

CLERK'S OFFICE
AMENDED AND APPROVED
Date: 9-30-03
~~IMMEDIATE RECONSIDERATION~~
FAILED 9-30-03

Submitted by: Assemblymembers Fairclough,
Shamberg, Tremaine
Prepared by: Department of Assembly
For reading: June 10, 2003

ANCHORAGE, ALASKA
AO NO. 2003-68 (AMENDED)

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLES 14, 21, 23, AND 24 TO PROVIDE FOR THE DEDICATION AND IMPROVEMENT OF PUBLIC FACILITIES WITHIN AND ADJACENT TO CERTAIN TYPES OF DEVELOPMENT.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 14.60.030 is hereby amended by adding the following to the fine schedule: *(the remainder of the section is not affected and therefore not set out)*

14.60.030 Fine schedule.

The fine schedule under this chapter is as follows:

24.20.030 Failure to have valid permit \$50.00 to \$300.00 per day, plus
double permit fees

Section 2. Anchorage Municipal Code section 21.10.020 is hereby amended to read as follows: *(the remainder of the section is not affected and therefore not set out)*

21.10.020 Platting board.

A. There shall be a platting board, which shall have the following powers and duties:

6.[7.] Authorize extensions of subdivision agreements as provided in section 21.87.020.

7. Hear and decide appeals under subsection 21.15.150I.

8.[6.] Exercise such other powers, and perform such other duties, as are provided by law.

(GAAB 21.10.090, 21.30.130, 21.30.230; AO No. 83-142; AO No. 85-160, 1-8-86; AO No. 87-111)

Section 3. Anchorage Municipal Code section 23.10.301.2.1 is hereby amended to read as follows: *(the remainder of the section is not affected and therefore not set out)*

23.10.301.2.1 Building permits.

14. The issuance of a building permit may also be subject to the improvement requirements in section 21.15.150.

Section 4. Anchorage Municipal Code section 21.15.050 is hereby amended to read as follows: *(the remainder of the section is not affected and therefore not set out)*

21.15.050 Land use permit.

A. *Permit required for certain activities.* In the area of the municipality that is not subject to the currently adopted code under section 23.05.030, no person may:

1. Construct a building whose floor area is 100 square feet or greater;
2. Excavate more than 300 cubic feet on any lot or tract;
3. Fill or grade more than 900 cubic feet on any lot or tract; or
4. Change the principal use of a building;

without obtaining a land use permit therefor in accordance with this section.
The issuance of a land use permit may also be subject to the improvement requirements in section 21.15.150.

(GAAB 21.05.080; AO No. 81-97; AO No. 85-23)

Section 5. Anchorage Municipal Code chapter 21.15 is hereby amended by adding a new section to read as follows:

21.15.150 Improvements associated with building or land use permits.

A. *Improvements required.* The issuance of a building permit under Title 23 or a land use permit under Title 21 for the construction of a commercial or industrial structure on a lot, or for a residential structure on a lot, shall be subject to the permit applicant providing the **public use easements [DEDICATIONS]** and improvements required for a subdivision in the same improvement area under chapters 21.80 and 21.85. In applying the provisions of chapters 21.80 and 21.85 under this section, the term “lot”

shall be substituted for the term “subdivision,” the term “permit applicant” shall be substituted for the term “subdivider,” and the term “Municipal Engineer” shall be substituted for the term “platting authority.”

B. *Exceptions.* The requirements in subsection A of this section shall not apply to a building permit or land use permit to the extent that:

1. All construction associated with a single dwelling unit located on a single lot, tract, or parcel, regardless of zoning district[THE PERMIT HAS BEEN APPROVED BY THE MUNICIPALITY PRIOR TO JANUARY 1, 2003]; or
2. the Traffic Engineer determines that a street dedications or improvement are not required for traffic circulation; or
3. dedications, public use easements, or improvements already have been provided to the applicable standard in chapters 21.80 or 21.85; or
4. the dedications, public use easement, or improvements will be provided under a subdivision agreement that has been entered in to under chapter 21.87, or under an established assessment district; or
5. the municipality has already appropriated funds to construct an improvement;[.] or
6. the permit is for repairs, maintenance, emergencies, electrical, mechanical, or plumbing.

