

NOTE: All page numbers reference the hard copy of Title 21 & not the CD copy.

Submitted by Bobbi Wells of Chugiak, Alaska

## **Title 21 Draft #2, Chapter 11,12, 13 review**

### **Chapter 11**

Pg.ii, L40-43 states a non-conformity will be established only by the owner. What if the owner is the Municipality?

-Pg iv L 4-5 states that **ONLY** sections .10,.20, & .50 apply to non-conforming single & two-family structures. However, section .10 (pg.ii at L 13-18 states..."a non-conformity created by subsequent rezoning may continue **ONLY** in accordance with the terms of this chapter (chapter 11)". What I'm thinking of is the area-wide rezoning after our Comp Plan is approved, specifically those areas where we designate a higher-density, thereby creating alot on non-conforming single and two family structures. Since that part in .10 opens up single & two-family structures to all of the chapter 11, I'm wondering what Staff thinks they are exempting us from with all the wording (on pg.iv) under **Single family & Two family Structures?**

-Pg.ii, L 40-41 and also Pg.x, L I2-41: I object to having to pay for a application for a **non-conforming use** (at \$175.00), getting a recent as-built by a surveyor (\$750.00) plus paying for having it publicly recorded (\$43.00) when it wouldn't be a question unless I was selling my home or charged with a violation by the MOA. I am non-conforming because or the areawide rezone in Birchwood in 1985 (from Unrestricted to R-6) not because of anything I did. There are a lot of property owners in the same situation, some are senior citizens trying to live on a limited incomes.

Pg.viii, L 14-25: Since we use the word "structures" throughout this entire Chapter, why do we now switch to the word "**building**" if it means the same thing? (six places)

Also, can you define a "**maximum**" setback? I thought all setbacks listed in Title 21 were minimum width setbacks.

Let's not make the **Signs** (pg.xiii) less restrictive or lengthen the time they have to conform. I have seen very few that aren't garish and intrusive. Businesses write these off so owners are compensated for the cost.

## **Chapter 12, Enforcement**

-Pg.504, L16: "**Payment of Costs by the Complainant**". Draft #1 footnote wanted comment from the MOA attorney and there were many comments that this be deleted. Did the MOA attorney find it reasonable that the administrative hearing officer, rather than the superior court, could require that the injured party (the property owner charged in bad faith) be awarded his actual costs of defense?

## **Chapter 13, Rules of Construction & Definitions**

-The new format of Title 21 is very difficult to use & the rationale offered by the MOA is that you can turn to a specific section & find a specific answer. (Based on that statement, I want all the definitions I need to know quickly put in the "Definitions" section, just like the current Code.) An example would be the definitions found at pages 200-201....also place them under the definition section, just like current Code does.

-Pg.508, L 25-29 **Amortization** definition. What else is amortized besides signs in Title 21? If no amortization process exists for anything else, drop the words, "characteristic of use, structure, lot". I base this request on my apprehension on what I read in the Anchorage Bowl 2020 Comp Plan, Chapter 5, Plan Implementation, at page 98, the section titled "Land Use Enforcement Fees", which states; "This strategy transfers the cost of enforcement of...non-conforming rights. The property owners would pay a fee for the annual inspection to verify continued compliance...and also have the bonus of reminding property owners of the special rules regarding their property." (Debbie, this is just above the other implementation that states a complete rewrite of Title 21...using the best land use management techniques from around the USA. I have every reason to believe that leaving the current wording in AMORTIZATION will lead to this eventually. Don't pave the way for this.)

Pg.508, after L 36: Please re-insert "**Apartment or Apartment Building**" since Draft #1 said in the footnote it needed to be defined.

Pg.509, after L 15: If Title 21 has set up a particular procedure for handling “**Areawide Zoning Map Amendment**”, please re-insert this.

Pg.514, after L 2: Please re-insert “**Density, measurement of**” and the definition. Most people don’t comprehend how this is calculated.

Pg.519, L 23-26: “**Health Authority Certificate**”. What is the certificate called that the State DEC issues regarding on-site systems? Will this definition have to be changed if the MOA takes over ALL on-site system application, inspection, and approval within the MOA?

Pg.520, L 16-18: “**Information, Piece of**”. Pray tell, why would this be included in any part of Title 21??!!

Pg.522, L 5-8 “**Lot Line, Front**”

In the rural areas of Chugiak where BLM lots were the original means of acquisition, later clouded by Native Land Selection, the property owners build the roads (where I live there wasn’t a road until it was extended to my lot in 1980): few are dedicated, some have no easement but a road exists, some have a road but it’s outside the easement, etc. How do you intend to apply this term in these situations? My As-Built says my lot lines are my property lines and are shown and measured in my Lot of Record.

Pg.527, L 19-20: “**Property Line**”. Is this the same definition used by those in the real estate industry, as used interchangeably with Lot lines?

Pg.528, after L 21: “**Residential Cluster Development**”. If the definition hasn’t changed, please re-insert this. Terms like this are often used when discussing land use and the average citizen needs to be informed what this term is, and the place for it is here in definitions.

NEW; Please define “**Residential, rural**” as to the proper zone districts and include it here.

NEW: Please define “**Residential, urban**” as to the proper zone districts and include it here.

Pg.535, L 10-14: “**Survey, As-Built**”. Expand the definition to include lot or property lines.

## **FURTHER SUGGESTIONS**

Please review definitions in our current Code found at 21.35.020. We have all street classifications listed there as well as dwelling types, even though they may be defined and used throughout the Code elsewhere. We understand that developers and the MOA departments know all these terms, but the average person needs one place to go in Title 21 to look up meaning of words he sees in ordinances or memorandums to make informed comment or testimony. “Definitions” is the logical place to find them.