

Title 21 SUBDIVISIONS

Chapters:

- 21.05** **General Provisions**
- 21.10** **Administration**
- 21.15** **Minor Subdivisions**
- 21.20** **Major Subdivisions**
- 21.25** **Hybrid Subdivisions**
- 21.30** **Zero Lot Line Subdivisions**
- 21.35** **Planned Unit Development and Cluster Subdivisions**
- 21.40** **Replats and Plat Modifications**
- 21.45** **Required Plat Certificates and Plat Notes**
- 21.50** **Platting Variances**
- 21.55** **Design and Construction Requirements and Monumentation**
- 21.60** **Boundary Line Adjustments**

Chapter 21.05 GENERAL PROVISIONS

Sections:

Article I. Introduction and General Provisions

- 21.05.010** **Title.**
- 21.05.020** **Purpose.**
- 21.05.030** **Scope and jurisdiction.**
- 21.05.040** **Interpretation, conflict, and separability.**
- 21.05.050** **Severability.**
- 21.05.060** **User’s guide – Chapters.**

Article II. Definitions

- 21.05.070** **“A.”**
- 21.05.080** **“B.”**
- 21.05.090** **“C.”**
- 21.05.100** **“D.”**

21.05.110	"E."
21.05.120	"F."
21.05.130	"G."
21.05.140	"H."
21.05.150	"I."
21.05.160	"J."
21.05.170	"K."
21.05.180	"L."
21.05.190	"M."
21.05.200	"N."
21.05.210	"O."
21.05.220	"P."
21.05.230	"Q."
21.05.240	"R."
21.05.250	"S."
21.05.260	"T."
21.05.270	"U."
21.05.280	"V."
21.05.290	"W."
21.05.300	"X."
21.05.310	"Y."
21.05.320	"Z."

Article I. Introduction and General Provisions

21.05.010 Title.

This title may be referred to as the subdivision ordinance of the city and borough of Sitka. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.04.010.)

21.05.020 Purpose.

Subdivision of land becomes a public responsibility in that properly constructed roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important aspects. It is therefore in the interest of the public, developers

and the owners that subdivisions be conceived, designed, and constructed in accordance with sound rules and proper standards. The purposes of this title are:

- A. To promote and protect the public health, safety, and welfare;
- B. To provide for the proper arrangement of roads and streets in relation to existing or proposed roads and streets;
- C. To provide for adequate, useful and convenient open spaces;
- D. To provide for the efficient movement of vehicular, pedestrian, and other modes of transportation;
- E. To assure adequate and properly placed utilities;
- F. To provide for access for firefighting apparatus;
- G. To provide recreation, light, and air;
- H. To avoid population congestion;
- I. To facilitate the orderly and efficient layout and use of the land in light of the constantly changing conditions;
- J. To provide for the accurate surveying of land; and
- K. To ensure orderly growth and development consistent with the comprehensive plan, zoning ordinance, official map and the capital budget. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.04.020.)

21.05.030 Scope and jurisdiction.

This title governs all subdivision of land within the city and borough of Sitka. Except as otherwise provided by law, this title governs subdivision of land owned by the federal government, the state and its instrumentalities and the municipality in the same manner as it governs subdivisions of land owned by private persons.

The types of subdivisions regulated by this title are described below. Persons desiring to apply for approval of a subdivision plat should familiarize themselves with the various options to determine which best fits their situation.

The following are the various types of subdivisions or plats. The planning commission has the authority to be flexible within the limits of this title. Requirements and standards are outlined in this title. The municipality shall strive to apply these standards reasonably. The variance process is available to facilitate flexibility in land development.

- A. *Minor Subdivisions (Chapter 21.15 SGC)*. A subdivision that creates no more than four additional lots or tracts and does not require any dedications including:
 - 1. A subdivision involving the movement or creation of lot lines that do not increase the density of an area;

2. A subdivision involving the vacation of a street or alley; and
 3. A subdivision created for the acquisition of right-of-way.
- B. *Major Subdivisions (Chapter 21.20 SGC)*. A subdivision of more than four lots or tracts.
- C. *Zero Lot Line Subdivisions (Chapter 21.30 SGC)*. A subdivision creating lots for residential units with common walls or for building residences on the side lot lines.
- D. *Planned Unit Development and Cluster Subdivisions (Chapter 21.35 SGC)*. A subdivision designed to encourage imaginative and innovative design with regard to which the concept of good planning and utilization is more important than the technical requirements of normal subdivision plats as more fully stated in Chapter [21.60](#) SGC. Limited examples may include cluster developments, industrial parks, condominium developments, and shopping centers.
- E. *Use Restrictions*. The planning commission, with the available appeal to the assembly, may place restrictions on the use of lots through the plat process so long as those restrictions are tied to the clearly identified development constraints, such as topography or road access. In limiting any uses, a finding shall be made that the restriction is necessary to promote public health, safety, and welfare. There shall be a full and complete discussion with the applicant on the ramifications of any use restriction prior to its imposition. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.04.030.)

21.05.040 Interpretation, conflict, and separability.

In their interpretation and application, the provisions of this title shall be the minimum requirements. More stringent requirements may be required if it is demonstrated that different standards are necessary to protect the public health, safety and welfare.

- A. This title is not intended to interfere with or revoke or invalidate any easement, covenant, or other agreement between parties.
- B. When the provisions of this title impose greater restrictions than are imposed by other applicable city, state, and federal regulations, the provisions of this title shall control.
- C. In case of any ambiguity or difference of meaning or inconsistencies between the text and any illustrations or other graphics, the text throughout this title shall apply.
- D. Unless the context clearly indicates otherwise, words in the present tense can include the future tense, and words in the singular can include the plural, or vice versa. Except for words and terms defined in the beginning of each chapter of this title and in this chapter, all words and terms used in this title shall have their customary meanings.
- E. The words “shall” and “should” are always mandatory and not discretionary. The word “may” is discretionary. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.04.040.)

21.05.050 Severability.

Should any word, phrase, paragraph, subsection or provision of this title be found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of this title as a whole, or any part thereof, other than the part so found to be invalid. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.04.050.)

21.05.060 User's guide – Chapters.

The Sitka Subdivision Code, SGC Title [21](#), contains 12 chapters:

[21.05](#) Article [I](#) Introduction and General Provisions – Establishes the purpose, title and basic rules for using the code.

[21.05](#) Article [II](#) Definitions – Provides definitions for words used throughout the title. Words or terms used in only one chapter may be defined in that chapter.

[21.10](#) Administration – Summarizes responsibilities of the staff, planning commission and assembly and sets forth selected related procedures.

[21.15](#) Minor Subdivisions – Governs the subdivision of land into four or fewer lots.

[21.20](#) Major Subdivisions – Governs the subdivision of land into more than four lots.

[21.25](#) Hybrid Subdivisions.

[21.30](#) Zero Lot Line Subdivisions – Governs the creation of lots which provide for construction of buildings on common property lines.

[21.35](#) Planned Unit Development and Cluster Subdivisions – Governs the subdivision of land as part of planned developments.

[21.40](#) Replats and Plat Modifications – Governs lot line adjustments involving four lots or more, elimination of lot lines, and alley or right-of-way vacations.

[21.45](#) Required Plat Certificates and Plat Notes.

[21.50](#) Platting Variances – Governs the review and approval of subdivisions requiring variances from the standards of this title.

[21.55](#) Design and Construction Requirements and Monumentation – Governs development standards for all subdivisions.

[21.60](#) Boundary Line Adjustments – Governs lot line adjustments involving up to three lots. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.04.060.)

Article II. Definitions

21.05.070 "A."

"Aggrieved person" means:

1. The applicant or any person adversely affected by the decision;
2. Any governmental unit who is a party to or has submitted comments on any actions before the planning commission and contends the fulfilling of their governmental responsibilities are threatened by the action of the planning commission or assembly.

"Alley" means a permanent service right-of-way providing a secondary access to abutting properties.

"Applicant" (subdivider) means a person who holds any legal or equitable interest in land being subdivided. The term also includes all heirs, assigns, or successors in interest, or representatives of the applicant.

"Area" means the total unit of land identified for action under this title for purposes of calculating intensities, densities, and land uses. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.010.)

21.05.080 "B."

"Block" means an area of land within a subdivision that is entirely bounded by rights-of-way (other than alleys), physical barriers, and exterior boundaries of the subdivision.

"Block length" means the distance between intersections of through streets, measured between the right-of-way lines of the intersecting streets, which distance is the longest dimension of a block.

"Boundary survey map" is a map of the boundaries of a parcel. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.020.)

21.05.090 "C."

"Comprehensive plan" means an official adopted document including text, charts, graphics or maps or any combination designed to portray general and long range proposals for the arrangement of land uses and development of an economic base and human resource and which is intended to guide development policy towards achieving orderly and coordinated development within the entire community.

"Crosswalk" means a public right-of-way, 10 feet or more in width, which provides pedestrian passage through a street or within a block. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.030.)

21.05.100 "D."

"Dedication" means the deliberate appropriation of land or rights in land by its owner for any general and public use, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentation for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the city. A dedication by the owner under the terms of this section is a conveyance of an interest in property which shall be deemed to include the warranties of title listed in AS [34.15.030](#). The dedication of streets, alleys, sidewalks, or public open space shall convey a fee interest in the area dedicated. The dedication of all other public rights-of-way including utility rights-of-way shall be deemed to create an easement ingress to perform the indicated function in the area depicted. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.040.)

21.05.110 "E."

"Easement" means an interest in land owned by another that entitles the easement holder to a specified limited use of said area of land.

"Engineer" means a registered, professional, civil engineer authorized to practice engineering in the state of Alaska. Engineers perform the consultation, investigation, evaluation, planning, design, and inspection of private and public works, structures, or projects. Unless also qualified as a surveyor, an engineer may not engage in the preparation of subdivisions. (Cross-reference: AS [8.48.291](#).) (Ord. 15-14 § 4, 2015; Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.050.)

21.05.120 "F."

"Floodplain" means that area of land adjoining the channel of a river, stream, or other similar body of water which may be inundated by a flood that can be reasonably expected to occur. The floodplain includes all the lands within the limits of the 100-year flood and the floodway within it if such floodway is delineated. The floodplain area is defined by the Federal Emergency Management Agency. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.060.)

21.05.130 "G."

(Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.070.)

21.05.140 "H."

"Hybrid subdivision" means subdivision that contains elements of conventional minor and major subdivisions. Five-lot hybrids and combi hybrids are fully described in Chapter [21.25](#) SGC. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.080.)

21.05.150 "I."

(Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.090.)

21.05.160 "J."

(Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.100.)

21.05.170 "K."

(Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.110.)

21.05.180 "L."

"Legal access" means access over a roadway meeting residential road standards, having a width of at least 20 feet and constructed in accordance with official construction standards approved by the municipality.

"Lot" means a parcel of land shown as an individual unit on the most recent plat of record and intended for one principal building and/or use.

"Lot depth" means the mean horizontal distance between the front and rear lot lines.

"Lot frontage" means all property abutting the right-of-way of a dedicated street, private road, or road easement, measured along the right-of-way between side lot lines of a lot.

"Lot width" means the mean horizontal distance separating side lot lines on an individual lot. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.120.)

21.05.190 "M."

"Monument" means a permanent survey control point.

"Municipality" refers to the city and borough of Sitka. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.130.)

21.05.200 "N."

(Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.140.)

21.05.210 "O."

(Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.150.)

21.05.220 "P."

"Parcel" (or "tract") means a portion of subdivision having fixed boundaries, not including lots.

"Person" means an individual, corporation, partnership, unincorporated association, or government agency.

"Planting strip" means a strip of land between the roadway and the sidewalk or sidewalk site.

"PUD" (planned unit development) means a group or combination of dwellings and uses developed as a functional unit under conditional use and site plan approval procedures, the plan of which may not conform to the regulations established in any one zone or more zoning districts with respect to lot size, types and mixture of uses, density, lot coverage, access or required open space. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.160.)