C. *Standards for requiring public use easements [DEDICATIONS] and improvements.* Where chapters 21.80 or 21.85 grant discretion to determine whether a public use easement [DEDICATION] or improvement will be required, or to determine the design standards for a dedication or improvement, the Municipal Engineer shall determine the requirement or standard that applies to a building permit or land use permit under this section by applying the following standards:

1. The public use easement [DEDICATION] or improvement shall be reasonably related to the anticipated impacts on public facilities and adjacent areas that will result from the use and occupancy of the structure that is the subject of the building or land use permit. Any required public use easement area shall not be used for the purpose of density calculation of lot coverage per the applicable zoning district. The Municipal Engineer may require the permit applicant to provide information or analyses to determine impacts as

set out in the Anchorage 2020 Plan's policies for transportation, transportation design and maintenance, and water resources on public facilities and adjacent areas, including without limitation the following:

- a. A traffic impact analysis, or similar information. The Traffic Engineer may require a traffic impact analysis if the same would be required for approval of a subdivision, conditional use or site plan for similar development under this title.
 - b. A drainage study, or similar information. A drainage study may be required if the same would be required for approval of a subdivision, conditional use or site plan for similar development under this title.
 - c. An estimate of the financial **[AND SOCIAL]** costs of impacts on public facilities and adjacent areas without the required improvements, including without limitation, **[VISUAL]** continuity of improvements, maintenance costs of public facilities, parking, drainage, noise and dust control, pedestrian and vehicle safety and access, and emergency vehicle access and response time.
 - d. Information concerning the consistency of the impacts of the proposed development with the comprehensive plan.
 - e. A design of internal streets and location of fire hydrants satisfactory to the Fire Marshal for purposes of fire protection within the development.**
2. The estimated cost of constructing the improvement shall be reasonable when compared to the estimated cost of the proposed development under the building or land use permit. The determination of reasonableness shall be based on cost estimates for the improvement and the proposed development that the permit applicant or applicant's agent submits under penalty of perjury. If the Municipal Engineer determines that the estimated cost to the applicant to complete all the improvements required by this section is unreasonable in relation to the estimated cost of the proposed development, the Municipal Engineer may reduce or eliminate required improvements as necessary to make the relationship between such costs reasonable.
 3. The Municipal Engineer shall consider the potential development of all adjacent parcels, lots or tracts under common ownership, in

addition to the lot, parcel or tract that is the subject of the permit application, and the impacts associated therewith, in applying the standards in this subsection.

4. The Municipal Engineer may approve adjustments to the improvement requirements under this section to the extent that compliance with the standards would result in an adverse impact on natural features such as wetlands, steep slopes, or existing mature vegetation; existing development; or public safety.

D. *Phasing of installation.* Except as provided in this section, all required improvements shall be constructed and accepted by the municipality before any certificate of occupancy (conditional or unconditional) is issued for the permitted construction. If the Municipal Engineer determines that it is not reasonable to require compliance with the preceding sentence, no permit may be issued until the applicant enters into an agreement for construction of the required improvements, with performance guaranties, in the form required for subdivision improvements under chapter 21.87.

E. *Warranty.* All improvements required under this section shall be subject to the warranty and guarantee of warranty requirements provided for subdivision improvements in chapter 21.87

F. *Oversizing.* If an improvement exceeding the requirements of this section is requested by the municipality and is necessary for the adequate and efficient development of surrounding areas, the municipality may require the applicant to install or accommodate oversizing. In such event the municipality shall reimburse the applicant for the cost of the oversizing at least as soon as budgeted funds are available after completion and acceptance of the improvements. This subsection shall not be a limitation on the municipality's ability to require a utility to oversize its facilities or a limitation on the manner in which the municipality may pay its proportionate share of the costs of oversizing.

G. *Fee in lieu.* A fee in lieu of the required improvements may be accepted if the Municipal Engineer determines:

1. That the improvements or construction activities associated therewith would create a potential undue safety hazard to motorists or pedestrians; or
2. Due to the nature of existing development on adjacent properties it is unlikely that improvements would be extended in the foreseeable future and the improvements associated with the development under review do not, by themselves, provide a sufficient improvement to

safety or capacity or a sufficient benefit to the property to be developed under the building or land use permit to warrant construction.

3. Any fee paid pursuant to this section shall be accounted for separately, and the fee paid shall be dedicated and used only for the purpose of constructing the public facilities which were identified by the Municipal Engineer and for which the fee was paid.

