

TITLE IV

LAND USE

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CHAPTER 4.05

GENERAL PROVISIONS

Sections:

4.05.010	Establishment of Commission
4.05.020	Planning and Zoning
4.05.030	Platting

4.05.010 Establishment of Commission: There is hereby established a planning commission for the city to perform the functions of planning, platting and zoning for the city.

4.05.020 Planning and Zoning: It shall be the duty of the commission to hold public hearings when necessary and make recommendations to the Council on matters concerning or relating to planning and zoning, and enforce appropriate ordinances, regulations, amendments thereto, and other matters within the scope of the planning and zoning power.

4.05.030 Platting: The function of platting shall be performed from time to time by the commission, convened as the platting authority for the city, and completed upon it having approved or rejected proposed plats, replats and vacations of public ways according to law.

CHAPTER 4.10

PLANNING COMMISSION

Sections:

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4.10.010 Membership: The voting members of the planning commission shall be seven (7) citizens who are residents of the City. The Mayor shall be an ex-official member but may not vote.

4.10.020 Appointment: Members shall be appointed by the Mayor and confirmed by the Council. Appointments to fill vacancies shall be for the unexpired term only.

4.10.030 Term of Office: Members shall be appointed for a term of three (3) years, three (3) for two (2) years and one (1) for one (1) year. Such members first-appointed shall draw lots for the foregoing terms.

4.10.040 Officials: The commission shall designate a member as its presiding officer to conduct the affairs of the commission, a deputy presiding officer to serve in the absence of the presiding officer, and a clerk. The clerk shall prepare the journal of the commission's proceedings.

4.10.050 Vacancies: A vacancy shall be declared, and filled as above-provided, when the member:

(a) Fails to qualify and take his office within thirty (30) days after his confirmation by the council;

(b) Departs from the City with the intent to remain away or is physically absent from the area he was appointed to represent for a period of ninety (90) days or more;

(c) Submits his resignation and the resignation is accepted by the Mayor;

(d) Is physically or mentally unable to attend commission meetings for a period of more than ninety (90) days;

(e) Misses three (3) or more consecutive regular meetings, unless excused by the commission; or

(f) Is convicted of a felony or offense involving a violation of his oath of office.

The clerk of the planning commission shall keep attendance records and notify the Mayor when vacancies occur.

4.10.060 Quorum: A majority of voting membership constitutes a quorum. Any act of the commission requires a majority affirmative vote of those voting members present.

4.10.070 Meetings: Regular meetings shall be held on the _____ of each month. Special meetings may be called by the presiding officer or shall be called by him at the request of three (3) members, including non-voting members.

4.10.080 Record of Meetings: Meetings shall be public and minutes shall be kept. Minutes and records shall be filed with the Clerk of the City of Delta Junction and retained as public records.

4.10.090 Rules of Proceedings: Meetings shall be public and minutes shall be kept. Minutes and records shall be filed with the Clerk of the City of Delta Junction and retained as public records.

4.10.100 Order of Business: The order of business at regular meetings shall be:

(a) Approval of minutes of previous meeting, as amended or corrected;

(b) Reading and disposition of correspondence;

(c) Unfinished business;

(d) New business; and

(e) Miscellaneous business.

The order of business at special meetings shall be prescribed by the presiding officer.

4.10.110 Office and Staff: The commission shall be provided office space suitable for its needs and adequate to file its journals, resolutions, records, reference materials, correspondence, maps, plats and charts, all of which shall constitute public records of the city.

The commission shall be furnished secretarial assistance at each meeting to assist in preparing its minutes, journals and resolutions, and as required to prepare its correspondence under the direction of the commission presiding officer and commission clerk.

4.10.120 Formal Acts by Resolution: All formal acts of the commission shall be by resolution bearing;

- (a) The heading "City of Delta Junction Planning Commission";
- (b) The space for the serial number to be assigned: "Resolution Serial No.____";
- (c) A short and concise title, descriptive of its subject and purposes;
- (d) Short premises and whereas clauses, descriptive of its subject and for the resolution, if necessary;
- (e) The resolving clause "B it Resolved"; and
- (f) Provision for signature after the text: "Adopted _____" and designated lines for the signatures of the commission presiding officer and City Clerk.

All resolutions adopted by the commission, whether at the instance of or presented by third parties or on the motion and instance of the commission, shall conform to that set forth above and shall be on white 8 1/2" X 11" paper with 1 1/2" left margin suitable for permanent filing.

4.10.130 Funds: All funds of the commission received, as fees and charges or otherwise, shall be deposited in the general fund of the City as receipts of the activities of the commission.

4.10.140 Compensation: Compensation and expenses of the planning Commission and its staff are paid as directed by the City Council.

CHAPTER 4.15

PLANNING

Sections:

- 4.15.010 Duties and Functions
- 4.15.020 Comprehensive Plan
- 4.15.025 Flood Hazards and Comprehensive Plan

4.15.010 Duties and Functions:

(a) The planning commission shall prepare and recommend to the City Council:

1. A comprehensive plan consisting of maps and related texts for the systematic development of the City;
2. A zoning ordinance to implement the comprehensive plan;
3. A subdivision ordinance;
4. The official map of the City; said map to include reference to zoning and other applicable restrictions prescribed by the commission; and
5. Modifications to the documents specified in (1) through (4) of this section.

(b) The commission shall publish notice of and hold at least one public hearing before submitting its recommendations under (a) of this section to the council. Notice shall be published in the same manner as in the case of ordinances.

(c) The planning commission shall:

1. Act as the platting board;
2. Act upon requests for variance;
3. Act upon requests for conditional uses; and
4. Enforce all city zoning ordinances and regulations.

(d) Subject to any ordinance adopted pursuant to AS 29.33.245, no platting requested, variance or conditional use may be granted except upon an affirmative vote of a majority of the voting members of the commission.

4.15.020 Comprehensive Plan: The comprehensive plan provided for in 4.15.010 (a) 1. shall be compilation of policy statements, goals, standards and maps for guiding the physical, social and economic development, both private and public, of the City, and may include, but is not limited to, the following statements of policies, goals and standards.