21.05.230 "Q."

(Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.170.)

21.05.240 "R."

"Right-of-way" means a strip of land occupied or intended to be occupied by a street, walkway, road, utilities, gas or oil pipeline, water main, sewer main, or for any other public purpose.

"Roadway" means the portion of a street designated for vehicular traffic, and where curbs are laid, the portion between curbs. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.180.)

21.05.250 "S."

"Screening easement (buffer and landscape areas)" means a strip or parcel of land for the purpose of insulating land uses against the adverse effects of adjacent land uses, designating access along arterial highways, providing a wind screen, filtering dust, muffling noise, deterring glare, and reducing soil erosion.

"Shall" is synonymous with "will" and is always mandatory and not discretionary; the word "may" is permissive.

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

"Street" means a right-of-way which provides for vehicular and pedestrian circulation.

1. "Cul-de-sac street" means a short street intersecting with another street at one end and terminated by a vehicular turnaround at the other end, and which is not intended to be extended or continued to serve future subdivisions or adjacent land.
2. "Street width" means the shortest distance between the lines delineating the right-of-way of streets.
3. "Stub street" means a dead-end local street which provides for eventual extension of the street onto unplatted land.
4. "Arterial streets" and "highways" are those which are used primarily for fast or heavy traffic.
5. "Collector streets" are those which are designed and intended to carry traffic from minor streets to the major street system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within the development.
6. "Minor streets," also called "local access streets," are those which are used primarily for access to abutting properties.
7. "Marginal access streets" are minor streets which are parallel with and adjacent to arterial streets and highways, and which provide access to abutting properties and protection from through traffic.

"Structure" means anything that is constructed or erected and located on or under the ground, or attached to something fixed to the ground not including utility poles and related ground, or pad-mounted equipment, residential fences less than six feet high, retaining walls, rockeries, and other similar improvements of a minor character less than three feet high.

"Subdivision" means the division of a tract or parcel of land into two or more lots, sites, or other divisions (including short subdivisions) for the purpose, whether immediate or future, of sale, lease or building, or development, including any resubdivision and when appropriate to the context, the process of subdividing or the land subdivided.

"Surveyor" means a professional land surveyor who is registered and has complied with the laws of the state of Alaska. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.190.)

21.05.260 "T."

Tract. See "parcel."

"Transportation plan" means an element of the city and borough's comprehensive plan which addresses transportation modes, routes, and facilities. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.200.)

21.05.270 "U."

"Unit (dwelling)" means a structure or portion thereof containing a kitchen, living area, toilet, and sleeping accommodations, and designed as a unit to be occupied by no more than one family. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.210.)

21.05.280 "V."

(Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.220.)

21.05.290 "W."

(Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.230.)

21.05.300 "X."

(Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.240.)

21.05.310 "Y."

(Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.250.)

21.05.320 "Z."

"Zero lot line subdivision" means a technique whereby parcels may be created that might not otherwise conform to minimum size standards and which allows two adjacent single-family housing units to share a common side or rear lot line and shall be provided one-hour fire rated assemblies on each side of the adjoining property line. (Ord. 12-31A § 4(B), 2012; Ord. 03-1729 § 4, 2003; S.G.C. § 21.08.260.)

Chapter 21.10

ADMINISTRATION

Sections:

- 21.10.010 Planning commission – Responsibilities.**
- 21.10.015 Assembly – Responsibilities.**
- 21.10.020 Administration – Responsibilities.**
- 21.10.030 Action on application or appeal.**
- 21.10.040 Public notice.**
- 21.10.050 Public hearing.**
- 21.10.060 Reconsideration.**
- 21.10.070 Appeals – General.**
- 21.10.080 Commencement of appeal – Stay.**
- 21.10.090 Notice appeal hearing and preparation of record.**
- 21.10.100 Appeal hearing.**
- 21.10.110 Scope of appellate review.**
- 21.10.120 Judicial review.**
- 21.10.130 Penalties and remedies.**
- 21.10.140 Fees.**

21.10.010 Planning commission – Responsibilities.

- A. The planning commission shall be responsible for preliminary and final review of minor subdivision plats, platting variances, vacation of streets, and waivers of subdivision regulations subject to review by the assembly. The planning commission shall be responsible for review and recommend approval of major subdivisions and planned unit developments for action by the assembly.
- B. The planning commission shall either deny, approve, or approve with conditions (recommended or required) the preliminary or final plat within 90 days of the submission of a completed application by the applicant. The applicant may request, in writing, a delay in commission action that would stop this process.
- C. The planning commission may waive any or all improvements and requirements except for the preparation, submission for approval and recording of a plat upon proof that:
1. Legal access to each tract or lot within the subdivision exists over a street or access easement of at least 20 feet;
 2. The subdivision will create no more than four parcels;
 3. No dedication of a public right-of-way, public easement, or other public area is required;

4. Proof has been submitted demonstrating that adequate utility easements are provided;
5. The outside corners of each lot are marked and at least two outside corners of the whole subdivision tract are monumented and referenced to publicly recorded survey markers. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.52.010.)

21.10.015 Assembly – Responsibilities.

The borough assembly shall have final approval responsibilities for major subdivisions and planned unit developments and shall be responsible for appeals of planning commission approval actions. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.52.015.)

21.10.020 Administration – Responsibilities.

- A. The municipal administration shall be responsible for preapplication and application management; technical reviews; coordination of planning commission and assembly hearings including appeals.
- B. Within 15 working days after obtaining all certificates of approval of the plat and after the 10-day appeal period, the administration shall file the final plat in the Sitka recording district.
- C. The municipal administrator may grant no more than two six-month extensions to the deadline for recording final plats if the applicant proves that a good-faith effort to complete required conditions of the approval is being made.
- D. The municipal administrator may waive any plat submission requirements as long as all the requirements of the final plat are met prior to the recording of the plat. In the event one or more plat submission requirements are waived, all the information necessary for full public, planning commission, and assembly review shall still be provided. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.52.020.)

21.10.030 Action on application or appeal.

The planning commission shall take formal action by voting on a motion to approve or recommend approval of an application. The decision and/or recommendation shall be recorded in the minutes prepared by the secretary to the board. The action shall include findings of fact supporting the decision, based upon the application, technical review, public comments, and the record of the public hearing. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.52.030.)

21.10.040 Public notice.

- A. All subdivision approvals under this title shall be subject to public notice.

- B. The administration, after determining that the submitted application is complete, shall be responsible for issuing public notices.
- C. *Forms of Notice.*
1. Publication in a newspaper of general circulation in the borough at least five calendar days before the public hearing.
 2. Mailing at least five working days before the public hearing to all record owners of property within a distance of 300 feet of the exterior boundary of the property that is the subject of a major subdivision and planned unit development application; and within 150 feet of the exterior boundary of the property that is the subject of a minor subdivision, replat, and zero lot line application. The notice shall be mailed by first class mail to the owner of record of the property at the address as stated in the current property tax records of the municipal assessor.
- D. Every notice required by this section shall state the date, time, and location of the public hearing, a description of the action requested, a description of the property that is the subject of the application, and the names of the applicants and owners of the subject property.
- E. From the time of filing an application or an appeal all plans, data, and other supporting material shall be available for public inspection at the planning department.
- F. The failure of any person to receive any notice required by this section shall not affect the validity of any proceeding under this chapter. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.52.040.)

21.10.050 Public hearing.

The planning commission shall hold public hearings on all subdivision application requests. Public hearings shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision or recommendation. The chair shall open the public hearing and, in general, observe the following sequence of events:

- A. Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.
- B. Applicant presentation, including submittal of any materials. Members of the hearing body may ask questions of the applicant.
- C. Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the chair at its discretion.
- D. Rebuttal, response or clarifying statements by the staff and the applicant.

E. The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.52.050.)

21.10.060 Reconsideration.

A. The planning commission may reconsider decisions upon petition of any aggrieved person, filed within 10 calendar days after the date of the decision, or, on its own motion. If the plat approval is denied or the applicant is not satisfied with the conditions placed on the plats the matter shall be reconsidered by the planning commission unless the applicant files an appeal directly to the assembly.

B. The assembly may reconsider decisions only if it finds any of the following:

1. That there was a clerical error in the decision;
2. The decision resulted from fraud or mistake;
3. New evidence or a change in circumstances is discovered;
4. The application was rejected by a tie vote.

C. The planning commission shall review the petition, and decide whether to reconsider the matter. Additional evidence shall be necessary to support reconsideration. If the petition is granted, the planning commission then shall decide the matter or set the matter on its agenda for rehearing. The decision of the planning commission on reconsideration shall be final, subject to appeals to the assembly. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.52.060.)

21.10.070 Appeals – General.

Planning commission decisions authorized under this title may be appealed by the applicant, any person adversely affected by the decision, any governmental agency that has previously submitted comments on the issue, or any member of the assembly or planning commission. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.52.070.)

21.10.080 Commencement of appeal – Stay.

A. A decision of the planning commission is final unless an appeal is filed within 10 calendar days after the planning commission's final action, including reconsideration.

B. Any appeal shall be filed with the municipal clerk in writing, specifically stating the reason for the appeal and the relief sought.

C. Upon commencement of an appeal, the subject decision is stayed until the decision on appeal becomes final. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.52.080.)

21.10.090 Notice appeal hearing and preparation of record.

A. The municipal clerk shall schedule the appeal hearing, mail notice of the appeal, and prepare the appeal record.

B. All persons listed in the record shall receive notice of the appeal hearing. The notice shall include the appellant's notice of appeal, state the date of the appeal hearing and that written argument supporting or opposing the appeal may be submitted by persons who are not able to be present at the hearing. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.52.090.)

21.10.100 Appeal hearing.

A. The public hearing on the appeal shall occur at the first available regular assembly meeting and that occurs at least 10 days after the filing of the appeal unless the planning commission, the applicant, or the assembly requests it be heard at the next following regular meeting.

B. A full rehearing shall occur, with all parties presenting whatever evidence is relevant with opportunity to make argument, unless the assembly elects to make its decision only on the record as to evidence, considering only the arguments of those opposing or supporting the appeal.

C. Every decision of the assembly shall be based upon adopted findings and conclusions which should be reasonably specific so as to provide the applicant, community and where appropriate, reviewing authorities, a clear and precise understanding of the reason for the decision. The assembly may refer the matter back to the planning commission to develop additional findings and conclusions. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.52.100.)

21.10.110 Scope of appellate review.

The assembly may exercise its independent judgment on legal issues raised by the appellant. Legal issues are those matters that relate to the interpretation or construction of ordinances or other provisions of law. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.52.110.)

21.10.120 Judicial review.

Any person aggrieved by a final decision of the assembly under this chapter may appeal that decision to the superior court. An appeal to the superior court shall be heard solely on the record created before the assembly and the planning commission. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.52.120.)

21.10.130 Penalties and remedies.

- A. The owner or agent of the owner of land located within a subdivision who offers to sell, transfers, sells or enters into a contract to sell land in a subdivision before a plat of the subdivision has been prepared, approved and recorded in accordance with this title, is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500.00 for each lot or parcel offered for sale, transferred, sold or included in a contract to be sold. This subsection does not apply to any government or governmental agency, federal, state or municipality, that is exempt by AS [34.55.042](#) from such penalties and subdivision requirements.
- B. No person may record a plat or seek to have a plat recorded unless it has been formally approved by the city and borough. A person who violates this subsection is punishable upon conviction by a fine of not more than \$500.00.
- C. The city and borough of Sitka or any aggrieved person may bring a civil action to enjoin any violation of this title, any transfer or sale of an unlawfully subdivided parcel, the violation of the planning commission or the assembly pursuant to this title issued, and the violation of any term or condition of any plat or other entitlement approved under this title, and to obtain damages for any injury the plaintiff suffered as a result of the violation. An action for injunction under this section may be brought notwithstanding the availability of any other remedy. Upon application for injunctive relief and a finding of an existing or threatened violation, the superior court shall enjoin the violation. (Ord. 10-05 § 4, 2010; Ord. 03-1729 § 4, 2003; S.G.C. § 21.52.130.)

