



## **SUBDIVISION REGULATIONS**

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# **CITY OF NOME SUBDIVISION REGULATIONS**

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## **70.300 VACATIONS**

**70.000 GENERAL PROVISIONS**

70.010 Procedure for Variances.

No variance from the requirements of these regulations shall be granted unless the Planning Commission hears and decides the request for a variance in accordance with standards and procedures set forth in NCO in 18.140.

70.012 Public Hearing Notification Process.

The following process shall apply to variances and appeals related to these regulations. The City Clerk shall give notice of the public hearing in the following manner:

- a. By publication of a notice in a newspaper of general circulation within the City not less than five days nor more than twenty days prior to the date of hearing.
- b. By sending notices by mail at least five days (5) but not more than twenty days (20) prior to the date of hearing to the property owners adjacent to the exterior boundaries of the property involved. The names and addresses of owners as shown in the records of the tax assessor and land use maps of the City will be used for this purpose. Where mailing addresses are not available, the notice will be delivered directly.
- c. Failure to send notices to persons specified in this section or failure of a person to receive a notice shall not invalidate the proceedings.

70.013 Burden of Proof.

In all hearings and decisions, the burden shall be on the applicant to prove that the proposed subdivision complies with the provisions of these regulations and conforms to all relevant policies.

70.014 Fees.

Fees charged for the review and recording of plats shall be non-refundable and shall be paid in full when an application is submitted to the City. The schedule of fees required by the City of Nome shall be as follows:

- a) Major Subdivision Preliminary Plat \$250.00
- b) Major Subdivision Final Plat \$100.00
- c) Minor Subdivision Preliminary Plat \$150.00
- d) Minor Subdivision Final Plat \$100.00
- e) Alteration or Replat, including Vacation of Right-of-Way \$150.00

f) Minor Lot Consolidation & Exempted Replats	\$150.00
g) Abbreviated Plats & Waivers	\$150.00
h) Variance Applications – Regular Meeting	\$200.00
Special Meeting	\$300.00

70.015 Procedure for Appeals.

- a. Board of Adjustment. The Board of Adjustment is the City Council.
- b. Powers and Duties of the Board of Adjustment. The Board of Adjustment shall hear and decide appeals regarding alleged errors in enforcement and appeals from the decisions of the Planning Commission according to Title 11 Chapter 40.

70.016 Enforcement.

- a. It shall be the duty of the City Manager to administer and enforce the provisions of the Subdivision Regulations.
- b. When a violation is discovered, the City Manager may serve a written “stop work“ order directing the immediate discontinuation of construction or use of land or a structure that is a violation of these regulations or requiring the correction of any violation of these regulations within fourteen days of the date the order is served.
- c. The order may be served upon the property owner or any other person who commits or assists in any such violation. The order may be served in person, by certified mail, or by posting at the site of the violation.
- d. If the construction or use of land or a structure that is a violation of these regulations is not immediately discontinued following service of a written order directing the same or if a violation is not corrected by the time required by the written order, the City Manager shall decide whether the City Attorney acting in behalf of the City of Nome, may maintain an action for such equitable relief as may be necessary to enforce these regulations.
- e. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.
- f. Written orders of the City Manager may be appealed to the Board of Adjustment as provided in 70.015.

70.017 Public Interest.

Provisions of these regulations shall be interpreted in favor of the public interest, and in case of contention, the burden of proof is on the applicant.

70.018 Severability.

A determination by a court that any section or part of these Regulations is illegal or unconstitutional shall have no effect on the enforcement of any other section or part. Repeal or invalidation of any section or part of the Subdivision Regulations does not abrogate or annul any permit or any public or private legal instrument in accordance with other sections of this chapter.

70.019 General Rules of Interpretation.

When used in this chapter, certain words should be interpreted as follows: the masculine includes the feminine and neuter genders; words in the present tense include the future tense; words in the singular number include the plural number; the words “shall”, “required” and “prohibited” are mandatory, and the words “may”, “encourage” and “discourage” are permissive.

**70.020 Definitions**

The following definitions apply in the interpretation and enforcement of these Subdivision Regulations.

“Abbreviated Plat” means a representation of a subdivision in which the subdivision does not create more than four lots; each lot created has legal and physical access to a public highway or street; the subdivision does not involve or require a dedication of a street, right-of-way, or other area; and the subdivision does not require a vacation of a public dedication of land or a variance from the requirements of any ordinance, including, but not limited to requirements related to subdivision, land use, and building and construction, including flood hazard and drainage regulations.

“Access” means the right of access to an abutting public, dedicated street, or highway which is connected to and a part of the public system of streets of the city.

“Adjacent lot” means a lot or parcel of land which shares all or part of a common property line with another lot or parcel of land.

“Aliquot part” means the division of a surveyed section of land, described without reference to bearing or distance, into square or rectilinear parcels, the area of each parcel comprising a fractional portion of the total area of the section and of the parcel from which it is being divided.

“Alley” means a public right-of-way shown on a plat which provides only a secondary means of access to a lot, block, tract or other parcel of land.

“Appeal” means a request to a higher body for a review of the decision of an administrative officer, the planning commission or the city council.

“Arterial” means a street used to carry high volumes of traffic to and from major traffic generators or into or out of the community.

“As-built plans” means construction plans that have been revised in accordance with all field changes reflecting the improvements on the site as they actually exist.

“Block length” means the distance between intersections of through streets, such distance being measured along the longest street bounding the block and from right-of-way line of the two intersection streets.

“Block” means an area of land within a subdivision that is entirely bounded by rights-of-way, physical barriers, and exterior boundaries of the subdivision, except alleys and which is usually divided into lots.

“Certificate to plat” means a certificate prepared by a title company authorized by the laws of the state to write the same, showing the names of all persons having any record title interest in the land to be platted together with the nature of their respective interests therein.

“City” means the City of Nome.

“City Manager” means City Manager of the City of Nome or his designee.

“Collector street” means a street that carries traffic between local streets and other collectors and arterials.

“Corner lot” means a lot located at the intersection of two or more streets where the angle of intersection of the lot lines abutting those streets does not exceed one hundred thirty-five degrees.