The City Council shall adopt a comprehensive plan based upon the recommendations of the planning commission. The City Council may modify the plan, provided that it first obtains the recommendations of the planning commission. The planning commission shall undertake an overall review of the plan at least once every two years and shall present recommendations based on the review to the City Council.

4.15.025 Flood Hazards and Comprehensive Plan: In developing, reviewing and amending the comprehensive plan under §4.15.020, the planning commission shall to the extent practicable take into account flood hazards and special flood hazards that may exist in the City, according to the most recent flood plain information available to the planning commission.

CHAPTER 4.20

ZONING

Sections:

- 4.20.010 Zoning
- 4.20.015 Conditional Use Permits
- 4.20.020 Designated Residential Areas
- 4.20.025 Existing Rights Unimpaired
- 4.20.030 Board of Adjustment
- 4.20.040 Adjustment Procedures
- 4.20.045 City Council Acting As Planning Commission
- 4.20.050 Judicial Review

4.20.010 Zoning:

(a) In accordance with the comprehensive plan, the Council shall regulate and restrict the use of land and improvements by districts. Regulations shall be uniform for each class or kind of building, structure, land or water area within each district, but the regulations may differ between districts and exceptions may be made in order to provide for the preservation, maintenance and protection of historical sites, buildings and monuments.

(b) Zoning regulations adopted under (a) of this section may include, but are not limited to, restrictions of:

1. Land use;
2. Building location and size;
3. The height and size of structures;
4. The number of stories in buildings;
5. The percentage of lot, which may be covered;
6. The size of open spaces;
7. Population density and distribution; and
8. Flood hazards and special flood hazards that may exist in the City, according to the most recent flood plain information available to the planning commission.

(c) Zoning regulations are designed to:

1. Provide for orderly development;
2. Lessen street congestion;
3. Promote fire safety and public order;
4. Protect the public health and general welfare;
5. Prevent overcrowding; and
6. Stimulate systematic development of transportation, water, sewer, school, park and other public facilities.

4.20.015 Conditional Use Permits:

(a) Land use may be modified by a Conditional Use Permit as follows:

1. Any Residential zoning may be used for Neighborhood Business uses under a Conditional Use Permit; and
2. Any Neighborhood Business zoning may be used for Commercial uses under a Conditional Use Permit; and
3. Any Commercial zoning may be used for Light Industrial uses under a Conditional Use Permit.

(b) A Conditional Use Permit shall be granted only by ordinance adopted by the City Council. The City of Delta Junction shall attempt to give property owners, located within five hundred (500) feet of property for which a Conditional Use Permit is sought, at least fifteen (15) days written notice of the public hearing on the proposed Conditional Use Permit.

(c) A Conditional Use Permit shall be drafted to accommodate both the reasonable needs of the applicant seeking the Conditional Use Permit and the reasonable concerns of the property owners described in subsection (b). Each Conditional Use Permit shall address the issues set out in 4.20.010(b). However, the burden of establishing the right to a Conditional Use Permit shall be on the applicant.

(d) A Conditional Use Permit may be created that has an indefinite term or a limited term.

(e) A person dissatisfied with the grant, denial or terms of a Conditional Use Permit may appeal the decision to the Board of Adjustment.

(f) The City Council may adopt regulations to implement this section.

4.20.020 Designated Residential Areas: The following land area within the Delta Junction, North Addition, shall be set aside permanently and zoned for residential use:

(a) All property lying within the boundaries beginning at the intersection of Rapids Street and Ryan Avenue and proceeding east along Rapids Street to North Clearwater Avenue, hence south along North Clearwater Avenue to the School Road (formerly Avenue), hence west along the School Road to Salcha Avenue, hence north along the east boundary of Salcha Avenue to Kimball Street, hence west along the north boundary of Kimball Street to Aurora Avenue, hence north along the east boundary of Aurora Avenue to Deborah Avenue, hence east along the south boundary of Deborah Avenue to Ryan Avenue, hence north along the east boundary of Ryan Avenue back to the point of beginning.

(b) All of Block 21 of the North Addition of the Delta Junction Townsite. Within this section the term RESIDENTIAL USE means buildings of permanent construction of the following types:

1. Family dwellings (of no more than two families)
2. Single dwellings
3. City parks and recreation areas

This section prohibits the establishment of a new business within the zones area. A "new business" is defined as any business, which requires an Alaska State Business License and would require more than one-third the floor space of the family dwelling.

The intent of this section is to improve the image of the community by setting aside a scene and relatively virgin land area for planned usage. It is not intended to over regulate nor restrict residents. Specifically, this section will not require the relocation or permanency of any dwelling, or cause any business to be closed that exists and that is located within the defined boundaries of the effective date.

4.20.025 Existing Rights Unimpaired:

(a) Property owners who were using land and improvements in a manner which was prohibited by or inconsistent with zoning laws and regulations adopted in or under this Title at the date of codification of these ordinances shall be permitted to continue to use that land and those improvements to the extent the prohibited or inconsistent use existed at the date of codification of these ordinances.

(b) Any significant change in the use of the land or improvements by a property owner or by any person using or occupying the land or improvements with the consent of the property owners, shall terminate the rights afforded by this section.

(c) Any significant change to the land or improvements that have the effect of expanding any use which would otherwise be prohibited or inconsistent with a zoning ordinance or regulation, shall terminate the rights afforded by this section.

(d) Nothing contained in this section shall modify or limit the common law of nuisance or the authority of the City to exercise its police powers in areas other than those specifically addressed by this section.

4.20.030 Board of Adjustment:

(a) The city Council is the board of adjustment. Meetings of the board are held at the call of the Mayor. The Mayor may administer oaths and compel attendance of witnesses. Meetings and hearings of the board shall be open to the public. The City Clerk shall keep minutes of the proceedings of the board of adjustments as a public record.

(b) The board of adjustment shall hear and decide:

1. Appeals regarding alleged errors in enforcement of zoning ordinances and building codes;
2. Appeals from the decisions of the planning commission on requests for conditional uses; and
3. Appeals from the decisions of the planning commission on requests for variances from the terms of the zoning ordinances, which are not contrary to the public interest, when a literal enforcement would deprive a property owner of rights commonly enjoyed by other properties in the same district.

