

Commission Information

Initiated by: Planning and Zoning Commission
 Commission Agenda: March 15, 2012
 Action: Approved
 Vote: Unanimously

Council Information

Introduced by: City Manager Griffin
 Introduced: July 23, 2013
 Public Hearing: August 13, 2013
 Action: Postponed to a joint meeting with the Planning and Zoning Commission in January 2014
 Date: March 18, 2014 joint meeting with the Planning and Zoning Commission
 Date: April 8, 2014
 Action: Adopted
 Vote: Unanimous

Yes:	No:
Best	
Erbey	
Carrington	
Combs	
DeVries	
Hanson	
Johnson	

CITY OF PALMER, ALASKA

Ordinance No. 13-009

An Ordinance of the Palmer City Council Amending Portions of Palmer Municipal Code Chapter 17.59, T Transitional District, to More Accurately Describe the Criteria for Newly Annexed Lands

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. Section 17.59.010 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

17.59.010 Application and intent.

- A. ~~The T-Transitional district T, transitional district zone applies automatically to those small areas of mixed residential, commercial, and or industrial uses privately owned parcels annexed to the city that are then primarily used for other than single-family residential purposes do not generally conform to the other land use districts in Palmer Municipal Code Title 17.~~
- B. ~~The city recognizes that some or all of the land annexed into the city has not been previously subject to zoning districts and that there is a need to provide a reasonable transition toward land use regulation by the city. Therefore, the transitional district is intended to allow a broad range of continued land uses including limited expansion and development of continued uses. However, the transitional district does not allow a change of use of any parcel. While nearly all transitional district uses of land at the time of annexation will be permitted to continue (some subject to conditional use), more specific and different land use regulations, including more restrictive regulations, may be applied to such lands through the map amendment process in Chapter 17.80 PMC, which includes public hearings. (Ord. 632-§ 4, 2004) Over time, property in the T-Transitional district should develop a pattern of land uses more appropriate to one of the more traditional zoning districts found in PMC 17.20 to 17.58.~~

Section 4. Section 17.59.020 is hereby repealed in its entirety:

~~17.59.020 Zone effective upon annexation.~~

~~Immediately upon the effective date of the annexation, all privately owned lands annexed into the city that are being used primarily for other than single family residential uses at the time of annexation shall be zoned T, transitional.~~

Section 5. Section 17.59.030 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

~~17.59.030 Initial zoning upon annexation-Review and possible rezoning.~~

- A. ~~Following~~ Within five years after the annexation becomes effective for annexed lands, the commission shall conduct public hearings regarding their land use in the annexation area. After the hearings, the city ~~may rezone parcels zoned T, giving due consideration to the results of the public hearing process shall designate an initial zoning district for newly annexed parcels. This process may result in a rezoning of parcels or parts of parcels zoned T to more restrictive zoning classifications. This section does not require that all or any parcels in the T district must be rezoned within five years.~~
- B. Owner-initiated zoning map amendments may be made at any time in accordance with PMC 17.80.
- C. ~~No city initiated zoning map amendment may become effective until five years after the annexation date unless consented to in writing by all the owners of land to be rezoned; provided, however, if there is a use of land that poses a significant threat to public health or safety, a city initiated map amendment may occur in accordance with Chapter 17.80 PMC regarding such land.~~
- D. ~~Subsection (C) of this section notwithstanding, the city may change the text of this chapter at any time in accordance with Chapter 17.80 PMC, and also the city may enforce all other laws regarding land use, to include, without limitation, Chapter 8.36 PMC (Nuisances).~~

Section 6. Section 17.59.040 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

17.59.040 Permitted principal and accessory uses and structures.

Principal uses and structures in the T-Transitional district are:

- A. Lawful uses are to continue in the Transitional district T-zone, except those prohibited uses specified in PMC 17.58.060 and those permitted to continue only by conditional use ~~as specified in PMC 17.59.070.~~
- B. Lawful accessory uses and structures are allowed to continue.

Section 7. Section 17.59.050 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

17.59.050 Conditional uses.

Uses which may be permitted in the Transitional district by obtaining a conditional use permit are: ~~The following uses are prohibited, except that they are permitted to continue only as conditional uses subject to the conditions established after a hearing by the commission:~~

- A. Any expansion or change of legal use for all conditional uses for which the Matanuska-Susitna Borough granted a conditional use permit under MSB 17.60 or 17.61;
- B. Any expansion or change of legal use for all uses for which the Matanuska-Susitna Borough granted a permit under MSB 17.48 (mobile home park), MSB 17.70 (use involving alcohol beverage sales and dispensing), or MSB 17.90 (adult business);
- C. Cemeteries;
- D. Storage of more than 10,000 gallons of petroleum products;
- E. Chemical plant;
- F. Manufacture or storage of explosives, gunpowder, or fireworks; and
- G. Noxious, injurious or hazardous uses, as defined in PMC 17.59.060, are prohibited; provided, however, that the city may grant a conditional use for such uses when it finds that the public health, safety, welfare and convenience will be adequately protected by location, topography, buffer landscaping or a screening structure. This subsection does not apply to agricultural facilities or operations to the extent protected by AS 9.45.235.
- H. A conditional use permitted under this section shall be subject to the terms and conditions of the conditional use permit and the use does not have the expansion rights set out elsewhere in this chapter.

