

Submitted by: Chair of the Assembly at the
Request of the Mayor

Prepared by: Planning Department

For reading November 21, 2006

CLERK'S OFFICE

APPROVED As Amended
Date: 4-10-07
Assembly Committee Substitutes
of all Chapters were Anchorage, Alaska
substituted 3-27-07 and AO 2006-172
subsequently amended

**AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE
TITLE 21 TO ADOPT NEW CHAPTERS 21.01, 21.02, 21.08, AND 21.13.**

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code is hereby amended to adopt a new chapter 21.01, General Provisions, as set forth in Attachment A, attached hereto.

Section 2. Anchorage Municipal Code is hereby amended to adopt a new chapter 21.02, Boards, Commissions, and Municipal Administration, as set forth in Attachment B, attached hereto.

Section 3. Anchorage Municipal Code is hereby amended to adopt a new chapter 21.08, Subdivision Standards, as set forth in Attachment C, attached hereto.

Section 4. Anchorage Municipal Code is hereby amended to adopt a new chapter 21.13, Enforcement, as set forth in Attachment D, attached hereto.

Section 5. This ordinance shall become effective simultaneous with:

A. **Adoption** of chapters 21.03 Review and Approval Procedures; 21.04 Zoning Districts; 21.05 Use Regulations; 21.06 Dimensional Standards and Measurements; 21.07 Development and Design Standards; 21.12 Nonconformities; and 21.14 Definitions; **and**

B. **Repeal** of chapters 21.05 Comprehensive Plan; 21.10 Boards and Commissions; Administrative Officers; 21.15 Variances, Conditional Uses, Subdivision Approval and Other Special Land Use Permits; 21.20 Zoning Map Amendments; 21.25 Enforcement; Violations and Penalties; 21.30 Appeals; 21.35 General Provisions; 21.40 Zoning Districts; 21.45 Supplementary District Regulations; 21.50 Standards for Conditional Uses and Site Plans; 21.55 Nonconforming Uses; 21.60 Floodplain Regulations; 21.65 Airport Height Zoning Regulations; 21.67 Water Pollution Control; 21.67

Regulations Governing Stormwater Plan Review Fees; 21.70 Mobile Home Parks; 21.75 Subdivision Standards: General Provisions; 21.80 Subdivision Standards: Dedication, Reserve Tracts and Design; 21.85 Subdivision Standards: Improvements; 21.87 Subdivision Agreements; and 21.90 Utility Distribution Facilities, by the Anchorage Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 10th day of April, 2007.

Dan Sullivan
Chair of the Assembly

ATTEST:

Sharon S. J. J. J.
Municipal Clerk

MUNICIPALITY OF ANCHORAGE
Summary of Economic Effects -- General Government

AO Number: 2006- 172

Title: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 21 TO ADOPT NEW
CHAPTERS 21.01, 21.02, 21.08, AND 21.13 (PZC Case No. 2006-147)

Sponsor:

Preparing Agency: Planning Department

Others Impacted: None

CHANGES IN EXPENDITURES AND REVENUES:		(In Thousands of Dollars)				
	FY06	FY07	FY08	FY09	FY10	
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:

As Chapters 1, 2, 8, and 13 propose mostly minor changes to the current code, the economic effects are expected to be minimal. However, the Planning Department is contracting to have an Economic Impact Analysis performed on the proposed code. As these four chapters will not take effect until the remaining chapters are also adopted, any significant economic results produced by the Economic Impact Analysis can be factored in at a later date.

PRIVATE SECTOR ECONOMIC EFFECTS:

See above.

Prepared by: Erika McConnell

Telephone: 343-7917



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 853 -2006

Meeting Date: November 21, 2006

1 **From: MAYOR**

2
3 **Subject: AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE**
4 **TITLE 21 TO ADOPT NEW CHAPTERS 21.01, 21.02, 21.08, AND 21.13.**
5

6 The Assembly approved a schedule for the Title 21 Rewrite Project, calling for adoption of
7 chapters 21.01, 21.02, 21.08, and 21.13 by the end of 2006. A brief description of these
8 chapters follows:
9

10 Chapter 21.01, *General Provisions*: This chapter lays out the authority, purpose,
11 applicability, and jurisdiction of the title. It establishes the official zoning map and the
12 elements of the municipal comprehensive plan, and also proposes provisions for dealing with
13 conflict between various documents, and the transitional provisions to be followed once the
14 full Title 21 is adopted.
15

16 Chapter 21.02, *Boards, Commissions, and Municipal Administration*: This chapter describes
17 the powers and duties of each board and commission with responsibilities established in
18 Title 21, as well as general procedures for all the bodies.
19

20 Chapter 21.08, *Subdivision Standards*: This chapter sets the design standards for
21 subdivisions, including drainage design, access, and utility easements. In addition, it
22 outlines the types and amounts of dedications the municipality may require, and the types of
23 improvements required, along with the person or entity responsible for each improvement. It
24 also describes the subdivision agreement process, and provides an alternate method of
25 subdividing, called a Conservation Subdivision.
26

27 Chapter 21.13, *Enforcement*: This chapter defines a violation, identifies the person/entity
28 responsible for enforcement and inspections, sets remedies and penalties for violations, and
29 provides two procedures (public and private) for enforcement actions.
30

31 While an economic impact analysis is being performed on the remaining chapters
32 (chapters 3-7, 12), these four chapters of Title 21 have little to no effect on economic
33 changes brought about by the revised code. By adopting them this fall, the department has
34 completed approximately half of the Title 21 Rewrite (Chapters 21.09, *Girdwood Land Use*
35 *Regulations*, and 21.47, *Signs*, are already adopted and in effect).

1
2 The Platting Board held public hearings on October 18 and November 1, and the Planning
3 and Zoning Commission public hearing is scheduled for November 13. Their
4 recommendations and the Administration's will be provided in late November or early
5 December.

6
7
8 Prepared by: Planning Department
9 Approved by: Tom Nelson, Director, Planning Department
10 Concur: Mary Jane Michael, Executive Director
11 Office of Economic and Community Development
12 Concur: James N. Reeves, Municipal Attorney
13 Concur: Denis C. LeBlanc, Municipal Manager
14 Respectfully submitted, Mark Begich, Mayor
15
16

17 Attachments: Chapter 21.01, *General Provisions*
18 Chapter 21.02, *Boards, Commissions, and Municipal Administration*
19 Chapter 21.08, *Subdivision Standards*
20 Chapter 21.13, *Enforcement*

TABLE OF CONTENTS

CHAPTER 21.01: GENERAL PROVISIONS	2
21.01.010 Title and Effective Date	2
21.01.020 Authority	2
21.01.030 Purpose of this Title.....	2
21.01.040 Applicability and Jurisdiction.....	3
A. General	3
B. Application to Governmental Units	3
C. Compliance Required	3
21.01.050 Official Zoning Map.....	3
A. Incorporation Into this Ordinance	3
B. Changes to Official Zoning Map	3
C. Interpretation of District Boundaries	3
21.01.060 Conflicting Provisions	4
A. Conflict with Other Public Laws, Ordinances, Regulations, or Permits.....	4
B. Conflict with Comprehensive Plan.....	4
C. Conflict with Private Agreements	5
21.01.070 Severability	5
21.01.080 Comprehensive Plan	5
A. Purpose	5
B. Elements.....	5
C. Periodic Review.....	7
D. Implementation—Conformity to Plans	7
21.01.090 Transitional Provisions	7
A. Violations Continue.....	7
B. Uses, Characteristics of Use, Structures, and Lots Rendered Conforming	8
C. Uses, Structures, and Lots Rendered Nonconforming.....	8
D. Processing of Applications Commenced or Approved Under Previous Ordinances....	8
E. Investment-Backed Expectations	9

CHAPTER 21.01: GENERAL PROVISIONS

21.01.010 TITLE AND EFFECTIVE DATE

This title shall be officially known as "Title 21, Land Use Planning, of the Anchorage Municipal Code of Ordinances." It also may be called "Title 21," the "Zoning Ordinance," or "the Land Use Ordinance," and is referred to throughout this document as "this title." This title shall become effective on [insert effective date].

21.01.020 AUTHORITY

This title is adopted pursuant to authority granted generally by the Alaska Constitution, the Alaska Statutes (A.S.), and the Municipal Charter, and specifically by:

- A. Alaska Constitution, Article X, Sect. 11 (Home rule powers);
- B. Municipal Charter, section 10.02(7) (Requires ordinances for land use controls);
- C. Municipal Charter, section 12.02 (Requires a planning commission); and
- D. A.S. 29.35.180(b) (Requires a home rule borough to provide for planning, platting, and land use regulation).

21.01.030 PURPOSE OF THIS TITLE

The purpose of this title is to implement the comprehensive plan in a manner which protects the public health, safety, welfare, and economic vitality by:

- A. Encouraging the efficient use of existing infrastructure and the available land supply in the municipality, including redevelopment of underutilized land;
- B. Promoting a balanced, diverse supply of affordable, quality housing located in safe and livable neighborhoods;
- C. Promoting a balanced supply of non-residential land uses that are compatible with adjacent land uses and have good access to transportation networks;
- D. Promoting well-planned development that creates a sense of place and reflects the municipality's unique northern setting, natural resources, and majestic surroundings;
- E. Providing appropriate development incentives to achieve an economically balanced and diverse community and to promote further economic development in the municipality;
- F. Conserving the value of buildings and land;
- G. Protecting the wide diversity of fish and wildlife habitats by minimizing the adverse impacts of land development on the natural environment;
- H. Protecting development and residents of the municipality from flooding, wildfires, seismic risks, and other hazards;
- I. Encouraging development of a sustainable and accessible system of recreational facilities, parks, trails, and natural open space that meets year-round neighborhood and community-wide needs;
- J. Promoting compact development in city centers and infill areas so as to create efficient travel patterns;

- K. Encouraging the retention of mature vegetation;
- L. Protecting and enhancing livable and distinctive neighborhoods;
- M. Facilitating the adequate and safe provision of transportation, water, sewage, drainage, schools, parks, and other public facilities; and
- N. Encouraging land and transportation development patterns that promote public health and safety and offer transportation choices.

21.01.040 APPLICABILITY AND JURISDICTION

A. General

The provisions of this title shall apply to all land, buildings, structures, and uses thereof located within the municipality, unless an exemption is provided by the terms of this title.

B. Application to Governmental Units

To the extent allowed by law, the provisions of this title shall apply to all land, buildings, structures, and uses owned by government agencies, including all municipal, state, and federal lands, within the corporate limits of the municipality. Where the provisions of this title do not apply to such land, buildings, structures, and uses, such agencies are encouraged to meet the provisions of this title.

C. Compliance Required

No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use, nor shall any land, building, or structure be used or changed, except in accordance with this title. No lot of record that did not exist on the effective date of this title shall be created, by subdivision or otherwise, that does not conform to the applicable requirements of this title, unless allowed by section 21.01.090, *Transitional Provisions*.

21.01.050 OFFICIAL ZONING MAP

A. Incorporation Into this Ordinance

The official zoning map designates the location and boundaries of the various zone districts established in this title. It consists of a series of map pages adopted by ordinance and any subsequent amendments in accordance with this title. The official zoning map is incorporated herein by reference and referred to as the "zoning map" in this title. The zoning map shall be kept on file in the office of the department and is available for public inspection during normal business hours. The map shall be the final authority as to the current zoning status of lands, water areas, buildings, and other structures in the municipality.

B. Changes to Official Zoning Map

Changes made in zoning district boundaries or other matters portrayed on the official zoning map shall be made only in accordance with the provisions of section 21.03.160, *Rezoning (Zoning Map Amendments)*.

C. Interpretation of District Boundaries

In the case of any dispute regarding the zoning classification of property subject to this title, the official zoning map contained in the department shall control, or other official records as provided

below. The director shall use the rules set forth below to interpret the map. Appeals shall be made to the zoning board of examiners and appeals in accordance with section 21.03.040, *Appeals*.

