

Presented by: The Manager
Presented: 09/22/2025
Drafted by: Birch Horton

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2025-40(b)

An Ordinance Amending Title 49 Land Use Code Relating to Reasonable Accommodation, Zoning Maps, Subdivisions on Arterials, And Remove References to Committees and Programs No Longer in Existence.

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

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

Section 2. Amendment of Section. CBJC 49.05.100, Purpose and intent, is amended to read as follows:

49.05.100 Purpose and intent.

The several purposes of this title are:

- (1) To achieve the goals and objectives, and implement the policies, of the Juneau comprehensive plan, ~~and coastal management program;~~
- (2) To ensure that future growth and development in the City and Borough is in accord with the values of its residents;
- (3) To identify and secure, for present and future residents, the beneficial impacts of growth while minimizing the negative impacts;
- (4) To ensure that future growth is of the appropriate type, design and location, and is served by a proper range of public services and facilities such as water, sewage, and electrical distribution systems, transportation, schools, parks and

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2 other public requirements, and in general to promote public health, safety and
3 general welfare;

4 (5) To provide adequate open space for light and air; and

5 (6) To recognize the economic value of land and encourage its proper and beneficial
6 use.

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8 **Section 3. Amendment of Section.** CBJC 49.10.520, Meetings, is amended to read
9 as follows:

10 **49.10.520 Meetings.**

11 The director or the director's designee should attend all regular and special commission
12 meetings, committee of the whole meetings, ~~and subdivision review committee meetings~~, as well
13 as any public hearing or public meeting of the commission.

14 **Section 4. Amendment of Chapter.** Chapter 49.15, Permits, is amended to add the
15 following section:

16 **CHAPTER 49.15 PERMITS**

17 ***

18 **49.15.170 Reasonable accommodation.**

19 (a) *Purpose.* The purpose of this section is to authorize the director to permit reasonable
20 accommodations in land use and zoning regulations necessary to provide persons with
21 disabilities equal access to housing consistent with the Federal Fair Housing Act (42
22 U.S.C. § 3601 et seq.).

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24 (b) *Application.* A property owner may request a change or exemption from the
25 requirements of Title 49 of this code if the change or exemption is reasonable and
necessary to provide an individual or individuals with disabilities equal access to

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2 housing. A request for a change or exemption under this section may only be granted if
3 the following are met:

- 4 (1) A completed application requesting a change or exemption under this section is
5 filed with the Department on a form provided by the Department; and
6 (2) The application required in this section is filed with any required fees, scale-
7 drawn site plans and floor plans, and any other materials required by the
8 Department at the time the application is submitted.

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10 (c) *Review authority.*

- 11 (1) The Director has authority to grant or deny an application for accommodation
12 under this section when the director determines doing so is reasonable and
13 necessary to provide an individual or individuals with disabilities equal access to
14 housing.
15 (2) Reasonable accommodation determinations made by the director may be
16 appealed to the Planning Commission pursuant to chapter 49.20 of this code. An
17 appeal of a reasonable accommodation determination under this section may be
18 consolidated with the Commission's consideration of other permit applications for
19 the same property.

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21 (d) *Review procedure.*

- 22 (1) *Time period.* The Director shall grant, grant with conditions or deny an
23 application under this section within 45 days of receiving a complete application.
24 (2) *Information.* If necessary to reach a determination under this section, the
25 Director may request further information from the applicant consistent with law.

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2 If a request for additional information is made, the 45-day period to issue a
3 decision is stayed until the applicant submits the requested information.

4 (c) *Criteria.* The Director may grant a reasonable accommodation under this section if the
5 director finds that the applicant has demonstrated that the following criteria are
6 substantially met:

- 7
- 8 (1) The requested accommodation is necessary to provide an individual or group of
9 individuals with a qualifying disability equal access to housing.
 - 10 (2) There is no reasonable alternative accommodation that would provide the
11 individual or group of individuals with a qualifying disability equal access to
12 housing.
 - 13 (3) The accommodation requested does not negatively impact neighboring property
14 in the City and Borough or any negative impact is outweighed by the harm to the
15 individuals or group of individuals for which the accommodation has been sought
 - 16 (4) The accommodation is narrowly tailored to the need of the individual or group of
17 individuals with the qualifying disability.
 - 18 (5) The accommodation does not place an undue financial or administrative burden
19 on the City and Borough.
 - 20 (6) The accommodation is consistent with the City and Borough of Juneau
21 Comprehensive Plan unless the failure to grant the accommodation otherwise
22 constitutes a violation of applicable law.
 - 23 (7) The accommodation will not result in a concentration of uses otherwise not
24 allowed in a residential neighborhood to the substantial detriment of the
25 residential character of that neighborhood.