21.10.140 Fees.

The assembly shall adopt a schedule of fees for plat, variance, and vacation applications, and for appeals under this title. Specifically, fees shall be set for:

- A. All subdivision plat applications;
- B. Platting variance;
- C. Street or other dedication;
- D. Vacation and appeals;
- E. Planned unit development;
- F. Boundary survey application;
- G. Subdivision replat. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.52.140.)

Chapter 21.15

MINOR SUBDIVISIONS

Sections:

- 21.15.010** Application.
- 21.15.020** Concept plat.
- 21.15.030** Final plat.
- 21.15.040** Recording timetable.

21.15.010 Application.

- A. The minor subdivision plat procedure shall apply to the following plats:
1. Plats that create no more than four additional tracts or lots;
 2. Plats that create parcels that will become integral parts of the adjoining lots or rights-of-way;
 3. A movement or creation of lot lines that does not result in an increase in the density or number of residential units within the area being subdivided or resubdivided;
 4. A subdivision involving the vacation of a street or alley;
 5. A subdivision created for a government agency acquisition of a street right-of-way.
- B. *Basic Criteria.* The following general conditions are necessary for approval of a minor subdivision:
1. No dedications are needed;
 2. Monuments exist sufficient to locate all proposed lots on the site, as required by SGC [21.55.160](#);
 3. The plat includes all contiguous land under common ownership;
 4. Maintenance agreements as necessary.
- C. *Preapplication.* Participation in preapplication procedures as described in the major subdivision plat requirements (SGC [21.20.020](#)) is advised to address any questions regarding the minor subdivision application. (Ord. 18-07 § 4, 2018; Ord. 03-1729 § 4, 2003; S.G.C. § 21.12.010.)

21.15.020 Concept plat.

- A. A concept plat, prepared by a registered land surveyor, must be submitted at least 13 days prior to the next planning commission meeting. Applications shall include the application fee prescribed in SGC [21.10.140](#).

1. Three copies of the plat, drawn to a scale of at least one inch equals 100 feet on paper of one of the following sizes, with each sheet being the same size: 18 by 24 inches, 24 by 36 inches, or 30 by 42 inches that includes the following:
 - a. All dimensions and square footages of the parcels and easements to be created. The easements and improvements shall comply with all the applicable standards in Chapter [21.55](#) SGC.
 2. One eight-and-one-half-inch by 11-inch sheet of the concept plat without signature blocks.
- B. The planning commission may offer guidance on the concept plat at a regularly scheduled meeting and that guidance shall be given within 60 days of the date of the application. In the event a final plat is not submitted within 60 days of the planning commission review of the concept plat, a new concept plat review shall be undertaken.
- C. Mailing of public notices and compliance with the advertising requirements in SGC [21.10.040](#) is not required. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.12.020.)

21.15.030 Final plat.

- A. A final plat shall be prepared by a registered land surveyor and submitted for planning commission review following the board review of the concept plat. The plat shall comply with all the major subdivision final plat submission requirements in SGC [21.20.160](#). The easements and improvements shall comply with all the applicable standards in Chapter [21.55](#) SGC. It must be submitted at least 13 days prior to the next planning commission meeting. Flagging may be required along the proposed plat's existing or proposed boundaries or features as required by the platting authority pursuant to SGC [21.55.160](#). Notices and a public hearing shall be required and given as provided for in Chapter [21.10](#) SGC.
- B. In addition to providing a plat that conforms to the major subdivision final plat requirements, the following shall be submitted:
1. General topography of the site and immediate surroundings, showing specific topographic features and spot elevations. The purpose of this topography is to provide an understanding of the overall terrain of the site and to confirm the grades of access easements and rights-of-way. The planning commission may also require more detailed topographic information of existing and proposed grades.
- C. The planning commission shall approve, deny, or approve with conditions the final plat at a regularly scheduled meeting and the action shall be given within 60 days of the date of submission of a complete final plat. A delay in commission action may be requested in writing by the applicant, may result from the application being incomplete, or may result from evidence requiring further city consideration. If the plat approval is denied or the applicant is not satisfied with the conditions placed on the plat, the matter shall be reconsidered by the planning commission unless the applicant files an appeal directly to the assembly.
- D. After the final plat is approved, a recordable plat shall be prepared by a registered land surveyor including any required certificates as also required of a major subdivision, all applicable plat notes required by this title, and

all plat notes required by the planning commission during the approval process. The recordable document shall reference all monuments that have been installed following the approval of the plat. (Ord. 18-07 § 4, 2018; Ord. 03-1729 § 4, 2003; S.G.C. § 21.12.030.)

21.15.040 Recording timetable.

- A. The approved minor subdivision plat shall be submitted for recording within 12 months of the commission action.
- B. The recordable plat shall contain all the information required for minor subdivisions and final major subdivision plats including all signature blocks, the required easement maintenance signature block, location of set and recovered monuments, plat notes required by the planning commission during the approval process, and easement designations.
- C. The city may elect to extend this time period one additional six-month period upon written request of the applicant prior to the expiration of the 12-month period, if the city determines that the inability to submit the plat for recording within the 12-month period is beyond the applicant's control. Failure to submit the complete plat for recording within these time frames shall void the approval. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.12.040.)

Chapter 21.20 MAJOR SUBDIVISIONS

Sections:

- 21.20.010 General outline of procedure for major plat approval.**
- 21.20.020 Major subdivision preapplication.**
- 21.20.030 Major subdivision – Suggested concept plan submittal.**
- 21.20.040 Major subdivision – Preliminary plat submission requirements.**
- 21.20.050 Preliminary plat review and approval.**
- 21.20.160 Major subdivision – Final plat submission requirements.**
- 21.20.170 Final subdivision plat review and approval by the planning commission.**
- 21.20.180 Final subdivision plat review and approval by the assembly.**
- 21.20.190 Appeal to superior court.**

21.20.010 General outline of procedure for major plat approval.

The following are the basic steps to obtain major subdivision approval:

- A. Major subdivision preapplication;

- B. Major subdivision concept plat application for planning commission review;
- C. Review and approval of the complete preliminary plat by the planning commission;
- D. Consideration of any platting variances by the planning commission immediately prior to planning commission consideration of the final plat;
- E. Review and approval of the complete final plat by the planning commission;
- F. Review of any appeal of the planning commission's actions through the planning commission reconsideration process;
- G. Review and action on the final plat by the assembly. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.32.010.)

21.20.020 Major subdivision preapplication.

A preapplication consultation is required preceding the preparation and submission of the preliminary plat. During this stage, the applicant makes known his intentions to the city and is advised of platting procedures and requirements related to subdivision of the subject tract. Applicants are encouraged to submit a brief statement of intent and site location map when making an appointment for a preapplication conference. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.32.020.)

21.20.030 Major subdivision – Suggested concept plan submittal.

- A. Applicants are strongly encouraged to submit a concept plan of a major subdivision for planning commission review. Planning commission review of a concept plan will likely expedite the overall review process by allowing issues to be addressed early on.
- B. Submission of a subdivision application, to be in a form approved by the city, is required prior to any planning commission review of a concept plan. Applications shall be signed by all persons holding an interest in the property that is the subject of the application. It shall include requests for any necessary platting variances and vacations and, if appropriate, information on the timing on phased development.
- C. The concept plan should include approximate dimensions and square footages of the parcels and easements to be created. The concept plat may be prepared by a registered land surveyor. The easements and improvements shall comply with all the applicable standards in Chapter [21.35](#) SGC. The planning commission may offer guidance on the concept plat at a regularly scheduled meeting and that guidance shall be given.
- D. Mailing of public notices and compliance with the advertising requirements in Chapter [21.10](#) SGC is not required. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.32.030.)

21.20.040 Major subdivision – Preliminary plat submission requirements.

- A. In the event the owner or developer does not elect to go through the concept plat review process and submit a complete application at that time, an application for subdivision plat approval shall precede the submission of a preliminary plat. If a previous application does not incorporate any request for any necessary platting variances and vacations, those requests shall accompany the applications. Applications shall be in a form approved by the city.
- B. Preliminary plat applications shall be signed by all persons holding an interest in the property that is the subject of the application. If the applicant intends to develop the land covered by the preliminary plat in phases, the application for preliminary plat approval shall include a master phasing plan specifying the timing and sequence of development.
- C. The preliminary plat shall include all contiguous land under the applicant's ownership even if under separate legal description. If only a portion of the applicant's land is intended for development under the proposed subdivision, the remaining portion shall be given a tract designation and shall be part of the preliminary and final plat.
- D. The applicant shall submit the application for preliminary plat approval, including the following items, within the time required by the city in order for staff review before the regular meeting of the planning commission at which the plat is to be considered. The city shall determine the completeness of the application and notify the applicant if additional information is necessary. The perimeter of the subdivision may be flagged with readily viewable marking prior to the planning commission hearing when required pursuant to SGC [21.55.160](#). In addition, the planning office may require that interior subdivision lot corners shall be marked with two-inch square wooden hubs and flagging 10 days prior to the planning commission hearing. The planning commission review and public hearing shall be scheduled for the earliest possible date depending upon the size and complexity of the proposal.
- E. *Preliminary Plat Submittal.*
1. *Plat Copy Requirements.*
 - a. Four blue or black line prints of the preliminary plat prepared by a registered surveyor (or fewer copies as approved by the city).
 - b. One eight-and-one-half-inch by 11-inch sheet of the proposed new lot lines without signature blocks.
 - c. One copy to each of the appropriate governmental state or federal regulatory agencies and to the private telephone/television companies directed by the city.
 2. All plats shall be drawn to a scale of at least one inch equals 100 feet to show details and to enable appropriate decisions. Plats shall be submitted on sheets of one of the following sizes with each sheet being the same size: 18 by 24 inches, 24 by 36 inches, or 30 by 42 inches. The plat shall have four distinctive line weights according to the following breakdown from heaviest to lightest:

- a. Boundary lines;
 - b. Block and tract outlines;
 - c. Lot lines;
 - d. Easements, street centerlines, topographic contours, and other features.
3. The preliminary plat shall include the following information:
- a. Title block at the bottom right corner of the plat sheet or the index sheet showing:
 - i. Name of proposed subdivision,
 - ii. Scale,
 - iii. Date,
 - iv. Total area,
 - v. Legal description of parcel being subdivided,
 - vi. Proposed lot numbers, block numbers, and street names,
 - vii. Name, address, and license number of surveyor preparing plat,
 - viii. Owner(s) and/or applicants of the property and mailing address;
 - b. When a plat consists of more than one sheet, an index sheet is required. The index sheet must include a key map showing the entire project with street names, lots, block numbers, match lines indicating the sheet numbers which will display pertinent data of that particular portion of the project. The match lines shall follow obvious divisions within the plat and be easily recognizable. When more than one sheet is submitted, one sheet shall contain all the approval certificates. All sheets must be the same size;
 - c. North arrow;
 - d. Vicinity map which includes the following:
 - i. Scale of one inch equals 1,000 feet,
 - ii. Principal road systems, and, if applicable, major water bodies and/or watercourses, boundaries of national forest or other pertinent boundaries, location of subdivision and north arrow;
 - e. Dedicated rights-of-way, patent reservations, road easements, or utility and other reservations, public or private, within the proposed subdivision boundaries and within contiguous parcels showing location, dimensions, and purposes;

- f. Adjacent property lines shall be shown with dashed lines to show their general relationship to the proposed plat;
 - g. Proposed lot lines, tract lines, and rights-of-way including approximate dimensions and areas of all lots and tracts, approximate curve radii and lengths, and similar information;
 - h. Designation of proposed public areas;
 - i. Topography shall be shown with contour intervals of two feet for any portion of the proposed subdivision within the floodplain of any watercourse; five feet outside floodplain areas if the ground slope is less than 10 percent; and 10 feet if the ground slope is greater than 10 percent;
 - j. Preliminary horizontal location of water supply, sewage collection or disposal systems, storm drainage and other public improvement details to enable the city to make a preliminary determination as to conformance with municipal and state standards;
 - k. The location of water bodies and drainage courses, including the location of flood hazard areas;
 - l. The location of existing facilities, permanent buildings and structures within the proposed subdivision such as roadways, buildings, sewage systems, wells, oil lines including pipe sizes, utility poles and lines, underground power lines, excavations, bridges, and culverts;
 - m. Legal access from the public system where necessary;
 - n. Any additional information required by the municipality.
- F. The applicant shall submit supporting written information including all soils and engineering data required by the appropriate state agency for the review of installation of either on-site sewer and water facilities, if such are needed, or the general design and layout when such utilities are to become a part of the city and borough community system. If this subdivision or any part thereof is in a coastal management district, any information required for coastal management compliance shall also be submitted as may be required by the city.
- G. Accompanying the preliminary plat shall be a plat certificate documenting all persons holding any legal interest in the land being subdivided, prepared by an authorized title insurance company. (Ord. 18-07 § 4, 2018; Ord. 03-1729 § 4, 2003; S.G.C. § 21.32.040.)

