

ORDINANCE NO. 6120, AS AMENDED

**AN ORDINANCE TO COMBINE THE LANDSCAPE REVIEW AND APPEALS
COMMISSION WITH THE BUILDING CODE REVIEW AND APPEALS
COMMISSION**

WHEREAS, in its review of boards and commissions, the City Council recommended that the functions of the Landscape Review and Appeals Commission be consolidated with the functions of the Building Code Review and Appeal Commission under FGC Chapter 2, Article III, Division 13, with corresponding amendments of FGC Chapter 10, Article XV.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. That Fairbanks General Code (FGC) Chapter 2, Article III, Division 8, Landscape Review and Appeals Commission, is hereby repealed.

SECTION 2. That FGC Chapter 2, Article III, Division 13. Building Code Review and Appeal Commission is hereby amended as follows [new text in **bold/underline** font; deleted text in ~~strikethrough~~ font]:

**DIVISION 13. - BUILDING CODE AND LANDSCAPE REVIEW AND APPEALS
COMMISSION**

Sec. 2-481. Created; composition; appointment of members.

(a) ~~The~~There is created a building code **and landscape** review and appeals commission which shall consist of nine regular members and two alternate members, who shall only serve as regular members in the absence of regular members. These members shall be appointed by the Mayor, subject to confirmation by the city council. Each member of the commission must reside or work; **within the city** and have experience with the design or construction of structures **or with landscaping**~~within the city~~. The building official shall be an ex officio member of the commission, who may provide information and recommendations but may not vote on any matter.

(b) The composition of the commission must be as follows:

- i. Two structural engineers;
- ii. Two architects;
- iii. One electrical engineer;
- iv. One mechanical engineer;
- v. **One architect or landscape architect;**
- vi. **Two**~~Three~~ general construction contractors;
- vii. Two alternates with experience in construction or design.

(c) The chairman of the commission shall be selected from and by its regular members ~~subject to approval by the city council.~~

(d) A secretary, who need not be a commission member, shall be selected by its regular members.

Sec. 2-482. Term of members; vacancies; removal.

(a) The term of ~~each~~ **each** commission member shall be ~~for five years until December 31 of the fifth year from appointment. The first members of the commission shall be appointed for terms that end on December 31 as follows: three members for terms that end after the third year after appointment, three members for terms that end after the fourth year of four years and three members for terms that end after the fifth year. The alternate members shall be appointed for a term that ends on December 31 of the fifth year after appointment.~~ **for five years** until December 31 of the fifth year from appointment. The first members of the commission shall be appointed for terms that end on December 31 as follows: three members for terms that end after the third year after appointment, three members for terms that end after the fourth year of four years and three members for terms that end after the fifth year. The alternate members shall be appointed for a term that ends on December 31 of the fifth year after appointment.

(b) In the event of vacancies, the mayor, subject to confirmation by the city council, may make an appointment, ~~at any time,~~ to **complete** fill out the unexpired term of the absent member. Members may be removed by the city council at any time.

Sec. 2-483. Meetings; quorum; rules of procedure; records.

(a) The commission shall establish rules of procedure. Meetings of the commission shall be open to the public after notice. The chairman ~~or a majority of the regular members may call a special meeting, in his discretion, is authorized to call special meetings, or a majority of the regular members may require a special meeting to be called.~~ **or a majority of the regular members may call a special meeting,** in his discretion, is authorized to call special meetings, or a majority of the regular members may require a special meeting to be called.

(b) A majority (five) of the commission shall constitute a quorum for the transaction of business, and a majority vote of those present and voting shall be necessary to carry any question. Members who perceive a conflict of interest on an item of business shall declare the potential conflict and shall refrain from voting unless a majority of other members vote that the perceived conflict is not adequate grounds for abstention.

(c) Permanent records, or minutes, ~~which shall record the vote of every member on each question. Every decision or finding,~~ **which shall** record the vote of every member on each question. ~~Every decision or finding,~~ shall promptly be filed in the office of the city clerk and shall be open to inspection by any person.

Sec. 2-484. Duties and powers.

(a) The commission shall have the power to:

- (1) Review the building, electrical, plumbing, fire prevention codes, residential, mechanical, fuel gas and abatement codes and related provisions of the Fairbanks Code of Ordinances and make recommendations regarding building construction and housing codes adopted by the city.
- (2) Investigate and review all operations of the building department of the city, to submit recommendations on policy to the city council, and to make recommendations on administration to the mayor.
- (3) Hear and determine in the first instance all appeals from final staff decisions relating to building construction within the city, including the Uniform Code for the

Abatement of Dangerous Buildings; any decision of the board may be appealed to the superior court in accordance with the appellate rules of the state court system.

- (4) **Within ten working days of submission, review any disputes arising from the building official's application of the prescriptive design method (FGC Sec. 10-238(c)(1)), an applicant's election to use the professional design method (FGC Sec. 10-438(c)(2)), or an applicant's election to use the alternative compliance method (FGC Sec. 10-438(c)(3)). An applicant's appeal to the commission is deemed granted if the commission does not deny the appeal within ten city working days of its receipt from the building official. Applicants may appeal an adverse decision of the commission to the city council at the next regular meeting of the city council that occurs at least seven calendar days after a denial by the commission.**

(b) The commission shall also exercise all powers and perform all duties required of it under the building and housing codes adopted by the city.

SECTION 3. That FGC Chapter 10, Article XV, Fairbanks Landscape Ordinance is hereby amended as follows [new text in **bold/underline** font; deleted text in ~~strikethrough~~ font]:

Sec. 10-438. Landscape design standards.