1. Where the zoning map shows a zoning district boundary line located within or following a street or alley right-of-way, utility line right-of-way, or public use easement, the district boundary shall be considered to be in the center of the right-of-way or easement. If the actual location of such right-of-way, or easement, as indicated in a recorded legal description of such, varies slightly from the location shown on the zoning map, then the actual location shall control.
2. Where the zoning map shows a boundary line as being located a specific distance from a street line or other physical feature, this distance shall control.
3. Where the zoning map shows a district boundary to coincide with a property line or municipal border, the legal property line or municipal border shall be considered to be the district boundary, unless otherwise indicated on the map.
4. Where the zoning map shows a district boundary to not coincide or approximately coincide with any street, alley, or property line, and no dimensions are shown, the location of the boundary shall be determined by use of the scale appearing on the zoning map.
5. Where the zoning map shows a district boundary dividing an existing lot, each part of the lot shall be used in conformity with the standards established by this title for the zoning district in which that part is located.
6. Where the case record conflicts with the zoning map, the case record shall control. For example, if the zoning map shows a property to be zoned R-1, yet the case record shows that the property was actually zoned I-1, the case record would control and the map would be changed to reflect the case record. Any permits issued in reliance on the erroneous designation shall be considered valid under this title; however, the lot, structure, or use shall be considered nonconforming and governed by chapter 21.12, *Nonconformities*.

21.01.060 CONFLICTING PROVISIONS

A. Conflict with Other Public Laws, Ordinances, Regulations, or Permits

This title is intended to complement other municipal, state, and federal regulations that affect land use. This title is not intended to revoke or repeal any other public law, ordinance, regulation, or permit, except as expressly set forth in ordinance. However, where conditions, standards, or requirements imposed by any provision of this title are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements shall govern.

B. Conflict with Comprehensive Plan

It is vital that the more specific design and development standards that are contained in title 21 and are intended to apply to individual development applications apply over the general goals and policies of the comprehensive plan where there may be a potential conflict when dealing with development applications. Where conditions, standards, or requirements imposed by any provision of this title are either more restrictive or less restrictive than any provision found in the comprehensive plan, the provision of this title shall govern.

C. Conflict with Private Agreements

This title is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this title are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this title shall govern. Nothing in this title shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this title. In no case shall the municipality be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

21.01.070 SEVERABILITY

- A. If any court of competent jurisdiction invalidates any provision of this title, then such judgment shall not affect the validity and continued enforcement of any other provision of this title.
- B. If any court of competent jurisdiction invalidates the application of any provision of this title, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment.
- C. If any court of competent jurisdiction invalidates any condition attached to the approval of an application for development approval, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

21.01.080 COMPREHENSIVE PLAN

A. Purpose

The purpose of the comprehensive plan is to set forth the goals, objectives, strategies, and policies governing land use development of the municipality. As adopted, this section and the documents incorporated in this section constitute the comprehensive plan of the municipality.

B. Elements

1. Adopted Elements

The comprehensive plan consists of the adopted elements identified in the following table, and which are incorporated in this chapter by reference. Plans or other elements that are not listed below are not official elements of the comprehensive plan, though they may be valid planning tools.

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date [1]	Amendments
Anchorage Bowl	Anchorage 2020, Anchorage Bowl Comprehensive Plan	AO 00-119(S); 2-20-01	AO 02-119; 9-10-02
	Spennard Commercial District Development Strategy	AR 86-121; 6-17-86 AO 87-145; 12-15-87	
	Tudor Road Public Lands and Institutions Plan	AR 86-162; 9-9-86	
	Anchorage Central Business District Comprehensive Development Plan	AR 83-194(S); 9-13-83	
	Utility Corridor Plan	AO 90-13(S); 2-27-90	
	Section 36 Land Use Study (recommending Alternative 2)	AO-92-125; 11-10-92	
	The Ship Creek/Waterfront Land Use Plan (May 1991), including the Transportation Element	AO 91-88; 6-3-91	AIM 91-178

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date [1]	Amendments
Turnagain Arm	Potter Valley Land Use Analysis	AO 99-144; 12-7-99	
	University-Medical District Plan	AO 03-129; 10-21-03	
	Turnagain Arm Comprehensive Plan	AO 87-22; 4-7-87	
	Girdwood Area Plan	AO 94-238(S); 2-28-95	AO 98-176; 11-24-98 AO 06-47; 4-11-06
	Crow Creek Neighborhood Land Use Plan	AO 06-47; 4-11-06	
	Glacier-Winner Creek Access Corridor Study Final Routing Report	AO 97-11; 2-4-97	
	Girdwood-Iditarod Trail Route Study	AR 97-84; 5-20-97	
Chugiak; Eagle River; Eklutna	Girdwood Commercial Areas and Transportation Master Plan	AO 00-124(S); 2-20-01	
	Chugiak-Eagle River Comprehensive Plan	AO 92-133; 1-12-93	AO 96-86; 6-25-96-- amended by Alternative 1 of HLB Parcel 1-085 Land Use Study AO 06-93(S-1); 12-12-06
	Eagle River Greenbelt Plan	AR 85-88; April 1985	
	Chugiak-Eagle River Long-Range Transportation Plan 2002 Update	AO 03-128; 9-23-03	
Environmental Quality	Eagle River Central Business District Revitalization Plan	AO 03-74; 5-20-03	
	Anchorage Coastal Zone Management Plan	AR 79-153; 8-28-79	AO 81-3; 3-3-81
	208 Areawide Water Quality Management Plan	AR-79-151; 7-31-79	AO 82-33(S); 4-20-82
	Eagle River PM-10 Control Plan	AR 90-30; 2-6-90	AR 91-197; 9-24-91
	Hillside Wastewater Management Plan	AO 82-52; 5-18-82	AO 85-167; 9-24-85 AO 85-168; 9-24-85 AO 93-203; 12-7-93 AO 97-64; 6-3-97 AO 98-78; 6-2-98 AO 98-90; 8-18-98 AO 99-51; 3-23-99 AO 01-141(S); 10-23-01 AO 04-150; 11-16-04
	1992 Air Quality Attainment Plan for Anchorage, Alaska	AR 92-279; 12-8-92	
	Anchorage Wetlands Management Plan	AO 82-33(S); 4-20-82	AO 84-16(SA); 2-28-84 AO 84-130(S); 8-14-84 AO 84-163; 7-31-84 AO 95-129; 3-12-96
Transportation	Street and Highway Landscape Plan	AO 81-180; 11-3-81	
	Areawide Trails Plan	AO 96-140; 4-8-97	
	Official Streets and Highways Plan	AO 79-10; 6-19-79	AO 83-200; 12-6-83 AO 84-255; 1-22-85 AO 86-132; 8-19-86 AO 96-97(S); 8-13-96 AO 97-85; 6-3-97 AO 00-122; 8-15-00 AO 05-115; 10-25-05
	Anchorage Long-Range Transportation Plan 2025	AO 05-115; 10-25-05	

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date [1]	Amendments
Parks, Greenbelts, and Recreational Facilities	Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan	AO 05-122; 4-18-06	
	Areawide Library Facilities Plan	AR 84-83; 4-10-84	
	Updated Far North Bicentennial Park Plan	AR 85-87; 5-14-85	AO 02-165; 12-10-02
	Campbell Creek Park System Acquisition and Development Plan	GAAB Resolution No. R86-72	
	Rabbit Creek Greenbelt Plan	AR 87-16; 3-31-87	
	Chester Creek Greenbelt	AR 11-75; October 1975	

[1] AO 2000-119(S), at section 9, provides that elements of the comprehensive plan that were originally adopted by resolution are hereby ratified and confirmed, and shall be deemed to have been adopted on the date that they were adopted by resolution.

2. New Elements

Procedures for amending the comprehensive plan are set forth in section 21.03.070, *Comprehensive Plan Amendments*. That process may be used to amend existing elements of the plan or to adopt new plan elements, including, but not limited to:

- a. Plan elements that address new topic areas, such as, but not limited to, housing or public utilities;
- b. Neighborhood plans;
- c. Town center, district, or small-area plans; and
- d. Land use maps or residential intensity maps.

C. Periodic Review

The comprehensive plan shall be subject to periodic review in accordance with the procedure described in section 21.03.070, *Comprehensive Plan Amendments*.

D. Implementation—Conformity to Plans

The elements of the comprehensive plan shall be implemented as provided in this section and as provided in the remainder of this title. Zoning map amendments, land use approvals, and subdivisions shall conform to the comprehensive plan elements listed in this section. Where comprehensive plan elements conflict, the most recently adopted shall govern.

21.01.090 TRANSITIONAL PROVISIONS

The purpose of transitional provisions is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, at the time of the adoption of this title.

A. Violations Continue

Any violation of the previous title 21 ordinance shall continue to be a violation under this title and shall be subject to the penalties and enforcement set forth in chapter 21.13, *Enforcement*, unless the use, development, construction, or other activity complies with the provisions of this title.

B. Uses, Characteristics of Use, Structures, and Lots Rendered Conforming

A use, characteristic of use, structure, or lot not lawfully existing at the time of the adoption of this title is deemed lawful as of the effective date of this title, provided it conforms to all of the requirements of this title.

C. Uses, Structures, and Lots Rendered Nonconforming

1. When a lot is used for a purpose that was a lawful use before the effective date of this title, and this title no longer classifies such use as an allowed use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by chapter 21.12, *Nonconformities*.
2. Buildings, structures, and lots that legally existed on the effective date of this title may become nonconforming, based on the provisions of chapter 21.12, *Nonconformities*.

D. Processing of Applications Commenced or Approved Under Previous Ordinances

1. Pending Applications

- a. Any complete application that has been submitted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this title, shall, within twelve months of the date of acceptance for completeness, be reviewed in accordance with the provisions of the ordinance in effect on the date the application was deemed complete. However, in such cases, if the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this title. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.
- b. For multi-phase projects, this subsection shall apply only to those phases for which complete applications have been submitted for approval but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this title.
- c. An applicant with an approved pending application may waive review available under prior ordinances through a written letter to the director and request for review under this title.

2. Preliminary Plats

- a. Any complete preliminary plat application that has been submitted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this title, shall, within twelve months of the date of acceptance for completeness, be reviewed in accordance with the provisions of the ordinance in effect on the date the application was deemed complete. Subsequently, the final plat for such subdivision applications also shall be processed and reviewed according to the provisions of the ordinance applicable at the time of submission of the complete application for preliminary plat.
- b. An application for which preliminary approval of a plat was granted prior to the effective date of this title may be processed for a final decision in accordance with the preliminary approval, applicable terms of the ordinance in place at the time of preliminary approval, and any other approved permits and conditions,

even if the application does not comply with one or more requirements set forth in this title. Preliminary approvals granted under the previous title 21 may be extended no more than once, and for no longer than 24 months (12 months for abbreviated plats), pursuant to the extension procedures applicable under the previous ordinance.

3. Approved Projects

- a. Conditional use permits, subdivision plats, site plan approvals, grading permits, building permits, land use permits, sign permits, and variances, any of which are valid on ~~---~~ insert effective date shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed.
- b. Any building or development for which a building permit or land use permit was granted prior to the effective date of this title shall be permitted to proceed to construction even if such building or development does not conform to the provisions of this title.
- c. If the development for which the building permit or land use permit is issued prior to the effective date of this title fails to comply with the time frames for development established for the permit, including any approved extensions, the building or land use permit shall expire and future development shall be subject to the requirements of this title.

4. Remanded Cases

If the board of adjustment remands a case to another decision-making body, that body shall process the case under the rules applicable at the time the original complete application was submitted for approval, unless the applicant has waived review under previous ordinances pursuant to subsection D.1.c. above.

E. Investment-Backed Expectations

[RESERVED]

TABLE OF CONTENTS

CHAPTER 21.02: BOARDS, COMMISSIONS, AND MUNICIPAL ADMINISTRATION	2
21.02.010 Purpose	2
21.02.020 Table of Decision and Review Authority	2
21.02.030 Planning and Zoning Commission.....	4
A. Powers and Duties	4
21.02.040 Platting Board.....	5
A. Powers and Duties	5
21.02.050 Zoning Board of Examiners and Appeals	6
A. Powers and Duties	6
21.02.060 Board of Adjustment.....	7
A. Powers and Duties	7
B. Subpoenas	7
21.02.070 Urban Design Commission	7
[RESERVED]	7
21.02.080 Geotechnical Advisory Commission	7
A. Powers and Duties	7
21.02.090 Assembly	8
A. Decision-Making Authority.....	8
B. Land Use Procedure.....	8
21.02.100 Municipal Staff.....	8

CHAPTER 21.02: BOARDS, COMMISSIONS, AND MUNICIPAL ADMINISTRATION

21.02.010 PURPOSE

This chapter sets out the powers and duties of land use boards and commissions, the role of the assembly, and the responsibilities of municipal staff in the administration of this title.

