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**CITY OF HOMER
HOMER, ALASKA**

Planning

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ORDINANCE 10-57

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AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AMENDING HOMER CITY CODE 11.04.030, DEFINITIONS; AMENDING HOMER CITY CODE 11.04.040, STREET CONSTRUCTION, DESIGN AND DEDICATION REQUIREMENTS—GENERAL; AMENDING HOMER CITY CODE 11.04.120, SIDEWALKS; AMENDING HOMER CITY CODE 21.52.030, DEVELOPMENT PLAN; AMENDING HOMER CITY CODE 22.10.030, DEFINITIONS; AMENDING HOMER CITY CODE 22.10.050, IMPROVEMENT REQUIREMENTS—GENERAL; AND HOMER CITY CODE 22.10.051, UTILITY EASEMENTS; REGARDING SUBDIVISIONS AND SUBDIVISION AND PLANNED UNIT DEVELOPMENT IMPROVEMENT REQUIREMENTS.

WHEREAS, The City of Homer City Council Adopted the Homer Non-Motorized Transportation and Trails Plan on August 10, 2004; and

WHEREAS, The Homer Non-Motorized Transportation and Trails Plan will guide the development of the non-motorized transportation and trails system for the City of Homer; and

WHEREAS, The Homer Non-Motorized Transportation and Trails Plan contains suggested code amendments to implement its goals and objectives;

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Subsection (y) of Homer City Code 11.04.030, Definitions, is amended to read as follows:

y. "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 resubdivision. Any addition, deletion or relocation of the boundary of a tract or parcel of land shown on a recorded plat is a subdivision. When appropriate to the context, the term shall refer to the process of subdividing or to the land or areas subdivided.

Section 2. Homer City Code 11.04.030, Definitions, is amended to add the following definitions, with subsections renumbered accordingly:

"Non-Motorized Transportation and Trail Plan" means the Homer Non-Motorized Transportation and Trail Plan (2004), adopted as an element of the Homer Comprehensive Plan by HCC 21.02.010(b).

"Non-motorized transportation corridor" means an easement or right-of-way designated for public use for pedestrian, bicycle, equestrian or other non-motorized means of transportation.

47 "Public access corridor" means an easement or right-of-way providing public access
48 through a lot, subdivision or development.
49

50 Section 3. Subsection (a) of Homer City Code 11.04.040, Street construction, design and
51 dedication requirements—General, is amended to read as follows:
52

53 a. All streets, roads or non-motorized transportation facilities constructed or reconstructed
54 within the City of Homer after the effective date of the ordinance codified in this chapter shall
55 adhere to the dedication, design and construction standards set forth in this chapter and shall also
56 be designed and constructed according to the procedures and standards set forth in Chapter
57 11.20, unless waived as provided in Chapter 11.20.
58

59 Section 4. Homer City Code 11.04.120, Sidewalks, is amended to read as follows:

60 11.04.120 Sidewalks and non-motorized transportation corridors. a. New streets to be accepted
61 by the City and identified as public access corridors in the adopted Homer Non-Motorized
62 Transportation and Trail Plan shall have easements for sidewalks, bicycle paths or other non-
63 motorized transportation facilities to ensure convenient mobility and convenient access to parks,
64 recreation areas, trails, playgrounds, schools and places of public assembly.

65 b. New streets to be accepted by the City and not identified as public access
66 corridors in the Non-Motorized Transportation and Trail Plan may, at the developer's option,
67 have sidewalks, bicycle paths or other non-motorized transportation facilities.

68 c. Sidewalks, bicycle paths and other non-motorized transportation facilities shall be
69 designed in accordance with the design criteria of the City of Homer Design Criteria Manual.
70

71 Section 5. Paragraph (a)(11) of Homer City Code 21.52.030, Development plan, is
72 amended to read as follows:
73

74 11. The substance of covenants, grants of easements or other restrictions to be
75 imposed upon the use of the land, buildings and structures, including proposed easements for
76 public utilities and public access;
77

78 Section 6. Paragraph (a)(18) of Homer City Code 21.52.030, Development plan, is
79 adopted to read as follows:
80

81 18. Where practical and safe, and where other means of access have not been
82 provided, public access easements or dedications may be required to provide access to
83 contiguous public lands or connections with existing or proposed non-motorized transportation
84 corridors.
85

86 Section 7. Homer City Code 22.10.030, Definitions, is amended to read as follows:

87
88 22.10.030 Definitions. The following words and phrases shall have the meanings set forth in this
89 section, unless otherwise provided or the context otherwise requires:

90 a. "Non-Motorized Transportation and Trail Plan" means the Homer Non-Motorized
91 Transportation and Trail Plan (2004), adopted as an element of the Homer Comprehensive Plan
92 by HCC 21.02.010(b).

