

CITY OF COFFMAN COVE
ORDINANCE 24 - 02
AN ORDINANCE AMENDING TITLE XIV, SUBDIVISIONS

Section 1. Purpose.

To add, delete and amend the language of Title XIV, Subdivisions.

Section 2. Classification.

This Ordinance is of general and permanent nature and shall become part of the Municipal Code.

Section 3. Prior Ordinance Superseded

The Code supersedes any and all Ordinances adopted prior to this code and not included within this Code at the time of this Code's adoption.

Section 4. Severability.

If any provision of this Ordinance or application thereof to any person or circumstance is held invalid the remainder of this Ordinance shall not be affected thereby.

Section 5. Titles and Chapters Adopted and/or Amended:

14.01.070 [~~Certificate to plat for all procedures~~] Notification

Section 14.01.050 Platting Board Clerk

3. It shall be the duty of the Platting Board Clerk to [~~notify adjacent property owners no more than ten (10) working days after the application is received. All adjoining lot owners will be granted fourteen (14) days from the date of mailing to respond. The failure of a property owner to receive notice shall not invalidate a decision reached at a public hearing if a good faith attempt was made to comply with the requirements of this Code for notice. Notices shall be posted in at least two public places at least five (5) days prior to the hearing date.~~] provide notice as required under this title.

Section 14.01.070 [Certificate Required to Plat for All Procedures] Notification
[(Repealed)]

1. The Platting Board shall issue notice of platting board meetings in accordance with AS 44.62.310 also known as the Open Meetings Act and AS 29.40 Planning, Platting, and Land Use Regulation.
2. A proposed meeting agenda will be posted in the same location and at the same time and date as legal notice and a copy provided to each platting board member.
3. For the purpose of giving legal notice of meeting, reasonable public notice is given if a statement containing the date, time, and place of the meeting is posted in three (3) public places not less than five (5) days before the time of the meeting.
4. The Platting Board shall issue a notice of public hearing on any plat application or petition in accordance with this section and AS 29.40.130, Notice of Hearing containing:
 - a. Name of subdivider;
 - b. Number of proposed lots;
 - c. Location of proposed subdivision;
 - d. Time and place of the hearing;

e. Other pertinent information as determined by the Platting Board.

5. The Platting Board shall mail a copy of the notice to the adjacent and affected property owners who did not sign the plat application or petition in accordance with AS 29.40.130.

Section 14.01.090 [Road] Permitting

All permit applications and drawings [~~from Army Corp Coastal Zone~~] for dedicated right of way shall be the responsibility of the subdivider. The subdivider shall work with the City staff to comply with all information requests from the permitting agencies.

Section 14.04.010 Application

D. The application shall include all other documentation and satisfy all other requirements listed under this title.

Section 14.04.020 Procedure

1. Upon receipt of completed application the Platting Board Clerk shall give appropriate notice that the completed application has been received, and shall schedule the Platting Board to review the submission. If the plat is not reviewed within sixty days of submittal it shall automatically be approved. If the application received is not complete, it shall be rejected within ~~[ten]~~ fourteen (14) days after its submittal, with written indication by the Platting Board Clerk of the manner in which it is incomplete, and the sixty day review period shall not begin to run until a satisfactory complete application has been received by the Platting Board Clerk.

7. Minor subdivisions shall meet all applicable standards and requirements as set forth in this title.

14.05.020 Preliminary Plat [~~Notification and~~] Procedure

Section 14.05.020 Preliminary Plat [~~Notification and~~] Procedure

~~[A. Major Plats – Notification~~

~~The Platting Board shall issue a notice of public hearing on the preliminary plat at least five (5) days before the plat is scheduled for public hearing. Notice may be given in a local newspaper of general circulation, and must be posted in four (4) conspicuous public locations.~~

~~1. [Notices required by this title shall contain:-~~

- ~~a. Name of subdivider;-~~
- ~~b. Date, time and location of hearing;-~~
- ~~c. Number of proposed lots;-~~
- ~~d. Location of proposed subdivision;-~~

~~2. Notices shall be sent to adjacent property owners by the platting clerk no more than ten (10) working days after the application is received. All adjoining lot owners will be granted fourteen (14) days from the date of mailing to respond. The failure of a property owner to receive notice shall not invalidate a decision reached at a public hearing if a good faith attempt was made to comply with the requirements of the Code for notice.-~~

~~3. Notices shall be posted in at least four (2) public places at least five (5) working days prior to the hearing date.-~~

~~4. The Platting Board may add further information to the notice at its discretion.]~~

~~[B.]~~ **A. Major Plats - Requirements**

4. If the application and plat maps are not complete, they shall be rejected within ~~[two weeks]~~ fourteen (14) days after their submittal to the Platting Board Clerk, with written indication of the manner in which they are incomplete.

