

Title 16

SUBDIVISIONS

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Chapter 16.04

GENERAL PROVISIONS

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**16.04.010 Short title.** This chapter shall be known and cited as the "subdivision regulations for the city." (Prior code §22.05.010)

**16.04.020 Purpose.** These subdivision regulations are designed to promote and improve the public health, safety and general welfare of the people of the city; to encourage the orderly development and use of land; to prevent congestion on the streets and highways; to facilitate adequate provision for transportation, water, sewerage, schools, recreation, and other public requirements; to provide adequate light and air; to increase the public safety from fire, disease, and other dangers; and to facilitate the further resubdivision of large tracts into smaller parcels of land. In addition, these regulations provide for the accurate surveying of land; for equitable processing of all plats; and for the proper preparation and recording of plats. These regulations are made with reasonable consideration, among other things, of the character of the city with a view to providing the best possible environment for human habitation; and to encouraging the most appropriate use of land throughout the city. (Prior code §22.05.020)

**16.04.030 Authority.** The city derives its authority to regulate the subdivision of land by virtue of Sections 29.43.040 and 29.33.070 through 29.33.245 of the Alaska Statutes. (Prior code §22.05.030)

**16.04.040 Administration.** The approval provisions of these regulations shall be administered by the planning commission of the city, acting in accordance with Section 29.33.150 of the Alaska Statutes and Chapter 2.36 of the code of ordinances of the city. (Prior code §22.05.040)

**16.04.050 Scope.** These subdivision regulations shall not apply to any lot or lots forming a part of a subdivision legally created and filed for record prior to the effective date of the regulations codified in this chapter. Where these regulations impose a greater restriction upon land than is imposed or required by existing provisions of other laws, ordinances or regulations, or with private restrictions upon property of whatever type, the provisions of these regulations shall prevail. (Prior code §22.05.050)

**16.04.060 Jurisdiction.** These regulations shall govern all subdivisions of land and platting of land within the city. (Prior code §22.05.060)

**16.04.070 Waiver.**

A. In individual cases and in accordance with AS 29.33.170, the planning commission shall waive the preparation, submission for approval, and recording of a plat upon satisfactory evidence that:

1. Each tract or parcel of land will have adequate access to a public highway or street;
2. Each parcel created is five acres in size or larger and that the land is divided into four or fewer parcels;
3. The conveyance is not made for the purpose of, or in connection with, a present or projected subdivision development;
4. No dedication of a street, alley, thoroughfare or other public area is involved or required.

B. In other cases, the planning commission may waive the preparation, submission for approval and recording of a plat provided that the transaction involved does not fall within the general intent of this title and AS 40.15, that it is not made for the purpose of, or in connection with, a present or projected subdivision development and that no dedication of a street, alley, thoroughfare, park or other public area is involved or required.

C. Waiver Procedure.

1. The applicant shall submit a written application and a neat, accurate map (minimum scale of one inch equals two hundred feet) of the area which shall indicate the total property involved, changes desired, existing development, and dimensional information sufficient for the planning commission to determine the relative merits of the proposal.

2. The planning commission shall review the waiver application to ensure conformance with the official city map, comprehensive plan and acceptable waiver criteria. No waiver shall be permitted for lands adversely affected by geophysical hazards.

3. Upon approval of the waiver request by the planning commission, a resolution containing a legal description of the land for which the waiver is granted shall be signed by the planning commission and filed with the city clerk. Evidence of said waiver shall be recorded in the District Recording Office in Anchorage. (Prior code §22.05.070)

**16.04.080 Fees.** Fees charged for the review and recording of plats shall be nonrefundable and shall be paid in full when an application is submitted to the planning commission, except that city, state and federal agencies shall be exempt from payment of such fees. The schedule of fees required by the planning commission shall be as follows:

A. Preliminary plat, formula as follows:

$$75 \text{ cents} \times \text{number of lots} + 75 \text{ cents} \times \text{number of acres} + \frac{\text{number of lots}}{\text{number of acres}} \times \$10.00, \text{ if less than 20 lots, and } x \$20.00 \text{ if more than 20 lots.}$$

Minimum charge is \$25.00.

B. Final plat: one-half of original fee or twenty-five-dollar minimum.

C. Alteration or replat, including vacation or right-of-way: flat fee of seventy-five dollars.

D. Waivers: no fee.

E. Recording Fee. (Amount of payment to be in accordance with the schedule developed by the Anchorage District Recorder's Office.)

20 lots or less	\$	2.00
21 to 29 lots		3.00
30 to 49 lots		4.00
50 to 74 lots		5.00
75 to 100 lots		6.00
over 100 lots		6.00 plus \$.03 for each additional lot.

(Prior code §22.05.080)

**16.04.090 Hearing notification.** Notices of public hearings required by these subdivision regulations shall include the date, time and location of said hearings, as well as a description of the proposed subdivision and the name or names of the party or parties filing the application. In all cases, adjacent property owners shall be notified in writing at least ten days prior to such hearings and general notice of said hearings shall be posted for at least ten days at the city hall and one other designated public place. (Prior code §22.05.090)

**DEFINITIONS**

**Sections:**

**16.08.010 Definitions.**

**16.08.010 Definitions.** In this chapter, unless the context otherwise requires:

A. "Block" means a piece or parcel of land that is entirely bounded by rights-of-way excepting alleys, physical barriers, exterior boundaries of a subdivision, or a combination thereof

B. "City" means the city of Whittier.

C. "City engineer" means a registered professional civil engineer authorized to practice engineering in the state and who is retained by the city on a temporary or permanent basis.

D. "Community water and sewer systems" means the water and sewer systems of the city. This definition may be extended, where necessary, to include privately or publicly developed systems in areas beyond the extent of existing community systems; provided that such new systems shall meet all applicable city and state standards.

E. "Comprehensive plan" means a document designed to portray general, long-range proposals for the arrangement of land uses in the city and which has been adopted by the city as a guide to setting policy for achieving orderly and coordinated community development.

