

See AO 2005-67(1)

Submitted by: Assemblymember
Coffey

For reading: May 3, 2005

ANCHORAGE, ALASKA
AO NO. 2005- 67

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTION 21.55.020
REGARDING NONCONFORMING LOTS OF RECORD.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 21.55.020 is hereby amended to read as follows:

21.55.020 Nonconforming lots of record.

A. In any zoning district in which [single-family] dwellings are permitted, notwithstanding limitations imposed by other provisions of chapters 21.35 through 21.50, a [single-family] structure [dwelling] and customary accessory buildings may be erected on any lot which is of record at the effective date of the original adoption or amendment of applicable regulations, except as restricted in subsection C [B] of this section. This provision shall apply even though such lot fails to meet the requirements for the area or width, or both, that are applicable in the district. Furthermore, setback and lot coverage requirements applicable to those nonconforming lots of record shall be those of the zone with the largest lot area requirement within which the lot would be conforming. A lot which fails to be conforming in any zone shall maintain a front yard of 20 feet, side yards of five feet, a rear yard of five feet, and a maximum lot coverage of 50 percent.

B. Legalization of nonconforming lots.

1. Lots existing prior to January 1, 2005, may continue in existence provided the following requirements are met:

a. an application for the registration of nonconforming lot is submitted to the Planning Department; and

b. the lot is determined to sufficient is size to allow construction of a structure.

2. Procedures for registration. Application for the registration of a nonconforming lot shall be submitted to the Planning Department. This application shall be on a form provided by the department, which will require an as-built drawn by a land surveyor registered in the State of Alaska, which shows boundaries on the lot.

a. the municipality may require the petitioner to provide additional information to support this application.

- b. within 30 days of receipt of all requested information and upon an adequate showing that the requirements stated in subsection 1. are met, the director or his/her designee shall issue or deny a certificate for the lot. The director may impose such conditions on the certificate as he/she may determine are appropriate to protect the general welfare. A copy of the required as-built shall be attached thereto.
- c. Once registered, the lot shall enjoy all the protections and privileges afforded to a nonconforming lot under the provisions of this chapter.
- d. Any aggrieved person may appeal the grant or denial of a certificate to the zoning board of examiners and appeals.

C.[B]. If two or more abutting lots in single ownership and containing less than 6,000 square feet of area in any one lot are of record on or after November 27, 1990, and are nonconforming by virtue of this title or any amendment thereto, the lands involved shall be considered to be an undivided parcel for the purpose of this title, and no portion of such parcel shall be sold individually after being developed under this provision.

D. Nonconforming lots of record which are subsequently resubdivided to combine two or more lots shall be considered a legal nonconforming lot at the time of recordation, even though the new lot does not meet dimensional requirements of the zoning district or those requirements of 21.80 at the time of replat.

(GAAB 21.05.070.B; AO No. 85-90; AO No. 86-175; AO No. 90-138; AO No. 2004-133(S))

Section 2. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2005.

Chair of the Assembly

ATTEST:

Municipal Clerk