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1 **CHAPTER 21.08: SUBDIVISION STANDARDS¹**

2 **21.08.010 PURPOSE²**

3 **A. General**

4 These standards are enacted generally to promote the health, safety, convenience,
5 order, prosperity, and welfare of the present and future inhabitants of the Municipality;
6 to ensure adequate and convenient open spaces, minimized traffic, and adequate
7 utilities and public safety facilities; to provide recreation, light, air, and solar access;
8 and to avoid congestion of the population.

9 **B. Specific**

10 The character and environment of the Municipality for future years will be greatly
11 affected by the design of subdivisions and the plats that are approved by the
12 Municipality. Planning, layout, and design of a subdivision are of the utmost concern.
13 The residents must have available to them within the area safe and convenient
14 movement to points of destination or collection. Modes of travel to achieve this
15 objective should not conflict with each other or abutting land uses. Lots and blocks
16 should provide desirable settings for the buildings that are to be constructed, make
17 use of natural contours and protect the views, afford privacy for the residents, and
18 protect residents from adverse noise and vehicular traffic. Natural features and
19 vegetation of the area should be preserved. Schools, parks, churches, and other
20 community facilities should be planned for as an integral part of the area.

21 **21.08.020 APPLICABILITY**

22 **A. Generally³**

23 This chapter shall be applicable to all subdivision of land within the Municipality that
24 results in the partitioning, dividing, combining, or altering of any lot, parcel, or tract of
25 land, including subdivisions created by an exercise of the power of eminent domain by
26 an agency of the state or Municipality.

27 **B. Approvals Required**

28 **1. General**

29 Before a permit for subdivision shall be granted, the subdividing owner or his
30 authorized agent shall apply for and secure approval under the provisions of
31 Section 21.03.060, *Subdivisions and Plats*.

32 **2. Before Certificate of Occupancy**

33 A Certificate of Occupancy shall not be issued, and a building or structure
34 shall not be occupied, until and unless all dedications and improvements
35 required by this chapter have been installed or agreements/guarantees made
36 in a satisfactory manner and approved by the Municipality.

¹ NOTE: This chapter contains the design standards for new subdivisions. While this chapter is based heavily on existing standards, various, relatively minor changes have been made and are indicated with footnotes. A new conservation subdivision option is proposed.

² NOTE: Suggested new purpose statements.

³ NOTE: We need to decide to what extent site condos will be subject to the standards of this chapter and 21.07. We already have moved many important provisions (e.g., common open space requirements) from the subdivision chapter to 21.07 to make them applicable to all development, not just subdivision. But discussion is still necessary on whether site condos can or should be made subject to all or parts of this chapter.

1 **21.08.030 DESIGN STANDARDS**

2 **A. Layout and Design Generally⁴**

3 No subdivision shall be approved unless it complies with all of the following standards:

4 **1. Name of Subdivision**

5 The title under which the subdivision will be recorded shall not duplicate the
6 name of any existing subdivision in the Municipality.

7 **2. Compliance with Comprehensive Plan**

8 The design of subdivisions shall be consistent with the Comprehensive Plan
9 and all other adopted plans and policies.

10 **3. Compliance with Other Provisions of this Title**

11 All subdivisions shall comply with all other applicable zoning, design, and
12 development regulations set forth in this Title, including but not limited to:

13 a. The requirements of the zoning district in which the property is
14 located (see Chapter 21.04);

15 b. The requirements relevant to specific uses (see Chapter 21.05); and

16 c. Generally applicable development and design standards (see
17 Chapter 21.07).

18 **B. Phasing Schedule⁵**

19 The Platting Authority may require that a subdivision conform to a phasing schedule
20 based upon the scheduled availability of infrastructure to serve the subdivision.

21 **C. Legal and Physical Access**

22 A subdivision shall have legal and physical access.

23 **D. Streets**

24 All streets shall comply with the standards of Section 21.07.060, *Transportation and*
25 *Connectivity*, and in addition shall comply with the following standards:

26 **1. Street Grades⁶**

27 a. Streets shall be arranged properly in relation to topography to provide
28 usable lots, safe streets, reasonable gradients, and minimum damage
29 to terrain and existing vegetation.

30 b. Except as provided in this section, cul-de-sac turnaround grades shall
31 not exceed five percent, and other street grades shall not exceed ten
32 percent.

⁴ NOTE: New subsection.

⁵ NOTE: Existing 21.80.380.

⁶ NOTE: Existing 21.80.210. Staff notes that this subsection (and "Street Intersections" below) includes standards that perhaps duplicate the Design Criteria Manual, and thus a cross-reference to that document may be more appropriate than the listed standards. Further discussion necessary.

- 1 c. Residential street grades in a subdivision shall not exceed 15
 2 percent. Any street grade exceeding ten percent shall be on a
 3 straight alignment no more than 100 feet long; provided that the
 4 Municipal Engineer may allow the grade to be longer where required
 5 by topographic conditions and consistent with sound design
 6 principles.
- 7 d. Streets shall comply with the standards of subsection 21.07.020.C.,
 8 *Steep Slope Development*.
- 9 **2. Street Alignment⁷**
- 10 a. Arterial and collector streets shall be aligned to continue existing
 11 streets from adjoining areas into the proposed subdivision. Local
 12 streets shall be aligned to discourage their use by through traffic.
 13 This provision is not intended to encourage cul-de-sacs or dead-end
 14 streets.
- 15 b. Grade or median separations of street lanes may be permitted to
 16 preserve natural features, provide space for landscaping, or facilitate
 17 access in subdivisions containing hillside lots.
- 18 c. In areas subject to extreme winds, the minimizing of potential wind
 19 damage shall be considered in aligning streets.
- 20 **3. Street Intersections⁸**
- 21 Streets shall intersect at or as near as is feasible to a 90-degree angle and in
 22 no event at less than a 75-degree angle. The distance between intersection
 23 centerlines shall be at least 150 feet.
- 24 **4. Cul-de-Sacs⁹**
- 25 a. Where topography and traffic circulation permit, the length of a cul-
 26 de-sac shall not exceed 900 feet in the R-5, R-6, R-9, R-10, and TA
 27 zoning districts, and 600 feet in all other zoning districts.
- 28 b. The length shall be measured from the centerline of intersecting
 29 through streets to the radius point of the cul-de-sac bulb.
- 30 c. A cul-de-sac shall terminate with a turnaround having a minimum
 31 radius of 50 feet and a minimum return radius of 50 feet.
 32 Commercial/industrial cul-de-sacs shall have a minimum radius of 65
 33 feet. The Platting Authority may permit a cul-de-sac street to
 34 terminate with a T-shaped or Y-shaped turnaround when such a
 35 design is required by extreme environmental or topographical
 36 conditions or unusually or irregularly shaped boundaries.
- 37 **5. Alleys**
- 38 Dead-end alleys shall be prohibited.

⁷ NOTE: Existing 21.80.220, with minor adjustments. We have removed provisions that repeat standards in the new *Transportation and Connectivity* section in 21.07.

⁸ NOTE: Existing AMC 21.80.230 with minor adjustments.

⁹ NOTE: Existing AMC 21.80.240, with adjustments specifying cul-de-sac lengths based upon area types.

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6. **Street Names and Addresses**¹⁰
- a. The subdivider shall provide names for all new streets in the subdivision, which names shall neither duplicate, nor be subject to confusion with, the spelling or the pronunciation of any existing street name in the Municipality. The subdivider's selection of street names shall be subject to review by the Director of Public Works or his designee, who may reject any proposed street name that does not conform to this section or to any regulation promulgated pursuant to this section. The Municipality shall name all streets that are peripheral to the subdivision and all extensions of existing streets into the subdivision. Where a new street extends or continues an existing street, the name of the existing street shall be used for the new street.
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- b. Pursuant to Chapter 3.40, the Director of Public Works may promulgate regulations establishing a uniform street designation terminology. All street names shall conform to the terminology so established.
- 17
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- c. Street names may be modified using the procedure in Section 21.03.170, *Street Name Alterations*.
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7. **Street Addresses**¹¹
- a. The Director of Public Works, or his designee, shall assign all official street address numbers within the Municipality. A permanent address shall be assigned only for property that is subject to a plat filed in accordance with law depicting the dedicated right-of-way serving the property.
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- b. Pursuant to Chapter 3.40, the Director of Public Works may promulgate regulations establishing uniform street address numbering technology and procedures. All street addresses shall conform to the numbering technology and procedures adopted by regulation, unless unusual or exceptional circumstances warrant utilization of alternate technology or procedures.
- 31
- E. **Block Arrangement**¹²
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1. Blocks shall have sufficient width to provide for two tiers of lots of depth meeting the minimum requirements of this Title, except where lots back onto a collector or greater street, natural feature, or subdivision boundary.
- 35
36
2. Residential blocks shall not be less than 300 feet wide or more than 1,320 feet long.¹³

¹⁰ NOTE: Existing 21.80.260 with only minor clarifications.

