

CITY OF PALMER, ALASKA

ORDINANCE NO. 596

AN ORDINANCE AMENDING PALMER MUNICIPAL CODE 12.12.080, REGARDING VARIANCES FROM SUBDIVISION IMPROVEMENT STANDARDS

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. Palmer Municipal Code 12.12.080 is amended to read as follows:

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 in this section, 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 probably effect of the proposed subdivision upon conditions in the vicinity. No variance shall be granted unless the city council finds the following contained in A, B and C:

- A. That there are such circumstances of 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[+]. The subdivider bears the burden of proof.
- 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 the granting of the specific variance will not have

the effect of nullifying the intent and purpose of this title or the comprehensive plan[+].

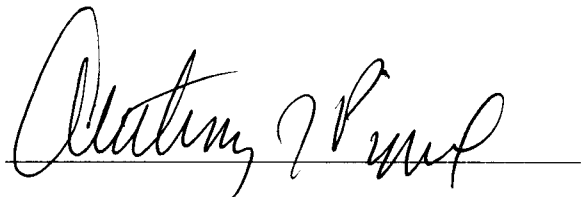
- D. The city council shall include its finding and the specific reasons for its action and shall also record its reasons and action in its minutes.

Section 4. Publication and Effective Date. This ordinance shall become effective immediately upon its adoption. Publication shall be by making copies available to the public, and further it shall be published by being printed and included in the Palmer Municipal Code at its next regular supplementation and printing. Publication may also be made by posting a copy hereof on the City Hall bulletin board for a period of ten (10) days following its adoption. A notice of public hearing shall be given by such posting at least five (5) days before final passage.

First Reading: October 22, 2002

Public Hearing &
Second Reading: November 13, 2002

Adopted by the City Council of the City of Palmer, Alaska, this 13th day of November, 2002.



TONY PIPPEL, MAYOR PRO-TEM



THOMAS HEALY, CITY CLERK