“Cul-de-sac” means a street having one end open to traffic and being terminated at the other end by a vehicular turnaround.

“Dedication” means the intentional transfer of land by the owners to public use.

“Easement” means an interest in land owned by another that entitles the easement holder to a specified limited use, right or enjoyment. A public easement is an area legally reserved by plat or conveyed or reserved by deed for

the purpose of allowing use by vehicles, pedestrians, utilities, drainage or for other purposes.

“Engineer” means a registered professional civil engineer authorized to practice engineering in the State of Alaska.

“Final acceptance” means acceptance by the city, at the completion of construction and upon the posting of all required warranties, of a public improvement constructed as a condition of approval of a subdivision plat or other development permit.

“Final plat” means the final map, drawing, or chart on which the subdivision or resubdivision of land is presented to the Planning Commission or City Manager for approval, and which, when approved as meeting all preliminary plat conditions, will be submitted to the district recorder for recording.

“Flag Lot” means a lot with a long, narrow strip protruding from one side which provides access to the lot.

“Flag Staff” means the long narrow strip used as access to the flag lot.

“Front yard” means the distance between the front lot line and the part of the permanent structure nearest the front lot line. It also includes that portion of a yard between the front lot line and the required front yard setback line extended to the two side lot lines, the depth of which is the least distance between the front lot line and the nearest permanent structure. In the case of a corner lot the front lot line is the lot line so designated by the land use administrator (building inspector).

“Green belt or buffer park” means a strip or parcel of land privately restricted or publicly dedicated as open space for the purpose of protecting and enhancing the environment.

“Improvement” means any construction incident to servicing or furnishing facilities for a subdivision such as grading, street surfacing, construction of driveway approaches, electrical power lines, sidewalks, street signs, street lights, water lines, sanitary sewers and treatment systems, storm sewers, culverts, bridges, utilities, waterways, lakes and other items; the construction of any building or permanent structure or any external addition to a structure that constitutes a betterment of real property. The relocation of a structure within a lot or the relocation of a structure to another lot, the addition or relocation of fill or native material, the addition of a floor or room that changes the exterior dimensions of the building and the change to or addition to the sewer or water system serving the building are improvements; painting, siding, re-roofing or other cosmetic changes are not considered to be improvements.

“Ingress” means the area where a vehicle may enter a private lot from the public right-of-way or public or private easement or other way.

“Local street” means a street, generally within a subdivision, designed primarily to provide direct access to individual abutting properties.

“Lot” means the smallest portion of a subdivision being a measured portion of a parcel of land which is described, identified by a lot number, and fixed on an approved plat filed for record; also, when used in a more general sense, including parcel, tract, plat and property.

“Lot depth” means the distance between straight lines connecting side lot lines, measured between the midpoint of such lines except that such measurement shall not extend outside the lot lines of the lot being measured.

“Lot frontage” means the length of the front lot line.

“Lot improvement” means any building, structure, water or sewer facility, work of art or improvement of the land on which they are situated constituting a physical betterment of real property, or any part of such betterment.

“Lot line” means a fixed boundary of a lot described by survey located on an approved plat filed for record.

“Lot width” means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured between the midpoints of such lines except that such measurement shall not extend outside the lot lines of the lot being measured.

“NJUS” means the Nome Joint Utilities System.

“Planning Commission” means the Planning Commission of the City of Nome.

“Parcel” means an area of land, legally created and described, not containing any smaller legally created area of land. A lot, tract, and area of land described by aliquot parts may be referred to as a “parcel”.

“Plat” means a map or representation on paper of a parcel of land. A “preliminary plat” is a map showing the salient features of a proposed subdivision of land submitted to the planning commission for purposes of preliminary consideration and approval. A “final plat” is a map of a subdivision of land made up in final form ready for approval and filing.

“Person” means a natural person or a partnership, joint venture, corporation, association, organization or a public agency.



“Pre-Application Procedures” means a voluntary meeting between the subdivider or developer and the land use administrator or platting officer for the purpose of informing the subdivider or developer of subdivision and development procedures and standards as prescribed by Titles 5, 11 and 18.

“Preliminary plat” means the conceptual maps, drawing or chart indicating the proposed layout of the subdivision to be submitted to the planning commission.

“Property line” means the perimeter of the lot.

“Public improvement” means any drainage ditch, roadway, park, pedestrian way, street, off street parking area, lot improvement, street lights, sewer, water or other facility for which the city may ultimately assume the responsibility of maintenance and operation, or which may affect an improvement for which city responsibility is established.

“Public open space” means land dedicated or reserved for the use by the general public, including, but not limited to, parks, parkways, recreation areas, and school sites.

“Public utility” means all persons firms corporations, or municipal or public authorities which are certified as public utilities by the State of Alaska and which provide gas, electricity, water, telephone, cable, storm sewers, sanitary sewers or other services of a similar nature.

“Rear lot line” means that boundary of a lot which is not parallel to the front lot line and does not intersect the front lot line. In the case of a triangular lot, “rear lot line” means a line twenty feet in length within the lot parallel to and at the maximum distance from the front lot line.

“Rear yard” means the distance between the property line that parallels or generally parallels the rear lot line and the part of a structure, other than a minor structure, nearest the rear lot line.

“Replat” means an alteration to an original recorded plat; a resubdivision.

“Right-of-Way” means a land reserved, used or intended to be used by the public for a street, alley, walkway or other purpose.

“Street” means a right-of-way serving as a means of vehicular and pedestrian travel, also furnishing spaces for public utilities, public improvements and vegetation; it includes avenues, boulevards, roads, lanes and other ways.

“Subdivider, owner or developer” means a person, firm, association, partnership, corporation, governmental unit or combination of any of these which may hold any legal or equitable ownership interest in land being subdivided. The terms

shall also include heirs, assigns, or successors in interest, or representatives of the subdivider, owner, proprietor or developer.

