

Ordinance No. 74 (continued)

Every person convicted of a violation of this ordinance shall be punished by a fine of not more than three hundred dollars (\$300) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

Every day upon which any such violation shall occur shall constitute a separate offense.

This Ordinance shall be effective on and after January 2, 1958.


First Reading: November 12, 1957

Second Reading: November 26, 1957


Third Reading: December 10, 1957

Passed by the Common Council and approved by the Mayor of the City of Palmer, Alaska, this tenth day of December, 1957.

APPROVED:


KENNETH W. LYNN, Mayor
City of Palmer

ATTEST:


L. C. STOCK, City Clerk

ORDINANCE NO. 75

AN ORDINANCE REPEALING RESOLUTION NO. 20 AND PROVIDING FOR THE CREATION OF A PLANNING COMMISSION, THE APPOINTMENT OF MEMBERS THERETO, THE TERMS, DUTIES, POWERS AND AUTHORITY OF SUCH COMMISSION, PROVIDING FOR SUCH COMMISSION TO CONSTITUTE THE PLATTING AUTHORITY FOR THE CITY OF PALMER, REQUIRING THE SUBMISSION OF ALL PLANS, PLATS, OR REPLATS, OF LAND IN THE CITY OF PALMER, TO SAID COMMISSION AND THE APPROVAL THEREBY, PRIOR TO RECORDING, PRESCRIBING PENALTIES FOR VIOLATION THEREOF UNDER THE AUTHORITY OF SECTION 16-1-35, ACLA 1949; CHAPTER 115, SLA 1953; CHAPTER 95, SLA 1955; AND ANY FUTURE AMMENDMENTS OF SAID AUTHORITY.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF PALMER, ALASKA:

SECTION 1. REPEAL OF RESOLUTION NO. 20

Resolution No. 20 is hereby repealed.

SECTION 2. PLANNING COMMISSION = CREATION, MEMBERS, CHAIRMAN, EX-OFFICIO MEMBERS

There is hereby created a city planning commission which shall consist of seven members who shall be nominated by the mayor and confirmed by the City Council.

A chairman and vice-chairman of the commission shall be selected annually and shall be appointed from and by the appointive members.

The mayor and the Committee of the City Council on Planning and Zoning shall serve as ex-officio members of the commission and, as consultants,

may attend all meetings, but they shall have no vote.

SECTION 3. SAME - INCORPORATION OF TERRITORIAL LAW BY REFERENCE

The laws of the Territory of Alaska dealing with planning and zoning commissions, present and future, particularly Title 16, Chapter 1, Article 3, Section 35, subparagraphs twenty-third and twenty-fourth, ACLA 1949; Chapter 115, SLA 1953; Chapter 95, SLA 1955; and all amendments thereto, are hereby incorporated into this Ordinance and expressly included herein.

SECTION 4. SAME - DUTIES AND POWERS, PLANS, RECOMMENDATIONS, REGULATIONS

The commission shall be required to do the following:

(a) Develop, adopt, alter, or revise, subject to approval by the City Council, a master plan for the physical development of the City. Such master plan with accompanying maps, plats, charts, descriptive and explanatory matter, shall show the commission's recommendations for the development of the city territory and may include, among other things;

- (1) Development of the type, location, and sequence of all public improvements.
- (2) The relocation, removal, extension or change of use of existing or future public ways, grounds, spaces, buildings, properties and utilities.
- (3) The general extent and location of rehabilitation areas.

When a master plan for the City has been approved by the Council, amendments, revisions and extensions thereof may be adopted by the Council, after consideration and report by the planning commission. All amendments, revisions or extensions shall correspond to major geographical divisions of the City or to functional divisions of the subject matter of the plan. When such master plan has been approved by the City Council, no amendments, revisions or extensions thereto shall be approved except upon the affirmative vote of four members of the City Council.

