

**CITY OF WASILLA
ORDINANCE SERIAL NO. 01-48(SUB)(AM)**

**AN ORDINANCE OF THE CITY OF WASILLA AMENDING WASILLA MUNICIPAL
CODE SECTION 16.24.030 SETBACKS AND HEIGHT TO REDUCE MINIMUM SIDE
AND REAR YARD SETBACKS.**

WHEREAS, WMC 16.24.030 establishes minimum side and rear yard setbacks for property in residential zoning districts; and

WHEREAS, there is a significant number of buildings in residential zoning districts that do not conform to the minimum side or rear yard setbacks in WMC 16.24.030; and

WHEREAS, nonconformity with minimum side and rear yard setbacks may affect the value and marketability of property while having no adverse effect on the public interest; and

WHEREAS, providing an administrative procedure for the reduction of minimum side and rear yard setbacks in appropriate cases will serve the public interest by reducing hardship to the owners of the affected properties and improving the marketability of those properties.

NOW, THEREFORE, BE IT ENACTED:

* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

* **Section 2. Amendment of section.** WMC 16.24.030, Setbacks and height, is amended to read as follows:

E. The city planner may reduce a minimum side or rear yard setback required by subsection A or B of this section for a building on a lot that is in a RR, R1, R2 or RM zoning district where the reduction will cure a violation of the setback requirement, and the reduction conforms to the requirements of this subsection. The setback reduction shall apply only to an identified building. The

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original setback requirement shall continue to apply to all other buildings on the lot.

1. A setback reduction must meet the following standards:

a. The setback reduction does not exceed 50 percent of the original setback requirement, and is the minimum reduction that will cure the setback violation.

b. There shall be no reduction in the minimum setback for a side yard on a corner lot adjacent to a right-of-way.

c. The setback reduction will not impair necessary access for emergency service vehicles.

d. All record owners of property abutting the side or rear yard in which the minimum setback will be reduced consent in writing to the reduction.

e. A document describing the setback reduction, in the form prescribed in paragraph 2 (c) of this subsection, is recorded in the Palmer recording district.

2. The owner of a lot may apply for a setback reduction on a form approved by the city planner. The application shall include, or be accompanied by, the following:

a. The legal description of the lot that is the subject of the application, and the name and mailing address of the applicant, and of all other record owners of the lot.

b. The legal description of each lot abutting the side or rear yard in which the minimum setback will be reduced, and the name and mailing address of each record owner of each such lot, accompanied by proof that all record owners have been identified by either an abstract of title prepared by an attorney, or by a certificate to plat prepared by a title insurance company authorized to do business in Alaska.

c. A consent to the setback reduction in a form approved by the city planner, signed and acknowledged by each record owner of each lot abutting the side or rear yard in which the minimum setback will be reduced. The consent shall be accompanied by an exhibit consisting of an as-built survey of

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the lot in which the minimum setback will be reduced, prepared and stamped by a registered land surveyor, showing the dimensions of the lot, the location and dimensions of the building for which a minimum setback is to be reduced, and the reduced minimum setback dimension between the building and the lot line. The consent and exhibit shall be in a form acceptable for recording in the Palmer recording district.

d. A statement under oath from the record owner of the lot in which the minimum setback will be reduced.

e. Applicant to pay fees as established by the Wasilla Planning Commission per WMC 16.08.060, plus the cost of recording the consent document and exhibit as determined by the city planner.

3. The city planner will give written notice to the applicant and all other record owners of property identified in the application whether the setback reduction is approved. If the setback reduction is approved, the city planner will cause the consent document and exhibit to be recorded in the Palmer recording district. If the city planner does not approve the application, that decision shall be subject to appeal under Section 16.08.100.

* **Section 3. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

DEFEATED by the Wasilla City Council, Alaska, on October 8, 2001.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

WASILLA CITY COUNCIL INFORMATION MEMORANDUM

IM No. 01- 64

SUBJECT: Reduction of Side and Rear Yard Setbacks

REQUESTED BY: Wasilla Planning Commission

PREPARED BY: Planning Staff

DATE: August 31, 2001

FOR AGENDA OF: September 10, 2001

SUMMARY:

Wasilla Municipal Code (WMC) § 16.24.030 establishes minimum side and rear yard setbacks for property in residential zoning districts. Several properties in the residential zoning districts have violated the minimum setback requirements. This ordinance will allow for a lesser setback, only if the adjoining neighboring property owner(s) agree to the lesser setback.

