

Introduced: 2/14/80
Referred: Community & Regional
Affairs

1 IN THE HOUSE

BY METCALFE

2 HOUSE BILL NO. 763

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to municipal planning and zoning
7 authority."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 29.33.085(a) is amended to read:

10 (a) The comprehensive plan is a compilation of policy statements,
11 goals, standards and maps for guiding the physical, social and economic
12 development, both private and public, of the borough, and shall [MAY]
13 include, but is not limited to, the following: statements of policies,
14 goals, standards, a land use plan, an economic development plan, a com-
15 munity facilities plan, a transportation plan, and recommendations for
16 plan implementation.

17 * Sec. 2. AS 29.33.090(c) is repealed and re-enacted to read:

18 (c) Zoning regulations are designed to provide for orderly develop-
19 ment of the municipality and to stimulate systematic development of
20 transportation, water, sewer, park, and other public facilities. Zoning
21 regulations may restrict the development of real property only if

22 (1) the proposed development involves a use of the real prop-
23 erty which is unreasonable because of the physical or geological char-
24 acteristics of the real property; or

25 (2) the proposed development, if undertaken or completed,
26 will have an immediate and substantial adverse effect on the health,
27 welfare or safety of residents of the immediately surrounding area.

28 * Sec. 3. AS 29.33.090 is amended by adding a new subsection to read:

29 (e) A zoning regulation adopted under this section may not

1 unreasonably restrict competitive business enterprise within the munici-
2 pality. A zoning regulation unreasonably restricts competitive business
3 enterprise if, in its application or enforcement, the regulation re-
4 stricts the establishment of a commercial or industrial enterprise for
5 any reason other than the reasons set out in (c)(1) or (2) of this
6 section.

7 * Sec. 4. AS 29.33.110(b)(3) is amended to read:

8 (3) appeals from the decisions of the planning commission on
9 requests for variances from the terms of the zoning ordinance [WHICH ARE
10 NOT CONTRARY TO THE PUBLIC INTEREST, WHEN A LITERAL ENFORCEMENT WOULD
11 DEPRIVE A PROPERTY OWNER OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES
12 IN THE SAME DISTRICT].

13 * Sec. 5. AS 29.33.110(c) is amended to read:

14 (c) A variance may [SHALL] not be granted because of special
15 conditions caused by actions of the person seeking relief or for reasons
16 of pecuniary hardship or inconvenience. A variance shall [NOT] be
17 granted to [WHICH WILL] permit a land use in a district in which that
18 use is prohibited if

19 (1) the proposed land use is reasonable in light of the physi-
20 cal and geological characteristics of the land; and

21 (2) the proposed land use will not have an immediate and
22 substantial adverse effect on the health, welfare and safety of resi-
23 dents of the immediately surrounding area.

24 * Sec. 6. AS 29.13.100(37) is repealed and re-enacted to read:

25 (37) AS 29.33.085 - 29.33.120 (exercise of planning and zoning
26 authority);