

AME 2018 0009

A text amendment to revise Title 49, Land Use Code, to repeal and replace 49.30 Nonconforming Development

**Planning Commission Meeting
September 17, 2019**



Ad Hoc Committee

- August 30
- September 3
- September 10, 2019



Nonconforming residential uses in Industrial and Waterfront Industrial zoning districts

- Residential uses are not permissible in these zoning districts
- Only caretaker units are permissible as an accessory use
- Caretaker units must be associated with a primary use and are not counted as density
- Reconstruction of nonconforming residential uses in these zoning districts is treated more strictly than those where residential uses are permitted.



Takings

- T49 already distinguishes between residential uses in industrial zoning districts and residential/commercial zoning districts
- Property owners in these industrial zoning districts are able to redevelop their property for other uses that are permissible in the district.



Nonconforming Situations in General

- Clarifies that a “certificate of nonconforming status” is not necessarily required before *any* work on a nonconforming situation can take place.
- Clarifies that the Building Official makes the official determination of the extent and cause of damage or destruction. (accidental or intentional & whether damage has reached threshold to be deemed destroyed).
- Clarifies that when a situation fails to be certified or cannot be certified it is noncompliant and subject to enforcement.



Nonconforming Situations in General

- Creates two statuses of abandonment:
 - When all nonconforming rights are lost
 - When nonconforming rights are “presumed” to be abandoned and may be overcome
- Clarifies how Director determines abandonment
- Refines process for rebutting Director’s determination of abandonment



Nonconforming Uses

- Clarifies to what is considered acceptable modification
- Clarifies reconstruction of nonconforming residential uses in Industrial and Waterfront Industrial zoning districts.



Nonconforming Residential Density

- Revised definition of “nonconforming residential density”
- Discussed adding subscript to Table of Permissible Uses - Note AC, which would state “Refer to 49.30.240”.

Staff recommends the following instead:

49.25.300 – Determining Uses

(5) Nonconforming uses. Nonconforming uses, including nonconforming residential densities in residential districts that allow residential development, are subject to chapter 49.30.



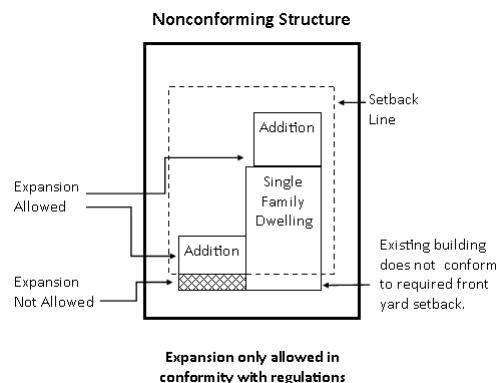
Nonconforming Structures

- Clarifies that nonconforming structures can be modified, enlarged, or altered if the modification does not aggravate the nonconformity.
- Adds reference to 49.25.430(4) Projections into required yards – includes opportunity to add stories with an approved conditional use permit.
- Clarifies that all nonconforming structures can be modified in compliance with existing code.



Nonconforming Structures

- Revised figure 1



Nonconforming Parking

- Provides for the governmental entity controlling the ROW accessing the parking must *find* the reconstruction or replacement of nonconforming parking does not endanger the public health, safety and welfare.
- Includes both the number of off-street parking spaces and back out parking.
- Clarification provided for a nonconforming parking situation that becomes more conforming.



Nonconforming Status Review (Director Approval)

- Review required to establish whether a situation is nonconforming or noncompliant.
- When nonconforming – determines if a nonconforming situation will be aggravated by the permit being sought.
- This provides a distinction between the “review” and the “certification”.
- Certification is required (before or concurrently) as a component of Nonconforming Situation Review.
- Certification can be requested at any time and separate from any permits.



Nonconforming Situation Review (BOA Approval)

- Process revised to more closely follow the Alternative Development Overlay District process.
- Director's review procedure added.
 - Includes requirement to solicit input from other agencies.



