

**NORTH SLOPE BOROUGH
ORDINANCE SERIAL NO. 2024-09
(For Introduction Only)**

**AN ORDINANCE AMENDING TITLE 19 OF THE
NORTH SLOPE BOROUGH MUNICIPAL CODE**

WHEREAS, under the direction of the Office of the Mayor, the Department of Planning and Community Services (Planning) and the Department of Law (Law) have evaluated areas in which the Borough can expedite and improve its permitting and rezoning processes; and

WHEREAS, the elimination of the parking space requirement codified in North Slope Borough Municipal Code (NSBMC) §19.40.100(B) will streamline the permit review process; and

WHEREAS, in accordance with NSBMC § 19.30.050(A), the Planning Commission must review and make recommendations to the Assembly on amendments to the text of Title 19; and

WHEREAS, following discussion and public hearing, the Planning Commission adopted Resolution 2024-04 on March 28, 2024 recommending the Assembly approve of the amendments, a copy of which is attached as Exhibit B; and

WHEREAS, in accordance with North Slope Borough Municipal Code (NSBMC) §19.30.060(D), the Utqiagvik Zoning Commission must review and make recommendations to the Assembly on amendments to the text of Title 19 which govern development within Utqiagvik; and

WHEREAS, following discussion and public hearing, the Utqiagvik Zoning Commission adopted Resolution 2024-01 on April 11, 2024, recommending the Assembly approve of the amendments, a copy of which is attached as Exhibit C; and

WHEREAS, NSBMC § 19.30.010(A), requires the Assembly to review and act upon all applications for rezoning and amendments to Title 19; and

WHEREAS, in accordance with NSBMC § 19.60.090, amendments to the text of Title 19 shall be enacted by ordinance by the Assembly.

NOW, THEREFORE, BE IT ENACTED:

SECTION 1. Classification. This ordinance is of a general and permanent nature and shall become part of the Borough Code.

SECTION 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons and circumstances shall not be affected thereby.

SECTION 3. Effectiveness. This code ordinance shall become effective upon adoption.

SECTION 4. Amendment of Sections in Title 19. NSBMC Title 19 is hereby amended with new language indicated by underling and **bolding**, and deleted language by brackets and strike through [brackets] as annexed in Exhibit A hereto.

INTRODUCED: _____
ADOPTED: _____

Crawford A. Patkotak, President
Date: _____

ATTEST:

Sheila Burke, Borough Clerk
Date: _____

Josiah A. Patkotak., Mayor
Date: _____

1 **§ 19.40.100 - DIMENSIONAL STANDARDS.**

2 The purpose of these standards is to provide adequate parking, privacy, separation
3 between traffic and buildings and to ensure fire access and safety. These standards
4 apply only to the Mixed Use (MU), Suburban Residential (S), Industrial (I) and
5 Reserve (R) Districts. No dimensional standards are applied to the other zoning
6 districts except those in an approved Master Plan or as a condition of approval. The
7 Zoning Commission may modify through the conditional use process in Chapter 19.60
8 these dimensional standards to individual properties. Where more stringent State
9 Building Code or related standards require greater setbacks, those standards take
10 precedence over the standards of this title.

11 (A) Table of density applicable to individual districts.

DENSITY (Square Feet)				
	District S	District MU	District I	District R
Lot area for principal structure	4,500	3,000	N/A	N/A
Maximum residential density (dwelling units per square feet of lot area)	1/4,500	1/2,000	N/A	N/A

12 (B) [Table of off street parking spaces applicable to individual districts.] Parking
13 spaces are required [to be 400 square feet per dwelling unit. The required
14 parking area must be] on the same lot as the use or principal structure or on an
15 adjacent lot under the same ownership. The space(s) must be well-drained and
16 have a firm surface suitable for vehicle parking.

Spaces Per Dwelling				
	District S	District MU	District I	District R
Number	1*	1*	1*	N/A*
*Nonresidential uses must have one additional parking space per 400 square feet of gross floor area; except warehouse and storage buildings where the ratio is one space per 1,000 square feet of gross floor area.				

17 (C) Setback provisions applicable to individual districts. The setbacks below may be
18 reduced up to 10% by the Administrator after an investigation and finding that
19

1 the resulting lesser setback would meet the purpose of the standards. However,
2 where other setback standards are applicable, the most restrictive setback
3 standards apply. The following are the building setback and additional
4 standards:

5 (1) Side and rear yard setbacks are ten feet. The Administrator may approve
6 setbacks for residential buildings less than ten feet but more than five feet from
7 the property line, if one hour construction is used for the wall facing the
8 property line and all openings on the wall are protected. Platted alleyways in
9 Browerville are exempt from the rear yard setbacks.

