

Presented by: The Manager  
Presented: 01/27/2025  
Drafted by: Birch Horton

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

Serial No. 2025-15am

### **An Ordinance Amending the Title 49 Land Use Code Relating to Rules of Construction, Permits, Equivalent Use Determinations, Determination of Minor Versus Major Developments, Accessory Dwelling Units, Caretaker Units, and Transition Zones.**

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 Title.** Title 49, Land Use, is amended to read:

#### **TITLE 49 LAND USE**

...

#### **49.05.140 Rules of construction. Interpretation.**

##### **(a) General interpretation.**

**(1) All words, terms, and provisions in this title shall be interpreted in a manner consistent with the purpose and intent set out in CBJC 49.05.100.**

**(2) The director has authority to determine the interpretation or usage of terms used in this title, subject to appeal pursuant to the provisions of chapter 49.20.**

##### **(b) Word usage and grammatical rules. Unless the context clearly indicates otherwise, the rules of construction found in CBJC 01.15.020 apply.**

**(c) Headings, captions, and illustrations. In cases where text conflicts with any heading, table, figure, or illustration, the text controls.**

##### **(d) Conjunctions.**

**(1) "And" means that all connected items, conditions, or provisions apply.**

(2) “Or” means that one or more of the connected items, conditions, or provisions apply.

(3) “And/or” means that the connected items may apply singularly or in any combination.

(4) “Either... or” means that the connected words or provisions apply singularly, but not in combination.

(e) *Lists and examples.*

(1) When terms such as “including,” “for example,” or “such as” are used, the examples provided are not exhaustive and do not limit other possible inclusions.

(2) Unless otherwise specifically indicated, the word “including” always means “including but not limited to.”

(3) Unless otherwise specifically indicated, a list does not imply a priority or chronological order.

(f) *Measurement of time.*

(1) References to “days” shall be interpreted as calendar days unless stated otherwise.

(2) Any computation of time shall exclude the first day and include the last day, unless the final day is a weekend or municipal holiday, in which case the period extends to the next business day.

(3) When business days are referenced, they include weekdays (Monday through Friday) but exclude holidays observed by the city and borough.

(g) *Fractions.*

(1) Unless otherwise stated, a fraction of one-half or more will be rounded to the next highest whole number and a fraction less than one-half will be rounded to the next lowest number.

(2) Unless otherwise stated, fraction calculations are to be truncated to two numbers past the decimal point and rounded. For example, 1.2345 would be rounded to 1.23 and 5.6789 would be rounded to 5.68.

(h) *References to other regulations or documents.* References to other laws, regulations, or documents shall be construed as referring to the latest version, unless otherwise specifically indicated.

(i) Delegation of authority. Any act required to be performed by a specific official may be delegated to an authorized designee.

(j) Public officials and agencies. All references to public officials, bodies, and agencies shall refer to those of the city and borough unless otherwise specified.

(k) Conflicting provisions. In case of conflict between the provisions of this title, the more specific provision shall prevail. If no specific provision exists, the more restrictive provision shall prevail. If two provisions are equally specific, the more restrictive provision shall prevail.

~~All questions of interpretation of the provisions of this title may be treated as an appeal, pursuant to the provisions of chapter 49.20.~~

~~(Serial No. 87-49, § 2, 1987)~~

...

#### **49.15.130 Complete applications.**

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

(b) An application is complete when it contains all of the information necessary to determine if the development will comply with all of the requirements of the permit applied for.

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

(d) Incomplete applications will be rejected and notice regarding the incomplete status of the application will be sent to the address included on the application.

...

#### **49.15.160 Amendments of approved permits.**

(a) Request for amendment.

(1) A permitholder may request an amendment to an approved permit through an application on a form provided by the department.

(2) Application must be filed with any required fees, scale-drawn site plans and floor plans, and any other materials required by the department at the time of submittal.

(3) The director will inform the permitholder within 15 business days of receipt of a complete request whether the request shall be processed as a minor amendment or major amendment.

