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TITLE 18: SUBDIVISIONS**CHAPTER 18.20: SUBDIVISION DEVELOPMENT STANDARDS**

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§ 12.20.010 STANDARDS GENERALLY.

(A) This chapter establishes general standards for subdivision development which, except as provided otherwise, govern all subdivisions in the Borough.

(B) Improvements and developments within subdivisions, including public and private streets, shall also comply with applicable Borough zoning, environmental and development related standards, as well as the Borough Comprehensive Plan and official map.

(C) Where more stringent Borough standards cover an area subject to this title, such as in the coastal zone area, these standards shall take precedence over the standards in this title. Where there is a conflict among Borough, state and federal standards, the most stringent standards shall apply.

(75 Code, § 18.20.010) (Ord. 73-9-2, passed 4-5-83)

§ 18.20.020 DEVELOPMENT STANDARD DISTRICTS.

(A) The Planning Commission may recommend the establishment of one or more development standard districts which include additional or different, standards than those specified in this chapter. These districts shall be defined and incorporated into this title.

(B) Where villages have by ordinance enacted different subdivision development standards than those set forth in this title, the Platting Authority may apply those standards in the appropriate village in lieu of the standards set forth in this chapter. Approved village comprehensive plans shall be a guideline in the development of those local standards. IRA councils may recommend standards in unincorporated villages.

(75 Code, § 18.20.020) (Ord. 73-9-2, passed 4-5-83)

§ 18.20.030 PUBLIC AND PRIVATE STREETS AND TRANSPORTATION FACILITIES.

All streets to be platted in or connected to villages shall be dedicated to the public. All dedications of public streets are subject to acceptance by the Platting Authority. Because of the need to plan and prioritize scarce financial resources on costly Arctic transportation systems and because of the many unmet transportation needs in the villages, all other streets and transportation facilities including permanent gravel roads in service base areas outside of villages shall be private, unless designated or authorized by public by Borough transportation plans and policies. All construction, maintenance and reconstruction of private streets and transportation facilities shall be the responsibility of the landowner or landowner's association. The Borough does not assume any liability for injury or accidents that occur to any person or equipment using a private street or transportation facility.

(75 Code, § 18.20.030) (Ord. 73-9-2, passed 4-5-83)

§ 18.20.040 CONFORMANCE WITH OFFICIAL MAP AND OTHER BOROUGH PLANS AND ORDINANCES.

All streets and transportation facilities in the Borough, whether private or public, shall conform to the official map of the North Slope Borough, as well as to the applicable provisions of Title 12: Transportation, the Borough Comprehensive Plan and other relevant Borough plans and policies.

(75 Code, § 18.20.040) (Ord. 73-9-2, passed 4-5-83)

§ 18.20.050 STREET NAMES AND SIGNS.

(A) All public streets shall be identified and signed by the subdivider.

(B) Street names must be approved by the Platting Authority.

(C) Street names shall not duplicate or cause confusion with an existing street in the community, except where such street is a continuation of an existing street.

(D) Whenever possible, streets shall be named in a manner which recognizes knowledge of the Inupiat language and the general traditional subsistence culture.

(75 Code, §18.20.050) (Ord. 73-9-2, passed 4-5-83)

§ 18.20.060 STREET WIDTHS.

(A) (1) Unless otherwise authorized by the Platting Administrator or Planning Commission under division (B) of this section, the minimum right-of-way widths of proposed streets shall be as follows:

(a) Major arterials: 100 feet;

(b) Local arterials: 75 feet;

(c) Local streets: 60 feet.

(2) See § 18.08.010(G)(24) for a definition of the three kinds of streets.

(B) The Platting Authority shall have the authority to modify minimum right-of-way standards by 20% up or down and to require minimum or maximum traveled route widths and graveled areas, within the right-of-way based on the general planning and design guidelines in § 18.20.100, as well as relevant local, state and federal plans and standards.

(C) Buffer strips may be required next to major streets and local arterials to screen the view or to provide a buffer from noise, dust or other incompatible street features. These buffers shall be a minimum of ten feet wide and may be platted and/or dedicated as additional road right-of-way or as an easement on the lot. Maintenance of easements shall be the responsibility of the owners of lots containing the buffer.

(D) On privately maintained buffer areas, the private control of access to streets shall be prohibited.

(E) Privately held reserved strips which deny access to streets shall be prohibited.

(75 Code, § 18.20.060) (Ord. 73-9-2, passed 4-5-83)

§ 18.20.070 STREET ALIGNMENT AND LOCATION.

(A) Stream crossings by streets and other transportation facilities at other than Borough approved locations are prohibited. Streets and transportation facilities shall minimize alteration of shorelines, watercourses, wetlands and tidal marshes, and disturbance to habitat, as well as obstruction to fish migration.

(B) Nonarterial streets shall be designed to minimize through traffic, while still allowing for efficient snow removal and emergency services. Cul-de-sacs shall be prohibited. Where additional future street extension is proposed, an adequate temporary turnaround shall be provided.

(C) Street development through subsistence resource habitat and migration routes is prohibited unless there is no reasonable or prudent alternative.

(D) All streets shall be aligned to maximize natural removal of snow by the wind and to minimize snow drifting.

(E) Street development or alignment shall not significantly interfere with traditional subsistence activities or sites. Significant interference with traditional activities includes significant visual, noise and other pollution; prolonged increase in activities; driving off game; or significant surface disturbances.

(F) Arterial streets, utility and drainage easements, and local streets where relevant shall be aligned to provide for their efficient continuation into adjoining areas and subdivisions. Half street rights-of-way shall not be permitted. Whenever a tract to be subdivided borders on an existing half street, the other part of the half street shall be platted and dedicated to the public where appropriate.

(G) Horizontal and vertical alignment of streets shall conform to existing topography to minimize the need for cuts and excessive fills.

(H) There shall be legal and physical access by street to all subdivisions and all lots within those subdivisions from the public street system, or in appropriate cases, from the private street system.