Defintions

- Refined definition of “nonconforming residential density”
- Expanded definition of “nonconforming parking” to include type of parking and not only number of off-street parking spaces.
- New definition of “nonconforming rights”
 - Two options provided – PC to decide if definition is needed and if so which one



Options

Choose one of the following or delete both:

Nonconforming rights means the rights provided in 49.30 applicable to situations that are certified or qualify to be certified as nonconforming situations.

OR

Nonconforming rights means the rights provided in 49.30 applicable to situations that are certified or qualify to be certified as nonconforming situations, including rights relating to the perpetuation, maintenance, modification and reconstruction of nonconforming situations.



Fees

- Nonconforming Situation Review - \$400
- Certification of nonconforming situation(s) \$150
 - For Certification ONLY
 - Fee is waived when in conjunction with a development permit



Additional Amendments to T49

- *CBJ 49.25.430(4)(M)* provides the opportunity for nonconforming structures to add stories with an approved Conditional Use Permit. The section now includes the term “lawfully nonconforming”. To be consistent with the revised nonconforming chapter the word “lawfully” will be deleted.
- *CBJ 49.25.430(5)* replacement and reconstruction of certain nonconforming buildings will be amended to refer to 49.30, rather than 49.30.500(b).
- *CBJ 49.25.510(f)* replacement and reconstruction of certain nonconforming buildings will be amended to refer to 49.30, rather than 49.30.500(b).



Reconstruction. A nonconforming structure or portion of a structure which the building official has deemed destroyed shall not be reconstructed except

1) If the primary use, is residential, the structure may be reconstructed in the existing footprint, except for encroachments into rights-of-way or adjacent property, providing the structure is in a zoning district that allows residential development.

2) If the primary use of which is non-residential may be reconstructed in conformity with the provisions of this chapter



Background

Zoning nonconformities are existing uses, structures, or lots that were legally established prior to a change in zoning provisions, which do not comply with new (current) zoning regulations.

Commonly referred to as “grandfathered”.



Background continued...

- When we revise and update land use policies and zoning regulations we are faced with questions regarding the continued use, replacement, or expansion of nonconformities.
- In current code the various non-conforming situations are blended into single paragraphs and the reconstruction section is poorly written, which makes it challenging to understand.
- Certain nonconforming situations can create financing challenges.



Options

Zoning ordinances vary considerably in how they treat nonconforming situations. There are four general options:

- Phase them out over time;
- Maintain the status quo;
- Allow limited modification and expansion;
- Change zoning standards to make certain uses, structures or lots conforming.



Approach

- Not all nonconformities are the same.
- Some nonconformities are benign while some have significant detrimental effects.
- In some instances, continuance or expansion of a benign nonconformity may not threaten public health or safety, may have little impact on the long term land use objectives, and may even be preferable to the alternative of disinvestment.
- For this reason, benign nonconformities are treated differently than those likely to have significant detrimental effects.
- The conceptual approach mixes the phasing out of detrimental nonconformities and recommends maintaining the status quo or allowing limited modification and expansion to benign nonconformities.
- Additionally, over time and separate from this project, the Commission and staff will work to review and revise zoning standards and will continue to consider the impacts of those proposed changes on various nonconforming situations. The downtown zoning project mandated by the adoption of the ADOD is a step in this direction.



Overview

The proposed ordinance mixes the phasing out of detrimental nonconformities and recommends maintaining the status quo or allowing limited modification and expansion to benign nonconformities. The proposed ordinance repeals and replaces all of 49.30 and clarifies and defines the following nonconforming situations:

- Nonconforming use;
- Nonconforming residential density;
- Nonconforming structure;
- Nonconforming lot; and
- Nonconforming number of on-site parking spaces.



Purpose & Intent

This chapter provides:

- Standards for the review and development of legally nonconforming property;
- A process for obtaining certification of legal nonconforming status by the Director;
- A process for obtaining a nonconforming situation review by the Board of Adjustment.

The intent is to:

- Reduce the negative or less desirable impacts of nonconforming situations;
- Promote public health, safety and general welfare;
- Avoid unnecessary and unreasonable burdens to the use and development of property impacted by zoning changes.