21.20.050 Preliminary plat review and approval.

The planning commission shall approve, deny, or approve with conditions the preliminary plat at a regularly scheduled meeting and the action shall be given within 60 days of the date of submission of a complete final plat. Flagging may be required along the proposed plat's existing or proposed boundaries or features as required by the platting authority pursuant to SGC [21.55.160](#). A delay in commission action may be requested in writing by the applicant, may result from the application being incomplete, or may result from evidence requiring further city consideration. If the plat approval is denied or the applicant is not satisfied with the conditions placed on the plat,

the matter shall be reconsidered by the planning commission unless the applicant files an appeal directly to the assembly. (Ord. 18-07 § 4, 2018; Ord. 03-1729 § 4, 2003; S.G.C. § 21.32.050.)

21.20.160 Major subdivision – Final plat submission requirements.

The plat shall comply with the development and design standards contained in this title and SGC Title [22](#), Zoning, shall be used to evaluate applications. Outstanding natural and cultural features such as scenic viewpoints, watercourses, and historical sites shall be reserved insofar as possible. Flood hazard areas shall be marked as required. Plat certificates and standard footnotes shall be shown on the final plat as required in this code.

A. An original and four copies of the final plat, prepared by a registered surveyor (or fewer copies as approved by the city), containing all documentation relating to the subdivision and improvements as directed by the city shall be submitted. The original shall be reproducible, drawn on stable base polyester film, three mils thick or equivalent, with legible graphics and text in permanent ink. The final plat shall be of the same drawing size and scale as the preliminary plat, and bear the information specified in SGC [21.20.040\(E\)](#), and shall show the following:

1. The boundaries of the plat showing the stakes, monuments or other evidence found to determine the boundaries as well as boundaries, names, and parcel numbers of adjoining subdivisions, lots and tracts or portions thereof shall be identified and ties shown.
2. Bearings and distances to the nearest established street centerlines, section lines or official monuments which are necessary to accurately describe the location of the plat. All existing monuments found shall be properly referenced, including the date set, type of monument, the surveyor's name and registration number. Existing survey points reset by ties shall be documented.
3. The final plat shall show the centerlines of all streets, lengths, tangents, radii, and central angles of all curves, the total width of each street right-of-way and improvements within the right-of-way, the width of the portion being dedicated (if different from the right-of-way), and the width of any existing dedications.
4. The final plat shall show the width, bearing, and other necessary data to delineate all easements to which the lots are subject. Documentation of any unrecorded easements shall appear on the title sheet. Easements for storm drains, sewers, and other purposes shall be indicated in a manner determined by the city. Easements being dedicated shall be so indicated in the certificate of dedication.
5. All lot and block numbers shall be shown. Sufficient data shall be shown to determine readily the bearing and length of each line. No ditto marks shall be used.
6. The names of adjacent subdivisions and the lot numbers of adjacent lots shall be shown. Adjacent unsubdivided lands shall be shown.
7. The exact boundaries of all lots, tracts or areas to be dedicated or reserved for public use, or for the common use of property owners, shall be shown. The purpose of the dedication or reservation shall be set forth on the plat. Undedicated rights-of-way shall be shown.

8. The provisions of SGC [21.55.150](#), Flood hazard areas, shall be recorded showing all lots, blocks, or tracts affected by the floodplain regulations adopted by the city and borough including a written statement stating the affected lots, blocks and tract by legal description and the citation of the floodplain map used to make the floodplain determination.
9. All plat certificates and plat notes required in Chapter [21.45](#) SGC, Required Plat Certificates and Plat Notes.
10. Plats should be submitted in digital form in an AutoDesk AutoCAD drawing file, ESRI ArcGIS coverage, shapefile or personal geodatabase, or in another format based on prior approval by municipal staff.
11. Coordinates must be delivered in the Alaska State Plane, Zone 1 projection. Datum must be North America Datum, 1983 (NAD83), and have vertical and horizontal control, along with any other nonstandard shifts or rotations, completely documented. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.32.160.)

21.20.170 Final subdivision plat review and approval by the planning commission.

- A. A final plat shall be prepared and submitted for planning commission review following the board review of the concept plat. The plat shall be prepared by a registered land surveyor and shall comply with all the major subdivision final plat submission requirements. The easements and improvements shall comply with all the applicable standards in Chapter [21.55](#) SGC. It must be submitted at least 13 days prior to the next planning commission meeting. The perimeter of the subdivision shall be flagged with readily viewable marking at least 10 days prior to the planning commission hearing. In addition, the planning office may require that interior subdivision lot corners shall be marked with two-inch square wooden hubs and flagging 10 days prior to the planning commission hearing. Notices and a public hearing shall be required and given as provided for in Chapter [21.10](#) SGC.
- B. The planning commission shall approve, deny, or approve with conditions the final plat at a regularly scheduled meeting and the action shall be given within 60 days of the date of submission of a complete final plat. The applicant shall ensure that the flagging of lot lines required for preliminary plat review remains visible during the final review process. A delay in commission action may be requested in writing by the applicant, may result from the application being incomplete, or may result from evidence requiring further city consideration. If plat approval is denied, or the applicant is not satisfied with conditions placed on the plat, the planning commission shall review the plat on reconsideration prior to an appeal being considered by the assembly. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.32.170.)

21.20.180 Final subdivision plat review and approval by the assembly.

- A. The assembly shall approve, deny, or approve with conditions the final plat at a regularly scheduled meeting and the action shall be given within 60 days of the date of submission of a complete final plat. A delay in assembly

action may be requested in writing by the applicant, may result from the application being incomplete, or may result from evidence requiring further city consideration.

B. No lot, tract, or parcel within any major subdivision may be sold until service by public road access, water supply, sanitary sewer collection and disposal, and electrical power has been inspected, approved, and accepted for maintenance by the city and borough. All easements shall be recorded with the plat, and may not be changed without city approval. Streets shall be named and all lots shall have street addresses when the plat is recorded. Due consideration should be given to the dedication of park, playground and other areas for public use. If the plat approval is denied or the applicant is not satisfied with the conditions placed on the plat, the matter shall be reconsidered by the planning commission unless the applicant files an appeal directly to the assembly. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.32.180.)

21.20.190 Appeal to superior court.

Any person aggrieved by a final decision of the assembly under this chapter may appeal that decision to the superior court. An appeal to the superior court shall be heard solely on the record created before the assembly and the planning commission. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.32.190.)

Chapter 21.25 HYBRID SUBDIVISIONS

Sections:

21.25.010 General description.

21.25.020 General provisions.

21.25.010 General description.

Hybrid subdivisions are considered to be subdivisions that have elements common to both minor and major subdivisions. Hybrid subdivisions fall into two classifications.

The first classification is a subdivision that contains five lots where the first lot has access and utility connections directly off of a dedicated street right-of-way that has been accepted for maintenance by the state of Alaska or city and borough of Sitka.

The second type of hybrid subdivision is combi hybrid where a significant portion of the lots are on a right-of-way and the rest of the lots are served by access and utility easements off of that main road. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.36.010.)

21.25.020 General provisions.

- A. *Five-Lot Hybrids.* Five-lot hybrids are governed by the minor subdivision process. All standards and review procedures of the minor subdivision process shall apply. Five-lot hybrids shall not be approved if planning commission, with appeal rights to the assembly, is not satisfied that the lot immediately adjacent a dedicated right-of-way is fully served by that right-of-way.
- B. *Combi Hybrids.* Combi hybrids shall follow the major subdivision review process and shall meet all applicable major subdivision design requirements. The use of combi hybrids shall only be approved when it is determined through the review process that a conventional minor subdivision or major subdivision cannot be developed on the parcel.
- C. *Combi Hybrid Review Process and Criteria.* The developer shall bear the burden of proving that a combi hybrid is the only method of developing a specific parcel. In requesting a combi hybrid, the applicant shall first provide detailed topography and realistic alternative subdivision layouts that comply with the applicable minor or major subdivision requirements. The planning commission shall review those alternatives and may require the preparation of alternative layouts. Combi hybrids shall only be approved during the preliminary plat stage after the planning commission, with possible appeal to the assembly, has determined that the combi hybrid is required due to the uniqueness of the terrain, significantly higher costs of conventional development, and overriding public benefits of the combi hybrid subdivision. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.36.020.)

Chapter 21.30 ZERO LOT LINE SUBDIVISIONS

Sections:

- 21.30.010 Application and zero lot line plat of subdivision.**
- 21.30.020 Final plat requirements.**
- 21.30.030 Zoning requirements.**
- 21.30.040 Party wall agreement.**
- 21.30.050 Procedure after application.**

21.30.010 Application and zero lot line plat of subdivision.

The zero lot line subdivision application, review and approval procedures shall be the same as those for minor subdivisions (Chapter [21.15](#) SGC) except as specified below:

- A. The exact locations of the structures shall be shown along with dimensions to each adjacent property line. This may be accomplished by either of the following methods:

1. Obtain foundation permit and have foundation in place when survey is accomplished to provide plat of subdivision; or
 2. Indicate proposed location of structure and surveyor field stake foundation prior to building permit.
- B. No construction beyond the footings and stem wall shall be permitted and commenced until plat approval has been completed.
- C. Upon the receipt of a detailed written request by the applicant, the municipality may approve an alternate zero lot line process on a case-by-case basis. In all instances, a plat must be approved by the city planning commission or assembly and shall comply with the documentation required elsewhere in this chapter.
- D. The plat application shall include the proposed party wall agreement as required in SGC [21.30.040](#). (Ord. 03-1729 § 4, 2003; S.G.C. § 21.24.010.)

21.30.020 Final plat requirements.

The final plat shall comply with all other final plat requirements and shall include all required plat certificates and plat notes. In addition, the final plat shall contain the following additional certification:

LOT(S) _____ ARE INTENDED TO BE SOLD ONLY FOR ZERO LOT LINE DEVELOPMENT. LOT DEVELOPMENT SHALL REMAIN ZERO LOT LINE OR COMMON WALL CONSTRUCTION IN ITS ENTIRETY FOR THE LIFE OF THE COMMONLY BOUND UNITS. SHOULD FIRE OR OTHER DESTRUCTION OCCUR TO ONE OR BOTH OF THE UNITS, THEY SHALL BE RECONSTRUCTED ONLY AS A COMMON WALL UNIT, AGAIN, FULLY JOINED TO THEIR NEIGHBOR, UNLESS ONE SUCH PARTY TOTALLY BUYS THE INTEREST OF THE OTHER AND RECONSTITUTES THE ORIGINAL PROPERTY BACK INTO A SINGLE LEGAL USE. THERE IS A RECORDED PARTY WALL AGREEMENT RESTRICTING THE USE OF THIS PROPERTY FOUND AT SITKA RECORDING DISTRICT UNDER SERIAL NUMBER _____.

