

Commission Information:

Initiated by: Planning and Zoning Commission  
First on Agenda: April 16, 2015  
Action: Recommend to Council  
Vote: Unanimous

Council Information:

Introduced by: City Manager Hannan  
Introduced: July 28, 2015  
Public Hearing: August 11, 2015  
Action: Adopted  
Vote:

Yes:	No:
Best	
Erbey	
Combs	
DeVries	
Hanson	
Johnson	

CITY OF PALMER, ALASKA

**Ordinance No. 15-021**

**An Ordinance of the Palmer City Council Enacting Palmer Municipal Code Section 17.60.057 Amnesty for Setback Encroachments**

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 17.60.057 is hereby enacted to read as follows:

**17.60.057 Amnesty for setback encroachments**

- A. Certain technical setback violations exist on residential properties throughout the City of Palmer. In some cases, these violations have existed compatibly with the surrounding neighborhoods for 25 or more years with no known adverse impacts to public health, safety or welfare.
- B. In such cases, the City's existing amnesty program provides a mechanism for excusing full compliance with city setback regulations for certain minor violations existing on or before adoption of the current zoning code.
- C. To qualify as eligible for amnesty for certain setback violations, the following standards must be strictly satisfied:

1. The building or structure must be pre-existing and have been issued a building permit prior to construction;
2. The area or dimensional requirement involves front, rear, and/or side yard setbacks;
3. The building or structure complies with all other aspects of Palmer planning and zoning regulations. Such encroachments may be deemed "de minimis" as prescribed above and are determined to be "Lawfully non-conforming";
4. The City has a record of a statement that the present property owner had no personal knowledge of any violation of the requirements of this section prior to substantial completion of the structure;
5. The city building inspector or a licensed architect has certified in writing that the encroachment conforms to the requirements of Palmer Municipal Code Title 15 and State of Alaska Fire and Life Safety Regulations;
6. The City has received an as-built survey of the property that is the subject of the application, prepared and stamped by a land surveyor registered in the state of Alaska, which shows the location and dimensions of all structures on the property at the date of application, and the distances between structures and between the structures and the lot lines of the property;
7. The City has on file a copy of each plat note that applies to the property; and
8. Upon receiving a complete application,
  - a. The zoning administrator shall within five (5) days mail notice of the application to each record owner of any property that immediately adjoins the property on which the encroachment is located, requesting written comment on the application within ten (10) calendar days of the date of the notice.
  - b. Within five (5) days following the conclusion of the comment period, the zoning administrator shall issue a written determination whether the encroachment meets the standards for amnesty under this subsection. The zoning administrator may impose such conditions on the requested amnesty as the zoning administrator determines are appropriate to protect the general welfare.
  - c. A determination under this subsection shall describe the type and dimensions of the encroachment, and shall include a copy of the as-built survey that was submitted with the application for registration.
- D. In accordance with PMC 17.68.050, 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;
- E. In accordance with PMC 17.68.050, 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;

Section 4. Effective Date. Ordinance 15-021 shall take effect upon adoption by the Palmer City Council.

Passed and approved this eleventh day of August, 2015.

  
DeLena Goodwin Johnson, Mayor

  
Janette M. Bower, MMC, City Clerk