F. "Dedication" means the intentional appropriation of land by the owner to public use.

G. "Easement" means an interest in the land owned by another that entitles the easement holder to a specified limited use.

H. "Improvements" means any construction incident to servicing or furnishing facilities for a subdivision, including but not limited to grading, street surfacing, curbs and gutters, driveway approaches, sidewalks, water mains and lines, sanitary sewers, storm sewers, other utilities, culverts, bridges and other appropriate items.

I. "Lot" means a measured portion of a parcel or tract of land which is described and fixed on a plat filed for record.

1. "Corner lot" means a lot located at the intersection of two or more streets;

2. "Lot frontage" means all property abutting the right-of-way of a dedicated street, measured along the right-of-way between side lot lines of a lot. In no case shall the line along an alley be considered as lot frontage;

3. "Double frontage lot" means a lot other than a corner lot with frontage on more than one street;

4. "Lot depth" means the mean horizontal distance between the front and rear property lines of a lot;

5. "Lot width" means the mean distance between the side property lines of a lot.

J. "Lot line" means the fixed boundaries of a lot described by survey and located on a plat filed for record.

1. "Front lot line" means the boundary of a lot measured along the edge of the right-of-way of a dedicated street. In the case of a corner lot, either line which meets the above description may be considered a front lot line, provided that the other is considered to be a side lot line;

2. "Rear lot line" means the boundary of a lot which is most parallel to the front lot line and does not intersect the front lot line;

3. "Side lot line" means the boundary of a lot which is neither a front nor a rear lot line.

K. "Monument" means a permanent survey control point.

L. "Planned unit development" means a group or combination of certain specified residential, commercial and/or industrial uses developed as a functional and integral unit in an area where some or all of the uses might not otherwise be permitted but which protect the character and quality of adjacent land use through appropriate design requirements.

M. "Planning commission" means the planning commission of the city.

N. "Plat" means a map or chart of a subdivision of land.

1. "Final plat" means a map of a subdivision of land made up in final form as required for approval and filing;

2. "Preliminary plat" means a map showing the required features of a proposed subdivision of land submitted to the planning commission for purposes of preliminary consideration and approval;

3. "Sketch plat" means an informal plan drawn to scale showing the existing features of a site and its surroundings and the general layout of a proposed subdivision.

O. "Public utility" means all persons, firms, corporations, or city or other public authorities which are certified as public utilities by the state.

P. "Replat" means the alteration of a plat of record which shall be submitted in a required form to the planning commission for approval and recording.

Q. "Right-of-way" means land reserved, used, or intended to be used for a street, alley, walkway, or other public purpose.

R. "Sidewalk" means an improved right-of-way for pedestrian circulation.

S. "Street" means a right-of-way which provides for vehicular and pedestrian access to abutting properties.

1. "Alley" means a public right-of-way shown on a plat which provides secondary access to a lot, block or parcel of land;

2. "Cul-de-sac" means a local street of short length having only one outlet, with provision for a turnaround at its termination;

3. "Collector street" means a street designed to move traffic from local streets to major streets;

4. "Local street" means a street designated to provide traffic access to individual abutting properties;

5. "Major streets" means a street designed to move traffic between major traffic generators in the city.

6. "Street width" means the shortest distance between the lines delineating the right-of-way of streets.

T. "Subdivision" means the division of a tract or parcel of land into two or more lots or other divisions, for the purpose of sale, lease, or building development, or the establishment or change of dedicated public areas of rights of-way; or the land so divided.

U. "Surveyor" means a land surveyor registered in the state.

V. "Tract" means an area of land which has been defined, but has not been designed by lot and block numbers. (Prior code §22.10.010)

Chapter 16.12

PLATTING BOARD FUNCTIONS

**Sections:**

**16.12.010 Jurisdiction.**

**16.12.020 Procedure.**

**16.12.030 Waiver.**

**16.12.010 Jurisdiction.** The planning commission acting as the platting board has jurisdiction over platting and shall adopt and publish rules and regulations to implement this power. Jurisdiction includes, but is not limited to, the control of:

A. Form, size, and other aspects of subdivisions, dedications, and vacations of land;

B. Dimensions of lots or tracts;

C. Street width, arrangement, and right-of-way, including allowance for access to lots and installation of street paving, curbs, gutters, sidewalks, sewers, water lines, drainage and other public utility facilities and improvements. (Prior code §21.25.010)

**16.12.020 Procedure.**

A. The platting board shall approve or disapprove the plat of subdivision or dedication within sixty days after it is filed or shall return the plat to the applicant for modifications or correction within sixty days from the date of filing. If the platting board does not approve, disapprove or return the plat to the applicant, the plat is considered approved and a certificate of approval shall be issued by the platting board on demand. The applicant for plat approval may consent to the extension of the period for action by the platting board. The reason for

disapproval of a plat shall be stated upon the records of the platting board.

B. The platting board shall submit an approved plat to the district recorder in compliance with AS 40.15.010 through 40.15.020. (Prior code §21.25.020)

**16.12.030 Waiver.**

A. The platting board shall, in individual cases, waive the preparation, submission for approval and recording of a plat upon satisfactory evidence that:

1. Each tract or parcel of land will have adequate access to a public highway or street;
2. Each parcel created is five acres in size or larger and that the land is divided into four or fewer parcels;
3. The conveyance is not made for the purpose of, or in connection with, a present or projected subdivision development; and
4. No dedication of a street, alley, thoroughfare or other public area is involved or required.