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3 **Section 5. Amendment of Section.** CBJC 49.15.401, Minor subdivisions, is
4 amended to read:

5 **49.15.401 Minor subdivisions.**

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7 (c) *Preliminary plat.* The directory shall be responsible for review and approval of the
8 application for a preliminary plat.

9 (1) An applicant for a preliminary plat shall submit an application on a form
10 provided by the department, accompanied by a draft preliminary plat and the
11 appropriate fee. The draft plat shall meet the standards set forth in CBJ
12 49.15.411.

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14 (2) For subdivisions of four or fewer lots, the department shall mail written notice of
15 the application to the owners of abutting property following the director's
16 determination that the application is complete. For subdivisions of five to 13 lots,
17 the department shall mail notice of the application to the owners of record of all
18 property, and all neighborhood associations listed with the municipal clerk in
19 accordance with CBJ 11.35, located within 500 feet of the property being
20 subdivided, following the director's determination that the application is
21 complete. The actual cost of mailing shall be paid by the applicant.

22 (3) ~~The director may request review by the subdivision review committee.~~ Reserved.

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24 **Section 6. Amendment of Section.** CBJC 49.15.404, Public way vacations, is amended to
25 read:

49.15.404 Public way vacations.

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3 (d) Commission review process.

4 (1) After determining the application is complete, the department shall provide
5 public notice consistent with CBJ 49.15.230.

6 (2) The director may transmit copies to other public or private entities that may
7 have an interest in the proposal for their comments.

8 (3) The director of engineering and public works shall review the application and
9 present written comments, including any recommended conditions of approval, to
10 the director of community development.

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12 ~~(4) The director or applicant may request review and comment by the subdivision~~
13 ~~review committee.~~

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15 **Section 7. Amendment of Section.** CBJC 49.15.411, Preliminary plat

16 requirements, is amended to read:

17 **49.15.411 Preliminary plat requirements.**

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19 (i) Additional mapping or reports. If required by this title or by the director, the following
20 additional mapping or reports shall be submitted with the preliminary plat:

21 (1) Any portion of a special flood hazard area, ~~landslide or~~ avalanche area, habitat
22 area as defined by CBJ 49.70.310, or watersheds, either existing at the proposed
23 subdivision site or shown on the overlay maps, adopted pursuant to this title, to
24 exist at the proposed subdivision site, must be depicted on the preliminary plat;
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2 **Section 8. Amendment of Section.** CBJC 49.25.110, Zoning maps, is amended to
3 read:

4 **49.25.110 Official zZoning maps.**

5 (a) *Adopted.* ~~The maps contained in the atlas publicly available on or through the City and~~
6 Borough’s website entitled “Zoning Map of the City and Borough of Juneau, Alaska,”
7 ~~dated June 5, 2006, and consisting of sheets 1-184, as the same may be amended from~~
8 ~~time to time by the assembly by ordinance, are adopted and made a part of this title.~~
9 shall constitute the official zoning map of the City and Borough.

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11 (b) ~~*Changes to the official zoning map.* Changes made in zoning district boundaries or other~~
12 matters portrayed on the official zoning map shall be made only by the director or the
13 director’s designee and only to reflect lawfully adopted changes.

14 (c) ~~*Naturally-occurring changes to the land.* The director may revise the official zoning map~~
15 to reflect changes to zoning district boundaries that result from naturally occurring
16 changes to the land, including but not limited to erosion, avulsion or accretion. Changes
17 to the zoning map arising from naturally occurring changes to the land are exempt from
18 the amendment procedures in this code.

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20 ~~(b)d) *Maintained on file.* All versions of the~~The official zoning maps shall be retained by the
21 City and Borough in accordance with the City and Borough retention schedule remain on
22 ~~file in the department and shall be identified by signatures of the City and Borough~~
23 ~~municipal clerk and mayor.~~

24 ~~(e) *Amendment.* If, in accordance with provisions of this chapter, changes are made in the~~
25 ~~district classification, such changes shall be entered on the official zoning map promptly~~
 ~~after the amendment has been adopted by the assembly by ordinance~~

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

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

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

17 (g) *Public way vacations.* Whenever any street, alley or other public way is vacated as
18 provided by CBJ 49.15.404, the zoning districts adjoining the side of such public way shall
19 automatically be extended to follow property lines legally created by such vacation.

20 (h) *Tidelands.* Areas under water or tidelands which are not shown as included within any
21 district shall be subject to the regulation of the adjacent district.

