

Chapter 49.05

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ARTICLE I.

GENERAL PROVISIONS

49.05.100 Purpose and intent.

The several purposes of this title are:

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

(Serial No. 87-49, § 2, 1987)

49.05.110 Geographic scope.

This title applies to all private, state and municipally-owned land in the City and Borough. To the extent allowed by law or administrative regulation, it also applies to federal lands in the City and Borough.

(Serial No. 87-49, § 2, 1987)

49.05.120 Standards.

The standards established by this title are declared to be the minimum required in the interest of public health, safety and general welfare.

(Serial No. 87-49, § 2, 1987)

49.05.130 Compliance.

No structure or land may be maintained, used or occupied, and no structure or part thereof may be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the requirements specified in this title.

(Serial No. 87-49, § 2, 1987)

49.05.140 Interpretation.

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

(Serial No. 87-49, § 2, 1987)

49.05.160 Fees.

Fees are established according to chapter 49.85.

(Serial No. 87-49, § 2, 1987)

49.05.170 Docks and harbors board.

The planning commission shall notify and invite comment from the docks and harbors board prior to taking action with respect to any zoning of land within the harbors or that zoning of land adjacent to or upland from the harbors which can be expected to affect the operation of the harbors and shall notify and invite comment from the docks and harbors board prior to taking action with respect to any zoning of land within the harbors.

(Serial No. 95-05, § 2, 1995)

Cross References: Planning commission, CBJ Code § 49.10.100 et seq.; zoning districts, CBJ Code ch. 49.25; docks and harbors board, CBJ Code § 85.02.010 et seq..

ARTICLE II.

COMPREHENSIVE PLAN

49.05.200 Comprehensive plan.

(a) The City and Borough comprehensive plan is designed to lessen congestion in the streets; secure safety from fire, panic and other dangers; promote health and the general welfare; provide adequate light and air; prevent the overcrowding of land; avoid undue concentration of population; and facilitate adequate and cost-effective provision for transportation, water, sewerage, schools, parks and other public requirements.

(b) The comprehensive plan adopted by the assembly by ordinance contains the policies that guide and direct public and private land use activities in the City and Borough. The implementation of such policies includes the adoption of ordinances in this title. Where there is a conflict between the comprehensive plan and any ordinance adopted under or pursuant to this title, such ordinance shall take precedence over the comprehensive plan.

- (1) Plan adopted. There is adopted as the comprehensive plan of the City and Borough of Juneau, that publication titled "The Comprehensive Plan of the City and Borough of Juneau, Alaska, 1995 Update," updated November 1996, including the following additions:
 - (A) The Juneau Coastal Management Plan, dated 1986, as amended through December 1990;
 - (B) The Downtown Historic District Development Plan, dated December 1981; provided that the proposed district boundaries shall be those established by the assembly under a separate ordinance;
 - (C) The Long Range Waterfront Plan for the City and Borough of Juneau, dated January 22, 2004, as amended;
 - (D) The Last Chance Basin Land Management Plan, dated May 1978, updated November 1994;
 - (E) Watershed Control Program - Salmon Creek Source, dated April 1992; and
 - (F) Watershed Control and Wellhead Protection Program - Gold Creek Source, dated November 1994.
- (2) Changes, corrections, and interpretations. There is adopted for purposes of changing, correcting, or interpreting The Comprehensive Plan of the City and Borough of Juneau, Alaska, 1995 Update, the following items:
 - (A) That map entitled "Vicinity Map, Mixed Use Area" dated March 13, 1997, which shall, for the purpose of changing the comprehensive plan, replace Map 6A originally adopted as part of The Comprehensive Plan of the City and Borough of Juneau, Alaska, 1995 Update.
 - (B) Paragraph 7 of Page 137 of The Comprehensive Plan of the City and Borough of Juneau, Alaska, 1995 Update, entitled "Mixed Use (Including High Density Residential)," is amended to read: Land in the downtown and other areas intended for a mixture of retail, office, general commercial, and high density residential uses at a density of 60 residential units per acre downtown, and a density of 40 units per acre elsewhere. In the MU-1 area, building height limit shall be 45 feet, and the front yard setback shall be five feet generally but ten feet for that portion of a front yard located within 15 feet of a street intersection. These uses could be combined within a single building.

- (C) Section 3.1, providing for implementation actions, is amended by the addition of new subsections 3.1.9 through 3.1.16; Map 9B relating to the North Douglas Urban Service Boundary is amended and extended to include Bonnie Brae Subdivision and intervening properties; a summary of stormwater management is included in the "Water Quality" section of Chapter 3, and a new section 3.3.9 providing implementation actions for a stormwater management program, all as set forth in Exhibit A to the ordinance codified at this section.

(c) No rights created. The goals and policies set forth in the comprehensive plan are aspirational in nature, and are not intended to commit the City and Borough to a particular action, schedule, or methodology. Neither the comprehensive plan nor the technical appendix adopted under this section nor the amendment of either creates any right in any person to a zone change nor to any permit or other authority to make a particular use of land; neither do they constitute a regulation of land nor a reservation or dedication of privately owned land for public purpose.

(Serial No. 87-49, § 2, 1987; Serial No. 88-53, § 2, 1988; Serial No. 92-37, § 2, 1992; Serial No. 94-44, § 2, 1994; Serial No. 95-37am, § 2, 1996; Serial No. 97-13, § 2, 1997; Serial No. 2003-06, § 2, 2-10-2003; Serial No. 2004-40, § 2, 10-25-2004)