B. In other cases the platting board may waive the preparation, submission for approval, and recording of a plat if the transaction involved does not fall within the general intent of AS 29.33.150 through 29.33.240 and AS 40.15 if it is not made for the purpose of, or in connection with, a present or projected subdivision development and no dedication of a street, alley, thoroughfare, park or other public area is involved or required. (Prior code §21.25.030)

Chapter 16.16

PLATTING PROCEDURES

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**16.16.010 Preapplication—Generally.** A preapplication shall be required for all proposed subdivisions. The preapplication shall include all contiguous lands under the applicant's ownership unless separate legal descriptions exist as a matter of record, regardless of whether or not all the land is intended for immediate development. (Prior code §22.15.010(part))

**16.16.020 Preapplication—Purpose.** The purpose of preapplication shall be as follows:

- A. To provide the planning commission with general information concerning the proposed development;
- B. To provide the subdivider with guidelines concerning city development policies;

C. To acquaint the subdivider with the platting procedure and requirements of the city. (Prior code §22.15.010 (a))

**16.16.030 Preapplication—Requirements.** Requirements (to be submitted in written and/or graphic form) shall be as follows:

- A. A sketch plat of the proposed subdivision, drawn to scale
- B. A description of existing conditions and characteristics of the land within three hundred feet of the boundaries of the proposed subdivision;
- C. A statement of the area proposed to be set aside for streets, parks or other public uses, where applicable;
- D. A delineation of avalanche areas, where applicable;
- E. A statement of the intended use of the property. (Prior code §22.15.010(b))

**16.16.040 Preapplication—Procedure.** The preapplication procedure shall be as follows:

- A. The subdivider shall submit two copies of the required materials to the planning commission at least ten days before the next scheduled planning commission meeting;
- B. The planning commission shall review the preapplication with the subdivider and inform the subdivider of the city's development policies, platting procedure and requirements;
- C. The planning commission shall indicate to the subdivider if any changes in the proposed subdivision need to be made prior to proceeding with a preliminary plat;
- D. One copy of the required materials may be returned to the subdivider with written comments by the planning commission. (Prior code §22.15.010(c))

**16.16.050 Preliminary plat—Generally.** The preliminary plat shall include all contiguous lands under the applicant's ownership unless separate legal descriptions exist as a matter of record. If only a portion of the land is intended for immediate development, the remaining portion shall be given a tract number and shall be part of the preliminary and final plat. Requirements for surveying this remaining tract may be waived at the discretion of the planning commission. (Prior code §22.15.020(part))

**16.16.060 Preliminary plat—Purpose.** The purpose of the preliminary plat shall be as follows:

- A. To provide the planning commission with more detailed information concerning the proposed subdivision;
- B. To enable the subdivider and the planning commission to reach general agreement on the layout of the proposed subdivision;
- C. To ensure that the proposed subdivision conforms to the city's development policies, platting procedure and requirements. (Prior code §22.15.020(a))

**16.16.070 Preliminary plat—Requirements.** The preliminary plat shall be drawn to scale and be of sufficient size to be clearly legible, except that in no case shall the scale be less than one inch to one hundred feet, and shall include:

- A. Identification Data.
  1. Name, legal description, location and total area of the proposed subdivision;
  2. Name and address of owner and subdivider;
  3. Name and address of engineer, land surveyor, or other person preparing the plat;
  4. Scale, north point and date of preparation including dates of any subsequent revisions;
  5. A vicinity map showing the location of the proposed subdivision in relation to the remainder of the city's developed area.
- B. Existing Conditions Data.
  1. Topographic contours at intervals of at least five feet, streams, swamps, avalanche areas and other natural features, where applicable;
  2. The location, width and name of existing or platted streets and rights-of-way of public record within three hundred feet of the proposed subdivision, permanent structures to remain, and other important features such as section lines or corporate boundaries;

3. The location of existing sewers, water mains, culverts, other utilities and utility easements within the subdivision and immediately adjacent thereto. Indication shall be made as to which of these facilities is operative;

4. The names of adjacent subdivisions and platted lots and the names of the owners of adjacent parcels of unsubdivided land.

C. Proposed Conditions Data.

1. Location and area of all land proposed to be dedicated for public use and a designation of the proposed public use;

2. Total number of proposed lots, together with their block and lot numbers and approximate dimensions;

3. The names and widths of public streets, alleys and easements within the proposed subdivision;

4. Zoning of the proposed subdivision and adjacent lands.

D. Supporting Information.

1. A certificate of plat showing the legal and equitable owners (including mortgagee, contract purchasers, and fee owners) of the land to be subdivided, plus all grants, reservations, covenants, deed restrictions, and easements of record which may condition the use of the property;

2. All plans, data, and engineering reports required by the Department of Environmental Conservation to substantiate the availability of a safe and adequate volume of water for domestic purposes and the capability of the subdivision to adequately dispose of all waterborne domestic waste;

3. If proposed, copies of protective covenants, deed restrictions, and/or home association bylaws affecting the proposed subdivision;

4. Space for approval by the planning commission;

5. Other information as necessary or required by the planning commission. (Prior code §22.15.020(b))

**16.16.080 Preliminary plat—Procedure.** Preliminary plat procedure shall be as follows:

A. The subdivider shall submit three copies of the preliminary plat to the planning commission.

B. The planning commission shall review the preliminary plat application for completeness. If the plat is satisfactory, the planning commission may recommend that it be officially filed with the city clerk who shall retain one copy in the official file and shall forward one copy to the city engineer.

C. The planning commission shall obtain comments from the city engineer and public utilities operators and shall within sixty days of the official filing approve, approve conditionally, or reject the preliminary plat. One copy of the plat shall be returned to the subdivider and the subdivider shall be notified in writing of any conditions of approval or the reasons for rejection. No approval shall be granted until it has been certified that there is no objection to the plat by any agency authorized to object.

D. If the planning commission does not approve, approve conditionally, or reject the preliminary plat within sixty days of the official filing, the plat is considered approved and a certificate of approval shall be issued on demand, except that the subdivider may consent to a time extension beyond the sixty-day period for action by the planning commission.

E. Approval of the preliminary plat shall entitle the subdivider to final approval of the layout shown by such plat if the final plat conforms to said layout and conditions of approval have been met.

