CITY OF BETHEL

P O. Box 388 • Bethel, Alaska 99559
907-543-2087
FAX # 543-4171

Introduced by: City Manager Hunter
Date: February 14, 1995
Public Hearing: February 28, 1995
Action: Passed
Vote: 5-Yes, 0-No

ORDINANCE #95-04

AN ORDINANCE OF THE BETHEL CITY COUNCIL AMENDING TITLE 18, CHAPTER 18.80.040(B) ENTITLED NON-CONFORMING STRUCTURES AND USES OF LAND

WHEREAS, it is necessary to promote greater compliance with the Bethel Municipal Code's Title 18 zoning regulations; and

WHEREAS, the zoning regulations are designed to promote the health, safety and welfare of the present and future inhabitants of the City of Bethel; and

WHEREAS, the existing regulations need further definition of the amount of renovation that would preclude any Grandfather rights; and

WHEREAS, the Planning Commission has reviewed and recommends the City Council adopt the proposed revisions to Chapter 18.80.040(b).

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 amending Section 18.80.040(b) Entitled Non-conforming Structures and Uses of Land.

Section 2: 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 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 3: Chapter 18.80.040 (b) of the Bethel Municipal Code is hereby adopted as follows:

<u>18.80.040 Non-conforming Structures and Uses of Land</u>.
B. Should a nonconforming structure or portion of a nonconforming structure be damaged by any means to an extent of more than 75% of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this title.

Section 4: 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, firm, or corporation, by lawful action of the City except as shall be expressly provided for in this title.

Section 5. This ordinance shall take effect upon passage.

PASSED AND APPROVED THIS 28TH DAY OF FEBRUARY, 1995.

Allan Wintersteen, Mayor

ATTEST:

Connie Tucker, City Clerk