(b) Minor amendment. The director may authorize minor amendments to approved permits if the changes:

(1) Do not involve any expansion, intensification, or increase in size of the land use or structure beyond the original approval;

(2) Would have an insignificant change in the outward appearance of the development;

(3) Would have insignificant impacts on surrounding properties;

(4) Result in insignificant modification in the location or siting of buildings or common open space;

(5) Do not involve a feature of the project that was a basis for conditions of approval for the permit;

(6) Do not involve a feature of the project that was a specific consideration by the review authority in granting the permit;

(7) Do not reduce the number of parking spaces below that are required by the original permit; or

(8) Do not create a delay greater 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 same review authority as the original approval. The same public notice and hearing requirements that applied to the original approval also apply to the requested major amendment.

(d) Exceptions.

(1) Amendments related to exploration and mining permits are governed by Chapter 49.65, Article I. - Exploration and mining permits.

...

**49.15.660 Reserved. Amendments to approved planned unit development plan.**

(a) ~~Request for amendment.~~ The developer of a planned unit development may request an amendment to an approved preliminary or final planned unit development plan. The request shall state the reasons for the amendment and shall be submitted in writing to

the director, who shall inform the developer within 15 days whether the request shall be processed as a minor amendment or major amendment.

~~(b) *Minor amendment.* A minor amendment may be submitted without a filing fee and may be approved by the director. For purposes of this section, a minor amendment is a change consistent with the conditions of the original plan approval, the general character of the overall planned unit development, and the criteria set out in subsection 49.15.630(d), and would result in:~~

~~(1) — Insignificant change in the outward appearance of the development;~~

~~(2) — Insignificant impacts on surrounding properties;~~

~~(3) — Insignificant modification in the location or siting of buildings or common open space;~~

~~(4) — No reduction in the number of parking spaces below that required;~~

~~(5) — A delay of no more than one year in the construction or completion schedule for the project or, in the case of a phased project, the phase for which the amendment is requested.~~

~~(e) *Major amendment.* All other amendments shall be reviewed by the commission upon payment of a filing fee and in accordance with the requirements of the original plan approval.~~

~~(Serial No. 97-12, § 2, 1997)~~

~~...~~

**49.15.750     Reserved. ~~Amendments to approved cottage housing development plan.~~**

~~(a) *Request for amendment.* The developer of a cottage housing development may request an amendment to an approved preliminary or final cottage housing development plan. The request shall state the reasons for the amendment and shall be submitted in writing to the director, who shall inform the developer within 30 days whether the request shall be processed as a minor amendment or major amendment.~~

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

~~(1) — Insignificant change in the outward appearance of the development;~~

(2) — ~~Insignificant impacts on surrounding properties;~~

(3) — ~~Insignificant modification in the location or siting of buildings or common open space;~~

(4) — ~~No reduction in the number of parking spaces below that required;~~

(5) — ~~A delay of no more than one year in the construction or completion schedule for the project.~~

(e) — ~~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. 2005-52(b), § 3, 1-30-2006)

...

**49.15.970      Reserved. 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.~~

(e) — ~~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}

...

**49.20.320 Use not listed.**

(a) The director may determine that a use not specifically listed in the table of permissible uses may be permitted if all the following findings can be made:

(1) The use is consistent with the Comprehensive Plan and other relevant officially adopted plans;

(2) The use will not be detrimental to public health, safety, or welfare;

(3) The use is consistent with the intentions of the underlying zone district;

(4) The use is similar to other uses allowed in the underlying zone district;

(5) The density or intensity of the use is similar to other uses in the underlying zone district; and

(6) The use is compatible with principally and conditionally permitted uses in the underlying zone district.

(b) When the director determines that a proposed use is equivalent to a listed use, the proposed use will be treated in the same manner as the listed use with respect to development standards, permits required, and all applicable requirements of Title 49.

(c) Director determinations will be in writing and maintained by the department for public review.