Alteration of nonconforming nonresidential situations in residential zones may be reviewed more strictly than nonconforming nonresidential situations in commercial or industrial zones, to protect the livability and character of residential neighborhoods.

Nonconforming residential situations in residential zones may be reviewed more leniently to the extent they are less likely to present a major disruption to the neighborhood and may provide desirable housing opportunities.



In General

- Except as otherwise provided in this chapter, nonconforming situations may continue.
- Any nonconforming situation may be changed to a conforming situation by right. Once a nonconforming situation becomes conforming, the nonconforming rights of that specific situation are lost and the nonconforming situation may not be re-established.
- Nonconforming situations run with the land. A change in ownership does not affect the status of a nonconforming situation.
- Nothing in this chapter prohibits normal maintenance and routine repairs. Examples of routine maintenance include, but are not limited to: roofing repair or replacement, window replacement, and structural repairs.
- Except as otherwise provided in this chapter, the discontinuation of, or failure to maintain, a nonconforming situation for 365 consecutive days creates a presumption of abandonment.



In General continued...

- A property owner or agent may seek a certification of legal nonconforming status review and determination at any time.
- Prior to the issuance of a permit for work or development on the site where a nonconforming situation exists, certification of legal nonconforming status is required.
- Certification of legal nonconforming status is required to request a nonconforming situation review.
- A nonconforming structure or structure containing a nonconforming use shall be deemed destroyed when the structure is damaged by any means to an extent of more than 75 percent of the cost of the replacement of the entire structure, exclusive of foundations, using new materials. The extent of the damage shall be determined by the Building Official.
- All nonconforming development rights provided by this chapter are lost when a nonconforming situation is intentionally damaged, destroyed or demolished by any means within the control of the owner or agent of the owner.



Nonconforming Use

Example – gas station (automotive fuel station 49.25.3009.200) in a D-5 zoning district.

Documentation exists showing it was legally permitted in accordance with zoning regulations in the past ...



Nonconforming Use

In general, is a use that was allowed or legally permitted when established but due to changes in zoning or zoning regulations is no longer allowed.

- Nonconforming uses may continue to operate;
- Changes are allowed in the operation so long as the external impacts of the changes harmonize with the neighborhood;
- Could be changed to another nonconforming use through a nonconforming situation review (discussed later);
- In residential zoning districts, through a nonconforming situation review a nonconforming, nonresidential use could be changed to an allowed residential use that exceeds the allowed density;



Nonconforming Use continued...

- May change to a conditional use allowed in the zoning district with an approved Conditional Use Permit;
- May be expanded within the existing original building but may not be expanded to other buildings or take up a greater area of land;
- Once a nonconforming use is abandoned, subsequent uses must comply with current code unless the use is reestablished through the nonconforming situation review;
- When a nonconforming use is deemed destroyed (is accidentally destroyed and the cost of repair is more than 75% of the cost of replacement) then the nonconforming use cannot be reestablished.
- Operational modifications to a nonconforming use are allowed and not considered a change or expansion of the nonconforming use, as long as the external impacts of such modification are nominal and do not impose a significant, new impact that is out of harmony with the neighborhood as determined by the Director.



Nonconforming residential uses in Industrial and Waterfront Industrial Zoning Districts.

When there is nonconforming residential use in the Industrial and Waterfront Industrial Zoning districts, and the structure containing the dwelling unit(s) is damaged by fire or other causes beyond the control of the owner the following applies:

- Nonconforming residential use rights are maintained and the structure may be rebuilt within 3 years if:
 - Nonconforming residential use is accepted as legally nonconforming with a certification of legal nonconforming status
 - Written notice of intent to reconstruct is provided to the department within 365 days.
 - The structure is not deemed destroyed by the Building Official.
 - The reconstruction complies with existing associated district-specific dimensional, development and design standards such as setbacks, parking, landscaping etc. that would apply to new development.
- If a temporary certificate of occupancy has not been obtained for the structure within 3 years, the nonconforming residential use rights are lost, and all existing and future development on the site must comply with current CBJ Code.
- The Director, with the concurrence of the Building Official, may approve one 18 month extension for the reconstruction of the nonconforming residential use upon written request showing good cause.