(b) Exercise control over platting and subdividing of lots, blocks, or lands within the City limits. All proposed plans, plats or replats of lots, blocks or lands within the City limits, and all streets, alleys and other portions of the same intended to be dedicated to public or private use within the corporate limits, shall first be submitted to the commission for its approval or rejection; and before such plans, plats or replats shall be entitled to record in the office of the United States Commissioner, Palmer Precinct, the same shall first have been approved by the City Council and such approval endorsed by the mayor upon the plan, plat or replat offered for recording.

In exercising the powers granted it by this section, the planning commission shall prepare and recommend for City Council adoption, regulations governing the subdivision of land within the City limits. Such regulations may provide for the harmonious development of the City and its environs, for the coordination of streets and other ways within the subdivided land with other existing or planned streets and ways or for conformance to the master plan or official map, for adequate open spaces, for spaces for traffic, utilities, recreation, light, and air, and for the avoidance of congestion of population.

Subdividing for the purposes of this section shall be deemed to include the division of any lot, tract, or parcel of land into two or more lots, sites or other divisions of land for the purpose, whether immediate or future, of sale or building development.

(c) Draft an official map of the City and recommend or disapprove proposed changes in such map,

(d) Make and adopt plans for the clearance and rebuilding of slum districts and blighted areas within the City.

AIA263

(e) Submit annually to the mayor, not less than ninety days prior to the beginning of the budget year, a list of recommended capital improvements which in the opinion of the commission are necessary or desirable to be constructed during the forthcoming three year period. Such list shall be arranged in order of preference, with recommendations as to which projects shall be constructed in which year.

(f) Promote public interest in and understanding of the master plan and of planning, zoning, and slum clearance.

(g) Make and develop plans for the replanning, improving and redevelopment of any areas within the City.

(h) Make and develop plans for the replanning, reconstruction or redevelopment of any area or district within the City which may be destroyed in whole or part or damaged by fire, earthquake, or other disaster.

(i) Make or cause to be made surveys, maps, and plans relating to the location and design of any public building, dock, beach, ski ground, statue, memorial, park, parkway, boulevard, street or alley or playground.

(j) Make investigations regarding any matter related to City planning.

(k) Make and prepare reports, prints, plats, and plans for approval by the City Council.

(l) Require other City departments to make available to the commission all information pertinent to City planning.

(m) Act as the agency of City government to cooperate with Federal and Territorial agencies authorized under Chapter 105 SLA 1951 as amended by Chapter 184 SLA 1955, Chapter 19 SLA 1957, and future amendments.

SECTION 5. SAME - TERMS OF COMMISSION MEMBERS

The term of each appointed member of the commission shall be three years. The terms shall be staggered so that three members shall be appointed every third year, and two members shall be appointed in each of the other two years of every such three year period.

SECTION 6. SAME - PLANNING DIRECTOR, QUALIFICATIONS, APPOINTMENT, FUNCTIONS

There may be a director of planning who shall be appointed by the mayor with the approval of the planning commission and who shall be qualified by special training and experience in the field of city planning. He shall be the regular technical adviser of the commission and may also be designated its executive secretary, but he shall not have the power to vote.

SECTION 7. MAP - OFFICIAL, CONTENTS

The City Council, after consideration and report by the commission, may by Ordinance, establish an official map of the City on which shall be shown and indicated the following:

(a) All public streets and other ways existing and established by law at the time of the establishment of the official map.

(b) All planned streets or street lines as approved by the City Council.

(c) All streets or street lines as located on final or recorded plats of subdivisions approved by the City Council at the time of the establishment of the map. The placing of any street or street lines upon the official map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street nor the taking or acceptance of any land for street purposes. The City Council may in the same manner place upon the official map the location of existing or planned parks or other public open spaces.

SECTION 8. SAME - MODIFICATION, HEARING, NOTICE

Subsequent to the adoption of the official map of the City, all street locations or subdivisions plats approved by the City Council pursuant to this chapter shall be deemed additions to or modifications of the official map and shall be placed thereon.