H. *Fee amount.* The amount of the fee in lieu shall be the lesser of seventy-five percent of the cost of the improvements as estimated by an engineer registered as a professional engineer in Alaska or as provided in a fee schedule adopted by regulation by the Municipal Engineer, which fee schedule may be adjusted by regulation annually to account for increases in construction costs in the Anchorage area. In the event the applicant or successor in interest later elects or is required to install improvements for which the fee was paid, the fee shall be refunded (without interest), so long as the claim for refund is filed within two years from the date of initial payment.

I. *Appeals.* A permit applicant may appeal a decision of the Municipal Engineer concerning required improvements under this section to the platting board by filing a written notice of appeal with the secretary of the platting board not later than 10 days after receipt of written notice of the decision. The appeal shall be placed on the agenda of the next regularly scheduled platting board meeting that occurs not less than 20 days after the filing of the appeal. The platting board shall hear the appeal *de novo*.

Section 6. Anchorage Municipal Code section 24.20.030 is hereby amended to read as follows:

24.20.030 Permit, a[A]pproval of plans required.

A. *Permit required.* It is unlawful for anyone to receive a building or land use permit without first having applied for and obtained a permit required by this chapter. In addition to any other remedy available at law, fines for failure to have a permit under this subsection may be assessed according to the schedule provided in Title 14.

B. *Approval of plans required.* Plans, specifications and other data as set forth in section 24.30.030 shall be submitted to project management and engineering for approval prior to the start of any work. The plans shall clearly state that all work will be performed in accordance with municipal standards and specifications, including the applicable standards in Title 21.

Improvements will not be allowed or accepted unless the plans have been approved by the municipal engineer.

(GAAB 25.15.010)

Section 7. Anchorage Municipal Code section 24.20.040 is hereby amended to read as follows:

24.20.040 Payment of fees; deposits.

- A. A developer shall pay the municipality's actual cost associated with the work the developer performs in a public place under a development or subdivision agreement. The municipality's cost shall include but is not limited to administering the agreement, plan checking, surveillance and administrative overhead.
- B. Prior to issuance of a notice to proceed to the developer, the developer shall pay a deposit toward the municipality's costs based upon the estimated cost of the improvements to be constructed under the development or subdivision agreement, as follows:

TABLE INSET:

Estimated Cost	Deposit
\$10,000.00 or less	\$300.00
Over \$10,000.00 up to \$50,000.00	4% of estimated cost
Over \$50,000.00 up to \$150,000.00	3% of estimated cost
Over \$150,000.00 up to \$500,000.00	2.5% of estimated cost
Over \$500,000.00	\$13,000.00

The deposit shall be paid in accordance with the following schedule:

1. Upon application for the development or subdivision agreement: \$300.00.
2. Upon submission of plans for the improvements: 0.5 percent of the estimated cost of the improvements or \$150.00, whichever is greater.
3. Prior to issuance of the notice to proceed: The balance of the deposit.

- D. Prior to acceptance of completion by the municipality of the undertaking by the developer, the developer shall also pay a deposit toward the

municipality's costs incurred during the warranty period under the development or subdivision agreement in an amount determined by the director of public works, but not exceeding \$2,000.00. This deposit may be retained from any balance remaining in the deposit paid under subsection B of this section. At the end of the warranty period, the municipality shall determine its costs during that period. If the costs exceed the deposit, the developer shall pay the balance to the municipality. If the deposit exceeds the costs, the municipality shall refund the balance to the developer.

(GAAB 25.15.020; AO No. 79-37; AO No. 85-184)

Section 8. Anchorage Municipal Code section 24.20.060 is hereby repealed as follows:

24.20.060 **[APPLICABILITY OF TITLE TO ANCHORAGE TELEPHONE UTILITY.]**

[THIS TITLE SHALL APPLY TO THE ANCHORAGE TELEPHONE UTILITY.]

(AO No. 91-173(S))

[SECTION 9. ANCHORAGE MUNICIPAL CODE SECTION 24.30.020 IS HEREBY AMENDED TO READ AS FOLLOWS:]

24.30.020 Permit required; sidewalk permits and exemptions.

A. *Permit required.* It is unlawful for anyone to use ~~or improve~~ any public place as defined in section 24.30.010 without first having applied for and obtained a permit to engage in such use ~~or improvement~~ and paying the permit fee if one is prescribed in this title. No contractor's license shall be required of a certificated utility doing its own work. Nothing contained in this section shall apply to street or storm sewer maintenance work performed by the municipality or street or storm sewer improvement projects under contract with the municipality. ~~[A PERMIT MUST BE OBTAINED FOR THE USE OF ANY PUBLIC PLACE.]~~ Fines for failure to have a permit under this subsection may be assessed according to the schedule provided in Title 14.