Nonconforming Residential Density

New Concept

- Example – Existing 4-plex in D-5 zoning district
 - Use is residential
 - Density exceeds what current zoning allows
- Problem – if building burns only 1 or 2 units could be rebuilt (depending on lot size)



Nonconforming Residential Density

When a residential use is an allowed use in the zoning district and was constructed at a lawful density at the time but due to changes in the zoning, or zoning regulations, now has greater density than is currently allowed in the district. *This nonconforming situation is not currently recognized by code.*

- Maybe modified or improved if:
 - Nonconforming residential density accepted legally nonconforming with a certificate of legal nonconforming status.
 - Dimensional requirements, such as setbacks and on-site parking are met except as otherwise provided in the code.



Nonconforming Residential Density continued....

- If the building is accidentally destroyed or damaged, as long as it is reconstructed regardless of the cost of replacement (no 75% threshold) subject to:
 - Nonconforming residential density accepted legally nonconforming with a certificate of legal nonconforming status.
 - Written notice of intent to reconstruct is provided to the department within 365 days.
 - The total number of dwelling units established by the certificate of legal nonconforming status may not be increased.
 - Reconstruction may be in the existing footprint, with the exception of encroachments into public rights-of-way or adjacent property.
 - If a temporary certificate of occupancy has not been obtained for the structure within three years, the nonconforming residential use rights are lost, and all existing and future development on the site must comply with all provisions of current CBJ Code.
 - The director, with the concurrence of the building official, may approve one 18-month extension for the reconstruction of the nonconforming residential use upon written request showing good cause.
- Nonconforming residential density rights continue even if a building is unoccupied for any amount of time (no abandonment);
- Nonconforming residential density rights are lost when the structure is intentionally destroyed.



Nonconforming Residential Density continued....

When a nonconforming use will become a nonconforming residential density it will have no net increase in overall detrimental impacts on the surrounding area taking into consideration factors such as:

- Vehicle trips and impact on surrounding on street parking
- Lot coverage, vegetative cover,

And..

It cannot not exceed 1.5 times the base density permissible for the underlying zoning district in RR, D1, D3, D5, and D10SF zoning districts, and 1.25 times the base density permissible for the underlying zoning district in the D10, D15 and D18 zoning districts, rounded to the nearest whole number



Nonconforming Structures

Nonconforming structures are those that do not meet one or more of the dimensional standards such as height, setbacks, or lot coverage.

- Can be continued and maintained;
- May be expanded, but only if the change does not increase the nonconformity;
- CBJ 49.25.430(4)(M) provides that nonconforming structures may add additional stories with an approved Conditional Use Permit. No amendments are proposed to this;
- If a nonconforming structure is moved, it must conform to current code requirements;
- A nonconforming structure with nonconforming density may be reconstructed on the original location. However, the reconstructed building cannot encroach into rights-of ways or across property lines;