93 b. "Non-motorized transportation corridor" means an easement or right-of-way
94 designated for public use for pedestrian, bicycle, equestrian or other non-motorized means of
95 transportation.

96 c. "Public Access Corridor" means an easement or right of way allowing public
97 access through a lot, subdivision or development.

98 d. "Subdivider" means a person, firm, association, partnership, corporation,
99 governmental unit or combination of any of these which may hold any recorded or equitable
100 ownership interest in land, and dividing or proposing to divide such land so as to constitute a
101 subdivision as defined in this section. This term shall also include all heirs, assigns or successors
102 in interest, or representatives of, the subdivider, owner, proprietor or developer.

103 e. "Subdivision" means the division of a tract or parcel of land into two or more lots,
104 sites, or other divisions for the purpose, whether immediate or future, of sale, lease, or building
105 development, including resubdivision. Any addition, deletion or relocation of the boundary of a
106 tract or parcel of land shown on a recorded plat is a subdivision. When appropriate to the
107 context, the term shall refer to the process of subdividing or to the land or areas subdivided.

108
109 Section 8. Subsection (a) of Homer City Code 22.10.050, Improvement requirements—
110 General, is repealed and reenacted to read as follows:

111
112 a. The Kenai Peninsula Borough shall not release any final plat for a subdivision in
113 the city for filing at the State Recorder's Office until the subdivider or developer of the
114 subdivision either enters a subdivision agreement for, or constructs and obtains written city
115 approval of, the following improvements, according to the standards and procedures required
116 under Title 11 of this Code:

117 1. Streets in all rights-of-way dedicated by the plat; and,

118 2. All other utilities and public improvements to be constructed in the rights-of-way
119 and easements dedicated by the plat, including water, sewer, electric, communications, and gas
120 lines, as applicable.

121 3. Abandonment or relocation of existing water or sewer service lines required due
122 to conflict with new or relocated property lines, as required by the Public Works Department.

123
124 Section 9. Subsection (b) of Homer City Code 22.10.050, Improvement requirements—
125 General, is repealed and reenacted to read as follows:

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127 b. The commission may exempt a plat from the provisions of subsection (a) of this
128 section as provided in Section 22.10.040.

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Section 10. Homer City Code 22.10.051, Utility easements, is amended to read as follows:

22.10.051 Easements and rights-of-way. a. The subdivider shall dedicate in each lot of a new subdivision a fifteen (15) foot wide utility easement immediately adjacent to the entire length of the boundary between the lot and each existing or proposed street right-of-way.

b. The subdivider shall dedicate in each lot of a new subdivision any water and/or sewer easements that are needed for future water and sewer mains shown on the official Water/Sewer Master Plan approved by the council.

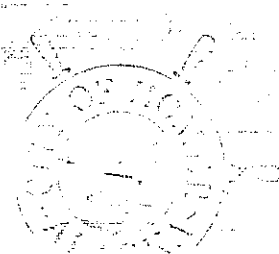
c. The subdivider shall dedicate easements or rights-of-way for sidewalks, bicycle paths or other non-motorized transportation facilities in areas identified as public access corridors in the Homer Non-Motorized Transportation and Trail Plan, other plans adopted by the city council, or as required by the Kenai Peninsula Borough Code.


d. The city council may accept the dedication of easements or rights-of-way for non-motorized transportation facilities that are not required by HCC 21.10.051(c), if the city council determines that accepting the dedication would be consistent with the adopted plans of the city.


Section 11. This ordinance shall be effective upon adoption, and shall apply to all subdivisions for which the Kenai Peninsula Borough grants preliminary plat approval after the effective date of this ordinance.

Section 12. This Ordinance is of a permanent and general character and shall be included in the City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 24th day of January, 2011.



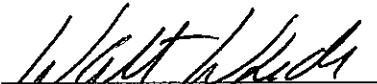
ATTEST:

JO JOHNSON, CMC, CITY CLERK

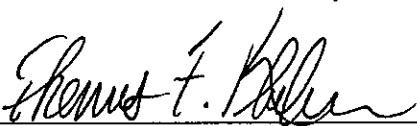
CITY OF HOMER

JAMES C. HORNADAY, MAYOR

171 YES: 5
172 NO: 0
173 ABSTAIN: 0
174 ABSENT: 1

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176 First Reading: 12/13/10
177 Public Hearing: 1/24/11
178 Second Reading: 1/24/11
179 Effective Date: 1/25/11

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182 Reviewed and approved as to form:

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184 
185 _____
186 Walt E. Wrede, City Manager



Thomas F. Klinkner, City Attorney

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188 Date: 1/26/11
189 _____

Date: 1-28-11
