

KENAI PENINSULA BOROUGH

ORDINANCE NO. 26

AN ORDINANCE RELATING TO SUBDIVISION PLATS AND PLATTING.

BE IT ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. Title 20 of the Kenai Peninsula Borough Code of Ordinances is amended by adding a new chapter to read:

CHAPTER 15. PLATTING

ARTICLE I - GENERAL PROVISIONS

20.15.010 Purpose. The purpose of this chapter is to promote an adequate and efficient street and road system, to prevent congestion on streets and promote traffic safety, to secure desirable public spaces, to insure the proper distribution of population, to provide for adequate utilities and public improvements, to insure the accurate survey and proper preparation of plats, and to protect and improve the health, safety and general welfare of the people.

20.15.015 Authority. This chapter is adopted under the authority of AS 07.15.340 and AS 40.15.

20.15.020 Jurisdiction. This chapter shall govern subdivision of all land within the Kenai Peninsula Borough. No subdivision plat requiring commission approval may be recorded unless approved by the commission.

20.15.025 Plats required. No subdivision shall be approved by the commission except upon the submission of a plat prepared in accordance with sections .035 - .070 of this chapter, provided:

(1) Subdivisions of land outside the limits of first class cities into aliquot parts no one of which is less than 40 acres are hereby approved and no submission to the commission is required.

(2) Plats of subdivisions of land outside the limits of first class cities into aliquot parts no one of which is less than 10 acres are not required to comply with the survey and monumentation provisions of Sec. .065.

(3) Subdivisions containing six or less parcels may be submitted, at the option of the subdivider, on a final plat omitting the preliminary plat required by section .040 - .050.

20.15.030 Definitions. In this chapter unless otherwise provided or the context otherwise requires:

(1) "aliquot part" means a 1/2, 1/4, 1/8, 1/16, 1/32, or 1/64th rectangular portion of a regular section, or regular part of a section, excluding fractional lots.

(2) "alley" means a public secondary access and utilities right-of-way.

(3) "block" means a piece or parcel of land entirely surrounded by public streets, streams, railroads, rights-of-way, and parks, etc., or a combination thereof.

(4) "commission" means Kenai Peninsula Borough planning commission.

(5) "cul-de-sac" means a short dead end street having a vehicular turn-around.

(6) "lot" means a portion of a subdivision intended as a unit for transfer of ownership or for building development.

(7) "lot depth" means the average distance from street right-of-way to the rear lot line, which is the lot line opposite and most distant from said street right-of-way.

(8) "lot width" means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured between the mid-points of such lines.

(9) "major street" means a street shown as a major street on the major street plan or comprehensive plan adopted by the Kenai Peninsula Borough.

(10) "planting strip" means a strip of land between the roadway and the sidewalk or sidewalk site.

(11) "roadway" means the portion of a street designated for vehicular traffic. Where curbs are laid it is the portion between curbs.

(12) "sidewalk" means the portion of a street or crosswalk intended for pedestrian use only.

(13) "street" is a general term used to describe a right-of-way serving as a means of vehicular and pedestrian travel, also furnishing space for sewers, public utilities and shade trees; includes avenues, boulevards, roads, lanes and other ways. Streets are classified as follows:

(A) Primary Arterial Streets (Highways) move through traffic to major traffic generators and from community to community.

(B) Community Arterial Streets collect and distribute traffic from higher type arterial highways to less

important streets, or directly to traffic destinations and serve secondary traffic generators and traffic from neighborhood to neighborhood within a community. [To serve a maximum of 1500 lots or units.]

(C) Neighborhood Collector Streets collect and distribute traffic from higher-type arterial streets, to access streets, or directly to traffic destinations or serve neighborhood traffic generators. [To serve a maximum of 350 lots or units.]

(D) Commercial Access Streets provide access to commercial properties in business, commercial, and industrial areas.