~~[C.]~~ **B. Major Plat - Procedure**

1. The Platting Board shall assure preliminary plat compliance with the following requirements:

A. All lots must front on a dedicated right-of-way or easement, which may not be less than thirty feet. The Platting Board shall also dedicate right-of-way or easement along side yard lot lines where it finds such rights-of-way needed to assure access and provide for public transportation corridors. Right- of-ways shall not have:

1. Structures built upon them. Right-of-way width and surface width, unless otherwise specified by the Platting Board, are:

Right-Of-Way

Major streets 60

Collectors 50

Minor streets 30

Alleys 15

Major cul-de-sac 60

Minor cul-de-sac 30

2. Utility easements shall be dedicated along property lines where deemed necessary by the Platting Board. Width of the easement shall be determined by the Platting Board.

3. Minor cul-de-sacs shall have a minimum width of 30 feet and a minimum 30 feet radius of dedicated right- of-way, or maximum 200 feet long. Major cul-de-sacs shall have a minimum width of 60 feet and 50 foot minimum radius.

4. All property under contiguous and common ownership shall be shown on the preliminary plat, even if only a portion of the property is being submitted for plat approval.

5. Structures subsequently located on approved platted lots shall be set back at least fifteen feet from the front and rear property lines and at least ten feet from the side of the property lines

~~6. [If public sewer facilities, and water utilities, or both are available within 1000 foot boundary of a subdivision, the subdivider shall provide for all necessary mains, collectors and/or laterals to city specifications. Water and sewer charges will be applied as they become available to each lot.]~~

~~7. All lots in a subdivision shall provide adequate road access for emergency vehicles. When reviewing the adequacy for emergency vehicles, the Platting Authority shall consider lot topography, current and planned inventory of emergency~~

~~vehicles, and whether the cost of the access is clearly disproportionate to the value of the services it would make available.~~

~~8. In a Major Subdivision no lot may be sold until a Certificate of Improvement has been completed.]~~

Section 14.05.040 Action following approval

No lot shall be sold until ~~[Water and Sewer service is installed to that lot according to City specifications]~~ all required improvements are completed, inspected and accepted by city council motion or resolution or a Guarantee of Required Improvements Agreement as specified under this title is in place and the final plat has been prepared, approved, filed, and recorded in accordance with AS 29.40 and other applicable federal, state and local law. ~~[No utility fees shall be applied to a lot in a Major Subdivision until access to such service is available to that lot. Upon final approval of the Platt, Water/Sewer fees will be applied to those lots with access to said service.]~~

Section 14.06.010 Purpose

The purpose of this chapter is to establish and define the improvements which will be required under the subdivision agreement to be constructed or guaranteed by the subdivider as a condition of final plat approval and to outline the procedures and responsibilities of the subdivider.

Section 14.06.020 Approval of Construction 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. Said plans shall be reviewed and approved by the ~~[city public works director]~~ City prior to the beginning of construction. Such construction plans shall be based on data contained in the approved preliminary plat.

Section 14.06.030 Required Improvements

Prior to ~~[the City's granting approval of the]~~ final plat approval the subdivider shall have ~~[furnished]~~ provided a written Guarantee of Required Improvements Agreement listing the applicable required improvements along with an adequate financial guarantee for the ultimate installation of the improvements.

A. For a major subdivision, if public sewer facilities, and water utilities, or both are available within a 1,000 foot boundary of a subdivision, the subdivider shall provide for all necessary mains, collectors and/or laterals to city specifications.

B. For a minor subdivision, if public sewer facilities, and water utilities, or both are available to the property to be subdivided, the subdivider shall provide for all necessary mains, collectors and/or laterals to city specifications to any proposed lot not already bordering on a city owned water or sewer line.

C. All lots in a subdivision shall provide adequate road access for emergency vehicles.

D. For all subdivisions, the subdivider shall, along a dedicated street or right-of-way or easement proposed for dedication, grade, provide adequate drainage, and surface a roadway consistent with City of

Coffman Cove standards and requirements to provide access to any property he wishes to sell or otherwise convey to another person before such property may be sold or otherwise conveyed.

E. All road surfaces, shoulders, drainage improvements and structures, curbs, turnarounds, sidewalks and bridges or other things required by plat approval shall conform to all federal, state and local permits, requirements, standards or other specifications and to all construction standards and specifications adopted by the City of Coffman Cove and shall be incorporated into the construction plans required to be submitted by the subdivider for plat approval and shall be sufficient to service the anticipated uses of the land being subdivided.

Section 14.06.040 Guarantee of Required Improvements

A. Before considering the final plat of a subdivision, the platting board and city platting official must verify that all required improvements have been constructed or guaranteed as required by ordinance.

B. If the required improvements have not been completed, inspected and approved by the city and officially accepted; the subdivider shall be required to include with the final plat a guarantee for the ultimate installation of required improvements. The guarantee will be subject to the condition the improvements will be completed within [~~five (5)~~] two (2) years after the approval of the final plat.

