

**CITY OF WASILLA
ORDINANCE SERIAL NO. 02-64**

**AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 16.24.030
REDUCING SETBACK REQUIREMENTS.**

WHEREAS, as a housekeeping measure the City Planning Office desires to clarify Section 16.24.030 of the Land Development Code in order to assist in interpretation; and

WHEREAS, a reduction of side yard lot line setbacks in the RM—Multi-Family Residential District will alleviate many existing setback violations. The RM—Multi-Family Residential District comprises one of the smallest zoned districts with typically small lots in the City; and

WHEREAS, the addition of Section B allows some of the earlier platted subdivisions to adhere to less than twenty-five foot rear setbacks as was allowed by their covenants, codes and restrictions or plat notes prior to 1986 which will alleviate existing violations for these properties.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the City of Wasilla:

* **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.]

A. Front and rear yard setbacks are twenty-five (25) feet from the lot line. In the commercial district the city planner may modify the front and rear setbacks by averaging the existing building line and applying this average setback to the building.

B. For subdivisions recorded with plat notes or recorded codes, covenants, and restrictions (CCR's) prior to 1986 allowing a lesser setback than twenty-five (25) feet, the rear lot line setback may be reduced to a minimum of ten (10) feet, but no less than the requirements specified in the applicable subdivision CCR's and/or plat notes.

C [B]. In all residential districts, except RM—Residential Multi-Family District (RR, R1, and R2 [AND RM]) the side yard setback is ten (10) feet. [THE COMMERCIAL, INDUSTRIAL AND PUBLIC DISTRICTS THE SET BACK IS TEN FEET OR NO SIDE YARD SETBACKS, AS LONG AS ALL REQUIREMENTS OF THE STATE FIRE CODE OR OTHER APPLICABLE REGULATIONS ARE MET.]

D. In RM-Residential Multi-Family Districts the side yard setback is five (5) feet.

E. In Commercial, Industrial and Public Districts the setback is ten feet or no side yard setbacks, as long as all requirements of the State of Alaska Fire and Life Safety Regulations (13 AAC 50-13 AAC 55) or other applicable regulations are met. Applicable regulations include residential structures of three dwelling units or less be in compliance with nationally recognized building code setback requirements and certified to meet those requirements by a certified Combination Dwelling Inspector, Building Inspector, Plans Examiner, or Licensed Architect.

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

F[C]. Building height is limited to thirty-five (35) feet above the average finished grade of the lot. Building height in the commercial and industrial districts may exceed thirty-five (35) under the provisions of a use permit approved by the city planner.

G[D]. Additional Standards.

1. Unattached residential dwelling units on same lot must be separated by a minimum of twenty (20) [TWENTY-FIVE (25)] feet.
2. The city planner shall designate the front yard for corner lots.
3. Incidental architectural features such as window sills, cornices and eaves may project not more than three feet into any required setback. This provision does not apply to cantilevered floors or other similar building extensions.
4. Industrial uses or buildings must be setback a minimum one hundred (100) feet from any residential zoned lot line. Commercial buildings must be setback thirty (30) feet from any R-1—Single Family Residential [RESIDENTIAL] district zoned lot line. Industrial or commercial accessory uses may be located within this setback, provided that all other setback requirements are met.
5. No building or footing may be located closer than seventy-five (75) feet from the high-water mark of a water course or body of water; provided, docks, piers, marinas and boathouses may be located closer than seventy-five (75) feet if they are located primarily over water, not used for habitation; and do not contain sanitary facilities. The city may require dedication of a maintenance easement of up to fifteen (15) feet from the high-water mark or bank of a body of water, whichever produces the greatest access. This section does not apply to structures where construction was completed prior to January 1, 1987, if the present owners of the property had no personal

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knowledge of any violation of the requirements of this section prior to substantial completion of the structures. Furthermore, this section does not apply if a land use permit was issued prior to October 28, 1997. The city planner shall, upon application by a property owner, determine whether a property qualifies for an exception under this subsection. (Prior code § 16.43.704)

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

ADOPTED by the Wasilla City Council on October 28, 2002.

Dianne M. Keller
DIANNE M. KELLER, Mayor

ATTEST:

Kristie Smithers
KRISTIE SMITHERS, CMC
City Clerk

[SEAL]


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



CITY OF WASILLA

**290 E. HERNING AVE.
WASILLA, AK 99654-7091
PHONE: (907) 373-9090
FAX: (907) 373-9092**

TO: Wasilla City Council

THRU Mayor Sarah Palin 

FROM: Tim Krug, City Planner
Jill Carricaburu, Planning Clerk

DATE: September 25, 2002

SUBJECT: Reduction of Setback Requirements

SUMMARY:

For clarification and housekeeping purposes the Planning Office seeks to make amendments to the Land Development Code to enhance interpretation. The proposed changes also reduce side yard setback requirements for subdivisions within the RM—Multi-Family Residential District and allow a reduction of the 25' rear lot line setback for earlier platted subdivisions.

Attached is a copy of proposed Ordinance Serial Number 02-64 allowing clarification of setback requirements, reducing requirements for subdivisions specifying a 10' rear lot line setback recorded prior to 1986, and allowing 5' side yard setbacks for properties zoned RM-Residential Multi-Family. This Ordinance will reduce the number of properties in violation of setback standards within the City.

The Wasilla Planning Commission, at their meeting of September 24, 2002, moved to approve the Ordinance and forward it on to City Council for approval.

FISCAL IMPACT: N/A
Account No.: N/A

RECOMMENDED ACTION:

Approval of Ordinance Serial Number 02-64.

ATTACHMENTS:

PCM 02-09
Draft Ordinance 02-64



	<i>Approved</i>	<i>Denied</i>
Action taken	X	
Other:		
Date of Commission Action:	9/24/02	
Verified by:	jsc	

WASILLA CITY PLANNING COMMISSION

PCM No. 02-09

TITLE: Reduction of Setback Requirements

MEETING DATE: September 24, 2002

**PREPARED BY: Tim Krug, City Planner
Jill Carricaburu, Planning Clerk**

DATE PREPARED: 9/16/02

SUMMARY STATEMENT:

For clarification and housekeeping purposes the Planning Office seeks to make amendments to the Land Development Code to enhance interpretation. The proposed changes also reduce side yard setback requirements for subdivisions within the RM—Multi-Family Residential District and allow a reduction of the 25' rear lot line setback for earlier platted subdivisions.

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STAFF RECOMMENDED ACTION:

Move to support the recommended amendments to WMC 16.24.030 and forward Ordinance 02-64 on to the Wasilla City Council for approval.

ATTACHMENTS:

Ordinance Serial No. 02-64