“Subdivision” means any land, vacant or improved, which is proposed to be divided into two or more lots, parcels, sites, units, plots or interests for the purpose of offer, sale, lease or development, regardless of terms and conditions. Subdivision includes the division or development of residential and nonresidential land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument. Subdivision also includes re-subdivision, a change in the arrangement of lot lines and elimination of lot lines.

“Surveyor” means a land surveyor registered in the State of Alaska.

“Through or double-frontage lot” means a lot other than a corner lot with frontage on more than one street.

“Vacation” means the act of making legally void the public interest or rights in a dedicated right-of-way, easement, public area or other dedicated public interest.

“Variance” means permission to depart from the literal standard or requirements of any provision of the Nome Municipal Code.

#### **70.040 PRE-APPLICATION PROCEDURES**

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

- a. Purpose: The purpose of the pre-application is:
  1. to provide the Planning Commission with general information concerning the proposed development;
  2. to acquaint the subdivider with the general development policies and platting procedures and requirements of the City.
- b. Requirements: The pre-application shall include the following in written and/or graphic form:
  1. a sketch plan of the entire development drawn to scale;
  2. existing conditions and characteristics of the land and within three hundred feet (300) of the boundaries of the site;
  3. the area proposed or required to be set aside for public use;

flood plain, or geophysical hazards;

4. a statement of the intended use of the property.
- c. Procedure: The subdivider shall submit two (2) copies of the required material to the City Manager at least ten (10) days prior to the next scheduled Planning Commission meeting. The Planning Commission or their designee will review the pre-application with the subdivider, inform the subdivider of the City's development policies, and indicate whether any changes in the proposed subdivision needs to be made prior to proceeding with a preliminary plat. One copy of the required materials may be returned to the subdivider with written comments by the Planning Commission or their designee.

## **70.050 ABBREVIATED PLATS AND WAIVERS**

Title 29, Municipal Government

Sec. 29.40.090. Abbreviated plats and waivers.

(a) Notwithstanding other provisions of this chapter, the assembly shall by ordinance establish an abbreviated plat procedure for a plat that will

- (1) subdivide a single lot into not more than four lots;
- (2) provide legal and physical access to a public highway or street for each lot created by the subdivision;
- (3) not contain or require a dedication of a street, right-of-way, or other area;
- (4) not require a vacation of a public dedication of land or a variance from a subdivision regulation.

(b) The platting authority shall waive the preparation, submission for approval, filing, and recording of a plat on satisfactory evidence that the subdivision meets the requirements of (a) of this section and each lot created by the subdivision is five acres or larger.

- a. The Planning Commission shall waive the preparation, submission for approval, filing, and recording of a plat upon satisfactory evidence that the subdivision has met all the following requirements:
  1. created lots that are five acres or larger;
  2. provide legal & physical access to a public street or highway for each lot created by the subdivision;
  3. subdivided a single lot into no more than four lots;

4. not contain or require a dedication of a street, right-of-way or other area;
5. not require a vacation of a public dedication of land or a variance from a subdivision regulation.

**70.060 MINOR LOT CONSOLIDATION**

- a. Eligibility. The procedures set forth in this section may be used to consolidate four or fewer abutting lots of record into one lot provided that at the time of application and until final plat approval, the following are true:
  1. All lots proposed for consolidation are under common ownership.
  2. Local improvement district and other special assessments levied against the lots are paid in full.
  3. All property taxes owing on the lots have been paid in full.
  4. The lots are located in the same land use district.
  5. Consolidation of the lots does not create a building code violation.
- b. Application. Application for a minor lot consolidation shall be submitted on a form provided by the City. The form shall be accompanied by:
  1. The application fee;
  2. Written evidence that the parcels are in common ownership;
  3. Written evidence that all city assessments have been paid in full and all taxes owing have been paid;
  4. A written legal description of the new parcel providing a unique lot or tract designation and a drawing showing the location of all existing and proposed lot lines and boundaries. If the City Manager finds that the description or drawing does not clearly identify the new lot, the City Manager may require the applicant provide a plat prepared by a professional land surveyor licensed to practice in the state of Alaska.
- c. Procedures. If the City Manager finds that the application is complete and the proposed consolidation is eligible pursuant to this chapter, the City shall prepare and provide the applicant a notice of lot consolidation setting forth such finding and a legal description of the new lot. The notice shall

provide for acceptance of the consolidation by notarized signature thereon by the owner or owners of the new lot and upon such execution, the City Clerk's Office shall cause the form to be recorded.

## **70.100 MINOR SUBDIVISIONS**

### 70.110 Eligible Subdivisions

- a. The minor subdivision procedure may be used if the proposed subdivision divides a single parcel into five lots or less and does not create a new right-of-way. The minor subdivision procedure may also be used for movement or elimination of lot lines, which do not create a new right-of-way.
- b. An application for a minor subdivision may not be submitted for property subdivided as a minor subdivision within five years of the approval of the minor subdivision.

70.120 Preliminary Plat for Minor Subdivisions. The following information shall be included in the preliminary plat application for a minor subdivision:

- a. A written application on forms provided by the City, and payment of fees.
- b. A map drawn to scale, in a format that meets State Recorder's Office requirements, adequate to show sufficient detail as specified by the City Manager, which shall include:
  1. Date, scale, north arrow and vicinity map.
  2. The proposed subdivision name. The name of the subdivision shall not be the same as or deceptively similar to the name of any subdivision previously filed in the Nome Recording District. The proposed subdivision may be a numbered addition to an adjacent plat previously recorded by the same subdivider.
  3. The name and address of the owner, subdivider and surveyor if prepared by a surveyor.
  4. All adjacent land owned by the person(s) owning the land to be subdivided, unless separate legal descriptions exist as a matter of record. If only a portion of the land is intended for immediate development, the remaining portion shall be given a tract number and shall be part of the preliminary and final plat.
  5. Mineral surveys and/or U.S. surveys, closest to the property to which reference may be made.

