

CITY OF PALMER, ALASKA

ORDINANCE NO. 255

AN ORDINANCE CREATING CHAPTER 12.12 OF THE PALMER MUNICIPAL CODE RELATING TO STREET, STORM SEWER AND CITY RELATED IMPROVEMENTS AGREEMENT.

THE CITY OF PALMER, ALASKA ORDAINS:

Section 1. Classification. This ordinance shall be of a permanent nature and shall become a part of the City of Palmer Code of Ordinances.

Section 2. Severability. If any provisions 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. That Section 12.12 of the Palmer Municipal Code is hereby created to include the following subsections:

12.12.010 Street Improvements - Purpose.

The purpose of this chapter is to establish and define the improvements which will be required under agreement to be constructed by the subdivider as conditions for final plat approval, to delineate those areas within the city which will require a specific degree of improvement to be accomplished, and to outline the procedures and responsibilities of the subdivider and the appropriate public officials and agencies concerned with the administering, planning, designing, constructing, and financing of public facilities, and to further establish procedures for assuring compliance with these requirements.

12.12.015 Street Improvements - Responsibility for Plans.

It shall be the responsibility of the subdivider of every proposed subdivision to have prepared by a registered engineer a complete set of construction plans, when deemed necessary by the Public Works Department. They shall include profiles, cross-sections, specifications and other supporting data for the hereinafter required public streets.

12.12.020 Required Public Improvements.

Every subdivider shall be responsible for the installation of improvements in accordance with the conditions and specifications outlined in Sections 12.12.025-12.12.070.

12.12.025 Monuments.

Monuments and lot corner markers for determining the boundaries of subdivisions and lot corners shall be set in a professional manner. The Department of Public Works may promulgate regulations to further define the requirements for survey monumentation.

12.12.030 Streets.

The subdivider shall construct dedicated streets within the subdivided property. In those portions of the City, paved streets shall be required unless waived in accordance with 12.12.080. In addition, the City Council may require the subdivider to construct or partially construct periphery or access streets when such streets are necessary to serve the subdivision or are otherwise made necessary by the subdivision. All internal subdivision streets shall be constructed in accordance with the standards and specifications adopted by the City. All required periphery and access streets shall be constructed or improved in accordance with the Comprehensive Plan.

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12.12.035 Curbs and Gutters.

Curbs and gutters, shall be constructed in accordance with the standards and specifications adopted by the city or the Alaska Department of Highways.

12.12.040 Installation of Public Utilities.

Public utilities shall be located in accordance with standards adopted by the City.

12.12.045 Telephone and Electric Lines.

All new telephone and electric lines shall be installed as per franchise agreement with City and as set forth in the Palmer Municipal Code Chapter 13.04.

12.12.050 Drainage.

An adequate drainage system, which may include necessary storm drainage facilities, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be required in all subdivisions. This system shall take into consideration the preservation of designated high quality wetlands critical to the water table levels and wildlife habitat.

12.12.055 Traffic Control Devices.

Signing. Traffic signs shall be installed in accordance with the requirements of the Uniform Traffic Control Devices. Street name signs shall be installed in all subdivisions in accordance with the requirements of the City.

12.12.060 Sidewalks.

Sidewalks, when required, shall meet the standards of the City.

12.12.065 City Street Lighting.

Street lighting shall be installed in accordance with the requirements of the City.

12.12.070 Erosion and Sedimentation Plan.

In the event that any developer shall intend to denude or recontour any land proposed to be subdivided, by means of grading, excavation or the removal of or destruction of the natural topsoil, trees, or other vegetative covering thereof, a plan for erosion and sedimentation control shall be submitted to the City Manager for approval prior to any recontouring or denudation being done unless there has been a prior determination by the platting authority that such a plan is not necessary. Such plans shall contain adequate measures for control of erosion and siltation, where necessary, using the guidelines and policies contained herein. These plans shall be reviewed by the City Manager and, if approved, shall be followed as the plans indicate. If the measures required to control erosion and siltation construction are necessary, such construction shall be a part of the street improvement agreement. The following control measures should be used for an effective erosion and sediment control plan:

A. The smallest practical area of land should be exposed at any one time during development.

B. When land is exposed during development, the exposure should be kept to the shortest practical period of time.

C. Sediment basins (debris basin, desilting basins or silt traps) should be installed and maintained to remove sediment from runoff waters from land undergoing development.

D. Provisions should be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development.

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- E. Ground cover should be replaced as soon as practical in the development.
- F. The development plan should be fitted to the topography and soil conditions so as to create the least erosion potential.
- G. Wherever feasible, natural vegetation should be retained and protected.
- H. All slopes within a subdivision resulting from cut and fill operations shall not exceed a maximum slope of 50% unless a lesser slope is deemed necessary by the city manager due to soil conditions. If slopes of greater than 50% are desired, such slopes will be supported by a retaining structure approved by the City of Palmer.

12.12.075 Guarantee of Completion of Public Improvements.

Prior to final approval and recording of any subdivision requiring public improvements, the subdivider shall enter into a street improvement agreement with the City.

12.12.080 Variances Authorized.

The City Council may grant a variance from the provisions of these regulations. The City Council shall only grant variances that it deems necessary, or which it finds desirable from the standpoint of public interest. In making its findings, as required hereinbelow, the City Council shall take into account the nature of the proposed use of the land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effect of the proposed subdivision upon conditions in the vicinity. No variance shall be granted unless the City Council finds the following:

A. That there are such special circumstances or conditions affecting said property that the strict application of the provisions of this chapter would clearly be impractical, unreasonable or undesirable to the general public. In such cases, the subdivider shall first state his reasons in writing to the specific provision or requirement involved and submit them to the city council.

B. That the granting of the specific variance will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

C. That such variance will not have the effect of nullifying the intent and purpose of this title or the Comprehensive Plan.

D. The City Council shall include its findings and the specific reasons for its action and shall also record its reasons and actions in its minutes.

Section 4. Publication and Effective Date. This ordinance shall become effective ten (10) days after its adoption and publication shall be by posting a copy hereof on the city hall bulletin board for a period of ten (10) days following its adoption, and it shall be published by being printed and included in the Palmer Municipal Code at its next regular supplementation and printing. A notice of public hearing shall be given by such posting at least five days before final passage.

First Reading: September 28, 1982

Public Hearing and
Second Reading: October 12, 1982

Adopted by the City Council of the City of Palmer, Alaska, this 12th day of October, 1982.



GEORGE W. CARTE, MAYOR

DAVID L. SOULAK, CITY CLERK