

DENALI BOROUGH, ALASKA
ORDINANCE 08-09
INTRODUCED BY: Mayor David Talerico

AN ORDINANCE AMENDING THE DENALI BOROUGH CODE OF ORDINANCES; CHAPTER
4.25 TITLED CLASSIFICATION OF BOROUGH-OWNED LANDS.

BE IT ENACTED by the Assembly of the Denali Borough, Alaska.

Section 1. Classification. This ordinance is of a permanent and general nature.

Section 2. Purpose. The purpose of this ordinance is to amend DBC 4.25.010 and 4.25.030 as follows:

Chapter 4.25
CLASSIFICATION OF BOROUGH-OWNED LANDS

Sections:

4.25.010 Classification categories.

4.25.020 [Definitions] Procedural requirements.

4.25.030 [Procedural requirements] Definitions.

4.25.010 Classification categories

Parcels may be classified or reclassified in the following categories

Agriculture and Forestry;

Amenity Value;

Light Commercial;

Commercial;

Heavy Industrial;

Light Industrial;

Public Facilities;

Recreation Development;

Rural Residential;

Townsite.

4.25.020 [Definitions] Procedural requirements.

A. All borough land is unclassified and must be classified prior to any action being taken that affects that land.

B. The Borough Administrator, the Planning Commission, or the public may nominate land for classification and/or sale. The Planning Commission will decide whether to proceed with the classification and/or sale of the land after nomination and evaluation. Nominations from the public will be presented to the Planning Commission at a Regular Meeting.

C. When borough land is nominated for classification and/or sale, the Denali Borough Administrator will evaluate borough owned lands, holding at least one hearing in the area closest to the lot being classified and/or sold and recommend the best classification for each parcel to the Planning Commission. The Planning Commission will evaluate the Borough

Administrator's recommendations, and hold at least two hearings on the matter, one of which is in the area closest to the lot under consideration. The Planning Commission will classify the lands based on the Administrator's recommendations, public input, and other considerations. The Borough Assembly will act as the Board of Appeals and may change a classification made by the Planning Commission. If it is deemed appropriate to sell the land, the Planning Commission will make this recommendation to the Administrator and the Assembly.

4.25.030 [Procedural Requirements.] Definitions.

A. "Affected Landowners" are those landowners adjacent to or in sight of [within ¼ mile] of the lot seeking a conditional use permit.

[A.] B. "Agriculture and Forestry" means land suitable for raising and harvesting crops, breeding and management of livestock, dairying, commercial timber harvest, or woodlot management. Parcels may be of varying size.

[B.] C. "Amenity Value" means land that kept in its natural state provides enhanced value to adjacent parcels or to the borough as a whole, or that provides protection for important wildlife habitat, recreational opportunities, subsistence opportunities, scenic vistas, historic structures and landscapes, greenbelts, or other natural, cultural, or aesthetic qualities.

D. Compatible means to coexist in harmony, and meets all other restrictions in this section.

[C] E. "Commercial" means land suitable for development for the conduct of activities predominantly connected with the sale, rental, manufacturing or distribution of products or services, that require an ADEC class A or B waste water system and/or water usage over 20,000 gallons per day.

[D] E. "Heavy Industrial" means land suitable for large industrial uses, including material extraction and processing, waste handling and storage, electric generation, transportation corridors, manufacturing, or other uses that involve excessive noise, odors, danger of explosions, hydrocarbon release, or toxic wastes that make them incompatible with most other land uses. Parcels should be sizes that will reasonably accommodate heavy machinery with sufficient buffer zones for the activities associated with this type of use. This classification includes landfills.

G. Light Commercial means land suitable for development for the conduct of activities predominately connected with the sale, rental, manufacturing or distribution of products or services, that require an ADEC class C waste water system and/or water usage under 20,000 gallons per day.

[E] H. "Light Industrial" means land suitable for industrial uses that generally do not have offensive characteristics and can be conducted inside closed buildings. Such uses may include warehousing, storage, and light manufacturing not inside buildings.