6. Location of all subdivision property lines. Adjacent property lines will be shown with a dashed line to show their relationship to the plat area.
  7. The number, dimensions and area of each lot, and dimensions and the total number of lots by block.
  8. Topographic lines at intervals of two feet, if available from the City.
  9. The location of streams, swamps, floodplains, mean high tide lines and direction of surface drainage and, if available from the City, subsurface drainage of the plat area.
  10. Dedicated right-of-way, patent reserves, street easements and reservations, including right-of-way and surface widths and purposes.
  11. The location of existing facilities and structures within the proposed subdivision, such as building, sewage and water systems , utility easement of record or in use, excavations, bridges, fences, culverts, wells and any other reasonable requests for information required by the City Manager.
  12. The location of existing streets; water, sanitary and storm sewers; and other public improvements, uses, rights-of way and easement contained with enough information and specifications to enable the City Manager to make a preliminary determination as to applicable City and State of Alaska standards.
- c. Supporting written information including:
1. A Certification to Plat showing the legal and equitable owner (including mortgage, contract purchasers, and fee owners) of the land to be platted, plus all grants, reservations, covenants, deed restrictions and easements of record which may condition the use of the property.
  2. If proposed, copies of restrictive covenants and other deed restrictions affecting the proposed subdivision.
- d. When NJUS water and sewer service is not available, the following procedures are to be followed:
1. If on-site sewage disposal system is proposed, a minimum of one percolation test meeting Alaska Department of Environmental

Conservation (ADEC) standards (as described in 18 AAC 72.265) for every three lots shall be performed or whenever there is a significant change in subsurface conditions (i.e. permafrost, thawed ground, etc.).

- a) A soils analysis and report submitted by the applicant shall be sealed by a registered engineer.
- b) The City Engineer may require additional soils testing, logs and borings.

NOTE: AkDEC 'Approved Homeowner' program requires the homeowner to have the onsite soils rated by a professional engineer or a soils laboratory prior to installation of the system. This analysis is used in properly sizing the absorption field. Final documentation of construction must be submitted to the department upon completion of the septic system installation

2. If the subsurface conditions are deemed unsuitable for septic systems and/or individual wells, the plat shall clearly note that holding tanks are required.

#### 70.130 Final Plat for Minor Subdivisions.

After approval of the preliminary plat for a minor subdivision and compliance with any and all conditions on the approval of the preliminary plat, the subdivider shall submit a final plat for approval.

- a. Submission requirements for Minor Subdivisions. The final plat shall be drawn on a high quality reproducible material and be in a format that meets State Recorder's Office requirements. All lines and printing shall be made with non-fading black ink, using a scale adequate to show sufficient detail as specified by the City Manager. Information shown on the plat will include:
  1. The date, scale, north arrow, and vicinity map.
  2. The origin of bearing, original, or re-established corners and their description; and area enclosed in actual traverse and all distances, angles and calculations required to determine the origin of bearing, corner and distances of the plat; the exact length and bearing of the exterior boundaries of the subdivision; and monuments as required by these regulations.

3. The width, bearing and other data necessary to delineate the total width of each public right of way; and the width of each dedication within the plat.
  4. The width, bearing and other data necessary to delineate all easements to which the lots are subject. If the easement is not definitely located on record, a statement referring to the easement shall appear on the plat. Easements for established watercourses, storm drains, utilities and other purposes shall be denoted by broken lines.
  5. The exact boundaries of all areas to be dedicated or reserved for public use or for the common use of property owners. The purpose of the dedication or reservation shall be set forth on the plat.
  6. All lot and block numbers. Sufficient data shall be shown to determine readily the bearing and distance of each line.
  7. Square footage of each lot created by the subdivision.
- b. Certificates and Affidavits for Minor Subdivisions. The following certificates and affidavits shall accompany the final plat when submitted by the subdivider for approval:
1. Certificate of acknowledgment from the owners of the subdivision stating ownership, acknowledging all dedications and describing all easements.
  2. Certificate by a registered surveyor attesting to the accuracy of the survey and to the installation and correct location of all monuments required. Accuracy shall be according to the current edition of the Standards of Practice Manual by the Alaska Society of Professional Land Surveyors.
  3. Certificate from tax-collecting officials(s) stating that all taxes levied against the property at the date of filing are paid.
  4. Guarantee of improvements, if there are any required public improvements, which have not been completed at the date of submittal to the final plat. This guarantee shall be in a document separate from the plat.

70.140 Procedure for Minor Subdivisions.

- a. The approval authority for minor subdivisions shall be the City Manager.



- b. The applicant shall submit 5 hard copies meeting City standards of the preliminary and final plat. The manager shall review the preliminary or final subdivision plat for completeness. If the plat does not meet the requirements of these Regulations, the City shall notify the subdivider by letter stating the deficiencies. Preliminary and final plats that meet the requirements of these Regulations shall be approved.
- c. A decision shall be made within 20 working days of a completed submission of a preliminary plat. A decision shall be made within 20 working days of a completed submission of a final plat.
- d. When acting as the approval authority under this section, the manager may not grant variances to these subdivision regulations. Only the Planning Commission may grant variances to subdivision regulations in accordance with variance procedures under General Provisions.
- e. The preliminary approval of the minor plat shall be valid for a period of 24 months. The time may be extended on approval of the Planning Commission.
- f. When the final plat is approved, it shall be stated in writing on the final plat and copies that the plat has been approved with the date and signature of the City Clerk. The City Clerk shall file the original and a copy of the final plat with the District Recording Office. The City Clerk shall retain one copy and a reproducible copy of the plat for the City's records.
- g. All decisions of the City Manager under this section shall be final unless appealed in writing within 15 working days to the Planning Commission.

Additional appeal procedures are described in 70.015.

#### 70.150 Design Standards for Minor Subdivisions.

- a. Access to Public Right-of-Way. All lots, created by subdivision shall have at least 35 feet of frontage on a public right-of-way, except as in subsections 'c(3)', 'c(4)' and 'e'. Except a lot on a cul-de-sac shall be at least 30 feet.
- b. Blocks. The length, width, and shape of blocks shall be such as are appropriate for the topography, locality, and type of development.
- c. Lots.
  - 1. No residential lot shall be less than 5,000 square feet.