(E) Residential Access Streets provide access to residential property. [To serve a maximum of 100 lots or units.]

(F) Marginal Access Streets are minor streets which are parallel with and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

(14) "subdivider" means any person, group, corporation or other entity acting as a unit, or any agent thereof, dividing or proposing to divide lands so as to constitute a subdivision as defined herein.

(15) "subdivision" means the division of a tract or parcel of land into two or more lots, sites or other divisions for the purpose, whether immediate or future, of sale, or building development, and includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or areas subdivided.

ARTICLE II. APPROVAL OF PLATS

20.15.035 Preliminary discussion. The subdivider is strongly urged to discuss informally his preliminary studies and layout with the commission in order to facilitate the preparation of the required plans and plats in accordance with this chapter and to avoid unnecessary delay and expense.

20.15.040 Preliminary plat. (a) A subdivider shall prepare a preliminary plat of his proposed subdivision which shall comply with the requirements of Sec. .045 and other pertinent provisions of this chapter, except as provided in Sec. .025.

(b) Six black or blue line prints of the preliminary plat shall be submitted to the commission.

(c) The fee established by the commission shall accompany the submission of the preliminary plat, except in the case of a final plat submitted under Sec. .025(3), the fee shall accompany the final plat.

(d) Upon submission of a plat subdividing land within a first class city the commission shall transmit three prints of the plat to the City Advisory Planning Commission for its review.

20.15.045 Preliminary plat - Form. (a) The preliminary plat shall be drawn to scale of sufficient size to be clearly legible and shall show the following:

(1) Name of the subdivision. (The name shall not be the same as an existing city, town, tract or subdivision of and in the borough, of which a map or plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion.)

(2) Legal description, location, and total area in acres of the proposed subdivision.

(3) Name and address of owner, subdivider and engineer or land surveyor.

(4) Date and north point.

(5) The location, width and name of existing or platted streets and public ways within 300 feet of the subdivision, railroad rights-of-way and other important features such as section lines, political subdivision or municipal corporation boundaries.

(6) A vicinity map showing location of proposed subdivision in relation to surrounding countryside.

(7) All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purposes, conditions or limitations of such reservations.

(8) Block and lot numbers and approximate dimensions and total number of proposed lots.

(9) The names and widths of public streets and alleys and easements, existing and proposed, within the subdivision.

(10) Location of existing sewers, water mains, culverts, and other utilities within the subdivision and immediately adjacent thereto.

(11) Space for approval of the commission.

(12) A statement of proposed land uses.

(13) The names of adjacent subdivisions and plotted lots and streets or an indication that the adjacent land is not subdivided.

(14) Sufficient spot elevations or contours to determine the general slope of the land may be required by the commission.

(15) Approximate locations of areas subject to inundation or storm water overflow; the location, width, and direction of the flow of water courses; and if adjacent to tidewater, the line of higher high water.

(b) Information which can not be practicably shown on the plat shall be presented in a written statement together with the following information:

(1) Proposed drainage and flood control measures.

(2) Information on proposed water supply. If such water supply is to be provided by:

(A) A public utility; a letter from the public utility should be submitted showing its ability to serve the proposed subdivision and evidence indicating that a satisfactory agreement has been entered into for such service.

(B) A mutual system, the subdivider shall give such guarantee or shall post such bond as deemed necessary to insure the installation of such system.

(3) Information on proposed sewage disposal system. If such system is to be provided by:

(A) A public utility; a letter from the public utility should be submitted showing its ability to serve the proposed subdivision;

(B) A mutual system, the subdivider shall give such guarantee or shall post such bond as deemed necessary to insure the installation of such system.

(4) Justification and reasons for any exception to the provisions of these rules and regulations.

20.15.050 Approval. (a) Within 30 days after filing the commission shall determine whether the preliminary plat complies with the provisions of law and this chapter, and shall approve, conditionally approve, or disapprove it and notify the subdivider of its action. The commission's action shall be noted on two copies of the plat and one copy shall be returned to the subdivider.

