

Submitted by: Chair of the Assembly at
the Request of the Mayor
Prepared by: Planning Department
For reading: May 2, 2006

CLERK'S OFFICE
APPROVED
Date: 5-16-06 ANCHORAGE, ALASKA
AR No. 2006-112

A RESOLUTION AMENDING ANCHORAGE MUNICIPAL CODE OF REGULATIONS
21.20.002, SCHEDULE OF FEES – ZONING, REGARDING APPLICATION FOR THE
REGISTRATION OF A NONCONFORMING LOT OF RECORD.

THE ANCHORAGE ASSEMBLY RESOLVES:

Section 1. That Subsection 21.20.002 of the Anchorage Municipals Code of Regulations
is amended to read as follows (*the remainder of the chapter is not affected and therefore is
not set out*):

21.20.002 **Schedule of fees—Zoning.**

A. The following fees shall be paid for the services described:

TABLE INSET (Code reviser to renumber as appropriate.)

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12.	Registration of Nonconforming Lots of Record	\$350.00
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(GAAB 21.05.090; AO No. 77-407; AR No. 78-12; AR No. 79-55; AO No. 82-49; AR No.
83-96; AR No. 83-289(S); AR No. 86-63; AR No. 86-99; AR No. 86-263; AR No. 90-151;
AO No. 2001-116, § 1, 7-10-01; AO No. 2001-145(S-1), § 23, 12-11-01; AO No. 2003-152S,
§ 20, 1-1-04; AO No. 2004-23, § 1, 1-1-04; AO No. 2004-151, § 13, 1-1-05; AO No. 2005-
18, § 1, 2-15-05)

Authority--Anchorage Municipal Code 3.40, 21.20.050; AO 77-407.

Section 2. This resolution shall be effective immediately upon passage and approval by
the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 16th day of
May 2006.

ATTEST:

Chair

Beth S. Grant
Municipal Clerk



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 295 -2006

Meeting Date: May 2, 2006

From: Mayor

Subject: A RESOLUTION AMENDING ANCHORAGE MUNICIPAL CODE OF REGULATIONS 21.20.002, SCHEDULE OF FEES – ZONING, REGARDING APPLICATION FOR THE REGISTRATION OF A NONCONFORMING LOT OF RECORD.

1 The Municipals Assembly amended the nonconforming provisions of the Municipal
2 Code Section 21.55 with AO 2005-67(S). This ordinance allows applicants to make
3 their lots conforming lots of record with an administrative procedure. Staff did not
4 provide an accompanying fee amendment with the ordinance, and there is no associated
5 fee in the current Code of Regulations to use in charging for this registration.

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7 Staff believes that \$350.00 is the appropriate fee for this process as it requires staff
8 resources for the review and the publishing of the decision in a newspaper of general
9 circulation.

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13 Prepared by: Jerry T. Weaver Jr., Zoning Administrator, Planning Department

14 Concur: Tom Nelson, Director, Planning Department

15 Concur: Mary Jane Michael, Executive Director, Office of Economic &
16 Community Development

17 Concur: Denis C. LeBlanc, Municipal Manager

18 Respectfully submitted: Mark Begich, Mayor

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 6-28-05

Submitted by: Assemblymember
Coffey
Prepared by: Planning Department
For reading: June 14, 2005

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 6-14-05
RECONSIDERED 6-14-05 ANCHORAGE, ALASKA
No. AO 2005-67(S)

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] dwellings and customary accessory buildings may be erected on any lot, provided the underlying zoning district and supplementary district standards such as setbacks, parking, useable yard, landscaping, etc. can be met, 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 created prior to September 16, 1975.

1. Lots existing prior to January 1, 2005; September 16, 1975, 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 be sufficient is in size to allow construction of a structure and associated zoning district and supplementary district standards such as setbacks, parking, landscaping, useable yard area, etc can be met.

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 within thirty (30) days of the director's determination.
- e. ~~No variances shall be granted from the standards and provisions of this section, nor from the applicable underlying zoning district or supplementary district standards.~~
- f. e. Nothing in this section shall preclude relief for nonconforming lots by means of a variance.

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] when the new lot does not meet dimensional requirements of the zoning district or those requirements of 21.80 at the time of replat.

E. The Planning Department shall publish the registration of a non conforming lot including the street address and legal description of the property in a newspaper of general circulation in the municipality within seven days of the requisition.

Section 2. This ordinance shall become effective immediately upon its passage and approval by the Assembly. **This ordinance shall not apply to any application for an entitlement which was made prior to the effective date of this ordinance.**

PASSED AND APPROVED by the Anchorage Assembly this 28th day of June, 2005.

Anna L. Fairclough
Chair of the Assembly

ATTEST:

Barbara S. Gustafson
Municipal Clerk



MUNICIPALITY OF ANCHORAGE ASSEMBLY MEMORANDUM

No. AM 394-2005

Meeting Date: June 14, 2005

From: Assemblymember Coffey

Subject: Planning and Zoning Commission Recommendation of Approval of an ordinance amendment to the Municipal Code regarding nonconforming lots.

