ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2012-01


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

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

Section 2. Amendment of Section. CBJ 49.15.320 - Allowable use permit, is amended at subsection (f) to read:

49.15.320 - Allowable use permit.

... (f) Conditions on approval; allowable uses. The commission may condition an allowable use permit upon one or more of the following:

... (9) Habitat. Development in the following areas may be required to minimize environmental impact:

(A) Developments within 330 feet of an eagle nest located on private land; and

Reserved.

(B) Developments in wetlands and intertidal areas, including freshwater marshes, saltwater marshes and intertidal flats.

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Section 3. Amendment of Section. CBJ 49.15.330 - Conditional use permit, is amended at subsection (g) to read:

49.15.330 - Conditional use permit.

... (g) Specific conditions. The commission may alter the director's proposed permit conditions, impose its own, or both. Conditions may include one or more of the following:

... (10) Habitat. Development in the following areas may be required to minimize environmental impact:

(A) Developments within 330 feet of an eagle's nest located on private land; and Reserved.

(B) Developments in wetlands and intertidal areas.

... 

Section 4. Amendment of Section. CBJ 49.60.200 - Sensitive areas, is amended to read:

49.60.200 - Sensitive areas.

A development in eagle nesting areas, stream corridors and lake shores, wetlands and intertidal areas or any combination thereof, as shown on the sensitive areas map, may be awarded:

(1) Bonus points for interests in land which protect additional land within or adjacent to such sensitive areas beyond that which is required in chapter 49.70;
(2) Bonus points for an interest other than a deed providing for public access through sensitive area lands, either required or voluntarily reserved; and

(3) Bonus points for a deed to the City and Borough of required or reserved sensitive area lands.

Section 5. Amendment of Section. CBJ 49.70.310 - Habitat, is amended at subsection (a), to read:

49.70.310 - Habitat.

(a) Development in the following areas is prohibited:

(1) On Benjamin Island within the stellar sea lion habitat;

(2) Within 330 feet of an eagle nest on public land Reserved.

(3) Within 50 feet of an eagle nest on private land, provided that there shall be no construction within 330 feet of such nest between March 1 and August 31 if it contains actively nesting eagles; Reserved.

(4) Within 50 feet of the banks of streams designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2008 Update; and

(5) Within 50 feet of lakeshores designated in Appendix B of the comprehensive plan of the City and Borough of Juneau, 2008 Update.

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Section 6. Amendment of Section. CBJ 49.70.905 - Coastal development, is amended at subsection (14) (B), to read:

49.70.905 - Coastal development.
The following policies apply to coastal development throughout the coastal zone:

... (B) Floathomes shall not be located in the "prohibited area" shown on Juneau Coastal Management Plan Map 2, or areas with concentrations of shellfish, waterfowl, shorebirds, marine mammals, extensive tide-flats, salt marshes and kelp or eelgrass beds; sites within 330 feet of eagle nest trees; developed recreation sites; heavily used recreation sites; or known historic and archeological sites. Floathomes may be allowed on privately owned tidelands within the prohibition area provided other provisions of this section are met;

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Section 7. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this day of 2012.

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Bruce Botelho, Mayor

Attest:

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Laurie J. Sica, Clerk