

Agenda

Planning Commission - Title 49 Committee City and Borough of Juneau

April 18, 2018
Marine View Building, 4th Floor Conference Room
12:00 AM

- I. ROLL CALL
- II. APPROVAL OF AGENDA
- III. APPROVAL OF MINUTES
 - A. March 21, 2018 Draft Minutes
- IV. AGENDA TOPICS
 - A. Revisions to Title 49: Common Wall Development
 - B. Review of bonding for stub streets
- V. COMMITTEE MEMBER COMMENTS AND QUESTIONS
- VI. ADJOURNMENT

Title 49 Committee Work Session
City & Borough of Juneau
March 21, 2018
Marine View Building, 4th Floor Conference Room, 230 S. Franklin Street
12:00 AM

I. ROLL CALL

Staff

Laura Boyce, Senior Planner, CDD
Beth McKibben, Planning Manager, CDD
Jill Maclean, Senior Planner, CDD
Tim Felstead, Planner, CDD
Bhagavati Braun, Administrative Assistant, CDD

Committee Members

Nathaniel Dye, Chair
Paul Voelckers
Michael Levine
Carl Greene

II. APPROVAL OF AGENDA

Agenda approved.

III. APPROVAL OF MINUTES

- a. December 12, 2017 Draft Minutes
Approved.

IV. AGENDA TOPICS

- a. Election of Vice Chair

Mr. Dye stated that he was happy to not elect a Vice Chair, and in his absence the Committee can select someone to lead. All present agreed on this structure.

- b. Code Update Overview

Ms. Boyce presented a status update on current Title 49 cases.

Mr. Voelckers suggested the Committee consider allowing energy efficiency improvements to encroach into setbacks for new construction, similar to the recent code amendment allowing exterior insulation encroachments into setbacks (AME2017 0017). Mr. LeVine questioned this idea, asking if new construction can encroach into setbacks maybe the Committee should analyze setbacks in general. He further stated that existing buildings cannot adjust their footprints, while new construction can take current knowledge on insulation and setbacks into account while planning. He suggested that other incentives for exterior insulation could be created that don't affect setbacks.

Mr. Levine asked what the focus of Street Names and Addressing was. Ms. Boyce answered that the department cartographer would like to clarify how we distinguish and name streets and assign house numbers.

Mr. Dye asked why vegetative cover was on the priority list, and suggested it might not need to be at the top of the list. Ms. Boyce replied that the list was created from priorities in the past. Mr. Greene asked who prioritized these items, Ms. Boyce answered that the Planning Commission and the Assembly determine priorities; the Planning Commission looked at the list most recently at their COW in December. Mr. Greene requested that a new columns be added to this sheet to identify who prioritized each item and its priority level.

- c. Proposed Canopy Code Changes

Ms. Maclean introduced this item. She spoke to Skye Stekoll in engineering to hear the concerns that the engineering department might have in addition to concerns already aired. She stated that some of the biggest problems are how to measure canopy heights with the topography of our town, clarifying

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which zoning districts the code should apply to, and determining whether we want to move sections of code that applies to canopies from title 4 into title 49. She stated that the department has been trying to move title 4 items into title 49 to clean the code up. Ms. Maclean talked with building side as well and intends to make the definitions in building code, title 49 and title 4 consistent, probably with what is currently in building code because it was the most recently updated.

Mr. Voelckers asked why code needs to stipulate height. He suggested that intent language might suffice, such as: “work harmoniously with adjacent canopies if they exist.” Mr. Dye brought up possible issues with basing code on adjacent canopies because some canopies, for example on South Franklin Street, are quite low, and we would like to encourage new development to have a minimum canopy height of eight feet. Ms. McKibben stated that the purpose of the section is to protect pedestrians from weather. If the canopy is too high it may not achieve that goal. Mr. Levine suggested wording that specifically calls out weather protection. Ms. Maclean stated that the current code has an eight foot minimum and a ten foot maximum. She added that eight feet is a good minimum, but there are many places where higher canopies were needed for practical purposes such as allowing truck access. She continued that their higher canopies still provide some weather protection, but flexibility is useful to accommodate for these unforeseen circumstances. Mr. Voelckers stated that he likes the idea of a minimum, but would like to consider some leeway allowing for consistency. He added that having a maximum height may be overreaching and may lead to unintended consequences. Mr. Voelckers stated his opposition to legislate weather protection saying that he hasn’t seen people willfully create canopies that do not protect from weather. Ms. Maclean stated that Mr. Stekoll also suggested using the term “may” for maximums and not “shall” allowing flexibility.

Mr. Dye asked if the eight foot minimum would align with parking signs, stating that there have been issues with canopies blocking parking enforcement signs downtown and suggesting that the new code be conscious of that and not create issues between the regulations.

The Committee members stated their general agreement that code should encourage canopies, and not create difficulties with this code.

Mr. Greene asked if the use of canopies for signage is addressed in code. Staff stated that signs on canopies are addressed in the sign code.

Ms. Maclean read 49.15.800, the purpose of this section, to the group:

It is the purpose of this chapter to authorize canopy and awning encroachments into public ways, to provide standards for construction of canopies and awnings, and to provide a permitting process. The CBJ requires canopies in the Historic District, and encourages the construction of canopy and awning treatments to protect pedestrians from the elements in all zoning districts.

Mr. Voelckers asked why construction of canopy and awning treatments is encouraged in all districts, citing D5 as a district that doesn’t seem compatible with canopies. Ms. Maclean brought up downtown Douglas, which is a quilt of zones, and might do well to have canopies in many places. Mr. Levine suggested that maybe it should be encouraged in all non-residential districts. Ms. McKibben stated that canopies are only desired if buildings abut the sidewalk, if homes have a setback they wouldn’t be encouraged to have a canopy because their building doesn’t abut a right of way. Committee members voiced that they are OK with the purpose statement because of the word “encourage”. It was clarified that canopies are encouraged on buildings that abut the seawalk in addition to sidewalks.

