Presented by: Planning Comm.
Introduced: 04/06/2020
Drafted by: R. Palmer III

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2020-11

An Ordinance Amending the Land Use Code Relating to Private Shared Access Requirements.

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

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

Section 2. Amendment of Section. CBJ 49.35.262 Standards, is amended to read:

49.35.262 Standards.

(a) *Agency review.* The director shall forward the complete application to the fire department and to the engineering and public works department for review.

(b) *Approval criteria.* The director may approve a subdivision, with or without conditions, that has a shared access if all of the following criteria are met:

(1) The shared access will be located in a private easement completely on the lots served.

(2) The shared access serves four or fewer lots. If a subsequent common wall residential subdivision is intended to be served by shared access, the common wall parent lot shall count as two lots.

(3) The shared access does not endanger public safety or welfare.

(4) The shared access complies or can be improved to comply with the emergency service access requirements of CBJ 19.10.

(5) The use of each lot served by the shared access shall be limited to one single-family residence and an accessory apartment.

(6) The total average daily trips resulting from the subdivision shall not exceed 70.

(7) Shared access is only allowed in RR and D-1, D-3, D-5, and D-10 SF zoning districts defined by CBJ 49.25.210.

(8) Shared access is prohibited if the subdivision abuts a parcel that does not have alternative and practical frontage on a publicly maintained right-of-way.

(9) The portion of the shared access in the right-of-way shall be paved or surfaced with materials consistent with the adjacent public roadway. The length of the portion of the shared access in the right-of-way shall consist of a minimum two-foot apron or as required by the governing agency of the right-of-way.

(10) Lots must meet the minimum standards for the zone district according to the table of dimensional standards excluding the shared access easement. A buildable area must exist without the need for a variance.

(c) *Approval process.*

(1) Upon preliminary plat approval by the director, the applicant shall construct the shared access pursuant to the corresponding standard in Table 49.35.240 for a roadway with zero to 70 average daily trips. A financial guarantee cannot be used as a condition of construction.

(2) The shared access easement shall be recorded.

(3) The following shall be noted on a plat or in a recorded decision that contains a shared access:

(i) The private easement is for access, drainage, and if applicable utilities, and shall be specifically identified.

(ii) The owner(s) of the lots served by the private access easement acknowledge the City and Borough is not obligated and will not provide any maintenance or snow removal in the private easement.

(iii) The owner(s) of the lots served by the private access easement shall be responsible and liable for all construction and maintenance of the shared access from the edge of the publically maintained travel lane.

(iv) Except a subsequent common wall subdivision depicted on this plat, the lots served by the private access easement are prohibited from subdividing unless the access is upgraded to a public street, dedicated to, and accepted by the City and Borough.

(v) Owner of a lot served by the private access easement shall automatically abandon all rights to and usage of the private access easement except for utilities, if any, if a publically maintained street serves that lot.

(vi) A lot with frontage on a public street and on the shared access is prohibited from having vehicular access to the public street except through the shared access.

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

Adopted this 27th day of April, 2020.

Beth A. Weldon, Mayor

Attest:

Elizabeth J. McEwen, Municipal Clerk