F. Approval of a preliminary plat is valid for a period of eighteen months from the approval date, and may be extended once for twelve months at the discretion of the planning commission. If approval expires prior to filing of the final plat, the preliminary plat shall be resubmitted for approval as a new case, and a new fee paid. (Prior code §22.15.020(c))

**16.16.090 Final plat—Generally.** After approval of the preliminary plat and compliance with any and all conditions on the approval of the preliminary plat, the subdivider shall submit a final plat for approval by the planning commission. The final plat shall conform closely to the approved preliminary plat and shall be prepared in

compliance with Sections 16.16.100 and 16.16.120 through 16.16.140 of this chapter. (Prior code §22.15.030(part))

**16.16.100 Final plat—Purpose.** The purpose of the final plat shall be as follows:

A. To provide for final approval of the the proposed subdivision by the planning commission, and where conditions on the approval of the preliminary plat were specified, to determine whether or not those conditions have been satisfactorily met;

B. to give the subdivider the legal authority to proceed with his subdivision development;

C. To provide the planning commission with a permanent record of the proposed subdivision, as finally approved. (Prior code §22.15.030(a))

**16.16.110 Final plat—Information required.** A plat shall show initial point of survey, original or reestablished corners and their description, and actual traverse showing area of closure and all distances, angles and calculations required to determine initial point, corners and distances of the plat, as well as other information which may be required by ordinance. (Prior code §21.25.040)

**16.16.120 Final plat—Requirements.** The final plat shall be drawn to a scale with nonfading black ink on good quality reproducible material and shall be of sufficient size to be clearly legible, except that in no case shall the scale be less than one inch to fifty feet. Information shown on the final plat shall include:

A. Date, scale and north point;

B. Name of the proposed subdivision, which shall not be so similar to the name of any plat previously recorded in the city area as to cause confusion;

C. Location of the proposed subdivision by the US Public Land Survey or government lot number or by township and section, or portion of a section, where applicable;

D. The initial point of survey, original or reestablished corners and their description; and actual traverse showing area of closure and all distances, angles, and calculations required to determine initial point, corner and distances of the plat; the exact length and bearing of the exterior boundaries of the proposed subdivision; and all monuments required by this chapter;

E. The centerlines of all streets within the proposed subdivision; lengths, tangents, radii and central angles of all curves, the total width of each street; the width of the portion being dedicated and the width of existing dedications; and the width of portions of streets on each side of the centerline; also, the width or rights-of-way of railroads, patent reserves, section line easements, drainage channels, and any other easements which may appear on the plat;

F. The width, bearing, and other data necessary to delineate all easements to which the lots are subject. If the easement is not definitely located on record, a statement noting the existence of said easement shall appear on the plat. Easements for storm drains, public and private utilities, and other purposes shall be denoted on the plat by broken lines;

G. The precise boundaries of all areas to be dedicated or reserved for public use or for the common use of property owners within the proposed subdivision. The purpose of said dedication or reservation shall be noted on the plat;

H. All lot and block lines. Sufficient data shall be shown to readily determine the bearing and distance of each line;

I. All lot and block numbers;

J. The names and lot numbers of all adjacent subdivisions. If the adjacent land is not subdivided, it shall be so noted on the plat;

K. Other information as necessary or as required by the planning commission. (Prior code §22.15.030(b))

**16.16.130 Final plat—Accompanying certificates and affidavits.** The following certificates and affidavits shall accompany the final plat when it is submitted by the subdivider for approval by the planning commission:

A. A notarized certificate from the owners of the proposed subdivision stating ownership, acknowledging all dedications, and describing all easements;

B. A certificate by the registered surveyor attesting to the accuracy of the survey and to the installation and correct location of all monuments required by this chapter;

C. A certificate from the tax collecting official, when and if this applies, stating that all taxes levied against the property at that date have been paid;

D. A guarantee of improvements if required public improvements have not been completed at the date of submittal of the final plat;

E. A certificate of approval from the Alaska Department of Environmental Conservation as to domestic water supply and sewage disposal, where required. (Prior code §22.15.030(c))

**16.16.140 Final plat—Approval procedure.** Final plat approval procedures shall be as follows:

A. The subdivider shall submit one original and two copies of the final plat to the planning commission for its approval;

B. The planning commission shall review the final plat for completeness. If the plat is satisfactory, the planning commission may recommend that it be officially filed with the city clerk;

C. The planning commission shall obtain comments from the city engineer, the city fire department and any affected public utilities operation and shall within sixty days of the official filing approve, return to the subdivider for modification, or reject the final plat. The commission shall state its decision in the minutes and shall return a written copy of its decision to the subdivider. No approval shall be granted until it has been certified that there is no objection to the final plat by any agency authorized to object;

D. If the planning commission does not approve, return to the subdivider for modification, or reject the final plat within sixty days of the official filing, the final plat is considered approved and a certificate of approval shall be issued on demand, except that the subdivider may consent to a time extension beyond the sixty-day period by the planning commission;

E. If the final plat is returned to the subdivider for modification, it shall be resubmitted to the planning commission for approval within the remaining period of validity of the preliminary plat, which may be extended for twelve months at the discretion of the planning commission. If the final plat has not been modified within that time to the satisfaction of the planning commission, it shall be resubmitted for approval as a new case, and a new fee paid;

F. If the final plat is approved, it shall be so stated in writing on the final plat and all copies thereof, together with the date of approval and signatures of the chairman of the planning commission and the city clerk;

G. The planning commission shall return one copy of the approved final plat to the subdivider, and the original and one copy to the city clerk. The city clerk shall record the original of the approved final plat with the District Recorder's office pursuant to Title 40, Chapter of the Alaska Statutes. The city clerk shall retain one copy in the official file. (Prior code §22.15.030(d))

**16.16.150 Approval and recording of subdivisions.** Before the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision or dedication shall be submitted for approval to the authority having jurisdiction. The regular approval of the authority shall be shown on it or attached to it and the subdivision or dedication shall be filed for record in the office of the recorder. (AS 40.15.010) The recorder shall not accept a subdivision or dedication for filing unless it shows this approval. (Prior code §21.30.010)