Ms. Maclean – value of \$25,000 – required canopy – no intention to change this

Ms. Maclean noted that there is an indemnity section in code (49.15.850) which includes “canopie[s], awning[s], cornice[s], or other encroachment[s] in the public way.” Cornices here are sometimes

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overlooked. In 49.15.830(b) the code adds requirements for canopies or awnings in the MU zoning district, Ms. Maclean suggested that that be expanded to include all zoning districts, Mr. Voelckers suggested all commercial zoning districts. The group agreed that whatever language would be used in the purpose statement would be reiterated here. 49.15.830(b)(1) states “canopies and awnings shall span the entire frontage of a building.” Ms. Maclean stated that both she and Mr. Sketoll suggested changing this wording from “shall” to “may” and to add “where practicable.” Mr. Levine stated that awnings should span the frontage unless there is a reason they can’t or shouldn’t, Mr. Voelckers added that it should be encouraged but with room for contingencies.

49.15.830(b)(3) states that “for new construction, any clerestory must be located above any canopy or awning.” Mr. Voelckers questioned the need for this line, and suggested that it could cause unforeseen problems. He stated that people constructing canopies will, for the most part, try to make something that is good, this code should keep it general allowing administrative flexibility so as not to deny reasonable requests.

Ms. Maclean suggested adding wording from the purpose section to the bonus section. Some of the bonus section is outdated and also found in Title 4, so should be moved into Title 49. Ms. McKibben stated that Title 4 is administrative code, not ordinance, and it doesn’t have the same effect as Title 49, the department is working on incorporating applicable parts of Title 4 into Title 49, but it is important to ensure that they do not contradict one another.

Discussion about bonuses ensued, currently awnings are only required in the Historic District, the bonus is for outside the Historic District. Mr. LeVine suggested the new code should clarify that if a canopy is required bonuses do not apply.

Ms. Maclean gave an overview of the historic guidelines as they apply to canopies stating that no changes are proposed except to how height is measured. She warned the Committee to be careful here because a new preservation plan is being worked on and the guidelines may change. It’s important to keep this portion flexible.

Ms. Maclean stated that in the Title 4 the zoning districts are outdated, if this portion of code should remain it must be updated, it could be moved into the canopy code or bonus section of Title 49. Ms. Maclean suggested that height requirements be consistent across the code. Mr. Voelckers pointed out that Title 4 gives the requirement of “two-thirds of the width of the sidewalk” and asked how this is measured. He further stated that it might be better to include a minimum width of the awning, with some wiggle room incorporated. Mr. LeVine asked why canopies are addressed in multiple places, Ms. Maclean answered that all of canopy-specific Title 4 could be moved into Title 49.

Mr. Dye brought up under-canopy lighting, asking if it was being addressed, stating that recent lighting of canopies was put in where gutters would go, it seems they’re in opposition to each other. Further, he pointed out that the quality of light in the Right-of-Way can be diminished by canopies, both by blocking sunlight, and by blocking street lighting. Some discussion ensued about transparent canopies, which seemed unreasonable, and it was noted that snow loads could create dark walkways even with transparent canopies. The Committee leaned toward lighting being a reasonable requirement, wanting lighting to create a friendly sidewalk in this winter city.

d. Proposed Stub Street Code Changes

Mr. Felstead gave an overview of stub streets. Bonding for stub streets was added to code in the 2015 subdivision changes, it is being discussed now to determine how to be most fair to the current and future developers. Currently the developer who is building out an area bonds for five years. After the five years subsequent developers would pick up the tab for the development. Mr. Felstead pointed out that in some places, Blueberry Hill for example, future developments are probably not going to be constructed due to topography or ownership of the land.

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Mr. Voelckers asked Mr. Felstead to clarify what affect the bond will have on the developer. Mr. Felstead replied that the bond could tie up capital or property, or a developer could take out a surety which is like an insurance policy for the bond. Mr. Dye added that surety policies are inexpensive. Mr. Felstead clarified that these streets are not being constructed to the developers' advantage. It was discussed that the purpose of stub streets was to allow and incentivize continued access. Ms. Maclean added that if the development can continue it is a good idea, but if not the bonding is difficult to justify. After giving a bit more information on the current example of this in Blueberry Hills Mr. Felstead stated that there is no wiggle room in the code for this situation, or any in the future. Each developer would have to bond for a full street. Mr. Voelckers suggested a change so that the Director has discretion, taking into account access to further potentially developable land, possible future bench roads, etc. Mr. Felstead outlined his suggestions.

The Committee voiced their preference for culs de sac, versus stub streets that often gather undesired activity, adding that for plowing and fire requirements culs de sac are a better option. Mr. Felstead asked when we want to put the developer on the hook for a stub street, the Committee voiced the opinion that if future development is likely in the next five years, possibly involving a study of grades or services available. Mr. Voelckers suggested a Directors decision with bullets regarding physical practicality, stating that if it seems reasonably or highly likely it would be good to create a stub street. Mr. LeVine suggested at a minimum, a Directors decision to waive the requirement based on some set of criteria. He added that generally people who live near stub streets don't really like them. Ms. Maclean suggested the possibility of adding pedestrian access to trails on the stub street, to have some function. Mr. Voelckers voiced that it would be disadvantageous to tear the trees down and begin constructing the stub.

Committee members suggested staff draw up some wording for a Directors decision for multiple options, including the Director waiving the requirement, or the Director requiring the bond. Mr. Voelckers wanted to see who would make the decision that there is likely to be a further development, and also suggested an incentive for creating a stub street if there is a practical reason to create one. Mr. LeVine stated that the area of the street would need to be a platted Right of Way for the future, he also suggested the proposals include timing, stating that a bench road above Blueberry Hill was not likely to happen in the next five years.