(c) A variance shall not be granted because of special conditions caused by actions of the person seeking relief of or reasons of pecuniary hardship or inconvenience. A variance shall not be granted which will permit a land use in a district in which that use is prohibited. A variance may not be granted on property that is used under a Conditional Use Permit.

4.20.040 Adjustment Procedures:

(a) An interested party, including but not limited to a city official, may file with the board of adjustment an appeal specifying in writing his objections and his address. Copies shall be filed with the administrative officer or agency involved in the

decision or enforcement and with the City Clerk within thirty (30) days from the date of the decision or enforcement involved. The officer shall provide the board with all pertinent records, including his written decision. Such material shall become part of the reading of the appeal. An appeal to the board stays enforcement proceedings unless the board or a court issues an enforcement order based on a certificate of imminent peril to life or property made by the enforcement officer.

(b) The Mayor shall act as the presiding officer of the board of adjustment and shall exercise such control over the board's proceedings as is reasonable and necessary. In addition to his other duties, he shall rule upon the admissibility of the evidence before the board and may limit presentations before the board to reasonable period of time.

(c) A quorum of the board of adjustments shall consist of a majority of its voting members. Decisions by the board may be made and rendered by a majority of a quorum. Only those members of the board of adjusters who have been present throughout the hearing on an appeal may vote on that appeal.

(d) The following procedure shall be followed at any hearing on an appeal before the board of adjustments:

1. The appeal number and the name of the party appealing shall be read into the record;
2. The mayor shall then determine if the appellant or his agent is present. If no such person is present, the board will proceed with the hearing in such person's absence unless the presiding officer rules that there were extenuating circumstances, which prevented the appellant or his agent from appearing;
3. The presiding officer shall require the appellant to give his presentation at first;
4. After the conclusion of the appellant's presentation, the official involved shall then make a presentation. That official shall answer any questions by any member of the board concerning his comments or appellant's comments;
5. The appellant shall then have the right to respond to the official's presentation;
6. All comments made by the official or the appellant shall be directed to the Mayor. All questions directed toward the appellant or official shall be only by a member of the board of adjustments; and

7. All testimony before the board shall be kept under oath, to be administered by the City Clerk.

(e) An appellant may, in lieu of a personal appearance before the board of adjustment, present his appeal in writing supported by any affidavits appellant considers necessary. Such affidavits shall be filed at the time of filing the notice of appeal.

(f) Appellant, other interested persons, and any official may be represented by legal counsel at the board of adjustments.

(g) The burden of proof is upon the appellant to prove his case by a preponderance of the evidence.

(h) The formal rules of evidence applicable to an action at law do not apply to hearings before the board of adjustment.

(i) The decision of the board of adjustment on an appeal shall be by an affirmative motion.

4.20.045 City Council Acting As Planning Commission:

(a) If a Planning Commission has not been appointed under this chapter, the City Council shall act as the Planning Commission.

(b) A person dissatisfied with the decision of the City Council acting as the Planning Commission may proceed to judicial review under 4.20.050 without an appeal to the Board of Adjustment under 4.20.030 - .040.

4.20.050 Judicial Review: A municipal officer, taxpayer, or person jointly or severely aggrieved may appeal an action of the board of adjustment to the Superior Court by filing with the City Clerk written notice within ten (10) days of the action appealed. The notice shall specify grounds for the appeal. When the notice is filed, the board shall at once transmit to the Superior Court clerk copies of all papers constituting the records in the case.

An appeal from the board of adjustment stays enforcement proceedings unless the court issues an enforcement order based on a certificate on imminent peril to life or property made by the board.

CHAPTER 4.35

COMMUNITY DEVELOPMENT PLAN

Sections:

- 4.35.010 Policy
- 4.35.020 Periodic Review

4.35.010 Policy: The City of Delta Junction, Alaska Community Development Plan shall be the official policy of the City of Delta Junction.

4.35.020 Periodic Review: The Delta Junction City Council and Planning Commission shall periodically review these plan elements and amend them as needed and add additional elements as might be required from time-to-time so as to assure that the Community Development Plan reflects change in the community and compliments the needs and desires of those persons who reside in Delta Junction.

CHAPTER 4.40

AIRCRAFT FLIGHTS AND LANDINGS

Sections:

4.40.010 Prohibited Acts

4.40.020 Penalty

4.40.010 Prohibited Acts:

(a) It is unlawful for any person with an aircraft to land or take off from any area within the City limits other than a recognized airport or heliport, except in the case of emergency landings as provided for by FAA regulations.

(b) It is unlawful to over-fly an area within the City limits at an altitude lower than 500 feet above ground level, except in an emergency or while making a landing or take off from a recognized airport or heliport. Current FAA regulations will govern recognition of airports and heliports.

(c) The City Council may designate authorized airports or heliports and their flight patterns within the city.

4.40.020 Penalty: Violations of this chapter will be punishable by a fine of Two Hundred Fifty dollars (\$250.00).

CHAPTER 4.45

GRAVEL PITS

Sections:

4.45.010 Prohibited Acts

4.45.020 Definition

4.45.010 Prohibited Acts: It is unlawful for any person to construct a gravel pit within the city limits.

4.45.020 Definition: A gravel pit is any hole in the ground that measures fifty (50) feet or more from any one side to another.

CHAPTER 4.50

BUILDING PERMITS

Sections:

- 4.50.010 Permits
- 4.50.020 Fees

4.50.010 Permits: A building permit is required to construct any type of structure, log clearing, street construction or driveway construction.

4.50.020 Fees: No fee will be charged for this permit.

CHAPTER 4.55

STREET CONSTRUCTION

Sections:

- 4.55.010 Approval
- 4.55.020 Requirements

4.55.010 Approval: All streets constructed with or without a city aid must and shall meet or exceed specifications set down by the city and have approval of the City Council.

- 4.55.020 Requirements:

(a) Streets One hundred (100') feet in length, or more, must be cleared twenty (20') feet each side of the center line.