21.02.020 TABLE OF DECISION AND REVIEW AUTHORITY

- A. Table 21.02-1 summarizes the major review and decision-making responsibilities of the assembly, the municipal staff, and the other entities that have roles in the procedures set forth in chapter 21.03, *Review and Approval Procedures*. Such other entities are referred to as the "land use boards and commissions" and include: the planning and zoning commission, the platting board; the zoning board of examiners and appeals; the board of adjustment, the urban design commission; and the geotechnical advisory commission.
- B. Table 21.02-1 is a summary tool and includes many, but not all, duties of these entities. Other duties and responsibilities are set forth in subsequent sections of this chapter and this title and other parts of the municipal code. Some other duties and responsibilities not listed in the table may require public hearings.
- C. The referenced notes are set forth immediately below the table.
- D. Even though not referenced in this chapter, the applicant, boards, commissions, or municipal administration may request that other boards, commissions, government agencies, and non-governmental agencies review some applications, including, but not limited to, rezonings, site plans, and subdivisions. Title 21 matters referred to other agencies will follow the procedures established in chapter 21.03, *Review and Approval Procedures*.

TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES

NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.

A = APPEAL = Authority to Hear and Decide Appeals
D = DECISION = Responsible for Review and Final Decision
H = HEARING = Public Hearing Required
R = REVIEW = Responsible for Review and/or Recommendation Only

Certificates of Zoning Compliance	21.03.060				A			D
Comprehensive Plan Amendments	21.03.070C.	D-H [1]	R-H [1]					R
Conditional Uses	21.03.080		D-H			A		R
Flood Hazard Permits	21.03.090				A			D
Land Use Permits	21.03.100			A [2]	A [2]			D
Master Plan, Institutional	21.03.110A.	D-H	R-H					R
Minor Modifications	21.03.120	D [3]	D [3]	D [3]	A			D [3]

TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES

*NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03.
Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.*

A = APPEAL = Authority to Hear and Decide Appeals
D = DECISION = Responsible for Review and Final Decision
H = HEARING = Public Hearing Required
R = REVIEW = Responsible for Review and/or Recommendation Only

Neighborhood or District Plans	21.03.130	D-H	R-H					R
Planned Unit Development (PUD)	21.03.140		D-H			A		R
Public Facility Site Selection (except schools)	21.03.150	A-H	D-H					R
School Site Selection	25.25	D-H	R-H					R
Rezoning (Map Amendments)	21.03.170	D-H	R-H					R
Sign Permits	21.03.180				A			D
Site Plan Review, Administrative	21.03.190B.		A					D
Site Plan Review, Major	21.03.190C.		D-H			A		R
Street and Trail Review	21.03.200		R [5]					R
Preliminary Plat	21.03.210C.5.		D-H [6]	D-H		A		R
Abbreviated Plat	21.03.210D.			A-H				D
Special Land Use Permit for Alcohol	21.03.050	D-H						R
Title 21, Text Amendments	21.03.220	D-H	R-H	R-H [7]				R
Vacation of Public and Private Interest in Land	21.03.240			D or A [8]		A [8]		R or D [8]
Variances [from most provisions of this title]	21.03.250				D-H			R
Variances [from the provisions of chapter 21.08, <i>Subdivision Standards</i>]	21.03.250			D-H		A		R
Variances [from the provisions of chapter 21.10, <i>Signs</i>]	21.11.110					A		R
Variances [from utility distribution and telecommunication facilities standards]	21.03.250 D.2.b.		D-H			A		R

TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES

NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.

A = APPEAL = Authority to Hear and Decide Appeals
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Verification of Nonconforming Status	21.03.260				A			D
<p>NOTES:</p> <p>[1] Only substantive comprehensive plan amendments require a public hearing. See section 21.03.070, <i>Comprehensive Plan Amendments</i>.</p> <p>[2] The appeal body for subsection 21.03.110E., <i>Improvements Associated with Land Use Permits</i>, is the platting board. Appeals related to provisions in title 23 are made to the building board of examiners and appeals.</p> <p>[3] An applicant may request application of the minor modification process only once during the review process.</p> <p>[5] See section 21.03.200, <i>Street and Trail Review</i>.</p> <p>[6] The planning and zoning commission may act as the platting authority for conditional uses or major site plan reviews that create a subdivision.</p> <p>[7] Code amendments relating to chapter 21.08, <i>Subdivision Standards</i>, require a hearing by the platting board. All code amendments require a hearing by the planning and zoning commission.</p> <p>[8] See section 21.03.240, <i>Vacation of Public and Private Interest in Lands</i>.</p>								
<p>KEY TO ABBREVIATIONS:</p> <p>ASBLY = Anchorage Assembly PZC = Planning and Zoning Commission PB = Platting Board</p> <p>ZBEA = Zoning Board of Examiners and Appeals BOA = Board of Adjustment UDC = Urban Design Commission MS = Municipal Staff</p>								

21.02.030 PLANNING AND ZONING COMMISSION

A. Powers and Duties

The planning and zoning commission has the following responsibilities.

1. The planning and zoning commission shall make a recommendation to the assembly on the following:
 - a. Comprehensive plan amendments;
 - b. Institutional master plans;
 - c. Neighborhood or district plans;
 - d. School site selections;
 - e. Major site plan reviews;
 - f. Preliminary plats, when a major site plan review creates a subdivision or requires the vacation of a dedicated public area, and the commission directs in the major site plan approval that it shall act as the platting authority (21.03.180F.);

- g. Unified development plats, where the site plan includes a large commercial establishment;
 - h. Appeals from administrative site plan reviews;
 - i. Rezoning (zoning map amendments), to include overlay districts; and
 - j. Title 21 text amendments.
- 2. The planning and zoning commission has decision-making authority over the following:
 - a. Conditional uses;
 - b. Planned unit developments;
 - c. Public facility site selections (except schools);
 - d. Variances from the provisions of subsection 21.05.040K., *Telecommunication Facilities*, and section 21.07.050, *Utility Distribution Facilities*; and
 - e. Preliminary plats, when a conditional use creates a subdivision or requires the vacation of a dedicated public area, and the commission directs in the conditional use approval that it shall act as the platting authority (21.03.080F.).
- 3. The planning and zoning commission shall:
 - a. Make a recommendation to the appropriate agency on new construction and reconstruction of streets of collector class or greater in the *Official Streets and Highways Plan*, and on public trail projects involving all trails for which any portion utilizes publicly-owned land, easements, or rights-of-way that are over one-half mile in length (21.03.190B.).
 - b. Develop, review, and make recommendations to the assembly regarding policies, plans, and ordinances to implement the municipal function of planning for the economic, social, and land use needs of the community.
 - c. Review and make recommendations to the assembly and school board regarding the annual capital improvement program of the municipality and school district.
 - d. Review and make recommendations to the mayor regarding the annual work program of the department.
 - e. Promulgate regulations to implement or make specific the provisions of this title, except provisions of chapter 21.08, *Subdivision Standards*, which are reserved to the platting board.
 - f. Exercise such other powers, and perform such other duties, as are provided by law.

21.02.040 PLATTING BOARD

A. Powers and Duties

The platting board has the following responsibilities.

1. The platting board has decision-making authority over the following:
 - a. Preliminary plats (except in those situations where a different board or commission acts as the platting authority—see subsections 21.03.080F., *Platting for Conditional Uses*, and 21.03.180F., *Platting for Site Plans*);
 - b. Unified development plats, when not included in a large commercial establishment site plan review;
 - c. Vacations of public and private interest in lands, where the platting board is the platting authority (see subsection 21.03.230C.);
 - d. Variances from the provisions of chapter 21.08, *Subdivision Standards*;
 - e. Variances from the following provisions of chapter 21.07: [RESERVED];
 - f. Modification or removal of plat note(s);
 - g. Appeals of abbreviated plats;
 - h. Appeals of land use permits issued under subsection 21.03.100E, *Improvements Associated with Land Use Permits*; and
 - i. Appeals of record of survey maps.
2. The platting board shall:
 - a. Promulgate regulations to implement or make specific the provisions of chapter 21.08, *Subdivision Standards*.
 - b. Review and make recommendations to the planning and zoning commission regarding all proposed amendments to chapter 21.08, *Subdivision Standards*.
 - c. Authorize extensions of subdivision agreements as provided in section 21.08.060C., *Time Limit for Completion of Improvements*.
 - d. Exercise such other powers, and perform such other duties, as are provided by law.

21.02.050 ZONING BOARD OF EXAMINERS AND APPEALS

A. Powers and Duties

The zoning board of examiners and appeals has the following responsibilities.

1. The zoning board of examiners and appeals has decision-making authority over the following:
 - a. Appeals pursuant to subsection 21.03.040B.;
 - b. Variances from all provisions of this title except subsection 21.05.040K., *Telecommunication Facilities*; section 21.07.050, *Utility Distribution Facilities*; chapter 21.08, *Subdivision Standards*; and chapter 21.11, *Signs*;

- c. Appeals of the director's decision regarding subsection 21.12.060B., *Bringing Characteristics Into Compliance*;
 - d. Overcoming presumption of abandonment pursuant to subsection 21.12.030E.; and
 - e. Time extensions for amortized signs, pursuant to subsection 21.12.070G.
2. The zoning board of examiners and appeals shall:
- a. Adopt general rules or make findings in specific cases regarding proposed changes of nonconforming uses, pursuant to section 21.12.030B., *Change of Use*.
 - b. Interpret or make specific the provisions of this title, except provisions of chapter 21.08, *Subdivision Standards*.
 - c. Exercise such other powers, and perform such other duties, as are provided by law.
3. The zoning board of examiners and appeals has the right to subpoena witnesses and documents using a form provided by the municipal clerk and submitted to the clerk for issuance at least five working days before the date of the hearing.

21.02.060 BOARD OF ADJUSTMENT

A. Powers and Duties

The board of adjustment has the responsibilities set forth in subsection 21.03.040A.1.

B. Subpoenas

The board of adjustment has the right to subpoena witnesses and documents using a form provided by the municipal clerk and submitted to the clerk for issuance at least five working days before the date of the hearing.

21.02.070 URBAN DESIGN COMMISSION

[RESERVED]

21.02.080 GEOTECHNICAL ADVISORY COMMISSION

A. Powers and Duties

- 1. The geotechnical advisory commission shall serve as a technical advisory board in the municipality.
- 2. The commission shall act in an advisory capacity to the assembly, the mayor, boards, commissions, and heads of municipal departments and agencies, and shall have the following responsibilities:
 - a. To make recommendations and give advice on geotechnical engineering issues and natural hazards risk mitigation.

- b. To recommend and review special studies relating to geotechnical engineering and natural hazards risk mitigation issues.
- c. To act in an advisory capacity regarding proposed development located in high or moderate snow avalanche hazard zones, in areas designated with high or very high susceptibility to seismically induced ground failure, and in areas susceptible to other natural hazards.

21.02.090 ASSEMBLY

A. Decision-Making Authority

The assembly has the following decision-making authority under this title:

- 1. Special land use permit for alcohol—for beverage dispensary and package store liquor licenses;
- 2. Comprehensive plan amendments;
- 3. Institutional master plans;
- 4. Neighborhood or district plans;
- 5. School site selections;
- 6. Rezoning (zoning map amendments), to include overlay districts;
- 7. Title 21 text amendments;
- 8. Appeals on public facility site selections; and
- 9. Any other action not delegated to the planning and zoning commission, platting board, zoning board of examiners and appeals, board of adjustment, urban design commission, or municipal staff, as the assembly may deem desirable and necessary to implement the provisions of this title.

B. Land Use Procedure

- 1. The land use review and approval procedures specified in chapter 21.03, *Review and Approval Procedures*, supplement the assembly's procedures under title 2.
- 2. Where a board or commission has authority under this title to review and comment on a land use matter, the assembly shall not take final action on the matter until it has received and taken notice of the review comments and recommendations of the board or commission.

21.02.100 MUNICIPAL STAFF

Municipal departments shall have the review and decision-making responsibilities set forth in this chapter, to be carried out in accordance with the terms of this title. The departments also shall have such additional powers and duties as may be set forth in other ordinances, rules, and operating procedures of the municipality.