V. COMMITTEE MEMBER COMMENTS AND QUESTIONS

Speaking to the priority list Ms. McKibben stated that when childcare was recently addressed adult day care centers were not addressed. She stated that generally these are kept together, and after reviewing the minutes it seems that leaving out adult day care was a decision that the Committee made. She suggested the Committee consider adding adult day care to the list.

VI. ADJOURNMENT



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March 16, 2018

MEMO

To: Nathaniel Dye, Chair Title 49 Committee

From: Jill Maclean, AICP, Senior Planner

A handwritten signature in black ink, appearing to read 'Jill Maclean', is written to the right of the 'From:' line.

RE: Revisions to the Common Wall Sections of Title 49

Background

Given the prevalence of common wall development in the community, an update to the common wall sections of the Land Use Code was identified as a need after discovering that sections of the code are not aligned, and that the application of the reduced lot size(s) has been misapplied.

Attached and below are recommendations and policy issues that need to be addressed prior to making final recommendations on revisions to the Code. The two main policy questions and recommendations are outlined below.

1. Minimum Lot Size: The Code states that *"Minimum lot size. The minimum lot size may be reduced for common wall development of three contiguous units or more..."* (49.65.750(1)). The reduction in lot size has been misapplied, and developments of common wall "pairs" have been allowed to use the reduced lot sizes found in the Table of Dimensional Standards.
 - a. Staff recommends drawing a bright line and applying the Code as it was intended due to the need for housing. The reduction in lot size is intended to incentivize developing to a greater density.
2. Uses: The Code currently states that *"The use of each common wall dwelling lot shall be limited to a single-family dwelling and accessory uses"* (49.65.725).
 - a. Staff recommends changing the purpose statement and the Use section of this ordinance to state:
"The purpose of this article is to allow, in certain zoning districts, the development of common wall structures where each dwelling and underlying property is held under separate ownership. The use of each common wall lot shall be limited to a common wall unit and accessory uses. Common wall units may have non-residential uses on the first

floor if the units are located within a commercial zoning district. Common wall units located in the MU2 zoning district must have retail or commercial on the first floor.”

- If mixed use is recommended, the title of the ordinance must reflect the change. The current title is “Common wall residential development”.

The intent of these revisions is to:

- Make consistent the sections of Code relevant to common walls;
- Clarify/revise the common wall section (49.65.700);
- Clarify/make consistent the Table of Permissible Uses (49.25.300 with 49.65.750);
- Clarify/revise the Table of Dimensional Standards (49.25.400);
- Revise the Definition of dwelling, common wall (49.80);
- Make consistent the Special Density of Code with any revisions proposed (49.25.510).

NOTE: Attachment B is color-coded. The blue fill section is the existing Code; the orange fill section is if mixed use *is not* recommended (only allow single-family development); and the orange section is if mixed use *is* recommended.

Recommendations

Staff recommends that the Code is amended to clarify, make consistent, and update the common wall sections of Title 49.

Attached

Attachment A Common walls revisions ARTICLE_VII.____Common_Wall_Residential_Development

Attachment B Common walls revisions 49.25.300____Determining_uses AND 49.80 Definition

Attachment C Common walls revisions 49.25.400____Minimum_dimensional_standards

Attachment D Common walls revisions 49.25.510____Special_density_considerations

Attachment A

ARTICLE VII. - COMMON WALL ~~RESIDENTIAL~~ DEVELOPMENT

49.65.700 - Purpose.

The purpose of this article is to allow, in certain ~~residential~~ **zoning** districts, the development of common wall ~~residential~~ structures where each dwelling and underlying property is held under separate ownership.

The use of each common wall ~~dwelling lot~~ shall be limited to a ~~single-family dwelling common wall unit~~ and accessory uses.

~~Common wall units may have non-residential uses on the first floor if the units are located within a commercial zoning district. Common wall units located in the MU2 zoning district must have retail or commercial on the first floor.~~

(Serial No. 87-49, § 2, 1987; [Serial No. 2015-03\(c\)\(am\), § 43, 8-31-2015](#))

49.65.705 - Procedure.

The development of a common wall subdivision involves a two-step approval process: the approval of a development permit and the approval of a common wall subdivision permit.

(Serial No. 87-49, § 2, 1987; [Serial No. 2015-03\(c\)\(am\), § 44, 8-31-2015](#))

49.65.710 - Development permits.

(a) ~~—~~The development permits required for construction of common wall development are either department review, or planning commission review under the conditional use permit process. The particular permit is determined by which zoning district within which the project is located, and the proposed number of units, in accordance with the CBJ table of permissible uses.

(1) *Department review.*

(A) *Application submittals.* The following submittals are required with an application for department approval:

- (i) Building plans that meet the requirements of this chapter and Title 19.
- (ii) A sketch plat in accordance with CBJ 49.15.410. The sketch plat must include information necessary to demonstrate that the proposed common wall development will be able to comply with all the dimensional standards of this article after the parcel and structure have been divided.
- (iii) A draft set of common wall agreements and homeowner agreements which set forth the rights and obligations of the owners for all common elements of the development.

(B) *Application review.* The application shall be reviewed by the director in accordance with CBJ 49.15.310.

(2) *Planning commission review.*

(A) *Application submittals.* The following submittals shall be required with the conditional use permit application:

- (i) Building plans that include a detailed site plan and elevations of the proposed structures. Plans suitable for a building permit application are not required at this time.
- (ii) A draft set of common wall agreements and homeowner's agreements which set forth the rights and obligations of the owners for all common elements of the development.

Comment [JM1]: If mixed use is recommended, the title must reflect the change. See comments below for more background.

Comment [JM2]: Common walls are permissible in LC, GC, MU (currently – recommend removing), and MU2, recommend replacing “residential” with “zoning” districts.

Multi-family development is not permissible with common wall development regardless of what the underlying zoning district may allow.