(b) Streets Sixty (60') feet in length, or more, must be cleared fifteen (15') feet each side of the center line.

(c) All trees will be hand cut. All trees, brush, limbs and berms removed or, if equipment is used, all excess dirt, berms, roots, stumps, brush and trees must be hauled away.

(d) Ground must be leveled enough for travel with an automobile.

(e) There shall be a minimum of four (4) inches of gravel to cover a minimum twenty-foot (20') width.

(f) The City Council has power to make exceptions under certain circumstances.

CHAPTER 4.60

CITY STREET AID

Sections:

4.60.010 Application Procedures

4.60.020 Aid Computation Method

4.60.010 Application Procedures: A person may secure street construction aid by:

(a) Applying for a building permit;

(b) Following specifications in CHAPTER 4.55; and

(c) Receiving prior approval on construction from the City Council

4.60.020 Aid Computation Method: The amount of money the City will contribute shall be dependent upon the amount the City receives from the state.

CHAPTER 4.65

SUBDIVISION REGULATIONS

Sections:

4.65.010	Purpose
4.65.020	Authority
4.65.030	Scope
4.65.040	Jurisdiction
4.65.050	Administration
4.65.060	Waivers
4.65.070	Waiver Procedure
4.65.080	Fees
4.65.090	Notification
4.65.100	Definitions

4.65.010 Purpose: The purpose of this ordinance is to promote and improve the health, safety and general welfare of the citizens of the City of Delta Junction. These regulations are designed to encourage the orderly development and use of land; to prevent overcrowding; to prevent congestion of streets and highways; to provide for adequate transportation, water, sewage, schools, parks and other public facilities; to provide adequate light and air; and to increase public safety from fire, disease and other dangers. These regulations are designed to achieve the greatest economy to the City of Delta Junction and its citizens while protecting the public interests involved in the subdivision of land within the City of Delta Junction.

4.65.020 Authority: These subdivision regulations have been adopted pursuant to the provisions of Section 29.43.040 and 29.33.070 through 29.33.245 of the Alaska Statutes and the City of Delta Junction Code of Ordinances, Chapter 4.15.

4.65.030 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 these regulations. 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 placed upon property by deed, restrictive covenants, or other private agreements running with the land, the provisions of these regulations shall prevail.

4.65.040 Jurisdiction: These regulations govern all subdivision of land and platting of land within the City of Delta Junction.

4.65.050 Administration: The approval provisions of these regulations shall be administered by the Planning Commission, acting in accordance with Section

29.33.150 of the Alaska Statutes and the City of Delta Junction Code of Ordinances, Chapter 4.15.

4.65.060 Waivers: The Planning Commission shall, in individual cases and in accordance with AS 29.33.170, waive the preparation, submission for approval and recording of a plat upon satisfactory evidence that:

- (a) Each tract or parcel of land will have adequate access to a public highway or street.
- (b) Each parcel created shall be 40,000 square feet in size or larger.
- (c) The conveyance is not made for the purpose of, or in connection with, a present or projected subdivision development; and
- (d) No dedication of a street, alley, thoroughfare or other public area is involved or required.

In other cases the Planning Commission may waive the preparation, submission for approval and recording of a plat if the transaction involved does not fall within the general intent of this chapter: 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.

4.65.070 Waiver Procedure:

- (a) The applicant shall submit a written application and an accurate map (minimum scale of one inch (1") equals one hundred feet (100') of the area showing the total property involved, changes desired, existing development and dimensional information sufficient for the Planning Commission's determination on the relative merits of the proposal.
- (b) The Planning Commission or, if applicable, the planning staff shall be responsible for reviewing the waiver application to insure conformance with the official map, comprehensive plan or other established criteria. No waiver shall be permitted for land that, in the Planning Commission's judgment, is unsuitable for development due to geophysical hazards.
- (c) Upon approval of the waiver application by the Planning Commission a resolution containing a legal description of the land for which the waiver has been granted shall be signed by the Planning Commission. The original shall be recorded in the District Recording Office and a copy placed with the original waiver application and filed with the City Clerk.

4.65.080 Fees: Fees charged for the review and recording of plats shall be non-refundable 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) Recording fees:

1. Plat sheets - \$10.00
2. Each additional sheet - \$2.00
3. Documents - \$8.00
4. Each additional sheet - \$5.00

(b) Shipping and handling - \$5.00

4.65.090 Notification: Notices required by this ordinance shall include the date, time and location of the hearing where the proposed subdivision will be discussed, as well as the description of the proposed subdivision and the names of the parties filing the application.

(a) Preliminary and Final Plat Hearings: Notification of hearings on preliminary and final plats will be mailed to adjacent property owners and published once a week for two consecutive weeks in a newspaper of general circulation in the area or, if none, posted in at least two public places in the area.

(b) Notification of Alteration of Replat and Vacation of Right-of-Way Petitions: Notification will be the same provided that the Planning Commission shall also mail a copy of the notice to each affected property owner not signing the petition.

4.65.100 Definitions:

(a) General Rules: For the purpose of these regulations, certain rules of construction apply to the text as follows:

1. Words used in the present tense include the future tense, the singular includes the plural and the masculine gender includes the feminine unless the context clearly indicates otherwise.
2. The word "shall" is always mandatory; the word "may" is permissive.

3. Any word or term not defined in this article shall be used within a meaning of common or standard use.

(b) Specific Definitions: The following definitions shall apply in the interpretation and enforcement of these regulations, unless specifically stated otherwise:

1. Block: 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.

2. City: the City of Delta Junction.

3. City Engineer: a registered professional civil engineer authorized to practice engineering in the State of Alaska and who is retained by the City on a temporary or permanent basis.

4. Community Water and Sewer Systems: the water and sewer systems of the City of Delta Junction. 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.

5. Comprehensive Plan: a document designed to portray general, long-range proposals for the arrangement of land uses in the City of Delta Junction and which has been adopted by the City as a guide to setting policy for achieving orderly and coordinated community development.