2. Lot length shall not exceed 2 1/2 times the width nor be less than 85 feet; except if lot length is more than 2 1/2 times the lot width, lot width shall not be less than 100 feet. Average width of residential lots shall not be less than 50 feet, unless the City Manager determines that good cause exists to vary from this depth to width ratio to provide the desired flexibility.
3. Flag lots shall be limited to a maximum of two lots sharing adjacent flag staffs. Two adjacent flag lots will be required to share one common driveway within the flag staffs. The common driveway shall be constructed to road standards. Adjacent nonflag lots may have rights to access a common driveway easement within the flag staff(s).
4. Two types of flag lots are recognized by this title and shall be allowed as follows:
  - a. Type I Flag Lot. A flag lot that cannot be further subdivided under this title. The flag staff is a minimum of 20 feet wide. The depth to width ratio for the lot complies with this title. (The staff shall not be utilized in computing the depth to width ratio.)
  - b. Type II Flag Lot. A flag lot that can be further subdivided under this title. The flag staff is between 40 feet and 60 feet, depending on future road needs in the area. Evidence has been submitted by the applicant that a city-standard road can be constructed in the staff or handle in the event of a future dedication. The depth to width ratio for the lot complies with this title. (The staff shall not be utilized in computing the depth to width ratio.)
5. Every lot shall front on a public right-of-way. Commercial and industrial sites shall have street access in accordance with the guidelines of the appropriate governing authority.
6. Lots deemed by the City Manager to be uninhabitable due to natural conditions shall not be platted for residential occupancy nor for such other uses, if such use may increase danger to health, life or property, or aggravate natural hazards.
- d. Boundary Reserve. No subdivision design shall include any boundary reserve (or "spite strip") limiting or denying access to a right-of-way in the subdivision from parcels of land adjoining the subdivision.
- e. Subdivision for Townhouses. In the case of a subdivision of land to provide for townhouses, requirements of subsections 70.150 'a' and 'c (1)' and 'c (2)' are not applicable. The following applies:

1. A townhouse complex shall have a minimum of 5,000 sq. ft. Not more than two townhouse units will be permitted on a total area of 5,000 to 7,000 sq. ft. Not more than three town house units will be permitted on a total area of 7,000 sq. ft. For each townhouse unit in a complex exceeding three units, a minimum of 2,000 sq. ft. in addition to 7,000 sq. ft. is required for each unit.
2. Lots created by subdivision for townhouse development shall have at least 20 feet of frontage on a public right-of-way.
3. Average width of residential townhouse lots shall not be less than 20 feet.
4. Townhouses are attached dwellings with ownership on separate lots for each dwelling. Subdivisions approved for townhouses must be used for townhouses. For any other type of proposed construction, the subdivision must be revised to meet the design standards of 70.150 (a), (b), (c), and (d).

70.160 Monumentation.

Monumentation shall be according to the current edition of the Standards of Practice Manual by the Alaska Society of Professional Land Surveyors.

70.170 Easements in Minor Subdivisions.

Easements for sewers, water mains, electric lines or other public utilities shall be dedicated whenever necessary. The easements shall be at least 10 feet wide and centered on rear or side lot lines.

70.180 Minor Subdivisions in Flood Hazard Areas.

No subdivision preliminary or final plat within a flood hazard area shall be approved unless it complies with the requirements of Chapter 21 of the Nome Code of Ordinances (or any replacement Chapter), which complies, with the standards of the federal government regarding flood hazards.

## **70.200 MAJOR SUBDIVISIONS**

Unless minor subdivision procedures and standards apply, a subdivision shall conform to the following procedures and standards.

### **70.210 Preliminary Plat**

The following information shall be included in the preliminary plat application for a major subdivision:

- a. A written application on forms provided by the City and payment of fees.
- b. A map drawn to scale adequate to show sufficient detail as specified by the City Manager, which shall include:
  1. Date, scale, north arrow and vicinity map.
  2. The proposed subdivision name. The name shall not be so similar to the name of any plat previously recorded in the area to cause confusion. The proposed subdivision may be a numbered addition to an adjacent plat previously recorded by the same subdivider.
  3. The name and address of the owner, subdivider and surveyor if prepared by a surveyor.
  4. All adjacent land owned by persons owning the land to be subdivided, unless separate legal descriptions exist as a matter of record. If only a portion of the land is intended for immediate development, the remaining portion shall be given a tract number and shall be part of the preliminary and final plat.
  5. Location and names of adjacent subdivisions.
  6. Mineral surveys and/ or U.S. Surveys, closest to the property, to which reference may be made.
  7. Location of all subdivision property lines. Adjacent property lines will be shown with a dashed line to show their relationship to the plat area.
  8. The number, dimensions and area of each lot, and dimensions and the total number of lots by block.
  9. Topographic lines at intervals of two feet, if available from the City.

10. The location of streams, swamps, floodplains, mean high tide lines and direction of surface drainage and, if available from the City, subsurface drainage of the plat area.
  11. Dedicated rights-of-way, patent reserves, road easements and reservations, including right-of-way and surface widths and purposes.
  12. The location of existing facilities and structures within the proposed subdivision, such as buildings, sewage and water systems, utility easements of record or in use, excavations, bridges, culverts, wells, and any other reasonable requests for information required by the City Manager and/or the Planning Commission.
  13. The proposed location of streets; water, sanitary and storm sewers; and other public improvements, uses, rights-of-way and easement contained with enough information and specifications to enable the City Manager to make a preliminary determination as to applicable City and State of Alaska standards.
- c. Supporting written information including:
1. A Certification to Plat showing the legal and equitable owners (including mortgagee, contract purchasers and fee owners) of the land to be platted, plus all grants, reservations, covenants, deed restrictions and easements of record which may condition the use of the property.
- d. When NJUS water and sewer service is not available, the following procedures are to be followed:
1. If on-site sewage disposal system is proposed, a minimum of one percolation test meeting ADEC standards (as described in 18 AAC 72.265) for every three lots shall be performed or whenever there is a significant change in subsurface conditions (i.e. permafrost, thawed ground, etc.).
    - a) A soils analysis and report submitted by the applicant shall be sealed by a registered engineer.
    - b) The City Engineer may require additional soils testing, logs and borings.