**16.16.160 Acknowledgment and certification of tax and assessment payment.** Every plat shall be acknowledged before an officer authorized to take acknowledgment of deeds. A certificate of acknowledgment shall be endorsed on or annexed to the plat and recorded with it. A person filing a plat, map, subdivision, or replat of property, or vacating the whole or any portion of an existing plat, map, subdivision, or replat shall, at the time of filing it for record or filing the petition to vacate, file with it a certificate from the tax-collecting official or officials of the area in which the land is located that all taxes levied against the property at that date are paid. (AS 40.15.020) (Prior code §21.30.020)

**16.16.170 Dedication of streets, alleys and thoroughfares.**

When an area is subdivided and a plat of the subdivision is approved and recorded, all streets, alleys, thoroughfares, parks and other public areas shown on the plat are deemed to have been dedicated to public use. (AS 40.15.030) (Prior code §21.30.030)

**16.16.180 Certified copy of plat is evidence.** A copy of a plat certified by the recorder of the recording district in which it is recorded as a true and complete copy of the original on file in his office is admissible in evidence in all courts in the state with the same effect as the original. (AS 40.15.040) (Prior code §21.30.040)

**16.16.190 Legalization of recorded plats.** All plats recorded before March 30, 1953, whether executed and acknowledged in accordance with AS 40.14.050 or not, are validated and all streets, alleys or public thoroughfares shown on these plats are considered as having been dedicated to public use. This section does not prohibit the abandonment of a plat recorded before March 30, 1953, if a subsequent plat is filed indicating abandonment. The last plat of the area of record on March 30, 1953, is the official plat of the area, and the streets, alleys or thoroughfares shown on it are deemed to be the streets, alleys or thoroughfares dedicated to public use. The streets, alleys or thoroughfares shown on an earlier plat of the same area or any part of which is in conflict with those shown on the official plat is deemed to have been abandoned and vacated. (AS 14.15.050) (Prior code §21.30.050)

**16.16.200 Alteration or replat—Petition.** No recorded plat shall be altered or replatted except upon petition of the owners of a majority of the land affected by said alteration or replat, or by the planning commission. No platted street may be vacated except upon petition of the city or the owners of the majority of the front feet of the land fronting the part of the street sought to be vacated. The petition shall be filed with the planning commission and shall be accompanied by a copy of the existing plat showing the proposed alteration or replat. (Prior code §22.15.040(a))

**16.16.210 Alteration or replat—Hearing date.** The planning commission shall set a time for a hearing on the petition which shall be held within sixty days of the date of filing. (Prior code §22.15.040(b))

**16.16.220 Alteration or replat—Decision.** At the hearing, the planning commission shall consider the alteration or replat and make its decision according to the merits of the case. No vacation of a city street shall be made without the consent of the city council. However, if the city council does not veto such a decision, the consent of the city to said vacation shall be considered to have been given. (Prior code §22.15.040(c))

**16.16.230 Alteration or replat—Recordation.** If the alteration or replat is approved, the revised plat shall be recorded by the city clerk with the district recorder's office and is thereafter the lawful plat. (Prior code §22.15.040(d))

**16.16.240 Vacated areas—Title.**

A. The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the city. If the property vacated is a lot or tract, title vests in the rightful owner.

B. If the city acquired the street or other public area vacated for legal consideration or by express dedication to and acceptance by the city other than required subdivision platting, before the final act of vacation, the fair market value of the street or public area shall be deposited with the planning commission to be paid over to the city on final vacation.

C. Provisions of subsection A of this section notwithstanding, the city council may vacate those streets, alleys, sidewalks or other public ways that have been previously dedicated or established when the council, in its discretion, finds that the streets, alleys, sidewalks or other public ways are no longer necessary for the public welfare, or when the public welfare will be enhanced by the vacation. If the city council determines that all or a portion of the area vacated under this section should be devoted to another public purpose, title to the area vacated and held for another public purpose does not vest as provided in subsection A of this section but remains in the city. (Prior code §22.15.040(e))

**16.16.250 Missing plats.** Where a recorded plat is missing and no present record is available except by reference to the missing plat, a counterpart copy, approved by the platting authority, may be recorded as of the original date of the missing plat and after recordation has the same legal effect and notice as the original mission plat. (AS 40.15.060) (Prior code §21.30.060)

Chapter 16.20

DESIGN STANDARDS

**Sections:**

- [16.20.010 Conformance—Generally.](#)
- [16.20.020 Streets—Overall standards.](#)
- [16.20.030 Streets—Types.](#)
- [16.20.040 Streets—Right-of-way and pavement widths.](#)
- [16.20.050 Streets—Maximum grade.](#)
- [16.20.060 Streets—Straight sections on reverse curves.](#)
- [16.20.070 Half streets.](#)
- [16.20.080 Streets—Names.](#)
- [16.20.090 Streets—Intersections.](#)
- [16.20.100 Blocks—General configuration.](#)
- [16.20.110 Blocks—Pedestrian crosswalks.](#)
- [16.20.120 Lots—Dimension.](#)
- [16.20.130 Corner lots.](#)
- [16.20.140 Lots—Frontage.](#)
- [16.20.150 Lots—Side lines.](#)
- [16.20.160 Lots—Double frontage.](#)
- [16.20.170 Unusable lots.](#)

**16.20.010 Conformance—Generally.** The proposed subdivision shall conform to:

- A. The provisions of Title 29, Chapter 33, Alaska Statutes;
- B. All applicable ordinances of the city;
- C. The comprehensive plan, as adopted; and
- D. The requirements of the state of Alaska, Department of Health and Social Services and the Department of Environmental Conservation, in regard to lot sizes, setbacks, and sewer facilities are not available or not required to be extended. (Prior code §22.20.010)

**16.20.020 Streets—Overall standards.**

A. Streets shall be designed and located in relation to existing and planned streets, to the topography and other features of the natural terrain, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

B. Construction of all streets shall conform to the standard specifications as established by the city and, at a minimum, shall be cleared, graded and surfaced with gravel. (Prior code §22.20.020(a))

**16.20.030 Streets—Types.**

A. Major streets shall be properly integrated with the existing and proposed system of major streets and shall be designed to move traffic efficiently between major traffic generators.