10 (2) Front yard setback is five feet [~~, provided that 400 square feet of parking
11 space per dwelling unit is provided inside all setbacks~~].

12 (3) Additional standards:

13 (a) Residential buildings on same lot must be separated by ten feet. The
14 Administrator may approve setbacks for residential buildings on the same lot of
15 less than ten feet but more than five from each other, if at least one of the
16 buildings has the wall facing the other building constructed to one hour
17 standards and all openings on the wall are protected.

18 (b) Height of structures is limited to 30 feet in height above the average finished
19 grade of the lot.

20 (c) Incidental architectural features such as window sills, cornices and eaves
21 may project not more than two feet into any required setback.

22 (d) For industrial uses, a minimum 50-foot setback is required from any
23 residential lot.

24 (e) In the case of mixed uses, the total requirement for off-street parking spaces
25 shall be the sum of the requirements for the various uses computed separately.

26 (f) In calculating the number of dwelling units allowed on a lot [~~or the number of
27 parking spaces required~~], the Administrator shall round fractional units above
28 two up to the next whole number if that fraction equals or exceeds one-half.
29 (Example: Four units are allowed if the density calculating yields 3.50 units. If
30 the density calculation yielded 3.48 units, only three units would be allowed).

31 (g) Corner lots have an additional setback requirement of an additional five feet
32 (ten total) from the right-of-way for 25 feet from the apex of the corner at the
33 intersection.

**NORTH SLOPE BOROUGH PLANNING COMMISSION
RESOLUTION 2024-05**

**A RESOLUTION RECOMMENDING THAT THE
ASSEMBLY ADOPT AMENDMENTS TO TITLE
19 OF THE NORTH SLOPE BOROUGH
MUNICIPAL CODE**

WHEREAS, under the direction of the Office of the Mayor, the Department of Planning and Community Services (Planning) and the Department of Law (Law) have evaluated areas in which the Borough can expedite and improve administrative approval and Zoning Commission approval of development proposals; and

WHEREAS, recognizing the need for a more efficient and streamlined parking permitting process, the collaboration between the Department of Planning and Community Services (Planning) and the Department of Law (Law) has identified the elimination of the mandatory parking space dimensions and minimum parking space requirements codified in North Slope Borough Municipal Code (NSBMC) §19.40.100(B) as a way to better accommodate diverse development needs while encouraging creative and efficient site planning; and

WHEREAS, reducing the emphasis on specific parking requirements contributes to cost savings for developers. The elimination of rigid standards allows for more cost-effective solutions, promoting economic feasibility for projects while maintaining a balance between site access for motorists and pedestrians. By eliminating the parking space table, developers can explore and implement eco-friendly transportation solutions, such as promoting shared transit usage, carpooling, and walking, thereby contributing to a greener and more sustainable community, and

WHEREAS, adopting the proposed amendments reflects a commitment to keeping our zoning and permitting regulations in line with contemporary urban planning standards. This ensures that our community remains adaptable to evolving needs and trends in development, fostering a dynamic and resilient Borough; and

WHEREAS, in accordance with North Slope Borough Municipal Code (NSBMC) §19.30.050(A), the Planning Commission must review and make recommendations to the Assembly on amendments to the text of Title 19; and

WHEREAS, following evaluation of the benefits and potential impacts on the community, the Planning Commission recommends that the Assembly adopt the proposed amendments;

Planning Commission Resolution No. 2024-04
Page 2 of 4

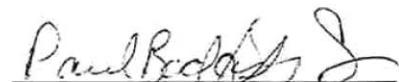
NOW, THEREFORE, BE IT RESOLVED THAT

1. The Planning Commission recommends that the Assembly amend Title 19 with new language indicated by **underlining** and ****bolding****, and deleted language by brackets and strike through [brackets] as annexed in Exhibit A hereto.

Passed by a duly constituted quorum of the North Slope Borough Planning Commission on this 28th day of March, 2024.

INTRODUCED:
ADOPTED:

3/28/24
3/28/24


Paul Bodfish Sr., Chairman

Date

ATTEST:

Esther Syago
Clerk

3/28/24
Date

Exhibit A

§ 19.40.100 - DIMENSIONAL STANDARDS.

The purpose of these standards is to provide adequate parking, privacy, separation between traffic and buildings and to ensure fire access and safety. These standards apply only to the Mixed Use (MU), Suburban Residential (S), Industrial (I) and Reserve (R) Districts. No dimensional standards are applied to the other zoning districts except those in an approved Master Plan or as a condition of approval. The Zoning Commission may modify through the conditional use process in Chapter 19.60 these dimensional standards to individual properties. Where more stringent State Building Code or related standards require greater setbacks, those standards take precedence over the standards of this title.