NOTE: AkDEC 'Approved Homeowner' program requires the homeowner to have the onsite soils rated by a professional engineer or a soils laboratory prior to installation of the system. This analysis is used in

properly sizing the absorption field. Final documentation of construction must be submitted to the department upon completion of the septic system installation

2. If the subsurface conditions are deemed unsuitable for septic systems and/or individual wells, the plat shall clearly note that holding tanks are required.
- e. If proposed, copies of restrictive covenants and other deed restrictions affecting the proposed subdivision.

70.220 Procedure for Major Subdivision Preliminary Plat.

- a. The subdivider shall submit 5 hard copies of the plat meeting City standards of the preliminary plat application to the City Manager.
- b. Comments on the preliminary plat shall be obtained by the City Manager from the City staff, utilities manager, fire department and any affected utilities company before taking action on the plat. The advice of professionals experienced in subdivision review shall be obtained by the City Manager, also. The City Manager shall provide the comments and advice in writing to the Planning Commission and to the applicant at least 5 days prior to the Planning Commission's public hearing.
- c. The Planning Commission shall conduct a meeting on the preliminary plat 40 working days after submittal of a completed application . The Planning Commission shall approve, approve with conditions or disapprove the preliminary plat. Action may be postponed for any reason with concurrence of the applicant.

70.230 Final Plat for Major Subdivisions.

After approval of the preliminary plat and compliance with any and all conditions on the approval of the preliminary plat, the subdivider shall submit a final plat for approval.

- a. Submission Requirements for Major Subdivisions. The final plat shall be drawn on a high quality reproducible material and of a size that meets requirements of the State Recorder's Office. All lines and printing shall be made with non-fading black ink; using a scale adequate to show sufficient detail as specified by the City Manager.

Information shown on the plat will include:

1. The date, scale and north arrow.

2. The origin of bearing, original or re-established corners and their description; and area enclosed in actual traverse and all distances, angles and calculations required to determine origin of bearing, corner and distances of the plat; the exact length and bearing of the exterior boundaries of the subdivision; and monuments as required by these regulations.
  3. The center lines of all streets; lengths, tangents, radii and central angles of all curves; the total width of each street; the width of each dedication; and width of portions of streets each side of the centerline; also the width of rights-of-way of, established surface water courses, patent reserves, flood control and drainage channels and any other easements appearing on the plat.
  4. The width, bearing and other data necessary to delineate all easements to which the lots are subject. If the easement is not definitely located on record, a statement referring to the easement shall appear on the plat. Easements for storm drains, utilities and other purposes shall be denoted by broken lines.
  5. The exact boundaries of all areas to be dedicated or reserved for public use or for the common use of property owners. The purpose of the dedication or reservation shall be set forth on the plat.
  6. All lot and block numbers. Sufficient data shall be shown to determine readily the bearing and distance of each line.
  7. The names and lot numbers of all adjacent subdivisions. If the adjacent land is not subdivided, it should be so noted on the plat.
  8. Square footage of each lot created by the subdivision.
- b. Certificates and Affidavits for Major Subdivisions. The following certificates and affidavits shall accompany the final plat when submitted by the subdivider for approval:
1. Certification of acknowledgment from owners of the subdivision stating ownership, acknowledging all dedications and describing all easements.
  2. Certificate by a registered surveyor attesting to the accuracy of the survey and to the installation and correction location of all monuments required.
  3. Certificate from the tax-collecting official(s) stating that all taxes levied against the property at the date of filing are paid.

4. Guarantee of improvements if there are any required public improvements which have not been completed at the date of submittal to the final plat. This guarantee shall be in a document separate from the plat.

70.240 Procedures for Final Plats of Major Subdivision.

- a. The subdivider shall submit an original and 5 hard copies of the final plat to the City Manager within 24 months of the approval of the preliminary plat. The time may be extended on approval of the Planning Commission.
- b. The Planning Commission shall approve, return to the subdivider for modification or disapprove the final plat within 40 working days of submittal of the final plat . The Commission shall state its decision in the minutes and will return a written copy of its decision and comments to the subdivider.
- d. When the final plat is approved, it will be stated by certificate on the final plat and copies that the plat has been approved, with the date and the signature of the Chairman of the Planning Commission and the City Clerk.
- e. The Planning Commission will then return one copy of approved final plat to the subdivider, and the original plat and one copy to the City Clerk. The City Clerk shall file the original and a copy of the final plat with the District Recording Office. The City Clerk shall retain one copy and a reproducible copy of the approved final plat in the City's records.

70.250 Design Standards for Major Subdivisions.

- a. Access to Public Right-of-Way. All lots, created by subdivision shall have at least 35 feet of frontage on a public right-of-way, except as in subsections 'e(3)', 'e(4)' and 'g'. Except a lot on a cul-de-sac shall be at least 30 feet.
- b. Streets.
  1. Streets shall be designed and located in relation to existing and planned streets, to topographic conditions and natural terrain features, such as streams and existing growth, to public convenience and safety and in the appropriate relation to the proposed uses of the land to be served by such streets.
  2. Construction of all streets shall conform to the current standard specifications as established by the City.