(75 Code, § 18.20.070) (Ord. 73-9-2, passed 4-5-83)

§ 18.20.080 STREET GRADES.

(A) The maximum permitted grade for streets shall be 10%, except as noted in division (B).

(B) The Borough Platting Authority may allow roads with steeper grades upon a finding of necessity, of no major environmental damage and of conformity with the general planning and design guidelines in this chapter. (75 Code, § 18.20.080) (Ord. 73-9-2, passed 4--5-83)

§ 18.20.090 STREET INTERSECTIONS.

(A) Streets shall be designed to minimize the number of intersections, especially between streets of different classifications. Streets shall intersect at 90 degrees wherever possible, and in no case at less than 75 degrees. Intersections of more than two streets at one point shall be prohibited. Three-way "T" intersections shall be encouraged. The distance between intersection centerlines shall not be less than 150 feet.

(B) Intersection design shall provide acceptable visibility for traffic safety. Corner rounding will be required, as determined by the Borough Department of Public Works.

(75 Code, § 18.20.090) (Ord. 73-9-2, passed 4-5-83)

§ 18.90.100 GENERAL PLANNING AND DESIGN GUIDELINES.

(A) These guideline shall underline and supplement all specific street design standards.

(B) Any contact with the tundra is potentially significant in the Arctic. This contact in the form of streets should be minimized to help protect the environment and also to minimize the use of scarce gravel resources. Transportation, pipeline and related activities should be consolidated in a minimum number of corridors.

(C) Road width, design characteristics, construction and location should be developed on the basis of long term planning which includes analysis of future increases in traffic loads and

volumes. Streets should be designed and constructed with the intent of upgrading, rather than realignment or replacement with a new street, where subsequent phases of development require greater capacity from existing streets.

(D) Streets should be designed and constructed to provide for safe, efficient use and minimal alteration or damage from frost heave, drainage, erosion and other physical conditions.

(75 Code, § 18.20.100) (Ord. 73-9-2, passed 4-5-83)

§ 18.20.110 EASEMENTS OR RIGHT-OF-WAY.

(A) Easements centered on lot lines, or through subdivided lots, shall be provided, for the purpose of utilities, including phone, gas, water, sewer and cable television lines. The utilities may also be incorporated into appropriate rights-of-way and coordinated with all relevant utility companies or agencies. Appropriate easements or rights-of-way may be required for oil and gas pipelines and major electric power transmission lines. All such easements or rights-of-way shall be wide enough to allow for adequate setback, safety and maintenance. Joint use of easements and rights-of-way are encouraged whenever possible.

(B) Where the subdivision contains a stream, channel or other drainage way, there shall be provided a drainage easement or right-of-way conforming to the lines of that watercourse. Where feasible, the drainage will be maintained as an open, undisturbed channel, with natural vegetation and contours preserved along its course. Drainage ways shall be of a width that is adequate for the maximum volume of flow or within the limits of the 100-year floodplain and for equipment access for drainage maintenance. Maintenance of drainage easements and rights-of-way shall be the responsibility of the Borough, unless otherwise provided for by state and federal regulations or specific conditions and agreements relating to the site.

(C) When a proposed drainage system alteration will carry water across private land outside the subdivision; appropriate drainage rights should be secured and indicated on the plat.

(D) The Platting Authority may require perpetual unobstructed public easements or rights-of-way generally at least 20 feet in width to facilitate access of pedestrians and/or snow machines and other off- road vehicles. Those easements or rights-of-way shall be indicated on the plat. Appropriate easements end rights-of-way including street rights-of-way may be required for public access to traditional subsistence sites and navigable and public waters.

(E) Sidewalks or boardwalks may be required within the street right-of-way to provide for pedestrian safety. When deciding whether to require sidewalks or boardwalks, the Platting Authority shall consider those factors as potential vehicle and pedestrian traffic volume, drainage and parking.

(F) Where a proposed subdivision contains existing ice cellars used in connection with traditional subsistence activities, and where users' access to the ice cellars may be impeded by the subdivision, a separate, unimpeded easement may be required to help preserve and maintain such access. Wherever possible, that access should be combined with other easements, walkways and streets.

(75 Code, § 18.20.110) (Ord. 73-9-2, passed 4-5-83)

§ 18.20.120 SITE DEVELOPMENT; GENERAL STANDARDS.

Land which the Platting Authority finds to be unsuitable for development due to flooding; concentration of sensitive wildlife activities and migration routes; drainage; steep slopes; potential historic, cultural, archaeological or traditional subsistence sites; topography; existing pipelines or

industrial activity; lack of services, conflict with Borough comprehensive planning policies or other features which will pose potentially serious dangers to the health, safety or general welfare of Borough residents, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Platting Authority, upon recommendation of Borough engineers and/or other Borough technical staff and consultants, to solve the problems created or to restrict the use of that land to development which shall not involve such dangers.

(75 Code, § 18.20.120) (Ord. 73-9-2, passed 4-5-83)

§ 18.20.130 LOTS AND BLOCKS; SPECIFIC STANDARDS.

(A) Arrangement. Blocks shall be designed to provide two tiers of lots, except where lots back onto a major street or highway, natural feature or subdivision boundary, or where topographical or other natural conditions clearly prevent such an arrangement.

(B) Lot sizes. The following minimum lot areas shall apply in future residential subdivisions, served by public/quasi-public water and sewer facilities or services unless other smaller minimum areas are authorized in Title 19, Borough Land Management Regulations:

(1) Lot areas: 7,000 square feet; 8,000 square feet for corner lots.

(2) These areas should be defined by minimum lot dimensions as follows:

(a) Lot width: 70 feet; 80 feet for corner lots.

(b) Lot depth: 100 feet.

(3) Residential lots not served by such water and sewer facilities or services shall conform with the provisions of § 19.90.020.