6. Dedication: the intentional appropriation of land by the owner to public use.

7. Easement: an interest in the land owned by another that entitles the easement holder to a specified limited use.

8. Improvements: 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.

9. Lot: a measurer portion of a parcel or tract of land which is described and fixed on a plat filed for record.

a. Corner lot: a lot located at the intersection of two or more streets;

b. Lot frontage: 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;

c. Double frontage: a lot other than a corner lot with frontage on more than one street;

d. Lot depth: the mean horizontal distance between the front and rear property lines of a lot;

e. Lot width: the mean distance between the side property lines of a lot.

10. Lot Line: the fixed boundaries of a lot described by survey and located on a plat filed for record.

a. Front lot line: 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;

b. Rear lot line: the boundary of a lot which is most parallel to the front lot line and does not intersect the front lot line;

c. Side lot line: the boundary of a lot which is neither a front nor a rear lot line.

11. Monument: a permanent survey control point.

12. Planned Unit Development: 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 protects the character and quality of adjacent land use through appropriate design requirements.

13. Planning Commission: the Planning Commission of the City of Delta Junction.

14. Plat: a map or chart of a subdivision of land.

a. Sketch plat: an informal plan drawn to scale showing

the existing features of a site and its surroundings and the general layout of a proposed subdivision;

b. Preliminary plat: a map showing the required features of a proposed subdivision of land submitted to the Planning Commission for purposes of preliminary consideration and approval;

c. Final plat: a map of a subdivision of land made up in final form as required for approval and filing.

15. Public Utility: all persons, firms, corporations or City or other public authorities which are certified as public utilities by the State of Alaska.

16. Replant: the alteration of a plat of record, which shall be submitted in a required form to the Planning Commission for approval and recording.

17. Right-of-Way: a land reserved, used or intended to be used for a street, alley, walkway or other public purpose.

18. Sidewalk: an improved right-of-way for pedestrian circulation that is part of the street right-of-way.

19. Street: a right-of-way, which provides for vehicular and pedestrian access to abutting properties.

a. Local street: a street designed to provide traffic access to individual abutting properties;

b. Collector streets: a street designed to move traffic from local streets to major streets;

c. Major streets: a street designed to move traffic between major traffic generators in the City;

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

e. Cul-de-sac: a local street of short length having only one outlet with provision for a turn-around at its termination;

f. Street width: the shortest distance between the lines

delineating the right-of-way of streets.

20. Subdivision: 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.

21. Surveyor: a land surveyor registered in the State of Alaska.

22. Tract: an area of land, which has been defined but has not been designated by lot and block numbers.

CHAPTER 4.70

PLATTING PROCEDURES

Sections:

- 4.70.010 Preapplication
- 4.70.020 Preliminary Plat
- 4.70.030 Final Plat
- 4.70.040 Alteration or Replat Procedure

4.70.010 Preapplication: A preapplication shall be required for all proposed subdivisions. The pre-application shall include all the land under contiguous ownership unless separate legal descriptions exist as a matter of record, regardless of whether all of the land is intended for immediate development.

(a) Purpose: The purpose of the pre-application is:

1. To provide the Planning Commission with general information concerning the proposed development;
2. To provide guidelines for the sub-divider concerning developmental policies of the City; and
3. To acquaint the sub-divider with the platting procedure and requirements of the City.

(b) Requirements: The pre-application shall include the following in written and/or graphic form:

1. A sketch plan of the entire development drawn to scale;
2. Existing conditions and characteristics of the land and within three hundred feet (300') of the boundaries of the site;
3. The area proposed or required to be set aside for schools, parks or other community facilities;
4. Flood plain, avalanche or other areas of geophysical hazards;
5. A statement of the intended use of the property.

(c) Procedure: The sub-divider shall submit two (2) copies of the required material to the Planning Commission chairman at least ten (10) days prior to the next

scheduled Planning Commission meeting. The Planning Commission will review the pre-application with the sub-divider, inform the sub-divider of the City's development policies and indicate whether any changes in the proposed subdivision need to be made prior to proceeding with a preliminary plat. One copy of the required materials may be returned to the sub-divider with written comments by the Planning Commission.

4.70.020 Preliminary Plat: After a pre-application meeting with the Planning Commission, the sub-divider shall submit a preliminary plat to the Planning Commission in order that general agreement may be reached on the layout, arrangement and design of streets and lots before development begins and a final plat is prepared. The preliminary plat shall include all land under contiguous ownership unless separate legal descriptions exist as a matter of record. If only a 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.

(a) Requirements: The following information shall be included in the preliminary plat application:

1. A written application on forms provided by the Planning Commission.
2. A location or vicinity map and a topographical survey map.
3. Three (3) copies each of the location and topographical maps drawn to a scale of one inch (1") to fifty feet (50'). One inch (1") to one hundred feet (100') or one inch (1") to two hundred feet (200'), which shall include:
 - a. Date, scale and north arrow.
 - b. The proposed subdivision name, which shall not be so similar to the name of any plat previously recorded in the area to cause confusion. The proposed subdivision, however, may be a numbered addition to an adjacent plat previously recorded by the same subdivider.
 - c. The name and address of the owner, the subdivider and the registered engineer or surveyor preparing the plat.
4. The location map shall include:
 - a. Location and names of adjacent subdivisions and the owners of adjoining parcels of unsubdivided land.
 - b. The existing zoning classification and present use of the

plat and adjacent properties.

c. The number of the section, township, range and grid and showing adjoining roads, physical features, townships or section lines to which reference may be made.

include: 5. The property and topographic survey map of the plat area shall

a. The location of all property lines. Adjacent property lines will be shown with a dashed line to show their relationship to the plat area.

b. The number, dimensions and area of each lot and dimensions and the total number of lots by block.

c. Topographic lines at intervals of two feet (2') for any portion of the proposed subdivision within the flood plain or any stream.

d. The location of streams, lakes, swamps, flood plains, mean high tide lines and the drainage pattern of the plat area.

e. Dedicated right-of-way, patent reserves, road easements and reservations, including section line easements and other constructed roadways located within and adjacent to the area to be platted, including right-of-way and surface widths and purposes.

