

Introduced by: City Manager Healy
Date: March 9, 2004
Public Hearing: March 23, 2004
Action: Adopted
Vote: Unanimous

CITY OF PALMER, ALASKA

ORDINANCE NO. 614

AN ORDINANCE ADDING SECTION 17.08.421 (DEFINITION OF SPECIAL LIMITATION)
AND AMENDING CHAPTER 17.80 (AMENDMENTS), OF TITLE 17 (ZONING), OF THE
PALMER MUNICIPAL CODE

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 17.08.421 is hereby added to read as follows (new language is underlined and deleted language is stricken out):

17.08.421 Special limitation.

"Special limitation" means a provision adopted by ordinance which restricts the permitted principal uses and/or structures otherwise allowed in a zoning district or which requires compliance with site design standards not otherwise required by zoning district regulations.

Section 4. Chapter 17.80 is hereby amended to read as follows (new language is underlined and deleted language is stricken out):

17.80.010 Initiation procedure.

17.80.015 Zoning map amendments with special limitations.

17.80.021 Amendment procedure.

17.80.030 Public hearings.

17.80.025 36 Report and recommendation by commission.

17.80.040 Council action for adoption of zoning amendments.

~~17.80.050 Record of zoning map changes.~~

17.80.051 Review process upon Commission denial.

17.80.061 Council action upon Commission denial.

17.80.057 1 Record of zoning map changes.

17.80.068 1 Property owner's protest.

~~17.80.070 Map changes.~~

~~17.80.08~~100 Comprehensive plan.

17.80.010 Initiation procedure.

A zoning map amendment or a Title 17 zoning code ordinance text amendment may be initiated by:

- A. The council;
- B. The commission;
- C. The borough assembly;
- D. The borough planning commission; or
- E. Any department or agency of the city or borough;
- F. In addition, a zoning map amendment may be initiated by an individual, corporation or agency entity other than those listed in subsections A through E of this section, subject to the following conditions:
 - 1. ~~For a zoning map amendment t~~ The owner or owners of the majority of the land, within the property area of change, must sign a written request for amendment,
 - 2. ~~For an amendment to the text of the zoning ordinance, any owner of real property within the city may request the commission or the council to initiate an amendment to the code.~~
- G. ~~Any.~~ 2. A any request for a map amendment or text amendment shall be by written request addressed to the commission or the council and shall include:
 - 1. ~~For a map amendment t~~
 - 2. ~~For text amendment the ordinance sections involved, the recommended revisions and the reasons for the proposed change,~~
 - a. The legal description of the parcels involved, the desired zoning classification and reasons for the proposed change,
 - b. A description of any special limitations proposed for the map amendment; and
 - c. 3. A nonrefundable fee of two hundred fifty dollars payable to the city.

17.80.015 Zoning map amendments with special limitations.

- A. Subject to subsections B through E of this section, a zoning map amendment may include special limitations that restrict structures, or the use of land or structures, to a degree greater than otherwise provided for by the zoning district to which the property is rezoned by the amendment.
- B. A zoning map amendment may include special limitations which are reasonably related to one or more of the following purposes:
 - 1. To prohibit structures, or uses of land or structures, that would adversely affect the surrounding neighborhood or conflict with the comprehensive plan;
 - 2. To conform the zoning map amendment to the comprehensive plan or to further the goals and policies of the comprehensive plan;
 - 3. To conform development under the zoning map amendment to existing patterns of development in the surrounding neighborhood; or
 - 4. To mitigate the adverse effects of development under the zoning map amendment on the surrounding neighborhood and on public facilities and services.
- C. A special limitation shall do one or more of the following:
 - 1. Limit residential density; or limit or prohibit structures, or uses of land or structures, otherwise permitted in a zoning district;
 - 2. Require compliance with design standards for structures and other site features;
 - 3. Require compliance with a site plan approved under this title;
 - 4. Require the construction and installation of improvements, including public improvements; or
 - 5. Impose time limits for taking and completing subsequent development actions.

- D. A zoning district subject to special limitations shall be identified on the zoning map by the suffix "SL," and the number of the ordinance applying the special limitations shall be printed on the zoning map within the boundaries of the affected use district.
- E. Where a special limitation in a zoning map amendment conflicts with any less restrictive provision of this title, the special limitation governs.

