

Submitted by: ASSEMBLY MEMBER FLYNN
Assembly Member BIRCH
Prepared by: Assembly Counsel
For reading: June 9, 2009

Sec AO 2009-74(S-1)

ANCHORAGE, ALASKA
AO NO. 2009-74

**AN ORDINANCE AMENDING PROVISIONS OF ANCHORAGE CODE CHAPTER
12.35 RELATED TO DETERIORATED PROPERTY AND TO PROVIDE FOR WAIVER
OF CERTAIN MUNICIPAL FEES AS AN ECONOMIC DEVELOPMENT INCENTIVE.**

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 12.35.005, Definitions, is hereby amended to read as follows *(the remainder of the section is not affected and therefore not set out)*:

12.35.005 Definitions.

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Deteriorated area means an area within boundaries designated by ordinance which meets one or more of the following criteria: unsafe, unsanitary or overcrowded buildings; vacant, overgrown and unsightly lots of ground; [:] a disproportionate number of tax delinquent properties; excessive land coverage; economically or socially undesirable land uses. Property adjacent to areas meeting these criteria, but which would not otherwise qualify, may be included within the deteriorated area designated in the ordinance if the assembly determines that new construction on such property would encourage, enhance or accelerate improvement of the adjacent deteriorated properties.

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(AO No. 2002-103(S), § 1, 8-6-02; AO No. 2004-116(S-1), § 1, 9-8-04)

Section 2. Anchorage Municipal Code subsection 12.35.050.C is hereby amended to read as follows *(the remainder of the section is not affected and therefore not set out)*:

12.35.050 Deteriorated property.

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C. In accordance with section 12.35.010, deteriorated property applications may [, BY ORDINANCE,] be granted [PERMITTED] to defer payment of taxes on all or some types of deteriorated property for up to five years beginning on or any time after the day substantial rehabilitation, renovation, demolition, removal or replacement of any structure on the property begins. However, if the ownership of property for which a deferral has been granted is transferred, all tax payments deferred under this subsection are immediately due and the deferral ends or, if ownership of

any part of the property is transferred, all tax payments are immediately due.

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(AO No. 2002-103(S), § 1, 8-6-02; AO No. 2004-116(S-1), § 4, 9-8-04; AO No. 2007-69, § 1, 5-1-07)

Section 3. Anchorage Municipal Code chapter 12.35, Economic Development Property, is hereby amended by adding a new section to read as follows:

12.35.055. Municipal fee relief.

- A. Subject to eligibility and qualification under this chapter, partial waiver or total exemption from municipal fees listed in this section may be recommended for development of deteriorated property. An application for municipal fee relief shall be made in writing to the chief fiscal officer or designee. The application shall be subject to the same review process, criteria, requirements, and municipal discretion established in this chapter for deteriorated property tax relief.
- B. An application for partial waiver or total exemption from municipal fees may be included in an application for deteriorated property tax relief under this chapter, or submitted in a supplemental application, or submitted in a stand-alone application without a request for tax relief. The chief fiscal officer or designee shall make separate recommendations on tax relief and municipal fee relief if property designated as deteriorated is the subject of a request for tax relief and a request for municipal fee relief.
- C. Other provisions of municipal code notwithstanding, partial waiver or total exemption from municipal fees listed in this section for the development of deteriorated property may be approved by resolution. Municipal fee relief under this section shall not waive code compliance and does not authorize work to proceed without the permits, inspections, and land use authorizations required by law.
- D. If partial waiver or total exemption of a fee is granted, the applicant may be required to pay the municipal fee, subject to refund to the applicant only if a Certificate of Occupancy is issued. Change order fees and permit application amendment fees shall not be waived for development of deteriorated property. Municipal fee relief may be granted for the following fees:
1. Building permit fees under AMC 23.10.104.13.2, set out in AMC 23.10 Table 3-A, 1 – 5 for New Construction (Commercial); New

Construction (Residential); Alternations and/or Addition (Residential or Commercial); Change of Use Only; Electrical, Mechanical, Plumbing (Residential or Commercial – No Structural Work).

