have a minimum width of 30 feet. Every mobile home lot shall abut an access road. Direct access to any public right-of-way from individual

mobile home lots shall not be permitted. Streets shall be surfaced with all-weather material such as gravel, cinders, asphalt or concrete to a minimum surface width of 22 feet.

- (C) Minimum off-street parking spaces on each mobile home lot shall be as provided in section 49.40.210 of this title for single-family residences.
- (3) *Recreation; playgrounds.* A minimum of 200 square feet of playground in the mobile home park shall be provided for each mobile home lot. No playground area shall contain less than 2,500 square feet.
- (4) *Transient camper spaces.* Transient camper spaces are permitted in any mobile home park as an accessory use subject to conditional use approval. Such spaces shall be provided with toilet and shower facilities meeting applicable state requirements, segregated according to sex, and adjacent to the transient unit area. Transient campers shall have separate lots and shall meet the same setback requirements as permanent units. Transient units shall not be allowed to exist as permanent units.
- (5) *Sales lots.* Sales lots upon which unoccupied trailers are displayed for sale shall not be located within a mobile home park, provided that mobile home units for sale or rent in place may be located within the park providing they meet all the criteria set forth in this chapter.

(c) *Park establishment.*

- (1) Mobile home parks may be established as a conditional use only in the following zoning districts: D-10 SF residential district, D-10, D-15, D-18, multifamily residential districts, LC, light, and GC, general commercial districts.
- (2) A preliminary plan shall be submitted for concept review by the commission. The preliminary plan need not include complete engineering drawings but should be sufficiently complete to allow for review of all design standards.
- (3) After concept approval by the commission, the developer shall submit a final plan. The final plan shall contain the following information:
 - (A) The name, address and interest in the property of the applicant;
 - (B) The location and legal description of the mobile home park; and
 - (C) Complete engineering plans and specifications for the proposed mobile home park. The plans and specifications shall include:
 - (i) The area and dimensions of tract of land;
 - (ii) The number, location, and size of all lots with the required yard setback designated on each lot;
 - (iii) The location, width and surface of access streets and walkways;
 - (iv) The location of water and sewer lines;
 - (v) The location, type, and size of sewage disposal facilities;
 - (vi) The location of water source;
 - (vii) The location and size of any buildings existing or proposed for construction within the mobile home park;
 - (viii) A plan for refuse disposal;
 - (ix) The location and distribution of electrical systems;
 - (x) The location and storage of heating fuel; and
 - (xi) The location and size of playground areas.

-
- (4) Building permit required. It is unlawful for any person to construct, alter or extend any mobile home park except pursuant to a valid building permit. The permit shall not be issued until the plans and specifications have been approved by the commission, state department of environmental conservation or other review agencies.
- (d) *Expiration of permits.* Any final approval of a development permit issued under this article shall expire according to the expiration schedule for development permits in chapter 49.15, article II.
- (e) *Submission of park drawing.* Each mobile home park in existence on the effective date of the ordinance codified in this article shall submit a complete and accurate park drawing. The drawing shall show above ground improvements and setback measurements. An engineer's or surveyor's certification is not required. All new mobile home parks shall have the four corners of each lot staked with a permanent surveyor's monument.
- (f) *Annual inspection.* An annual inspection by the City and Borough building department shall be required for operation of any mobile home park within the City and Borough. A certificate of inspection of mobile home parks will be issued annually after the park has satisfactorily passed an inspection by the building official. The inspection will be made for the purpose of examining the park for compliance with this Code, the building codes, and other applicable codes. If deficiencies are found to exist in any portion of the mobile home park a provisional certificate of inspection may be issued. The provisional certificate of inspection shall define the deficiencies together with an established time to correct the same. Unless such deficiencies are corrected within the established time the provisional certificate of inspection shall be revoked and the City and Borough may proceed with legal action against the park owner. The park owner shall be responsible for correction of any deficiencies within the time limit specified.
- (g) *Responsibilities of management.*
- (1) The person to whom a conditional use permit for a mobile home park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
 - (2) The park management shall notify park occupants of all applicable provisions of this chapter and inform them of their duties and responsibilities under this chapter.
 - (3) The park management shall supervise the placement of each mobile home on its mobile home stand.
 - (4) The park management shall provide and maintain the proper size electrical receptacle, breaker and grounding at the electrical service for each mobile home lot.
 - (5) The park management shall maintain a current register containing the names of all park occupants identified by lot number or street address. Such register shall be available to any authorized person inspecting the park.
 - (6) The park management shall maintain roads within the mobile home park in a condition which will permit the park occupants safe access to and from each mobile home. The roads shall meet maintenance standards acceptable to the City and Borough.
- (h) *Responsibilities of occupants.*
- (1) Each park occupant shall comply with all applicable requirements of this chapter and shall maintain his or her mobile home lot, facilities, and equipment in good repair and in a clean and sanitary condition.
 - (2) Each park occupant shall be responsible for proper placement of the mobile home on the mobile home stand and proper installation of utility connections in accordance with City and Borough standards.
 - (3) Porches, awnings, and other additions shall be installed only if permitted and approved by the park management. When installed they shall be maintained in good repair.