(4) Proposed commercial and industrial lots shall be suitable in area and dimensions for the anticipated industrial development. The Platting Authority shall have the authority to modify minimum lot dimensions up or down by 20%, based on specific community conditions, improved achievement of standards in this title, such as the solar access standards in division (F) of this section, or on specific natural conditions of the site, unless those modifications will violate the Borough zoning ordinance or other applicable regulations.

(5) The depth of a lot shall generally not exceed two to two and one-half times the average width. The developer shall demonstrate how compliance with applicable development standards will be achieved.

(6) Large industrial lots and other large lots may be required by the Platting Authority to be arranged so as to allow further subdivision into smaller lots and the opening of future streets where they would be necessary to serve those potential lots, all in compliance with the Borough zoning ordinance.

(C) Lot lines Side lot lines shall be at right angles to street lines, or radial to curved street lines, unless a variation from this rule will provide a more efficient and environmentally sound street and lot plan.

(D) Setbacks. All lots shall have a minimum ten-foot building setback line from any street right-of-way, and five feet from adjacent and rear lot lines; provided, that there are no utility easements, unless development at a lesser distance is specifically authorized by the Borough zoning ordinance and/or appropriate building, fire and related codes.

(E) Block dimensions. The lengths, widths and shapes of blocks shall be such as appropriate for local area and type of development contemplated, but in residential areas block lengths shall generally not exceed 1,300 feet in length or 300 feet in width. Where blocks are long, the Platting

Authority may require the reservation of an easement through the block to accommodate utilities, drainage or pedestrian or snow machine and other off-road vehicle traffic.

(F) Solar access. For purposes of energy conservation and solar access, streets, blocks and lots should be designed where appropriate to have their long axes running generally from east to west. This standard should be considered in connection with the prevailing wind direction standard as specified in § 18.20.070(D).

(75 Code, § 18.20.130) (Ord. 73-9-2, passed 4-5-83)

§ 18.20.140 PROVISIONS FOR PUBLIC LANDS.

The Platting Authority may require that provisions be made for the dedication of lands for airports, schools, parks, playgrounds, trails, traditional subsistence activities, community communications and television facilities and other uses. Borough comprehensive, land use, capital improvements, open space, trail, traditional land use and school plans shall be considered as guidelines for the imposition of those dedications.

(75 Code, § 18.20.140) (Ord. 78-9-2, passed 4-5-83)

§ 18.20.150 REQUIRED IMPROVEMENTS.

(A) The Planning Commission or Platting Administrator may require the completion, or substantial progress toward completion or written or financial guarantees that certain improvements, including grading, public and private streets, sidewalks or boardwalks, water and sewer systems, electrical distribution, gas lines, drainage and phone lines, are completed to the Borough's satisfaction as a condition of final plat approval.

(B) Lots may be required to have adequate gravel or other improvements to provide a safe, dry building site, room for vehicle access and storage and safe access by residents to the building. Appropriate natural drainage or culvert and bridge system improvements may also be required. These improvement requirements shall be based on specific improvement requirements and standards developed in coordination with the Borough Public Works Department. Subdivision plat approval may be phased or scheduled by the Platting Authority, based on the scheduled provision of improvements by the subdivider.

(C) Water and sewage improvements and systems shall comply at a minimum with regulations and standards of the Borough public works, health and environmental protection departments, the State Department of Environmental Conservation and other applicable state and federal regulations.

(75 Code, § 18.20.150) (Ord. 73-9-2, passed 4-5-83)

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TITLE 18: SUBDIVISIONS

CHAPTER 18.16: SUBDIVISION APPLICATION PROCEDURE AND APPROVAL PROCESS

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§ 18.16.010 CLASSIFICATION OF SUBDIVISIONS.

(A) Whenever any subdivision of land is proposed, before any contract is made to sell, lease or otherwise transfer interests in land, the subdivider, or his authorized agent, shall apply for and secure approval of that proposed subdivision in accordance with the following procedure, which includes basically one step for a minor subdivision and two steps for a major subdivision (see definition in § 18.08.010):

(1) Minor subdivision:

(a) Final plat.

(2) Major subdivision:

(a) Preliminary plat; and

(b) Final plat.

(B) The applicant may present a sketch plat to the Platting Administrator for informal discussion prior to the formal submission of a final plat for a minor subdivision, and a preliminary plat for a major subdivision.

(C) The Platting Administrator shall classify all appropriate divisions as subdivisions and all subdivision applications as minor or major in accordance with the definitions set forth in Chapter 18.08.

(75 Code, § 18.16.010) (Ord. 73-9-2, passed 4-5-83)

§ 18.16.020 APPLICATION.

(A) An application for plat approval shall incorporate applications for any variances and vacations necessary to the approval of the plat. Any application including or requesting a variance or vacation shall be treated as a major subdivision.

(B) The Platting Administrator is authorized to establish subdivision submission requirements and forms. These may include detailed standards for subdivision development. The Planning Commission shall approve all such requirements, forms and standards.

(C) Subdivision applications shall be accompanied by a title report. The Platting Administrator may waive this requirement for subdivision upon the applicant's presentation of adequate proof of land ownership. Title reports and proofs of ownership shall be updated in writing by the subdivider at the time of application.

(D) All subdivisions shall conform to all other Borough land use regulations.

(E) Where appropriate the applicant shall supply the Borough with written verification that separate application has been made for all relevant state and federal reviews and permits.

(F) All questions of interpretation of this title shall be treated as an appeal under the provisions of § 18.16.040(J).

(G) Within three working days of submission of the application, the Administrator shall determine whether the application is complete and the submission requirements of this title met. If not, the Administrator shall return the application to the subdivider, If so, the appropriate procedures for major or minor subdivisions shall be followed.

(75 Code, § 18.16.020) (Ord. 73-9-2, passed 4-5-83)

§ 18.16.030 MINOR SUBDIVISION PROCEDURE.

(A) The Platting Administrator shall approve minor subdivisions for recording, subject to an appeal to the Planning Commission. (See definition in § 18.08.010.)