2. Demolition permit fees under AMC 23.10.104.13.2, set out in AMC 23.10 Table 3-A, 6.C.
3. Elevator, escalator, dumbwaiter and other lift permit fees under AMC 23.10.104.13.2, set out in AMC 23.10 Table 3-F, 1 and 2. Annual registration fees set out in AMC 23.10 Table 3-F 3 shall not be granted municipal fee relief by assembly resolution.
4. Grading, excavation and fill permit fees under AMC 23.10.104.13.2, set out in AMC 23.10 Table 3-G.
5. Plan review fees under AMC 23.10.104.13.3, set out in AMC 23.10 Table 3-B, 1. Building Permits Plan Review Fees, except that fees for expedited plan review, commercial out-sourcing plan review, and express permitting shall not be granted municipal fee relief by assembly resolution.
6. Inspection fees for alteration, additions, remodels, and retro-fits under AMC 23.10.106, set out in AMC 23.10 Table 3-C, 1. Inspection or re-inspection hourly fee. Fees for inspections and re-inspections that are unscheduled, outside normal business hours, on Sundays or holidays, or for code compliance, or a fine, set out in AMC 23.10 Table 3-C, 2 – 6, shall not be granted municipal fee relief by assembly resolution.
7. Electrical Permit fees under AMC 23.10.104.13.2, set out in AMC 23.10 Table 3-D, 1. B.
8. Plumbing Permit fees under AMC 23.10.104.13.2, set out in AMC 23.10 Table 3-E, 1. A.
9. Grading, excavation and fill permit fees under AMC 23.10.104.13.2, set out in AMC 23.10 Table 3-G.
10. Solid waste disposal charges under the fee schedules in AMC 26.80.050, consistent with municipal implementation of state law.
11. Land use permit fees under AMCR 21.20.001.
12. Zoning fees for services under AMCR 21.20.002.

H. If partial municipal fee relief has been granted for land use fees by Assembly action under AMC chapter 12.35, payment of any amount not waived shall be in accordance with this section.

(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; AO No. 2001-145(S-1), § 23, 12-11-01; AO No. 2003-152S, § 19, 1-1-04; AO No. 2004-151, § 12, 1-1-05)

Section 7. Upon passage and approval by the Assembly, Section 5 of this ordinance, amending AMC 26.80.050 governing municipal charges for solid waste disposal, shall become effective on the effective date of authorizing state legislation.

Section 8. Sections 1 – 5 and Sections 7 – 8 shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2009.

Chair

ATTEST:

Municipal Clerk

Submitted by: ASSEMBLY MEMBER SELKREGG
Prepared by: Assembly Counsel
Reading of AO 2009-74: June 9, 2009
Public Hearing set for: August 11, 2009

FLOOR AMENDMENT TO AO 2009-74

Amendment #1. Section #3, page 3, amending subsection 12.35.055.A at line 18 and Section #3, page 4 starting at line 4, adding a new subsection E, as follows:

12.35.055. Municipal fee relief.

- A. Subject to eligibility and qualification under this chapter, partial waiver or total exemption from municipal fees listed in this section may be recommended for development of deteriorated property. An application for municipal fee relief shall be made in writing to the chief fiscal officer or designee. The application shall be subject to the requirements of this section and the same review process, criteria, requirements, and municipal discretion established in this chapter for deteriorated property tax relief.

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- E. Inclusion of workforce housing. The application for municipal fee relief shall state whether the municipal fee relief will assist the applicant in the inclusion of homes for work force households, and the applicant's level of commitment for inclusion of homes for workforce households, if any. To qualify for inclusion as housing for workforce households, these conditions shall apply:

1. Rental housing shall be made available for a monthly rent not to exceed 30% of the total monthly household income.
2. Ownership housing shall be made available for purchase with total monthly payments, including principal, interest, taxes, insurance, homeowner's association fees and assessments, not to exceed 30% of the total monthly household income.
3. Workforce households shall be households at or below 120% of the median annual income for the Anchorage metropolitan statistical area, adjusted for household size, as determined annually by the United States Department of Housing and Urban Development.

4. Workforce homes in the development shall be mixed with market rate housing units and shall not be clustered together or segregated in any way from market-rate units. The exterior appearance of workforce units shall be made similar to market-rate units by the provision of exterior building materials and finishes substantially the same in type and quality. The workforce units must be the same size, in terms of square footage and number of bedrooms, as the market rate units. If the project contains a phasing plan, the phasing plan shall provide for the development of workforce units concurrently with the market-rate units.
5. Workforce homes in the development shall continue to be affordable to households at or below 120% of the annually adjusted median household income for at least 15 years commencing upon issuance of the certificate of occupancy for the development. If the project has a phasing plan, the fifteen year period commences upon the issuance of the certificate of occupancy for each phase.
6. If the applicant proposes to build workforce homes, then prior to the issuance of a building permit for any portion of the project, the applicant shall have entered into a Workforce Home Development Agreement with the Municipality. The development agreement shall set forth the commitments and obligations of the Municipality and the applicant.
7. Prior to the issuance of a building permit for any portion of the project, the applicant shall record a Declaration of Covenants, Conditions, and Restrictions on the property to ensure the continued affordability of the affordable housing units in accordance with this ordinance.