(b) Approval of a preliminary plat shall not constitute approval of the final plat, but shall be deemed an expression of approval of the preliminary plat as a guide to the preparation of the final plat. Approval of the preliminary plat shall expire after one year unless a final plat is submitted to the commission for approval or the commission extends the time.

ARTICLE III. FINAL PLATS

20.15.055 Filing. The final plat shall be prepared in accordance with Sec. .060 and .065 and the preliminary plat as approved. The final plat may constitute only that portion of the preliminary plat which the subdivider proposes to record and develop at the time.

(b) The subdivider shall file the final plat together with four blue or black line prints having all required signatures affixed. The original and all copies shall be signed. If the subdivision is located within a first class city the subdivider shall also file a certificate of approval from the city that required improvements have been provided for.

(c) A certificate of the borough tax collector stating that all taxes levied upon the property within the subdivision have been paid shall be submitted with the final plat.

20.15.060 Form. (a) The final subdivision plat shall be clearly and legibly drawn to scale upon tracing cloth or on good quality polyester film (equal to Dupont Mylar). All lines, letters, figures, certifications, acknowledgments and signatures shall be made in permanent ink. The plat shall be so made, and shall be in such condition when filed, that legible prints and negatives can be made therefrom. Sheets shall be one of five sizes: 8 1/2"x14"; 18"x24"; 24"x36"; 31 1/2"x 34" or 36"x42". When more than one sheet is required, an index sheet shall be filed showing the entire subdivision, indicating the portion contained on each sheet, and each sheet showing the total number (e.g. sheet 1 of 3). When more than one sheet is submitted, all sheets shall be the same size.

(b) The index sheet shall contain the name of the subdivision.

(c) Plats filed for the purpose of reverting subdivided land to acreage shall be conspicuously designated "THE PURPOSE OF THIS PLAT IS A REVERSION TO ACREAGE".

(d) Sufficient data must be shown to determine readily the bearing and length of every lot line, block line, and boundary line. Dimensions of lots shall be given as net dimensions to the boundaries of adjoining streets and shall be shown in feet. No ditto marks shall be used. Bearings and distances of straight lines, and radii and arc length for all curves as may be necessary to determine the location of the centers of curves shall be shown.

(e) All linear measurements shall be shown to the nearest 1/10th foot, meaning plus or minus .05 feet. Minimum angle accuracy shall be the nearest minute, meaning plus or minus .5 minutes.

(f) All areas shall be shown to the nearest ten square feet or to the nearest one-thousandth of total acres.

(g) The map shall show the line of higher high water in case the subdivision is adjacent to tidewater and the areas subject to periodic inundation by flood water.

(h) The boundary of the tract shall be designated by a wider border and shall not interfere with the legibility of figures or other data.

(i) In tracts containing more than one block, blocks shall be numbered in numerical order, commencing with the numeral "1" with no omissions or duplications. Lot numbers shall begin with the number "1" in each block and shall continue consecutively with no omissions or duplications. If possible, each block should be shown entirely on one sheet; each lot shall be shown entirely on one sheet.

(j) The plats shall show the side lines of all streets, the total width of all streets, the width of the portion being dedicated, the width of existing dedications, and the width of any railroad right-of-way appearing on the plat.

(k) The plat shall show the side lines of all easements to which lots are subject. The easements must be clearly labeled and identified and if already of record, the recorded reference given. If any easement is not definitely located of record, a statement of such easement must appear on the title sheet. Easements for storm drain sewers and other purposes shall be indicated by dotted lines of the same width as the lines denoting street boundaries. Distances and bearings on the side lines of lots which are cut by an easement, must be arrowed or shown that the map will indicate clearly the actual lengths of the lot lines. The width of the easement and sufficient lengths and bearings of the lines thereof to definitely locate the easement with respect to the lot lines must be shown. If easements are being dedicated by the plat they shall be properly set out in the owner's certification of dedication.