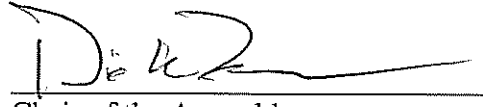
(CAC 10.28.050; AO No. 79-220; AO No. 97-88, § 1, 6-3-97; AO No. 99-13(S), § 3, 3-16-99; AO No. 2000-64, § 2, 4-18-00)

1 **Section 9[10].** Anchorage Municipal Code title 24 is hereby amended by replacing
2 all remaining references to *public works* with *development services*.

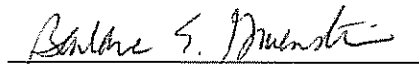
3
4 **Section 11. This ordinance will sunset on November 1, 2005.**

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6 **Section 12[11].** This ordinance shall be effective immediately upon its passage and
7 approval by the Anchorage Municipal Assembly.

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9 PASSED AND APPROVED by the Anchorage Assembly this 30th day of
10 September, 2003.

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14 
15 Chair of the Assembly

16
17 ATTEST:

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19
20 
21 Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2003-68

Title: AO 2003-68 - AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLES 14,21,23, AND 24 TO PROVIDE FOR THE DEDICATION AND IMPROVEMENT OF PUBLIC FACILITIES WITHIN AND ADJACENT TO CERTAIN TYPES OF DEVELOPMENT

Sponsor: Assemblymembers Fairclough, Shamberg, and Tremaine

Preparing Agency: Department of Assembly

Others Impacted: Planning, Traffic, Development Services

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)				
	FY03	FY04	FY05	FY06	FY07	
Operating Expenditures						
1000 Personal Services	\$ -	\$ -	\$ -	\$ -	\$ -	
2000 Non-Labor	\$ -	\$ -	\$ -	\$ -	\$ -	
3900 Contributions						
4000 Debt Service						
TOTAL DIRECT COSTS:	\$ -	\$ -	\$ -	\$ -	\$ -	
Add: 6000 Charges from Others						
Less: 7000 Charges to Others						
FUNCTION COST:	\$ -	\$ -	\$ -	\$ -	\$ -	
REVENUES:						
CAPITAL:						
POSITIONS: FT/PT and Temp						

PUBLIC SECTOR ECONOMIC EFFECTS:

The public sector will benefit in that the ordinance will assist the Planning Department, Municipal Engineer, Building Official, and Traffic Engineer in facilitating orderly development with the required public infrastructure improvements in compliance with the intent of the Anchorage 2020 Plan.

The dollar impact will depend on the particular development and is not quantifiable at this time.

PRIVATE SECTOR ECONOMIC EFFECTS:

The private sector will be impacted with additional costs for developments requiring road improvements as determined by the Municipality at the time of building permit application. The range of cost impacts will depend on the development and the need for public infrastructure and/or improvements. The standards of the subdivision regulations of the Municipal Code will be used in determining the necessary improvements and or dedications.

Prepared by: Peggy Davis
Policy and Budget Analyst

Telephone: 343-4763

Approved by: 
Manager, Budget and Legislative Services

Date: 6/5/2003



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

AM NO. 505-2003

Meeting Date: June 10, 2003

From: Assemblymember Fairclough

Subject: AO 2003-68 - AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLES 14,21,23, AND 24 TO PROVIDE FOR THE DEDICATION AND IMPROVEMENT OF PUBLIC FACILITIES WITHIN AND ADJACENT TO CERTAIN TYPES OF DEVELOPMENT

Hundreds of condominiums and other projects have been constructed within the past few years without provision of the necessary infrastructure to support the developments.

In an effort to address this continuing problem, the Planning Department, in conjunction with other Municipal departments, developed this ordinance to address the public need for road improvements and dedicated rights-of-way.

This ordinance will apply to all types of development including single family, condominiums, apartments and commercial development. It gives the Municipal Engineer, the Building Official, and the Traffic Engineer the authority to make requirements for dedications and/or improvements.