The Wasilla Planning Commission recommends this ordinance be forwarded to the Wasilla City Council for consideration.

FISCAL IMPACT: No Yes, amount requested: \$ Fund:

RECOMMENDED ACTION:

The Wasilla Planning Commission recommends the approval of Ordinance Serial Number 01-48.

MAYOR REVIEW/COMMENT:

Gov Patel Deputy Mayor
Reviewed by: SARAH PALIN, Mayor

Attachments:

Ordinance Serial Number 01-48

**CITY OF WASILLA
ORDINANCE SERIAL NO. 01-48**

**AN ORDINANCE OF THE CITY OF WASILLA AMENDING WASILLA MUNICIPAL
CODE SECTION 16.24.030 SETBACKS AND HEIGHT TO REDUCE MINIMUM SIDE
AND REAR YARD SETBACKS.**

WHEREAS, WMC 16.24.030 establishes minimum side and rear yard setbacks for property in residential zoning districts; and

WHEREAS, there is a significant number of buildings in residential zoning districts that do not conform to the minimum side or rear yard setbacks in WMC 16.24.030; and

WHEREAS, nonconformity with minimum side and rear yard setbacks may affect the value and marketability of property while having no adverse effect on the public interest; and

WHEREAS, providing an administrative procedure for the reduction of minimum side and rear yard setbacks in appropriate cases will serve the public interest by reducing hardship to the owners of the affected properties and improving the marketability of those properties.

NOW, THEREFORE, BE IT ENACTED:

* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

* **Section 2. Amendment of section.** WMC 16.24.030, Setbacks and height, is amended to read as follows:

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

E. The city planner may reduce a minimum side or rear yard setback required by subsection A or B of this section for a building on a lot that is in a RR, R1, R2 or RM zoning district where the reduction will cure a violation of the setback requirement, and the reduction conforms to the requirements of this subsection. The setback reduction shall apply only to an identified building. The original setback requirement shall continue to apply to all other buildings on the lot.

1. A setback reduction must meet the following standards:

a. The setback reduction does not exceed 50% of the original setback requirement, and is the minimum reduction that will cure the setback violation.

b. There shall be no reduction in the minimum setback for a side yard on a corner lot adjacent to a right-of-way.

c. The setback reduction will not impair necessary access for emergency service vehicles.

d. All record owners of property abutting the side or rear yard in which the minimum setback will be reduced consent in writing to the reduction.

e. A document describing the setback reduction, in the form prescribed in paragraph 2 (b) of this subsection, is recorded in the Palmer recording district.

2. The owner of a lot may apply for a setback reduction on a form approved by the city planner. The application shall include, or be accompanied by, the following:

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

a. The legal description of the lot that is the subject of the application, and the name and mailing address of the applicant, and of all other record owners of the lot.

b. The legal description of each lot abutting the side or rear yard in which the minimum setback will be reduced, and the name and mailing address of each record owner of each such lot, accompanied by proof that all record owners have been identified by either an abstract of title prepared by an attorney, or by a certificate to plat prepared by a title insurance company authorized to do business in Alaska.

c. A consent to the setback reduction in a form approved by the city planner, signed and acknowledged by each record owner of each lot abutting the side or rear yard in which the minimum setback will be reduced. The consent shall be accompanied by an exhibit consisting of an as-built survey of the lot in which the minimum setback will be reduced, prepared and stamped by a registered land surveyor, showing the dimensions of the lot, the location and dimensions of the building for which a minimum setback is to be reduced, and the reduced minimum setback dimension between the building and the lot line. The consent and exhibit shall be in a form acceptable for recording in the Palmer recording district.

d. Applicant to pay the cost of recording the consent document and exhibit, as determined by the city planner.

3. The city planner will give written notice to the applicant and all other record owners of property identified in the application whether the setback reduction is approved. If the setback reduction is approved, the city planner will cause the consent document and exhibit to be recorded in the Palmer recording district. If the city planner does not approve the application, that decision shall be subject to appeal under Section 16.08.100.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

* **Section 3. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council, Alaska, on , 2001.