(l) In order to avoid duplication, names to be used for new streets shall be subject to the approval of the commission.

(m) The plat shall show all other data that is or may be required by law.

(n) The final plat shall particularly define and delineate all lots intended for sale or reserved for private purposes, all parcels offered for dedication for any purpose, with all dimensions, boundaries and courses clearly shown and defined in every case.

(o) The following certificates and acknowledgements shall appear on the final plat, such certification may be combined where appropriate.

(4) Engineer's Certificate: The final plat shall show the surveyor's seal and signature of the civil engineer or licensed surveyor responsible for the survey and final map.

(0) The following form of certification shall be printed on the final plat by the person preparing the plat, to be filled in after approval by the commission.

PLAT APPROVAL

Plat approved by the commission this _____ day of _____, 19____.

Mayor

Secretary

20.15.065 Survey & Monumentation. (a) All subdivisions shall be surveyed except as provided in Sec. .025.

(b) The subdivision of sections into aliquot parts and the restoration of lost corners shall be performed in accordance with the U. S. Bureau of Land Management 1947 Manual of Surveying Instructions. All section subdivision details executed as part of the surveyor's work shall be shown on the plat. A minimum survey accuracy of 1:5000 is required.

(c) All corners of aliquot parts over twenty (20) acres shall be brass capped monuments.

(d) All monuments shall be stamped with the date and identification of the monument and the registered number of the surveyor.

(e) All corners found and set shall be shown and described on the plat.

(f) Where monuments are set in untraveled areas the brass cap shall be two to six inches above the ground. All monuments found and set shall be protected by a guard post of durable material. In traveled areas monuments shall be set six inches below the surface. Control points in roadways or traveled areas need only be a two foot iron rod driven below the surface with at least two brass cap reference monuments on the adjacent property line.

(g) Every subdivision shall contain at least two inter-visible monuments as a base line, but in the case of a resub-division, the commission may waive additional monument installation if sufficient monuments already exist. As used in this particular paragraph, the words "monument" and "marker" shall be synonymous. It is desirable that monuments be set at all exterior angle points in a subdivision. A three-quarter inch by thirty inch galvanized iron pipe shall be set in a manner similar to that described above at all exterior angle points

which are not monumented. The distance and bearings between monuments shall be shown. The distance between required monuments shall be further than 1320' +/- . No part of any subdivision shall be further than 1320' +/- from a monument. All monuments shall be tied to the subdivision lines. All lot corners shall be marked in a professional manner.

(h) True bearings and distances to the nearest established street lines and official GLO or BLM monuments shall be accurately described and delineated on the plat.

20.15.070 Approval. (a) The commission shall approve or disapprove the plat of subdivision or dedication within 30 days after filing thereof, or shall return such plat to the applicant for modification or correction within 30 days from the filing thereof; otherwise, such plat shall be deemed to have been approved and a certificate to the effect shall be issued by the commission on demand; provided, however, that the applicant for plat approval may consent to the extension of such period. The grounds of disapproval of any plat shall be stated upon the record of the commission and the applicant shall be advised of the commission's disapproval in writing.

(b) When the final plat has been approved by the commission, one copy shall be returned to the subdivider with the approval of the commission certified thereon. One copy shall be filed with the District Recorder by the commission within 10 days after approval unless the subdivider requests postponement. The original tracing containing the certification by the commission will be retained by the commission. Prints will be furnished at cost.

ARTICLE IV. DESIGN REQUIREMENTS

20.15.075 Standards. In its consideration of subdivision plats the commission shall apply the following standards:

(1) Basic Considerations. The general requirements of the community, the particular requirements of the neighborhood and the best use of the land to be subdivided. Particular attention shall be given to specific requirements for parks, playgrounds, school sites, public buildings sites, major streets, the adequacy of street connections and the suitability of the land for development.