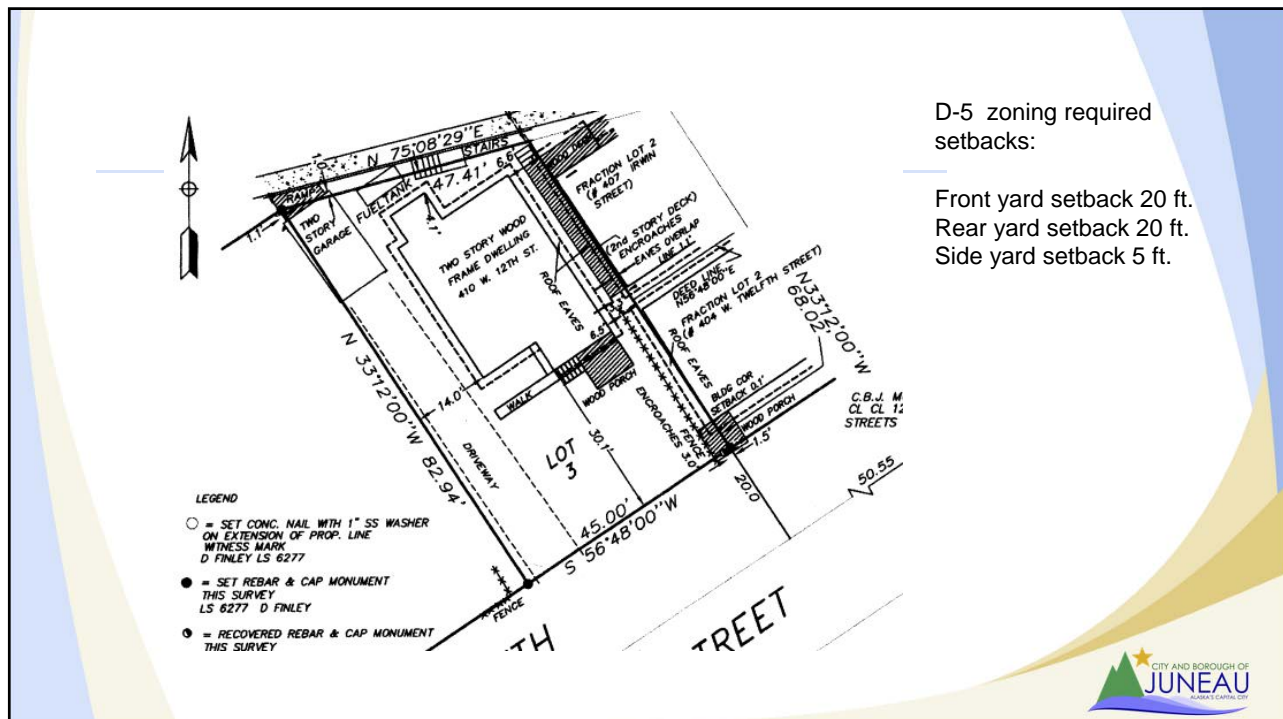
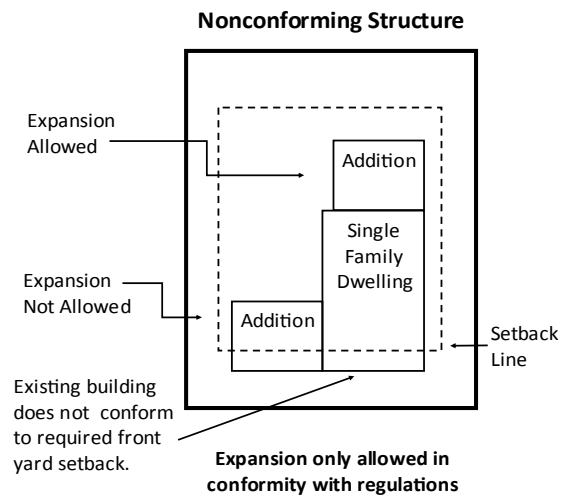


Nonconforming Structures continued....

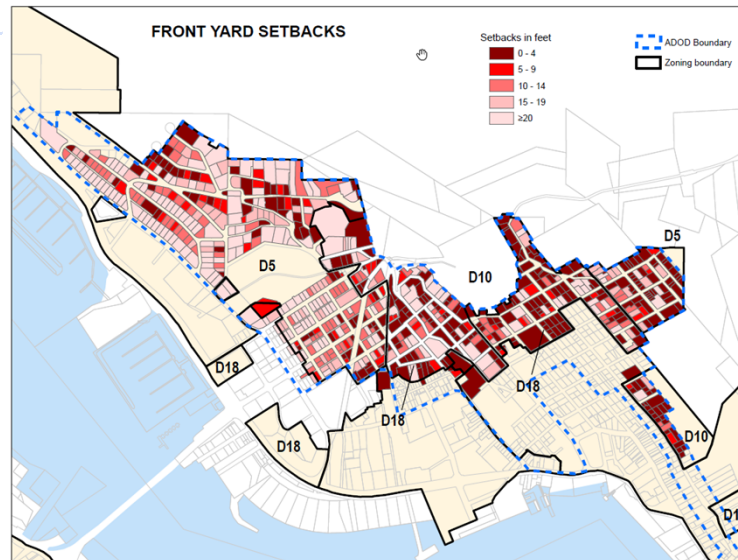
- All other nonconforming structures must be reconstructed in compliance with current regulations when they deemed destroyed;
- If a nonconforming structure is intentionally destroyed, it may only be reconstructed in accordance with current codes.
- When a nonconforming structure is abandoned or brought into conformity, the nonconforming status is lost;
- Nonconforming rights may be lost when the damage is intentional.