(d) The director may refer any equivalent use determination to the planning commission for review and final decision.

(e) Equivalent use determinations by the director may be appealed to the planning commission.

~~After public notice and a hearing, the planning commission may permit in any district any use which is not specifically listed in the table of permissible uses but which is determined to be of the same general character as those which are listed as permitted in such district. Once such determination is made, the use will be deemed as listed in the table of permissible uses.~~

~~(Serial No. 87-49, § 2, 1987; Serial No. 2021-19, § 5, 8-2-2021, eff. 9-1-2021)~~

...

**49.25.250 Waterfront districts.**

The following districts are established to accommodate those uses that are dependent or directly related to the water, a waterfront location, or both. These districts regulate development of the waterfront to take advantage of the unique attributes and limitations of its lands:

...

- (b) The WI, waterfront industrial district, is intended for industrial and port uses which need or substantially benefit from a shoreline location. In addition, many of the uses that are allowed in the WC, waterfront commercial district, are also allowed in the WI, waterfront industrial district. Residential uses are limited to permitted caretaker units ~~residences~~ in the waterfront industrial district.

...

#### **49.25.300 Determining uses.**

...

- (c) A combination of digits such as "1, 3" or "2, 3" indicates that the approval procedure for the identified use in the identified zone will vary depending on whether the project is a major or minor development.

- (1) If the project is a minor development the first number of the combination shall indicate the applicable procedure.
- (2) If the project is a major development the second number shall indicate the applicable procedure.
- (3) Minor development means development which is classified by zoning district as follows:
  - (A) Any combination of the following within the rural ~~Rural~~ reserve district: A residential development containing two or fewer dwelling units; ~~two or fewer bedrooms leased on a daily or weekly basis, or~~ a nonresidential building totaling less than 10,000 square feet or using less than one acre of land in total; any accessory dwelling units (ADUs) compliant with CBJC 49.25.512.
  - (B) Any combination of the following within single-family ~~Single-family~~ residential districts: A residential development containing two or fewer dwelling units on a lot; ~~two or fewer bedrooms leased on a daily or weekly basis, or~~ a nonresidential building totaling less than 5,000 square feet or using less than 10,000 square feet of land in total; any accessory dwelling units (ADUs) compliant with CBJC 49.25.512.



- (C) Any combination of the following within multifamily ~~Multifamily~~ residential districts: A residential development that meets the density standards of the underlying zone district; ~~containing eight or fewer dwelling units, eight or fewer bedrooms~~ leased on a daily or weekly basis, or a nonresidential building totaling less than 5,000 square feet or using less than 10,000 square feet of land in total; any accessory dwelling units (ADUs) compliant with CBJC 49.25.512.
- (D) Any combination of the following within commercial ~~Commercial~~ and mixed use districts: A residential development that meets the density standards of the underlying zone district; ~~containing 12 or fewer dwelling units, 12 or fewer bedrooms~~ leased on a daily or weekly basis, or a nonresidential building totaling less than 10,000 square feet or using less than one-half acre of land in total; any accessory dwelling units (ADUs) compliant with CBJC 49.25.512.
- (E) Any combination of the following within industrial ~~Industrial~~ districts: Non-residential buildings totaling 15,000 square feet or using less than one acre of land in total; accessory caretaker units compliant with CBJC 49.25.514.
- (4) “Major development” means all development activity that is not a minor development.
- (5) *Exceptions.* Exceptions to the use of minor and major development classifications as a method of determining the applicable approval procedure shall be as noted in the table of permissible uses.

...