TABLE OF CONTENTS

CHAPTER 21.08: SUBDIVISION STANDARDS	3
21.08.010 Purpose.....	3
A. General	3
B. Specific	3
21.08.020 Applicability.....	3
A. Generally	3
B. Approvals Required	3
C. <i>Design Criteria Manual</i>	3
21.08.030 Design Standards.....	4
A. Subdivision Layout and Design Generally	4
B. Phasing Schedule	4
C. Maintenance of Existing Natural Drainage	4
D. Drainage Design	4
E. Legal and Physical Access	4
F. Streets	4
G. Block Arrangement	6
H. Subdivisions on Slopes	6
I. Seismic-Induced Ground Failure Hazard	8
J. Avalanche Zones	8
K. Lot Dimensions	8
L. Lot Frontage and Access	9
M. Landscaping	10
N. Reserve Strips	10
O. Electrical and Telecommunication Utilities	10
P. General Subdivision Standards Are Minimum Standards	10
21.08.040 Dedication.....	10
A. Streets	10
B. Alleys	11
C. Walkways	11
D. Trails	11
E. Riparian Protection and Maintenance Easements	12
F. Reserve Tracts	12
G. Utility Easements	13
21.08.050 Improvements.....	13
A. General Requirements	13
B. Improvement Areas Defined	14
C. Improvement Requirements by Improvement Area	15
D. Interior Streets	16
E. Optional Residential Interior Streets	17
F. Access Streets, Peripheral Streets, and Half Streets	18
G. Curbs and Gutters	19
H. Pedestrian Facilities	19
I. Street Lighting	20
J. Traffic Control Devices	20
K. Monuments	20
L. Drainage System	20
M. Telecommunication and Electric Facilities	21
N. Water Supply Facilities	21
O. Sanitary Sewer Facilities	22
P. Natural Gas Facilities	22
Q. Erosion and Sedimentation Control	22
R. Landscaping	23

21.08.060 Subdivision Agreements	23
A. Agreement Required; Application; Contents	23
B. Approval by Assembly	24
C. Time Limit for Completion of Improvements	24
D. Payment of Costs of Required Improvements Outside the Anchorage Roads and Drainage Service Area	25
E. Payment of Costs of Required Improvements Inside the Anchorage Roads and Drainage Service Area	25
F. Subsequent Development Reimbursement	28
G. Guarantee of Completion of Improvements Required; Amount; Methods	28
H. Release of Guarantee of Improvements	30
I. Improvement Warranty	30
J. Correction of Deficiencies Under Warranty	31
K. End of Warranty Period	31
L. Default	31
M. Agency Coordination	32
N. Standards May Not Be Altered; Enforcement of Chapter	32
21.08.070 Conservation Subdivisions	32
A. Purpose	32
B. Applicability	32
C. Conservation Design Process	32
D. Reduction in Minimum Lot Area Allowed	32
E. Lot Coverage Allowed	33
F. Minimum Open Space	33
G. Dedication and Recording	33

CHAPTER 21.08: SUBDIVISION STANDARDS

21.08.010 PURPOSE

A. General

These standards are enacted generally to promote the goals of the comprehensive plan as to the health, safety, convenience, quality of life, and welfare of the present and future inhabitants of the municipality; to secure adequate utilities and public facilities, provide for consideration of school and open space needs, and protect sensitive natural areas such as critical habitat, high-value wetlands, and riparian corridors; to enhance or preserve other significant natural features; to ensure the functional and efficient layout and appropriate use of land so as to achieve property lots of reasonable utility and minimize public costs to construct and maintain infrastructure; and to facilitate orderly growth and harmonious development of the municipality.

B. Specific

Planning, layout, and design of a subdivision are of the utmost concern. The subdivision should provide safe, efficient, and convenient movement to points of destination or collection. Modes of travel to achieve this objective should not conflict with each other or abutting land uses. Lots and blocks should provide appropriate settings for the buildings that are to be constructed, make use of natural contours, and protect residents from adverse noise and vehicular traffic. Important natural features of the area should be preserved. Schools, parks, and other community facilities should be planned as an integral part of the area. New development should reflect and maintain the character of the neighborhood through layout of roads and lots, consideration of connectivity with minimal cut-through traffic, pedestrian access to neighborhood destinations, and buffers or open space where appropriate to maintain privacy and views.

21.08.020 APPLICABILITY

A. Generally

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

B. Approvals Required

1. General

Before a preliminary plat for a subdivision shall be granted, the owner or his or her authorized agent shall apply for and secure approval under the provisions of section 21.03.200, *Subdivisions and Plats*.

2. Before Certificate of Zoning Compliance

A certificate of zoning compliance shall not be issued, pursuant to section 21.03.060, and a building or structure shall not be occupied, until and unless all dedications and improvements required by this chapter have been installed or agreements/guarantees made in a satisfactory manner and approved by the municipality.

C. Design Criteria Manual

Whenever the *Design Criteria Manual* is referenced in this chapter, the reference shall mean the version of the *Design Criteria Manual* in effect at the time of preliminary plat approval.

21.08.030 DESIGN STANDARDS

A. Subdivision Layout and Design Generally

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

- 1. Name of Subdivision**
The title under which the subdivision will be recorded shall not duplicate the name of any existing subdivision in the municipality.
- 2. Compliance with Comprehensive Plan**
The design of subdivisions shall further the goals and policies of the comprehensive plans as set forth in this title.
- 3. Compliance with Other Provisions of this Title**
All subdivisions shall comply with all other applicable zoning, design, and development requirements set forth in this title.

B. Phasing Schedule

The platting authority may require that a subdivision conform to a phasing schedule based upon the scheduled availability of infrastructure to serve the subdivision. Submittals for the initial phase of a subdivision shall indicate utility easements and transportation connections to adjacent and undeveloped land/areas that are not part of the initial phase yet are under the same ownership.

C. Maintenance of Existing Natural Drainage

The general lot configuration and layout of proposed rights of way, open space tracts, and development setbacks shall be consistent with naturally occurring drainage features and historical drainage patterns within the subdivision and surrounding areas. The subdivider shall demonstrate to the department of project management and engineering that reasonable efforts have been made to avoid and/or mitigate the damming, diversion, and/or contamination of natural and historical drainageways or watercourses. The subdivision design shall ensure that neighboring parcels, adjacent rights of way, water bodies, wetlands, and existing storm drainage facilities are not adversely impacted by new or altered drainage resulting from the development.

D. Drainage Design

All drainage facilities shall comply with the standards of section 21.07.040, *Drainage, Erosion and Sediment Control, Storm Water Runoff, and Prohibited Discharges*, as implemented by the *Design Criteria Manual*.

E. Legal and Physical Access

A subdivision shall have legal and physical access.

F. Streets

All streets shall comply with the standards of this chapter and section 21.07.060, *Transportation and Connectivity*, the specifications of the *Design Criteria Manual*, and the following intent and standards:

1. **Intent**
Streets shall be arranged in relation to topography to provide usable lots, safe streets, safe and convenient pedestrian walkways and crossings, reasonable gradients, and minimum damage to terrain and existing vegetation.
2. **Street Grades**
 - a. Except as provided in this section, cul-de-sac turnaround grades shall not exceed five percent, and other street grades shall not exceed ten percent.
 - b. Notwithstanding subsection 2.a. above, residential street grades in a subdivision may be up to 15 percent. However, any street grade exceeding ten percent requires municipal engineer approval. Design of grades in excess of ten percent is governed by the *Design Criteria Manual* (DCM).
 - c. Applicable streets shall comply with the standards of subsection 21.08.030H., *Subdivisions on Slopes*.
3. **Street Alignment**
 - a. Arterial and collector streets shall be aligned to continue those streets from adjoining areas into the proposed subdivision. Local streets shall be aligned to discourage their use by through traffic. This provision is not intended to encourage cul-de-sacs or dead-end streets. Stub streets with temporary turnaround areas shall be extended to the boundaries of the proposed subdivision, where appropriate, to provide future street connections to adjacent unsubdivided areas.
 - b. Grade or median separations of street lanes may be permitted to preserve natural features, provide space for landscaping, or facilitate access in subdivisions containing hillside lots.
4. **Street Intersections**
Streets shall intersect at or as near as is feasible to a 90-degree angle and in no event at less than a 75-degree angle. The distance between intersection centerlines shall be at least 150 feet. Corner roundings at intersections shall conform to the standards of the municipal engineer.
5. **Cul-de-Sacs**
 - a. Where topography and traffic circulation permit, the length of a cul-de-sac right-of-way shall not exceed 900 feet in the R-6, R-8, R-9, R-10, and TA zoning districts, and 600 feet in all other zoning districts. The platting authority may approve longer cul-de-sacs when necessary to accommodate natural features.
 - b. The length shall be measured from the centerline of intersecting through streets to the radius point of the cul-de-sac bulb.
 - c. A cul-de-sac right-of-way shall terminate with a turnaround having a minimum radius of 50 feet and a minimum return radius of 50 feet. Commercial/industrial cul-de-sacs shall have a minimum radius of 65 feet. The platting authority may permit a cul-de-sac street to terminate with a T-shaped or Y-shaped turnaround, or other turnaround approved by the traffic engineer, when such a design is required by extreme environmental or topographical conditions or unusually or irregularly shaped boundaries.

6. **Alleys**
Dead-end alleys shall be prohibited.
7. **Street Names and Addresses**
 - 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, 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.
 - b. The director may promulgate regulations establishing a uniform street designation terminology. All street names shall conform to the terminology so established.
 - c. Street names may be modified using the procedure adopted by the director, which shall be approved by the platting board.
8. **Street Addresses**
 - a. The director shall assign all official street address numbers within the municipality. A permanent address shall be assigned to occupiable buildings, and to other locations at the discretion of the director. Buildings with more than one unit shall be assigned sub-addresses. Addresses shall be displayed as required in section 21.07.010C.
 - b. The director 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.

G. Block Arrangement

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, or where lots face an approved loop road or cul-de-sac.
2. Residential blocks in class A improvement areas (as defined in 21.08.050B) shall not be less than 300 feet nor more than 500 feet long. Residential blocks in class B improvement areas shall not be less than 300 feet nor more than 1,320 feet long. The platting authority may approve a longer block length when necessary to accommodate natural features such as steep slopes, or when the longer block is divided by an improved pedestrian easement that provides connectivity and traffic circulation is not impaired.

H. Subdivisions on Slopes

1. **Applicability**
This section applies to parcels to be subdivided that are five acres or more, and
 - a. Have an average slope of 20 percent or greater over the entire property; or

- b. 30% of the area to be subdivided has slopes of 30% or greater.

2. Additional Submittal Requirements

In addition to the submittal requirements in section 21.03.200, applications for applicable subdivisions shall include a geotechnical engineering report that contains the following information:

- a. Geology of the site: description of the geology of the site, including the nature, strength, and stability of the soils, the character and depth of any imported material; depth to groundwater and to bedrock; any avalanche and mass wasting areas; fractures; and any other significant geologic features.
- b. Slope stability analysis: conclusions concerning the effects of material addition and/or removal, grading, presence of water (both on and offsite), seismic activity, and erosion, on slope stability.
- c. Conclusions regarding the adequacy of the site for development, and specific recommendations for procedures for cut and fill slope stability, seepage and drainage control, grading, and all other applicable design criteria to mitigate geologic hazards, slope failure, and soil erosion, and to minimize disturbance to natural ecological and drainage functions.
- d. A summary of field exploration methods and tests on which the report is based, such as probings, core drilling, borehole photography, or test pits.

3. Design Standards

- a. For phases of subdivisions where all the lots created are 40,000 square feet or greater in area, the subdivider shall show for each lot that has an average slope of 20 percent or greater, to the satisfaction of the platting authority, a building envelope that:
 - i. Meets the requirements of subsection 21.07.020C.3.b.; and
 - ii. If applicable, accommodates on-site systems meeting the requirements of AMC title 15.
- b. Phases of subdivisions that include any lots less than 40,000 square feet in area shall use the conservation subdivision process at section 21.08.070.

4. ROW Reductions

The platting authority may, with the recommendation of the municipal engineer, approve reductions in right-of-way standards in order to keep grading and cut and fill slopes to a minimum.

5. Downslope Lots

Road/driveway access to all lots less than 5 acres with an average slope of 30% or greater shall be from the upslope side of the lot.

6. Sidewalks/Trails

Any requirements for sidewalks or trails along roads may be limited, by the platting authority, to providing a sidewalk/trail on one side of the road only. In such case, the sidewalk/trail shall be a minimum of 6 feet wide and separated from the road.