CONSTRUCTION OF THE COMMON WALL UNITS ALONG A COMMON LOT LINE SHALL BE SIMULTANEOUS UNLESS SEPARATE CONSTRUCTION RECEIVES PRIOR APPROVAL BY THE MUNICIPALITY FOR GOOD CAUSE SHOWN.

(Ord. 03-1729 § 4, 2003; S.G.C. § 21.24.020.)

21.30.030 Zoning requirements.

A. *Additional Requirements.*

1. Zero lot line subdivisions shall permit side by side, one-family structures only (no duplex or more per side) and shall have a minimum of 25 percent of the total party wall adjoined together as a common wall.

2. The common wall shall consist of the following minimum rated fire wall: five-eighths-inch Type X rated sheet rock shall be placed on the interior face of each unit, followed by a minimum of a two-inch by four-inch stud wall (16-inch on center), followed by a five-eighths-inch weather-resistant, fire-rated gypsum wallboard. This is followed by a minimum of a one-inch air space, then a five-eighths-inch weather-resistant, fire-rated gypsum wallboard, then a minimum of a two-inch by four-inch stud wall (16-inch center) with a five-eighths-inch Type X rated sheet rock on the interior face of the second unit. This double-protected wall forms the common or party wall and shall be constructed so as to extend from the top of the concrete stem wall to the underside of the roof sheathing.

3. Separate water, sewer, and electrical utility services are required for each unit side. All the above services shall extend to and be individually connected to the adjacent municipal lines in the adjacent street. As separate saleable units, a zero lot line is treated as if they were totally separated buildings. No break or problem in any utility service should be allowed to have any adverse effect on the adjacent unit. (Ord. 12-31A § 4(A), 2012; Ord. 03-1729 § 4, 2003; S.G.C. § 21.24.030.)

21.30.040 Party wall agreement.

A party wall agreement shall be included as a covenant to all zero lot line subdivisions and shall be entered into by the adjacent affected property owners. This agreement shall include, but is not limited to, the following sections:

A. *Recitals.*

1. A legal description of the property;
2. Declarations of ownership, common wall definitions, and the purpose of the document.

B. *Party Wall.*

1. Declaration of the party wall as defined;
2. Provisions for the shared responsibility of major maintenance and replacement as well as the use of any common problems (i.e., party wall) of said development;
3. Statement of the duration and effect of this agreement;
4. Provisions for regulations involving encroachment onto the adjacent property.

C. *Use of the Property.*

1. Provisions for the major maintenance or modification of each side of the structure's exterior with the adjacent owner's agreement;
2. Declaration of the restricted use to a single-family dwelling only for each lot;
3. Restrictions for the maintenance and upkeep of each lot in a neat and orderly fashion;

4. A statement on the procedure should one or both of the units be destroyed or removed. This may include the provision of one owner purchasing the total interest of the other party and the removal and revocation of the zero lot line subdivision and party wall agreement thereby returning the total property back to a single lawful use. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.24.040.)

21.30.050 Procedure after application.

- A. *Submittal.* The applicant shall submit all required information at least 15 days prior to the date that the planning commission hearing on the subdivision is scheduled. All data shall be submitted to the planning office of the municipality.
- B. *Public Hearing.* At a regular meeting, the planning commission shall hold a public hearing on the application request. The commission may approve, conditionally approve, or deny the application. Flagging of lot lines shall be installed as directed by the municipality. If denied, the commission shall cause to have prepared a formal letter outlining the reasons for denial.
- C. *Denial - Appeal.* If the planning commission denies the requested subdivision, the applicant has 15 days, from the date of the denial, to file a timely appeal. Such appeal shall be in writing, stating any reasons the applicant feels are relevant to the cause and shall be filed with the municipal clerk. A timely appeal shall stay all proceedings pending the outcome of the appeal. The assembly of the city and borough of Sitka shall hear the appeal, acting as a board of adjustment, within 60 days of receipt of the appeal. All records, applications, and other material shall be supplied to the assembly for their deliberations. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.24.050.)

Chapter 21.35

PLANNED UNIT DEVELOPMENT AND CLUSTER SUBDIVISIONS

Sections:

- 21.35.010 General provisions.**
- 21.35.020 Cluster development projects.**
- 21.35.030 Ownership.**
- 21.35.040 Procedure.**
- 21.35.050 Concept plan.**
- 21.35.060 Permitted construction.**
- 21.35.070 Changes in concept plan.**
- 21.35.080 Staged development.**
- 21.35.090 Condominium developments.**

21.35.010 General provisions.

It is the intent of the city and borough to encourage imaginative and innovative design in the application of subdivision and improvement standards for subdivision developments proposed as planned unit cluster development projects, commercial centers, industrial parks, and shopping centers. Planned unit development proposals shall be subject to requirements of all existing city and borough ordinances, except as modified by this chapter to create development qualities different from those that result from conventional design. Projects developed under the provisions of this chapter should:

- A. Encourage the enhancement and conservation of lands which have scenic, environmental, cultural, and historical significance;
- B. Enable the development of property other than by the strict application of subdivision standards in order to allow for mixed uses and mixed densities, and provide a greater level of design features and site amenities;
- C. Provide for more efficient use of land, resulting in better coordinated networks of utilities and safer networks of streets, promoting greater opportunities for public and private recreational open space, and resulting in lower construction and maintenance costs to the general public;
- D. Encourage harmonious and coordinated development of the site, considering the natural features, community facilities, pedestrian and vehicular circulation in conformance with overall transportation plans, and the land use relationship with surrounding properties and the general community.

Departure from the subdivision regulations and standards requires demonstration that adequate provisions will be made for sufficient light and air, that the density of development is compatible with surrounding land uses, that pedestrian and vehicular traffic circulation systems are safe and efficient, that the development will progress in orderly phases, and that the public health, safety, and general welfare will be protected. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.28.010.)

21.35.020 Cluster development projects.

Cluster planned unit developments are projects in which the individual lots are substantially smaller than otherwise allowed, provided there is at least as much open space within the total development as would exist if all lots were of standard size. The net density of units as a whole shall be the same as allowed under regular zoning unless otherwise approved by the planning commission.

At least 70 percent of the open space shall be dedicated to scenic or recreational purposes to be enjoyed in common by all residents, employees, and/or customers living, working or shopping in the development, their guests and, where applicable, by the general public.

Cluster developments shall include:

A. A binding contract commitment to maintain the common areas and provide for its administration and specification of uses. This commitment shall include provisions for the transfer of ownership shares in common areas when individual residential, office, or other uses are sold. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.28.020.)

21.35.030 Ownership.

All land proposed for a planned unit development shall be owned or be under the control of the applicant, whether that applicant is an individual, partnership or corporation, or groups of individuals, partnerships or corporations. The applicant shall present proof of control and shall:

A. Provide agreements, contracts, and proposed deed restrictions acceptable to the municipality for the completion of the undertaking in accordance with the adopted concept plan as well as for the continuing operation and maintenance of such areas, functions and facilities not intended to be provided, operated, or maintained at general public expense;

B. Bind any developer successors in title to any commitments made under subsection [A](#) of this section. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.28.030.)

21.35.040 Procedure.

Planned unit developments and cluster subdivisions shall follow the major subdivision review and approval process in Chapter [21.20](#) SGC. These procedures include review and approval of the final plat by both the planning commission and the assembly.

A. *Concept Review.* After initial consultation with the city pursuant to SGC [21.20.030](#), a review of the preliminary development concept shall be made by the planning commission to any site planning and platting issues and concerns regarding the proposal in order to guide subsequent detailed planning and engineering. Flagging and monumentation shall be installed consistent with the requirements in the major subdivision review process.

B. *Preliminary Plat Submission.* The preliminary plat submittal shall contain essentially the same information required in the regular major subdivision platting procedure under SGC [21.20.040](#) and shall also contain a written description of proposed departures from design and improvement standards. Draft covenants and restrictions shall be submitted with the preliminary plat.

C. *Final Plat Submission.* The final plats shall contain the same information and detail as required for final major subdivision plats elsewhere in this title. Final covenants and restrictions shall accompany the final plat that is submitted for planning commission review. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.28.040.)

21.35.050 Concept plan.

This plan shall indicate:

- A. Pedestrian and vehicular circulation, showing right-of-way widths as well as access points to the major thoroughfare systems. The applicant may submit one or more alternate proposals for a nonmotorized circulation system within the planned unit development.
- B. The use of all lands showing the general location, function and extent of the components or units of the plan including proposed uses, densities, or intensities of use; open space, such as parks, outdoor recreation, or scenic areas; and community-serving recreational, and education, or leisure facilities.
- C. The provision of utilities to and within the planned unit development, including municipal sewer and water supply; sanitary sewer; electrical power; telecommunications; emergency services; and fire protection.
- D. Provisions, if required by the assembly, for financial responsibility to ensure:
 - 1. The completion of each stage of the project; and to indemnify the project for a period of one year after completion of construction as to any costs the project may incur by reason of deficiency of design or construction. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.28.050.)

21.35.060 Permitted construction.

Upon approval of the concept plan, submission and approval by the municipal engineering department of prepared construction documents, construction may proceed for public and/or approved private roads, utility installation, community-serving open space, and recreational facilities. No lots or rights shall be sold until plat recording. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.28.060.)

21.35.070 Changes in concept plan.

It is not intended that the planned unit development concept plan so approved shall be inflexibly applied, but rather the planned unit development should be in conformance with the concept plan, subject to modification upon approval of the planning commission due to changed economic, social or demographic conditions. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.28.070.)

21.35.080 Staged development.

A planned unit development subdivision proposed for completion in stages shall be designed and constructed so that each stage will be self-supporting should future proposed stages not occur. The concept plan is to include

details as to each development stage and the expected timing of each stage. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.28.080.)

21.35.090 Condominium developments.

Condominium developments shall follow the same procedures as cluster developments and shall include specific provisions concerning the division of ownership of the individual dwelling units, as well as provisions for maintenance, utility costs, ownership of common areas, appearance and cleanliness, violations of agreement provisions, along with such other provisions as may be required by the planning commission consistent with the provisions of this chapter. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.28.090.)

Chapter 21.40 REPLATS AND PLAT MODIFICATIONS

Sections:

- 21.40.010 Requirements for a complete plat vacation application.**
- 21.40.020 Type of approval and criteria for approval of a plat vacation.**
- 21.40.030 Requirements for a complete plat alteration application.**
- 21.40.040 Type of and criteria for approval of a plat alteration.**
- 21.40.050 Technical plat modifications.**
- 21.40.060 Easement modifications.**
- 21.40.070 Recording requirements.**

21.40.010 Requirements for a complete plat vacation application.

A. *Application Contents.* In addition to the general requirements for a completed application an applicant for a plat vacation shall submit the following:

1. The reasons for the proposed vacation;
2. Signatures of all parties having an ownership interest in that portion of the subdivision proposed to be vacated;
3. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof;

4. A copy of the approved plat sought to be vacated, together with all plat amendments recorded since the date of the original approval. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.20.010.)

21.40.020 Type of approval and criteria for approval of a plat vacation.

- A. *Type of Application.* A plat vacation is a planning commission action with appeal rights to the assembly.
- B. *Criteria for Approval.* The plat vacation may be approved or denied after a written determination is made whether the public use and interest will be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the city or borough, shall be deeded to the city or borough unless the city or borough shall set forth findings that the public use would not be served in retaining title to those lands.
- C. *Vacation of Streets.* When the vacation application is specifically for a city street vacation, the street vacation procedures of the city or borough shall be utilized. When the application is for the vacation of a plat together with the streets, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under Alaska State statute or the city's street vacation ordinance.
- D. Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.20.020.)