(2) Large Lots. Subdivisions containing larger parcels than ordinary building lots may be required to allow for the opening of future streets and logical further subdivision.

(3) Reserved Strips. There shall be no reserve strips controlling access to land dedicated to public use, except when the control and disposition of land comprising such strips is placed within the jurisdiction of the borough under conditions specified by the commission and attached to the final plat.

(4) The proposed street layout shall be made according to good land planning practices for the type of development proposed and shall be co-ordinated with the street systems of the surrounding areas. All streets must provide for the continuation or appropriate projection of principal streets in surrounding areas and provide reasonable means of ingress and egress for surrounding acreage tracts.

(5) Restriction of Access to Major Streets. Residential lots fronting on major streets shall be provided with interior or frontage access unless, because of size, topography or other physical characteristics substantial hardship would result.

(6) Discouragement of Traffic. Residential access streets shall be so laid out that their use by through traffic will be discouraged.

(7) Partial Subdivision. Where the subdivision includes only a part of the subdivider's tract, street and utility system shall be considered in the light of proposed plans for the entire area.

(8) Intersections. There shall be a minimum number of intersections of residential streets with arterial or major streets.

(9) Alleys. Alleys shall be provided to the rear of all lots used for business purposes and shall not be provided in residential blocks, except where the subdivider produces evidence satisfactory to the commission and the advisory planning commission of the desirability of alleys. Where two alleys intersect, 10 foot radius corner cutoffs measured on the property lines from the point of intersection shall be required.

(10) Street Grades. Grades on arterial streets should not exceed six per cent. Grades on other streets shall not exceed ten per cent. To assure that this provision is satisfied, the commission may require spot elevation within proposed street right-of-ways.

(11) Cul-de-sacs. Streets designed to have one end permanently closed shall be no more than 600 feet long and shall be provided at the closed end with a suitable turn-around with a minimum radius of 50 feet to the property line.

(12) Half Streets. Where a dedicated half street or alley is adjacent to the tract to be subdivided, the other half of the street or alley shall be dedicated.

(13) Alignment and Visibility. Clear visibility, measured along the center line shall be provided for at least 600 feet on the community arterial streets; 400 feet on neighborhood collector streets; and 200 feet on all other streets.

(14) Street Widths. The minimum right-of-way width of streets shall be as follows:

Primary arterial street	100'
Community arterial	80'
Neighborhood collector street	70'
Commercial access street	60'
Residential access street	50'
Cul-de-sacs	50'
Marginal access street	40'
Alleys	20'

(15) Curves. Where a deflection angle of more than ten degrees in the alignment of a street occurs, a curve of reasonable radius shall be introduced. On streets 60 feet or more in width, the center line radius of curvature shall be not less than 300 feet; on other streets not less than 100 feet.

(16) Reverse curve. Between reversed curves on all streets there should be a tangent at least 100 feet long.

(17) Street Intersection. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle of less than 60 degrees.

(18) Grade at Intersection. Flat grades are preferred from 50 to 100 feet away from an intersection, but in no case shall grades exceed four per cent for a distance of at least 100 feet from all intersections.

(19) Temporary Dead End Streets. Streets which are stub streets designed to provide future connection with adjoining areas must provide some type of temporary turnaround at the stub end.

(20) Street Names. Streets shall be named in such a manner as to conform to adjacent areas and to avoid duplication.

(21) Layout. The length, width, and shapes of blocks shall be determined with due regard to the special needs of the types of use contemplated; to needs for convenient access and circulation; to topography; and to the conservation of building sites.

(22) Long Blocks. Long blocks shall be provided adjacent to main thoroughfares for the purpose of reducing the number of intersections; however, blocks shall not be less than 300 feet or more than 1400 feet in length unless existing conditions justify a variation from this requirement.

(23) Block Width. Blocks shall be wide enough to allow two tiers of lots of minimum depth, except when fronted on major streets, prevented by topographical conditions or size of the property, or other particular conditions.

