

Denali Borough, Alaska
ORDINANCE NO. 14-14

INTRODUCED BY: Mayor Clay Walker

AN ORDINANCE AMENDING THE DENALI BOROUGH CODE OF ORDINANCES,
CHAPTER 9.15 TITLED ZONING

BE IT ENACTED by the Assembly of the Denali Borough, Alaska that:

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

Section 2. Purpose and Intent. The purpose of this ordinance is to amend Chapter 9.15 titled Zoning by amending Section 9.15.020 and adding Section 9.15.025 Height Restrictions as follows:

Chapter 9.15
ZONING

Sections:

- 9.15.010 Borough assembly finding.
9.15.020 [~~Land zoned unrestricted.~~] Zoning
9.15.030 Petition to voters.
9.15.040 Ballot proposition.
9.15.050 Election.
9.15.060 Commencement of zoning change.

9.15.020 [Land zoned unrestricted] Zoning.

All land in the borough [~~is zoned unrestricted unless otherwise provided~~] shall be zoned by ordinance. [There are no prohibitions on land zoned unrestricted.]

9.15.025 Height restrictions.

- A. These height restrictions apply to all lands within the Denali Borough.
B. There is a height restriction of 3 stories not to exceed 40 feet for any building or structure inhabited by humans. All other buildings, structures, towers, etc. shall have a 100-foot height restriction. A building permit must be obtained to exceed these restrictions.
C. A building permit use must be compatible with existing or proposed uses in the area and must not present a health or safety issue. All uses must comply with the laws, regulations, codes, and ordinances of the federal, state, borough, and city governments.
D. The procedure for obtaining a building permit is as follows:
1. An application shall be submitted to the borough land technician on a form supplied by the borough. A fee will be charged for the application as per the borough fee schedule.

2. The land technician will review the application and post a public notice per DBC 1.05. The land technician will then present the application to the planning commission with a report that details whether the application is in compliance with borough code, the comprehensive plan, and associated management plans.

3. The planning commission will consider the compatibility of the proposed development with any management plans for the area and any current and proposed future uses. The planning commission shall take into consideration any impacts on the borough and its residents as a whole. The planning commission will hold at least one public hearing on the application. Based on the findings of fact, the planning commission may approve the issuing of a building permit. A building permit may include stipulations regarding any item contained in the application or any other aspect of the proposed development.

4. An applicant for a building permit aggrieved by the decision of the planning commission may appeal the decision to the Denali Borough Board of Adjustment per DBC 5.20.110.

5. An applicant aggrieved by the action of the Denali Borough Board of Adjustment may appeal to the Superior Court of Alaska per DBC 5.20.130.

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

DATE INTRODUCED: _____

FIRST READING: _____

PUBLIC HEARING: _____

PASSED AND APPROVED by the Denali Borough Assembly this _____ day of _____, 2014.

CLAY WALKER, MAYOR

ATTEST: _____

GAIL PIEKNIK, BOROUGH CLERK

AYES: *BOELSMA, DEBALUW, BURROWS and EVANS*

NOES: *CHATFIELD*

ABSENT: *TALERICO, TATUM and ZIMMERMAN*