f. The location of existing facilities and structures within the proposed subdivision, such as buildings, sewage and water systems, utility easements of record or in use, excavations, bridges, culverts, wells and any other information required by the Planning Commission.

g. The proposed location of streets; water, sanitary and storm sewers; drainage facilities; and other public improvements, uses, rights-of-way and easements containing enough information and specifications to enable the Planning Commission to make a preliminary determination as to applicable City and State of Alaska Standards.

including: 6. The subdivider shall submit supporting written information

a. A Certificate of Plat showing the legal and equitable owners (including mortgagee, contract purchasers and fee owners) of the land to be platted, plus all grants, reservations, covenants, deed restrictions and easements of record which may condition the use of the property.

b. 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 proposed subdivision to adequately dispose of all waterborne domestic waste.

c. A soils report stating soils characteristics and landbearing capacity is required in all cases where individual on-site sewage disposal and water supplies are proposed and in any other cases as deemed desirable by the Planning Commission.

c. If proposed, copies of protective covenants, deed restrictions, and/or home association by laws affecting the proposed subdivision.

(b) Procedure:

1. The subdivider shall submit the preliminary plat application to the Planning Commission at a regular meeting or to the Chairman of the Planning Commission at any other time.

2. The Planning Commission shall obtain comments on the preliminary plat from the City Engineer, Department of Public Works, Fire Department and any affected utility companies before taking action on the plat.

(c) Action: The Planning Commission shall approve, approve with conditions or disapprove the preliminary plat within sixty (60) days of its submittal by the subdivider. The Planning Commission shall state its decision in the minutes and will return a written copy of its decision and comments and one copy of the preliminary plat to the subdivider. If the Planning Commission takes no action within sixty (60) days, the preliminary plat is considered approved and a certificate of approval shall be issued on demand. The subdivider may consent to the extension of the period for action by the Planning Commission.

4.70.030 Final Plat: 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.

(a) Requirements: The final plat shall be drawn on high-quality reproducible material and be at least eighteen inches (18") by twenty-four inches (24") in size. All lines and printing shall be made with nonfading black ink using a scale of one hundred feet (100') to the inch unless otherwise specified by the Planning Commission. Information shown on the plat will include:

1. The date, scale and north arrow.
2. The initial point of survey, original or re-established 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 subdivision; and all monuments as required in this ordinance.
3. Within the subdivision the final plat shall show the center lines of all streets; 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 the existing dedications, and width of portions of streets each side of the center line; also, the width of rights-of-way of railroads, patent reserves, section line easements, flood control and drainage channels and any other easements appearing on the plat.
4. 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 referring to the easement shall appear on the plat. Easements for storm drains, sewers, utilities and other purposes shall be denoted by broken lines.
5. The exact boundaries of all areas to be dedicated or reserved for public use or for the common use of property owners. The purpose of the dedication or reservation shall be set forth on the plat.
6. All lot and block numbers. Sufficient data shall be shown to determine readily the bearing and distance of each line.
7. The names and lot numbers of adjacent subdivision. If the adjacent land is not subdivided it should be so noted on the plat.

(b) Certificates and Affidavits: The following certificates and affidavits shall accompany the final plat when submitted by the subdivider for approval.

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

2. A certificate by the registered surveyor attesting to the accuracy of the survey to the installation and correct location of all monuments required.

3. A certificate from the tax-collecting official stating that all taxes levied against the property at that date have been paid.

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

5. A certificate of Approval of the Alaska Department of Environmental Conservation as to domestic water supply and sewage disposal.

(c) Procedure:

1. The subdivider shall submit an original and two (2) copies of the final plat to the Planning Commission for approval. The final plat shall be submitted to the Planning Commission at the time of a regular meeting or to the Chairman of the Planning Commission at any other time. The final plat must be submitted by the subdivider for approval within two (2) years of the approval of the preliminary plat.

2. The Planning Commission shall obtain comments on the final plat from the City Engineer, Department of Public Works, Fire Department and any affected public utility company before taking action on the plat.

(d) Actions:

1. The Planning Commission shall approve, return to the subdivider for modification or disapprove the final plat within sixty (60) days of its submittal. The Commission shall state its decision in the minutes and will return a written copy of its decision and comments to the subdivider. If the Planning Commission does not so act within sixty (60) days, the final plat is considered approved and a certificate of approval shall be issued on demand. The subdivider may consent to the extension of the period for action by the Planning Commission.

2. When the final plat is approved it will be stated in writing on the final plat and copies thereof that the plat has been approved, the date and the signatures of the Chairman and Clerk of the Planning Commission.

3. The Planning Commission will then return one (1) copy of approved final plat to the subdivider and the original plat and one (1) copy thereof to the City Clerk. The City Clerk shall record the original of the final plat with the District Recording Office pursuant to Title 40, Section of the Alaska Statutes.

The City Clerk shall retain one (1) copy of the approved final plat in the City's records.

4.70.040 Alteration or Replat Procedure:

(a) 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 the alteration or replat or by the Planning Commission. 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 Planning Commission. It shall be accompanied by a copy of the existing plat showing the proposed alteration or replat.

(b) Notice of Hearing: The Planning Commission shall fix a time for a hearing on the petition, which shall not be more than sixty (60) days after filing.

(c) Hearing and Determination: At the hearing the Planning Commission shall consider the alteration or replat and make its decision on the merits of the proposal. No vacation of a city street shall be made without the consent of the City Council. The Council shall have thirty (30) days from the date of the decision of the Planning Commission in which to veto that decision. If no veto is received by the Planning Commission within the thirty (30) day period, the consent of the City Council shall be considered to have been given to the vacation.

(d) Recording: If the alteration or replat is approved the revised plat must be recorded by the Planning Commission and is thereafter the lawful plat.

(e) Title to Vacated Areas:

1. The title to a 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 (1) 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.

2. 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 platting authority to be paid over to the City on final vacation.