Submitted by: ASSEMBLY MEMBER FLYNN
Prepared by: Assembly Counsel
AO 2009-74 INITIAL READING: June 9, 2009
Public Hearing: August 11, 2009

FLOOR AMENDMENT TO AO 2009-74

Amendment #2. Deleting waiver and exemption from municipal solid waste disposal fees. *(Three deletions, single amendment):*

First Deletion:

Section #3, page 3 at lines 39-40, delete subsection 12.35.055D.10, and renumber:

12.35.055. Municipal fee relief.

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~~10. Solid waste disposal charges under the fee schedules in AMC 26.80.050, consistent with municipal implementation of state law.~~

10. ~~11.~~ Land use permit fees under AMCR 21.20.001.

11. ~~12.~~ Zoning fees for services under AMCR 21.20.002.

12. ~~13.~~ Platting fees for services under AMCR 21.20.003.

Second Deletion:

Sections #5 & #6, page 4, lines 14-42, delete Section 5 from the ordinance, leaving 26.80.050, **Charges**, unchanged, and renumber Section 6:

~~**Section 5.** Anchorage Municipal Code section 26.80.050, governing municipal charges for solid waste disposal, is hereby amended by adding a new subsection to read as follows *(the remainder of the section is not affected and therefore not set out)*:~~

26.80.050 Charges.

~~E. Exemption from municipal disposal fees for development of deteriorated property: By resolution, the assembly may grant a partial or total waiver and exemption from charges for the disposal of waste material generated from the substantial rehabilitation, renovation, demolition, removal, or replacement of a structure on deteriorated property. Deteriorated property shall meet the definition in AMC 12.35.005, and the same criteria in AMC~~

~~12.35.010 for exemption and deferral of taxes for deteriorated property shall apply to waiver and exemption from municipal solid waste disposal charges. The application shall be made in accordance with AMC chapter 12.35.~~

~~(AO No. 82-224; AO No. 83-196; AO No. 83-221; AO No. 85-9; AO No. 86-203, 1-9-87; AO No. 87-19, 4-1-87; AO No. 89-2; AO No. 93-96(S), § 1, 5-11-93; AO No. 96-18(S), § 1, 4-9-96; AO No. 96-100, § 1, 1-1-96; AO No. 99-107, § 1, 8-10-99; AO No. 2003-76, § 1, 5-13-03; AO No. 2005-13, § 2, 2-15-05; AO No. 2007-146(S), § 2, 4-1-08)~~

~~State law reference: AS 29.35.050 (d — e), HB 156, SLA 2009~~

Section 5 6. Anchorage Municipal Code of Regulations section 21.20.001 (Planning and Zoning – regulations governing land use fees), Schedule of Fees - Land use permits, is hereby amended to add a new subsection to read as follows *(the remainder of the section is not affected and therefore not set out)*:

Third Deletion:

Sections #7 & #8, page 5, lines 12–17, delete Section 7 from the ordinance; renumber and amend Section 8:

~~**Section 7.** Upon passage and approval by the Assembly, Section 5 of this ordinance, amending AMC 26.80.050 governing municipal charges for solid waste disposal, shall become effective on the effective date of authorizing state legislation.~~

Section 6 8. This ordinance Sections 1 — 5 and Sections 7 — 8 shall become effective immediately upon its passage and approval by the Assembly.

Submitted by: ASSEMBLY MEMBER BIRCH
Prepared by: Assembly Counsel
AO 2009-74 INITIAL READING: June 9, 2009
Public Hearing: September 29, 2009

FLOOR AMENDMENT TO AO 2009-74

Amendment #3. Adding waiver and exemption from municipal permit fees under AMC chapter 24.30, **Permit to use public places**, (for right-of-ways, sidewalk encroachment, temporary parking lane closures and other temporary uses during construction):

Section #3, page 4, beginning at line 5, add a new subsection to the list of fees which may be subject to waiver under 12.35.055D., to read as follows:

12.35.055. Municipal fee relief.

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14. Permit and inspection fees under AMC chapter 24.30 for temporary uses during construction.