B. Collector streets shall be properly located so as to move traffic efficiently between major traffic generators.

C. Local streets, including cul-de-sacs, shall be laid out to discourage use by through traffic and to provide the minimum amount of

street necessary to enable the convenient and safe access to residential lots. Cul-de-sacs shall not exceed six hundred feet in length.

D. Alleys shall be designed to provide for efficient delivery and servicing of commercial structures and shall not be permitted in residential areas. (Prior code §22.20.020(b))

**16.20.040 Streets—Right-of-way and pavement widths.**

A. Street rights-of-way shall be wide enough to provide for the present pavement widths, future street expansion, sidewalks, and access for the installation and maintenance of street drainage facilities or other utilities. No permanent structure shall be permitted to be built within any right-of-way.

B. Pavement widths shall be determined by present and future traffic patterns, provision for parking, or other considerations.

C. Rights-of-way and surface widths, unless otherwise specified by the planning commission, shall be at a minimum:

Right-of-way	Surface	Width
Major streets	60	40
Collectors	50	30
Local streets*	40	25
Alleys	20	20

\*Cul-de-sacs shall have a turnaround with a right-of-way diameter of sixty feet.

(Prior code §22.20.020(c))

**16.20.050 Streets—Maximum grade.** The maximum permitted street grade shall be ten percent, except that cul-de-sac turn around areas shall not exceed five percent. (Prior code §22.20.020(d))

**16.20.060 Streets—Straight sections on reverse curves.** A straight section of street at least one hundred feet in length shall be constructed between reverse curves on major and collector streets. (Prior code §22.20.020(e))

**16.20.070 Half streets.** Where a half street is adjacent to a subdivision, the other half of that street shall be dedicated by the subdivider. No half streets shall be permitted in new subdivisions. (Prior code §22.20.020(f))

**16.20.080 Streets—Names.** New street names shall not duplicate or closely resemble the names of existing streets; however, streets which are continuations of streets already named shall bear the same name. (Prior code §22.20.020(g))

**16.20.090 Streets—Intersections.**

A. Streets shall intersect as nearly as possible at right angles and not more than two streets shall intersect at one point.

B. Offset intersections shall have a minimum of one hundred twenty-five feet between the centerlines of the intersecting street. (Prior code §22.20.020(h))

**16.20.100 Blocks—General configuration.** The length, width, and shape of blocks shall be such as are appropriate for the topography, locality, and type of development. (Prior code §22.20.030(a))

**16.20.110 Blocks—Pedestrian crosswalks.** Pedestrian crosswalks may be required by the planning commission where deemed necessary to provide for safe and efficient pedestrian access. (Prior code §22.20.030(b))

**16.20.120 Lots—Dimension.** The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Dimensions shall be as follows:

A. Lot dimensions shall conform to the requirements of the zoning ordinance when adopted, providing that no residential lot shall be less than five thousand square feet in area.

B. Lots shall be designed with a suitable proportion between width and depth. Neither long and narrow nor wide and shallow

lots are normally desirable. Normal depth should not exceed two and one-half times the width, nor be less than eighty-five feet. The width of residential lots shall not be less than fifty feet.

C. Lots designed to be developed for commercial and industrial use shall be adequate to provide for the offstreet service and parking facilities required by the development.

D. Residential lots abutting on major streets shall have sufficient depth to permit adequate separation between future residences and street traffic. (Prior code §22.20.040(a))

**16.20.130 Corner lots.** Corner lots shall be large enough to allow the full amount of setback of buildings from both streets as required. (Prior code §22.20.040(b))

**16.20.140 Lots—Frontage.** Every lot shall front on or abut a public street. Commercial and industrial sites should design their street access in accordance with the guidelines of the state of Alaska, Department of Highways. (Prior code §22.20.040(c))

**16.20.150 Lots—Side lines.** Side lines of lots shall be substantially at right angles to straight streets and radial to curved streets. (Prior code §22.20.040(d))

**16.20.160 Double Frontage.** Double frontage lots shall be discouraged except where necessary to provide for more convenient access to exceptionally large structures. (Prior code §22.20.040(e))

**16.20.170 Unusable lots.** Lots deemed to be unusable by the planning commission because of inhospitable natural conditions shall not be platted for residential occupancy, nor for any other uses such as may increase the danger to health, life or property, or aggravate natural hazards. (Prior code §22.20.040(f))

## Chapter 16.24

### IMPROVEMENTS

#### Sections:

- [16.24.010 Purpose.](#)
- [16.24.020 Plans.](#)
- [16.24.030 Required improvements—Generally.](#)
- [16.24.040 Monuments.](#)
- [16.24.050 Streets.](#)
- [16.24.060 Water supply.](#)
- [16.24.070 Sewer service](#)
- [16.24.080 Oversize utility lines.](#)
- [16.24.090 Surface drainage plan.](#)
- [16.24.100 Easements.](#)
- [16.24.110 Extent.](#)
- [16.24.120 Dedication.](#)
- [16.24.130 Guarantee of required improvements.](#)
- [16.24.140 Maintenance agreement.](#)

**16.24.010 Purpose.** The purpose of this chapter is to establish and define the improvements which shall be required under the subdivision agreement as a condition of final plat approval and to outline the procedures and responsibilities of the subdivider and public officials and agencies concerned with the administration, planning, design, construction and financing of public facilities and to establish procedures for assuring compliance with these requirements. (Prior code §22.25.010(a))