(24) Business. Blocks planned for commercial use shall not be more than 600 feet or less than 300 feet in length.

(25) Pedestrian Ways. Pedestrian ways not less than ten feet wide shall be required in blocks longer than 600 feet where reasonably deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

(26) Block Corners. At street intersections block corners may be required to be rounded at the property lines by a radius of not less than 20 feet.

(27) Lot Dimensions. The size and shape of lots shall be such as proper for the locality in which the subdivision is located and in conformance with the requirements of any zoning ordinance effective for the area in which the proposed subdivision is located. In no case shall lot lines be less than 60 feet on the building line, nor the depth less than that necessary to provide 6,000 sq. ft., nor shall the depth be less than 85 ft. nor greater than three times the width, provided, however, that the commission may grant exception thereto where lots are located on, or adjacent to steep hillsides, lakes, rivers or creeks or where property is to be used for business of industrial purposes.

(28) Minimum Lot Size. Lots must contain a minimum of:

(A) 6,000 square feet if served by public water and sewer service.

(B) 9,600 square feet if the lots must have either their own well or sewer disposal.

(C) 12,000 square feet if both the well and sewer disposal are to be provided on the lot.

In those cases where a subdivider wishes to provide lots smaller than 12,000 square feet but not less than 9,600 square feet, with each lot to be served by individual water and sewer disposal systems, the commission may allow such provided:

(A) Only every other lot may be built upon until a state approved community water or sewer system is funded. Those lots which may be built upon shall be determined by the commission through conference with the developer. Lots approved for building shall be so noted on the final plat, or

(B) The subdivider secures the approval of the State Health Department.

In those cases where a subdivider wishes to provide lots smaller than 9,600 sq. ft. but not less than 7,200 sq. ft., with each lot to be served by individual water and sewer disposal systems, the commission may allow such provided:

(A) Only every other lot may be built upon until a state approved community water and sewer system is funded. These lots which may be built upon shall be determined by the commission through conference with the developer. Said buildable lots shall be so noted on the final plat, or

(B) The subdivider secures the approval of the State Health Department.

(29) Access to Street. Each lot shall abut on a dedicated street.

(30) Corner Lots. A corner lot shall be at least 65 feet in width.

(31) Side Lot Lines. Side lines of lots shall be approximately at right angles or radial to the street line.

(32) Through Lots. Double frontage lots, with depths less than 250 feet will not be approved except where necessitated by topographic or other physical conditions.

(33) Building Set Back Lines. The commission shall require a minimum 20 foot building set back line for all residential lots, said set back to be maintained on all street frontages on corner lots.

ARTICLE V. IMPROVEMENTS & EXCEPTIONS

20.15.080 Improvements. No final plat of a subdivision located within a first class city shall be approved unless the subdivider has an agreement with the city providing for installation of all required improvements and evidence of such agreement shall have been filed with the commission.

20.15.085 Exceptions. (a) The commission may authorize exceptions to any of the requirements set forth in these regulations. Application for any such exception shall be made by a verified petition of the subdivider, stating fully the grounds of the application and the facts relied upon. Such petition shall be filed with the preliminary plat of the subdivision. The commission shall find the following facts before granting any exceptions:

(1) That special circumstances or conditions affect the property.

(2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

(3) That the granting of the exception will not be

detrimental to the public welfare or injurious to other property in the area in which said property is situated.

(b) The commission shall set forth any exception fully and specifically and may require such conditions as are necessary to preserve the intent of this chapter as light, air, public health, safety, welfare and convenience. The commission may impose such restrictions necessary to insure that the exceptions and conditions are complied with.

Section 2. This ordinance shall become effective 30 days after enactment.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7th DAY OF MAY , 1968.

/s/ Bob Ross
Assembly President

ATTEST:

/s/ Frances Bryner
Assembly Clerk

