

CITY OF HOMER
HOMER, ALASKA

ORDINANCE 85-15

AN ORDINANCE SPECIFYING REGULATIONS SUPPLEMENTAL
TO THE KENAI PENINSULA BOROUGH SUBDIVISION ORDINANCE

NOW THEREFORE, the City of Homer ordains:

Section 1. Chapter 22.10, Subdivision Improvements, is hereby created and added to the Homer City Code as follows:

CHAPTER 22.10
SUBDIVISION IMPROVEMENTS

Sections

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22.10.010 Intent

The intent of this chapter is to specify regulations supplemental to the Kenai Peninsula Borough subdivision ordinance and to specify the improvements to be required for each subdivision, and exemptions to the requirements.

22.10.020 Scope and Authority

This chapter shall govern all subdivisions within the City of Homer under the authority of the Kenai Peninsula Borough Code, Chapter 20.

22.10.030 Definitions

The following words and phrases shall have the meanings set forth herein, unless otherwise provided or the context otherwise requires:

- a. "Subdivider" means a person, firm, association, partnership, corporation, governmental unit or combination of any of these which may hold any recorded or equitable ownership interest in land, and dividing or proposing to divide such land so as to constitute a subdivision as herein defined. This term shall also include all heirs, assigns or successors in interest, or representatives of the subdivider, owner, proprietor or developer.
- b. "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, lease, or building development, including any subdivision or resubdivision. When appropriate to the context, the term shall refer to the process of subdividing or to the land or areas subdivided.

22.10.040 Applicable and Exempted Subdivisions

The standards of this chapter shall apply to all subdivisions in the City of Homer. Exemptions from the requirements of Chapter 22 of the Homer Municipal Code may be granted concurrent with preliminary plat approval by the Homer Advisory Planning Commission under the following conditions:

- a. Resubdivision of existing subdivisions not to exceed three lots, and involving no new dedications of rights-of-way.
- b. Special conditions and circumstances exist which are peculiar to the property involved, and are not generally applicable to other properties in the City. These special conditions can not be caused by the actions of the applicant.
- c. Financial hardship or inconvenience shall not be reason for granting an exception.
- d. Previous exceptions shall not be considered grounds for granting exception.

22.10.050 Improvement Requirements - General

- a. No subdivision plat shall be approved by the Kenai Peninsula Borough, nor shall such plat be recorded or filed at the State Recorder's Office, until the subdivider or developer of such subdivision constructs streets in all rights-of-way dedicated by said plat, and all other utilities and other public improvements to be constructed in said rights-of-way, according to the standards and procedures required under Title 11 of the Homer Municipal Code. Subdivision plat approval, recording and filing shall not be performed until the City of Homer issues written approval of said street and utility improvements to the Kenai Peninsula Borough. This provision may be waived if the developer signs an agreement with the City of Homer that no building permit and/or request for utility connection will be submitted to the City for any lot within the subdivision until such time as the improvements are completed and accepted by the City of Homer. This agreement shall be recorded and constitute a conveyance running with the land.
- b. Preliminary plat approval by the Homer Advisory Planning Commission shall, in all cases except for those subdivisions specifically exempted in Section 22.10.030 above, be contingent upon subdivider's receipt of a Development Permit as specified in Chapter 11.20 of the Homer Municipal Code.

- c. The subdivider shall be required to dedicate street rights-of-way according to the standards and specifications of Chapter 11.04, Homer Municipal Code, and the City of Homer "Design Criteria Manual." Beyond a minimum of 60 feet, said subdivider may agree to a note attached to said subdivision plat providing sufficient setback to allow future expansion of the right-of-way without removal of improvements. Horizontal alignments are subject to City review; the City may require realignment of streets on proposed plats if the alignments do not conform to Chapter 11.04 and the "Design Criteria Manual". Final plat approval shall thus be subject to the approval of horizontal alignments by the City Public Works Engineer.
- d. All street and utility main improvements to be constructed as part of a subdivision improvement project shall be constructed according to the procedures of Chapter 11.20, Homer Municipal Code. The City shall accept no such improvements unless a development agreement is executed prior to construction of such improvements.

22.10.060 Appeals

Any person or persons who are affected by an action or determination taken under this chapter, may appeal said action under the appeals procedure outlined in Chapter 21.68 of the Homer Municipal Code.

22.10.070 Violation - Penalty. The violation of any provision contained herein shall be punished under Section 1.16.010.

CITY OF HOMER

Wayne L. Kessler
Wayne L. Kessler, Mayor

ATTEST:

Narda Koby
Narda Koby, Acting City Clerk

Reviewed and approved as to form and content:

Phil Shealy
Phil C. Shealy, City Manager

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Robert Hahn
A. Robert Hahn, City Attorney

Date: 5-28-85