

Commission Information:

Initiated by: Planning and Zoning Commission  
 First on Agenda: July 15, 2010  
 Action: Approved  
 Vote: 5-1

Council Information:

Introduced by: City Manager Griffin  
 Introduced: November 23, 2010  
 Public Hearing: December 14, 2010  
 Action: Adopted  
 Vote: Unanimous

Yes:	No:
Best	
Erbey	
Vanover	
Brown	
DeVries	
Johnson	

CITY OF PALMER, ALASKA

ORDINANCE NO. 10-023

AN ORDINANCE OF THE PALMER CITY COUNCIL AMENDING PALMER MUNICIPAL CODE CHAPTER 17.68 TO ALLOW REPLACEMENT OF DAMAGED OR DESTROYED LEGAL NONCONFORMING RESIDENCES IN ANY RESIDENTIAL DISTRICT, REPLACEMENT OF DAMAGED OR DESTROYED LEGAL NONCONFORMING BUILDINGS OR STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES, AND EXEMPTING BUILDINGS OR STRUCTURES ON THE NATIONAL REGISTER FROM THE LIMITATIONS OF PALMER MUNICIPAL CODE 17.68.080 REPAIRS AND MAINTENANCE

THE CITY OF PALMER, ALASKA ORDAINS:

Section 1. Classification. This ordinance shall be permanent in nature and shall be incorporated into the Palmer Municipal 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 or circumstances shall not be affected thereby.

Section 3. Palmer Municipal Code Section 17.68.050 is amended as follows (new language is underlined and deleted language is stricken out):

**17.68.050 Nonconforming structures.**

Where a lawful structure existed as of the date the provisions of this title or its amendments became applicable to such structure which structure could not be built under the terms of this title or its amendments by reason of restrictions on area, lot coverage, height, setback, yards or

other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
- B. Should such structure be destroyed by any means to an extent of more than 60 percent of its assessed value at time of destruction, it shall not be reconstructed except in conformity with the provisions of this title;
- C. Subsection (B) of this section notwithstanding, if a single family residential dwelling, or residential dwelling units, in a residential district is damaged by any involuntary change, including fire, flood or earthquake, so that the cost of renewal of the damaged parts exceeds 60 percent of the assessed value of the entire building, then such building may be replaced or reconstructed to the same footprint on the original location, subject to the following:
  1. The owner duly applies for a building permit to the building department to replace or reconstruct the building within one year of the involuntary change,
  2. No part of the structure may encroach into public rights-of-way or adjacent property,
  3. The intended use of the building is the same as, or less intensive than, the prior use and is a permissible use in the district,
  4. A professional engineer, duly licensed as such by the state of Alaska, certifies to the city that the foundation of the building is structurally reusable as is and the building official does not object to the certification; or a professional engineer, duly licensed as such by the state of Alaska, certifies to the city that the foundation of the building is structurally reusable subject to economic repairs and the engineer provides plans and specifications for the reconstruction, and the building official does not object to the certification, the plans and specifications or the subsequent reconstruction,
  5. Projections beyond the footprint including architectural features, roof eaves, foundation footings, porches, decks, terraces, patios, unenclosed stairways and fire escapes, and attached structures, may also be replaced or reconstructed as they existed on the original building, so long as they do not encroach into public rights-of-way or adjacent property,
  6. The owner provides the building official with an as-built survey by a land surveyor, duly licensed as such by the state of Alaska, of the footprint and location of the original building and projections beyond the footprint,
  7. The building may be replaced or reconstructed under this subsection with no fewer than the number of off-street parking spaces as were provided for the original building; provided, that if it is feasible to eliminate any noncompliance with the off-street parking requirements, such noncompliance must be eliminated to the extent feasible, and
  8. The building as reconstructed will not pose any significant risk to health or safety as may be determined by the building official and the fire chief.

Nothing in this subsection constitutes an approval or waiver of an encroachment of the building or its footprint or projections beyond the footprint into a public right-of-way or adjacent property. Nothing in this subsection waives any other applicable laws or regulations including without limitation this title or the building code.

- ~~D. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.~~ Subsection (B) of this section notwithstanding, if a building or structure listed on the National Register

of Historic Places as part of the Matanuska Colony Community Center as either a historic structure or a contributing structure is damaged by any involuntary change, including fire, flood or earthquake, such building may be replaced or reconstructed to the same footprint on the original location provided:

1. The owner duly applies for a building permit to replace or reconstruct the building with a design that matches the damaged design, construction materials, color, and texture so as to retain the historic character of the property, and
2. The building as reconstructed will not pose any significant risk to health or safety as may be determined by the building official and the fire chief.

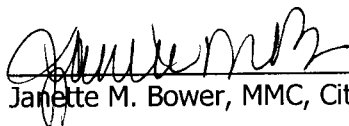
Section 5. Palmer Municipal Code Section 17.68.080 is amended as follows (new language is underlined and deleted language is stricken out):

**17.68.080 Repairs and maintenance.**

- A. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 20 percent of the current assessed value of the building; provided, that the cubic volume of the building as of the date the provisions of this title or its amendments became applicable to such land, structure or use shall not be increased.
- B. Buildings or structures listed on the National Register of Historic Places as part of the Matanuska Colony Community Center as either a historic structure or a contributing structure are exempt from the limitations of subsection (A) of this section if the proposed repairs or replacement support the use of the building or structure without affecting the defining historic characteristics of the building and its site.

Section 6. Effective Date. Ordinance No. 10-023 shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this fourteenth day of December, 2010.

  
Janette M. Bower, MMC, City Clerk

  
Delena Goodyin Johnson, Mayor