1 Assemblymember Coffey introduced AO 2005-67, May 3, 2005, for a public hearing June
2 14, 2005. The ordinance was referred to the Planning and Zoning Commission for review.
3 The Planning and Zoning Commission reviewed AO 2005-67 on May 9, 2005, and
4 suggested some changes to the proposed ordinance. These changes are reflected in AO
5 2005-67 (S).

6 The changes to AMC 21.55.020 will allow any dwelling structure permitted in the
7 underlying zoning district to be constructed on an existing lot. Presently, only a single
8 family structure can be constructed on a nonconforming lot.

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10 The ordinance adds a new section AMC 21.55.020 B. which will create a procedure
11 whereby an illegal lot, for example, a lot that was created by illegal subdivision and does
12 not meet lot area or the width to depth ratio, may become a legal nonconforming lot
13 subject to all the rights, privileges and restrictions of AMC 21.55.020 if it meets the
14 registration requirements.

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16 The illegal nonconforming lot must have been in existence prior to January 1, 2005 or
17 September 16, 1975 as recommended in the 2005-67 (S). An application and an as-built
18 survey which shows lot boundaries will be submitted to the Planning Department. The
19 director or designee shall determine if the lot is of sufficient size to allow a structure. The
20 director may impose conditions appropriate to protect the general welfare. Aggrieved
21 persons may appeal the grant or denial of a certificate to build to the Zoning Board of
22 Examiners and Appeals.

23
24 The Planning and Zoning Commission found it is appropriate to allow all the residential
25 uses in the underlying zoning district provided the development standards, yard setbacks,
26 parking, useable yard area, etc., can be met.

27 The Planning and Zoning Commission found that illegal nonconforming lots should have a
28 registration procedure to legalize their existence; and to specify the development rights of
29 the lot(s) for the protection of current and future property owners.

1 The Planning and Zoning Commission found that it is appropriate that only nonconforming
2 lots which were created prior to the date of Unification, September 16, 1975, should
3 qualify for this procedure.

4 The Planning and Zoning Commission believes that development on appropriate
5 nonconforming lot(s) can best be achieved by requiring public notice when lots are either
6 granted or denied a certificate through the registration procedure.

7 Additionally, as a housekeeping issue, a new section D will be added which clarifies that
8 nonconforming lots which are re-subdivided to form two or more new lots will still be
9 considered legal nonconformities. This will apply when the newly created lots still do not
10 meet the standards of AMC 21.80.

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15 Respectively submitted: Dan Coffey, Assemblymember
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MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2005-026

A RESOLUTION RECOMMENDING APPROVAL TO THE ASSEMBLY OF AN ORDINANCE AMENDMENT TO ANCHORAGE MUNICIPAL CODE SECTION 21.55.020 NONCONFORMING LOTS OF RECORDS, TO ALLOW DUPLEXES AND MULTIFAMILY DWELLING UNITS, WHEN THOSE USES ARE ALLOWED IN THE UNDERLYING ZONING DISTRICT; AND TO PROVIDE A REGISTRATION PROCEDURE TO LEGALIZE NONCONFORMING LOTS OF RECORD THAT EXISTED PRIOR TO SEPTEMBER 16, 1975; AND TO CLARIFY THAT WHEN NONCONFORMING LOTS OF RECORD ARE RESUBDIVIDED, THE NEW LOT(S) BECOME A LEGAL NONCONFORMING LOT(S) OF RECORD AT THE TIME OF RECORDATION, WHEN THE LOT(S) DOES NOT MEET THE DIMENSIONAL REQUIREMENTS OF THE ZONING DISTRICT OR THE REQUIREMENTS OF AMC 21.80 AT THE TIME OF REPLAT.

(PNZ Case 05-052)

WHEREAS, a request has been received from Assemblymember Dan Coffey to address the status of illegal nonconforming lots, which under the current code AMC 21.55.020 are limited to the construction of a single family home, and

WHEREAS, it is appropriate to allow all the residential uses in the underlying zoning district of the nonconforming lot(s), provided the development standards, yard setbacks, parking, useable yard area, etc., can be met, and

WHEREAS, illegal nonconforming lots should have a registration procedure to legalize their existence; and to specify the development rights of the lot(s) for the protection of current and future property owners, and

WHEREAS, when nonconforming lots of record are re-subdivided and become more conforming in terms of lot area and lot width, then those lots which have registered and replatted shall be deemed to be legal nonconforming lot(s) of record, and

WHEREAS, it is appropriate that only nonconforming lots which were created prior to the date of Unification, September 16, 1975, should qualify for this procedure, and

WHEREAS, the Planning and Zoning Commission wishes to allow for development on appropriate nonconforming lot(s), and this can best be achieved by requiring public notice when lots are either granted or denied a certificate through the registration procedure; and can be further achieved by not allowing variances from Title 21 for the nonconforming lots, and

WHEREAS, a public hearing was held on May 9, 2005 and the Planning and Zoning Commission unanimously recommended approval.