TABLE OF PERMISSIBLE USES – CBJC 49.25.300

			Zones																	
	Use Description		RR	D-1	D-3	D-5	D-10SF	D-10	D-15	D-18	LC	GC	MU	MU2	MU3	NC	WC	WI	I	
...																				
	1.110	Single-family detached, one dwelling per lot	1	1	1	1	1	1	1	1	1	1	1	1				1A	1A	
	...																			
	1.130	Single-family detached, accessory apartment	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3			1,3			
	1.140	Single-family detached, two dwellings per lot,	1,3	1,3	1,3															

		accessory apartment																	
	1.150	Caretaker unit															1	1	
	...																		
	1.815	Caretakers mobile Mobile homes on individual lots outside of mobile home parks <sup>E</sup>	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3	3-1 <sup>A</sup>	3-1 <sup>A</sup>
	...																		
	1.911	Accessory apartments dwelling units	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3	1,3		
	...																		
	1.930	Two dwelling unit structures allowed under special density considerations, subsections 49.25.510(h) 49.25.512			3	3	31	31	31	31	31	1	1	31	1	1	1		

...

A. A mobile home may only be used as a caretaker unit which complies with CBJC 49.25.514. A single family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.

...

E. See special use regulations for mobile homes, chapter 49.65, article III.

...

X. Special requirements apply to accessory ~~apartment~~ dwelling unit applications. See CBJC § ~~49.25.510(k)~~ 49.25.512.

...

#### **49.25.510 Special density considerations.**

...

~~(k) — Accessory apartments. No person shall construct or maintain an accessory apartment except in accordance with a permit issued under this section.~~

~~(1) — Application. Accessory apartment applications shall be submitted on a form provided by the director and shall include:~~

- (A) ~~A completed application form;~~
- (B) ~~The application fee required by chapter 49.85;~~
- (C) ~~A site plan drawn to scale or dimensioned indicating all required parking, minimum setbacks, and actual lot size; and~~
- (D) ~~A floor plan drawn to scale or dimensioned indicating all dwelling units and including each room labeled as to use;~~
- (E) ~~A statement that the property is connected to sewer. If the property is not connected to sewer, a statement from the department of environmental conservation confirming that the existing wastewater disposal system is sufficient for the development, including the proposed accessory apartment, and a statement from a qualified inspector that the existing wastewater disposal system is functioning as designed.~~

~~(2) Approval standards.~~

- (A) ~~Unless otherwise provided, the accessory apartment shall be a one-bedroom or efficiency unit not exceeding 600 square feet in net floor area.~~
- (B) ~~Areas common to more than one dwelling unit including entry ways, furnace rooms, laundry rooms, and interior stairways shall not be included in the computation of the net floor area for the accessory apartment.~~
- (C) ~~The minimum lot size as used in this section refers to the minimum lot size for permissible uses listed in the table of dimensional standards, CBJ 49.25.200.~~
- (D) ~~A permit under this subsection may be issued if the applicant establishes:~~
  - (i) ~~The development meets all setback requirements;~~
  - (ii) ~~The total building footprint does not exceed the maximum lot coverage allowable under section 49.25.400, the table of dimensional standards, or, in the case of nonconforming structures, the total building footprint does not increase with the proposed accessory apartment;~~
  - (iii) ~~The development does not violate the vegetative cover requirements imposed by section 49.50.300; or, in the case of nonconforming structures, the proposed accessory apartment does not decrease the existing vegetative cover;~~

1  
2 (iv) ~~The development meets the parking standards required by chapter~~  
3 ~~49.40; and~~

4 (v) ~~The development is connected to public sewer or the existing~~  
5 ~~wastewater disposal system has adequate capacity for the~~  
6 ~~development, including the proposed accessory apartment.~~

7 (E) ~~Single family detached accessory apartment approval.~~

8 (i) ~~The director may approve a 49.25.300.1.130 accessory apartment~~  
9 ~~application if all of the requirements of this section and the~~  
10 ~~following are met:~~

11 (a) ~~The application is for an efficiency or one bedroom unit that~~  
12 ~~does not exceed 600 square feet in net floor area and is on a~~  
13 ~~lot that exceeds the minimum lot size; or~~

