

ORDINANCE CERTIFICATION

I certify that upon final enactment of Ordinance No. 81-50 of the Kenai Peninsula borough, this certification of the actions taken by me conforms with the rules and regulations governing ordinances.

1. Publication: Publication has been made by causing a summary of this ordinance to be inserted one time in a newspaper of general circulation in the borough. One copy of this ordinance as set for hearing, together with Notice of Hearing has been mailed to the city clerks of each first class city in the borough and to each postoffice in the borough with a request for posting on the City Hall and Post Office bulletin boards for 10 days immediately following receipt.
2. After adoption of this ordinance, one copy will be mailed to the city clerk of each first class city in the borough.

This ordinance was ENACTED by the assembly of the Kenai Peninsula Borough on the 21 day of July, 1981 and will become effective immediately.

Frances Byrner  
Borough Clerk

Date: 7-23-81

Introduced by: Anderson  
Date: June 2, 1981  
Hearing: July 21, 1981  
Vote: 15 Yes, 1 No  
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 81-50

AMENDING KPB 20.20.050 AND KPB 20.20.110 PERTAINING TO ACCESS REQUIREMENTS TO LOTS ON MAJOR STREETS, AND STREET WIDTH REQUIREMENTS.

WHEREAS, portions of the subdivision ordinance are written using language that gives meanings other than that intended by many of the persons who were involved in the creation thereof; and

WHEREAS, these sections of the ordinance require dedications of rights of way that may not be used or may not be necessary in the foreseeable future; and

WHEREAS, these rights of way constitute the taking of property without adequate compensation; and

WHEREAS, the Assembly of the Kenai Peninsula Borough desires to protect the rights and interests of the private property owner to the greatest extent compatible with the rights and interests of the public;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. That Section 20.20.050 of the Borough Code of ordinances is amended to read:

20.20.050 Lots on major streets--Access requirements. Lots fronting on arterial streets with less than 200 feet of right-of-way as identified in the arterial road plan adopted by the borough or, until such plan is adopted, lots fronting on state maintained roads with less than 200 feet of right-of-way (SHALL) may be required to be provided interior or frontage road access(, UNLESS, BECAUSE OF) upon a definite finding by the Commission that due to size, topography, (OR OTHER) physical characteristics, (SUBSTANTIAL HARDSHIP WOULD RESULT.) or an unusually heavy traffic flow, that a serious hazard to the safe utilization of said highway would result from direct access thereto.

Section 2. That Section 20.20.110 of the Borough Code of ordinances is amended to read:

20.20.110 Streets--Width requirements. The minimum right-of-way width of streets shall be as follows:

- |    |   |       |          |
|----|---|-------|----------|
| A. | Arterial  | (100) | 60 feet; |
| B. | Access street   |       | 60 feet; |
| C. | Cul-de-sac serving no more than 6 lots                              |       | 50 feet; |
| D. | (FRONTAGE ROAD) Marginal access street, serving no more than 3 lots |       | 40 feet; |
| E. | Frontage road   |       | 40 feet; |

The Commission shall require a building set back of at least 70 feet from the center line of all arterial streets. Additional right-of-way or easement width may be required to provide for the construction of stable side slopes.

Section 3. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 21st DAY OF July, 1981.

Paul A. Fischer  
Paul Fischer, Assembly President

ATTEST:

Frances Bupner  
Borough Clerk