(A) Table of density applicable to individual districts.

DENSITY (Square Feet)				
	District S	District MU	District I	District R
Lot area for principal structure	4,500	3,000	N/A	N/A
Maximum residential density (dwelling units per square feet of lot area)	1/4,500	1/2,000	N/A	N/A

(B) [Table of off-street parking spaces applicable to individual districts.]

Parking spaces are required [to be 400 square feet per dwelling unit. The required parking area must be] on the same lot as the use or principal structure or on an adjacent lot under the same ownership. The space(s) must be well-drained and have a firm surface suitable for vehicle parking.

Spaces Per Dwelling				
	District S	District MU	District I	District R
Number	1	1*	1*	N/A*

*Nonresidential uses must have one additional parking space per 400 square feet of gross floor area; except warehouse and storage buildings where the ratio is one space per 1,000 square feet of gross floor area.

(C) Setback provisions applicable to individual districts. The setbacks below may be reduced up to 10% by the Administrator after an investigation and finding that the resulting lesser setback would meet the purpose of the standards. However, where other setback standards are applicable, the most restrictive setback standards apply. The following are the building setback and additional standards:

(1) Side and rear yard setbacks are ten feet. The Administrator may approve setbacks for residential buildings less than ten feet but more than five feet from the property line, if one hour construction is used for the wall facing the property line and all openings on the wall are protected. Platted alleyways in Browerville are exempt from the rear yard setbacks.

(2) Front yard setback is five feet [~~, provided that 400 square feet of parking space per dwelling unit is provided inside all setbacks~~].

(3) Additional standards:

(a) Residential buildings on same lot must be separated by ten feet. The Administrator may approve setbacks for residential buildings on the same lot of less than ten feet but more than five from each other, if at least one of the buildings has the wall facing the other building constructed to one hour standards and all openings on the wall are protected.

(b) Height of structures is limited to 30 feet in height above the average finished grade of the lot.

(c) Incidental architectural features such as window sills, cornices and eaves may project not more than two feet into any required setback.

(d) For industrial uses, a minimum 50-foot setback is required from any residential lot.

(e) In the case of mixed uses, the total requirement for off-street parking spaces shall be the sum of the requirements for the various uses computed separately.

(f) In calculating the number of dwelling units allowed on a lot [~~or the number of parking spaces required~~], the Administrator shall round fractional units above two up to the next whole number if that fraction equals or exceeds one-half. (Example: Four units are allowed if the density calculating yields 3.50 units. If the density calculation yielded 3.48 units, only three units would be allowed).

(g) Corner lots have an additional setback requirement of an additional five feet (ten total) from the right-of-way for 25 feet from the apex of the corner at the intersection.

**UTQIAĞVIK ZONING COMMISSION
RESOLUTION 2024-01**

**A RESOLUTION RECOMMENDING THAT THE
ASSEMBLY ADOPT AMENDMENTS TO TITLE
19 OF THE NORTH SLOPE BOROUGH
MUNICIPAL CODE**

WHEREAS, under the direction of the Office of the Mayor, the Department of Planning and Community Services (Planning) and the Department of Law (Law) have evaluated areas in which the Borough can expedite and improve administrative approval and Zoning Commission approval of development proposals; and

WHEREAS, recognizing the need for a more efficient and streamlined parking permitting process, the collaboration between Planning and Law has identified the elimination of the mandatory parking space dimensions and minimum parking space requirements codified in North Slope Borough Municipal Code (NSBMC) §19.40.100(B) as a way to better accommodate diverse development needs while encouraging creative and efficient site planning; and

WHEREAS, reducing the emphasis on specific parking requirements contributes to cost savings for developers. The elimination of rigid standards allows for more cost-effective solutions, promoting economic feasibility for projects while maintaining a balance between site access for motorists and pedestrians. By eliminating the parking space table, developers can explore and implement eco-friendly transportation solutions, such as promoting shared transit usage, carpooling, and walking, thereby contributing to a greener and more sustainable community, and

WHEREAS, adopting the proposed amendments reflects a commitment to keeping our zoning and permitting regulations in line with contemporary urban planning standards. This ensures that our community remains adaptable to evolving needs and trends in development, fostering a dynamic and resilient Borough; and

WHEREAS, in accordance with North Slope Borough Municipal Code (NSBMC) §19.30.060(D), the Utqiagvik Zoning Commission must review and make recommendations to the Assembly on amendments to the text of Title 19 title which govern development within Utqiagvik; and

WHEREAS, following evaluation of the benefits and potential impacts on the community, the Utqiagvik Zoning Commission recommends that the Assembly adopt the proposed amendments;

NOW, THEREFORE, BE IT RESOLVED THAT

1. The Utqiagvik Zoning Commission recommends that the Assembly amend Title 19 with new language indicated by underlining and **bolding**, and deleted language by brackets and strike through [brackets] as annexed in Exhibit A hereto.