SARAH PALIN, Mayor

ATTEST:

KRISTIE L. VANGORDER, CMC
City Clerk

[SEAL]

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WASILLA CITY COUNCIL INFORMATION MEMORANDUM

IM No. 01- 68

SUBJECT: Reduction of Side and Rear Yard Setbacks

REQUESTED BY: Wasilla Planning Commission

PREPARED BY: Planning Staff

DATE: September 14, 2001

FOR AGENDA OF: September 24, 2001

SUMMARY:

Wasilla Municipal Code (WMC) § 16.24.030 establishes minimum side and rear yard setbacks for property in residential zoning districts. Several properties in the residential zoning districts have violated the minimum setback requirements. This ordinance will allow for a lesser setback, only if the adjoining neighboring property owner(s) agree to the lesser setback.

A common complaint of developers (land owners/contractors/design professionals) is that they are unaware that we have land use and set back requirements. Some property owners decide not to pursue a land use permit. Others hear that we don't have building codes, so they misconstrue this to mean that we don't have land use and setback requirements. Some developers have also accidentally built their property too close to the property lines or the property corner was improperly located.

Setbacks in Wasilla have existed since July of 1973. The Matanuska-Susitna Borough (MSB) and the City of Wasilla has periodically modified these requirements over the last few decades. On August 8, 1983, the City of Wasilla officially adopted its first land use ordinance, which also included setback requirements.

The MSB has been advertising for over thirteen (13) years inside the front cover of our local phone directory which resides in almost every household that permits may be required. It further informs the public this includes development within Wasilla. The MSB also frequently publishes the need for permits in the Frontiersman. A copy of the MSB public notice that is in our local phone directory is attached.

Should an adjacent property owner not consent for this reduction it could mean that the City of Wasilla may have the obligation to pursue code enforcement actions under requirements of section 16.08.090 of Wasilla Municipal Code.

The Wasilla Planning Commission recommends this ordinance be forwarded to the Wasilla City Council for consideration.

The proposed ordinance would have a sunset clause that construction must have been completed no later than September 1, 2001.


FISCAL IMPACT: No Yes, amount requested: \$ _____ Fund: _____

RECOMMENDED ACTION:

The Wasilla Planning Commission recommends the approval of Ordinance Serial Number 01-48. The city administration and city attorney recommends should Council be in favor of reductions, there should be a sunset date included in the proposed ordinance. This is why the ordinance is replaced with Ordinance Serial Number 01-48 (SUB).

MAYOR REVIEW/COMMENT:

on the table for discussion



Reviewed by: SARAH PALIN, Mayor

Attachments:

Ordinance Serial Number 01-48(SUB)
Page 43 MTA Phone Directory

Matanuska-Susitna

your Borough offices and regulations



CODE COMPLIANCE DIVISION

Planning and Land Use Department

350 East Dahlia Avenue, Palmer, Alaska 99645-6488

Attention: Property Owners, Builders, Businessmen, Developers, Real Estate Professionals, and Recreation Users
Zoning, Land Use, and Building Regulations DO Exist in the Matanuska-Susitna Borough.

Be advised that permits may be required.

All development of land in the Matanuska-Susitna Borough is subject to MSB T7.01 Acknowledgment of Existing Land Use Regulations. Developers and land owners are responsible for knowing the rules. If you plan to start, or are now conducting, any of the following land use activities, those activities must comply with Borough regulations.

Land Use
Racetracks
Tall Structures
Subdividing Land
Special Events
Mobile Home Parks
Adult-Oriented Businesses
Public Display of Fireworks
Storing Junk and Trash
Establishments that sell Liquor

Developing Land in Flood Hazard Areas
Community Correctional Residential Centers
Use of Lakes, Creeks and other Waterbodies

Auto Salvage Yards, Junkyards, and Refuse Areas
Development within any Special Land Use District

Development in the cities of Houston, Palmer, and Wasilla
Development within designated Residential Land Use Districts

Development within Designated Single-Family Residential Land use districts

Building structures near Lot Lines, Public Easements, Right-of-Ways, or near a Shoreline and,

Use or occupancy of Borough-owned land, including but not limited to: clearing right-of-ways, cutting trees, mining or prospecting, crossing with motorized vehicles, camping, shooting, storing materials or equipment.

Borough staff is available to assist you in determining which Borough regulations apply to your activity and help you comply with those laws. In order to save time and money, and prevent problems with your neighbors or the Borough, please contact:

Matanuska-Susitna Borough
Code Compliance Division
350 East Dahlia Avenue
Palmer, Alaska 99645-6488

Phone: (907) 745-9853 Fax: (907) 745-9876, or
email us at ccb@msb.co.mat-su.ak.us

You can visit the borough website at www.co.mat-su.ak.us