-
- (4) Each park occupant shall store and dispose of all rubbish and garbage in a sanitary and safe manner. The garbage container shall be rodentproof, insectproof and watertight.
 - (5) Smoke alarms and fire extinguishers for Class B and Class C fires shall be kept at each park occupant's premises and maintained in working condition.
 - (6) The area beneath the mobile home shall be enclosed by skirting.

(Serial No. 87-49, § 2, 1987; Serial No. 2000-39, § 2, 10-16-2000; Serial No. 2007-39, § 13, 6-25-2007)

49.15.402 Major subdivisions.

- (a) *[Permit required.]* A major subdivision permit is required for subdivisions resulting in 14 or more lots.
- (b) *Pre-application conference and sketch plat.* A pre-application conference and sketch plat (CBJ 49.15.410) is required prior to submitting an application for a major subdivision.
- (c) *Preliminary plat.* The commission shall be responsible for approval of the preliminary plat.
 - (1) Application for a preliminary plat shall be on a form provided by the department, accompanied by a draft preliminary plat and the appropriate fee. The draft plat shall meet the standards set forth in CBJ 49.15.411.
 - (2) Public notice of the application shall be provided pursuant to CBJ 49.15.230.
 - (3) Reserved.
 - (4) The director shall prepare and submit a report to the commission noting any conditions of approval or plat notes recommended and addressing the following criteria:
 - (A) Whether the preliminary plat complies with CBJ 49.15.411;
 - (B) Whether the applicable subdivision development standards of this title are met, or can reasonably be met with conditions;
 - (C) Whether the proposed subdivision will provide building sites suitable for the zoning district;
 - (D) Whether the proposed street names are unique in the City and Borough or are continuations of existing streets and are otherwise acceptable;
 - (E) Whether the director of engineering and public works has reviewed the application and determined that:
 - (i) The subdivision can be constructed to conform to applicable drainage and water quality requirements;
 - (ii) The streets, pioneer paths, and pedestrian ways as proposed accommodate anticipated traffic, align, and, where appropriate, connect with streets and pedestrian ways serving adjacent properties;
 - (iii) Any proposed improvements conform to the requirements of this title and can feasibly be constructed in accordance with this title; and
 - (iv) Where public sewer is not required, 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.
 - (5) In issuing its notice of decision on a preliminary plat, the commission may accept, amend, or reject the director's proposed recommendations. The decision of the commission approving or denying a preliminary plat application will be set forth in a notice of decision, and will specify any conditions 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, within 180 days from the date of the notice of decision.
- (d) *Construction plans.* Upon approval of the preliminary plat, the applicant shall submit complete sets of construction plans for all required improvements to the department for review by the director of engineering and public works for compliance with CBJ 49.35.140.

-
- (e) *Survey and monumentation.* Once the construction plans are approved, the applicant shall complete required surveying and monumentation in accordance with CBJ 49.15, article IV, division 6.
- (f) *Final plat.* An application for a final plat shall be on a form provided by the department, accompanied by a final plat and the appropriate fee. The final plat shall meet the standards set forth in CBJ 49.15.412.
- (1) Once the application is deemed complete, the director shall schedule the final plat for commission action. If commission action on the final plat will occur more than 12 months after approval of the preliminary plat, public notice of impending commission action on the final plat may be required.
 - (2) The director shall prepare and submit a report to the commission that addresses compliance of the final plat with this title and the criteria for final plat approval, and that specifies any conditions of approval or plat notes recommended by the director.
 - (3) The commission may place conditions upon the granting of final plat commission as are necessary to preserve the public welfare. The commission shall approve the application for a final plat if the following criteria are met:
 - (A) The applicant has complied with any conditions or plat notes required in the notice of decision approving the preliminary plat;
 - (B) The applicant has constructed all required improvements or provided a financial guarantee in accordance with CBJ 49.55.010; and
 - (C) The final plat meets the standards set forth in CBJ 49.15.412.
- (g) *Plat recording.*
- (1) The chair of the commission shall sign the plat upon a determination that the final plat meets all of the requirements of this title, that all plat certificates have been signed and notarized, and that all required documents have been submitted for recording with the final plat in accordance with CBJ 49.15.412.
 - (2) The department shall file the original plat, at the applicant's expense, with the State Recorder's Office at Juneau.

(Serial No. 2015-03(c)(am), § 10, 8-31-2015 ; Serial No. 2020-06, § 2, 3-16-2020, eff. 4-16-2020)

49.15.330 Conditional use permit.

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

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

(A) Developments in wetlands and intertidal areas.

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

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