(B) Minor subdivision procedures will not require a public hearing. However, within three working days of accepting an application the Platting Administrator shall circulate copies of a notice briefly describing the proposed subdivision. Notice procedures shall be in accordance with § 19.20.020. The Platting Administrator will be required to submit monthly written reports to the Planning Commission, describing plats submitted and processed as minor subdivisions and the disposition of each plat.

(C) The Platting Administrator shall within 45 days of the submission and acceptance of an application for minor subdivision, approve or disapprove it, or return it to the applicant for modification or correction, based on the requirements of this title. An application for minor subdivision approval is considered accepted by the Platting Administrator when he finds it is submitted in the form and manner prescribed in this section and Chapter 18.12.

(D) If the Platting Administrator fails to act within the 45-day period, the minor subdivision plat shall be considered approved and a letter of approval shall be issued on demand, unless the applicant consents to an extension of the 45-day period.

(E) The findings of the Platting Administrator shall be set forth in writing and mailed to the applicant within three working days following a decision on the application. Notice of the findings will also be distributed within three working days of the decision in accordance with § 18.16.030 (B).

(F) A person aggrieved by the decision of the Platting Administrator may appeal such a decision under the provisions of § 19.60.070.

(75 Code, § 18.16.030) (Ord. 73-9-2, passed 4-5-83)

§ 18.16.040 MAJOR SUBDIVISION PROCEDURE.

(A) An application for preliminary plat approval shall include the materials specified in Chapter 18.12.

(B) The Planning Commission shall hold a public hearing on the preliminary plat application. The Commission may delegate its public hearing authority to a city council, or IRA council in an unincorporated village, for any plat located in the village. The delegation and village public hearing shall take place within 45 days of acceptance of a preliminary plat. The council shall transmit to the Planning Commission a written report and advisory recommendations based on the testimony, within 15 days of the hearing. The Planning Commission may hold another hearing in Barrow if such is deemed necessary or desirable.

(C) Notification for the public hearing shall be in accordance with § 19.20.020.

(D) The Planning Commission shall act and approve or disapprove the preliminary plat, or return it to the applicant for modification or correction, based on the requirements of this title, within 90 days of its acceptance.

(E) If the Planning Commission fails to act on the preliminary plat within the 90-day period, the preliminary plat shall be considered approved and a letter of approval shall be issued on demand, unless the applicant consents to an extension of the 90-day period.

(F) The approval of the preliminary plat shall be effective for 24 months, at the end of which time action on the final plat must have been taken by the Planning Commission. Any plat not acted on by the Planning Commission within the 24-month period shall be null and void and the subdivider shall be required to resubmit a new preliminary plat.

(G) A final plat, including the information specified in Chapter 18.12, shall be submitted to the Platting Administrator, who, on acceptance of the plat, shall have not more than 60 days to forward the plat to the Planning Commission, accompanied by a statement from the Platting Administrator that the plat conforms to the preliminary plat approved by the Commission and that all conditions set forth by the Commission have been met by the applicant.

(H) If the Platting Administrator finds that the final plat differs from the preliminary plat and conditions imposed by the Planning Commission, he or she shall so advise the Commission. The Commission may then decide to return the plat to the applicant, recommend modification and set a date for resubmission as a final plat. The Commission may also decide to approve a final plat, which differs from the approved preliminary plat, if it finds that:

(1) The changes are minor in nature and will not cause major negative impacts on traditional subsistence resources of land area, or pose major dangers to the health, safety or general welfare of Borough residents; and

(2) No change from the preliminary plat will substantially impact the surrounding neighborhood or the public interests stated as the purposes of the title.

(I) The Planning Commission shall take action on the final plat within 90 days of its submission and acceptance or the plat shall be considered approved.

(J) All Planning Commission decisions as to approval or disapproval of a plat, or the return of that plat to the applicant for modification or correction, shall be final unless appealed to the Borough Assembly under § 19.60.070.

(75 Code, § 18.16.040) (Ord. 73-9-2, passed 4-5-83)

§ 18.16.050 VARIANCES.

(A) When clearly demonstrated conditions of the land or proposed activity make a literal

enforcement of the regulations in this title likely to result in extraordinary hardship, and/or the purposes of this title may be served to a greater extent by an alternative proposal, the Planning Commission may grant reasonable variances within the general purpose and intent of these regulations.

(B) The Planning Commission shall not approve variances unless it makes findings that:

(1) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and not generally applicable to other property;

(2) Because of particular physical features of the property involved, including but not limited to shape or topographical conditions, an extreme hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out; and

(3) The variances will in no way vary the provisions of the Borough's zoning ordinance or Comprehensive Plan or other relevant plans.

(C) In approving variances, the Planning Commission may impose conditions which will in its judgment substantially secure the objectives of these regulations.

(D) An application for a variance shall be submitted in writing by the applicant at the time the application for a major subdivision is submitted. The application shall state the grounds for the application and all the facts relied upon by the applicant.

(75 Code, § 18.16.050) (Ord. 73-9-2, passed 4-5-83)

§ 18.18.060 VACATIONS.

(A) A request for the vacation of a public street, whether dedicated by subdivision plat or separate conveyance, shall be treated procedurally as a major subdivision, except that the Planning Commission may waive all or part of the submission requirements where the Platting Administrator recommends that no purposes of this title or the general interest of the Borough will be violated.

(B) The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by a different person, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the city if it lies within the city and to the Borough if it lies within the Borough outside a city. If the property vacated is a lot or tract, title vests in the rightful owner. If the Borough or city acquired the street or other public area vacated for legal consideration or by express dedication to and acceptance by the Borough or city other than required subdivision platting, before the final act of vacation the fair market value of the street or public area shall be deposited with the Platting Authority to be paid over to the Borough or city on final vacation.

(75 Code, § 18.16.060) (Ord. 73-9-2, passed 4-5-83)

§ 18.16.070 STREET RENAMING.