7. Grading

For phases of subdivisions where all the lots created are 40,000 square feet or greater in area, grading shall be limited to the road right-of-way to the maximum extent feasible. Mass grading of the entire subdivision is prohibited, except that previously disturbed areas, such as former gravel pits, may be graded. Lots shall be individually graded, within their building envelope, at the time of building construction, pursuant to section 21.07.020C. For the purposes of this subsection only, "previously disturbed" means alteration of the natural landform. It does not mean simply the removal of vegetation.

8. Vehicular Routes
[RESERVED]

I. Seismic-Induced Ground Failure Hazard

1. A geotechnical investigation shall be performed to evaluate the potential for seismic-induced ground failures across that portion of the subdivision within seismic zones 4 and 5 of the municipality's *Seismic-Induced Ground Failure* mapping. The requirement for a geotechnical investigation shall apply to all zoning districts, unless otherwise waived by the platting authority.
2. A report of the findings and recommendations of the geotechnical investigation shall be submitted to the platting authority, prepared by a civil engineer licensed in the state of Alaska. The report shall include a discussion of the suitability of the proposed development and recommendations for any needed mitigation.
3. The scope of geotechnical investigation shall include subsurface explorations (test borings or excavations), laboratory testing, and engineering analysis to evaluate the potential for, and potential magnitude of liquefaction, settlement, horizontal spreading, and faulting, following methods conforming with the state-of-practice; and stability of existing slopes, natural or man-made, following methods defined in AMC chapter 23.15, section 1802.2.6, paragraph D. These evaluations shall be based on probabilistic ground motion parameters corresponding to 475-year or greater return period.
4. The platting authority may reject a proposed subdivision in its entirety if the geotechnical investigation does not demonstrate that the area can be developed in accordance with AMC title 23.
5. The geotechnical investigation submitted with the plat application may supplement the requirements for geotechnical investigations included in AMC title 23.

J. Avalanche Zones

No lot shall be created, unless it is restricted to non-structural uses, that is completely in the "high hazard area", as identified on municipal avalanche maps based on the 1982 *Anchorage Snow Avalanche Zoning Analysis* or on amendments to those maps reviewed and approved by the geotechnical advisory commission.

K. Lot Dimensions

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 80 feet.

2. The width of a lot, except for a townhouse lot, shall be at least one-third the depth of the lot.
3. 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 AMC chapter 15.65.
4. 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-four 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-6, R-8, R-9, R-10 or TA districts and will not be served by either the public water or the public sewer system.
5. The length of the flag pole portion of the lot shall not exceed 300 feet in the R-6, R-8, R-9, R-10 or TA districts or 120 feet in all other districts, and all other measurements shall be consistent with other sections of this title.
6. To the extent possible, side lot lines shall follow natural terrain and create building sites that integrate into the natural terrain and minimize the need for fill and grading.
7. Lots tracted out for open space, well protection areas, or for undevelopable areas such as wetlands, are exempt from these dimensional requirements and the dimensional standards of chapter 21.06.

L. Lot Frontage and Access

1. Except when platted under subsection 21.03.200E., *Unified Development Plats*, or except for lots tracted out for open space, well protection areas, or for undevelopable areas such as wetlands, all lots shall have frontage on a street.
2. Unless approved by the director, access to a residential use on a residential lot shall not be from a collector or greater street as designated on the *Official Streets and Highways Plan*.
3. Subdivisions shall be designed to minimize lots with access to residential major streets carrying more than 1,000 average daily trips.
4. The frontage of a lot on a cul-de-sac bulb shall be at least 35 feet, except that the frontage on a cul-de-sac bulb of a lot with a side setback abated under subsection 21.06.020A.3., *Construction on Adjoining Lots*, shall be at least 18 feet. This subsection does not apply to flag lots.
5. In class A improvement areas, there shall be no more than one flag lot facing onto each cul-de-sac bulb.

M. Landscaping

1. The platting authority shall consider and require, where appropriate, landscaping and screening under section 21.07.080, *Landscaping, Screening, and Fences* to separate property from incompatible uses or structures, including but not limited to streets designated for collector or greater capacity on the *Official Streets and Highways Plan*, commercial, or industrial uses. The area containing the landscaping shall be shown as an easement or open space area on the plat. The landscaping shall be installed before final plat approval, or its installation shall be guaranteed under section 21.08.060, *Subdivision Agreements*, or by other performance guarantees acceptable to the platting authority. The landscaping shall be maintained by the property owner or designee.
2. If a landscaping easement is required, no more than 50 percent of such easement shall coincide with any utility easement, per the requirements of 21.07.080G.2.c., unless the utilities are installed in a conduit or utilidor of sufficient size to reduce the risk of land disturbance if repairing, replacing, or upgrading utility lines, in which case the landscaping easement and the utility easement may coincide completely.

N. Reserve Strips

Privately owned strips may not be reserved to control access to public rights-of-way.

O. Electrical and Telecommunication Utilities

The width and alignment of transmission easements within subdivisions shall conform to the *Utility Corridor Plan*. The platting authority shall preclude structures or uses of land within or beneath areas of electrical or telecommunications ground or aerial easements that are incompatible with electrical distribution or transmission facilities.

P. General Subdivision Standards Are Minimum Standards

1. The design standards in this chapter are minimum standards. The platting authority may impose more restrictive standards when it finds they are necessary to conform the design of a proposed subdivision to the approval criteria for subdivisions or to meet other requirements set forth in this title.
2. When the platting authority finds that it is not feasible to conform the design of a proposed subdivision to meet the approval criteria for subdivisions or other requirements set forth in this title, the platting authority may reject a proposed subdivision in its entirety.

21.08.040 DEDICATION

A. Streets

1. All street rights-of-way shall be dedicated to the public.
2. Street right-of-way widths shall conform to the *Official Streets and Highways Plan* (OSHP). These standards are considered to be minimum standards and may be increased in a particular instance, where necessary, to make a proposed street conform to sound traffic engineering standards and principles. When steep slopes or other terrain features dictate, slope easements that exceed normal right-of-way requirements will also be required. Notwithstanding the above, the maximum dedication width that may be required for an arterial or collector street is 70 feet if the entire width of the street is within the subdivision, or 35 feet if the street is on an exterior boundary of the subdivision.

3. The platting authority may approve the dedication of a half-street only when the other half of the street has been dedicated or when the platting authority reasonably anticipates that the other half of the street will be dedicated. When a subdivision borders a dedicated half street, the platting authority shall require the dedication of the other half of the street, unless it determines that the street would be unnecessary or undesirable.

B. Alleys

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

C. Walkways

The platting authority shall require the dedication of pedestrian walkways where it finds that pedestrian walkways are necessary to provide for convenient and safe pedestrian circulation, to protect pedestrians from hazardous traffic, or as required in section 21.07.060, *Transportation and Connectivity*. The minimum width of a walkway dedication shall be 10 feet. The platting authority may require a wider dedication for reasons of topography, project use, or construction needs (if the walkway is to be paved).

D. Trails

The platting authority shall require the dedication of an easement for a trail designated on adopted municipal plans. If the platting authority approves an alternate location for a trail easement as a substitute for an existing easement, the existing unused easement shall be vacated, unless the property owner agrees otherwise. The platting authority may modify the alignment, width, and scope of trail easements as necessary to integrate trail and subdivision design.

1. Access to Chugach State Park, Community Use Areas, and Natural Resource Use Areas

- a. The platting authority shall require the dedication of a public pedestrian easement for a trail designated on adopted municipal plans, for connectivity with a trail or access point to a large Community Use Area or Natural Resource Use Area (as defined in the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* or the *Chugiak-Eagle River Comprehensive Plan*), and for connectivity with a trail or access point identified in the most current *Chugach State Park Access Inventory*. If the platting authority approves an alternate location for a trail easement as a substitute for an existing easement, the existing unused easement shall be vacated, unless the property owner agrees otherwise. The platting authority may modify the alignment, width, and scope of trail easements as necessary to integrate trail and subdivision designs, so long as the resulting trails are of comparable gradient, directness, and utility, and reflect the general locations and patterns of existing public access routes. An acceptable pedestrian easement shall be at least 20 feet wide, centered on an existing, recognized, new, or relocated trail.
- b. The platting authority shall require the dedication of a vehicular right-of-way for public access to trails and parks access points as defined in an adopted plan. An acceptable vehicular right-of-way shall be a public street that is platted and dedicated in accordance with relevant provisions of this code.

E. Riparian Protection and Maintenance Easements

1. The platting authority shall require the dedication of riparian maintenance and protection easements where a stream, water body, or wetland traverses or is adjacent to the subdivision, in accordance with subsection 21.07.020B., *Stream, Water Body, and Wetland Protection*.
2. The easement shall conform substantially to the line of the watercourse. The width of the easement shall be that which the platting authority finds necessary to provide access to widen, deepen, slope, improve, and maintain the stream, and to protect the stream and adjacent property from soil erosion, flooding, water pollution, and destruction of fish and wildlife habitat. At a minimum, the easement shall be the same as the applicable setback required in the zoning district, as set forth in section 21.07.020B.4., *Buffer/Setback Requirements*.
3. Section 21.07.020B., *Stream, Water Body, and Wetland Protection*, sets forth additional restrictions on development and the use of land and structures within the easement and, in some districts, beyond the easement.
4. In cases where two or more easements coincide, the outer limits of the combined easement shall be measured from the outer edge of the outermost watercourse edge in either direction.
5. Credit towards other open space dedication or private open space set-aside requirements shall be given for the dedication of riparian protection and maintenance easements at a ratio of one-to-one.

F. Reserve Tracts

1. **Sites Designated**
 - a. The platting authority may require that an area designated as a park, playground, or open space in an officially adopted plan, as preservation wetland (as designated in the Anchorage Wetlands Management Plan), or as a school site pursuant to AMC subsection 25.25.040 be designated as a reserve tract. The designation shall be supported by a report from the municipal agency or department requesting the reservation, containing a statement that the municipality intends to purchase the designated area within the period allowed under subsection F.2 below.
 - b. Special, natural, or manmade features of historical or community significance in a proposed subdivision which enhance or have unique value to the community may be set aside in a reserve tract for acquisition, or voluntarily dedicated to the public.
2. **Time for Acquisition**
 - a. Within 24 months of filing of a final plat, or the period of the school site designation provided by AMC subsection 25.25.040B, whichever is earlier, the municipality or any other public or private agency may acquire any parcel designated as reserve tract on the plat, by purchase or as otherwise authorized by law, for the purpose for which the parcel was reserved under subsection F.1. above.

- b. If a reserve tract is not acquired within such time, it shall be released from the reserve tract designation, unless the time for acquisition is extended by the reserve tract's owners, or by another provision of law.
- c. In consideration of the reservation, the municipality shall pay the owners of the reserve tract an amount equal to the municipal real property taxes that accrue on the reserve tract, during the period of reservation.

G. Utility Easements

1. Public utilities shall be placed in dedicated rights-of-way unless the utility demonstrates that there is a specific need that warrants a location elsewhere. Pad-mounted facilities may be located in easements abutting rights-of-way. Electric and telecommunication utilities are encouraged to co-locate in trenches.
2. In situations where utilities may not be placed within rights-of-way, easements shall be provided for utilities, and shall be centered along or adjacent to lot lines to the greatest extent practicable.
3. Where a utility has demonstrated, pursuant to G.1. above, the need to locate outside the right-of-way, utility easements shall be sized as follows, but the platting authority may approve different standards when justified by demonstrable site conditions or utility needs. The platting authority shall size the easements as small as is feasible. After [date of passage] utility easements shall not be placed in tracts set aside to protect environmental features, such as wetlands or steep slopes.
 - a. Utility easements along rear lot or side lot lines where a primary voltage conductor is placed shall be at least ten feet wide, or a total of 20 feet wide along adjoining rear lots.
 - b. Utility easements along rear lot or side lot lines where a service voltage conductor is placed shall be five feet wide, or a total of ten feet wide along adjoining side lots.
 - c. Where a front yard easement is needed to accommodate a transmission utility, which is included in the utility corridor plan, the easement shall generally be ten feet wide.
 - d. The platting authority may require wider utility easements along the rear lot lines of hillside lots.
4. The platting authority shall require the dedication of utility easements when a utility company demonstrates a specific need for them or an easement is needed to accommodate the routing included in the *Utility Corridor Plan*.

21.08.050 IMPROVEMENTS

A. General Requirements

1. **Compliance**
The subdivider shall construct and install improvements in accordance with this section, the design standards in section 21.08.030, and the *Design Criteria Manual* and *Municipality of Anchorage Standard Specifications*.