Section 8. Section 17.59.060 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

17.59.060 Prohibited uses.

The following uses are prohibited in the Transitional district T-zone:

- ~~A. Unlawful prohibited uses may not continue and are prohibited;~~
- ~~B. Uses prohibited by any zoning or land use planning law or regulation applicable to the land immediately prior to annexation;~~
- A. ~~C.~~ Conditional uses that were subject to the Matanuska-Susitna Borough Code immediately before the date of the annexation but were not in full compliance with the code at the time of annexation. Examples are mobile home parks (MSB 17.48), uses involving alcohol beverage sales and dispensing (MSB 17.70), adult businesses (MSB 17.90) and all uses subject to MSB 17.60 and 17.61;

- B. ~~D.~~ Uses that constitutes a nuisance as set out by PMC 8.36 or 8.37; provided, however, this subsection does not apply to agricultural facilities or operations to the extent protected by AS 9.45.235;
- C. E. Noxious, injurious or hazardous uses, which are defined as any use that may be noxious, injurious, or hazardous to surrounding property or persons by reason of the production or emission of dust, smoke, refuse matter, odor, gas fumes, noise, vibration, or similar substances or conditions; provided, however, this subsection does not apply to agricultural facilities or operations to the extent protected by AS 9.45.235.

Section 9. Section 17.59.070 is hereby repealed in its entirety:

~~17.59.070 Continuation of lawful prohibited uses.~~

~~Lawful prohibited uses in existence upon the effective date of annexation may continue as nonconforming uses under Chapter 17.68 PMC. For example, a mobile home not located in a mobile home park may continue as a nonconforming use. Unlawful prohibited uses may not continue and are prohibited. For example, a junkyard that was subject to Chapter 17.60 MSBC immediately before the date of annexation but did not fully comply with that chapter may not continue and it is prohibited.~~

Section 10. Section 17.59.080 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

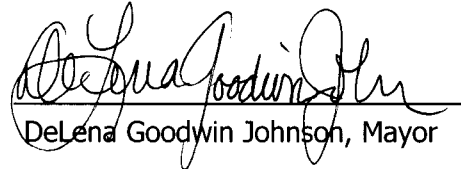
17.59.080 Limitations to change of land use and structures.

- A. The use of land upon the effective date of annexation into the city may not be changed to another use without rezoning under PMC 17.80 if the use existing at the time of annexation or the use to be changed to is a use described by or similar to a use described by PMC 17.28 through 17.58. For example, if a parcel's use upon annexation is a second-hand store (PMC 17.32.020(8)), the use of the land may not be changed to refrigeration maintenance and repair (PMC 17.36.020(12)) without rezoning under PMC 17.80. Similarly, if a parcel's use upon annexation is nursery and Christmas tree sales (PMC 17.32.020(18)), the use of the land may not be changed to motel or hotel use (PMC 17.32.020(2)) without approval under PMC 17.80.
- B. If the use of land upon the effective date of annexation is a use described by or similar to a use described by PMC 17.24 or 17.26 (R-2/R-3 low/medium density residential districts), the use of the land must remain residential; however, the number of dwelling units may be increased by 50 percent without rezoning under PMC 17.80.
- C. For all structures in the Transitional District zone ~~except single family residential structures and accessory uses to such residential structures~~, the square footage of structures upon the effective date of annexation may not be increased by more than 50 percent without rezoning under PMC 17.80.
- D. For all uses in the Transitional District zone, the area of land in use upon the effective date of annexation may not be increased by more than 50 percent without approval under PMC 17.80. For example, if five acres of a 40-acre parcel is in use upon annexation, the amount in use may not be increased by more than 50 percent without approval under PMC 17.80.
- E. The limitations set out in this section are in addition to and not in lieu of limitations set out elsewhere in this title or at law.
- ~~F. Lawful prohibited uses may not be changed or expanded without rezoning under Chapter 17.80 PMC because they are nonconforming uses.~~

~~G. Permitted uses under this chapter are not subject to the limitations or restrictions set out in Chapter 17.68 PMC; provided, however, if a structure is destroyed, its reconstruction is limited as set out in Chapter 17.68 PMC.~~

Section 11. Effective date. Ordinance No. 13-009 shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this eighth day of April, 2014.



DeLena Goodwin Johnson, Mayor



Janelle M. Bower, MMC, City Clerk