

POSTPONED INDEFINITELY

DENALI BOROUGH, ALASKA
ORDINANCE NO. 06-01

INTRODUCED BY: MAYOR DAVID TALERICO

AN ORDINANCE OF THE DENALI BOROUGH PROVIDING FOR DISTRICT FORMATION AND
LAND USE REGULATION.

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

Section 2. Purpose. The purpose of this ordinance is to amend DBC Chapter 9.15 titled Zoning a follows:

Chapter 9.15

ZONING

Sections:

- 9.15.010 Borough assembly.
- 9.15.020 State and Federal agencies.
- 9.15.030 District formation.
- 9.15.040 Petition requirements.
- 9.15.050 Public hearing and notification.
- 9.15.060 Assembly action.
- 9.15.070 Pre-existing/non-conforming use.
- 9.15.080 Amendments.
- 9.15.090 Definitions.

9.15.0.010 Borough assembly.

Whereas the assembly of the Denali Borough is charged by the Legislature of the State of Alaska for the provision of planning, platting, and land use regulations the borough assembly finds that it is in the best interests of the residents of the Denali Borough to make land use decisions as much as possible on a local or community basis.

9.15.020 State and Federal agencies.

Unless specifically exempted by law, all state and federal agencies are required to comply with this ordinance.

9.15.030 District formation.

Should any residents desire further land use regulation a majority of record owners of the contiguous parcels within a described area may form a district and petition the assembly for a greater restriction on land use. The minimum number of parcel's for district formation is twelve with no individual parcel being less than 40,000 square feet. Each parcel is entitled to one vote regarding district formation. If there are multiple record owners of a parcel, the majority vote of the record owners will determine the parcel's vote. Failure to sign the petition constitutes a no vote.

9.15.040 Petition requirements.

The petition shall include the following:

1. printed name, signature, adequate legal description of property, SS# or ADL# or DOB
2. a map of the proposed district
3. a detailed description of the proposed land use and restriction's

The Borough Administration will use available resources to assist any petitioners designated representative to enable a petition to meet compliance standards of this ordinance.

9.15.050 Public hearing and notification.

The Denali Borough Planning Commission shall hold at least one public hearing on district formation petitions and their content. Public notice will be posted at least 10 days prior to a hearing in the Denali Borough’s posting places. The planning commission shall provide a written recommendation to the assembly for approval, disapproval, or modifications of the proposed district formation petitions.

9.15.060 Assembly action.

The assembly shall approve, disapprove, or modify any proposed district. The assembly reserves the right to disapprove or modify a proposed district in its legislative capacity notwithstanding the district’s meeting the criteria aforementioned. The assembly shall attempt as far as practical to maintain the intent of the petitioners in approving a district. Assembly action will not repeal, abrogate, or impair any existing restrictions, covenants, or easements. The Borough will not enforce private covenants, easements, or deed restrictions.

9.15.070 Pre-existing/non-conforming use.

Pre-existing/ Non-conforming uses in effect on the date of adoption of a district are permitted to continue operation.

9.15.080 Amendments.

Amendments to a previously formed district shall follow the same procedures as district formation (see all Sections above). A landowner of property contiguous with the boundaries of a district may request an amendment to include his or her property in the district allowing only the current district land use and restrictions to take effect.

9.15.090 Definitions.

Adequate Legal Description: Adequate legal description means a written description of real property by government survey, metes and bounds, or lot number of a recorded plat or by aliquot part in a conveyance document such that the parcel can be identified located and distinguished from other parcels. It shall include, if available, the street address, city, state, and zip code of the real property.

Record Owner: A landowner whose parcel is recorded in the State of Alaska district recorders office.

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

DATE INTRODUCED: January 11, 2006
FIRST READING: February 8, 2006
PUBLIC HEARING: February 8, 2006

PASSED and APPROVED by the DENALI BOROUGH ASSEMBLY this _____th day of _____, 20____.

Mayor

ATTEST: _____
Borough Clerk