3. Cul-de-sacs shall be dedicated to a minimum radius of seventy feet with a return radius of seventy feet.
- c. Right-of-Way. Right-of-way for streets shall be at least 60 feet wide to accommodate future traffic. A greater width may be required by the Planning Commission if it is demonstrated that additional width is needed for projected traffic.
  - d. Blocks. The length, width, and shape of blocks shall be such as are appropriate for the topography, locality, and type of development.
  - e. Lots.
    1. No residential lot shall be less than 5,000 square feet.
    2. Lots should be designed with a suitable proportion between width and depth. Neither long and narrow nor wide and shallow lots are desirable. Lot length shall not exceed two & one-half times the width nor be less than 85 feet; except, if lot length is more than 2 1/2 times the lot width, lot width shall not be less than 100 feet. Average width of residential lots shall not be less than 50 feet, unless the Planning Commission determines that good cause exists to vary from this depth to width ratio to provide the desired flexibility.
    3. Flag lots shall be limited to a maximum of two lots sharing adjacent flag staffs. Two adjacent flag lots will be required to share one common driveway within the flag staffs. The common driveway shall be constructed to road standards. Adjacent nonflag lots may have rights to access a common driveway easement within the flag staff(s).
    4. Two types of flag lots are recognized by this title and shall be allowed as follows:
      - a. Type I Flag Lot. A flag lot that cannot be further subdivided under this title. The flag staff is a minimum of 20 feet wide. The depth to width ratio for the lot complies with this title. (The staff shall not be utilized in computing the depth to width ratio.)
      - b. Type II Flag Lot. A flag lot that can be further subdivided under this title. The flag staff is between 40 feet and 60 feet, depending on future road needs in the area. Evidence has been submitted by the applicant that a city-standard road can be constructed in the staff or handle in the event of a future dedication. The depth to width ratio for the lot

complies with this title. (The staff shall not be utilized in computing the depth to width ratio.)

5. In areas where public water and sewer facilities are not available, lots shall conform to requirements of the Alaska Department of Environmental Conservation with respect to lot size, placement of septic system, and drainage.
  6. Every lot shall front or abut on a public street. Commercial and industrial sites shall have street access in accordance with the guidelines of the appropriate governing authority.
  7. Lots deemed by the Planning Commission to be uninhabitable due to natural conditions shall not be platted for residential occupancy nor for such other uses as may increase danger to health, life or property or aggravate natural hazards.
- f. Boundary Reserve. No subdivision design shall include any boundary reserve (or "spite strip") limiting or denying access to a right-of-way in the subdivision from parcels of land adjoining the subdivision.
- g. Subdivision for Townhouses. In the case of subdivision of land to provide for townhouses, requirements of subsections 70.250 'a' and 'e (1)' and 'e (2)' are not applicable. The following applies:
1. A townhouse complex shall have a minimum of 5,000 sq. ft. Not more than two townhouse units will be permitted on a total area of 5,000 to 7,000 sq. ft. Not more than three townhouse units will be permitted on a total area of 7,000 sq. ft. For each townhouse unit in a complex exceeding three units, a minimum of 2,000 sq. ft. in addition to 7,000 sq. ft. is required for each unit.
  2. Lots created by subdivision for townhouse development shall have at least 20 feet of frontage on a public right-of-way.
  3. Average width of residential townhouse lots shall not be less than 20 feet.
  4. Townhouses are attached dwellings with ownership on separate lots for each dwelling. Subdivisions approved for townhouses must be used for townhouses. For any other type of proposed construction, the subdivision must be revised to meet the design standards of 70.250 (a), (b), (c), (d) and (e).

70.260 Improvements for Major Subdivisions.

- a. Provision for Improvements. The subdivider shall have prepared by a registered engineer, a complete set of construction plans, including profiles, cross-sections, specifications and other supporting data for the required public streets. Such construction plans shall be based on data contained in the approved preliminary plat.
- b. Required Improvements. Prior to granting approval of the final plat, the subdivider shall have installed or shall have furnished an adequate financial guarantee for the ultimate installation of the following improvements:
  1. Streets constructed according to City standards.
  2. Water Supply.
    - a. An extension of the City water lines to each lot within the subdivision, if a main water line has been installed on any street in a manner approximately parallel to any boundary of the property being subdivided for a distance of ten feet or more. An alternate water system may be used provided it is approved by the Planning Commission. Owners of the property and successive owners are required to connect with the City system at their own expense if it runs adjacent to their property in the future.
    - b. Fire hydrants according to City standards, within the subdivision, if piped water is available.
  3. Sanitary Sewer Systems. An extension of the City sewer lines to each lot within the subdivision, if a main sewer line has been installed on any street in a manner approximately parallel to any boundary of the property being subdivided for a distance of ten feet or more. An alternate sewage system may be used provided it is approved by the City Engineer. Owners of the property or successive owners are required to connect to the City system at their own expense if it runs adjacent to the property in the future.
  4. Surface Drainage. A total surface drainage plan showing all drainage facilities and slopes. The subdivider shall provide drainage facilities where necessary while retaining the natural drainage pattern as much as possible. Existing surface drainage channels on the site shall be determined. No more than fifty percent of these drainage channels shall be developed. The remaining fifty percent shall remain as permanent open space. Re-grading, stripping of vegetation or filling is permitted in these areas, provided that the time of concentration of storm water flows remain

unchanged or is lengthened. Natural drainage patterns shall not be altered unless a drainage plan is submitted. All development in the subdivision shall be consistent with the City of Nome master street drainage plan as adopted by the City Council.

5. Street Lights and Electrical Power Lines shall be constructed to City and NJUS standards.
  6. Snow Storage/Open Space Area(s) designated for winter snow storage and summer open space shall be dedicated to the City. The size and number of area(s) shall be a function of the number of lots, configuration of the lots and roadways, and subdivision location. The specific requirements shall be determined by the City Engineer. The land required will be between 2% and 10% of the subdivision gross acreage.
  7. USACE wetland permits and other agency/regulatory permits shall be obtained, if applicable.
- c. Extent of Improvements for Major Subdivision. All the required improvements shall be installed to the boundaries of the subdivision and shall be designed to provide for future expansion to and service of contiguous areas.
- d. Guarantee of Required Improvement.
1. The subdivider may install the required improvements, or the subdivider may provide with the final plat an approved surety bond or certified check in an amount equal to the cost of construction of those improvements. The cost shall be an amount estimated by a registered engineer retained by the subdivider plus ten percent. Along with the bond or check, a written guarantee will be provided specifying that the improvements will be completed by the subdivider within twenty-four months after approval of the final plat.
  2. The City Manager shall deposit the certified check in a bank in an interest bearing account. The City shall return the funds with accrued interest to the subdivider upon the written certification of the City Manager that all required improvements have been substantially completed.
  3. If improvements are not completed, the City shall either complete construction of the improvements or retain the guarantee. Any amount of the guarantee in excess of the City's actual cost of construction of the improvements will be returned to the subdivider within one (1) year of the date of substantial completion of the

improvements. If the City's cost of construction of the required improvements exceeds the amount of the guarantee, the Subdivider shall pay the City the City's actual costs less the amount of the original guarantee. This payment shall be made no later than thirty (30) days from the date the additional improvement costs are invoiced to the subdivider.