3. Provisions of (1) of this section notwithstanding, the Council of the City of Delta Junction may vacate those streets, alleys, crossings, sidewalks or other public ways that may have been previously dedicated or established when the Council, in its discretion, finds that the streets, alleys, crossings, sidewalks or other public ways are no longer necessary for the public welfare or when the public welfare will be enhanced by the vacation or if the Council determines that all or a portion of the area vacated does not vest as provided in 91) of this section but remains in the City of Delta Junction.

CHAPTER 4.75

SUBDIVISION DESIGN STANDARDS

Sections:

- 4.75.010 General
- 4.75.020 Streets
- 4.75.030 Blocks
- 4.75.040 Lots

4.75.010 General: 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; and

(d) The requirements of the State of Alaska, Department of Health and Social Services and Department of Environmental Conservation in regard to lot sizes, setbacks and drainage in areas where public water and sewer facilities are not available.

4.75.020 Streets:

(a) General:

1. The streets shall be designed and located in relation to existing and planned streets; to topographical conditions and natural terrain features such as streams and existing growth; to public convenience and safety; and, in their appropriate relation to the proposed uses of the land to be served by such streets.

2. Construction of all streets shall conform to the current standard specifications as established by the City.

(b) Types of Streets:

1. Major streets shall be properly integrated with the existing and proposed system of major streets and highways.

2. Collector streets shall be properly related to transit systems and special traffic generated by such uses as schools, churches, small shopping areas, population centers and the access to major streets.

3. Minor streets, including cul-de-sacs, shall be laid out to conform as much as possible to topography to discourage use by through traffic, to provide the minimum amount of street necessary to provide convenient, safe access to residential lots and to provide an efficient route for utility systems. Cul-de-sacs shall not exceed six hundred feet (600') in length.

4. Alleys should be used only in commercial areas for delivery and services; alleys may not be used in residential areas unless necessitated by exceptional conditions and approved by the Planning Commission.

(c) Right-of-Way and pavement Widths:

1. Street rights-of-way shall be wide enough to provide for the present pavement widths, future road expansion, sidewalks and access for installation and maintenance of street drainage facilities or other utilities. Rights-of-way shall not have permanent structures built upon them by property owners.

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

3. Right-of-way and surface widths, unless otherwise specified by the Planning Commission, are:

	<u>Right-of-Way</u>	<u>Surface Width</u>
Major Streets	60	40
Collectors	50	
Minor Streets*	40	24 - 36
Alleys	20	16 - 20

*Cul-de-sacs shall have a turn-around with a right-of-way diameter of eighty feet (80').

(d) Grades: Street grades shall not exceed eight per cent (8%) for major streets. The minimum grade of all streets shall not be less than two per cent (2%) to provide for proper drainage.

(e) Sight Distances: A minimum sight distance with visibility measured along the centerline of the street shall be provided for both vertical and horizontal curves as follows:

	<u>Minor</u> (Including Cul-de-sacs)	<u>All others</u>
Horizontal	200	300
Vertical	200	300

(f) Tangents: A straight section of street at least one hundred feet (100') in length shall be built between reverse curves on major and collector streets.

(g) Cul-de-Sacs: Cul-de-sacs shall have a maximum length of six hundred feet (600') and a width of sixty feet (60') with a turn-around diameter of one hundred (100').

(h) 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 in new subdivisions will be allowed.

(i) Reserve Strips: Reserve strips controlling access to streets shall be prohibited except where their control is placed in the City under conditions approved by the Planning Commission.

(j) Street Names:

1. New street names shall not duplicate the names of existing street, but streets that are continuations of other streets already named shall bear the same name.

2. Designations of streets as ways, places, avenues, roads, etc., should follow a definite pattern.

(k) Intersections:

1. Streets shall intersect as nearly as possible at right angles and not more than two (2) streets shall intersect at one (1) point.

2. Offset intersections shall have a minimum of one hundred twenty five feet (125') between the centerlines of the intersecting street:

	B	125 feet
Street A		B

4.75.030 Blocks:

(a) Size and shape: The length, width and shape of blocks shall be such as are appropriate for the topography, locality and type of development.

(b) Crosswalks: Pedestrian crosswalks not less than 15 feet (15') wide may be required by the Planning Commission where deemed necessary to provide for pedestrian access to schools, shopping centers, playgrounds or other community facilities.

4.75.040 Lots:

(a) General: 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.

(b) Dimension:

1. Lot dimensions shall conform to the requirements of the zoning ordinance provided that no residential lot shall be less than 40,000 square feet in area.

2. Lots should 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 (2 1/2) times the width nor be less than eighty-five feet (85'). Width of residential lots shall not be less than fifty feet (50').

3. Lots laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of development.

4. Residential lots abutting on major streets and highways shall have sufficient depth to permit adequate separation between future residences and the street traffic.

(c) Corner lots: Corner lots should be large enough to allow full setback of buildings from both streets as required.

(d) Access: Every lot shall front or abut on 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.

(e) Lot Lines: Sidelines of lots shall be substantially at right angles or radial to the side of the streets.

(f) Double Frontage: Double frontage lots shall be prohibited except where necessary to provide for separation of residential traffic from major streets or highways or other exceptional conditions and are approved by the Planning Commission.

(g) Lot Remnants: All remnants of lots left over after subdividing of a larger tract must be added to adjacent lots rather than be allowed to remain as unusable parcels.

(h) Uninhabitable Lots: Lots deemed by the Planning Commission to be

uninhabitable due to natural conditions shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate natural hazards.

CHAPTER 4.80

SUBDIVISION IMPROVEMENTS

Sections:

- 4.80.010 Provision of Improvements
- 4.80.020 Required Improvements
- 4.80.030 Extent of Improvements
- 4.80.040 Dedications
- 4.80.050 Guarantee of Required Improvements
- 4.80.060 Maintenance Agreement

4.80.010 Provision of Improvements:

(a) Purpose: The purpose of this section is to establish and define the improvements which will be required under the subdivision agreement to be constructed by the subdivider 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 administering, planning, designing, construction and financing of public facilities and to establish procedures for assuring compliance with these requirements.

(b) Responsibility: 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.