¹¹ NOTE: Existing 21.80.270, with only minor clarifications. Staff has suggested relocating this provision elsewhere in the code, but this appears to be the most appropriate location – unless the material is given its own new section in Chapter 21.07.

¹² NOTE: This section combines the provisions from existing 21.80.280 and 290, with minor clarifications.

¹³ NOTE: This section may need to be revisited once the new development standards are finalized. For example, a minimum block length of 200 feet has been proposed for the mixed-use districts; if that standard is adopted, then this standard should be lowered to 200 to be consistent.

F. Lot Dimensions¹⁴

Subject to the lot dimensions and area requirements of Chapter 21.06, all lots shall have the minimum dimensions required by this section.

1. The depth of a lot shall be at least 100 feet.
2. The width of a corner lot shall be at least 50 feet.
3. The width of a lot shall be at least one-third the depth of the lot.
4. If a lot is to be served by an on-site wastewater disposal system, the lot must have the minimum area required for such a lot under Chapter 15.65 of the Anchorage Municipal Code.
5. Notwithstanding any other provision of this section, the width of the flagpole portion of a flag-shaped lot shall be no less than:
 - a. Thirty feet when both public water and sewer systems are to serve such a residential lot.
 - b. Forty feet when both public water and sewer systems are to serve such a commercial or industrial lot.
 - c. Twenty feet when only a public water or a public sewer system is to serve such a lot.
 - d. Twenty-four feet when the lot is located in the R-5, R-6, R-9, R-10, or TA districts and will not be served by either the public water or the public sewer system.
6. The length of the flag pole portion of the lot shall not exceed 200 feet in the R-5, R-6, R-9, R-10, or TA districts or 100 feet in all other districts, and all other measurements shall be consistent with other sections of this Title.
7. To the extent feasible, side lot lines shall be perpendicular to straight streets and radial to curved streets.

G. Lot Frontage and Access¹⁵

1. Except when platted under subsection 21.03.070.G., *Platting for Site Plans and Conditional Uses* all lots shall have frontage on a publicly dedicated street.
2. Access to a residential lot shall not be from a collector or greater street.
3. Subdivisions shall be designed to minimize lots with access to residential major streets carrying over 1,000 average daily trips.

¹⁴ NOTE: This section combines 21.80.300 and 320.

¹⁵ NOTE: Based on the existing 21.80.330.

- 1 4. Unless otherwise provided in this Title, the total width of driveway entrances
2 to a lot from a street shall not exceed 40 percent of the frontage of the lot on
3 the street at the property line, and 30 percent at the curb. This provision does
4 not apply to flag lots and cul-de-sacs.
- 5 ~~5.~~ The frontage of a lot on a cul-de-sac bulb shall be at least 30 feet, except that
6 the frontage on a cul-de-sac bulb of a lot with a side yard abated under
7 subsection 21.06.020.B.2.d., *Construction on Adjoining Lots*, shall be at least
8 18 feet. This subsection does not apply to flag lots.
- 9 **H. Landscaping¹⁶**
- 10 1. The Platting Authority shall consider and require, where appropriate,
11 landscaping and screening under subsection 21.03.070.D.2, *Perimeter Buffer*
12 *Landscaping*, to separate property from incompatible uses or structures,
13 including but not limited to streets designated for collector or greater capacity
14 on the Official Streets and Highways Plan, railroads, commercial, or industrial
15 uses. The area containing the landscaping shall be shown as an easement or
16 open space area on the plat. The landscaping shall be installed before final
17 plat approval, or its installation shall be guaranteed under Section 21.08.060,
18 *Subdivision Agreements*, or by other performance guarantees acceptable to
19 the authority. The landscaping shall be maintained by the property owner or
20 designee.
- 21 2. If a landscaping easement is required, it shall not coincide with any utility
22 easement.
- 23 **I. Reserve Strips¹⁷**
- 24 Privately owned strips may not be reserved to control access to public rights-of-way.
- 25 **J. Electrical and Telecommunication Utilities¹⁸**
- 26 The width and alignment of transmission easements within subdivisions shall conform
27 to the utility corridor plan. The Platting Authority shall preclude structures or uses of
28 land within or beneath areas of electrical or telecommunications ground or aerial
29 easements that are incompatible with electrical distribution or transmission facilities.
- 30 **K. General Subdivision Standards Are Minimum Standards¹⁹**
- 31 1. The design standards in this chapter are minimum standards. The Platting
32 Authority may impose more restrictive standards when it finds they are
33 necessary to conform the design of a proposed subdivision to sound
34 engineering or design standards or other standards in this Title.
- 35 2. When the Platting Authority finds that it is not feasible to conform the design
36 of a proposed subdivision to the standards of this section, the Platting
37 Authority may reject a proposed subdivision in its entirety.

¹⁶ NOTE: Based on the existing 21.80.340.

¹⁷ NOTE: Existing 21.80.350.

¹⁸ NOTE: Existing 21.80.400, with no changes.

¹⁹ NOTE: Existing 21.80.390, with minor adjustments.

1 **21.08.040 DEDICATION**

2 **A. Public Open Space Dedication and Fees In-Lieu²⁰**

3 Public open space and/or fees in lieu thereof shall be provided pursuant to subsection
4 21.07.030.B., *Public Open Space Dedication and Fees in-Lieu*.

5 **B. Streets²¹**

6 1. Except as provided in Section 21.03.070, *Conditional Uses*, and 21.03.080,
7 *Site Plan Review*, all street rights-of-way shall be dedicated to the public.

8 2. Street right-of-way widths shall conform to the Official Streets and Highways
9 Plan (OS&HP), provided that the maximum dedication width that may be
10 required for an arterial or collector street is 70 feet if the entire width of the
11 street is within the subdivision, or 35 feet if the street is on an exterior
12 boundary of the subdivision. These standards are considered to be minimum
13 standards and may be increased in a particular instance, where necessary, to
14 make a proposed street conform to sound traffic engineering standards and
15 principles.

16 3. The Platting Authority may approve the dedication of a half-street only when
17 the other half of the street has been dedicated or when the Platting Authority
18 reasonably anticipates that the other half of the street will be dedicated.
19 When a subdivision borders a dedicated half street, the Platting Authority
20 shall require the dedication of the other half of the street, unless it determines
21 that the street would be unnecessary or undesirable.

22 **C. Alleys²²**

23 The Platting Authority may require the dedication of alley rights-of-way where it finds
24 that alleys are necessary for service access, off-street loading, or parking. The
25 minimum width of an alley right-of-way shall be 20 feet.

26 **D. Walkways²³**

27 The Platting Authority may require the dedication of pedestrian walkways where it
28 finds that pedestrian walkways are necessary to convenient pedestrian circulation or
29 to protect pedestrians from hazardous traffic. The minimum width of a walkway
30 dedication shall be 20 feet.

31 **E. Trails²⁴**

32 The Platting Authority shall require the dedication of an easement for a trail
33 designated on adopted municipal plans when it finds that the trail cannot be located in
34 an existing dedicated easement or right-of-way. The Platting Authority may modify

²⁰ NOTE: New standards are located in the Development Standards chapter.

²¹ NOTE: Based on the existing 21.80.010.

²² NOTE: Existing 21.80.020.

²³ NOTE: Based on the existing 21.80.030. Staff recommends increasing the minimum width from 10 to 20 feet.

²⁴ NOTE: Existing 21.80.060. This is a standard provision and it should be adequate to ensure that access to Chugach State Park is preserved during design of subdivisions that abut the park. Specific access points to the park have been identified in a state document ("Chugach State Park Access Inventory") but that document has not been adopted by the Municipality.

1 the alignment, width, and scope of trail easements as necessary to integrate trail and
2 subdivision design.

3 **F. Riparian Protection and Maintenance Easements²⁵**

4 1. The Platting Authority shall require the dedication of riparian maintenance and
5 protection easements where a river, stream, creek, important surface
6 watercourse, or drainage course traverses or is adjacent to the subdivision.