**16.24.020 Plans.** It shall be the responsibility of the subdivider to have prepared by a registered engineer a complete set of construction plans, including profiles, cross-sections, specifications, and other supporting data for the hereinafter required public streets, utilities, and other facilities. Such construction plans shall be based on data contained in the approved preliminary plat. (Prior code §22.25.010(b))

**16.24.030 Required improvements—Generally.** Prior to granting approval of the final plat, the subdivider shall have installed or shall have furnished an adequate financial guarantee for the installation

within an agreed time period of the improvements set out in Sections 16.24.040 through 16.24.100. (Prior code §22.25.C20(part))

**16.24.040 Monuments.** All exterior corners of the subdivision shall be monumented with a brass cap set in concrete set in the ground. All block and lot corners, angle points, points of curves, and any other intermediate points deemed necessary by the planning commission shall be monumented with a brass cap set on an iron rod driven permanently into the ground. (Prior code §22.25.020(a))

#### **16.24.050 Streets.**

A. All streets shall be cleared, graded, and surfaced with gravel in accordance with applicable standard specifications of the city.

B. Curbs, gutters, or other drainage structures for all streets shall be provided in accordance with applicable standard specifications of the city. (Prior code §22.25.020(b))

#### **16.24.060 Water supply.**

A. The subdivider shall not be permitted to proceed with his development unless the subdivision is accessible to the community water system and development on each lot shall be able to avail itself of such service. The responsibility and cost of providing such service shall fall to the subdivider except under exceptional circumstances involving the subdivision of city-owned property, where the responsibility and cost may be assessed on a front foot basis against individual lot owners.

B. Fire hydrants shall be installed in all subdivisions. (Prior code §22.25.020(c))

**16.24.070 Sewer service.** The subdivider shall not be permitted to proceed with his development unless the subdivision is accessible to the community sewer system and development on each lot shall be able to avail itself of such service. The responsibility and cost of providing such service shall fall to the subdivider except under exceptional circumstances involving the subdivision of city-owned property, where the responsibility and cost may be assessed on a front foot basis against individual lot owners. (Prior code §22.25.020(d))

**16.24.080 Oversize utility lines.** The planning commission may require the subdivider to install oversize water and/or sewer lines in order to accommodate probable and desirable growth in a particular area. When such oversize lines are required, the subdivider shall be reimbursed by the city for the excess cost in providing oversize utility lines above the costs of providing standard utility lines. (Prior code §22.25.020(e))

**16.24.090 Surface drainage plan.** The subdivider shall be responsible for providing a surface drainage plan, showing all drainage facilities and slopes. (Prior code §22.25.020(f))

#### **16.24.100 Easements.**

A. Utility easements along rear or side lines of all lots shall be at least ten feet wide; however, utilities shall be located within public rights-of-way wherever possible.

B. Drainage easements shall be provided wherever the subdivision is traversed by a watercourse or drainage way, shall conform to the course of that feature, and shall be wide enough to provide access for maintenance and improvement. (Prior code §22.25.020(g))

**16.24.110 Extent.** All required improvements shall be installed to the boundaries of the subdivision and shall be designed to provide for future extension to and service of contiguous areas, except for local streets providing access to lots within the subdivision. (Prior code §22.25.030)

**16.24.120 Dedication.** All streets, public facilities, and public improvements shall be expressly dedicated to public use and maintenance at the time of approval of the final plat. (Prior code §22.25.040)

**16.24.130 Guarantee of required improvements.** Before considering the final plat of any subdivision, the planning commission shall be satisfied that all improvements required by this title have been completed. Where the required improvements have not been completed, the subdivider may be required by the planning commission to include

with his final plat a surety bond or certified check in an amount equal to the cost of construction of such uncompleted improvements, as estimated by the city. The guarantee shall be subject to the condition that the improvements shall be completed within twenty-four months after approval of the final plat. If completed within the agreed period, the city shall return the full amount of the guarantee to the subdivider. If not completed, the city shall complete construction of the improvements with the guarantee. Any amount of the guarantee in excess of the costs of completing the required improvements shall be returned to the subdivider. (Prior code §22.25.050)

**16.24.140 Maintenance agreement.** The subdivider shall guarantee that the required improvements provided by him will remain in good condition for a period of one year after their installation, and shall agree to make all repairs and maintain said improvements in good condition during that one-year period at no cost to the city. The subdivider may be required by the planning commission to include with the final plat a surety bond or certified check in an amount equal to five percent of the cost of improvements for such payment of costs for any correction, reconstruction, repair or maintenance of the improvements during the one-year warranty period. Any amount of the maintenance guarantee in excess of the costs of correction, reconstruction, repair or maintenance shall be returned to the subdivider. (Priorcode §22.25.060)

#### Chapter 16.28

### ALTERATIONS AND REPLATS

#### Sections:

- [16.28.010 Petition required.](#)
- [16.28.020 Hearing—Notice.](#)
- [16.28.030 Hearing—Consideration of proposal.](#)
- [16.28.040 Hearing—Voting.](#)
- [16.28.050 Hearing—Approval.](#)
- [16.28.060 Recordation.](#)
- [16.28.070 Title to vacated area.](#)

**16.28.010 Petition required.** No recorded plat may be altered or replatted except upon petition of the owners of a majority of the land affected by the alteration or replat or by the platting board. No platted street may be vacated, except upon petition of the municipality or owners of the majority of the front feet of the land fronting the part of the street sought to be vacated. The petition shall be filed with the platting board. It shall be accompanied by a copy of the existing plat showing the proposed alteration or replat. (Prior code §21.25.060)

**16.28.020 Hearing—Notice.** The platting board shall fix a time for a hearing on the petition which shall not be more than sixty days after the filing. The board shall publish a notice stating when and by whom the petition was filed, its purpose, and the time and place of the hearing. The notice shall generally describe the alteration or replat sought. The notice shall be published once a week for two consecutive weeks in a newspaper of general circulation in the area. The board shall also mail a copy of the notice to each affected property owner not signing the petition. (Prior code §21.25.070)