23 **Section 9. Amendment of Section.** CBJC 49.35.210, Street system, is amended to
24 read:
25 **49.35.210 Street system.**

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2 (a) *[in general.]* Subdivision street systems shall be designed for the most advantageous
3 development of the entire neighborhood area and shall meet the following criteria:

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

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

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

12 (4) For purposes of this section, a “minor collector” has an average annual daily
13 traffic (AADT) of 1,500 or less. A “minor arterial” has an AADT of 9,000 or less.
14 AADT is determined by, in order or priority, the most current Alaska
15 Department of Transportation and Public Facilities published figures, a traffic
16 study by an Alaska-licensed traffic engineer, and a study developed using traffic
17 counts and nontraditional data sources.

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20 (b) *Major and minor arterials.* Except as provided in subsection (c) of this section, if a new
21 subdivision involves frontage along a major or minor arterial street, the following
22 criteria must be met:

23 (1) No lots shall access directly onto the arterial street and the The plat shall note
24 this restriction ~~that no lots shall access directly onto the arterial street; and~~

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

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- 2 (3c) Minor arterial access exception. A parcel of land with less than 500 feet of frontage on a
- 3 street, or with less than 350 feet in depth may be subdivided so as to allow access
- 4 directly onto a minor arterial street if all of the following conditions are met:
- 5 (1)(A) All of the resulting lots must meet the minimum lot area standard for a ~~single-~~
- 6 ~~family dwelling in the D-1~~ the underlying zoning district (~~36,000 square feet~~).
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- 8 (2)(B) All of the lots must share a common access point unless the owner of a right-of-
- 9 way approves an alternative access point onto that right-of-way, and further
- 10 subdivision of the newly created lots is not allowed.
- 11 (3)(C) ~~Common access to all lots is required and back out parking is prohibited.~~ The
- 12 applicant must submit a plan that ~~shows the feasibility of~~ includes off-street
- 13 parking for all lots that does not require or promote parking that would result in
- 14 a vehicle backing up onto an arterial street and provides for an adequate area for
- 15 a turnaround to prevent back out parking.
- 16 (D) The applicant must provide ~~assurance in the form of~~ an easement, plat note, and
- 17 a maintenance agreement ~~that is recorded with the subdivision, all of which~~
- 18 ~~must be acceptable to~~ and approved by the director, that ~~ensures the requireds~~
- 19 that common access will be constructed and maintained by the property owners.
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- 21 (4)(D) The proposed subdivision must meet all other applicable subdivision standards
- 22 and requirements.
- 23 (de) Collector streets, general. Collector streets in adjoining subdivisions shall be continued
- 24 in the new subdivision as needed.
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2 (1) *Major collectors.* Except as provided ~~in subsection (C)~~ of otherwise in this section,
3 if a new subdivision involves frontage along a major collector street, the following
4 criteria shall be met:

5 (A) The plat shall note that no lots shall access directly onto the major
6 collector.

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

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10 ~~(2C) Exception~~ A parcel of land with less than 500 feet of frontage or less than 350
11 feet of depth may be subdivided so as to allow access directly onto a major
12 collector street.

13 ~~(32)~~ *Minor collectors.* Access for lots is allowed directly onto minor collector streets if
14 no other restrictions apply.

15 **Section 10. Amendment of Section.** CBJC 49.70.130, Concept review, is amended to
16 read:

17 **49.70.130 Concept review.**

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20 ~~(d) Subdivision review committee.~~ Prior to formal submittal, the master plan shall be
21 reviewed for conceptual approval by the subdivision review committee of the
22 commission.

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24 **Section 11. Amendment of Section.** CBJC 49.80.120, Definitions, is amended to
25 read:

49.80.120 Definitions.

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~~Coastal zone means the area subject to the policies of this title as depicted on JCMP Map 1.~~

~~Juneau Coastal Management Program or JCMP mean the coastal management program for the City and Borough.~~

Reasonable accommodation means an adjustment or exception to a law, rule, policy, practice, or service that is necessary to afford an individual or a group of individuals with a disability equal opportunity to use and enjoy a dwelling, or to participate in and benefit from a program, service, or activity, as required under the Fair Housing Act, the Americans with Disabilities Act, or other applicable laws.

Section 12. Repeal of Section. CBJC 49.25.120, Districts adjoining water or tidelands, is repealed and incorporated into CBJC 49.25.120, Official zoning maps.

Section 13. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this 15 day of December, 2025.


Beth A. Weldon, Mayor

Attest:


Breckan L. Hendricks, Municipal Clerk