Example: Develop a common wall lot. Each common wall lot may have one accessory apartment, but it may not have an additional third unit, fourth unit, etc. even if the zoning is multi-family.

Comment [JM3]: Currently stated below in section 49.65.725 Uses

Comment [JM4]: For discussion purposes...

Attachment A

- (iii) A sketch plat in accordance with CBJ 49.15.410. The sketch plat must include that information necessary to demonstrate that the proposed common wall development will comply with all the dimensional standards of this article after the parcel and structure have been divided.
- (B) *Application review.* The commission will review and approve the application in accordance with CBJ 49.15.330.

([Serial No. 2015-03\(c\)\(am\), § 45, 8-31-2015](#))

Editor's note— [Sec. 45 of Serial No. 2015-03\(c\)\(am\)](#), adopted Aug. 31, 2015, repealed and reenacted § 49.65.710 to read as herein set out. Former 49.65.710 pertained to four dwellings or less, and derived from Serial No. 87-49, 1987.

49.65.720 - Common wall subdivision.

- (a) The applicant shall submit an application to subdivide the common wall development into individual dwellings and lots in accordance with 49.15.401, 49.15.402, CBJ 49.65 article VII, and the following additional requirements:
 - (1) *Preliminary plat.* The following additional items will be submitted with the preliminary plat:
 - (A) An as-built survey that includes all structures and the location of the common walls in relation to the proposed common property lines.
 - (B) Framing inspections that document substantial construction of all units in accordance with the preliminary plans approved by the director or the commission through the department approval, or the conditional use process, respectively.
 - (C) Final common wall agreements and/or homeowners' agreements suitable for recording.
 - (b) *Final plat.* After review and approval of the final plat, in accordance with CBJ 49.15.412, the plat and the common wall agreement documents may be recorded by the department at the state recorder's office at Juneau at the applicant's expense, after issuance of final occupancy permits.

([Serial No. 2015-03\(c\)\(am\), § 46, 8-31-2015](#))

Editor's note— [Sec. 45 of Serial No. 2015-03\(c\)\(am\)](#), adopted Aug. 31, 2015, repealed and reenacted § 49.65.720 to read as herein set out. Former 49.65.710 pertained to five dwellings or more, and derived from Serial No. 87-49, 1987.

49.65.725 - Uses.

The use of each common wall **dwelling lot** shall be limited to a single-family dwelling and accessory uses.

(Serial No. 87-49, § 2, 1987)

49.65.730 - Separate utilities.

All common wall dwellings must be served by individual public water and sewer services unless otherwise authorized by CBJ Title 75.

(Serial No. 87-49, § 2, 1987; [Serial No. 2015-03\(c\)\(am\), § 47, 8-31-2015](#))

Yellow = proposed change; blue = proposed removal; Red = new language/numbering

Attachment A

49.65.735 - Parking and access.

- (a) Common wall development shall meet the parking requirements for single-family dwellings in accordance with CBJ 49.40.
- (b) For common wall structures of three or more dwellings, access to public rights-of-way ~~may~~ **shall** be restricted to common driveways **unless the director determines that it would be impractical to do so for each pair of dwellings.**
- (c) The commission can consider alternative parking and access proposals, such as common parking areas, under the conditional use permitting process.
- (d) All common parking and access arrangements shall include appropriate easements and homeowners' agreements.

Comment [JM5]: 3 or more dwellings are not a pair. Recommend deleting this portion of the sentence.

(Serial No. 87-49, § 2, 1987; [Serial No. 2015-03\(c\)\(am\), § 48, 8-31-2015](#))

~~49.65.740 - Density.~~

~~The density allowed for common wall dwellings in any zoning district is the density specified for dwellings other than duplexes in that district and in accordance with CBJ 49.25, article V.~~

Comment [JM6]: Recommend deleting this section for Density as the TPU and 49.25. Article V covers density.

(Serial No. 87-49, § 2, 1987; [Serial No. 2015-03\(c\)\(am\), § 49, 8-31-2015](#))

49.65.745 - Zoning districts.

Common wall development is allowed in the ~~D-3~~, D-5, D-10 SF, D-10, D-15 and D-18, residential districts, ~~and the MU and MU2, mixed use district, and the LC and GC zoning districts,~~ except that no common wall development of three or more adjoining units is allowed in the D-5 ~~residential district.~~

Comment [JM7]: Reference 49.25.510

Comment [JM8]: Delete the comma.

(Serial No. 87-49, § 2, 1987; Serial No. 98-09, § 10, 1998; Serial No. 98-19, § 2, 1998; Serial No. 2007-39, § 15, 6-25-2007)

49.65.750 - Dimensional standards.

Common wall development shall meet the dimensional standards of the zoning district in which it is located except for the following:

- (1) *Minimum lot size.* The minimum lot size may be reduced for common wall development of ~~three~~ **contiguous** units or more according to the following:
 - A. D-10, residential district, 5,000 square feet;
 - B. D-15, residential district, 3,500 square feet;
 - C. D-18, residential district, 2,500 square feet;
 - D. MU2, mixed use district, 2,500 square feet;
 - ~~E. MU, mixed use district, 2,500 square feet.~~
- (2) *Minimum lot width.* Lot width may be measured at either the front ~~building line as defined by the~~ **code yard setback, street side yard setback** or at the actual front line of the building, and may be reduced according to the following:
 - A. ~~D-5, residential district, 60 feet;~~

Comment [JMM9]: This has not been common practice – should we delete this section and update the Table of Dimensional Standards to current practice? Or draw a bright line, and say that going forward this will be applied to encourage greater density?

If not, should we add 2,500 for MU?