21.40.030 Requirements for a complete plat alteration application.

- A. *Application Contents.* In addition to the requirements for a completed application as set forth in SGC [21.20.160](#), Major subdivision – Final plat submission requirements, an applicant for a plat alteration shall submit the following:
 1. Signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered;
 2. If the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof;
 3. A copy of the approved plat sought to be vacated, together with all plat amendments recorded. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.20.030.)

21.40.040 Type of and criteria for approval of a plat alteration.

- A. *Type of Application.* Plats may be approved by the planning commission with right of appeal to the assembly.
- B. *Criteria for Approval.* The plat alteration may be approved or denied after a written determination is made whether the public use will be served by the alteration of the subdivision. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties. A plat alteration must also be consistent with SGC [21.20.160](#), Major subdivision – Final plat submission requirements.
- C. *Revised Plat.* After approval of the alteration, the applicant shall produce a revised drawing of the approved alteration of the final plat or short plat, which after collecting the necessary signatures, shall be filed with the State of Alaska Recorder's Office to become the lawful plat of the property. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.20.040.)

21.40.050 Technical plat modifications.

Minor technical modifications to existing subdivision plats or replats may be approved by the administrator to correct inadvertent errors in items such as bearings and distances, lot dimensions, and square footages. The approved revised plat may then be recorded after administrative approval. The modifications shall not substantively alter the number of lots being created, the location of public road rights-of-way, or other essential characteristics of the plat. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.20.050.)

21.40.060 Easement modifications.

Modifications of easements on plats approved after the effective date of this code shall be made in accordance with procedures established by the municipality. All beneficiaries of the easements shall approve the modification prior to municipal review. Modification procedures may, or may not, include formal planning commission or assembly review. In the event planning commission review is not considered necessary, the board shall still be notified in writing of any modifications. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.20.060.)

21.40.070 Recording requirements.

Recordable subdivision plats, approved under this chapter, shall be submitted within three months of the date of approval or the approval becomes void. The recordable subdivision plat shall be submitted within three months of the date of approval or the approval becomes void. The recordable plat shall contain all the information required for minor subdivisions and final major subdivision plats including all signature blocks, the required easement

maintenance signature block, location of set and recovered monuments, plat notes required by the municipality, and easement designations. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.20.070.)

Chapter 21.45

REQUIRED PLAT CERTIFICATES AND PLAT NOTES

Sections:

- 21.45.010** **General provisions and list of all required plat certificates and plat notes.**
- 21.45.020** **Outline of required plat certificates.**
- 21.45.030** **Outline of standard plat notes.**

21.45.010 General provisions and list of all required plat certificates and plat notes.

The final plat shall bear the following certificates. The examples contained within this chapter may be modified by the city to accommodate specific circumstances and conditions determined at the time of preliminary plat review.

21.15.030(D)	Additional Plat Notes by Planning Commission
21.45.020	Required Plat Certificates
21.45.020(A)	Certification of Surveyor
21.45.020(B)	Certification of Ownership and Dedication
21.45.020(C)	Certification of Payment of Taxes
21.45.020(D)	Certification of Approval of the Planning Commission
21.45.020(E)	Certification of Approval by Assembly
21.45.020(F)	Certification of Payment of Local Improvement District
21.45.030	Standard Plat Notes
21.45.030(A)(1)	Private Covenants
21.45.030(A)(2)	Private Access, Utility, and Drainage Easement Maintenance Agreements (21.55.030(A)) (21.55.060(B)) (21.55.140(D)) and (F)
21.45.030(A)(3)	Limitation of Habitable Structures Within Floodplain

21.45.030(B)	Development Plat Restriction
21.45.030(C)	Purpose of Plat
21.45.030(D)	City and Borough of Sitka Party to Access/Utility Easements
21.45.030(E)	Subdivisions Developed in Phases
21.55.020	Compliance With Standard Specifications and Subdivision Agreements
21.55.030	Easements
21.55.030(A)	Municipality Party to All Easements
21.55.030(C)(4)	Maximum Access Easement Grade
21.55.030(C)(5)	Grade Verification
21.55.030(E)	Temporary Easements
21.55.060	Maintenance Agreements
21.55.090	Access to Primary and Secondary Roads
21.55.130	Additional Design and Construction Requirements
21.55.130(B)	Street Lighting
21.55.130(G)	Lot Sale Restriction
21.55.140	Island Properties
21.55.140(A)	Private Individual Docks or Mooring Buoys
21.55.140(B)	Construction and Type of Vehicle Usage of Easements
21.55.140(C)	Commission Approval of Location of Easements, Buoys and Binding Plat Notes
21.55.140(D)	Municipality Party to Easements and Binding Plat Notes

(Amended during 3/15 supplement; Ord. 03-1729 § 4, 2003; S.G.C. § 21.44.010.)

21.45.020 Outline of required plat certificates.

A. *Certification of Surveyor.* A certificate signed and sealed by the land surveyor who prepared the plat as follows:

CERTIFICATE OF SURVEYOR

I, _____ certify that I am a registered land surveyor in the State of Alaska, that this plat is a true and correct representation of lands surveyed by me or under my direct supervision; that the distances and bearings are shown correctly and the error of closure for field traverses does not exceed one part in 5,000; and that all permanent exterior control monuments, all other monuments, and lot corners have been set and staked.

B. *Certification of Ownership and Dedication.* Where a dedication of land to the public is proposed in the plat, the final plat shall bear a statement of ownership and dedication as follows:

CERTIFICATE OF OWNERSHIP AND DEDICATION

I (we) hereby certify that I (we) (company name) am (are)(is) the owner(s) of the property shown and described hereon and that I (we) (it) hereby adopt this plan of subdivision with my (our) (its) free consent, and dedicate all streets, alleys, walks, parks, and other open spaces to public or private use as noted.

_____	_____
Date	Owner(s)/Company Name

Notary's Acknowledgement

The above certificate shall be signed by all persons or authorized signers for any company holding any legal or equitable interest in the land being platted or dedicated. The certificate shall be signed before the municipal clerk or a notary public.

C. *Certification of Payment of Taxes.* The following certificate shall be printed on the final plat:

CERTIFICATE OF PAYMENT OF TAXES

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

I, the undersigned, being duly appointed and qualified, and acting assessor for the City and Borough of Sitka, do hereby certify that, according to the records of the City and Borough of Sitka, the following

described property is carried on the tax records in the name of: _____ (all owners of record), and that, according to the records in my possession, all taxes assessed against said lands and in favor of the City and Borough of Sitka are paid in full; that current taxes for the year ____ will be due on or before _____.

DATED this ____ day of _____, _____, at Sitka, Alaska

Assessor
City and Borough of Sitka

D. *Certification of Approval of the Planning Commission.* The following form of certification shall be printed on the final plat by the person preparing the plat, to be filled in after approval by the planning commission:

CERTIFICATION OF APPROVAL BY THE PLANNING COMMISSION

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of the City and Borough Planning Commission, and that said plat has been approved by the board by Plat Resolution No. _____ dated _____, and that the plat shown hereon has been approved for recording in the office of the district court, ex officio recorder, Sitka, Alaska.

Date

Chairman, Planning
Commission

ATTEST:

Secretary

E. *Certification of Approval by Assembly.* The following form of certification shall be printed on the final plat by the person preparing the plat, to be filled in after approval by the assembly:

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I hereby certify that the subdivision plat shown hereon has been found to comply with the subdivision regulations of the City and Borough of Sitka, and that said plat has been approved by the Assembly as recorded in Minute Book ____, Page ____, dated _____ and that the plat shown hereon has been approved for recording in the office of the district court, ex officio recorder, Sitka, Alaska.

Date

Mayor

ATTEST:

Municipal Clerk

F. *Certification of Payment of Local Improvement District.* The following certificate shall be printed on the final plat:

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, the undersigned, being duly appointed and qualified, and acting finance director for the City and Borough of Sitka, do hereby certify that, according to the records of the City and Borough of Sitka, the following described property is carried on the records in the name of: _____ (all owners of record) _____ and that, according to the records in my possession, all L.I.D.'s assessed against said lands and in favor of the City and Borough of Sitka are paid in full.

Dated this _____ day of _____, 20__ at Sitka, Alaska.

Finance Director
City and Borough of Sitka

(Ord. 03-1729 § 4, 2003; S.G.C. § 21.44.020.)

21.45.030 Outline of standard plat notes.

A. The final plat shall bear the following information:

1. A statement referring to private covenants governing the subdivision, if any, as follows:

Restrictive covenants were recorded _____, 20__, at the Recording District under Serial Number _____.

2. A statement referring to private access, utility, and drainage easement(s) maintenance agreements, if any, as follows:

Private maintenance agreement for the access, utilities, and drainage for this plat is recorded _____, 20____, at the Recording District under Serial Number _____.

3. A statement limiting placement of habitable structures, if any portion of the plat depicts areas within the floodplain. The statement, where required, shall read:

No habitable structure may be placed upon any lot that shall have an elevation of the lowest floor, including a basement of less than, at, or above the highest known water elevation to comply with the floodplain provisions.

- B. *Development Plat Restriction.* All major subdivisions or other plats requiring public construction improvements shall contain the following plat restriction which shall conspicuously appear in bold print on the face of the final plat:

NO LOT, TRACT, OR PARCEL WITHIN THIS SUBDIVISION MAY BE CONVEYED BY _____ (OWNER) UNTIL SERVED BY ROAD, DRAINAGE, WATER, SEWER, AND ELECTRICITY SERVICE AND SAID IMPROVEMENTS HAVE BEEN INSPECTED, APPROVED, AND ACCEPTED FOR MAINTENANCE BY THE CITY AND BOROUGH OF SITKA, ALASKA OR A SUBDIVISION AGREEMENT BETWEEN THE CITY AND BOROUGH OF SITKA AND THE OWNERS OF THE PARCELS IN THE SUBDIVISION HAS BEEN EXECUTED. THE EXECUTED SUBDIVISION AGREEMENT SHALL SPECIFICALLY LIST THE LOTS THAT MAY BE SOLD PRIOR TO THE INSTALLATION AND ACCEPTANCE OF THE ROADS AND UTILITIES.

Such a plat restriction may be deleted or disregarded if the developer provides a bond sufficient, in the opinion of the director of public works, to ensure the construction of the required public construction improvements or if the municipality has adopted, by ordinance, a local improvement district to provide such improvements and has issued a notice to proceed to a contractor for that construction project.

- C. A plat note shall be added which describes the purpose of the plat and describes how this plat relates to the previous plats covering the same property.
- D. A plat note shall be added that states the city and borough of Sitka is a party to all access and utility easements and the easements shall not be modified or relocated without municipal approval.
- E. Subdivisions that are developed in phases shall contain final plat documentation describing the nature of public and private improvements, dedications, and other development actions subject to the scheduling of the phases.
- F. Each plat showing any property that borders on saltwater shall carry a plat note stating:

Publicly owned tidelands adjacent to the properties included on this plat may contain important herring habitat and may be used for a variety of recreational, subsistence, customary, and traditional purposes in accordance with State and Federal laws.

(Ord. 04-42 § 4, 2004; Ord. 03-1729 § 4, 2003; S.G.C. § 21.44.030.)

Chapter 21.50

PLATTING VARIANCES

Sections:

- 21.50.010 Requirements for platting variances.**
- 21.50.020 Procedure.**
- 21.50.030 Platting variance within flood hazard areas.**

21.50.010 Requirements for platting variances.

A variance from the requirements of this title may be granted only if the planning commission finds that:

- A. The granting of a platting variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property.
- B. The tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship to the owner of the property. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.48.010.)