14 (b) ~~The application is for an efficiency, one bedroom, or two~~  
15 ~~bedroom unit that has a net floor area equal to or less than~~  
16 ~~50 percent of the primary dwelling unit's net floor area but~~  
17 ~~not to exceed 1,000 square feet, and is on a lot that exceeds~~  
18 ~~125 percent of the minimum lot size.~~

19 (ii) ~~The commission may approve, with a conditional use permit, a~~  
20 ~~49.25.300.1.130 accessory apartment application if all of the~~  
21 ~~requirements of this section and the following are met:~~

22 (a) ~~The application is for an efficiency or one bedroom unit that~~  
23 ~~does not exceed 600 square feet in net floor area, and is on a~~  
24 ~~lot that is less than the minimum lot size; or~~

25 (b) ~~The application is for an efficiency, one bedroom, or two~~  
26 ~~bedroom unit that has a net floor area equal to or less than~~  
27 ~~50 percent of the primary dwelling unit's net floor area but~~  
28 ~~not to exceed 1,000 square feet, and is on a lot that exceeds~~  
29 ~~125 percent of the minimum lot size.~~

30 (iii) ~~An application for an accessory apartment with a net floor area~~  
31 ~~that exceeds 600 square feet shall not be approved on a lot that is~~  
32 ~~less than 125 percent of the minimum lot size.~~

33 (F) ~~Single family detached, two dwellings per lot, accessory apartment~~  
34 ~~approval.~~

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- (i) ~~When a lot has two primary dwelling units, each primary dwelling unit may have up to one accessory apartment that is consistent with the requirements of this section. The lot shall not have more than two accessory apartments.~~
  - (ii) ~~An application for an accessory apartment with a net floor area that exceeds 600 square feet shall not be approved on a lot that is less than 250 percent of the minimum lot size.~~
  - (iii) ~~The director may approve a 49.25.300.1.140 accessory apartment application if all of the requirements of this section and the following are met:~~
    - (a) ~~The application is for an efficiency, or one bedroom unit that does not exceed 600 square feet in net floor area, is on a double sized lot (two times the minimum lot size), and the lot does not have another accessory apartment in excess of 600 square feet in net floor area; or~~
    - (b) ~~The application is for an efficiency, one bedroom, or two bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, on a lot that exceeds 250 percent of the minimum lot size, and the lot does not have more than one other accessory apartment in excess of 600 square feet in net floor area.~~
  - (iv) ~~The commission may approve, with a conditional use permit, a 49.25.300.1.140 accessory apartment application if all of the requirements of this section and the following are met:~~
    - (a) ~~The application is for an efficiency, or one bedroom unit that does not exceed 600 square feet in net floor area, is on a lot that is less than the minimum lot size, and the lot does not have another accessory apartment in excess of 600 square feet in net floor area;~~
    - (b) ~~The application is for an efficiency, one bedroom, or two bedroom unit that has a net floor area equal to or less than 50 percent of the primary dwelling unit's net floor area but not to exceed 1,000 square feet, is on a lot that exceeds 250 percent of the minimum lot size, and where the lot does not~~

1  
2 have more than one other accessory apartment in excess of  
3 600 square feet in net floor area.

4 ~~(G) Multifamily dwelling and accessory apartment approval. Unless~~  
5 ~~authorized by this section, an accessory apartment is prohibited in~~  
6 ~~multifamily, commercial, and mixed-use zoning districts.~~

7 ~~(i) The director may approve a 49.25.300.1.300 accessory apartment~~  
8 ~~application if all the requirements of this section and the following~~  
9 ~~are met:~~

10 ~~(a) The application is for an efficiency, or one bedroom unit~~  
11 ~~that does not exceed 600 square feet in net floor area, is on~~  
12 ~~a lot that exceeds the minimum lot size, and the primary~~  
13 ~~use of the lot is a single family dwelling.~~

14 ~~(ii) The commission may approve, with a conditional use permit, a~~  
15 ~~49.25.300.1.300 accessory apartment application if all of the~~  
16 ~~requirements of this section and the following are met:~~

