

ORDINANCE 17-05-16-03
CITY OF THORNE BAY

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA, AMENDING TITLE 16-SUBDIVISIONS, CHAPTER 16.12-PLATTING REQUIREMENTS, SECTIONS 16.12.020-WAIVER PROVISIONS FOR LOTS OVER 5 ACRES; 16.12.025-WAIVER PROVISIONS FOR LOTS UNDER 5 ACRES; AND 16.12.030- PROCEDURE FOR LOTS UNDER 5 ACRES

BE IT ENACTED BY THE CITY COUNCIL FOR THE CITY OF THORNE BAY, ALASKA


- Section 1. Classification. This ordinance is of a general and permanent nature, the chapter and section hereby amended shall be added to the Thorne Bay Municipal Code.
- Section 2. Severability. If any provisions of this ordinance or any application thereof to any person or circumstances is held invalid, the circumstances shall not be affected thereby.
- Section 3. Amendment of Section. The Title and chapter of Title 16-Subdivisions, chapter 16.12-Platting Requirements, Sections 16.12.020-Waiver Provisions for lots over 5 acres; 16.12.025-Waiver Provisions for lots under 5 acres, and 16.12.030-Procedure for lots under 5 acres; is hereby amended and added.
- Section 4. Effective Date. This ordinance shall become effective upon adoption.

PASSED AND APPROVED May 16, 2017

ATTEST:



Teri Feibel, CMC



for James Gould, Mayor

[Introduction: May 2, 2017]
[Public Hearing: May 16, 2017]

Chapter 16.12
PLATTING REQUIREMENTS

16.12.020 Waiver provisions **FOR LOTS OVER 5 ACRES**. The designated planning official (DPO) shall, in individual cases, and in accordance with AS 29.40.090, waive the preparation, submission for **APPROVAL, FILING,** and recording of a plat upon satisfactory evidence that **THAT THE SUBDIVISION MEETS THE FOLLOWING REQUIREMENTS:**

A. The subdivision will result in the creation of four or fewer lots, and each lot created by the subdivision will be at least five acres in size;

B. Each tract or parcel of land created will have legal and physical access to an existing street or public highway;

C. No dedication of a street, alley, thoroughfare, easement, right-of-way or other public area is involved or required;

D. No vacation of a public dedication of land, and no variance from a subdivision regulation is involved or required

16.12.025 WAIVER PROVISIONS FOR LOTS UNDER 5 ACRES. THE DESIGNATED PLANNING OFFICIAL (DPO) SHALL, IN INDIVIDUAL CASES, WAVE PLANNING COMMISSION REVIEW AND APPROVAL UPON SATISFACTORY EVIDENCE THAT:

A. THE SUBDIVISION OR PLAT MODIFICATION IS TO CREATE AN EASEMENT, ADJUST A LOT LINE OR DIVIDE AN EXISTING TRACT OR PARCEL OF LAND INTO NO MORE THAN TWO TRACTS OR PARCELS THAT COMPLY WITH CURRENT ZONING;

B. EACH TRACT OR PARCEL OF LAND CREATED WILL HAVE LEGAL AND PHYSICAL ACCESS TO AN EXISTING STREET OR PUBLIC HIGHWAY;

C. NO DEDICATION OF A STREET, ALLEY, THOROUGHFARE, EASEMENT, RIGHT-OF-WAY OR OTHER PUBLIC AREA IS INVOLVED OR REQUIRED;

D. NO VACATION OF A PUBLIC DEDICATION OF LAND, AND NO VARIANCE FROM A SUBDIVISION REGULATION IS INVOLVED OR REQUIRED.

16.12.030 Procedure **FOR LOTS UNDER 5 ACRES**. A. The applicant shall submit a written application and an accurate map (at a scale not to exceed one inch equals fifty feet) of the area, showing the total property involved, proposed subdivision, existing development within five hundred feet, with dimensional and other information sufficient for a decision by the DPO.

B. The DPO shall be responsible for reviewing the waiver application to assure that it is complete and meets all of the provisions stated ~~above~~ **IN SECTION 16.12.025**. No waiver shall be granted for a parcel that, in the DPO's judgment, is unsuitable for development due to geophysical hazards.

C. Upon approval of the waiver application by the DPO, a plat **MAP SHALL BE PREPARED** ~~waiver~~ containing **ALL THE** ~~these~~ **PLATTING AND RECORDING** requirements as stated **IN TITLE 16.16**. ~~shall be signed by the designated planning official.~~ 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.