Expansion of nonconforming structure



Nonconforming front yard setbacks – downtown Juneau



Nonconforming Lot

A nonconforming lot is one that does not comply with the minimum lot area, depth or width, or other lot requirements for the district in which it is located.

- May be used for any permitted use in the district if the use does not require a minimum lot size greater than the minimum lot size required by the zoning district;
- May be developed for any use permitted in the district if any associated district requirements can be met, such as setbacks and parking;
- In order for these lots to be developed, they must be accepted as legally nonconforming.
- Structures on these lots may be reconstructed on the same footprint, except they may not encroach onto rights-of-ways or onto adjacent property;
- As current code allows, when an undeveloped nonconforming lot adjoins and has continuous frontage with one or more undeveloped lots and they are under the same ownership, each lot may be developed with a single family dwelling (except in Industrial and Waterfront Industrial zones).



Nonconforming lots – downtown Juneau



D5 minimum lot
size 7,000 sq. ft.

Existing lot size
1,600 sq. ft.



Nonconforming Parking

- As currently provided for in code, a use may be replaced or reconstructed with the same number of off street parking spaces as were provided for the original building;
- New language is proposed that clarifies that when a use had nonconforming number of on-site parking spaces and later becomes more conforming for number of on-site parking spaces, it may not revert back to the less conforming parking.



Overcoming the presumption of abandonment

Ordinance creates a method for a property owner to “overcome” a determination that a nonconforming situation has been abandoned.

This would be approved by the Director and could be appealed to the Planning Commission.



Nonconforming Status

- Creates a new process called “certification of nonconforming status”;
- This is a review process to establish **legal** nonconforming status;
- It places the responsibility on the property owner to provide evidence proving that the nonconforming situation was allowed when it was established and has been continuously maintained over time;
- Legal nonconforming status is approved by the Director and may be appealed to the Planning Commission;
- New language lists examples of standard evidence to prove the nonconforming situation, as well as examples for proving the situation was maintained over time;
- Runs with the land.



Examples of “standard evidence” for proving nonconforming status

- Building, land use, or development permits;
- Zoning codes or maps;
- Recorded plats;
- Sanborn Maps.
- Utility bills;
- Income tax records;
- Business licenses;
- Listings in telephone (record? books?), business;
- Advertisements in dated publications;
- Building, land use, or development permits;
- Insurance policies;
- Leases;
- Dated aerial photos or other photos;
- Insurance maps that identify use or development, such as the Sanborn Maps; or
- Land use and development inventories prepared by a government agency.



Nonconforming Situation Review

A nonconforming situation review (NCSR) is a new process that allows the Board of Adjustment to review, limit, or deny the following:

- The change of a nonconforming use to a different use, which is also prohibited by the base zone;
- In RR, D1, D3, D5, D10SF, D10, D15 and D18 zones, a change from a nonconforming nonresidential use to an allowed residential use that exceeds the allowed density;



Nonconforming Situation Review

- Public Hearing
- Public Notice
- Decision may include special restrictions or conditions
- Will consider
 - Effects on neighboring property values
 - Public services
 - Effects on neighborhood character
 - Public health and safety