17 ~~(a) The application is for an efficiency, or one bedroom unit~~  
18 ~~that does not exceed 600 square feet in net floor area, is on~~  
19 ~~a lot that is less than the minimum lot size, and the~~  
20 ~~primary use of the lot is a single family dwelling.~~

21 ~~(H) Common wall accessory apartment approval.~~

22 ~~(i) Each common wall dwelling may have up to one accessory~~  
23 ~~apartment that does not exceed 600 square feet in net floor area~~  
24 ~~and that is consistent with the requirements of this section.~~

25 ~~(ii) The director may approve a 49.25.300.1.911 accessory apartment~~  
~~application if all of the requirements of this section and the~~  
~~following are met:~~

~~(a) The application is for an efficiency, or one bedroom unit~~  
~~that does not exceed 600 square feet in net floor area, and is~~  
~~on a lot that exceeds the minimum lot size.~~

~~(iii) The commission may approve, with a conditional use permit, a~~  
~~49.25.300.1.911 accessory apartment application if all of the~~  
~~requirements of this section and the following are met:~~

- (a) ~~The application is for an efficiency, or one bedroom unit that does not exceed 600 square feet in net floor area, and is on a lot that is less than the minimum lot size.~~

...

**49.25.512 Accessory dwelling units (ADUs).**

(a) Permit. An ADU permit is required for the creation of an ADU.

- (1) ADU permits require an application. The application must be completed and submitted to the Department on a form provided by the Department
- (2) An application must be filed with any required fees, scale-drawn site plans and floor plans, and any other materials required by the Department at the time of submittal to be considered complete. Incomplete applications will not be considered.

(b) ADU development standards. ADUs are subject to the following development standards:

- (1) Density. ADUs are exempt from the density requirements of the underlying zone district.
- (2) Number of ADUs.
- (A) One ADU per principally permitted residence is allowed and up to two ADUs per parcel.
- (3) Relationship to principal structures.
- (A) An ADU may be within, attached to, or detached from a single- or multi-family residential structure.
- (B) An ADU must contain complete independent living facilities for one or more people.
- (C) If a lot contains an existing single-family home 1000 square feet in size or less, the existing home may be designated as an ADU as part of a project to construct a new single-family home on the lot.
- (4) Lot size, lot coverage, height, and setbacks.
- (A) ADUs are not subject to minimum lot size or minimum lot width standards.
- (B) ADUs are subject to the same lot coverage standards that apply to primary dwellings in the underlying zone district.

- (C) ADUs are subject to the same height standards that apply to primary dwellings in the underlying zone district.
- (D) ADUs are subject to the same front and side setbacks that apply to primary dwellings in the underlying zone district.
- (E) ADUs are subject to a minimum 5-foot rear yard setback. If the underlying zone district's rear yard setback standard is less than 5 feet, the smaller setback applies.
- (F) ADUs created through the conversion of an existing legal structure which does not conform to height and setback standards are considered to be in compliance if the conversion does not make the existing legal structure more nonconforming.

(5) Maximum unit size.

- (A) A detached ADU may not exceed 1000 square feet in net floor area.
- (B) An attached ADU may not exceed 1000 square feet or 40% of the floor area of the principal residential structure, whichever is greater.
- (C) Areas common to more than one dwelling unit – including entry ways, furnace rooms, laundry rooms, and interior stairways – are not to be included in net floor area calculations.

(6) Parking. ADU parking is governed by 49.40.210 with the following exception:

- (A) When an existing covered parking space is converted into living space for an ADU, replacement parking is not required for the eliminated parking space.

**49.25.514 Caretaker units.**

(a) Permit. A permit is required for the creation of a caretaker unit.

- (1) Caretaker unit permits require an application. The application must be complete and submitted to the Department on a form provided by the Department.
- (2) An application must be filed with any required fees, scale-drawn site plans and floor plans, and any other materials required by the Department at the time of submittal to be considered complete. Incomplete applications will not be considered.