7 2. The easement shall conform substantially to the line of the watercourse. The
8 width of the easement shall be that which the Platting Authority finds
9 necessary to provide access to widen, deepen, slope, improve and maintain
10 the stream, and to protect the stream and adjacent property from soil erosion,
11 flooding, water pollution, and destruction of fish and wildlife habitat.

12 3. All riparian protection and maintenance easements shall be at least 25 feet
13 wide on either side of the stream, measured landward from the outer edge of
14 the stream bed, identified by the ordinary high-water mark; provided that all
15 stream maintenance and protection easements along watercourses or
16 drainage courses less than five feet at ordinary high water shall be at least 25
17 feet wide, on either side of the thread of the stream.

18 4. Section 21.07.020.B., *Stream, Waterbody, and Wetland Protection*, sets forth
19 additional restrictions on development and the use of land and structures
20 within the easement and, in some districts, beyond the easement.

21 5. In cases where two or more easements coincide, the outer limits of the
22 combined easement shall be measured from the outer edge of the outermost
23 watercourse edge in either direction.

24 6. Credit towards other open space dedication or private open space set-aside
25 requirements shall be given for the dedication of riparian protection and
26 maintenance easements at a rate of 1 to 1.

27 **G. Utility Easements**

28 1. Utilities shall be placed in dedicated rights-of-way whenever possible.

29 2. In situations where utilities may not be placed within rights-of-way, easements
30 shall be provided for utilities, and shall be centered along or adjacent to lot
31 lines to the greatest extent practicable.

32 3. Utility easements shall not be placed in tree retention areas, public or private
33 open space areas, or where landscaping is to be provided, except where
34 necessary to cross such areas.

35 4. Utility easements shall be sized according to the following standards:

²⁵ NOTE: This section carries forward the current 21.80.040. One issue to consider is whether or not this land needs to be dedicated. Typically, other municipalities do not require dedication of the riparian buffer area, they simply limit land disturbing activity and construction within the riparian buffer, as is done in the new stream protection section in 21.07. It also would be possible to maintain the 25 foot maintenance easement and add an additional 75 feet of buffer which is not to be dedicated, but maintained by the developer or an HOA. The current draft takes this latter approach, by requiring a 25-foot easement but also imposing some development restrictions on areas larger than 25 feet.

- 1 a. Utility easements along rear lot lines shall be at least ten feet wide, or
2 a total of 20 feet wide along adjoining rear lots.
- 3 b. Utility easements along side lot lines shall be five feet wide, or a total
4 of ten feet wide along adjoining side lots.
- 5 c. Where a front yard easement is needed to accommodate a
6 transmission utility, which is included in the utility corridor plan, the
7 easement shall generally be ten feet wide.
- 8 d. The Platting Authority may require wider utility easements along the
9 rear lot lines of hillside lots.
- 10 5. The Platting Authority may require the dedication of utility easements when a
11 utility company demonstrates a specific need for them or an easement is
12 needed to accommodate the routing included in the utility corridor plan.

13 **21.08.050 IMPROVEMENTS**

14 **A. General Requirements²⁶**

- 15 1. The subdivider shall construct and install improvements in accordance with
16 this section, the design standards in Section 21.08.030 and the current
17 Design Criteria Manual and M.A.S.S.
- 18 2. The improvement standards in this section are minimum standards. The
19 Platting Authority may require additional or more extensive improvements
20 when it finds they are necessary to conform a proposed subdivision to the
21 standards of Section 21.08.030, or the subdivider may provide such additional
22 or more extensive improvements.
- 23 3. All improvements required under this section shall be constructed under a
24 subdivision agreement as provided in Section 21.08.060, *Subdivision*
25 *Agreements*.
- 26 4. The subdivider shall have construction plans for the improvements required
27 under this section prepared by an engineer registered in the state, in
28 accordance with the requirements of the Municipal Engineer.

29 **B. Improvement Areas Defined²⁷**

30 For the purpose of this section, the Municipality is divided into two distinct
31 improvement areas. The zoning districts associated with each improvement area are
32 listed in the table below:

²⁶ NOTE: Existing 21.85.010.

²⁷ NOTE: Existing 21.85.020 summarized in a new table.

| TABLE 21.08-1: IMPROVEMENT AREAS DEFINED | | |
|--|----------------------------------|---------------------------|
| District Type | Class A | Class B |
| Residential | R-1 R-2 R-3 R-4 | R-5 R-6 R-9 R-10 |
| Commercial | C-2A C-2B C-2C GC MC | |
| Industrial | I-1 I-2 MI | |
| Mixed Use | NMU CCMU RCMU RMX | |
| Other Districts | AD | TA OL AF W |

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C. Improvement Requirements by Improvement Area²⁸

The subdivider or developer shall construct and install the required improvements prescribed by this section for the improvement area where the subdivision is located in accordance with the table below:

| TABLE 21.08-2: REQUIRED IMPROVEMENTS BY IMPROVEMENT AREA | | |
|--|---------|-----------------|
| R = Improvement Required | | |
| Improvement | Class A | Class B |
| Paved Interior Streets | R | |
| Strip-Paved Access and Peripheral Streets | R | |
| Gravel Interior Streets | | R |
| Gravel Access and Peripheral Streets | | R ²⁹ |
| Curbs and Gutters | R | |
| Sidewalks | R | |
| Walkways | R | R |
| Street Lighting | R | |
| Traffic Control Devices | R | R |
| Monuments | R | R |
| Drainage | R | R |
| Telephone & Electrical Facilities | R | R |
| Water Supply Facilities | R | |

²⁸ NOTE: Existing 21.85.030 summarized in a new table.

²⁹ NOTE: There is discussion amongst staff members on whether or not to keep this option or to require paved access and peripheral streets. One staff comment: "Almost all roads in Chugiak Eagle River are currently strip paved using recycled asphalt by CERBRRSA. This is a very effective control strategy for dust pollution prevention. It doesn't make sense to allow gravel roads to be built and then have CERBRRSA come back and RAP it later. MOA Traffic Department recommends requiring rural area roads to be strip paved."

| TABLE 21.08-2: REQUIRED IMPROVEMENTS BY IMPROVEMENT AREA | | |
|---|---------|---------|
| R = Improvement Required | | |
| Improvement | Class A | Class B |
| Sanitary Sewer Facilities | R | |
| Landscaping | R | R* |
| * Improvement requirements may differ by improvement area | | |

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D. Interior Streets³⁰

1. Residential Interior Streets

a. Categories

There are two categories of residential interior streets:

i. Residential Minor Streets

Residential minor streets have the sole purpose of providing frontage for service and access to individual lots. These streets carry only traffic having either an origin or a destination on the street itself, and include cul-de-sacs or small loops carrying 500 average daily trips.

ii. Residential Major Streets

Residential major streets are access streets that provide frontage for service and access to individual lots and may carry a small amount of through traffic from tributary residential minor streets. Residential major streets carry from 500 to 2,000 average daily trips. Lot frontage on residential major streets with average daily trips in excess of 1,000 should be restricted.

b. Determination of Average Daily Trips

For the purpose of classifying and designing residential streets, the average daily trips carried by a street shall be determined by applying trip rates from the most current Institute of Transportation Engineers Trip Generation Manual. The manual specifies that the following formula shall be applied to each lot or tract to which the street gives access, using the maximum residential density permitted for the lot or tract by its zoning district:³¹

| TABLE 21.08-3: DETERMINATION OF AVERAGE DAILY TRIPS | |
|---|---------------------------------------|
| Housing Type | Average Daily Trips per Dwelling Unit |
| Dwelling, single-family detached | 8.2 |
| Dwelling, two-family (duplex, townhouse) | 8.0 |

³⁰ NOTE: Based on the existing 21.85.050. The tables addressing street standards at the end of the chapter have been relocated and renumbered for inclusion in this section.