4.80.020 Required Improvements: Prior to granting approval of the final plat, the subdivider shall have installed or shall have furnished an adequate financial guarantee for the ultimate installation of the following improvements:

(a) Documentation: All exterior corners of the subdivision shall be permanently monumented with a brass/aluminum cap set on a flanged metallic pipe with a minimum of thirty inches (30") in length and two inches (2") in diameter placed 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 to refusal.

(b) Streets:

1. All streets shall be surfaced in accordance with applicable standard specifications of the City.
2. Curbs, gutters or other drainage structures for all streets shall

be provided in accordance with applicable standard specifications of the City.

3. Sidewalks built to applicable standard specifications of the City will be provided on at least one (1) side of all minor streets and on both sides of all collector and major streets; provided that where the subdivision is platted with a density of five (5) dwelling units per acre or less, the Planning Commission may waive this requirement.

(c) Water Supply:

1. Where a community water system is not available the subdivider shall comply with the requirements of State of Alaska, Department of Environmental Conservation and Department of Health and Social Services.

(d) Sanitary Sewer System:

1. Where a community sewer system does not exist the subdivider shall comply with the requirements of the State of Alaska, Department of Environmental Conservation and Department of Health and Social Services.

(e) Easements:

1. Utility easements along rear or side lines of all lots will be provided and will be at least ten feet (10') wide, although utilities shall be placed in public rights-of-way whenever possible.

2. Drainage easements will be provided wherever the subdivision is traversed by a water course, drainage way, channel or stream conforming to the course of that feature and wide enough to provide access for maintenance and improvement.

4.80.030 Extent of Improvements: All the 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.

4.80.040 Dedications: All streets, facilities and improvements shall be expressly dedicated to public use and maintenance at the time of the approval of the final plat.

4.80.050 Guarantee of Required Improvements: Before considering the final plat of a subdivision, the Planning Commission must be satisfied that all improvements required by this ordinance have been constructed. If the required improvements have not been completed 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 the cost of construction of those improvements as estimated by the City of Delta Junction. The guarantee will be subject to the condition that the improvements will be completed within twenty-four (24) months after approval of the final plat. If completed, the City will 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 will be returned to the subdivider but the subdivider cannot be charged with any amount in excess of the original guarantee.

4.80.060 Maintenance Agreement: The subdivider shall guarantee that the required improvements provided will remain in good condition for a period of one (1) year after the date of conditional acceptance by the City of Delta Junction and agrees to make all repairs to and maintain said improvements in good condition during the one (1) year period at no cost to the City of Delta Junction. 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 (5%) of the cost of improvements for payment of costs for any correction, reconstruction, repair or maintenance of the improvements during the one (1) year warranty period. Any amount of the maintenance guarantee in excess of the costs of correction, reconstruction, repair or maintenance will be returned to the subdivider.

CHAPTER 4.85

VARIANCES

Sections:

- 4.85.010 General
- 4.85.020 Public Improvements Variance
- 4.85.030 Planned Units Development

4.85.010 General: The Platting Authority may grant a variance from the provisions of the ordinance on a finding that undue hardship may result from strict compliance with specific provisions or requirements of the ordinance or the application of such provisions is impractical or undesirable in a specific instance. The Planning Authority shall only grant variances that it deems necessary or which it finds desirable from the standpoint of public interest. In making its findings, as required below, 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. No variance shall be granted unless the Planning Commission finds that:

(a) There are such special circumstances or conditions affecting the proposed subdivision that the strict application of the provisions of this ordinance would clearly be impractical, unreasonable or undesirable to the general public. In such cases the subdivider shall first state his reasons in writing to the specific provision or requirement involved and submit them to the Planning Commission. Normal development costs will not be considered unreasonable.

(b) The granting of the specified variance will not be detrimental to the public welfare or injurious to other property in the area in which the proposed subdivision is located.

(c) Such variance will be in accord with the intent and purpose of this ordinance and the Comprehensive Plan of the City of Delta Junction.

(d) 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.

4.85.020 Public Improvements Variance: 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 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 a variance.

4.85.030 Planned Units Development: The subdivider may request a variance from specified portions of this ordinance in the case of a 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 application for variance shall be supplemented with maps, plans or other additional data, which may aid the Planning Commission in the analysis of the proposed project.

The granting of platting variance for a planned unit development by the Planning Commission shall take place only if the planned unit development is in accord with the zoning ordinance of the City of Delta Junction.

CHAPTER 4.90

PENALTIES AND APPEALS

Sections:

4.90.010 Penalties

4.90.020 Appeals

4.90.010 Penalties:

(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 (\$500.00) 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 may record a plat or seek to have a plat recorded unless it bears the approval of the Planning Commission. A person who knowingly violates this requirement is punishable upon conviction by a fine of not more than FIVE HUNDRED DOLLARS (\$500.00).

4.90.020 Appeals: 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 must be filed by the aggrieved party with the City Clerk within ten (10) 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 (30%) or more of the adjacent property.

The appeal must state specifically the reason for the appeal and the relief sought.

(b) The City Clerk shall notify the Secretary of the Planning Commission within two (2) days of the notice of appeal. The Secretary of the Planning Commission shall, within thirty (30) days from the 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 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.

(c) Notification of the hearing on the appeal will be given provided further that the party filing the appeal will be notified by the City Clerk by registered mail or in person.

(d) 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 of change in circumstances shall require a resubmission for a rehearing by the Planning Commission.

(e) 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 and the City Clerk shall sign and approve the plat in lieu of the Planning Commission Clerk and Chairman.

CHAPTER 4.95

MISCELLANEOUS

Sections:

4.95.010 Changes and Amendments

4.95.010 Changes and Amendments: Any regulations or provisions of this ordinance may be changed and amended from time to time by the City Council provided that:

(a) Such changes do not conflict with Title 29, Chapter 33 and Title 40, Chapter 15, Alaska Statutes;

(b) Such changes have been reviewed and commented on by the Planning Commission; and

(c) A public hearing has been held on the proposed changes, public notice of which shall have been published in a newspaper of general circulation in the area once a week for at least two (2) weeks prior to that public hearing, or, if no newspaper, posted in at least two (2) public places.