(b) Caretaker development standards. Caretaker units are subject to the following development standards:



(1) Accessory use.

(A) The caretaker unit, whether attached or detached to a principal structure, is an accessory use to the principal use of the lot upon which it is located

(2) Residency.

(A) In order to qualify as a caretaker unit under this Code, the unit must be used exclusively as a residence by a caretaker and their family.

(3) Lot size, lot coverage, height, and setbacks.

(A) Caretaker units are subject to the lot coverage, height, and setback requirements of the underlying zone district.

(B) Caretaker units are exempt from lot size requirements of the underlying zone district.

(4) Density.

(A) Caretaker units are exempt from density requirements of the underlying zone district.

(5) Number of caretaker units.

(A) One caretaker unit per lot is allowed.

(6) Size.

(A) The maximum size of a caretaker unit is 1000 square feet in net floor area

(B) For attached caretaker units, areas shared with the principal use – including entry ways, furnace rooms, laundry rooms, storage areas, garages, workspaces, and interior stairways – are not to be included in the computation of the net floor area.

...

**49.40.210 Number of off-street parking spaces required.**

...

Use	Spaces Required in All Other Areas	Spaces Required in Town Center Parking Area
...	...	...
Accessory apartment dwelling unit	1 per each unit; 0 per each unit if located within 1 mile of a public	0 per each unit

	transit stop (see CBJC <u>49.25.512</u> )	
<u>Caretaker unit</u>	<u>0 per each unit</u>	<u>0 per each unit</u>
...	...	...

**49.65.300 Mobile homes on individual lots.**

Mobile homes may be located on individual lots outside of mobile home parks or mobile home subdivisions only under the following conditions and after issuance of a building permit:

- (1) A mobile home may be used as a temporary structure during construction of a dwelling on a lot. Occupancy of the mobile home is permitted only after issuance of a building permit for the dwelling under construction and only if construction commences within 120 days of issuance of the permit.
- (2) Mobile Homes which meet the building code and zoning requirements applicable to permanent construction may be located on any lot in the same manner.
- (3) Caretaker units within industrial zone districts that comply with CBJC 49.25.514.
- ~~(4) (3)~~ The commission may issue a conditional use permit for a single mobile home used as an ordinary residence on an individual lot in the RR, rural reserve district, and the D1 and D3, residential districts, ~~or used as a caretaker residence in any district.~~

...

**49.65.630 Construction standards.**

(a) Construction on bungalow lots shall be limited to the following:

- (1) One detached single-family dwelling with a net floor area not to exceed 1,000 square feet, and in addition, no more than 300 square feet, net floor area, of enclosed storage space such as garages, carports or sheds.
- (2) A single attached accessory dwelling unit may be constructed within the allowable footprint of a single-family dwelling, to include the conversion of a covered parking area.
- ~~(3) (2)~~ Structures on bungalow lots shall not exceed 25 feet in height, as measured under section CBJC 49.25.420.
- ~~(4) (3)~~ Area calculations for staircases and elevators:

- (A) Up to 100 square feet of the footprint of interior staircases and elevators shall not be counted toward the net floor area of the dwelling.
- (B) The footprint of exterior staircases or elevators providing access to floors above the ground floor shall be counted toward the net floor area of the dwelling.
- ~~(5)~~(4) Up to 100 square feet of a second story deck shall not be counted toward the net floor area.
- ~~(6)~~(5) The primary entrance must be separate from the garage or carport, and where practicable, must be clearly visible from the street providing access. Where such visibility is not practicable, a pedestrian path must be provided from the street to the primary entrance.
- (b) The following dwelling types shall be prohibited on bungalow lots:
- (1) Detached accessory dwelling units ~~Accessory apartments~~
  - (2) Mobile homes
  - (3) Recreational vehicles
  - (4) Bed and breakfast or boarding houses

...