³¹ NOTE: If the reference to the ITE manual is included, the table is unnecessary. However, some staff members find the table to be helpful to code users and suggest keeping it in, so long as there are not big changes in the manual's requirements over time.

| TABLE 21.08-3: DETERMINATION OF AVERAGE DAILY TRIPS | |
|--|---------------------------------------|
| Housing Type | Average Daily Trips per Dwelling Unit |
| Dwelling, multiple-family (townhouse, apartment) exceeding 2 units | 7.3 |
| Mobile home | 5.5 |

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c. **Improvement Design**

Interior residential streets, except as provided in subsection 21.08.050.D., shall be improved in accordance with Table 21.08-4 and Table 21.08-5.

| TABLE 21.08-4: URBAN RESIDENTIAL STREETS, MINIMUM STANDARDS | | | | | | | | |
|---|------------------------------|----------|-----------------|---------|------------------------------------|------------------------|--------------------------|---|
| A.D.T. (2) | Street Section (1) (feet) | | Number of Lanes | | Max. Design Speed (3) (mph) (4) | Right of Way (feet) | Spillover Parking (5) | Application |
| | Standard | Optional | Moving | Parking | | | | |
| 0--75 Residential minor | 30 | 24 | 2 2 | 1 0 | 20 20 | 60 60 | No Yes | Cul-de-sacs, low-volume residential streets |
| 75--300 Residential minor | 30 | 24 | 2 2 | 1 0 | 25 25 | 60 60 | No Yes | Residential minor streets, cul-de-sacs and small loops |
| 300--600 Residential minor | 33 | 24 | 2 2 | 2 0 | 25 25 | 60 60 | No Yes | Residential minor streets, loop streets, high-volume cul-de-sacs |
| 600--1,000 Residential major | 33 | 28 | 2 2 | 2 1 | 25 25 | 60 60 | No Yes | Residential major streets, loop streets and high-volume cul-de-sacs |
| 1,000--2,000 | 36 (6) | 24 (6) | 2 | 0 | 25 | 60 | Yes | Residential limited access |
| | | | 2 | 2 | 30 | 60 | No | Residential subconnector |
| | | | 3 (7) | 0 | 30 | 60 | Yes | No on-street parking permitted |

NOTES:

- (1) Street dimensions are from back of curb.
- (2) See subsection 21.08.050.D.1.b., *Determination of Average Daily Trips*.
- (3) Horizontal curve design of residential streets requires best judgment of planners and engineers in addition to design analysis.
- (4) Design speed (not posted speed) for vertical and horizontal curves.
- (5) Spillover parking; homeowners' association required. See subsection 21.08.050.E below.
- (6) Vertical face curb; rolled curb may be substituted when sidewalk is detached.
- (7) Center turning land required.

6

TABLE 21.08-5: STRIP-PAVED AND GRAVEL STREETS, MINIMUM STANDARDS

| A.D.T. | Street Section (1) (3) (feet) | Maximum Design Speed (2) (mph) | Right-of-Way (feet) | Application |
|--------------|-------------------------------|--------------------------------|---------------------|---|
| 0--500 | 20 | 20 | 50 | Residential loop streets, rural peripheral/access roads |
| 500--1,000 | 24 | 25 | 50 | Residential loop streets, urban peripheral/access roads |
| 1,000--2,000 | 24 | 25 | 60 | Major residential streets |

(1) Dimensions are from edge of pavement, or future pavement in the case of gravel streets
 (2) Design speed (not posted speed) for horizontal and vertical curves
 (3) Street sections require two-foot shoulders with ten- and 12-foot driving lanes, respectively

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2. Commercial and Industrial Interior Streets

Commercial and industrial interior streets shall be improved in accordance with Table 21.08-6 and Table 21.08-7 below:

TABLE 21.08-6: CLASS A COMMERCIAL AND INDUSTRIAL STREETS, MINIMUM STANDARDS

| Street Section (1) (feet) | Number of Lanes | | Maximum Design Speed (2) (mph) | Right-of-Way (feet) | Application |
|---------------------------|-----------------|---------|--------------------------------|---------------------|--|
| | Moving | Parking | | | |
| 36(V) | 2 | 2 (3) | 30 | 60 | Commercial/industrial streets |
| 36(V) | 3(1TL) | 0 | 35 | 60 | Major commercial/industrial streets; no on-street parking permitted; parking must be provided off-street |
| 40(V) | 3(1TL) | 0 | 35 ³² | 60 | Limited application for commercial and industrial areas for turning movements when traffic warrants |

(1) Street dimensions are from back of curb
 (2) Design speed (not posted speed) for vertical and horizontal curves
 (3) Parking may be provided off-street when a planter strip is used

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TABLE 21.08-7: CLASS B COMMERCIAL/INDUSTRIAL STREETS, MINIMUM STANDARDS

| Street Section (1) (feet) | Design Speed (2) (mph) | Right-of-Way (feet) | Application |
|---------------------------|------------------------|---------------------|---|
| 20 | 20 | 50 | Commercial/industrial low traffic volume loop streets and cul-de-sacs, 4-foot shoulders required both sides |
| 24 | 35 | 60 | Major commercial/industrial streets, 4-foot shoulders required both sides |

(1) Dimensions are from edge of pavement, or future pavement
 (2) Design speed (not posted speed) for vertical and horizontal curves

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³² NOTE: The current code does not specify the maximum design speed and right-of-way for 40 foot streets. The draft table carries forward the standards for 36-foot streets for discussion purposes.

E. Optional Residential Interior Streets³³

1. Residential interior streets shall provide for on-street parking unless the Platting Authority finds it is practical to substitute spillover parking for on-street parking in accordance with subsection 21.08.050.E.2. below. If the Platting Authority so finds, residential interior streets may be improved in accordance with this section and Table 21.08-4.
2. The Platting Authority may find that it is practical to substitute spillover parking for on-street parking only in residential subdivisions containing at least five acres or 25 dwelling units with a homeowners' association that is responsible for operating and maintaining spillover parking facilities.
3. Spillover parking substituted for on-street parking shall conform to the design standards in Section 21.07.090, *Off-Street Parking and Loading*, shall be a designated common area owned and administered by the homeowners' association, and shall not be located within an individually owned lot or tract. The design of spillover parking areas shall be subject to approval of the Traffic Engineer. The spillover parking area shall be shown on the plat, and a plate note shall be provided limiting the use of that area to spillover parking. Spillover parking areas shall not be counted toward required open space requirements. Spillover parking spaces in addition to the off-street parking spaces required under Section 21.07.090 shall be provided for each lot fronting on a street without on-street parking under the following formula, using the maximum residential density permitted for the lot by its zoning district.

| TABLE 21.08-8: ADDITIONAL SPILLOVER PARKING SPACES REQUIRED FOR EACH LOT FRONTING ON A STREET WITHOUT ON-STREET PARKING | |
|---|---------------------------------------|
| Housing Type | Average Daily Trips per Dwelling Unit |
| Dwelling, single-family detached | 1.5 |
| Dwelling, single-family attached (1 to 4 units) | 1.0 |
| Dwelling, multiple-family (exceeding 4 units) | 0.5 |

F. Access Streets, Peripheral Streets, and Half Streets³⁴

1. **Access Streets**
 The Platting Authority may require access streets when it finds that they are necessary for the efficient flow of traffic or for emergency vehicle access. The Platting Authority shall determine the length of the access street that the subdivider shall improve. Access streets shall be improved in accordance with Table 21.08-5.

³³ NOTE: This section carries forward the provisions from AMC 21.85.050 Interior streets with only minor alterations.

³⁴ NOTE: Existing 21.85.070.

2. **Peripheral Streets**

- a. The Platting Authority may require the improvement of peripheral streets when it finds that they are necessary for the efficient flow of traffic or for emergency vehicle access.
- b. Peripheral streets whose improvement is required under this subsection shall be improved in accordance with Table 21.08-5, provided that peripheral streets used for access to individual lots shall be improved in accordance with Tables 21.08-4 and 21.08-6.

3. **Half Streets**

The Municipal Engineer or the Platting Authority may require the improvement of a half street in the urban area to one-half of the street width specified in Table 21.08-4, if underground utilities will be installed before street construction.

G. **Curbs and Gutters³⁵**

Where required, the subdivider shall construct curbs and gutters in accordance with the Design Criteria Manual and M.A.S.S., or, in the case of a state-maintained road, the current standard specifications of the state department of Transportation and Public Facilities. Curbs shall be of the AASHTO vertical type.

H. **Sidewalks³⁶**

- 1. The placement of sidewalks shall be determined by the transportation and connectivity standards in Section 21.07.060.
- 2. Sidewalks shall be improved in accordance with Table 21.08-9 below:

| TABLE 21.08-9: MINIMUM SIDEWALK AND WALKWAY IMPROVEMENTS | | | | | |
|--|----------------------|------------------|------------------|---------------------|---|
| Type | Minimum Width (feet) | 50' Right-of-Way | 60' Right-of-Way | Right-of-Way (feet) | Remarks |
| 4" PCC | 5 | 0 | 0 | N/A | Attached to curb |
| 4" PCC | 5 | 5 | 5 | N/A | Detached* |
| 1 1/2" AC | 5 | 5 | 5 | N/A | Detached* |
| 4" PCC | 5 | N/A | N/A | 10 | Not recommended where peat is surcharged |
| 1 1/2" AC | 5 | N/A | N/A | 10 | Paved walkways |
| Gravel | 5 | N/A | N/A | 10 | For rural and suburban areas or nature trails |

* Additional information may be required if need demonstrated.