NCSR Approval Criteria

additional findings for nonconforming use

- More appropriate to the district than the existing nonconforming use;
- Does not significantly jeopardize future development of the area in compliance with the intent of the zoning district;
- Any characteristics of use that are out of compliance with this title are not changed to become less compliant with the requirements of this title;
- Will not result in the creation of additional nonconformities or the need for any variances;
- With mitigation measures, there will be no net increase in overall detrimental impacts (over the impacts of the last legal use or development) on the surrounding area taking into account factors such as:
 - The hours of operation;
 - Vehicle trips to the site and impact on surrounding on-street parking;
 - Noise, vibration, dust, odor, fumes, glare, and smoke;
 - Screening, public safety, neighborhood harmony;
 - The amount, location, and nature of any outside displays, storage, or activities.
- In a single-family or multi-family residential zone the exterior appearance of the new use or development will not lessen the residential character of the area taking into account factors such as:
 - Building scale, placement, and facade;
 - Parking area placement;
 - Buffering or screening and the potential loss of privacy to abutting residential uses; and
 - Lighting and signs.
- Any characteristics of use that are out of compliance with this title are not changed to become less compliant with the requirements of this title.



NCSR Approval Criteria

additional findings for nonconforming residential density

- When a nonconforming use will become a nonconforming residential density it will have no net increase in overall detrimental impacts on the surrounding area taking into consideration factors such as:
 - Vehicle trips and impact on surrounding on street parking;
 - Lot coverage, vegetative cover;
- Nonconforming residential density shall not exceed 1.5 times the base density permissible for the underlying zoning district in RR, D1, D3, D5, and D10SF zoning districts, and 1.25 times the base density permissible for the underlying zoning district in the D10, D15, D18, and LC zoning districts, rounded to the nearest whole number.



Definitions

- *Nonconforming parking* means the provision of less than the number of on-site spaces required under this title but met the number of on-site spaces required at the time the use was established.
- *Nonconforming residential density* means a residential use that is an allowed use in the zoning district and that was constructed at a lawful density, but which subsequently, due to adoption, revision or amendment of a zoning ordinance, now has greater density than is allowed in the current zoning district.
- *Nonconforming situation* means a situation that was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails by reason of such adoption, revision or amendment to conform to present requirements. A nonconforming lot, use, number of on-site parking spaces, structure or density, or any combination thereof.
- *Nonconforming use* means a use that was allowed by right when established or a use that obtained a required land use approval when established, but that subsequently, due to a change in the zoning district or zoning regulations, the use, or the amount of area devoted to the use, is now not permitted under the current zoning designation.
- *Abandon* includes the following:
 - (a) with respect to a use, the cessation of such use for any length of time, combined with intent to indefinitely cease such use, or;
 - (b) with respect to a structure, the cessation of occupancy of such structure for any length of time, combined with intent to indefinitely cease occupancy of such structure.
- *Change* means, with respect to a nonconforming use, that the nonconforming use has been converted to a different use for any period of time, regardless of intent.
- *Discontinued* means that a nonconforming use has ceased, and has not substantially resumed, for a period of 365 consecutive days regardless of intent.
- *Occupy or occupancy* means actual physical occupancy of a structure or lot, regardless of intent.
- *Primary use* means the primary activity actually conducted in a serious, substantial, and ongoing manner on a lot or in a structure, and for which the lot or structure is actually and primarily occupied and maintained, regardless of intent.
- *Use* means activity actually conducted on a lot or in a structure, and for which the lot or structure is actually occupied and maintained, regardless of intent.



Fees

- Nonconforming situation review – to Planning Commission
\$400.00 (same as non-administrative variance)
- Certification of legal nonconforming status – staff review
\$150.00 (same as letter of zoning compliance)



