

Introduced by: Martin
Date: 10/28/08
Hearing: 12/02/08
Action: Enacted
Vote: 7 Yes, 0 No, 2 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2008-33**

**AN ORDINANCE AMENDING KPB CHAPTER 20.20, SUBDIVISION DESIGN
REQUIREMENTS, TO REQUIRE A MINIMUM WIDTH OF 60 FEET FOR STREET
RIGHTS-OF-WAY**

WHEREAS, the platting code design requirements currently allow the minimum right-of-way width for certain streets to be less than 60 feet; and

WHEREAS, the minimum right-of-way width for a road to meet standards for road maintenance certification is 60 feet as provided in KPB 14.06.100(A)(1); and

WHEREAS, in a memorandum to the Planning Director dated September 23, 2008, the Road Service Area Board requested that the platting code be amended to require a minimum right-of-way width of 60 feet in subdivision plats; and

WHEREAS, the borough code also requires that people obtain a right-of-way construction permit to construct a road in a dedicated right-of-way, and KPB 14.40.060(A)(11) provides that such construction may be required to meet road construction standards; and

WHEREAS, if a plat is approved with streets dedicated at less than 60 feet wide, the property owner might not be able to construct the streets or obtain certification for road maintenance because the rights-of-way would not meet the minimum width requirements for road maintenance standards; and

WHEREAS, the best interests of the public would be served by making the minimum required right-of-way widths identical for both subdivision plats and road maintenance certification;

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

SECTION 1. That KPB 20.20.110 is hereby amended as follows:

20.20.110. Streets-Width requirements.

The minimum right-of-way width of streets shall be 60 feet. [AS FOLLOWS:

A.	ARTERIAL	60 FEET;
B.	ACCESS STREET	60 FEET;
C.	CULD-DE-SAC SERVING NO MORE THAN 6 LOTS	50 FEET;
D.	MARGINAL ACCESS STREET, SERVING NO MORE THAN 3 LOTS	40 FEET;
E.	FRONTAGE ROAD	40 FEET.]

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

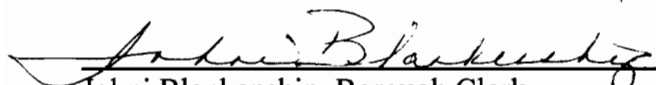
SECTION 2. Plat submittals received on or after the effective date of this ordinance must comply with the provisions of this ordinance. Plats which have received preliminary approval or an extension for final plat approval on the date of enactment of this ordinance are subject to the subdivision regulations in effect on the date preliminary plat approval or the extension was granted. Any further extensions for final plat approval are subject to the requirements of this ordinance.

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

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF DECEMBER, 2008.


 Milli Martin, Assembly President

ATTEST:


 Johni Blankenship, Borough Clerk



- Yes: Knopp, Long, Smalley, Smith, Sprague, Superman, Martin
- No: None
- Absent: Fischer, Pierce