[F] I. "Public Facilities" means land reserved for public facilities including schools, clinics, day-care centers, government buildings, parks, and other public uses. Parcels are sized to meet the need for and allow for future expansion. The borough or other public entity will generally retain land in this classification.

[G] J. "Recreation Development" means land suitable for the development of commercial recreational facilities requiring large amounts of land such as ski areas, golf courses, wilderness camps, and horse stables.

[H] K. "Rural Residential." The purpose of this classification is to maintain the rural residential character of land already rural residential in nature or lands deemed best suited for rural residential use and minimize the potential for conflicts of use.

- a. Permitted Principle Uses. Single and multi-family residential [no more than four units] dwelling units are permitted in this classification.
- b. Permitted Secondary Uses. Parks, playgrounds, schools, community centers, libraries, churches, bed and breakfasts, and home businesses.
- c. Development Standards. Development standards apply to lots, principle dwellings, and accessory structures.
 - 1. The minimum lot size shall be 80,000 square feet.
 - 2. Accessory structures commonly associated with residential dwellings are allowed, i.e., garages, storage sheds, greenhouses, workshops, well/pump houses, and guest cabins, etc.
 - 3. Building height is limited to 2 ½ stories or 35 feet above the ground whichever is less.
 - 4. Setbacks shall be a minimum of 10 feet around all sides of the lot. Lot lines bordering public roads shall have a 20-foot setback. No permanent dwelling or structures may be placed in these setbacks.
- d. Deed Restrictions. The Assembly may require that when a lot classified as Rural Residential is sold, the uses, standards, and restrictions of this classification carry with the lot as a deed restriction and be binding [to] on buyers, its heirs, successors and assigns[ees].
- e. Conditional Use Permit. With 100% of affected landowners signing a petition to allow a nonconforming use or a home business conducted outside a structure to exist on a lot within an area classified as Rural Residential, a conditional use permit will be issued. Home businesses that are compatible within residential areas but need to be conducted outside a structure will be granted a conditional use permit without a petition.
- f. Pre-existing non-conforming uses and pre-existing non-conforming structures and dwellings are allowed, except that they may not increase in non-conformity.
- g. Variances may be granted a lot that is smaller than allowed in this classification to maintain the residential nature of an area in which the lot is located.

[I] h. "Townsite" means land suitable for development of new communities or expansion of existing communities, including lots sized for a mixture of relatively dense residential and commercial development. Residential lots in this classification are three acres or less. Lots may be less than one acre in size if development plans include water and sewer facilities.

[J] i "Unclassified" means land reserved for future consideration. Land must be classified before use.

[K] j Unrestricted. The Denali Borough has no restrictions on land classified unrestricted. However, federal and/or state restrictions may apply.

K. "Home Business" means that accessory use of a dwelling that shall constitute either entirely or partly the livelihood of a person living in the dwelling. No home business shall cause any form of pollution [i.e.; sound, light, smell, electronic, etc.] that is out of place in a residential area. No lot, residence or home business shall require a water or waste water system greater in scope than an ADEC approved class C system. Home businesses conducted outside of allowed structures shall require a conditional use permit.

L. "Dwelling" means a building designed or used as living quarters or private residence for people.

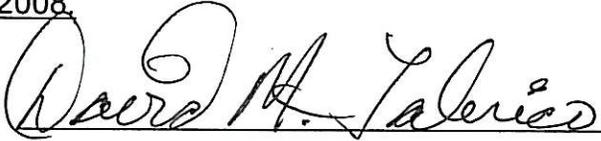
Section 3. Effective Date. This ordinance becomes effective upon adoption by the Denali Borough Assembly and signature of the Mayor.

DATE INTRODUCED: FEBRUARY 13, 2008

FIRST READING: MARCH 12, 2008

PUBLIC HEARING: MARCH 12, 2008

PASSED and APPROVED by the DENALI BOROUGH ASSEMBLY this 9TH day of APRIL,
2008.



Mayor David M. Talerico

ATTEST: 

Gail Pieknik, Borough Clerk



Ayes: PASSED UNANIMOUSLY

Absent: HOCKIN