Comment [JM10]: Add D3 if lot size reduction is agreed to

Yellow = proposed change; blue = proposed removal; Red = new language/numbering

Attachment A

- B. D-10, residential district, 40 feet;
- C. D-15, residential district, 30 feet;
- D. D-18, residential district, 20 feet;
- E. MU2, mixed used district, 20 feet;
- ~~F. MU, mixed use district, 20 feet.~~
- E. LC, commercial district, 20 feet;
- F. GC, commercial district, 20 feet.

- (3) *Minimum side yard setback.* The minimum side yard setback from the common property line is reduced to zero feet. The remaining side yard setbacks shall be ten feet in a D5 zone, three feet in a D10-SF zone, and five feet in a D10, D15, D18, MU2 ~~or MU zones,~~ and ten feet in LC and GC zones.
- (4) *Common wall length.* The common wall shall extend at least 15 feet along the common property line.

(Serial No. 87-49, § 2, 1987; Serial No. 98-09, § 11, 1998; Serial No. 98-19, § 3, 1998; Serial No. 2007-39, § 16, 6-25-2007; [Serial No. 2015-03\(c\)\(am\), § 50, 8-31-2015](#).)

49.65.755 - Architectural features.

Architectural features other than roof eaves, authorized to project into required yard setbacks under chapter 49.25, article IV, may not project into required side yard setbacks required under this article. No architectural features may project into the neighboring lots.

(Serial No. 87-49, § 2, 1987)

		Zones														
	Use Description	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
1.000	RESIDENTIAL															
1.100	Single-family dwellings															
	1.110	Single-family detached, one dwelling per lot														
	1.120	Single-family detached, two dwellings per lot														
	1.130	Single-family detached, accessory apartments ^x														
	1.140	Single-family detached, two dwelling per lot, accessory apartment ^x														
	1.150	Common wall development, two dwelling units (pairs) ^{AD}														
	1.160	Common wall development, three or more dwelling units (triplex, four-plex,...) ^{AD}														
	1.170	Common wall development, two dwelling units (pairs), accessory apartments ^{AD}														
	1.180	Common wall development, three or more dwelling units, accessory apartments ^{AD}														

Green Fill = new section if no mixed use; Orange Fill – if mixed use is recommended; Blue Fill = proposed deleted and/or moved to the Green Fill section or Notes
Yellow = proposed change; blue = proposed removal; Red font = new language/numbering

Comment [JM1]: New Note AD referencing 49.65.700
Comment [JM2]: New Note AE referencing special density section 49.25.510(h) (replaces line item 1.930 below)

			Zones														
	Use Description		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
1.200	Duplex		1	1	1	1		1	1	1	1	1	1	1	1		
1.300	Multifamily dwellings							1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	3		
1.900	Common wall development																
	1.910	Two dwelling units				1	1	1	1	1							
	1.911	Accessory apartments ^x	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		
	1.920	Three or more dwelling units					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 49.25510(h)			3	3	3	3	3	3	3			3			
1.900	Common wall development																
	1.910	Common wall development, two dwelling units (pairs) ^{AD}			1, 3 ^{AE}	1, 3	1, 3	1, 3	1, 3	1, 3							

Green Fill = new section if no mixed use; Orange Fill – if mixed use is recommended; Blue Fill = proposed deleted and/or moved to the Green Fill section or Notes
Yellow = proposed change; blue = proposed removal; Red font = new language/numbering

Comment [JM3]: Recommend moving Common Walls under 1.00 Residential and making them “1.150” as they are single-family dwellings *if mixed use is not recommended. If mixed use is recommended, (which staff supports), then the table should remain in the current order.*

Comment [JM4]: Should have a “3” – could have a major subdivision consisting of two dwelling units, i.e. Ridgeview

Comment [JM5]: Recommend keeping language that “pairs” of common walls are not allowed in LC, GC, MU, MU2.

Permitting a method that encourages a lesser density seems counterintuitive to Housing Action Plan.

Comment [JM6]: Recommend re-ordering this line item to be clear that accessory apartments are permissible with two dwelling units, three dwelling units and so on.

Comment [JM7]: Reference 49.510 H for Special Density – otherwise, common walls are not allowed in D3.

This will also replace 1.930 and make it a Note instead of a line item. I recommend the superscript and Note, rather than the line item because it is easy to miss it as its own line item.

Comment [JM8]: Insert superscript and associated note referring user to 49.65.700.

Comment [JM9]: Recommend deleting this use in MU. Permitting a method that encourages a lesser density seems counterintuitive to Housing Action Plan.

Comment [JM10]: Same a as stated above.

Reference 49.510 H for Special Density – otherwise, common walls are not allowed in D3.

This will also replace 1.930 and make it a Note instead of a line item. I recommend the superscript and Note, rather than the line item because it is easy to miss it as its own line item.

Comment [JM11]: New Note AD referencing 49.65.700

Comment [JM12]: New Note AE referencing special density section 49.25.510(h) (replaces line item 1.930 below)

			Zones														
	Use Description		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	LC	GC	MU	MU2	WC	WI	I
	1.911	Common wall development, three or more dwelling units (triplex, four-plex,...) ^{AD}				1, 3	1, 3	1, 3	1, 3	1, 3	1, 3	1, 3		1, 3			
	1.920	Common wall development, two dwelling units (pairs), accessory apartments ^{AD}			1, 3 ^{AE, X}	1, 3 ^x	1, 3 ^x	1, 3 ^x	1, 3 ^x								
	1.921	Common wall development, three or more dwelling units, accessory apartments ^{AD}				1, 3 ^x	1, 3 ^x	1, 3 ^x	1, 3 ^x	1, 3 ^x	1, 3 ^x	1, 3 ^x		1, 3 ^x			

Key:

1. Department approval requires the department of community development approval only.
- 1, 3. Department approval required if minor development, conditional use permit required if major development.
2. Allowable use permit requires planning commission approval.
3. Conditional use permit requires planning commission approval.
- 2, 3. Allowable use permit required if minor development, conditional use permit required if major development.

