

Introduced By: Mayor Cleworth
Date: January 24, 2011

RESOLUTION NO. 4454

**A RESOLUTION EXPRESSING CONCERNS ABOUT FNSB
ORDINANCE 2010-56 AND AMENDMENTS TO TITLE 18 OF THE
BOROUGH CODE OF ORDINANCES**

WHEREAS, the Borough Assembly is currently considering two ordinances that propose amendments to Title 18 of the Fairbanks North Star Borough Code of Ordinances relating to nonconforming (grandfathered) buildings, structures, uses and lots; and

WHEREAS, under FNSB Code Section 18.52.030, the Fairbanks City Council sits as the Board of Adjustment for decisions regarding land within the City of Fairbanks and hears and decides appeals of planning commission determinations on requests for conditional uses and variances, and of decisions or determinations made by the department of community planning in the enforcement of Title 18; and

WHEREAS, Ordinance No. 2010-56 provides that an appeal of a nonconforming status determination would be made to the planning commission and that the decision of the planning commission could be appealed to the superior court; and

WHEREAS, the council believes that such appeals should be made to the Boards of Adjustment, whether that be the Borough Assembly, the North Pole City Council, or this council; and

WHEREAS, Ordinance No. 2010-56 would limit to twelve months the grace period wherein an otherwise legal non-conforming use would be considered abandoned, with extensions for extenuating circumstances left to the discretion of the planning director; and

WHEREAS, the council believes that the twelve month period is too short, especially in the case of a serious incident such as fire damage to a building; and

WHEREAS, Ordinance No. 2010-56 would only allow enlargement or alteration to a grandfathered structure if the owner received a change permit, a requirement the council believes is overly restrictive.

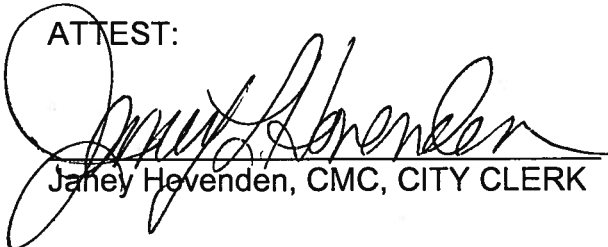
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, that the council has serious concerns about parts of Ordinance 2010-56 and would urge the Borough Assembly to take these concerns into consideration.

PASSED and APPROVED this 24th Day of January, 2011




JERRY CLEWORTH, MAYOR

AYES: Stiver, Matherly, Gatewood, Bratcher, Eberhart, Roberts
NAYS: None
ABSENT:
APPROVED: January 24, 2011

ATTEST:


Janey Hevenden, CMC, CITY CLERK

APPROVED AS TO FORM:


Paul J. Ewers, CITY ATTORNEY