2. Minimum Standards

The improvement standards in this section are minimum standards. The platting authority may require additional or more extensive improvements when it finds they are necessary to conform a proposed subdivision to the standards of section 21.08.030, or the subdivider may provide such additional or more extensive improvements.

3. Eligibility for Warranty

- a. All improvements required under this section shall be constructed under a subdivision agreement as provided in section 21.08.060, *Subdivision Agreements*. Lots in subdivisions shall not be eligible for conditional certificates of zoning compliance or certificates of zoning compliance until the subdivision improvements included in this section have been accepted for warranty by the municipality.
- b. Projects may be placed on warranty in the autumn season without landscaping and/or permanent erosion control provided that:
 - i. All other improvements are accepted for warranty;
 - ii. Temporary erosion control is maintained throughout the winter;
 - iii. The warranty guarantee plus a performance guarantee for landscaping is provided;
 - iv. The subdivider/developer meets all of the criteria to go on warranty; and
 - v. A separate warranty period is provided for the landscaping/permanent erosion control.

4. Engineer Registered in the State of Alaska

- a. The subdivider shall have construction plans for the improvements required under this section prepared by an engineer registered in the state of Alaska, in accordance with the requirements of the municipal engineer.
- b. The engineer shall maintain in good standing professional liability insurance in the amount of \$1,000,000 during the term of the agreement. Policies written on a "claims-made" basis must have a two year tail of coverage from the completion of the subdivision agreement term. The required insurance policy shall provide for no less than 30 days advance notice to the municipality prior to cancellation.

B. Improvement Areas Defined

For the purpose of this section, the municipality is divided into two distinct improvement areas. The class A improvement area includes areas of more dense population and/or intensive development, and thus requires a more urbanized level of improvements. The class B improvement area includes areas that are less densely populated and/or intensely developed, and thus requires a less urbanized level of improvements. The zoning districts associated with each improvement area are listed in the table below:

TABLE 21.08-1: IMPROVEMENT AREAS DEFINED		
District Type	Class A	Class B
Residential	R-1	R-6
	R-1A	R-7
	R-2A	R-8

TABLE 21.08-1: IMPROVEMENT AREAS DEFINED		
District Type	Class A	Class B
Residential (cont.)	R-2D R-2M R-2F R-3 R-4 R-4A R-5	R-9 R-10
Commercial	B-1 B-3 CBD R-O MC	
Industrial	I-1 I-2 MI	
Mixed Use	NMU CMU RMU MMU	
Other Districts	AD	TA W
AF District PCD District PLI District PR District RUC District	The platting authority shall place a subdivision within any of these districts in the improvement area that it finds to be most compatible with the proposed use of the parcel and the zoning district classifications of the surrounding area.	

C. Improvement Requirements by Improvement Area

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	R
Strip-Paved Interior Streets		R
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	
Sanitary Sewer Facilities	R	
Landscaping	R	R

D. Interior Streets

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* or other acceptable estimates approved by the traffic engineer.

c. Improvement Design

Interior residential streets, except as provided in subsection 21.08.050E., shall be improved in accordance with table 21.08-3 and table 21.08-4.

TABLE 21.08-3: PAVED RESIDENTIAL STREETS, MINIMUM STANDARDS

A.D.T. (2)	Street Section (1) (feet)		Number of Lanes		Design Speed (3) (mph) (4)	Right of Way (feet)	Spillover Parking (5)	Application
	Standard	Optional	Moving	Parking				
0-75 Residential minor	31		2	1	20	60	No	Cul-de-sacs, low-volume residential streets
		24	2	0	20	60	Yes	
76-300 Residential minor	31		2	1	25	60	No	Residential minor streets, cul-de-sacs and small loops
		24	2	0	25	60	Yes	
301-600 Residential minor	33		2	2	25	60	No	Residential minor streets, loop streets, high-volume cul-de-sacs
		24	2	0	25	60	Yes	
601-1,000 Residential major	33		2	2	25	60	No	Residential major streets, loop streets and high-volume cul-de-sacs
		28	2	1	25	60	Yes	
1,001-2,000	38	24	2	0	25	60	Yes	Residential limited access
			2	2	30	60	No	Residential subconnector
		38	3 (6)	0	30	60	Yes	No on-street parking permitted

TABLE 21.08-3: PAVED RESIDENTIAL STREETS, MINIMUM STANDARDS

A.D.T. (2)	Street Section (1) (feet)		Number of Lanes		Design Speed (3) (mph) (4)	Right of Way (feet)	Spillover Parking (5)	Application
	Standard	Optional	Moving	Parking				

NOTES:
 (1) Street dimensions are from back of curb.
 (2) See subsection 21.08.050D.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 21.08.050E below.
 (6) Center turning lane required.

TABLE 21.08-4: STRIP-PAVED STREETS, MINIMUM STANDARDS

A.D.T.	Street Section (1) (3) (feet)	Design Speed (2) (mph)	Right-of- Way (feet)	Application
0–500	20	20	50	Residential loop streets, rural peripheral/access roads
501–1,000	24	25	50	Residential loop streets, urban peripheral/access roads
1,001–2,000	24	25	60	Major residential streets

(1) Dimensions are from edge of pavement.
 (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.

2. Commercial and Industrial Interior Streets

Commercial and industrial interior streets shall be improved in accordance with table 21.08-5 below:

TABLE 21.08-5: CLASS A COMMERCIAL AND INDUSTRIAL STREETS, MINIMUM STANDARDS

Street Section (1) (feet)	Number of Lanes		Design Speed (2) (mph)	Right- of- Way (feet)	Application
	Moving	Parking			
33	2	0	30	60	No on-street parking
40	2	2 (3)	30	60	Commercial/industrial streets
47	3(1TL)	0	35	60	Major commercial/industrial streets; no on- street parking permitted; parking must be provided off-street; 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.

E. Optional Residential Interior Streets

- 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 E.2. below. If the platting authority so finds, residential interior streets may be improved in accordance with this section and table 21.08-3.

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 approved by the traffic engineer. The spillover parking area shall be shown on the plat, and a plat 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 21.08-7: ADDITIONAL SPILLOVER PARKING SPACES REQUIRED FOR EACH LOT FRONTING ON A STREET WITHOUT ON-STREET PARKING	
Housing Type	Number of Spaces Per 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 Streets

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 21.08-4.
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 21.08-4, provided that peripheral streets used for access to individual lots shall be improved in accordance with tables 21.08-3 and 21.08-5.
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 21.08-3, if underground utilities will be installed before street construction.

G. Curbs and Gutters

Where required, the subdivider shall construct curbs and gutters in accordance with the *Design Criteria Manual* and *Municipality of Anchorage Standard Specifications* (MASS), 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 American Association of State Highway and Transportation Officials (AASHTO) vertical type.

H. Pedestrian Facilities

1. Sidewalks

- a. Sidewalks are required as determined by the transportation and connectivity standards in section 21.07.060.
- b. Sidewalks shall be improved in accordance with table 21.08-8 below.
- c. Sidewalks at bus stops shall comply with the specifications of the *Design Criteria Manual*.

2. Walkways

- a. Walkways are required as determined by the transportation and connectivity standards in section 21.07.060.
- b. Walkways shall be improved in accordance with table 21.08-8 below, as determined by the platting authority.
- c. Walkways in dedicated pedestrian easements may be improved or unimproved, as determined by the platting authority.

3. Trails

- a. Trails shall be located and constructed as determined by the *Areawide Trails Plan* and other adopted municipal plans.
- b. Where a trail and a sidewalk are co-located, the facility shall be constructed according to the specifications for a trail.

TABLE 21.08-8: MINIMUM SIDEWALK, WALKWAY, AND TRAIL IMPROVEMENTS

Type of material	Minimum width	Separation from curb	Right-of-way	Notes
Sidewalks				
4" PCC	5	0	N/A	As a general rule, sidewalks should only be attached to the curb where on-street parking is allowed.
4" PCC	5	7	N/A	
Pavers	5	0 or 7	N/A	Decorative concrete or brick pavers
Walkways				
4" PCC	5		N/A	Walkways through commercial developments as required by 21.07.060 and 21.07.090 are generally not located in easements

TABLE 21.08-8: MINIMUM SIDEWALK, WALKWAY, AND TRAIL IMPROVEMENTS

Type of material	Minimum width	Separation from curb	Right-of-way	Notes
4" PCC	5		10'	Not recommended where peat is surcharged
1 ½" AC	5		10"	Generally used for improved walkways creating through-block connections; between cul-de-sac bulbs; connecting to parks, trails, other open space
Gravel	5		10'	May be used in class B improvement areas
Unimproved			10'	
Trails				
1 ½" AC	See Trails Plan	7		
Gravel		7		For class B improvement areas or nature trails
Unimproved				Generally for existing historical trails or trails through parks and open space

I. Street Lighting

Street lighting apparatus shall meet municipal standards for materials and design and be provided with underground power. The location of the streetlight poles shall be approved by the traffic engineer and shall comply with standards contained in the *Design Criteria Manual*.

J. Traffic Control Devices

Traffic and street name signs and traffic signals shall be installed in accordance with the requirements of the traffic engineer and the *Alaska Traffic Manual*, per the requirements of AS 28.01.010.

K. Monuments

Monuments and lot corner markers for determining the boundaries of subdivisions and lot corners shall be set by a professional registered land surveyor licensed by the state of Alaska. Survey monumentation shall conform to such additional standards as the municipal surveyor may establish by regulation under AMC chapter 3.40.

L. Drainage System

A drainage system approved by the municipal engineer, including necessary storm drainage facilities, drain inlets, subdrains, footing drain stub-outs, manholes, culverts, bridges and other appurtenances, shall be installed. The design of the drainage system shall provide for the preservation of designated high-quality wetlands critical to water table levels and wildlife habitat within and surrounding the subdivision, shall protect the water quality and the re-charge of groundwater and surface watercourses, and shall comply with the following standards:

1. No surface water drainage from the subdivision shall empty into a sanitary sewer; or directly, without treatment and energy dissipation, into a creek or stream channel.
2. The size, design, and construction of drainage structures shall conform to the *Design Criteria Manual*.
3. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, a storm water or drainage easement shall be provided that substantially conforms with the lines of such watercourse, plus additional width that is adequate and necessary to convey

expected storm flows and/or storm water drainage facilities. Streets paralleling such easement may be required in connection therewith. Lakes, ponds, creeks, and similar areas will be accepted for maintenance by the municipality only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the storm water drainage control system.

4. The municipality shall accept no responsibility to maintain any storm drainage structures, except for those lying within a municipal right-of-way, traversing municipally owned property, authorized by permit on state or federal land, or constructed in a publicly dedicated drainage easement of sufficient width to allow access.
5. The drainage system shall comply with the standards set forth in section 21.07.040, *Drainage, Erosion and Sediment Control, Storm Water Runoff, and Prohibited Discharges*.
6. Unless waived by the municipal engineer, footing drain stub-outs shall be provided for each lot where there is a storm drain system.

M. Telecommunication and Electric Facilities

1. All new telecommunication and electric lines shall be installed in accordance with the specifications of the municipality and the utility providing the service.
2. All new telecommunication and electric utility distribution lines, as defined in chapter 21.14, shall be placed underground:
 - a. As required by section 21.07.050, *Utility Distribution Facilities*; and
 - b. As required by the platting authority in areas with patterns of development similar to those where section 21.07.050 requires that utility distribution lines be placed underground.

N. Water Supply Facilities

1. **Access to Public Water System**
 - a. If the platting authority requires that a subdivision be served by a public water system, the subdivider shall install the system in accordance with the requirements of the state department of environmental conservation and the most current edition of the *Design Criteria for Sanitary Sewer and Water Improvements* of the municipal water and wastewater utility.
 - b. Where connection to public water supply systems is required, such systems shall be dedicated to the municipality for operation and maintenance, thus allowing for the orderly expansion of the municipality, its water systems, and fire protection services that protect the health and property of the citizens of the municipality.
2. **No Access to Public Water System**
 - a. If the subdivision has no access to a public water system, the platting authority shall require either wells on individual lots or a water system for the common use of the lots in the subdivision, if site conditions require such a system.
 - b. If wells on individual lots are authorized, the subdivider need not install water supply facilities. A well serving an individual lot shall conform to the requirements of the municipal on-site water and wastewater program. A common

water system serving a portion of the subdivision shall not preclude individual wells for the remaining lots.