Notes:

- A. A single-family residence is allowed as an owner or caretaker residence that is accessory to an existing permitted use in the industrial zone.
(Notes removed for this purpose only)
- X. Special requirements apply to accessory apartment applications. See CBJ § 49.25.510(k).
(Notes removed for this purpose only)
- AD. Special requirements apply to commonwall developments. See CBJ 49.65.700.
- AE. Special requirements may apply to building a two unit common wall structure. See CBJ 49.25.510(h).

Green Fill = new section if no mixed use; Orange Fill – if mixed use is recommended; Blue Fill = proposed deleted and/or moved to the Green Fill section or Notes
Yellow = proposed change; blue = proposed removal; Red font = new language/numbering

49.25.400 - Minimum dimensional standards.

There is adopted the table of minimum dimensional standards, table 49.25.400. Minimum dimensional standards for all zoning districts shall be according to the table of minimum dimensional standards, subject to the limitations of the following sections and as otherwise specifically noted in the special area or use sections, chapters 49.65 and 49.70.

(Serial No. 87-49, § 2, 1987; Serial No. 89-32, § 2, 1989; Serial No. 98-09, § 5(Exh. B), 1998; Serial No. 98-20, § 2(Exh. A), 1998; Serial No. 2004-13, § 2, 9-27-2004; Serial No. 2006-13, § 2, 5-15-2006; Serial No. 2007-13, § 2, 4-2-2007; [Serial No. 2012-24, § 3, 5-14-2012, eff. 6-14-2012](#).)

TABLE 49.25.400
TABLE OF DIMENSIONAL STANDARDS

Zoning Regulations		RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum Lot Size ¹																
	Permissible Uses	36,000	36,000	12,000	7,000	3,600 ¹⁰	6,000	5,000	5,000	4,000	4,000	2,000	2,000	2,000	2,000	2,000
	Bungalow ⁹		18,000	6,000	3,500	2,500	3,000	3,000	2,500							
	Duplex	54,000	54,000	18,000	10,500											
	Common Wall Dwelling			(add note)	7,000	3,600 ¹⁰	5,000 ⁷	3,500 ⁷	2,500 ⁷		2,500 ⁷	2,000	2,000			
	Single-family detached, two dwellings per lot	72,000	72,000	24,000												
Minimum lot width		150'	150'	100'	70'	40'	50'	50'	50'	50'	50'	20'	20'	20'	20'	20'
	Bungalow ⁹		75'	50'	35'	25'	25'	25'	25'							
	Common wall dwelling				60'	40'	40'	30'	20'		20'	20'	20'			

- Comment [JM1]: Recommend a note that directs to 25.510 (h) – i.e. Bonnie Brae Subdivision
- Comment [JM2]: As only “pairs” of common walls are allowed in D5 (not 3 or more), do we want to decrease the lot size, recommend 6,000 sq. ft.?
- Comment [JM3]: If we keep 49.65.750, then these superscripts are critical in remembering the application of the decreased lot size.

Yellow = proposed change; blue = proposed removal; Red font = new language/numbering

Attachment C

Zoning Regulations	RR	D-1	D-3	D-5	D-10 SF	D-10	D-15	D-18	MU	MU2	LC	GC	WC	WI	I
Minimum lot depth	150'	150'	100'	85'	85' ¹⁰	85'	80'	80'	80'	80'	80'	60'	60'	60'	60'
Maximum lot coverage															
Permissible uses	10%	10%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Conditional uses	20%	20%	35%	50%	50%	50%	50%	50%	None	80%	None	None	None	None	None
Maximum height permissible uses	45'	35'	35'	35'	35'	35'	35'	35'	None	45' ⁴	45'	55'	35' ⁴	45' ⁴	None
Accessory	45'	25'	25'	25'	25'	25'	25'	25'	None	35'	35'	45'	35' ⁴	45' ⁴	None
Bungalow ⁹		25'	25'	25'	25'	25'	25'	25'							
Minimum front yard setback ³	25'	25'	25'	20'	20' ¹⁰	20'	20'	20'	0'	5' ^{5,8}	25'	10'	10'	10'	10'
Minimum street side yard setback	17'	17'	17'	13'	10'	13'	13'	13'	0'	5'	17'	10'	10'	10'	10'
Minimum rear yard setback ³	25' ²	25'	25'	20'	10'	20'	15'	10'	0'	5'	10'	10'	10'	10'	10'
Minimum side yard setback ³	15' ²	15'	10'	5'	3'	5'	5'	5'	0'	5'	10'	10'	10'	10'	0'
Common wall dwelling				10' ^{6a}	3' ^{6b}	5' ^{7 6c}	5' ^{7 6c}	5' ^{7 6c}		5' ^{7 6c}	10' ^{6d}	10' ^{6a}			

Comment [JM4]: Recommend adding a superscript Note referencing 49.65.755 - Architectural features

Yellow = proposed change; blue = proposed removal; Red font = new language/numbering

Notes:

- 1. Minimum lot size is existing lot or area shown on chart in square feet.
- 2. Sixty feet between nonresidential and designated or actual residential site; 80 feet between industrial, extractive and other uses.
- 3. Where one district abuts another the greater of the two setbacks is required for both uses on the common property line.
- 4. (Height Bonus) Reserved.
- 5. (Pedestrian Amenities Bonus) Reserved.
- 6. Zero-foot setback for the portion of the dwelling **or accessory uses** with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, **and a** ~~and ten-foot setback for the remaining side yards of the lot.~~
 - (a) **ten-foot setback for the remaining side yards of the lot.**
 - (b) **three-foot setback for the remaining side yards of the lot.**
 - (c) **five-foot setback for the remaining side yards of the lot.**
- ~~7. — Reference 49.65.750(1). Zero-foot setback for the portion of the dwelling with a common wall, five-foot setback or five-foot wide easement for the portion of the dwelling at the common lot line without a common wall, and five-foot setback for the remaining side yards of the lot.~~
- 8. On corner lots, buildings shall be set back 15 feet from a street intersection. The area in which buildings shall be prohibited shall be determined by extending the edge of the traveled ways to a point of intersection, then measuring back 15 feet, then connecting the points.
- 9. Special restrictions apply to construction on bungalow lots. See special use provisions 49.65.600.
- 10. For lots adjacent to an alley, the following reductions to the dimensional standards apply:
 - (a) Minimal lot area includes 50% of adjacent alley (see graphic).