³⁵ NOTE: Based on the existing 21.85.080. A major new change is the suggested vertical curb requirement, rather than the current standard practice of rolled curbs. This could be controversial, since vertical curbs allow for less subsequent flexibility for driveways. Further discussion will be needed.

³⁶ NOTE: The standards from the existing 21.85.090 have been relocated to the development standards chapter to be made applicable beyond subdivisions. Table E has been relocated to this section.

1 **I. Walkways**

2 Walkways, and trails not part of required trail dedications, shall be improved in
3 accordance with Table 21.08-9.

4 **J. Street Lighting**

5 Street lighting shall conform to the requirements in the Design Criteria Manual.

6 **K. Traffic Control Devices³⁷**

7 **1. Traffic Signs**

8 Traffic signs shall be installed in accordance with the requirements of the
9 Traffic Engineer. Street name signs shall be installed in accordance with the
10 requirements of the Traffic Engineer.

11 **2. Traffic Signals**

12 Traffic signals shall be installed in accordance with the requirements of the
13 Traffic Engineer.

14 **L. Monuments³⁸**

15 Monuments and lot corner markers for determining the boundaries of subdivisions and
16 lot corners shall be set in a professional manner. Survey monumentation shall
17 conform to such additional standards as the Municipal Engineer may establish by
18 regulation under Chapter 3.40 of the Anchorage Municipal Code.

19 **M. Drainage System³⁹**

20 A drainage system approved by the Municipal Engineer and the Department of Health
21 and Human Services, including necessary storm drainage facilities, drain inlets,
22 manholes, culverts, bridges and other appurtenances, shall be installed. The design
23 of the drainage system shall provide for the preservation of designated high-quality
24 wetlands critical to water table levels and wildlife habitat within and surrounding the
25 subdivision, and shall comply with the following standards:

26 **1.** No surface water drainage from the subdivision shall empty into a sanitary
27 sewer; or directly, without treatment and energy dissipation, into a creek or
28 stream channel.

29 **2.** The size, design, and construction of drainage structures shall conform to the
30 requirements set forth by the Municipal Engineer.

31 **3.** Where a subdivision is traversed by a watercourse, drainage way, channel, or
32 stream, a stormwater or drainage easement shall be provided that
33 substantially conforms with the lines of such watercourse, plus additional
34 width that is adequate and necessary to convey expected storm flows and/or
35 stormwater drainage facilities. Streets paralleling such easement may be
36 required in connection therewith. Lakes, ponds, creeks, and similar areas will

³⁷ NOTE: Based on the existing 21.85.120.

³⁸ NOTE: Based on the existing 21.85.030.

³⁹ NOTE: This section is based on the existing 21.85.140, but it has been supplemented with additional standards to protect surface waters and address municipal maintenance.

1 be accepted for maintenance by the Municipality only if sufficient land is
2 dedicated as a public recreation area or park or if such area constitutes a
3 necessary part of the stormwater drainage control system.

4 4. The Municipality shall accept no responsibility to maintain any storm drainage
5 structures, except for those lying within a municipal right-of-way or traversing
6 municipally owned property.

7 5. The drainage system shall comply with the standards set forth in Section
8 21.07.040, *Drainage, Stormwater Runoff, Erosion Control*.

9 **N. Telephone and Electric Facilities⁴⁰**

10 1. All new telephone and electric lines shall be installed in accordance with the
11 specifications of the Municipality and the utility providing the service.

12 2. All new telephone and electric utility distribution lines, as defined in Chapter
13 21.13, shall be placed underground:

14 a. As required by Section 21.07.050, *Utility Distribution Facilities*; and

15 b. As required by the Platting Authority in areas with patterns of
16 development similar to those where Section 21.07.050 requires that
17 utility distribution lines be placed underground.

18 **O. Water Supply Facilities⁴¹**

19 1. **Access to Public Water System**

20 a. If the Platting Authority requires that a subdivision be served by a
21 public water system, the subdivider shall install the system in
22 accordance with the requirements of the state Department of
23 Environmental Conservation and the most current edition of the
24 Design Criteria for Sanitary Sewer and Water Improvements of the
25 municipal water and wastewater utility.

26 b. Where connection to public water supply systems is required, such
27 systems shall be dedicated to the Municipality for operation and
28 maintenance, thus allowing for the orderly expansion of the
29 Municipality, its water systems, and fire protection services that
30 protect the health of the citizens of the Municipality.

31 2. **No Access to Public Water System**

32 a. If the subdivision has no access to a public water system, the Platting
33 Authority may require the subdivider to install a water system for the
34 common use of the lots in the subdivision. The subdivider shall install
35 the system in accordance with the requirements of the state
36 department of Environmental Conservation and the specifications of
37 the municipal water and wastewater utility.

⁴⁰ NOTE: Existing 21.85.150.

⁴¹ NOTE: Existing 21.85.160. 1.b. is new.

- 1 b. If the subdivision has no access to a public water system, and the
2 Platting Authority finds that a water system for the common use of lots
3 in the subdivision is not feasible and desirable, the subdivider need
4 not install water supply facilities. A well serving an individual lot shall
5 conform to the requirements of the Department of Health and Human
6 Services. A common water system serving a portion of the
7 subdivision shall not preclude individual wells for the remaining lots.

8 **P. Sanitary Sewer Facilities⁴²**

9 **1. Access to Public Sewer System**

- 10 a. If the Platting Authority or provisions of law require that a subdivision
11 be served by a public sewer system, the subdivider shall install the
12 system in accordance with the requirements of the state Department
13 of Environmental Conservation and the most current edition of the
14 Design Criteria for Sanitary Sewer and Water Improvements of the
15 municipal water and wastewater utility.
- 16 b. Where connection to public sanitary sewer systems is required, such
17 systems shall be dedicated to the Municipality for operation and
18 maintenance, thus allowing for the orderly expansion of the
19 Municipality and its sanitary sewer system, which protects the health
20 of the citizens of the Municipality.

21 **2. No Access to Public Sewer System**

- 22 a. If the subdivision has no access to a public sewer system, the Platting
23 Authority may require the subdivider to install a sewer system for the
24 common use of lots in the subdivision.
- 25 b. If the subdivision has no access to a public sewer system, and the
26 Platting Authority finds that a sewer system for the common use of
27 lots in the subdivision is not feasible and desirable, the subdivider
28 need not install sewer facilities. A sewage disposal system serving
29 an individual lot shall conform to the requirements of the department
30 of Health and Human Services.

31 **Q. Erosion and Sedimentation Control⁴³**

32 All grading, excavating, and removal or destruction of natural topsoil, trees, or other
33 natural vegetation shall conform to an erosion and sedimentation control plan
34 prepared by the subdivider and approved by the Department of Public Works before
35 the work may commence. The plan shall conform to the requirements of Section
36 21.07.040, *Drainage, Stormwater Runoff, Erosion Control*, as well as municipal
37 guidelines and policies contained in *Soil Erosion and Sediment Control Manual*, and
38 any other applicable guidelines and policies approved by the Department of Public
39 Works.

⁴² NOTE: Existing 21.85.170. 1.b. is new.

⁴³ NOTE: The material in 21.85.180, *Erosion and sedimentation control*, has been relocated to Chapter 21.07 so that its applicability extends beyond the subdivision process.

1 **R. Landscaping**

2 The subdivider shall be responsible for the provision of landscaping required under
3 Section 21.07.080, *Landscaping, Screening, and Fences*, and it shall be installed by
4 the subdivider or guaranteed under the provisions of subsection 21.08.060.E or other
5 performance guarantees acceptable to the authority. Landscaping shall be provided
6 on an individual lot basis not later than the issuance of a final certificate of occupancy.

7 **S. Natural Gas Facilities⁴⁴**

8 All new natural gas facilities installed pursuant to this section shall be installed in
9 accordance with the standard specifications of the Municipality and the utility providing
10 the service.

11 **21.08.060 SUBDIVISION AGREEMENTS⁴⁵**

12 **A. Agreement Required; Application; Contents**

13 **1. Agreement Required**

14 Before a final plat for a subdivision where improvements are required under
15 Section 21.08.050 is approved or filed, the subdivider shall enter into a
16 subdivision agreement with the Municipality in accordance with this section.