17.80.021 Amendment procedure.

- A. Upon receipt of a request for a text amendment under 17.80.010, the clerk shall cause an ordinance to be prepared setting forth the details of the proposed amendments. The clerk shall cause the ordinance to be placed on the next commission agenda under New Business in the normal course. The commission shall hold discussion and recommend changes.
- B. Upon receipt of a request for a map amendment under 17.80.010, the clerk or designee shall place the request on the next commission agenda in the normal course. The commission shall hold a public hearing at the next regular meeting that allows due public notice. Public notices shall be made in accordance to subsection 17.80.030.

17.80.030 Public hearings.

- A. Before the commission may act on a proposal for amendment to the zoning map ~~or text of the planning and zoning ordinance~~, the ~~zoning administrator~~ clerk or designee shall give notice of the public hearing in the following manner:
1. By publication of a notice in a newspaper of general circulation within the city not less than five days nor more than twenty days prior to the date of hearing;
 2. For zoning map amendments, additional notice shall be given by sending notices by first class mail at least five days but not more than twenty days prior to the date of hearing to the property owners within three hundred feet of the exterior boundaries of the property involved, using for this purpose the names and addresses of owners as shown in the records of the borough's tax assessor. Where all property located within three hundred feet of the exterior boundaries of the property involved is under the same ownership, owners of all property abutting that of the same ownership shall be notified in the manner provided in this section.
- B. Failure to send notices to persons specified in this section or failure of a person to receive a notice shall not invalidate the proceedings.

17.80.02536 Report and recommendation by commission.

- A. Before any proposed Title 17 zoning text amendments are ~~may be~~ acted upon by the council, ~~the commission shall hold a public hearing in accordance with Section 17.80.030 and study the proposed change and make a written report to the council of its decision within sixty calendar days of receipt of the amendment request;~~ the commission shall make a written report to the council of its decision within forty-five calendar days from the first commission meeting at which the proposed action is placed on the agenda:
- B. Before any proposed zoning map amendments are acted upon by the council, the commission shall hold a public hearing in accordance with Section 17.80.030 to study the proposed change. The commission shall make a written report to the council of its decision within sixty calendar days from the first commission meeting at which the proposed action is placed on the agenda:
- BC. The report of the commission shall give consideration as to what effect the proposed change would have on the public health, safety, welfare and convenience, and for map amendments show whether:

1. The proposed change is in accordance with the borough and city comprehensive plan,
 2. The proposed change is compatible with surrounding zoning districts and the established land use pattern,
 3. Public facilities such as schools, utilities and streets are adequate to support the proposed change,
 4. Changed conditions affecting the subject parcel or the surrounding neighborhood support the proposed change,
 5. The proposed change is consistent with the public welfare and does not grant a special privilege to the owner(s).
- D. After the public hearing, the commission shall report to the council one of the following actions on a map amendment:
1. approve the amendment as submitted,
 2. approve the amendment with special limitations as made by the commission, which limitations must be at least as restrictive as the amendment submitted, or
 3. deny the amendment.

17.80.040 Council action for adoption of zoning amendments.

- A. The following council action shall be required for zoning text amendments. Upon receipt of a recommendation for adoption of a zoning text amendment by the commission, the clerk shall place the text amendment ordinance on the next regular council agenda. The ordinance shall be introduced and a date for the public hearing established.
- B. The following council action shall be required for zoning map amendments:
1. A. Upon receipt of a recommendation for adoption of a zoning map amendment by the commission, the city clerk shall cause an ordinance to be prepared setting forth the details of the proposed amendment. ~~Such~~ The ordinance shall be introduced at a regular or special meeting of the council at the next council meeting in the normal course and a date for the public hearing established. The city clerk shall give notice of the public hearing in accordance with the procedures of Section 17.80.030. Notice of the public hearing given to the property owners described in Section 17.80.030 A 2 shall include a description of the protest rights established by Section 17.80.0680;
 - ~~B. If the commission recommends denial of any proposed amendment, that decision shall be final unless the initiating party, within twenty days of the denial decision, files a written statement with the city clerk requesting that the amendment be considered by the council in accordance with the procedures of this section.~~
 - ~~C. The council may adopt by ordinance an amendment to the official map including the entire proposed area or a lesser included area; provided, however, such amendment must be in accordance with the adopted comprehensive plan and this title. The council shall render its decision on an amendment within thirty days after the conclusion of the public hearing, unless such time limit is extended by common consent and agreement by both the petitioners and the council.~~
 2. C. After due consideration of the recommendation by the planning and zoning commission, the information provided, and the effect the proposed change would have on the public health, safety, welfare, and convenience, the council may decide not to amend the zoning map or the council may decide to amend the zoning map, but only as follows:
 - a. as submitted by the initiating party; or
 - b. with special limitations more restrictive than as submitted, provided that a map amendment initiated under subsection 17.80.010F may be so modified only with the

written consent of the initiating party.