#### **49.70.720 Zoning upgrade.**

~~For lands located within a transition zone, the zoning will be upgraded to the higher density classification at the time public water, sewer or other required improvements are provided according to the following procedures:~~

- (1) ~~Procedure.~~ A zoning upgrade in a transition zone may be initiated by either of two different procedures:
- A. ~~The applicant for a major development permit in a transition zone may make a concurrent request for a zoning upgrade. The plans accompanying the development permit application shall be based upon the density requested. A request for a zoning upgrade shall include preliminary plans and a determination by a certified engineer that such improvements are feasible.~~
- B. ~~The planning commission may initiate a zoning upgrade if the public sewer, water, or other required improvements already exist or will be provided by the City and Borough.~~

1  
2 (2) ~~Hearing and decision.~~

3 A. ~~Hearing.~~ The commission shall consider the upgrade at a hearing upon  
4 notice provided in accordance with section ~~49.15.230~~. The commission  
5 shall base its decision to grant the upgrade on the determination of the  
6 feasibility of providing public water, sewer, and other required  
7 improvements. The staff report to the commission shall include a review  
8 of the plans and a feasibility report by the City and Borough engineer.  
9 The feasibility of providing public services shall consider the ability of the  
10 existing sewer and water system to handle the increased demand created  
11 by the proposed development.

12 B. ~~Decision.~~

13 (a) The director will have the authority to upgrade the zoning of a parcel located within a  
14 transition zone from a lower density classification to a pre-determined higher density  
15 classification once public water, sewer, or other required improvements are provided to  
16 the parcel. The director may also upgrade zoning in cases where an approved  
17 development project will provide the required services.

18 (b)(a) ~~The director commission~~ may grant a zoning upgrade only to the classification indicated  
19 by the prefix (T) on the official zoning maps. A change to any other classification, or to  
20 the classification indicated by the prefix (T) on the official zoning maps before meeting  
21 the public improvement requirements for rezoning, shall be considered pursuant to  
22 section 49.75.130.

23 (b) ~~The commission shall determine the boundary of the area to be~~  
24 ~~upgraded.~~

25 (c) ~~If the public water, sewer or other required improvements are not~~  
~~constructed or bonded, the commission may grant only conditional~~  
~~approval to the zoning upgrade request. The effective date of the~~  
~~zoning upgrade will be the date of final acceptance or bonding of~~  
~~the improvements.~~

26 ...

27 **49.80.110 Reserved. Rules of construction.**

28 For the purpose of this title, certain terms or words shall be interpreted as follows:

29 (a) ~~“Sign, major” means a sign which requires a permit and review by the~~  
30 ~~department.~~

(b) ~~“Sign, minor” means a sign which does not require a permit or review by the department, but which must meet the requirements and standards set forth in chapter 49.45.~~

(e) ~~“Used” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged,” or “designed” to be used or occupied.~~

#### 49.80.120 Definitions.

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

...

~~*Accessory apartment* means one or more rooms with private bath and kitchen facilities comprising of an independent, self-contained dwelling unit or attached to a single family dwelling or in a detached building on the same lot as the primary dwelling unit. An accessory apartment is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance.~~ *Accessory dwelling unit (ADU)* means an attached or detached residential dwelling unit with complete independent living facilities for one or more persons. An ADU includes permanent provisions for living, sleeping, eating, cooking, and bathing on the same parcel as an existing or proposed residential use.

...

*Caretaker unit* means a residential dwelling unit, either attached or detached, in a non-residential zone district, which is designated for the occupancy of one or more persons who provide oversight, security, or maintenance services on the same property where the caretaker unit is located.

...

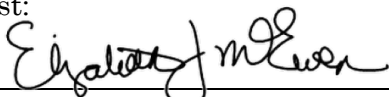
**Section 3. Effective Date.** This ordinance shall be effective 30 days after its adoption.

Adopted this 7th day of April, 2025.



Beth A. Weldon, Mayor

Attest:



Elizabeth J. McEwen, Municipal Clerk