49.80 Definition: Dwelling, common wall, means a ~~single-family dwelling~~ **common wall unit** attached by a common wall to **at least** one other ~~single-family dwelling~~ **common wall unit** on a separate lot.

Comment [JM5]: Recommend updating language, as a common wall may be attached to more than one other common wall...i.e. multiple contiguous units (a row of townhouses). The language “common wall unit” matches the proposed language in the purpose statement in Common wall revisions to Article VII.

Does the definition need to address the retail/commercial uses for LC, GC, MU2? See Common wall revisions to Article VII.

Attachment D

49.25.510 - Special density considerations.

- (a) *Fractions of units.* If a density calculation results in fractions of dwelling units allowable, such fractions shall be rounded to the nearest whole number.
- (b) *Factors precluding maximum density.* The number of units allowed by section 49.25.500 is a maximum, achievement of which may be prevented by other factors, including topography, dimensional standards or dedication requirements.
- (c) *Mobile home subdivisions.* Mobile home subdivisions shall meet the density requirements of the zoning district in which they are located, regardless of the lot size allowed.
- (d) *Two-unit dwellings.*
 - (1) *Duplexes.* The minimum lot size for a duplex dwelling shall be at least 150 percent of the square footage required for a single-family dwelling in the same zoning district, except in multifamily, mixed-use, and commercial zoning districts, where duplexes may be constructed on any lot of sufficient size for two dwelling units.
 - (2) *Reserved.*
- (e) *Detached single-family dwellings.* Two detached single-family dwellings located on a single lot within the Rural Reserve D1 and D3 zoning districts shall each meet 100 percent of the applicable square-footage requirement.
- (f) *Replacement and reconstruction of certain nonconforming buildings.* The replacement and reconstruction of certain nonconforming buildings in residential districts shall be governed in part by subsection 49.30.500(b). The replacement and reconstruction of multifamily dwellings in all multifamily residential districts shall be governed in part by subsection 49.30.500(c).
- (g) *Duplex and common wall structures.* The commission, through the conditional use permit process, may allow duplex and common wall structures on lots of less than the required size if the applicant can demonstrate that the same number of dwelling units already exist on the lot or may lawfully be created on the lot as a result of the nonconforming development provisions of chapter 49.30. Applications of this provision include the following:
 - (1) *Common wall subdivision lots* of less than the required size may be created if the original parcel contains a common wall structure that was lawfully built and all other common wall structure requirements can be met.
 - (2) *A duplex or a two unit common wall structure* may be built on a pair of existing lots of record which together are less than the required size for a duplex or a two unit common wall structure, provided each of the lots could have been developed with a single-family dwelling when the lots were created.
- (h) *Building a two unit common wall structure.* The commission, through the conditional use permit process, may approve the building of a two unit common wall structure on less than the required lot area if the lot was legally platted prior to November 9, 1987; the subdivision or a portion thereof was designed specifically for two unit common wall structures; and 60 percent or more of the lots in the subdivision or of the portion thereof designed specifically for two unit common wall structures have been developed with two unit common wall structures.
- (i) *Subdivision rights-of-way.* In calculating the number of dwelling units and thereby the number of lots allowed within a proposed single-family subdivision, any proposed rights-of-way shall be included in the total square footage of the parcel. In multifamily subdivisions, rights-of-way shall not be so included.
- (j) *Single-room occupancies with private facilities.* A permit to construct single-room occupancies may be issued by the Director or the Planning Commission, as specified in the Table of Permissible Uses, CBJ 49.25.300, if all of the requirements of this subsection are met.

Comment [JM1]: No changes recommended.

Comment [JM2]: No changes recommended.

Comment [JM3]: No changes recommended.

Comment [JM4]: Update with a cross-reference to the Table of Dimensional Standards and the Table of Permissible Uses for D3.

Attachment D

- (1) Single-room occupancies shall be efficiency units not exceeding 400 square feet in net floor area.
 - (A) Areas common to more than one dwelling unit, including entry ways, furnace rooms, laundry rooms, common storage areas, and interior stairways, shall not be included in the computation of net floor area.
- (2) Each single-room occupancy with private facilities shall count as one-half of a dwelling unit for purposes of calculating density, permitting requirements, and land use permit application fees.
- (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;
 - (iv) The development meets the parking standards required by chapter 49.40; and
 - (v) The development is connected to public sewer or the existing wastewater disposal system has adequate capacity for the development, including the proposed accessory apartment.
 - (E) Single-family detached accessory apartment approval.

Comment [JM5]: Scroll down to 2H.

Attachment D

- (i) The director may approve a 49.25.300.1.130 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; 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, and is on a lot that exceeds 125 percent of the minimum lot size.
 - (ii) The commission may approve, with a conditional use permit, a 49.25.300.1.130 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; 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, and is on a lot that exceeds 125 percent of the minimum lot size.
 - (iii) 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 125 percent of the minimum lot size.
- (F) Single-family detached, two dwellings per lot, accessory apartment approval.
- (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;

Attachment D

- (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 have more than one other accessory apartment in excess of 600 square feet in net floor area.
- (G) Multifamily dwelling and accessory apartment approval. Unless authorized by this section, an accessory apartment is prohibited in multifamily, commercial, and mixed-use zoning districts.
 - (i) The director may approve a 49.25.300.1.300 accessory apartment application if all 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 exceeds the minimum lot size, and the primary use of the lot is a single-family dwelling.
 - (ii) The commission may approve, with a conditional use permit, a 49.25.300.1.300 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 primary use of the lot is a single-family dwelling.
- (H) Common wall accessory apartment approval.
 - (i) Each common wall dwelling may have up to one accessory apartment that does not exceed 600 square feet in net floor area and that is consistent with the requirements of this section.
 - (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.