C. The subdivider shall guarantee the improvements by one of the following methods. [~~Number 3 Deed of Trust, must be approved by the platting authority.~~]

1. Performance Bond.

a. The developer may furnish and file with the city clerk a surety bond in an amount equal to the cost of the required improvements as specified by the city to assure the actual construction of such improvements within two (2) years of final plat approval.

b. Such bond shall be approved in amount and form by the city. If legal assistance is determined to be necessary to review the bond, the subdivider shall be responsible for legal fees incurred by the city.

c. When improvements are completed, inspected and accepted, 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.

d. 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.

2. Bank Deposit or Certificate of Deposit.

a. The subdivider may post a bank deposit held in trust for the city or post a certificate of deposit for the city to guarantee the completion of required subdivision improvements. If the

developer fails to complete the required improvement within two (2) years, funds sufficient to complete the improvements as required shall be released to the city on its demand up to the maximum amount of the deposit.

b. The bank deposit or certificate of deposit, as applicable, shall be made payable or issued to the city of Coffman Cove. The funds shall remain on deposit available to the city of Coffman Cove until the city notifies the bank in writing of its acceptance of required improvements. The bond or certificate of deposit and agreement between the city, the bank and the developer shall be reviewed and approved in form by legal counsel for the city. All legal fees incurred for this purpose shall be paid by the subdivider.

3. ~~Deed of Trust/Warranty Deed.~~

~~a. If approved by the platting board with public notice being posted at least five (5) days prior to the platting board hearing date, the guarantee for improvements may be secured by a deed of trust or warranty deed for real property other than the proposed subdivision or the total subdivision parcel, the market value of which is greater than or equal to the total amount necessary to complete all required improvements.~~

~~b. A licensed appraiser shall be consulted in order to determine the market value of real property. Any fees which may be incurred shall be paid by the subdivider.~~

~~c. The city shall determine the cost of required improvements and shall determine the real property to be held in trust.~~

~~d. The developer at his expense shall secure title insurance with the city as the insured.~~

~~e. A deed of trust or warranty deed and a reconveyance document agreement for release of real property to the developer by quit claim deed after improvements are installed must be approved as to form by the city legal counsel. All legal fees incurred for this purpose shall be paid by the developer. The developer shall indicate in writing:~~

~~I. A time frame for completion of improvements which shall not exceed two (2) years from the date of final plat approval;~~

~~II. Construction drawings for required improvements. The platting authority or City shall require that these be signed by a registered engineer;~~

~~III. Method for financing the improvements;~~

~~IV. Financial statement if requested by the city or platting authority.~~

f. ~~The deed of trust or warranty deed granting real property to the city shall be signed and recorded prior to the signing of the final plat.]~~

Section 14.07.020 Vacations

A. The city may vacate public property when it finds that the property is no longer needed for a public purpose or to promote the public welfare. The Platting Board shall make a recommendation to the City Council on property vacations, and the council shall decide whether or not a vacation is to be permitted.

B. All vacations of city owned property shall be governed by the provisions of state law given in AS 29.40.140 through 29.40.160.

C. ~~[The Planning Commission must give thirty days notice of a meeting in which the vacation of public property is to be discussed, and must notify all property owners adjacent to the property proposed for vacation.]~~ The Platting Board shall hold a public hearing on the proposed vacation.

Section 14.07.030 Dedications outside subdivision process

A. Street, utility easements and other forms of interest in land are routinely dedicated to public use by subdividers as part of the subdivision process. In addition, the city may accept other property for dedication to public use and advancement of the public welfare, outside the process of approving the subdivision.

B. The ~~[Planning Commission]~~ Platting Board shall hold a public hearing on the proposed dedication. ~~[Property owners adjacent to the property proposed for dedication shall be notified of the public hearing at least 30 days in advance of the hearing. Notice shall also be posted in a conspicuous place in the community thirty days in advance of the hearing.]~~

C. The ~~[Planning Commission]~~ Platting Board shall forward its recommendation to the City Council, which shall decide whether or not to accept the dedication.

D. A plat of the dedication shall contain a short narrative explaining the purpose of the dedication, and shall contain the donor's certificate of dedication to public use and the City's acceptance, and shall be submitted for recording at the district recorder's office.

Section 14.07.090 Violations

It is unlawful for the owner of the land located in the subdivision to transfer, sell, offer to sell, or enter into a contract to sell land in the subdivision before a final plat of the subdivision has been prepared, approved and recorded. ~~[If the plat has been approved for recording and has been recorded, but the process of installing required subdivision improvements has not been completed, it is unlawful for the subdivider to transfer, sell, offer to sell, or enter into a contract to sell land in that subdivision.]~~

NOW, THEREFORE, BE IT ENACTED BY THE COFFMAN COVE CITY COUNCIL, AS FOLLOWS:

New language: italics and underlined; Deleted language: ~~[in bold brackets and stricken.]~~

FIRST READING: August 17, 2023

PUBLIC HEARING: September 21, 2023

SECOND READING: September 21, 2023

PASSED AND APPROVED by the Coffman Cove City Council on this 21st day of September, 2023.

Jack Mulcare, Mayor

ATTEST:

Soiyor Fitzpatrick, City Clerk