The renaming of a public street, or naming of a public street unnamed in any prior subdivisional plat, shall be renamed or named in the following manner:

(A) A proposal to rename a public street or name a public street unnamed in any prior subdivisional plat shall be submitted to the Platting Administrator by either.

(1) A written request signed by the owners of at least two-thirds of the property fronting an existing street to name or rename that street, or

(2) A resolution of the city council of the village in which the street is located or, if there is no city government, the IRA council of the village in which the street is located requesting the naming or renaming of that street.

(B) Upon the receipt of a proposal to name or rename a public street, the Platting Administrator shall advise the Planning Commission, and a public hearing shall be conducted in accordance with § 18.16.040(B) and (C).

(C) Within 60 days after the date of the public hearing, the Planning Commission shall adopt a resolution approving or disapproving the proposed naming or renaming.

(D) Any person aggrieved by the decision of the Planning Commission may appeal the decision in the same manner provided in § 19.06.071.

(E) Upon approval of the street naming or renaming, the Platting Administrator shall prepare a document for the signature of the Chairperson of the Planning Commission which is acceptable for recording or filing.

(75 Code, § 18.16.070) (Ord. 87-9, passed 10-13-87)

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TITLE 18: SUBDIVISIONS

CHAPTER 18.12: PLATS

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§ 18.12.010 PRELIMINARY PREPARATION AND SKETCH PLATS.

(A) Nothing in this chapter, or in any other chapter of this title, shall rule out or discourage early and continuing contact between subdivider and the Borough planning staff, as well as the residents of appropriate villages. This contact and preliminary discussion of general areas and preliminary informal sketch plats are strongly recommended. However, the requirements of §§ 18.12.020 and 18.12.030 cover the minimum information and submissions required.

(B) A sketch plat shall include:

(1) A location map showing the site in relation to surrounding property and village, if any, and locating it by north arrow, section, township and range;

(2) A sketch plan on & topographic survey map, if available, showing general layout, streets, major drainage ways and other major features;

(3) General information on the uses of lots and types of utilities to be used.

(C) The sketch plat may be drawn freehand, but to an appropriate scale of one inch to 100 feet or one inch to 200 feet.

(D) The sketch plat shall serve as an informal communications device between the applicant and the Platting Administrator, prior to any formal application for a major or minor subdivision as provided in this title. The Platting Administrator shall retain one copy of the sketch plat and shall inform the applicant of relevant plans, policies and regulations of the Borough, as well as relevant state and federal permits which may be required.

(75 Code, § 18.12.010) (Ord. 73-9-2, passed 4-5-83)

§ 18.12.020 PRELIMINARY PLAT; SUBMISSION REQUIREMENTS.

(A) The preliminary plat shall include all contiguous holdings of the owner, including all the land which the applicant proposes to subdivide and all land immediately adjacent to a minimum distance of 100 hundred feet.

(B) If only a portion of the land is intended for immediate development, the remaining portion of the land proposed to be subdivided shall be given a tract designation and shall be part of the preliminary and final plat.

(C) Preliminary plat applications shall be accompanied by a reproducible copy and a minimum of

20 copies of the preliminary plat as described in these regulations, unless fewer copies are authorized by the Platting Administrator.

(D) The plat shall be drawn to scale of one inch to 100 feet or one inch to 200 feet and shall be reproducible and legibly drawn on mylar or its equivalent in one of the following sizes: 18 by 24 inches or 24 by 36 inches or 31 1/2 by 34 inches, unless otherwise authorized by the Platting Administrator.

(E) The plat shall have a vicinity map with a recommended scale of one inch to one-mile showing sections, townships and ranges, known boundaries such as municipal boundaries and those of native allotments or traditional land use sites, and prominent physical or natural features such as roads, known gravel sources and major lakes or rivers.

(F) The plat shall contain a north arrow, scale shown with a scale bar, date, name of proposed subdivision, description of the parcel being subdivided, including approximate total acreage, name of owner, name of subdivider and name of surveyor.

(G) Existing conditions in the area to be subdivided shall be shown including:

- (1) Boundary lines;
- (2) Easements, with their dimensions and purpose;
- (3) Native allotments and known traditional subsistence sites, as identified by the Borough, including burial areas and ice cellars;
- (4) The location of known existing facilities and structures;
- (5) Preliminary horizontal location of streets, utility lines and other improvements if known;
- (6) The location of water bodies and drainage courses, including floodplain areas, culverts and bridges;
- (7) The location of known unstable permafrost areas as shown in existing studies or published reports;
- (8) Contours at an interval of not more than two feet, including known high and low points, unless otherwise authorized by the Platting Administrator;
- (9) Existing zoning or proposed zoning if a zoning change is being sought and boundaries thereof;
- (10) The location of permitted or producing gravel sources on or adjacent to the parcel.

(H) Proposed conditions in the area to be subdivided shall be shown, including:

- (1) Proposed streets, rights-of-way, drainage, culverts and easements, including their location, width, purpose and proposed street names;
- (2) Approximate lot lines and typical and minimum lot sizes;
- (3) Sites, if any, to be reserved or dedicated for schools, parks, playgrounds, trails, communication facilities and traditional subsistence activities such as a whaling park;
- (4) Building site, if any, for multi-family dwellings, major commercial and industrial buildings and major public buildings, including setbacks of those buildings from street rights-of-way and property lines.

(75 Code, § 18.12.020) (Ord. 73-9-2, passed 4-5-83)

§ 18.12.030 FINAL PLAT; SUBMISSION REQUIREMENTS.

(A) The subdivider shall provide an original and 20 copies of the final plat, unless fewer copies are authorized by the Platting Administrator. The original shall be reproducible, drawn on mylar or its equivalent in ink approved for drawing on film, and shall be of the same size and scale and quality as that previously required for the preliminary plat in § 18.12.020.

(B) The final plat shall be in conformance with the preliminary plat where applicable, except for minor changes as noted in § 18.16.040(H).