Comment [JM6]: No changes recommended.

Comment [JM7]: Reminder to make consistent with TPU if line items are changed.

Comment [JM8]: Reminder to make consistent with TPU if line items are changed.

(Serial No. 87-49, § 2, 1987; Serial No. 89-33, § 2, 1989; Serial No. 91-01, § 2, 1991; Serial No. 94-07, § 4, 1994; Serial No. 95-33, § 8, 1995; Serial No. 97-49, § 3, 1998; Serial No. 2001-12, § 3, 4-2-2001; Serial No. 2006-15, §§ 5, 6, 6-5-2006; Serial No. 2007-39, § 11, 6-25-2007; Serial No. 2009-22(b), § 3, 10-12-2009; [Serial No. 2012-24, § 4, 5-14-2012, eff. 6-14-2012](#); [Serial No. 2012-36, § 3, 9-17-2012](#); [Serial No. 2015-7\(b\)\(am\), § 5, 2-23-2015, eff. 3-26-2015](#))



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April 17, 2018

MEMO

To: Title 49 Review Committee

From: Tim Felstead (Planner II), Community Development Department

RE: Reviewing bonding requirements for unconstructed stub streets and temporary cul-de-sacs within a subdivision

Options discussed at the last Title 49 meeting (March 21, 2018) were for removal of bonding requirement for stub streets. Temporary cul-de-sac bonding should remain as is since this would not be a temporary cul-de-sac if the road would not be extended in near future (this is part of the determination to make it temporary cul-de-sac rather than permanent):

OPTION 1) Reword CBJ 49.35.240(h)(i)(B) to allow the Director to waive the bonding requirements when development of the adjacent parcel is unlikely to occur. Factors leading to the Director waiving the decision to require bonding could include:

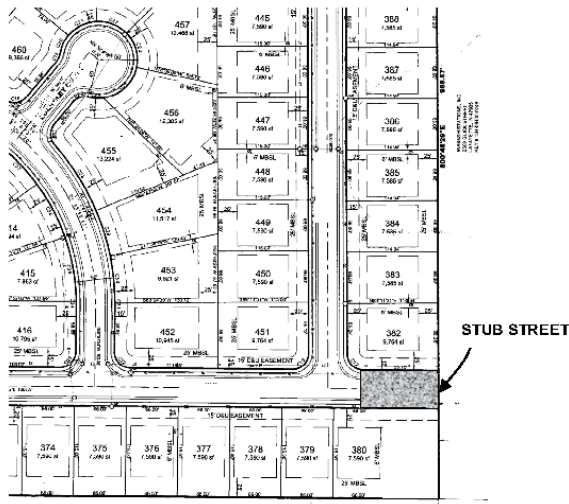
- a. Limitations on both construction of further subdivision and access roads due to topography,
- b. Ownership by government agency, and
- c. Restricted development status of adjacent lot being connected to (e.g., Tongass Forest , Conservation lot)

OPTION 2) Remove requirement for bonding completely recognizing that the current subdivision developer has already provided some paved right-of-way and platted other right-of-way to a lot that was previously unconnected to the street system. The provision is already made that actual construction of the stub street may be waived by the Director if it is not needed for access for the lots within the subdivision.

Note: 'Private shared access' and 'Privately maintained access in a right-of-way' could be a loophole to allow stub streets.

Suggested alternative language code language for discussion**(2) Stub streets.**

- (A) The director for minor subdivisions and the commission for major subdivisions may waive the full construction of a roadway within a right-of-way that is required to provide access to a bordering property, and does not provide required access to any lot within the subdivision. The commission or director may require provision of a roadbed, utility line extensions, or other appropriate improvements (See Figure 4).

NO CHANGE**Figure 4**

- (B) In addition, before final acceptance of subdivision improvements, the subdivider must provide a financial guarantee to cover the costs of constructing that part of the roadway improvements waived by the commission or director in subsection (A) of this section. The guarantee must be for a period of five years from the date the plat is recorded. If it is necessary to connect the roadway to adjoining property within that five-year period, the subdivider may complete the construction, or the guarantee may be used by the City and Borough for that purpose. If a right-of-way has not been dedicated on the adjoining property that accomplishes the connection to the stub street within this five-year period, the financial guarantee will be released.

Option 1) NO CHANGE AND ADD ADDITIONAL TEXT BELOW, OR Option 2) REMOVE SECTION B ENTIRELY AND REWORD SECTION C BELOW.

The Director may waive the requirement for a financial guarantee if they determine that the development of the adjoining property is unlikely to be constructed within the five-year period based on the following:

- i) *The Director of Engineering determines that topography of the adjacent lot would make meeting access requirements for further subdivision, or construction of new roads and driveways impractical or unreasonably expensive (could quantify as x % of standard construction costs for standard detail road for linear foot?).*

- ii) *The lot is owned by a government agency and that the agency has not expressed any interest in further developing or disposing of the lot within the five-year period.*
- iii) *The lot is part of the Tongass National Forest, a State Park, Conservation lot deed restriction or similar protected status that restricts its development within a five-year time period.*

The subdivider shall be responsible for providing any information requested by the Director necessary to support such a determination.

- (C) ~~When the subdivider of adjoining property is required to connect to the stub street, and the stub street will not be constructed through subsection (B) of this section, then the subdivider of the adjoining property will be required to construct the stub street to City and Borough standards at the time. Option 1) **NO CHANGE, OR** Option 2) **REMOVE STRIKETHROUGH TEXT.**~~