C. D. For map and text amendments, the decision of the council shall be final.

17.80.051 Review process upon Commission denial.

If upon final vote the commission does not recommend approval of a map or text amendment, that decision shall be final unless the initiating party or property owner within twenty days of the decision files a written statement with the clerk requesting that the amendment be considered by council.

17.80.061 Council action upon Commission denial.

A. Upon timely receipt of a written statement under 17.80.051 by an initiating party requesting the council to consider a zoning text amendment that the commission voted not to recommend to the council, the clerk shall place the prepared ordinance on the next regular council agenda and forward the record of the commission's decision regarding the ordinance to the council. The council shall consider the ordinance in the normal course.

B. Upon timely receipt of a written appeal by the initiating party or property owner requesting the council to consider the zoning map amendment that the commission voted not to recommend to the council, the clerk shall place the request on the next regular council agenda and forward the record of the commission's decision to the council. The council shall vote on whether an ordinance shall be prepared for council action on the zoning map amendment. The ordinance shall be introduced at the next regular council meeting in normal course and a date established for a public hearing on the ordinance. The clerk shall give notice of the public hearing in accordance with the procedures of Section 17.80.030.

C. The decision of council shall be final.

17.80.0571 Record of zoning map changes.

A. All ordinances changing district boundaries shall be numbered consecutively. All such changes of zone boundaries shall be filed with and indexed in the city clerk's office, and shall be noted on the zoning map as specified in this title.

B. Entries shall be made on a tabular column on the map recording the ordinance number and the adoption date of the ordinance, together with the signature of the clerk attesting the change for all land affected by a zoning amendment.

17.80.0681 Property owner's protest.

If there is a protest against a zoning map amendment signed by the property owners of twenty percent or more of the area proposed for rezoning, or by the owners of twenty percent or more of the area immediately abutting the proposed rezoning, or separated from it by an alley or street, the amendments shall not become effective except by a favorable vote of five-sevenths of all the members of the council.

A. Property owners of land to which a map amendment applies or land within the "vicinity" of that land may protest the proposed map amendment in writing before or at the public hearing. If the owner or owners of more than one-third of the area to which the amendment applies or if the owner or owners of more than one-third of the area within the "vicinity" of that land deliver to the clerk signed written protests to the map amendment, the council shall not approve the amendment unless the ordinance approving the amendment specifically notes such protest or protests.

B. For purposes of this section, "vicinity" means land within 300 feet of the outer boundary of the land to which the amendment applies, excluding land owned by the city unless the city protests the amendment.

17.80.0790 Map changes.

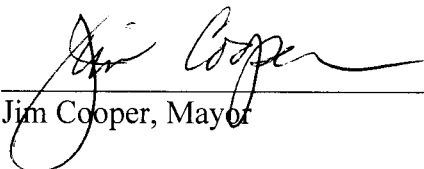
- A. ~~If, in accordance with the provisions of this title, changes are made in district boundaries or other matter portrayed on the zoning map, such the changes shall be entered on the zoning map by the date the amendment becomes effective.~~
- B. ~~The land area affected by the amendment shall be shown on the map and the change identified by a serial number. An entry shall be made in tabular column on the map recording the serial number of the amendment, the ordinance number, the date of adoption of the ordinance, together with the signature of the clerk attesting the recording of the change. No such change shall become effective until such entry has been made on the zoning map.~~

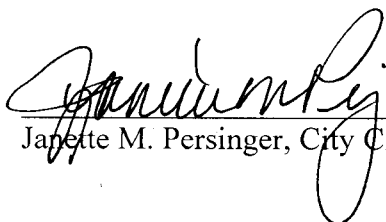
17.80.08100 Comprehensive plan.

The comprehensive ~~development~~ plan for the city is part of the comprehensive ~~development~~ plan of the borough and, as such, any change in the goals, policies, objectives, criteria, standards or elements within such plan will require the review by the borough planning commission and adoption by the borough assembly. All amendments to the zoning map or ordinance must be in accordance with the comprehensive ~~development~~ plan.

Section 5. Effective Date. Ordinance No. 614 shall take effect upon adoption by the City of Palmer City Council.

Passed and approved this 23rd day of March, 2004.


Jim Cooper, Mayor


Janette M. Persinger, City Clerk