17 **2. Application**

18 Application for a subdivision agreement shall be made to the Department of
19 Public Works. The application shall include a copy of the preliminary plat, a
20 tentative schedule of all proposed construction of public improvements and
21 utilities, and an engineer's estimate of the cost of each required public
22 improvement. The Municipality may require a showing of the subdivider's
23 financial responsibility.

24 **3. Contents**

25 Except as provided in subsection 21.08.060.A.4. below, the subdivision
26 agreement shall include but need not be limited to the following provisions:

- 27 **a.** A designation of the public improvements required to be constructed.
- 28 **b.** The construction and inspection requirements of the Municipality or
29 utility for which the improvements are constructed.
- 30 **c.** The time schedule for completing the improvements.
- 31 **d.** The guaranty required by subsection 21.08.060.E.
- 32 **e.** A schedule for any payments required under this section.
- 33 **f.** The allocation of costs between the Municipality and the subdivider
34 for required public improvements.

⁴⁴ NOTE: Based on the existing 21.85.200.

⁴⁵ NOTE: As discussed in the Annotated Outline, we heard no comments on the Subdivision Agreement section. We have reviewed the provisions and they are fairly straightforward and no issues or concerns are immediately apparent. This section carries forward the substance of the existing Chapter 21.97 with no major changes.

- 1 g. The warranty required by subsection 21.08.060.G.
- 2 h. The consent of the subdivider for the ownership of specified public
3 improvements to vest with the Municipality upon final acceptance by
4 the Municipality.
- 5 i. A warranty that the subdivider has title to the subdivision property and
6 the authority to execute the subdivision agreement.
- 7 j. Where the subdivision is within the regulatory floodway, a
8 requirement that the subdivider will submit certification of
9 floodproofing, information on the elevation of the lowest habitable
10 floor and information on the elevation to which the structure is
11 floodproofed, for each building or structure to be constructed as part
12 of the subdivision agreement.
- 13 k. A provision requiring the subdivider to submit plans, specifications,
14 descriptions of work, the limits of the work area, the methods to be
15 employed, a traffic control plan and any other pertinent data and
16 information necessary for the department of public works to evaluate
17 the proposed installation.
- 18 l. A provision that all work shall be performed pursuant to the
19 Municipality of Anchorage Standard Specification (MASS), latest
20 edition.
- 21 m. A provision that work shall not commence until plans have been
22 approved by the director of public works and notice to proceed is
23 given.

24 4. **Exceptions**
25 If the subdivider elects to complete and obtain acceptance of all required
26 public improvements before the approval or filing of a final plat for the
27 subdivision, the subdivision agreement need not include the time schedule
28 and guarantee provisions specified in items c. and d. above.

29 B. **Approval by Assembly**
30 Approval by the Assembly shall be required to enter into those subdivision
31 agreements where municipal participation in the cost of the required public
32 improvements is estimated to be \$30,000.00 or more.

33 C. **Time Limit for Completion of Improvements**
34 1. The improvements required under the terms of the subdivision agreement
35 shall be fully completed and accepted for warranty within two years of the
36 date of execution of the agreement. The platting board may grant subdivision
37 agreement time extensions, up to two years in length, upon a showing of
38 good cause by the developer and provided such extension does not
39 unreasonably impact adjacent properties or the general public. In considering
40 whether an extension should be granted, the platting board shall consider the
41 manner in which safety hazards, drainage problems, sanding, snow removal,
42 grading and other matters will be handled during the extension period and

1 may impose performance conditions on the extension to ensure that such
2 matters are adequately handled. A finding of nonconformance by the
3 Department of Public Works shall automatically, without any further action by
4 the platting board, result in a cancellation of the extension after 30 days'
5 written notice.

- 6 2. The total time of any and all such time extensions shall not exceed 60 months
7 for existing subdivision agreements of record as of September 1, 1989, unless
8 further extensions are approved by the Assembly. All other agreements may
9 obtain only a two-year extension before being required to be approved by the
10 Assembly. All time extensions shall be conditioned to require provision of an
11 adequate performance guarantee when the existing guarantee is inadequate.

12 **D. Payment of Costs of Required Improvements**

13 The cost of any public improvement shall be defined to include the cost of design,
14 engineering, contract administration, inspection, testing, and surveillance as well as all
15 work, labor, and materials furnished for the construction of the improvement. The
16 subdivision agreement shall provide for the apportionment of the cost of required
17 public improvements between the Municipality and the subdivider as follows:

18 1. **Administrative and Recording Costs Relating to Public Improvement**
19 **Guaranties**

20 The subdivider shall pay 100 percent of all costs incurred in supplying and
21 administering any method of public improvement guaranty provided for in
22 subsection 21.08.060.

23 2. **Inspection, Surveillance, and Testing**

24 The subdivider shall pay 100 percent of all costs relating to any inspection,
25 surveillance, and testing by the Municipality, necessary for final acceptance of
26 any required public improvement or during the warranty period. Surveillance
27 shall be performed by the Municipality during the course of construction and
28 up to the point of final acceptance of the completed project. Inspection shall
29 be performed by the Municipality during the warranty period.

30 3. **Administration of Agreement**

31 The subdivider shall pay 100 percent of all costs of plan review, agreement
32 administration, and attendant costs.

33 4. **Arterial and Collector Streets within Anchorage Roads and Drainage**
34 **Service Area**

35 Reasonable costs incurred in the construction of a street designated on the
36 official streets and highways plan (OSHP) as a collector, arterial, or greater
37 and within the Anchorage Roads and Drainage Service Area (ARDSA) shall
38 be apportioned as specified in subsections 21.08.060.D.4.a. through d. below.
39 For purposes of this subsection, construction costs means only those costs
40 associated with construction, design engineering, project administration and
41 inspection, related bank fees and interest payments, and fair market value of
42 right-of-way dedicated to the street in excess of 60 feet.

43 a. **Interior Collector Streets**

44 If a collector street lies within the subdivision, the Municipality shall
45 reimburse the subdivider a sum equal to the reasonable construction

1 cost of building to the standard specified by the Platting Authority,
2 less the estimated cost of construction in accordance with the
3 residential standard approved by the Platting Authority under Tables
4 21.08-4 and 21.08-6, provided that:

5 i. When the subdivision agreement is executed:

6 (A) The street is in ARDSA;

7 (B) The street is programmed for improvement to the
8 designated standard in the six-year capital
9 improvement program; and

10 (C) Sufficient bond funds or designated state grant funds
11 are available for reimbursement in the capital
12 improvement budget for the current fiscal year; or

13 ii. When the subdivision is approved:

14 (A) The street is in ARDSA;

15 (B) Construction to the designated standard is required
16 by the Platting Authority; and

17 (C) Improvement to the designated standard is
18 programmed in the six-year capital improvement
19 program.

20 If the conditions set forth in subsections 21.08.060.D.4.a.i. or
21 ii. are not met at the time specified, then the total cost of
22 construction required by the Platting Authority shall be borne
23 by the subdivider.

24 b. **Interior Arterial Streets**

25 If an interior arterial or greater street is required to be constructed to
26 arterial standards by the Platting Authority, the Municipality shall
27 reimburse the subdivider 100 percent of the reasonable construction
28 cost subject to the availability of bond funds appropriated for that
29 purpose. If the Platting Authority has not required construction to
30 arterial or greater standards, the subdivider shall construct the street
31 to the standards required under subsection 21.08.050.D. and shall
32 bear 100 percent of the construction cost.

33 c. **Peripheral Streets**

34 If the subdivider is required to construct an abutting collector street,
35 the Municipality shall reimburse a sum equal to the reasonable
36 construction cost of the standards specified by the Platting Authority
37 less the estimated cost of construction in accordance with the
38 residential standards under Table 21.08-5, subject to the conditions
39 specified in subsection 21.08.060.D.4.a. above. If a subdivider is
40 required to construct an abutting arterial or greater street to arterial or
41 greater standards, the Municipality shall reimburse in a manner and
42 subject to the conditions set forth in subsection b. above. If the

1 subdivider is not required to construct an abutting street to arterial or
2 greater standards, the subdivider shall construct the street to the
3 standards required under subsection 21.08.050.F. and shall pay 100
4 percent of the cost of construction.

5 **d. Access Streets**

6 If the Platting Authority requires the construction of an access street
7 under the authority of subsection 21.08.050.D. that is designated as a
8 collector, arterial, or greater, the Municipality shall reimburse a sum
9 equal to the reasonable construction cost of the standard specified by
10 the Platting Authority less the estimated construction cost in
11 accordance with the residential standards under Table 21.08-5,
12 subject to the availability of bond funds appropriated for that purpose.
13 If the Platting Authority has not required construction to collector or
14 greater standards, the subdivider shall construct the street to the
15 standards required under subsection 21.08.050.D. and shall pay 100
16 percent of the construction costs.