Passed by a duly constituted quorum of the Utqiagvik Zoning Commission on this 11th day of April, 2024.

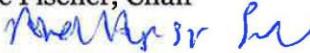
INTRODUCED:

4/11/24

ADOPTED:

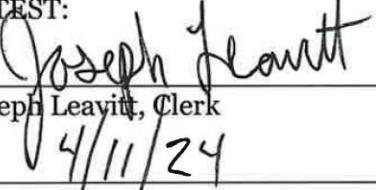
4/11/24

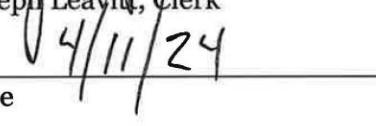

Bernadette Fischer, Chair



Date

ATTEST:


Joseph Leavitt, Clerk


4/11/24

Date

Exhibit A

§ 19.40.100 - DIMENSIONAL STANDARDS.

The purpose of these standards is to provide adequate parking, privacy, separation between traffic and buildings and to ensure fire access and safety. These standards apply only to the Mixed Use (MU), Suburban Residential (S), Industrial (I) and Reserve (R) Districts. No dimensional standards are applied to the other zoning districts except those in an approved Master Plan or as a condition of approval. The Zoning Commission may modify through the conditional use process in Chapter 19.60 these dimensional standards to individual properties. Where more stringent State Building Code or related standards require greater setbacks, those standards take precedence over the standards of this title.

(A) Table of density applicable to individual districts.

DENSITY (Square Feet)				
	District S	District MU	District I	District R
Lot area for principal structure	4,500	3,000	N/A	N/A
Maximum residential density (dwelling units per square feet of lot area)	1/4,500	1/2,000	N/A	N/A

(B) [Table of off street parking spaces applicable to individual districts.]

Parking spaces are required [to be 400 square feet per dwelling unit. The required parking area must be] on the same lot as the use or principal structure or on an adjacent lot under the same ownership. The space(s) must be well-drained and have a firm surface suitable for vehicle parking.

Spaces Per Dwelling				
	District S	District MU	District I	District R
Number	1	1*	1*	N/A*
*Nonresidential uses must have one additional parking space per 400 square feet of gross floor area; except warehouse and storage buildings where the ratio is one space per 1,000 square feet of gross floor area.				

(C) Setback provisions applicable to individual districts. The setbacks below may be reduced up to 10% by the Administrator after an investigation and finding that the resulting lesser setback would meet the purpose of the standards. However, where other setback standards are applicable, the most restrictive setback standards apply. The following are the building setback and additional standards:

(1) Side and rear yard setbacks are ten feet. The Administrator may approve setbacks for residential buildings less than ten feet but more than five feet from the property line, if one-hour construction is used for the wall facing the property line and all openings on the wall are protected. Platted alleyways in Browerville are exempt from the rear yard setbacks.

(2) Front yard setback is five feet [provided that 400 square feet of parking space per dwelling unit is provided inside all setbacks].

(3) Additional standards:

(a) Residential buildings on same lot must be separated by ten feet. The Administrator may approve setbacks for residential buildings on the same lot of less than ten feet but more than five from each other, if at least one of the buildings has the wall facing the other building constructed to one-hour standards and all openings on the wall are protected.

(b) Height of structures is limited to 30 feet in height above the average finished grade of the lot.

(c) Incidental architectural features such as window sills, cornices and eaves may project not more than two feet into any required setback.

(d) For industrial uses, a minimum 50-foot setback is required from any residential lot.

(e) In the case of mixed uses, the total requirement for off-street parking spaces shall be the sum of the requirements for the various uses computed separately.

(f) In calculating the number of dwelling units allowed on a lot [~~or the number of parking spaces required~~], the Administrator shall round fractional units above two up to the next whole number if that fraction equals or exceeds one-half. (Example: Four units are allowed if the density calculating yields 3.50 units. If the density calculation yielded 3.48 units, only three units would be allowed).

(g) Corner lots have an additional setback requirement of an additional five feet (ten total) from the right-of-way for 25 feet from the apex of the corner at the intersection.