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Planning and Zoning Commission that:

A. The Commission makes the following findings of fact:

1. AMC 21.55.020 currently limits development on nonconforming lots to single family home construction.
2. Allowing the residential uses permitted by the underlying zoning district is consistent with Anchorage 2020 and will be compatible with the existing residential development, if the development standards of the zoning district can be met.
3. The legalization of nonconforming lots through a registration procedure should be offered to lots which were created under a different set of platting regulations, namely prior to Unification, September 16, 1975.
4. The Planning and Zoning Commission recommends approval to the Assembly of an Ordinance Amending AMC 21.55.020 Nonconforming lots of record.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission this 9th day of May 2005.

Tom Nelson
Director

Don Poulton
Chair

(Case 2005-052)

ab
05/23/05

DRAFT

Content Information

Content ID : 002948

Type: Ordinance - AO

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE

Title: SECTION 21.55.020 REGARDING NONCONFORMING LOTS OF
RECORDAuthor: gray-jacksone

Initiating Dept: Assembly

Date Prepared: 6/6/05 9:55 AM

Director Name: Anna Fairclough

Assembly Meeting Date MM/DD/YY: 6/14/05

Public Hearing Date MM/DD/YY: 6/14/05

Workflow History

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOrdinanceWorkflow	6/6/05 9:56 AM	Checkin	gray-jacksone	Public	002948

M.D.A
2005 JUN -6 AM 10:31
CLERKS OFFICE

NEW PUBLIC HEARINGS

Municipality of Anchorage
Planning Department
PO Box 196650
Anchorage, AK 99519-6650

PETITIONER*

Mailing Address

Night:

FAX:

E-mail:

PETITIONER REPRESENTATIVE (IF ANY)

Name (last name first)

Mailing Address

Contact Phone: Day:

Night:

FAX:

E-mail:

*Report additional petitioners or disclose other co-owners on supplemental form. Failure to divulge other beneficial interest owners may delay processing of this application.

Property Tax #(000-000-00-000):

Site Street Address:

Current legal description: (use additional sheet if necessary)

Zoning:

Acreage:

Grid #

☐ Current as-built no older than 120 days☐ **Title History**

I hereby certify that (I am)(I have been authorized to act for) owner of the property described above and that I petition for a nonconforming lots registration in conformance with Title 21 of the Anchorage Municipal, Code of Ordinances. I understand that payment of the application fee is nonrefundable and is to cover the costs associated with processing this application, and that it does not assure approval of the lot registration.

Date _____

Application for nonconforming lots

Signature (Agents must provide written proof of authorization)

Accepted by:

As-built

Free

Case Number

Content Information**Content ID :** 003843**Type:** AR_AllOther - All Other Resolutions

Title: A RESOLUTION AMENDING ANCHORAGE MUNICIPAL CODE OF REGULATIONS 21.20.002, SCHEDULE OF FEES – ZONING, REGARDING APPLICATION FOR THE REGISTRATION OF A NONCONFORMING LOT OF RECORD.

Author: weaverjt**Initiating Dept:** Planning**Review Depts:** OMB, Legal

Description: A RESOLUTION AMENDING ANCHORAGE MUNICIPAL CODE OF REGULATIONS 21.20.002, SCHEDULE OF FEES – ZONING, REGARDING APPLICATION FOR THE REGISTRATION OF A NONCONFORMING LOT OF RECORD.

Date Prepared: 4/3/06 5:27 PM**Director Name:** Tom Nelson**Mayor Review?:** No**Assembly****Meeting Date** 5/2/06**MM/DD/YY:****Public Hearing****Date MM/DD/YY:** 5/16/06

2006 APR 24 PM 12:04
CITY CLERK'S OFFICE

Workflow History

<u>Workflow Name</u>	<u>Action Date</u>	<u>Action</u>	<u>User</u>	<u>Security Group</u>	<u>Content ID</u>
AllOtherARWorkflow	4/3/06 5:29 PM	Checkin	weaverjt	Public	003843
Planning_SubWorkflow	4/3/06 6:23 PM	Approve	nelsontp	Public	003843
ECD_SubWorkflow	4/6/06 5:48 PM	Approve	thomasm	Public	003843
OMB_SubWorkflow	4/11/06 8:21 AM	Approve	mitsonjl	Public	003843
Legal_SubWorkflow	4/11/06 10:15 AM	Approve	fehlenrl	Public	003843
MuniManager_SubWorkflow	4/21/06 11:37 AM	Approve	leblancdc	Public	003843
MuniMgrCoord_SubWorkflow	4/21/06 11:44 AM	Approve	abbottmk	Public	003843