Comprehensive Plan Policies

- **A safe place to raise a family.** Maintain safe neighborhoods and circulation systems; provide public spaces and facilities that foster community interaction and cohesiveness.
- **Quality education from Pre-school to University levels.** Promote quality educational programs and experiences in the schools and lifelong learning for our residents as well as a healthy lifestyle with adequate recreational facilities, resources and programs. Support a vital arts community, celebrating our diverse cultural heritage and unique historic resources.
- **A balanced economy.** Ensure a balanced, sustainable, and diverse economy, actively encouraging employment opportunities for residents of all levels and ages that provide a livable wage and a dependable municipal tax base.
- **Natural resources.** Highlight and protect our scenic beauty, protect our streams and fish and wildlife habitat and foster the sustainable use of our natural resources.
- **A balanced community.** Ensure a balance between natural resource protection and the built environment, the efficient provision of infrastructure and goods and services, and housing affordable to all income levels.
- **Neighborhood livability and housing.** Maintain the identity and vitality of our neighborhoods, actively pursuing affordable housing for a diversity of households while promoting compatible livability and high quality design in new buildings.
- **Mobility.** Provide an accessible, convenient and affordable transportation system that integrates vehicle, vessel, rail and aircraft transport with sustainable and innovative transportation options— including convenient and fast public transit service, particularly for commuters to work, and bicycle and pedestrian networks throughout the community.
- **Involved citizenry.** Solicit resident participation and leadership in implementing the Plan policies and actions from all sectors of the community, encouraging mutual understanding and cooperation among all.



Comprehensive Plan Policies

CHAPTER 2 - SUSTAINABILITY:

POLICY 2.1

To build a sustainable community that endures over generations and is sufficiently far-seeing and flexible to maintain the vital and robust nature of its economic, social, and environmental support systems.



Comprehensive Plan Policies

CHAPTER 4 – HOUSING:

POLICY 4.2.

To facilitate the provision of an adequate supply of various housing types and sizes to accommodate present and future housing needs for all economic groups.

POLICY 4.4.

To facilitate the preservation and rehabilitation of existing housing, particularly housing affordable to low-income residents.

POLICY 4.7.

To encourage preservation of residential structures that are architecturally and/or historically significant to the CBJ and which contribute to the historic and visual character and identity of the neighborhood.



Comprehensive Plan Policies

CHAPTER 10 – LAND USE:

POLICY 10.2.

To allow flexibility and a wide range of creative solutions in residential and mixed use land development within the urban service area.

POLICY 10.3.

To facilitate residential developments of various types and densities that are appropriately located in relation to site conditions, surrounding land uses, and capacity of public facilities and transportation systems.

POLICY 10.7

To designate on land use and zoning maps, and to provide services to, sufficient vacant land within the urban service area appropriately located to accommodate future commercial and industrial uses.



Comprehensive Plan Policies

2015 Juneau Economic Development Plan

One of ten initiatives -“Promote Housing Affordability and Availability”.

The Juneau Economic Development Plan further strengthened the case for the critical need of housing for all ages and income groups in order to obtain and maintain a strong and stable economy.



Comprehensive Plan Policies

2016 Housing Action Plan

The Housing Action Plan (HAP) was adopted by Resolution 2780 in 2016. HAP is not adopted as an element of the Comprehensive Plan, and therefore Title 49 amendments are not required to be in conformance with this plan.

However, the HAP represents official policy in regard to housing in Juneau.

- The HAP indicates that for Juneau’s housing market to become “unstuck” more units of all types must be added.
- One of the plan’s recommendations is the preservation of existing affordable housing.

Creating the nonconforming residential density situation, and allowing those units to be reconstructed, implements this recommendation.



Compliance with Title 49

The proposed amendment to Title 49 will not create any internal inconsistencies within the Code. As stated in CBJ 49.05.100, the purposes and intent of Title 49 are as follows:

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 other public requirements, and in general to promote public health, safety and general welfare;*
5. *To provide adequate open space for light and air; and*
6. *To recognize the economic value of land and encourage its proper and beneficial use.*

The proposed amendment was drafted with the purpose and intent of Title 49 taken into account. If it is approved as drafted, then it will be found to be consistent with the above purposes.



Findings

Based upon the above analysis the proposed text amendment to Title 49 is consistent with the goals and policies in the Comprehensive Plan.

Additionally, this amendment would not create internal inconsistencies with adopted plans or codes.



Recommendation

Staff recommends that the Planning Commission review and consider the proposed ordinance and forward a recommendation to adopt this ordinance to the Assembly.