17 **5. Other Streets**

18 Except as provided in subsection 21.08.060.D.4., the subdivider shall pay 100
19 percent of the cost of streets within the boundaries of the subdivision. The
20 subdivider shall additionally pay 100 percent of the cost of all peripheral
21 streets and access roads except as provided in subsection 21.08.060.D.4. of
22 this section whose construction may be required by the Municipal Engineer.
23 The property within subdivisions that is later assessed by the Municipality for
24 final improvements to access and peripheral streets shall receive credit for the
25 cost of salvageable improvements to those peripheral and access streets.
26 Nonsalvageable improvements will not receive credit. Credit will be provided
27 only when:

- 28 **a.** The Municipality approved the award of the contract which included
29 the work for which the credit is to be issued; and
- 30 **b.** The subdivider provided the Municipality with a sworn notarized
31 statement setting forth the distribution of the costs of salvageable
32 improvements, which he utilized for purposes of establishing lot price,
33 for each lot within his subdivision to which such costs were spread.

34 The credit will be applied as a reduction of assessment to each applicable lot,
35 except that in no case will the amount of credit given to any lot exceed the
36 amount of the assessment to that lot.

37 **6. Curbs, Sidewalks, and Walkways Adjacent to Streets**

38 The subdivider shall pay the cost of constructing curbs, and sidewalks and
39 walkways adjacent to streets, in the same manner as the cost of constructing
40 the streets to which they are adjacent as provided in subsections
41 21.08.060.D.4. and 21.08.060.D.5.

42 **7. Sidewalks and Walkways not Adjacent to Streets**

43 The subdivider shall pay 100 percent of the cost of constructing all sidewalks
44 and walkways not adjacent to streets.

- 1 **8. Storm Drains, Inlets, and Manholes**
2 The subdivider shall pay 100 percent of the cost of storm drains, inlets, and
3 manholes necessary to serve the subdivision, provided that, within areas
4 where the Municipality provides drainage maintenance, the Municipality shall
5 reimburse the subdivider those costs attributable to oversizing required by the
6 Municipality. In those areas where the Municipality does not maintain
7 drainage facilities, the subdivider shall pay all costs, including those for any
8 required oversizing.
- 9 **9. Water Improvements**
10 If the subdivision is to receive water service from a public utility, the
11 subdivider shall provide water facilities, including service connections to all
12 lots, with cost participation as provided in the current approved tariff of the
13 utility. If the subdivision is to receive water service from a community water
14 system, the subdivider shall provide water facilities, including service
15 connections to all lots, and pay 100 percent of the cost of those facilities.
- 16 **10. Sanitary Sewer Improvements**
17 The subdivider shall provide sanitary sewer facilities, including service
18 connections to all lots, with cost participation as provided in the current
19 approved tariff of the municipal sanitary sewer utility.
- 20 **11. Electrical and Telephone Facilities**
21 The subdivider shall provide electrical and telephone facilities with cost
22 participation as provided in the current approved tariffs of the applicable utility
23 companies.
- 24 **12. Deferred Utilities**
25 When paved street or sidewalk improvements are installed prior to electrical
26 and telephone cable placement, the subdivider shall provide any necessary
27 underground conduit at appropriate crossings as directed by the Municipality.
- 28 **13. Street Lighting**
29 The subdivider shall pay the cost of street lighting apparatus in the same
30 manner as the cost of constructing the streets to which it is adjacent as
31 provided in subsections 21.08.060.D.4. and 21.08.060.D.5. Street lighting
32 apparatus shall meet municipal standards for materials and design and be
33 provided with underground power. The location of the streetlight poles shall
34 be approved by the municipal traffic engineer and shall comply with standards
35 contained in the current volumes of American Standard Practice for Street
36 and Highway Lighting, published by the Illuminating Engineering Society.
- 37 **14. Traffic Control Devices**
38 The subdivider shall pay 100 percent of the cost of traffic control devices.
39 Traffic control devices shall meet municipal standards for material and design,
40 and the location shall be approved by the municipal traffic engineer. Traffic
41 control devices, except electric-operated traffic signals, shall be installed prior
42 to any structure being occupied in the subdivision.
- 43 **15. Landscaping**
44 The subdivider shall pay 100 percent of all costs of landscaping.
45 Landscaping shall meet the standards of Section 21.07.080, *Landscaping,*
46 *Screening, and Fences.*

E. Guarantee of Completion of Improvements Required; Amount; Methods

1. Guarantee Required

To ensure the installation of required public improvements that are not accepted at the time the final plat is filed, the subdivision agreement shall require the subdivider to guarantee the completion of all such improvements by one or more of the methods specified in this section. The means of a guarantee may be changed during the guarantee period through a written modification of the agreement. The amount of the guarantee shall be determined on the basis of the subdivider's cost estimate. The guarantee shall remain in effect until final acceptance of the public improvements and the posting of an acceptable security for the warranty period.

2. Cost Estimate; Overrun Allowance

The engineer's cost estimate shall state the estimated cost of completion for each required public improvement. Cost estimates for each required public improvement must be approved by the Department of Public Works. For purposes of establishing the amount necessary for the guarantee of completion of public improvements, a percentage for overrun allowance shall be added to the total estimated cost of public improvements as follows:

| Total Estimated Cost of Improvements | Percent for Overrun Allowance |
|---|--------------------------------------|
| \$0.00--\$500,000.00 | 20 |
| \$500,000.00--\$1,000,000.00 | 15 |
| \$1,000,000.00 and over | 10 |

3. Methods

The subdivision agreement shall include one or more of the following methods to guarantee the construction of required public improvements:

a. Performance Bond

The subdivider may elect to provide a surety bond from a company authorized to do such business in the state. The bond shall be in a form acceptable to the municipal attorney and in an amount equal to the estimated cost of all required public improvements, plus an overrun allowance as provided in subsection 21.08.060.E.2. above. The bond shall be payable to the Municipality if any required public improvements are not finally accepted in accordance with the provisions of this Title, and shall be posted by no person other than the subdivider or a contractor obligated by written contract to the subdivider for construction of all the required public improvements. In the event a contractor posts the bond, the subdivider and the Municipality may be dual obligees under mutually agreed terms.

b. Deposit in Escrow

The subdivider may elect to deposit a cash sum equal to the estimated cost of all required public improvements plus overrun allowances as provided in subsection 21.08.060.E.2. above either with the Municipality or in escrow with a responsible financial institution authorized to do such business in the state. In the case of

1 an escrow account, the subdivider shall file with the Municipality an
2 escrow agreement that includes the following terms:

3 i. Funds of the escrow account shall be held in trust until
4 released by the Municipality and may not be used or pledged
5 by the subdivider as security in any matter during that period
6 other than payment for the improvements. The funds may be
7 used for payment of improvements as made, except that the
8 escrow holder shall withhold from disbursement so much of
9 the funds as is estimated as being necessary to complete the
10 construction and installation of such improvements, plus an
11 overrun allowance as provided in 21.08.060.E.2. above.

12 ii. In the case of a failure on the part of the subdivider to
13 complete any improvement within the required time period,
14 the institution shall immediately make all funds in such
15 account available to the Municipality for use in the completion
16 of those improvements.

17 c. **Letter of Credit**

18 The subdivider may elect to provide from a bank or other responsible
19 financial institution authorized to do such business in the state an
20 irrevocable letter of credit. Such letter shall be filed with the
21 Municipality and shall certify the following:

22 i. That the creditor irrevocably guarantees funds in an amount
23 equal to the estimated cost of all required public
24 improvements plus overrun allowances as provided in
25 subsection 21.08.060.E.2. above for the completion of all
26 such improvements.

27 ii. That in the case of failure on the part of the subdivider to
28 complete any specified improvements within the required time
29 period the creditor shall pay to the Municipality immediately
30 and without further action such funds as are necessary to
31 finance the completion of those improvements up to the limit
32 of credit stated in the letter.