(C) The final plat shall, at a minimum, contain a vicinity map and the information required in the preliminary plat, as noted in § 18.12.020(A), (B) and (F), unless additional information is requested or approved by the Platting Authority. The water body, flood and drainage information specified in § 18.12.020(G)(6) shall either be shown on the final plat or referred to the most current information with a note on the plat.

(D) The final plat shall show clearly what stakes, monuments or other evidence were found on the ground or placed by the subdivider to determine the boundaries of the subdivision. The corners of existing adjoining subdivisions shall be identified and ties shown as well as bearing and distances to the nearest established official monuments which are necessary to accurately describe the location of the plat.

(E) Within the subdivision, the final plat shall show all lot and block corners, the centerline of all streets, lengths, tangents, radii and central angles of all curves, the total width of each street right-of-way, the width of portions of streets on each side of the centerline; also, the width of other rights-of-way, utility easements, drainage and other easements. Easements shall be adequately described to permit retracement on the ground and shall be identified as to their specific use or purpose. A correct survey of the area to be subdivided shall be shown, along with the description and location of all survey monuments erected in the subdivision. Permanent survey monuments shall be required. The Platting Administrator may develop more specific survey standards of accuracy and monumentation standards to cover all subdivisions in the Borough. Those standards shall be effective upon approval by the Planning Commission. The Platting Authority may waive specific survey and monumentation requirements upon a written finding that no purposes of this title or the general interest of the Borough will be violated in any substantial way.

(F) The final plat shall show all lot and block numbers and street names, along with the names of adjacent subdivisions and adjacent lots. If the adjacent land is not subdivided, it should be so indicated.

(G) (1) Where a dedication of lands or interests to the public is proposed in the plat, the final plat shall be accompanied by a statement of ownership and dedication which shall read substantially as follows:

"I (we), hereby certify that I am (we are) the owner(s) of the property described hereon. I (we), hereby dedicate to the public all public streets, easements for public utilities, and other easements and rights-of-way, along with land shown for schools, parks, playgrounds, traditional subsistence activities and other public purposes and uses."

(2) This certificate shall be signed before the Borough Clerk or a notary public. Where no dedication of land is proposed the above statement shall be replaced by a signed, notarized statement of all persons declaring ownership or equitable interest in the subdivided property. A title report shall accompany the final plat, unless alternate ownership information is found to be adequate by the Platting Administrator.

(H) The final plat shall contain a certificate of the land surveyor who prepared the plat in the following language, unless otherwise directed by the Platting Administrator or Planning Commission:

"I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, and that this plat represents a survey made by me or under my direct supervision, and the monuments shown hereon actually exist as described, and that all dimensions and other details are correct.

Date _____ Registration Number _____
 (Surveyor's Seal) (Signature in black ink)
 Registered Land Surveyor"

(I) The final plat shall contain an appropriate certificate of approval signed by the platting officer or the Chairperson of the Planning Commission and the Borough Clerk. Where appropriate, this certificate shall also attest that the Borough accepts for public use and purposes all property and interests dedicated to the public on the plat, subject to the provisions of § 18.12.030(L).

(J) The final plat shall contain a note on the plat from the appropriate Borough tax collecting official that all Borough real property taxes levied against the property are paid in full.

(K) Where appropriate, the Borough may require a statement to the effect that the proposed subdivision has been reviewed and approved by all the relevant federal and state review agencies, acting within their statutory and regulatory authority, in terms of permits and comments on environmental, wildlife, historic, health and safety and related impacts. The Borough, as a condition of final plat approval, may also require the applicant to supply written proof and/or copies of appropriate reviews and approved permits from federal and state agencies.

(L) Where the Borough requires a subdivider to construct roads, sidewalks or boardwalks, water and sewer systems, drainage facilities or other improvements as a condition of subdivision approval, the final plat shall contain a signed, notarized note by the applicant which either certifies that the improvements have been constructed to the Borough's approval, or where permitted by the Borough, that the improvements will be completed to the Borough's standards by a certain deadline. The applicant may also be required to provide the Borough with specific performance or related bonds or deposits to guarantee the provision of required improvements as a condition of final plat approval.

(M) Upon approval of the final plat by the Platting Authority and expiration of all appeal processes, the Borough Clerk shall file the plat with the District Recorder within 30 days.

(N) Prior to granting final approval of a final plat, the Platting Authority may permit the plat to be divided into two or more sections for recording. In this case, the Borough Clerk will submit only approved sections to the District Recorder. The plat submitted for initial recording shall show the entire area of the subdivision, identify the phases and indicate that it is a phased plat. The approval of all remaining sections for recording shall automatically expire within three years of the date of final plat approval unless the sectionalized conditions are met to the Borough's satisfactions within that period and the sections are sent to the District Recorder.

(75 Code, § 18.12.030) (Ord. 73-9-2, passed 4-5-83)

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TITLE 18: SUBDIVISIONS**CHAPTER 18.08: DEFINITIONS**§ 18.08.010 DEFINITIONS.**§ 18.08.010 DEFINITIONS.**

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BLOCK. An area of land within a subdivision that is entirely bounded by rights-of-way (other than an alley), shorelines of waterways, physical barriers or exterior boundaries of the subdivision.

BLOCK LENGTH. The distance between intersections of through streets or right-of-way, measured between the rights-of-way lines, whichever distance is the longest dimension of the block.

BOROUGH. North Slope Borough.

CUL-DE-SAC. A local street designed to have one end permanently closed. (Cul-de-sacs are prohibited in this title unless additional future street extension is proposed. See § 18.20.070(B).)

DEVELOPMENT. Any activities defined as DEVELOPMENT in Title 19, except that projects adopted as part of the Borough's annual capital improvements program shall be subject to these subdivision regulations, except oil and gas exploration, development, production or transportation and related activities, such as dredge or fill, gravel pads, road construction and other operations.

EASEMENT. A grant by the property owner to another person or to the public of the use of any designated part of his property for specific purposes.