- e. Maintenance Agreement. The subdivider shall guarantee that the required public improvements will remain in good condition for a period of one year after the date of conditional acceptance by the City of Nome and agrees to make all repairs to and maintain said improvements in good condition during the one year period at no cost to the City of Nome. The subdivider may be required by the City Manager to include with the final plat a surety bond or certified check in an amount equal to five percent of the cost of improvements for payment of costs of any correction, reconstruction, repair or maintenance of the improvements during the one year warranty period. Any amount of the maintenance guarantee in excess of the costs of correction, construction, repair or maintenance will be returned to the subdivider.
  
- f. Improvement Procedures for Major Subdivision. When the subdivider installs required improvements, the following shall be adhered to:
  - 1. Work shall not begin until plans have been checked for adequacy and approved by the City Manager in writing. All such plans shall be prepared in accordance with requirements of the City.
  - 2. Work shall not begin until the City has been notified in advance, and if work is discontinued for 3 months for any reason, it shall not be resumed until the City is notified.
  - 3. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest.
  - 4. All underground facilities, including but not limited to street lights, electrical power lines, water, sanitary sewers and storm drains, installed in streets shall be constructed as required by the NJUS.
  - 5. A map showing all public improvements as built shall be filed with the City upon completion of the improvements. All such maps shall be prepared in accordance with requirements of the City.

70.270 Dedications and Easements.

- a. Dedication for Major Subdivisions. All streets, facilities and improvements shall be expressly dedicated to public use at the time of the filing of the final plat.
- b. Easements for Major Subdivisions. Easements for sewers, water mains, electric lines or other public utilities shall be dedicated wherever necessary. The easements shall be at least 10 feet wide and centered on rear or side lot lines.

70.280 Major Subdivisions in Flood Hazard Areas.

No subdivision preliminary or final plat within flood hazard areas shall be approved unless it complies with the requirements of NCO 11.60, Nome Code of Ordinances (or any replacement), and which complies with any applicable standards of the federal government regarding flood hazards.

70.300 Vacations

- a. Authority. The Planning Commission shall consider the merits of each vacation request and in all cases the platting authority (Planning Commission) shall deem the area being vacated to be of value to the City unless proven otherwise. The burden of proof shall lie entirely with the applicant.
- b. Submission Requirements. For an application to vacate a public utility easement the following shall be required:
  1. Written application on forms provided by the City and payment of fees.
  2. Three copies of the recorded document establishing the easement.
  3. Three copies of a map illustrating the area to be vacated. In addition to showing the area to be vacated, the map must show the outer boundary of the property receiving the benefit of the dedication and the location of all known public improvements within the area being vacated.
  4. A written statement approving the vacation from every public utility authorized to use the easement.
- c. For an application to vacate a dedicated public area other than a public utility easement:

1. A written application on forms provided by the City, and payment of fees;
  2. Five copies of a map illustrating the area to be vacated. In addition to showing the area to be vacated, the map must show the outer boundary of the property receiving the benefit of the dedication, and the location of all known public improvements within the area being vacated;
  3. The application shall include a written statement containing the reasons in support of the vacation;
  4. A written statement approving the vacation from every public entity authorized to use the dedicated area.
- d. Procedures for Vacations.
1. Petitioners. No plat may be vacated except upon petition of the owners of the majority of the land affected by the vacation. Except as otherwise provided by law, no street, alley or public thoroughfare or any part of one may be vacated, except upon petition of the owners of the majority of the land fronting upon part of the street, alley or public thoroughfare sought to be vacated.
  2. Petition. The petition for vacation shall be filed with the City Clerk , requesting that the plat, addition or subdivision be vacated or that the street, alley, public thoroughfare or other public area be vacated. The petition shall be accompanied by a plat, draft or a copy of the existing plat, showing the proposed vacation.
  3. Hearing. Upon the payment of the costs, the City Clerk's office shall fix a time for the hearing of the petition which shall be not less than thirty nor more than sixty days after the filing, and shall issue a notice stating when and by whom the petition was filed, the vacation requested, and the time and place of the hearing. The notice shall generally describe the plat, addition or subdivision sought to be vacated or the street, alley, public thoroughfare or other public area or part of it sought to be vacated. The notice shall be posted for two consecutive weeks prior to the hearing at three public places within the city. The planning department shall also mail by registered mail a copy of the notice to each of the owners of the affected property not joining in the petition, as shown by the property tax records of the city finance department, at the addresses there shown.

4. Hearing Determination. At the hearing, the platting authority shall inquire into and determine the merits of the relief petitioned for and make such order as justice and the public welfare require.
  5. If the plat, addition, subdivision, street, alley, public thoroughfare or other public area or part of it is vacated and not otherwise altered or replatted, it is only necessary to file with the recorder the order or resolution vacating it and the recorder shall note upon the original plat the part vacated.
- e. Actions on Vacations.
1. The Planning Commission shall recommend action to the Common Council on the vacation application within sixty days after the submission date. The reasons for the recommendation of approval or denial of the vacation shall be stated upon the record of the Planning Commission meeting minutes.
  2. The Planning Commission shall refer to the City Council the action of the Planning Commission on an application to vacate a public easement or area, with an ordinance subject to Common Council approval authorizing the conveyance of the area proposed to be vacated.
  3. The approval of a vacation by the Common Council expires eighteen months after the date of approval. A vacation is not effective unless, before its approval expires, a conveyance of the vacated interest is approved in accordance with law and a final plat depicting the vacation is approved and filed in accordance with this chapter.
  4. Fair market value of the street right-of-way, easement or other public area to be vacated shall be determined as provided in NCO 2.10.030 Disposal of Real Property and paid to the City on final vacation, unless the council by its own motion approves other terms or conditions.