- c. If a common system is required, the subdivider shall install the system in accordance with the requirements of the state department of environmental conservation and the specifications of the municipal water and wastewater utility.

O. Sanitary Sewer Facilities

1. Access to Public Sewer System

- a. If the platting authority or provisions of law require that a subdivision be served by a public sewer system, the subdivider shall install the system in accordance with the requirements of the state department of environmental conservation and the most current edition of the *Design Criteria for Sanitary Sewer and Water Improvements* of the municipal water and wastewater utility.
- b. Where connection to public sanitary sewer systems is required, such systems shall be dedicated to the municipality for operation and maintenance, thus allowing for the orderly expansion of the municipality and its sanitary sewer system, which protects the health of the citizens of the municipality.

2. No Access to Public Sewer System

- a. If the subdivision has no access to a public sewer system, the platting authority shall require either a sewer system for the common use of the lots, or sewage disposal systems serving individual lots, whichever is more suitable.
- b. If site conditions require a sewer system for the common use of lots in the subdivision, the subdivider shall install such system in conformance with the requirements of the state department of environmental conservation and the municipal water and wastewater utility.
- c. If the platting authority authorizes sewage disposal systems serving individual lots, the subdivider need not install sewer facilities. In such case, the minimum lot size requirements of AMC title 15 shall apply. The systems shall conform to the requirements of the municipal on-site water and wastewater program.

P. Natural Gas Facilities

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

Q. Erosion and Sedimentation Control

All grading, excavating, and removal or destruction of natural topsoil, trees, or other natural vegetation shall conform to an erosion and sedimentation control plan prepared by the subdivider and approved by the department of project management and engineering before the work may commence. The plan shall conform to the requirements of section 21.07.040, *Drainage, Erosion and Sediment Control, Storm Water Runoff, and Prohibited Discharges*, as well as municipal guidelines and policies contained in the *Soil Erosion and Sediment Control Manual*, and any other applicable guidelines and policies approved by the department of project management and engineering.

R. Landscaping

The subdivider shall be responsible for the provision of landscaping required under section 21.07.080, *Landscaping, Screening, and Fences*, except the tree provisions of subsection 21.07.080F.8., and it shall be installed by the subdivider or guaranteed under the provisions of subsection 21.08.060E.

21.08.060 SUBDIVISION AGREEMENTS

A. Agreement Required; Application; Contents

1. Agreement Required

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

2. Application

Application for a subdivision agreement shall be made to the department of project management and engineering. The application shall include a copy of the platting summary of action, a copy of the preliminary plat, a tentative schedule of all proposed construction of public improvements and utilities, and an engineer's estimate of the cost of each required public improvement. The engineer's estimate shall be based on the schedule of prices for standard items for private development projects, published by the municipal engineer. The municipality may require a showing of the subdivider's financial responsibility.

3. Contents

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

- a. A designation of the public improvements required to be constructed.
- b. The construction and inspection requirements of the municipality or utility for which the improvements are constructed.
- c. The time schedule for completing the improvements.
- d. The guarantee required by subsection 21.08.060E.
- e. A schedule for any payments required under this section.
- f. The allocation of costs between the municipality and the subdivider for required public improvements.
- g. The warranty required by subsection 21.08.060G.
- h. The consent of the subdivider for the ownership of specified public improvements to vest with the municipality upon final acceptance by the municipality.
- i. A warranty that the subdivider has title to the subdivision property and the authority to execute the subdivision agreement.
- j. Where the subdivision is within the flood hazard district, a requirement that the subdivider will submit certification of floodproofing, information on the elevation of

the lowest habitable floor, and information on the elevation to which the structure is floodproofed, for each building or structure to be constructed as part of the subdivision agreement.

- k. A provision requiring the subdivider to submit plans, specifications, descriptions of work, the limits of the work area, the methods to be employed, a traffic control plan, and any other pertinent data and information necessary for the municipal engineer to evaluate the proposed installation.
- l. A provision that all designs conform to the *Design Criteria Manual*, and that all work shall be performed pursuant to the *Municipality of Anchorage Standard Specifications*.
- m. A provision that work shall not commence until plans have been approved by the municipal engineer and notice to proceed is given.

4. Exceptions

If the subdivider elects to complete and obtain acceptance of all required public improvements before the approval or filing of a final plat for the subdivision, the subdivision agreement need not include the guarantee provisions specified in items 3.c. and d. above.

B. Approval by Assembly

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

C. Time Limit for Completion of Improvements

- 1. The municipal engineer shall determine the time duration of the subdivision agreement, which shall not be less than two years nor more than three, based on the size, complexity, and possible phasing of the subdivision. The improvements required under the terms of the subdivision agreement shall be fully completed and accepted for warranty within that time period. However, before the expiration of the subdivision agreement, the subdivider may request a time extension from the municipal engineer. The municipal engineer may grant one subdivision agreement time extension, up to two years in length, upon a showing of good cause by the developer and provided such extension does not unreasonably impact adjacent properties or the general public. The municipal engineer does not have the authority to modify conditions placed by the platting board. The municipal engineer may refer any extension application to the platting board if the project is in default or he or she deems further or more extensive analysis and public comment concerning the continuation of the subdivision agreement may be needed. In considering whether an extension should be granted, the following shall be considered: the manner in which safety hazards, drainage problems, sanding, snow removal, grading, and other matters will be handled during the extension period. Performance conditions may be imposed on the extension to ensure that such matters are adequately handled.
- 2. Requests for subsequent two-year time extensions require platting board approval. All time extensions shall be conditioned to require provision of an adequate performance guarantee when the existing guarantee is inadequate.

D. Payment of Costs of Required Improvements Outside the Anchorage Roads and Drainage Service Area

1. Outside of the Anchorage Roads and Drainage Service Area, the subdivider/developer shall pay 100 percent of all costs associated with construction, including but not limited to design, engineering, project administration and inspection, testing, surveillance, related bank fees and interest payments, fair market value of right-of-way, as well as all work, labor, and materials furnished for the construction of required improvements. The exception shall be those utilities whose tariffs provide cost participation.
2. The subdivider shall retain an independent registered engineer who has no financial interest in the development, to inspect and test the improvement construction. The engineer shall maintain in good standing professional liability insurance in the amount of \$1,000,000 during the term of the agreement. Policies written on a "claims-made" basis must have a two year tail of coverage from the completion of the subdivision agreement term. The required insurance policy shall provide for no less than 30 days advance notice to the municipality prior to cancellation.

E. Payment of Costs of Required Improvements Inside the Anchorage Roads and Drainage Service Area

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

1. **Administrative and Recording Costs Relating to Public Improvement Guaranties**
The subdivider shall pay 100 percent of all costs incurred in supplying and administering any method of public improvement guarantee provided for in subsection 21.08.060.
2. **Inspection, Surveillance, and Testing**
 - a. The subdivider shall pay 100 percent of all costs relating to any inspection, surveillance, and testing by the municipality, necessary for warranty acceptance of any required public improvement or during the warranty period. Surveillance shall be performed by the municipality during the course of construction and up to the point of final acceptance of the completed project.
 - b. The subdivider shall retain an independent registered engineer who has no financial interest in the development, to inspect and test the improvement construction. The engineer shall maintain in good standing professional liability insurance in the amount of \$1,000,000 during the term of the agreement. Policies written on a "claims-made" basis must have a two year tail of coverage from the completion of the subdivision agreement term. The required insurance policy shall provide for no less than 30 days advance notice to the municipality prior to cancellation.
3. **Administration of Agreement**
The subdivider shall pay 100 percent of all costs of plan review, agreement administration, and attendant costs.
4. **Arterial and Collector Streets**
Reasonable costs incurred in the construction of a street designated on the *Official Streets and Highways Plan* (OSHP) as a collector, arterial, or greater shall be

apportioned as specified in subsections E.4.a. through d. below. For purposes of this subsection, construction costs means only those costs associated with construction, design engineering, project administration and inspection, related bank fees and interest payments, and fair market value of right-of-way dedicated to the street in excess of 70 feet.

a. Interior Collector Streets

If a collector street lies within the subdivision, the municipality shall reimburse the subdivider a sum equal to the reasonable construction cost of building to the standard specified by the platting authority, less the estimated cost of construction in accordance with the residential standard approved by the platting authority under tables 21.08-3 and 21.08-5, provided that:

- i. When the subdivision agreement is executed:
 - (A) The street is programmed for improvement to the designated standard in the six-year capital improvement program; and
 - (B) Sufficient funds (bonds, designated state grants, or mil-levy) have been appropriated for reimbursement in the capital improvement budget for the current fiscal year; or
- ii. When the preliminary plat of the subdivision is approved:
 - (A) Construction to the designated standard is required by the platting authority;
 - (B) Improvement to the designated standard is programmed in the six-year capital improvement program; and
 - (C) Sufficient funds (bonds, designated state grants, or mil-levy) have been appropriated for reimbursement in the capital improvement budget for the current fiscal year.

If the conditions set forth in subsections 4.a.i. or ii. are not met at the time specified, then the total cost of construction required by the platting authority shall be borne by the subdivider.

b. Interior Arterial Streets

If an interior arterial or greater street is required to be constructed to arterial standards by the platting authority, the municipality shall reimburse the subdivider 100 percent of the reasonable construction cost subject to the availability of bond funds, state grants, or mil-levy funds appropriated for the construction of that street. If the platting authority has not required construction to arterial or greater standards, the subdivider shall construct the street to the standards required under subsection 21.08.050D. and shall bear 100 percent of the construction cost.

c. Peripheral Streets

If the subdivider is required to construct an abutting collector street, the municipality shall reimburse a sum equal to the reasonable construction cost of the standards specified by the platting authority less the estimated cost of construction in accordance with the residential standards under table 21.08-4, subject to the conditions specified in subsection 4.a. above. If a subdivider is

required to construct an abutting arterial or greater street to arterial or greater standards, the municipality shall reimburse in a manner and subject to the conditions set forth in subsection b. above. If the subdivider is not required to construct an abutting street to arterial or greater standards, the subdivider shall construct the street to the standards required under subsection 21.08.050F. and shall pay 100 percent of the cost of construction.

d. Access Streets

If the platting authority requires the construction of an access street under the authority of subsection 21.08.050D. that is designated as a collector, arterial, or greater, the municipality shall reimburse a sum equal to the reasonable construction cost of the standard specified by the platting authority less the estimated construction cost in accordance with the residential standards under table 21.08-4, subject to the availability of bond funds, state grants, or mil-levy funds appropriated for the construction of that street. If the platting authority has not required construction to collector or greater standards, the subdivider shall construct the street to the standards required under subsection 21.08.050D. and shall pay 100 percent of the construction costs.

5. Other Streets

Except as provided in subsection E.4., the subdivider shall pay 100 percent of the cost of streets within the boundaries of the subdivision. The subdivider shall additionally pay 100 percent of the cost of all peripheral streets and access roads except as provided in subsection E.4. of this section whose construction may be required by the municipal engineer. The property within subdivisions that is later assessed by the municipality for final improvements to access and peripheral streets shall receive credit for the cost of salvageable improvements to those peripheral and access streets. Nonsalvageable improvements will not receive credit. Credit will be provided only when:

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

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

6. Curbs, Sidewalks, and Walkways Adjacent to Streets

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

7. Sidewalks and Walkways not Adjacent to Streets

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

8. Storm Drains, Inlets, and Manholes

The subdivider shall pay 100 percent of the cost of storm drains, inlets, and manholes necessary to serve the subdivision, provided that, within areas where the municipality provides drainage maintenance, the municipality shall reimburse the subdivider those

costs attributable to oversizing required by the municipality. In those areas where the municipality does not maintain drainage facilities, the subdivider shall pay all costs, including those for any required oversizing.

9. Water Improvements

If the subdivision is to receive water service from a public utility, the subdivider shall provide water facilities, including service connections to all lots, with cost participation as provided in the current approved tariff of the utility. If the subdivision is to receive water service from a community water system, the subdivider shall provide water facilities, including service connections to all lots, and pay 100 percent of the cost of those facilities.

10. Sanitary Sewer Improvements

The subdivider shall provide sanitary sewer facilities, including service connections to all lots, with cost participation as provided in the current approved tariff of the municipal sanitary sewer utility.

11. Electrical and Telecommunication Facilities

The subdivider shall provide electrical and telecommunication facilities with cost participation as provided in the current approved tariffs of the applicable utility companies.