21.50.020 Procedure.

- A. Application for a platting variance shall include:
 - 1. Sketch of plat or photocopy of an existing survey;
 - 2. A plat, with full dimensions, prepared by a registered land surveyor;
 - 3. A written explanation of the conditions, facts, and reasons why a variance should be granted;
- B. The planning commission shall have the authority to grant platting variances. In granting or denying any platting variance, the planning commission shall state its findings and conclusions that warrant granting such variance;

C. Any aggrieved party from the action of the planning commission may appeal to the assembly. (Ord. 08-10 § 4, 2008; S.G.C. § 21.48.020.)

21.50.030 Platting variance within flood hazard areas.

A. Variances from the requirements of this title may be granted by the planning commission subject to the following conditions:

1. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
2. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause; or
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; or
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
3. Variances shall be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. The city shall notify the applicant in writing that:
 - a. The issuance of a variance to construct a structure below the base flood level could result in excessive increased premium rates for flood insurance.
 - b. Such construction below the base flood level increases risks to life and property. Such notification shall be recorded on the face of the plat.
5. The municipality shall:
 - a. Maintain a record of all variance actions, including justification for their issuance; and
 - b. Report such variances issued in its annual report submitted to the Federal Insurance and Mitigation Administration.

B. Variances may be issued by a community for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a state inventory of historic places, without regard to the procedures set forth in this section. (Amended during 3/15 supplement; Ord. 03-1729 § 4, 2003; S.G.C. § 21.48.030.)

Chapter 21.55

DESIGN AND CONSTRUCTION REQUIREMENTS AND MONUMENTATION

Sections:

- 21.55.010 Design principles and standards.**
- 21.55.020 Compliance with standard specifications and subdivision agreements.**
- 21.55.030 Easements.**
- 21.55.040 Lots and blocks.**
- 21.55.060 Maintenance agreements.**
- 21.55.070 Street improvements.**
- 21.55.080 Street arrangement.**
- 21.55.090 Access to primary and secondary roads.**
- 21.55.100 Street names.**
- 21.55.110 Dedicated right-of-way street design standards.**
- 21.55.120 Rights-of-way.**
- 21.55.130 Additional design and construction requirements.**
- 21.55.140 Design and construction requirements for subdivided island properties.**
- 21.55.150 Flood hazard areas.**
- 21.55.160 Monumentation and flagging.**

21.55.010 Design principles and standards.

A. *General Provisions.*

1. *Compliance.* Proposed subdivisions shall conform to the comprehensive plan, the official zoning map, and all requirements in SGC Title [22](#), Zoning.
2. *Name.* The proposed name of the subdivision shall not duplicate, or too closely approximate, the name of any other subdivision. The planning commission has advisory authority to designate the name of the subdivision and shall do so before final plat approval.
3. *Lands Unsuitable for Development.* Lands which have been found to be unsuitable for development or subdivision because of potential hazards, such as flooding, snow avalanches, rockfalls, landslides, unstable slopes, subsidence, high water table, polluted or nonpotable water supply, high voltage lines, air or vehicular traffic hazards or other features which may be detrimental to the health, safety, or general welfare of existing or future residents, shall not be developed or subdivided and shall not be included in any building lot unless the hazards are eliminated or will be overcome by approved design and construction plans. The applicant shall submit engineered plans showing proposed design and construction in said areas for city review as part of the subdivision approval process. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.40.010.)

21.55.020 Compliance with standard specifications and subdivision agreements.

Construction shall be completed in compliance with city and borough of Sitka standard construction specifications to the degree determined by the municipal engineer, and any signed subdivision agreement between the city and borough of Sitka and the property owner. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.40.020.)

21.55.030 Easements.

A. *Generally.* Municipality shall be party to all easements. All easements shall be recorded and no changes shall occur without municipal approval.

B. *Utility Easements.* Utility easements at least five feet wide along the front property lines of lots shall be provided where necessary for public utilities. An anchor pole easement 10 feet wide, 25 feet deep, appropriately placed, together with the right of access shall be provided where necessary for pole-mounted public utilities. Buried electrical and telecommunication utilities are recommended wherever possible. No more than four lots shall be served by private utility easements.

C. *Access Easements.*

1. No more than four lots shall utilize a single common access road that is constructed to less than the regular municipal street standard. For minor subdivisions of two or three lots with access easements rather than public street access, said easements shall be constructed in accordance with city standards.

2. All access easements serving more than two lots shall be named and all lots shall be assigned physical street addresses.

3. In the event that a minor subdivision is proposed adjacent to a subdivision that contains an access easement, the municipality may require that the access easements be adjacent each other. The minimum square footage of the lots in the second subdivision shall not include the easements. The municipality may also require that a road be built to municipal standards within the two 20-foot easements. The adjoining property owners shall equally share the cost of the construction of the road.

4. *Establishment of Maximum Access Easement Grade.* During the subdivision plat approval process, a maximum developed grade shall be established for each access easement. This grade shall not exceed 20 percent in any case and shall exceed 15 percent in only exceptional cases.

5. *Access Easement Grade Verification.* Prior to the issuance of a building permit on a lot in a minor subdivision served by an access easement, the lot owner shall provide verification from a registered land surveyor of the grade of the access easement and a statement that the grade does not exceed the maximum grade approved for the access easement.

D. *Drainage Easements.*

1. Drainage easements conforming substantially to the exterior boundaries of on-site watercourses, drainage ways, channels, or streams as determined by the city public works director shall be provided. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. Ten-foot-wide easements, or wider, may be required on both sides of any year-round creek or stream. The planning commission may require wider easements if the stream is anadromous as determined by the board after consultation with Alaska Department of Fish and Game.
 2. Where existing site conditions make it impractical to include drainage facilities within road rights-of-way, permanent easements for such drainage facilities shall be provided in accordance with the approved site drainage plan.
 3. When a drainage system proposes to convey water across private land outside the subdivision, appropriate drainage easements or other drainage rights must be secured by the applicant and indicated on the application.
 4. Low lying lands along watercourses subject to flooding or overflowing during storm periods, whether or not included in areas designated for dedication, shall be preserved and retained in their natural state as drainage ways.
- E. *Temporary Easements.* Two five-foot temporary construction easements, one on each side of each permanent easement, shall be granted when necessary. Temporary easements shall be for a term not to exceed 90 consecutive days from the date of beginning of construction unless otherwise required by the planning commission. (Ord. 08-10 § 4, 2008; Ord. 03-1729 § 4, 2003; S.G.C. § 21.40.030.)

21.55.040 Lots and blocks.

- A. *Lots – Generally.* The size, shape, arrangement and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated consistent with minimum lot sizes defined in SGC Title [22](#), Zoning, and the appropriate environmental regulatory agency regulations.
- B. *Lot Dimensions and Arrangement.*
1. Lot dimensions shall not be less than the requirements of the zoning ordinance.
 2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and loading facilities required for the type of use and development contemplated, as established by the zoning ordinance.
 3. Residential lots abutting on major streets and highways shall be platted with sufficient depth to permit adequate separation between the buildings and such traffic ways.

4. Corner lots should be of a size sufficient to meet front yard setbacks on both streets as required by the applicable zoning requirements. This provision may require that corner lots exceed normal lot size minimum square footages.

5. *On-Site Sewage Disposal.* In areas where no public sewer system is available, the lots shall be large enough to conform to the regulations and specifications of the appropriate environmental regulatory agency.

C. *Blocks.*

1. Blocks shall generally be of sufficient width to provide for two rows of lots with minimum depth. Exceptions may be permitted in blocks adjacent to major streets, waterways, and water bodies or other land features restricting further development.

2. The planning commission may require easements and/or rights-of-way through a block to accommodate utilities, drainage, and pedestrian traffic. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.40.040.)

21.55.060 Maintenance agreements.

A. Any minor subdivision containing lots which do not directly access public roads shall have road maintenance agreements setting forth the rights of the various lot owners.

B. Any road maintenance agreement concerning access roads not maintained by the municipality shall be prepared, notarized and recorded. Such agreements shall also be referenced on the subdivision plat. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.40.060.)

21.55.070 Street improvements.

A. *Generally.* The arrangement, character, extent, width, grade, and location of all streets shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, in their appropriate relation to adjoining subdivisions.

B. *Improvements.* Streets shall be graded and improved to conform to applicable standards and specifications adopted by the assembly in accordance with the approved construction plans.

C. No more than four lots shall utilize a single common access road that is constructed to less than the municipal street standard. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.40.070.)

21.55.080 Street arrangement.

- A. The arrangement of streets in new subdivisions shall make provision for the connection to existing streets in adjoining areas. Where adjoining areas are not subdivided, future extension of streets shall be provided for as required by the city.
- B. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topographic or other physical conditions or the streets are designed as permanent dead-end streets.
- C. The street arrangement shall make the best use of the topography of the land consistent with the type of development proposed.
- D. Where an existing half-street is adjacent to the subdivision, the remaining half of the street shall be dedicated.
- E. Collector streets shall be properly related to the public street system, to special traffic generated by facilities such as schools, churches, and shopping centers; to population densities; and to major streets that they feed.
- F. Minor streets, which include local access and cul-de-sac streets, shall conform as much as possible to topography; shall discourage use by through traffic; shall permit efficient drainage and sewer systems; and shall result in the minimum amount land devoted to streets necessary to provide convenient safe access to lots. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.40.080.)

21.55.090 Access to primary and secondary roads.

- A. Proposed subdivisions that border on, contain limited access highway right-of-way or easement, or existing or proposed major streets, are required to limit access to such streets by one of the following means:
 - 1. Providing access to all lots from local streets; and screening and/or providing a buffer along the rear of lots that back up against a primary arterial;
 - 2. Requiring use of cul-de-sacs, loop streets, or other minor streets; or
 - 3. Providing a marginal access or service frontage road(s) separated from the arterial by buffer land that provides limited access to the arterial.
- B. All lots in major subdivisions shall have direct access to dedicated public roads. Exceptions to this provision shall only be granted through Chapter [21.50](#) SGC when there is a finding that a compelling public interest exists that merits the waiver. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.40.090.)

21.55.100 Street names.

Names of new streets shall not duplicate existing street names unless a new street is a continuation of or in alignment with the existing street. Street names for dedicated rights-of-way may be recommended by the Sitka historic preservation commission and approved by the municipality. House numbers shall be assigned in accordance with the house numbering system in effect in the city and borough. (Ord. 08-10 § 4, 2008; S.G.C. § 21.40.100.)

21.55.110 Dedicated right-of-way street design standards.

- A. *Cul-de-sacs.* Streets designed to have one end permanently closed shall be no longer than 400 feet, and shall be terminated by a circular turnaround having a radius not less than 45 feet. Offset or T-shaped turnarounds providing equivalent radius may be substituted.
- B. *Grade.* The grade of streets shall not exceed 12 percent unless approved by the planning commission. The minimum grade of all streets shall be not less than one percent.
- C. *Grade Changes.* All changes in street grades shall be connected by vertical curves.
- D. *Intersections.*
 - 1. Streets shall intersect as nearly as possible at right angles (90 degrees). The intersection of two new streets at an angle less than 70 degrees shall require approval of the city public works director or his designee. Generally, streets approaching an intersection should be curved for at least 100 feet to create right angles. Not more than two streets shall intersect at any one point unless specifically approved by the planning commission.
 - 2. Adequate stopping sight distance will be provided at each intersection. Sight distance must be equal to or exceed the stopping sight distance required for the speed limit of the intersecting street. In no case will sight distance be less than 150 feet.
 - 3. Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street.
 - 4. Minimum property line radius at the intersection of two local streets shall be at least 15 feet; and minimum property line radius at an intersection involving a collector street shall be at least 20 feet.
 - 5. Intersections shall be designed with a minimum grade. At the approach to an intersection in hilly or rolling areas, a leveling area shall be provided as required by the city.
 - 6. Where existing topography or vegetation inside any lot corner at an intersection creates a traffic hazard by limiting visibility, the city may require that such ground and/or vegetation (including trees) be modified in connection with the grading of the public right-of-way or easement to the extent deemed necessary to provide sight distance. An easement shall be provided on the plat for required cut slopes.