The City Council may by ordinance make other additions to or modifications of the official map by placing thereon the location of proposed streets, street extensions, widenings, narrowings or vacations; provided that any such addition to or modification of the official map shall be referred to the planning commission for public hearing and for its report and recommendations. Notice of such public hearing shall be sent by mail to the owners, as shown in the assessment rolls, of the land on or abutting which such mapped streets or street lines or street vacations are located. Such notice shall be mailed not less than five and not more than fifteen days prior to the hearing date.

SECTION 9. SAME - CONFORMITY TO MAP, DENIAL OF BUILDING PERMITS

When an official map of the City has been adopted and approved, the City Council may provide by resolution that no public utilities or improvements shall be constructed in any area unless and until subdivisions shall conform to such official map.

The City building inspector may deny building permits, unless a street gives access to any proposed structure, as shown on the official map, provided, however, if an applicant for such a permit be denied a permit, he may appeal to the City Council.

SECTION 10. ZONING COMMISSION - CREATION, POWERS, AND DUTIES

The City Planning Commission is hereby appointed as the zoning commission.

The City Planning Commission in performing its functions as the zoning commission shall have such powers and shall perform such duties as are set forth in the zoning ordinances of the City.

SECTION 11. SAME - PROCEEDINGS OF COMMISSION, RULES, OPEN, RECORD, FILING

The Commission shall establish rules or procedure, provided there shall be a regular monthly meeting of the commission which shall be open to the public. Permanent records or minutes shall be kept of the commission's proceedings and such minutes shall record the vote of each member upon every question. Every decision or finding shall immediately be filed in the office of the City Clerk and shall be a public record open to inspection by any person.

SECTION 12. SAME - FEES

(a) In order to defray the expenses connected with the consideration of applications for subdivision or replatting, the person presenting the application shall pay to the City Clerk the fee herein required. One copy of the receipt for such fee shall be attached to the application and no application shall be accepted without such receipt being attached to said application. The fee shall be twenty-five dollars, plus an additional fee of one dollar per lot for the first ten lots and fifty cents per lot for the remaining lots, if any, for each lot included in the proposed change. Whether an application for a subdivision or replat is granted or denied by the planning commission, the petitioner or applicant shall not be entitled to the return of the fee paid.

(b) In order to defray the expenses connected with the consideration of a petition for a street vacation, the person presenting the petition shall pay to the City Clerk the fee herein required. One copy of the receipt for such fee shall be attached to the petition and no petition shall be accepted without such receipt being attached to said petition. The fee shall be fifty dollars plus an additional fee of five dollars per lot for each and every lot abutting upon the proposed street vacation. Whether the petition for a street vacation is granted or denied by the planning commission, the petitioner shall not be entitled to a return of the fee paid.

AIA263

SECTION 13. VIOLATIONS - PENALTIES

Whoever, being the owner or agent of the owner of any land located within the City, shall subdivide and transfer, sell or agrees, or enters into a contract to sell any land in such subdivision, whether by reference to or by use of a plat of such subdivision or otherwise, unless and until a plat of such subdivision has been prepared in full compliance with the provisions of this ordinance and of the regulations adopted hereunder and has been approved by the commission and has been recorded in the office of the Recorder for the Palmer Recording Precinct, as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$300.00 for each lot or parcel so transferred or sold or agreed or included in a contract to be sold; and the description of such land by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalty or from the limits herein provided. The commission may sue to enjoin such transfer or sale or agreement to sell, and may recover the said penalty by appropriate action in any court of competent jurisdiction.

SECTION 14. SEVERABILITY

Each of the provisions of this ordinance are severable and if any provision thereof shall be declared to be invalid, the remaining provisions shall not be affected, but shall remain in full force and effect.

SECTION 15. EFFECTIVE DATE

This ordinance shall become effective March 11 1958.

PASSED AND APPROVED by the Common Council of the City of Palmer, this 11 day of March 1958.

s/s *Kenneth W. Lynn*
Kenneth W. Lynn, Mayor

ATTEST:

L. C. Stock, City Clerk

FIRST READING: January 14, 1958

SECOND READING: February 11, 1958

THIRD READING: March 11, 1958