FLOODPLAIN. An area of land bordering a river, stream, lake or other similar body of water which is an "active floodplain" as identified and utilized by the North Slope Borough in its geographic information system, or other available reports and information as interpreted by the Platting Administrator.

INDUSTRIAL. A use or activity involving manufacturing, processing, warehousing, storage, landfills and dumps, and including any activity conducted as part of or in support of any petroleum or natural gas exploration, development, production or transportation.

LOT. A measured or designated portion of a parcel or tract of land which is delineated and fixed on a plat for record or for the purposes of transferring interests. The word LOT also includes plot, parcel or tract.

LOT DEPTH. The average depth between the front and rear property lines.

LOT LINE. Fixed boundaries of a lot described by a survey and located on a plat filed for record.

LOT WIDTH. The distance between the midpoints of each side lot line.

MAJOR SUBDIVISION. Any subdivision not designated as minor by this title, including subdivision applications requiring variances and/or vacations.

METES AND BOUNDS DESCRIPTION. A description of a parcel of land in bearings and

distances from an actual survey or from a computed series of courses.

MINOR SUBDIVISION. A division which:

1. Creates six or fewer lots, none of which is larger than one acre in size;
2. Will not deny access to and from all lots or tracts created by the subdivision or those adjacent to it; and
3. Requires no public installation or extension of existing public utilities.

MONUMENT. A permanent, physical item used as a survey control point.

PERSON. Includes a corporation, partnership, joint venture, the Borough and any other public agency, as well as an individual or individuals.

PLANNING COMMISSION. The North Slope Borough Planning Commission.

PLAT. A graphic map representation of a subdivision, showing parcels, lots, blocks, tracts, streets and other divisions and dedications that is of public record. Chapter 18.12 explains the form and content of the three kinds of plats used in this title:

1. Sketch plats (§ 18.12.010);
2. Preliminary plats (§ 18.12.020); and
3. Final plats (§ 18.12.030).

PLATTING ADMINISTRATOR. A person designated by the North Slope Borough Planning Director to carry out the purposes of this title.

PLATTING AUTHORITY. For a minor subdivision it is the Platting Administrator and for a major subdivision it is the Planning Commission.

RESOURCE EXTRACTION. A use involving the removal for commercial purposes of native vegetation, topsoil, fill, sand, gravel, rock petroleum, natural gas, coal, metal ore or any other mineral, and other operations having similar characteristics, except when that resource extraction is to implement operations governed by the North Slope Borough's Title 19 Land Management Regulations.

RESUBDIVISION. The redelineation of one or more existing lots, blocks, tracts or parcels of a previously recorded subdivision, involving the change of property lines or lease boundaries.

RIGHT-OF-WAY. A strip of land used or intended to be used for a street, walkway, road, utility or traditional subsistence purpose.

STREET.

1. Any right-of-way, public or private, which provides for vehicular and pedestrian circulation, including snow machines and related vehicles commonly used in the Arctic. STREET includes roads, highways, arterials and collectors, but it does not include ice roads. Streets in the Borough are classified as follows:
 - a. LOCAL ARTERIAL. A street designed to provide access to and from major community or industrial attractors such as airports and central business districts with a minimum of disturbance to residential areas.
 - b. LOCAL STREET. A street designed to provide access to arterial streets from individual properties.
 - c. MAJOR ARTERIAL. A road ten miles or more in length that connects residential, commercial

or industrial developments and/or a road connecting the Borough with areas outside its limits.

2. Minimum right-of-way and other standards for these streets are found in Chapter 18.20.
SUBDIVIDER. Any person who:

1. Having an interest in land, causes it, directly or indirectly, to be divided into a subdivision;
2. Directly or indirectly, sells, leases or develops or offers to sell, lease or develop, or advertises for sale, lease or development, any interest, lot, parcel, site, unit or plot in the subdivision;
3. Engages directly or through an agent in the business of selling, leasing, developing or offering for sale, lease or development a subdivision or any interest, lot, parcel, site, unit or plot in a subdivision; or
4. Is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.

SUBDIVISION. The division of a tract or parcel of land into two or more lots or other divisions for the purpose, whether immediate or future, of sale, financing, lease, development or the transfer of any interest in real property, including any resubdivision, and when appropriate to the context, relates to the process of subdividing or to the lands or areas subdivided.

SURVEYOR. A professional land surveyor, who is registered in the State of Alaska.

TRACT. An area of land which has been delineated on a plat but which has not been designated by lot and block numbers.

TRADITIONAL SUBSISTENCE. Includes hunting, whaling, fishing, trapping, camping, food gathering and other traditions, religious and cultural activities performed in support of the basic needs of the residents of the Borough. A TRADITIONAL SUBSISTENCE SITE or RIGHT-OF-WAY includes a site or access used for carrying out subsistence activities.

TRANSPORTATION FACILITIES. Includes all-season roads, airstrips, pipelines and related facilities pads.

VACATION. The act of making legally void any right-of-way, easement, public area, other public interests or any part of a recorded subdivision.

VILLAGE. The North Slope Borough communities of Anaktuvuk Pass, Atqasuk, Barrow, Kaktovik, Nuiqsut, Point Hope, Point Lay and Wainwright.

WETLANDS. Areas that are inundated by surface or ground water with a frequency sufficient to support and that under normal circumstances do support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soft conditions for growth and reproduction. Wetlands include, but will not be limited to, those areas which are recognized to be wetlands by the U.S. Army Corps of Engineers.

(75 Code, § 18.08.010) (Ord. 73-9-2, passed 4-5-83; Am. Ord. 92-27, passed 1-5-93)

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TITLE 18: SUBDIVISIONS

CHAPTER 18.04: GENERAL PROVISIONS

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§ 18.04.010 POLICY AND PURPOSE.

(A) It is hereby declared to be the policy of the North Slope Borough that the subdivision of land into lots or parcels and the division of land to establish an easement or right-of-way are subject to the control of the Borough, guided by Borough plans, policy statements and standards, for the orderly, efficient, economical, environmentally sound and culturally sensitive development of the Borough.