The Planning Department and the Planning and Zoning Commission recommend approval.

Respectfully submitted,

Prepared by:

Anna Fairclough
Assemblymember

Peggy Davis
Policy and Budget Analyst, BLS

Reviewed by:

Elvi Gray-Jackson
Manager, Budget and Legislative Services

MUNICIPALITY OF ANCHORAGE
PLANNING AND ZONING COMMISSION RESOLUTION NO. 2002-081

A RESOLUTION RECOMMENDING APPROVAL TO THE MUNICIPAL ASSEMBLY OF AN ORDINANCE AMENDMENT TO ANCHORAGE MUNICIPAL CODE TITLES 14, 21, 23, AND 24 TO PROVIDE FOR THE DEDICATION AND IMPROVEMENT OF PUBLIC FACILITIES WITHIN AND ADJACENT TO CERTAIN TYPES OF DEVELOPMENT.

(Case 2002-110)

WHEREAS, the Municipality has requested an ordinance amendment to amend various Municipal Code Titles to allow for the dedication and improvement of public facilities within or adjacent to certain types of development, and

WHEREAS, notices were published, and a public hearing was held on November 4, 2002 and

NOW, THEREFORE, BE IT RESOLVED, by the Municipal Planning and Zoning Commission that:

1. The Commission makes the following findings of fact:
 - a. The Municipal staff, the general public, development community and members from the Municipal Assembly have been working on the ordinance revisions for over 18 months.
 - b. The amendments will help facilitate orderly development of the community.
 - c. The amendments will help ensure that all developments will have the required public infrastructure improvements.
 - d. The Anchorage 2020 Plan places emphases on infill development and this ordinance will help facilitate orderly infill development.
 - e. This type of ordinance is used as a standard practice in other communities.
2. The Commission recommends the Municipal Assembly approve the ordinance amendments to Titles 14, 21, 23 and 24 to provide for dedication and improvements with new development.

PASSED AND APPROVED by the Municipal Planning and Zoning Commission this 4th day of November 2002.

Susan R. Fison
Director

Toni Jones
Chair

(Case 2002-110)

Municipality of Anchorage
MUNICIPAL CLERK'S OFFICE
Agenda Document Control Sheet

AO 2003-68

(SEE REVERSE SIDE FOR FURTHER INFORMATION)

1	SUBJECT OF AGENDA DOCUMENT	DATE PREPARED
	AO 2003-68 - AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLES 14,21,23, AND 24 TO PROVIDE FOR THE DEDICATION AND IMPROVEMENT OF PUBLIC FACILITIES WITHIN AND ADJACENT TO CERTAIN TYPES OF DEVELOPMENT	June 5, 2003
		Indicate Documents Attached <input checked="" type="checkbox"/> AO <input type="checkbox"/> AR <input checked="" type="checkbox"/> AM <input type="checkbox"/> AIM
2	DEPARTMENT NAME	DIRECTOR'S NAME
	Assembly	Chair Traini
3	THE PERSON THE DOCUMENT WAS ACTUALLY PREPARED BY	HIS/HER PHONE NUMBER
	Peggy Davis	343-4763
4	COORDINATED WITH AND REVIEWED BY	INITIALS
	Mayor	
	Heritage Land Bank	
	Merrill Field Airport	
	Municipal Light & Power	
	Port of Anchorage	
	Solid Waste Services	
	Water & Wastewater Utility	
	Municipal Manager	
	Cultural & Recreational Services	
	Employee Relations	
	Finance, Chief Fiscal Officer	
	Fire	
	Health & Human Services	
	Office of Management and Budget	
	Management Information Services	
	Police	
	Planning, Development & Public Works	
	Development Services	
	Facility Management	
	Planning	
	Project Management & Engineering	
	Street Maintenance	
	Traffic	
	Public Transportation Department	
	Purchasing	
	Municipal Attorney	
	Municipal Clerk	
	Other - Assembly Counsel	
5	Special Instructions/Comments	
	<i>Introduction</i> 2003 JUN -6 AM 11:33 2003 JUN -6 AM 11:33 2003 JUN -6 AM 11:33	
6	ASSEMBLY HEARING DATE REQUESTED	7
	June 10, 2003	PUBLIC HEARING DATE REQUESTED
		September 23, 2003