33 d. **Deed of Trust**

34 The subdivider may elect to guarantee the completion of public
35 improvements by granting the Municipality a deed of trust on the
36 property being subdivided. The deed of trust shall secure the
37 obligation to complete required public improvements by securing a
38 stated amount equal to the estimated cost of all required public
39 improvements plus overrun allowances. No deed of trust shall be
40 accepted unless the unencumbered value of the property equals or
41 exceeds the stated amount of the guarantee. The unencumbered
42 value of the subdivision property shall be deemed to be the municipal
43 assessor's estimate of the value of all lots of the subdivision less the
44 amount of outstanding recorded lien obligations. The subdivider shall
45 not sell or otherwise transfer any lot secured by the deed of trust until
46 the obligation to construct public improvements is satisfied or until a

1 partial release is obtained. A partial release may be granted if, and
2 only if:

- 3 i. In conjunction with sale or transfer of any lot the seller or
4 transferor escrows funds as provided in subsection
5 21.08.060.E.3.b. above sufficient to cover the pro rata cost of
6 all unaccepted improvements attributable to such lot.
- 7 ii. The escrow agreement provides that, in the case of failure on
8 the part of the subdivider to complete any improvement within
9 the required time period, the institution shall make all funds in
10 such account available to the Municipality for use in the
11 completion of those improvements.

12 The minimum amount to be escrowed shall be calculated by prorating
13 the estimated cost of all required public improvements that have not
14 been finally accepted plus overrun allowances against each lot on the
15 basis of area.

16 **F. Release of Guarantee of Improvements**

- 17 1. The Municipality shall release the obligation for performance guarantees upon
18 the final acceptance of the improvement, together with the posting of
19 adequate security for warranty.
- 20 2. The Municipality may refuse to release the obligation for any particular public
21 improvement if the subdivider or contractor is in present or imminent default in
22 whole or in part on the completion of any other public improvement or
23 warranty covered by the subdivision agreement.

24 **G. Improvement Warranty**

- 25 1. The subdivider shall warrant and guarantee that required public
26 improvements constructed under the agreement will remain in good condition
27 and meet operating specifications for two years, commencing with final
28 acceptance of each public improvement when it is completed. Such warranty
29 includes defects in design, workmanship, materials, and any damage to
30 improvements caused by the subdivider, his agents or others engaged in
31 work to be performed under the subdivision agreement. The subdivider shall
32 not be responsible for cleaning, snow removal, ditching, grading, dust control,
33 or similar activities during the warranty period. Nothing in this Title, however,
34 is intended to waive the requirements of Chapter 24.80, pertaining to
35 miscellaneous use provisions.
- 36 2. To secure the warranty:
- 37 a. The guarantee of performance provided for in subsection
38 21.08.060.E. shall remain in effect until the end of the warranty
39 period. If the guarantee is a performance bond posted by a
40 contractor, the bond cannot secure the warranty unless the subdivider
41 and contractor, by written agreement, elected this option at the time
42 the performance bond was posted; or

- 1 b. The subdivider shall furnish the Municipality with a corporate surety
2 bond, cash deposit, or letter of credit in an amount equal to a percent
3 of the total construction costs as set forth in this subsection. This
4 security shall guarantee the payment of any reconstruction or repair
5 costs that may be undertaken due to failures occurring during the
6 warranty period. Responsibility for identifying the necessity of repairs
7 or reconstruction of the improvements shall rest with the Municipality.

| Total Construction Cost | Percent to Secure Warranty |
|--------------------------------|-----------------------------------|
| \$0.00--\$500,000.00 | 10 |
| \$500,000.00--\$1,000,000.00 | 7 1/2 |
| \$1,000,000.00 and higher | 5 |

8

9 **H. Correction of Deficiencies Under Warranty**

10 Within 30 days, or a reasonable extension at the sole discretion of the applicable
11 department director, of notification by the Municipality of the need for repair or
12 reconstruction, the subdivider shall correct the deficiencies, satisfactory to the
13 Municipality. Such notification shall be made by certified mail. If the subdivider fails
14 to repair or reconstruct the deficiency within the time specified in this section, the
15 Municipality will make the repair at the subdivider's sole expense. The Municipality
16 may then bill the subdivider for the cost of the repair, or declare the bond or deposit
17 forfeited.

18 **I. Release of Warranty**

19 Inspection will be made by the Municipality at the end of the warranty period and prior
20 to the release of guarantees. All deficiencies shall be corrected prior to release of the
21 warranty security. Upon satisfactory correction of all deficiencies, the Municipality will
22 release the remaining security.

23 **J. Default**

24 If the subdivider defaults on any obligation to construct required public improvements
25 or the obligation to warrant and repair such improvements, the Municipality may
26 demand immediate payment on the performance or warranty guarantee. In the case
27 of a performance bond, deposits in escrow, or letter of credit, the Municipality may
28 demand immediate payment of a portion of all sums obligated for the performance or
29 warranty of any improvement. In the case of a deed of trust guarantee method, the
30 Municipality may foreclose on the deed of trust and may also retain any sums
31 deposited to obtain a partial release of the deed of trust. All funds received by the
32 Municipality shall be used for any construction, repair, or reconstruction necessary to
33 ensure that:

- 34 1. All required public improvements are built to specifications necessary to
35 receive final acceptance; and
- 36 2. The improvements remain in good condition for the completion of the
37 warranty period. The Municipality may use guarantee funds for the
38 construction, repair, or maintenance of required public improvements from the

1 date of initial default until three years after the funds have become available
2 to the Municipality for such use, except that no use shall be made of the funds
3 later than two years after satisfactory completion and final acceptance of the
4 work. Following either: (1) the final acceptance of all public improvements
5 and posting of the warranty security, or (2) successful completion of the
6 warranty period, or (3) the three-year period provided for in this subsection,
7 the Municipality shall pay to the subdivider all guarantee funds which were not
8 used or obligated for the completion of the improvements.

9 **K. Standards May Not Be Altered; Enforcement of Chapter**

10 All provisions of this chapter are mandatory and may not be altered by the subdivision
11 agreement. The obligations contained in this chapter shall be enforceable by
12 methods of enforcement of ordinance as well as contract.

13 **21.08.070 CONSERVATION SUBDIVISIONS⁴⁶**

14 **A. Purpose**

15 A conservation subdivision is an alternative type of residential development in which
16 the lots are allowed to be smaller or narrower than otherwise required in the zoning
17 district, but in which the overall number of lots does not exceed the maximum number
18 of lots allowed in the subdivision by the zoning district. Conservation subdivisions are
19 intended to create a more compact residential development to preserve and maintain
20 open areas and natural lands in excess of what would otherwise be required by this
21 Title.

22 **B. Applicability**

23 The conservation subdivision option may be used on any parcel with a minimum of at
24 least 10 acres in the R-1, R-2, R-3, R-4, R-5, R-6, R-9, and R-10 zoning districts
25 provided that the proposal is consistent with the requirements in this Section
26 21.08.070.

27 **C. Conservation Design Process**

28 Conservation subdivisions shall be approved through the procedure set forth in
29 Section 21.03.060.

30 **D. Reduction in Minimum Lot Area Allowed**

31 The minimum lot area for lots in conservation subdivisions shall be the larger of:

- 32 a. Eighty percent of the minimum lot area required in the applicable
33 zoning district, as set forth in Chapter 21.06; or
- 34 b. 5,000 square feet.

35 **E. Lot Coverage Allowed**

36 The maximum lot coverage requirements for lots in a conservation subdivision, as set
37 forth in Chapter 21.06, may be increased by no more than 10 percent.

⁴⁶ NOTE: This new section is proposed to replace the existing cluster housing site plan review provisions (Section 21.50.210).

1 **F. Minimum Open Space**

2 At least 35⁴⁷ percent of the property shown on the subdivision plat shall be preserved
3 as common open space. Open space shall be identified using the standards set forth
4 in subsection 21.07.040.C.3. *Private Common Open Space, Standards*. No portion
5 of the land preserved as common open space may be located within the boundaries
6 of an individual lot for residential development, or in a road right-of-way or utility
7 easement.

8 **G. Dedication and Recording**

9 The required common open space shall be preserved from development in perpetuity
10 through the use of a dedication, and shall be conveyed to a property owners'
11 association or other organization with responsibility for maintenance of the open
12 space and the ability to collect assessments or dues for such purpose. The applicant
13 shall submit proof that:

- 14 1. Such deed restriction or easement has been recorded with the Municipal
15 Clerk; and
- 16 2. The property owners' association or other organization has been established
17 before any building permits for construction in a conservation subdivision shall
18 be issued.

⁴⁷ NOTE: A flat number is proposed for ease of administration. Alternatively, a sliding scale could be used, with a larger amount of open space required for more rural districts. The number proposed is higher than that required for regular residential development under the draft private common open space standards (30 percent).