7. The cross-slopes on all streets, including intersections, shall be three percent or less.
- E. *Alleys*. Alleys may be required to the rear of all lots used for business purposes.
- F. *Curves*. Curves on public streets shall not be less than 100-foot radius. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.40.110.)

21.55.120 Rights-of-way.

- A. The right-of-way of all streets shall be of the width specified below, unless necessitated by unusual topographic, physical or design features as determined by the planning commission:

	Right-of-way
1. Pedestrian walkway	10 feet
2. Alleys or easements	20 feet
3. Arterials	80 feet
4. Collectors	60 feet
5. All other streets	50 feet

- B. *Excess Right-of-Way*. Right-of-way widths in excess of the standards designated in this title shall be required whenever, due to topography, additional width is necessary to provide adequate side slopes. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.40.120.)

21.55.130 Additional design and construction requirements.

- A. *Flood Hazard Areas*. Designs of facilities in flood hazard areas in all lots in all subdivisions shall be consistent with the requirements in SGC [21.55.150](#).
- B. *Street Lighting*. Street lighting shall be installed by the developer at all intersections in all major subdivisions along the road system prior to the issuance of a building permit of the affected lots. Street lighting requirements in the city and borough customer service policy also apply.
- C. *Underground Utilities*. All utilities shall be installed underground in all minor and major subdivisions along the road system.
- D. *Sidewalks*. Although sidewalks or pathways are not required in major subdivisions, contractors will be offered the ability, through the subdivision variance process, to have increased density or less setbacks in any subdivision submitted for approval if they have included sidewalks and/or pathways in that subdivision.

- E. *Drainage Plans Required.* Drainage plans shall be prepared by the applicants for minor and major subdivisions when they are determined to be necessary by the municipality. The plans shall be approved by the municipality prior to final plat approval.
- F. *Mailboxes.* Developers of minor and major subdivisions shall install concrete pads for mailboxes consistent with U.S. Postal Service policies and regulations for the lots that are created in the subdivision.
- G. *Major Subdivision Lot Sale Restriction.* No lot, tract, or parcel within any major subdivision may be sold until service by water supply, sanitary sewer collection and disposal, and electrical power has been inspected, approved, and accepted for maintenance by the city and borough. Said utilities shall be dedicated to the municipality after they are accepted for maintenance. This restriction may be waived by the municipality.
- H. *Water and Sewer Utilities – Minor Subdivisions.* All water and sewer lines in minor subdivisions shall be constructed to municipal standards and inspected by the municipality prior to the issuance of a building permit on the lots served by the utilities if an approved subdivision agreement is in place. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.40.130.)

21.55.140 Design and construction requirements for subdivided island properties.

- A. *Generally.* Access and utility easements on island properties shall be sufficient in width, design, and construction to accommodate the needs of all present and future property owners. Potential moorage sites shall be designated on all plats. In the event sites are not identified and served by access easements, a plat note shall be added stating that private individual docks or mooring buoys will be required to access the lots.
- B. *Design and Construction.* All access easements shall be a minimum of 15 feet wide. Utility easements shall be a minimum of 10 feet wide. The character of the construction of the easement and the type of vehicle that is allowed to use the easement shall be described in a plat note. The width of easements may be reduced, as appropriate, through the variance process.
- C. The planning commission shall approve the location, design and construction of all easements, mooring locations, and binding plat notes. The board shall initially rely on the representations of the applicant in its review and then shall utilize its independent judgment as to the sufficiency of the arrangements. The right of appeal to the assembly shall be maintained. The trails and other accesses shall be constructed in accordance with the terms of the plat notes within one year of the recording of the plat.
- D. The municipality shall be a party to all easements and binding plat notes. They shall not be modified without the approval of the platting board.
- E. All property owners who directly benefit from the access and utility easements and moorage arrangements shall approve, in writing, of any future resubdivision of parcels on an island prior to the approval of a resubdivision.

F. Maintenance agreements shall be prepared and referenced on the face of the plat and shall apply to all communal docks. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.40.140.)

21.55.150 Flood hazard areas.

Subdivision of land within flood hazard areas requires that the land subdivision and associated development are designed to minimize flood damages. The approval of a land use permit or a subdivision in the flood hazard area shall not constitute a representation, guarantee, or warranty of any kind by the municipality and any official or employee thereof of the practicability or safety of the proposed use, and shall create no liability upon the municipality, its officials or employees.

- A. Plats involving land within a flood hazard area must show the following:
1. Evidence has been submitted that all necessary permits required by state or federal law have been applied for and granted;
 2. The flood hazard area shall be labeled "flood hazard area" on preliminary and final plats;
 3. The preliminary and final plat shall include the ground elevation and the regulatory flood elevations, if available, at reference points to be established by the city;
 4. All new or replacement water supply systems and sanitary sewage systems, including on-site systems, shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters;
 5. All new or replacement utilities such as electric and telephone systems shall be designed or constructed in an attempt to eliminate disruptions due to flooding and associated hazards;
 6. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 7. The importance of the services provided by the proposed facility to the community;
 8. The requirements of the subdivision for a waterfront location (if applicable);
 9. The availability of alternative locations not subject to flooding or the proposed subdivision and land use;
 10. The compatibility of the proposed uses with the existing development and development anticipated in the foreseeable future;
 11. The relationship of the proposed subdivision to the comprehensive plan and floodplain management program for the area;
 12. The safety of access to the property for emergency vehicles in times of flood;

13. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site;
 14. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, electrical and water systems, and streets and bridges;
 15. The installation of valves or controls on sanitary and storm drains which permit the drains to be closed to prevent back-up of sewage and storm waters into buildings or structures.
- B. In determining if the requirements of this section are fulfilled, the planning commission shall consider the intent of this title and at least:
1. The danger to life and property due to the increased flood heights or velocities caused by subdivision fill, roads, structures, and intended uses;
 2. The danger that structures may be swept onto other lands or downstream and the risk of injury to others;
 3. The adequacy of proposed water supply and sanitation systems and the ability of these systems to be safe from disease, contamination, and unsanitary conditions under flood conditions. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.40.150.)

21.55.160 Monumentation and flagging.

A. *Generally.*

1. All subdivisions, boundary line adjustments, replats, and any plat that requires approval to be recorded shall comply with the required monumentation and flagging as detailed in this section. References to monumentation and flagging requirements appear in other sections of this code; however, this section shall control.
2. All monuments required herein shall be installed, shown, and referenced on all final subdivision plats prior to the recording of the plats. All monuments recovered during the survey process shall all be shown on the plat.
3. The following are the requirements for secondary monumentation:
 - a. All secondary monuments shall be at least a five-eighths-inch by 24-inch rebar and cap at all exterior and interior controlling corners, points, and angles. Monuments shall be capped and stamped with survey grade material and information. Where topography limits depth or type of monument, a reasonable survey grade monument of choice may be used if approved by the platting authority, and this includes setting monuments until reasonable refusal for depth.

- b. Secondary monumentation shall be required at all exterior and interior angles, corners, points, and used where needed for curvature control for all subdivisions, replats and/or reviews under this title.
 - i. Where there is an existing and sufficient monument that is accurate and durable, that monument may be used to fulfill this subsection.
 - ii. Primary monumentation may be required for certain plats. A primary monument will fulfill this subsection.
- 4. The following are the requirements for primary monumentation:
 - a. Primary monuments must be established for surveys as set forth in this subsection. A primary monument must consist of a minimum two-inch diameter metal pipe, at least 30 inches long, with a minimum four-inch flange at the bottom. A minimum two-and-one-half-inch diameter metal cap must be permanently attached at the top. If both the cap and the pipe are of nonferrous metal, then additives with magnetic qualities must be permanently attached at both the top and bottom of the monument. Every primary monument cap must be permanently stamped with the year set, the surveyor's registration number, and the corner identification. This data must be orientated so that the data may be read when the reader is facing north. Monuments and accessories found in a disturbed condition must be returned to the original position and condition as nearly as possible or replaced so as to perpetuate the position. An alternative monument may be approved by the platting authority, where needed due to constraints of topography.
 - b. All major subdivisions, planned unit developments, cluster subdivisions, small lot subdivisions of six lots or more, or any hybrid or combi subdivision of six lots or more shall provide at least two recovered or new primary monuments along the boundary of the subdivision at points required by the platting authority or planning commission.
 - c. All minor subdivisions, zero lot lines, or hybrid or combi subdivisions of five lots or less shall provide at least one recovered or new primary monument along the boundary of the subdivision at points required by the platting authority or planning commission.
 - d. Primary monumentation for boundary line adjustments, accretion plats, replats, vacation of easements or rights-of-way, lot joiners, or lot splits may be required where existing primary monumentation is found insufficient by the platting authority or planning director.
 - e. Existing primary monuments that are recovered, accurate, and durable may be used to fulfill this subsection.
 - f. All primary monuments must be referenced to at least three bearing trees or objects. If bearing trees or objects are used, they must be located as nearly as possible at right angles and may not be farther than 100 feet from the monument. A distance to trees or objects must be measured at waist height and in the case of trees measured to the center of the tree with distances reduced to horizontal equivalent. Bearing trees must be marked with a nonferrous metal tag of at least nine square inches in

size which must be placed facing the monument. These tags must be clearly and permanently marked as to the corner nomenclature and distance.

5. Existing recovered monumentation shall be shown and described.
6. Flagging requirements appear in other sections of this title; however, this section shall control. If considered appropriate to facilitate the review or consideration of a subdivision or other plat, flagging may be required to be installed by the municipality during the review process. Criteria to determine when flagging shall be installed shall include when topography, drainage, structures, location of utilities or other important improvements, or other material issues, such as disputed property line raise the need for more information. Such a decision shall be by motion of the planning commission, platting authority, or city and borough assembly. (Ord. 18-07 § 4, 2018; Ord. 03-1729 § 4, 2003; S.G.C. § 21.40.160.)

Chapter 21.60

BOUNDARY LINE ADJUSTMENTS

Sections:

21.60.010 **Boundary line adjustments.**

21.60.010 **Boundary line adjustments.**

- A. Owner(s) of two adjoining lots may apply to move but not remove the common boundary and no additional lots shall be created. Boundary line adjustments may be used to eliminate or reduce encroachments or nonconformities with the provisions of this title and SGC Title [22](#). Any substantial movement of a lot line in a subdivision, which has been recorded for less than 18 months, shall follow the replatting procedure in Chapter [21.40](#) SGC. Other boundary line adjustments may be approved administratively if consistent with any direction provided by the planning commission or assembly. The city shall have the authority to direct such changes subject to zoning requirements set out in SGC Title [22](#).
- B. A final plat shall be prepared in accordance with final plat preparation requirements in SGC [21.20.160](#). Boundary line adjustments may be approved by the municipal administrator with an opportunity to appeal to the planning commission and the assembly.
- C. Following approval, it shall be recorded reflecting such boundary changes. The recordable subdivision plat shall be submitted within three months of the date of approval or the approval becomes void. The recordable plat shall contain all the information required for minor subdivisions and final major subdivision plats including all signature blocks, the required easement maintenance signature block, location of set and recovered monuments, plat notes required by the municipality, and easement designations.
- D. Public notice and notifications of nearby property owners are not required. (Ord. 03-1729 § 4, 2003; S.G.C. § 21.16.010.)

The Sitka General Code is current through Ordinance 24-23, passed October 8, 2024.

Disclaimer: The city and borough clerk's office has the official version of the Sitka General Code. Users should contact the city and borough clerk's office for ordinances passed subsequent to the ordinance cited above.

[City and Borough Website: www.cityofsitka.com](http://www.cityofsitka.com)

[Hosted by General Code.](#)