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(c) *Technical design standards.* One of the following three design methods shall be used to comply with the Fairbanks Landscape Ordinance.

- (1) *Prescriptive design method.* Street parking lot screening, perimeter parking lot screening, and trash area screening shall be provided with landscaping as follows:
 - a. Street parking lot screening may either be continuous, discontinuous or a combination of both. Street parking lot screening shall be provided contiguous with each common street frontage which abuts a lot. Screening shall be provided based on the planting of one deciduous tree or evergreen tree per each 25 lineal feet of street frontage or fraction thereof. In addition one approved shrub shall be planted for each required tree. Trees and shrubs may be planted anywhere along the street frontage provided: a) the total number of required trees and shrubs are planted, b) each required tree is provided with a minimum planting bed of 25 square feet with no dimension less than five feet, c) a planting bed consists of at least one tree, and d) the distance between planting beds and open street areas may not exceed 90 lineal feet.
 - b. Perimeter parking lot screening may be continuous or discontinuous as required by this section. Perimeter parking lot screening shall be provided on the basis of planting one deciduous tree or evergreen tree for each 35 lineal feet of interior lot frontage or fraction thereof. In addition one approved shrub shall be planted for each required tree. Trees and shrubs may be planted anywhere along the interior lot line frontage provided: a) the total number of required trees and shrubs are planted, b) each required tree is provided with a minimum planting bed of 25 square feet with no dimension less than five feet, c) a planting bed consists of at least one tree, and d) the distance between planting beds and open interior lot areas may not exceed 120 lineal feet.

- c. Buffer landscape. When required shall provide year around screening and shall consist of the following: A continuous planting bed shall be provided. The planting bed width shall be an average of ten feet with a minimum width of not less than eight feet. Two rows of trees shall be provided and shall be planted at average intervals no greater than ten feet on center. The trees shall have a minimum diameter at planting of one and one-half inches in diameter and shall be a minimum of eight feet in height. No more than 50 percent of the trees shall be deciduous. An approved man-made decorative fence may substitute for one row of trees and the planting bed maybe reduced to a minimum width of eight feet.
- (2) *Professional design method.* A landscape plan, prepared and sealed by a licensed landscape architect registered in the State of Alaska, which is equivalent to the prescriptive design method described in the landscape manual, shall be considered as meeting the intent of the landscape ordinance. All landscape plans which utilize the professional design method shall be reviewed by the building department with any appeals going to the building code and Fairbanks Landscape Review and Appeals Commission.
 - (3) *Alternative compliance method.* Alternative plans will be considered because of project conditions related to the site, where compliance is impractical, or where compliance with the city's objectives can be achieved by another method. Such landscape plans shall be reviewed by the building department with any appeals to the building code and landscape review and appeals commission.

Sec. 10-439. Plan submittal and inspection requirements.

A preliminary landscape plan shall be submitted to the building department in conjunction with the required building permit application and related construction documents. A final and complete landscape plan shall be submitted to the building department for review and approval before the final inspection is conducted. A certificate of occupancy shall not be issued until all landscaping has been completed by the contractor or developer and inspected and approved by the building department or building code and landscape review and appeals commission. In the event landscaping is not completed due to planting season restrictions, a temporary certificate may be issued but shall expire within one year of such certificate. If a temporary certificate of occupancy is issued, the owner has the option to provide a performance bond, consent to the filing of a lien or other suitable guaranty shall be posted with the City of Fairbanks until such time as the landscaping is completed and approved. The amount of the bond, lien or guaranty shall be equivalent to one percent of the total cost of the construction project up to one million dollars or shall be equal to one-half of one percent of the total construction cost if the total construction costs exceed \$1,000,000.00.

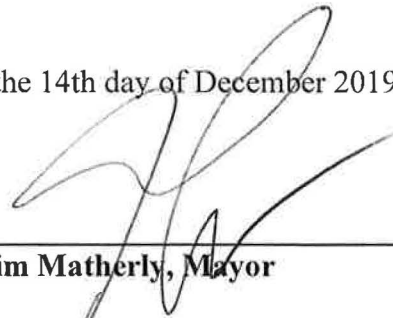
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Sec. 10-441. Enforcement, appeals and penalties.

(a+) The City of Fairbanks Building Department, in conjunction with the building code and landscape review and appeals commission, shall enforce the requirements of this section and shall be responsible for performing the necessary inspections to determine if the required landscaping has been installed according to the approved landscape design.

(b2) Any applicant denied a building permit or issued a stop work order due to noncompliance of the landscape ordinance or who wishes to appeal a decision of the building official may appeal to the **building code and** landscape review and appeals commission. The appeal shall be made in writing and submitted within one week upon rejection from the building official. If an applicant, owner, or developer wishes to appeal a decision of the **building code and** landscape review and appeals commission, they shall appeal to the city council acting as a board of adjustment. The appeal shall be in writing and fully state the reason or reasons for the appeal. The appeal shall be accompanied by a copy of the landscape design submitted to the **building code and** landscape review and appeals commission.

SECTION 4. That this ordinance becomes effective the 14th day of December 2019.




Jim Matherly, Mayor


AYES: Therrien, Rogers, Pruhs, Gibson, Kun, Cleworth
NAYS: None
ABSENT: None
ADOPTED: December 9, 2019

ATTEST:

APPROVED AS TO FORM:



D. Danyelle Snider, CMC, City Clerk



Paul J. Ewers, City Attorney