



CITY OF BETHEL

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Introduced by: City Manager Hunter
Date: October 25, 1994
Public Hearing: November 9, 1994
Action: Passed
Vote: 6-Yes, 0-No

ORDINANCE #94-22

AN ORDINANCE OF THE CITY COUNCIL OF BETHEL, ALASKA, AMENDING TITLE 18, CHAPTER 18.16.060 ENTITLED ACTION ON APPLICATION AND CHAPTER 18.72.010 ENTITLED APPEAL OF DECISION OF THE PLANNING DEPARTMENT, AND ADDING CHAPTER 18.16.110 ENTITLED DISPLAY OF SITE PLAN PERMIT REQUIRED

WHEREAS, it is necessary to promote compliance with the Bethel Municipal Code regarding the site plan process; and

WHEREAS, the citizens of Bethel have a right to be informed of whether new construction is in compliance with the codes promoting health, safety and welfare of the present and future inhabitants of Bethel; and

WHEREAS, surrounding property owners need to be informed of Planning Department decisions in a timely manner in order to use their right to appeal.

NOW, THEREFORE, BE IT ENACTED by the City Council of Bethel, Alaska, as follows:

Section 1: Title 18 of the Bethel Municipal Code is hereby amended by adding Chapter 18.16.110, Display of Site Plan Permit Required, and amending Chapters 18.16.060, Action on Application, and 18.72.010, Appeal of Decision of Planning Department.

Section 2: This ordinance shall not be construed as abating any action now pending under, or by virtue of, prior existing laws or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person, or as waiving any right of the City under any section or provision existing at the time this ordinance is adopted, or as vacating or annulling any right obtained by any person, firm or corporation, by lawful action of the City except as shall be expressly provided for in this title.

Section 3: If any part or provision of this ordinance or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly

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involved in all controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision, or application.

Section 4: Chapter 18.16.060 of the Bethel Municipal Code is hereby amended by adding subsections (D) and (E). As amended, Chapter 18.16.060 will read as follows:

18.16.060 Action on Application. (A). Within five (5) working days of receipt of the application, the Planning Department shall review the application. Action may be approval, approval subject to modifications, or disapproval of the Site Plan Permit.

(B). If approved subject to modification, the applicant shall be notified in writing of the modifications required. The permit will be issued after the applicant has agreed, in writing, to the modifications.

(C). If denied, the applicant shall be notified in writing of the denial and the reasons therefore.

(D). If approved, the applicant shall be mailed or hand delivered a site plan permit to display.

(E). The site plan permit shall include:

1. the address and legal description of the property;
2. the improvements approved by the site plan;
3. the intended use of the improvements;
4. any other information, including diagrams, the Land Use Administrator feels is necessary to inform the public of the exact nature and location of the improvements; and
5. a signature block with spaces for the date the site plan permit was posted and the signature of the person who posted the permit.

Section 5: Chapter 18.16.110 of the Bethel Municipal Code is hereby adopted as follows:

18.16.110 Display of Site Plan Permit Required. (A) Within three days of receipt of a site plan permit or at the time construction starts, whichever is sooner, the site plan permit shall be displayed on the property to be developed, in a manner so as to be plainly visible to the nearest public access or right of way.

(B) The permit holder shall allow public access to and on the property to be developed in order to permit the public to read the site plan permit.

(C) The site plan permit shall initially be displayed for a minimum of ten (10) days. The time within which a member of the public may file an appeal as defined in BMC Chapter 18.72 shall be extended until the close of business on the 10th consecutive day that the site plan permit has been continuously displayed in conformance to the

requirements of this section.

(D) The site plan shall also be displayed during the construction of the project until such a time as the project is fifty percent (50%) completed, but in no case for less than ten (10) days after the start of the construction.

Section 6: Chapter 18.72.010(B) is hereby amended to read as follows:

18.72.010 Appeal of Decision of Planning Department (B) Time Limit. Any appeal filed by the applicant for the permit shall be filed within ten (10) calendar days from the date of the action or decision of the Planning Department or Land Use Administrator. Any appeal filed by any other person shall be filed within ten (10) calendar days from the date of the action or decision of the Planning Department or Land Use Administrator or no later than the 10th continuous day that the site plan permit has been displayed on the property to be developed in accordance with section 18.16.110 of this Title, whichever is longer. If the deadline date falls on a weekend or holiday, the deadline shall be extended to the next working day. If any appeal is not filed within the time specified in this subsection, the action or decision is final.

Section 7: This ordinance shall become effective upon adoption.

PASSED AND APPROVED THIS 9TH DAY OF NOVEMBER, 1994.


Allan Wintersteen, Mayor

ATTEST:


Connie Tucker, City Clerk