**16.28.030 Hearing—Consideration of proposal.** At the hearing, the platting board shall consider the alteration or replat and make its decision on the merits of the proposal. No vacation of a city street may be made without the consent of the city council. (Prior code §21.25.080(a))

**16.28.040 Hearing—Voting.** A quorum of the platting board shall consist of a majority of its voting members. The board may act only upon a majority vote of its entire voting membership. Only those members of the platting board who have been present at the hearing may vote upon the question presented. (Prior code §21.25.080(b))

**16.28.050 Hearing—Approval.** The city council shall have thirty days from the decision in which to approve the board decision. If no veto is received by the board within the thirty-day period, the consent

of the city shall be considered to have been given to the vacation. (Prior code §21.25.080(c))

**16.28.060 Recordation.** If the alteration or replat is approved, the revised plat must be recorded by the platting board and is thereafter the lawful plat. (Prior code §21.25.090)

#### **16.28.070 Title to vacated area.**

A. The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportion, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area.

If a public square is vacated, the title to it vests in the city if it lies within the city. If the property vacated is a lot or tract, title vests in the rightful owner.

B. If the city acquired the street or public area vacated for legal consideration or by express dedication to and acceptance by the city other than required subdivision platting, before the final act of vacation, the fair market value of the street or public area shall be deposited with the city clerk. (Prior code §21.25.100)

#### Chapter 16.32

### VARIANCES

#### Sections:

- [16.32.010 Findings required—Generally.](#)
- [16.32.020 Public improvements.](#)
- [16.32.030 Planned unit development.](#)

**16.32.010 Findings required—Generally.** The planning commission may grant a variance from the provisions of this title on a finding that undue hardship may result from strict compliance with specific provisions or requirements of this title or the application of such provisions is impractical or undesirable in a specific case. However, the planning commission shall grant variances only when it deems it necessary or desirable from the standpoint of the public interest. In making its findings, the planning commission shall take into account the nature of the proposed use of the land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision, and the probable effects of the proposed subdivision upon conditions in the vicinity.

A. No variance shall be granted unless the planning commission finds that:

1. There are such special circumstances or conditions affecting the proposed subdivision that the strict application of the provisions of this title would clearly be impractical, unreasonable, or undesirable to the general public;
2. The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the proposed subdivision is located;
3. Such variance is in accord with the intent and purpose of this title and the comprehensive plan of the city.

#### B. Procedure.

1. The subdivider shall first state his reasons in writing to the specific provision or requirement involved and submit them to the planning commission;
2. The planning commission shall note its findings and the specific reasons for its action on the request for a variance and shall also record its reasons and actions in its minutes. (Prior code §22.30.010)

**16.32.020 Public improvements.** The planning commission may grant a variance from the provisions requiring the installation of any required public improvement where, in its best judgment, such installation shall be impractical and/or undesirable to the general public. Application for any such variance shall be submitted in writing by the

subdivider at the time the preliminary plat is submitted to the planning commission. The application shall state fully the reasons for requesting such variance. (Prior code §22.30.020)

**16.32.030 Planned unit development.** The subdivider may request a variance from specified portions of this title in the case of planned unit development. Application for any such variance shall be made in writing by the subdivider at the time the preliminary plat is submitted to the planning commission. The variance application shall be supplemented by maps, plans, or other additional data as necessary to aid the planning commission to analyze the proposed development. The granting of a variance by the planning commission for a planned unit development shall take place only if the planned unit development is in accord with the zoning ordinance of the city. (Prior code §22.30.030)

**Sections:**

**16.40.010 Violation—Penalty.**

**16.40.010 Violation—Penalty.**

A. The owner or agent of the owner of land located within a subdivision who transfers, sells, or enters into a contract to sell land in a subdivision before a final plat of the subdivision has been prepared, approved and recorded is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than five hundred dollars for each lot or parcel transferred, sold, or included in a contract to be sold. The planning commission may enjoin a transfer, sale, or contract to sell and may recover the penalty by appropriate legal action.

B. No person shall record a plat or seek to have a plat recorded unless it bears the approval of the planning commission. Any person who knowingly violates this requirement is punishable, upon conviction, by a fine of not more than five hundred dollars. (Prior code §22.35.010)

\* Prior ordinance history: Prior code §21.25.050.

**Chapter 16.36**

**APPEALS**

**Sections:**

**16.36.010 Appeal procedure.**

**16.36.010 Appeal procedure.** All decisions as to approval or disapproval of a subdivision by the planning commission shall be final unless appealed to the city council as provided by the following:

A. A written notice of appeal shall be filed by the aggrieved party with the city clerk within ten days following the planning commission action. An "aggrieved party" is defined as and limited to:

1. The subdivider;
2. Any governmental agency, including the city;
3. Owners of thirty percent or more of the adjacent

property.

B. The appeal shall state specifically the reason for the appeal and the relief sought.

C. The city clerk shall notify the chairman of the planning commission within two days of the notice of appeal. The chairman of the planning commission shall, within thirty days from the date of filing of the notice of appeal, transmit to the city clerk:

1. A certified copy of the transcript of the hearing on which the appeal is being made;
2. The reply of the planning commission to the notice of appeal;
3. All other evidence which may constitute the record of the hearing on which the appeal is being made.

D. Notification of the hearing on the appeal shall be given; provided further that the party filing the appeal shall be notified by the city clerk by registered mail or in person.

E. All appeals shall be heard solely on the basis of the record, the notice of appeal, and the reply to the notice of appeal. Any claims of new evidence or change in circumstances shall require a resubmission for a new hearing by the planning commission.

F. It shall take a majority vote of the full city council to grant an appeal. If an appeal is granted by the council, the mayor of the city shall sign and approve the plat in lieu of the chairman of the planning commission. The city clerk shall sign the plat in both cases. (Prior code §22.35.020)