(B) It is the intent of the Borough to ensure that its interests and responsibilities are protected and adequately considered in any action within its boundaries involving the subdividing of land and including the development, improvement and opening of streets, utilities and pipelines. It is the intent of the Borough to assert its rights and interests over all such actions, both private and public.

(C) These regulations are adopted for the following purposes:

- (1) To promote and protect the public health, safety and general welfare of the Borough;
- (2) To provide for adequate and properly placed roads and utilities and for the efficient movement of vehicular, pedestrian, snow machine and other forms of transportation;
- (3) To secure safety from fire, flood, erosion, air and water pollution and contamination and prevent damage to traditional land and water subsistence resources and their habitat. To otherwise encourage the wise use or natural resources in the Borough in order to not only help meet national energy needs, but also to preserve the integrity, productivity and value of the land and communities;
- (4) To phase development according to the availability and capacity of public and private facilities and services, Borough capital improvement and related plans and the needs of the existing villages and communities;
- (5) To provide for the accurate surveying of land and the equitable and efficient processing of all subdivisions;
- (6) To protect and enhance the social, cultural and economic stability of all parts of the Borough;

(7) To fully consider the traditional Inupiat knowledge and use of the land, and the traditional concepts of wide ranging land use and land ownership in common, at the same time as consideration is given to present local platting, leasing and land transfer requirements and the standards involved;

(8) To provide a graphic public record of the location of land boundaries, including public and private streets, easements and rights-of-way;

(9) To regulate the subdivision and platting of lands in accordance with relevant authority and powers, including Charter Article VIII.

(75 Code, § 18.04.010) (Ord. 73-9-2, passed 4-5-83)

§ 18.04.020 SCOPE AND JURISDICTION.

(A) This title governs also subdivisions and resubdivisions within the Borough. Except as otherwise provided by law, this title governs subdivisions of lands owned by the federal government, the state and its instrumentalities and political subdivisions, and the Borough, in the same manner as it governs subdivisions of privately-owned land.

(B) This title governs all vacation, and/or dedication to the Borough or other public entity of any street, easement or right-of-way in the Borough.

(C) (1) Upon the effective date of the ordinance codified in this chapter, no subdivision plat requiring Planning Commission or Platting Administrator approval shall be recorded with the District Recorder unless approved by the Commission or Administrator.

(2) The subdivision of any lots or any parcel of land by the use of metes and bounds or other description with the intent of evading these regulations and/or without the approval of the Platting Authority shall not be permitted.

(D) Upon the effective date of these regulations, preliminary and final plats already approved by the Planning Commission will be allowed to proceed through, under the provisions of the former Title 18, unless the subdivider waives this right. All other subdivision applications will be required to comply with this title.

(E) The Borough retains the right to regulate leases of subsurface rights as subdivisions, subject to the provisions of this title. However, the Assembly reserves the right to direct the application of this power, through the subdivision ordinance. Any such application will require prior Assembly approval.

(75 Code, § 18.04.020) (Ord. 73-9-2, passed 4-5-83)

§ 18.04.030 WAIVERS.

In order to facilitate the conveyances of land among family members, the Platting Administrator may waive the requirements of this title where it is found, with respect to a subdivision otherwise subject to these regulations, that:

(A) Any lot can be divided into not more than four smaller lots provided that no lots so created are less than 4,500 square feet in size.

(B) Each act will have access to an existing street, either through a minimum of 20 feet of street frontage or a permanent easement of access at least 20 feet in width and the division will create no new street or involve dedication of right-of-way to the public.

(C) The division is not made for the purpose or subsequent subdivision.

(D) These waivers shall be in the form of a letter from the Platting Administrator to be filed with the District Recorder.

(E) Only one such waiver per year shall be granted to a subdivider for the same lot or tract or portion thereof.

(F) In other cases, the Platting Administrator may waive the preparation, submission for approval and recording of a plat upon satisfactory evidence that the transaction involved does not fall within the general intent of this chapter, or AS 29.40.070 through 29.40.160 and AS 40.15, if it is not made for the purpose of, or in connection with a projected proposed subdivision development and no dedication of a street, park or other public area is involved or required.

(75 Code, § 18.04.030) (Ord. 73-9-2, passed 4-5-83; Am. Ord. 92-27, passed 1-5-93)

§ 18.04.040 ENFORCEMENT, VIOLATIONS AND PENALTIES.

(A) Any person who fails to comply with or violates any of these regulations is guilty of a misdemeanor and upon conviction is punishable by a fine of not more than \$500 or imprisonment not to exceed 30 days, or both, for each lot or parcel created. Any person who tampers with monuments, except as provided in this title, upon conviction is punishable by a fine of not more than \$500 for each violation.

(B) Each act or condition violating this title, and every day during which the act or condition occurs, shall constitute a separate violation under this section.

(C) The Borough may initiate appropriate civil proceedings to prevent any violations of these regulations, to prevent unlawful construction and to recover damages, and these remedies shall be in addition to the penalties described in division (A) of this section.

(75 Code, § 18.04.040) (Ord. 73-9-2, passed 4-5-83)

§ 18.04.050 FEES.

(A) The schedule of fees for review of plats will be as follows:

(1) Minor subdivision: \$25;

(2) Major subdivision: \$100 base fee, plus \$5 per lot.

(B) All fees shall be paid at the time of application and are nonrefundable.

(C) The fees in this schedule shall be waived where the North Slope Borough is the subdivider.

(75 Code, § 18.04.050) (Ord. 73-9-2, passed 4-5-83)

§ 18.04.060 AMENDMENTS.

For the purposes of providing for the public health, safety and general welfare and in conformance with the Borough Comprehensive Plan, this title may from time to time be amended in the same manner as that provided for in § 19.30.041.

(75 Code, § 18.04.060) (Ord. 73-9-2, passed 4-5-83)

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