12. Deferred Utilities

When paved street or sidewalk improvements are installed prior to placement of traffic control devices and electrical and telecommunication cable placement, the subdivider shall, at appropriate crossings as directed by the municipality, provide any necessary underground conduit consistent with conduit size, type, and installations standards provided by the utility.

13. Street Lighting

The subdivider shall pay the cost of street lighting apparatus in the same manner as the cost of constructing the streets to which it is adjacent as provided in subsections E.4. and 5.

14. Traffic Control Devices

The subdivider shall pay 100 percent of the cost of traffic control devices. Traffic control devices, except electric-operated traffic signals, shall be installed prior to any structure being occupied in the subdivision.

15. Landscaping

The subdivider is responsible for required landscaping as stated in subsection 21.08.050S. Landscaping shall meet the standards of section 21.07.080, *Landscaping, Screening, and Fences*.

F. Subsequent Development Reimbursement

[RESERVED]

G. 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 upon approval by the municipal engineer. The amount of the guarantee shall be determined on the basis of the subdivider's cost estimate. The guarantee shall remain in effect until warranty 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 project management and engineering. 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:

TABLE 21.08-9: PERCENT FOR OVERRUN ALLOWANCE	
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 G.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 G.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 an escrow account, the subdivider shall file with the municipality an escrow agreement that includes the following terms:

- i. Funds of the escrow account shall be held in trust until released by the municipality and may not be used or pledged by the subdivider as security in any matter during that period other than payment for the improvements.
- ii. In the case of a failure on the part of the subdivider to complete any improvement within the required time period, the institution shall

immediately make all funds in such account available to the municipality for use in the completion of those improvements.

c. Letter of Credit

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

- i. That the creditor irrevocably guarantees funds in an amount equal to the estimated cost of all required public improvements plus overrun allowances as provided in subsection G.2. above, for the completion of all such improvements; and
- ii. That in the case of failure on the part of the subdivider to complete any specified improvements within the required time period the creditor shall pay to the municipality immediately and without further action such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.

H. Release of Guarantee of Improvements

1. Inspection will be made by the municipality prior to acceptance of the improvements for warranty. The municipality shall have 30 days, which shall begin on the day of the first inspection, to complete the inspection and provide a list of deficiencies, except that the municipal engineer may extend the 30 day period for unusual circumstances such as extreme weather. Upon notification by the subdivider, the municipality shall inspect to confirm the correction of the deficiencies.
2. The municipality shall release the obligation for performance guarantees upon the acceptance of the improvements for warranty, together with the posting of adequate security for warranty.
3. The municipality may refuse to release the obligation for any particular public improvement if the subdivider or contractor is in present or imminent default in whole or in part on the completion of any other public improvement or warranty covered by the subdivision agreement.

I. Improvement Warranty

1. The subdivider shall warrant and guarantee that required public improvements constructed under the agreement will remain in good condition and meet operating specifications for two years, commencing with warranty acceptance of each public improvement when it is completed. Such warranty includes defects in design, workmanship, materials, and any damage to improvements caused by the subdivider, his or her agents, or others engaged in work to be performed under the subdivision agreement. If the municipal engineer deems appropriate, extensive repairs or modifications made during the warranty period may extend the duration of the warranty period for those repairs or modifications only. The subdivider shall not be responsible for cleaning, snow removal, ditching, grading, dust control, or similar activities during the warranty period. Nothing in this title, however, is intended to waive the requirements of AMC chapter 24.80, pertaining to miscellaneous use provisions.

2. To secure the warranty:

- a. The guarantee of performance provided for in subsection G. shall remain in effect until the end of the warranty period. If the guarantee is a performance bond posted by a contractor, the bond cannot secure the warranty unless the subdivider and contractor, by written agreement, elected this option at the time the performance bond was posted; or
- b. The subdivider shall furnish the municipality with a corporate surety bond, cash deposit, or letter of credit in an amount equal to a percent of the total construction costs as set forth in this subsection. This security shall guarantee the payment of any reconstruction or repair costs that may be undertaken due to failures occurring during the warranty period. Responsibility for identifying the necessity of repairs or reconstruction of the improvements shall rest with the municipality.

TABLE 21.08-10: PERCENT TO SECURE WARRANTY

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

J. Correction of Deficiencies Under Warranty

Within 30 days, or a reasonable extension at the sole discretion of the municipal engineer, of notification by the municipality of the need for repair or reconstruction, the subdivider shall correct the deficiencies, satisfactory to the municipality. Such notification shall be made by certified mail. If the subdivider fails to repair or reconstruct the deficiency within the time specified in this section, the municipality will make the repair at the subdivider's sole expense. The municipality may then bill the subdivider for the cost of the repair and associated administrative costs, or declare the bond or deposit forfeited.

K. End of Warranty Period

Inspection will be made by the municipality at the end of the warranty period and prior to the release of guarantees. The municipality shall have 30 days, which shall begin on the day of the first inspection, to complete the inspection and provide a list of deficiencies, except that the municipal engineer may extend the 30 day period for unusual circumstances such as extreme weather. All deficiencies identified in the warranty period shall be corrected, inspected, and approved within 30 days, except that the municipal engineer may extend the 30 day period for unusual circumstances or inappropriate weather. Upon final acceptance, the municipality will release the remaining security within 90 days. If the municipality does not timely inspect and provide a report before the warranty period expires, the warranty period ends.

L. Default

If the subdivider defaults on any obligation to construct required public improvements or the obligation to warrant and repair such improvements, the municipality may demand immediate payment on the performance or warranty guarantee. In the case of a performance bond, deposits in escrow, or letter of credit, the municipality may demand immediate payment of a portion of all sums obligated for the performance or warranty of any improvement. All funds received by the municipality shall be used for any construction, repair, or reconstruction necessary to ensure that:

1. All required public improvements are built to specifications necessary to receive warranty acceptance; and

2. The improvements remain in good condition for the completion of the warranty period. The municipality may use guarantee funds for the construction, repair, or maintenance of required public improvements from the date of initial default until three years after the funds have become available to the municipality for such use, except that no use shall be made of the funds later than two years after satisfactory completion and warranty acceptance of the work. Following either: (1) the warranty acceptance of all public improvements and posting of the warranty security, or (2) final acceptance, or (3) the three-year period provided for in this subsection, the municipality shall pay to the subdivider all guarantee funds which were not used or obligated for the completion of the improvements.

M. Agency Coordination

Upon receipt of notification of violation or concern by municipal departments or outside agencies, the municipal engineer may suspend approval on work authorized through the subdivision agreement until such time that the issue is resolved.

N. Standards May Not Be Altered; Enforcement of Chapter

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

21.08.070 CONSERVATION SUBDIVISIONS

A. Purpose

A conservation subdivision is an alternative type of residential development in which the lots are allowed to be smaller in area or narrower than otherwise required in the zoning district, but in which the overall number of lots does not exceed the maximum number of lots allowed in a conventional subdivision by the zoning district. Conservation subdivisions are intended to create a more compact residential development to preserve and maintain open areas, high value natural lands, and lands unsuitable for development, in excess of what would otherwise be required by this title.

B. Applicability

The conservation subdivision option may be used on any parcel with a minimum of at least two acres in any residential district in which detached single-family housing is permitted, provided that the proposal is consistent with the requirements in this section 21.08.070.

C. Conservation Design Process

Conservation subdivisions shall be approved through the procedure set forth in section 21.03.200, *Subdivisions and Plats*.

D. Reduction in Minimum Lot Area Allowed

Conservation subdivisions may include one or more lots that do not conform to the minimum lot size or lot width requirements of chapter 21.06, or the dimensional requirements of subsections 21.08.030J.1. and 2., provided that:

1. The amount of any reduction in minimum lot size shall be used for common open space, pursuant to F. below;

2. There shall be no more than one principal single-family structure per lot;
3. Front and rear setbacks interior to the subdivision are not less than half the depth required by the underlying zoning district, but side setbacks are not less than the width required by the underlying zoning district;
4. On any lot that is less than the minimum lot size of the underlying zoning district, the principal structure shall have a maximum floor area ratio of not more than 0.5;
5. In class A improvement areas, street sections shall have vertical curbs;
6. Driveways shall have a maximum width of 14 feet at the curb;
7. Where on-street parking is allowed, a minimum 20 foot separation distance between the curb returns of adjacent driveways shall be provided; and
8. Common open space with level 4 Screening landscaping shall be provided along any lot line abutting a residential neighborhood where any adjoining lot is greater than 150% of the average lot size along that lot line of the conservation subdivision. In class B areas this abutting landscaped open space area shall be one hundred feet wide.

E. Lot Coverage Allowed

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

F. Minimum Open Space

The amount of lot size reduction of each lot shall, in total, be provided as common open space, except that under no circumstances shall the amount of common open space provided be less than 30 percent of the property shown on the subdivision plat. Open space shall be identified using the standards set forth in subsection 21.07.030B.4., *Private Open Space, Standards*, except that no portion of the land preserved as common open space may be located within the boundaries of an individual lot for residential development, or in a road right-of-way, and no portion of the land preserved as common open space may be less than 30 feet in its smallest dimension in class A districts or less than 100 feet in its smallest dimension in class B districts, or have less square footage than one-half of the square footage of the minimum lot size for that district. In order that all residents of a development have access, there should be, provided by the developer, a common pedestrian corridor leading into all common open space. Common open space areas in class B improvement areas shall remain undisturbed.

G. Dedication and Recording

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

1. Such deed restriction or easement has been recorded at the district recorder's office; and
2. The property owners' association or other organization has been established before any building or land use permits for construction in a conservation subdivision shall be issued.

TABLE OF CONTENTS

CHAPTER 21.13: ENFORCEMENT	2
21.13.010 General Provisions	2
A. Purpose	2
B. Compliance Required	2
C. Entitlements	2
D. Continuation of Prior Enforcement Actions	2
E. Continuing Violations	2
21.13.020 Responsibility for Enforcement and Inspections	2
A. Primary Responsibility	2
B. Inspections	2
21.13.030 Violations	3
A. Activity Inconsistent with Title	3
B. Activity Inconsistent with Entitlement	3
C. Illustrative Examples	3
21.13.040 Remedies and Penalties	4
A. Civil Remedies and Enforcement Powers	4
B. Remedies Cumulative	6
21.13.050 Procedures for Public Enforcement Actions	6
A. Emergency Matters	6
B. Non-Emergency Matters	6
21.13.060 Procedures for Private Enforcement Actions	8
A. Purpose and Intent	8
B. Authorization	9
C. Limitations	9
D. Procedure	9
E. Civil Fine	11
F. Payment of Costs by Complainant	11
G. Commencement of Action in Superior Court to Enforce Compliance Order	11
H. Failure to Obey Compliance Order	11

CHAPTER 21.13: ENFORCEMENT

21.13.010 GENERAL PROVISIONS

A. Purpose

This chapter establishes procedures through which the municipality seeks to ensure compliance with the provisions of this title and obtain corrections for violations of this title. The chapter also sets forth the remedies and penalties that apply to violations of this title. The provisions of this chapter are intended to encourage the voluntary correction of violations, where possible.

B. Compliance Required

No person shall develop or use any land, building, or structure within the municipality in violation of this title, regulations authorized under this title, or the terms and conditions of entitlements issued under this title.

C. Entitlements

No entitlement may be issued under this title unless all structures and uses of land and structures permitted under the entitlement conform to this title, the regulations promulgated under this title, and the terms and conditions of the other entitlements issued under this title that apply to the use or structure. An entitlement issued in violation of this section is void.

D. Continuation of Prior Enforcement Actions

Nothing in this title shall prohibit the continuation of previous enforcement actions undertaken by the municipality pursuant to previous regulations.

E. Continuing Violations

Each day that a violation occurs or remains uncorrected shall constitute a separate and distinct violation of this title, provided however the director has the authority to enter into a civil compromise as to the amount of the fine.

21.13.020 RESPONSIBILITY FOR ENFORCEMENT AND INSPECTIONS

A. Primary Responsibility

1. Public Enforcement Actions

Except as otherwise provided, the director shall have primary responsibility for public enforcement actions (see section 21.13.050) to enforce the provisions of this title.

2. Private Enforcement Actions

Except as otherwise provided, the administrative hearings officer shall have primary responsibility for private enforcement actions (see section 21.13.060) to enforce the provisions of this title.

B. Inspections

1. Subject to subsection B.3. below, at any reasonable time, the director may, upon presentation of proper identification, enter upon and inspect any land, structure, or premises where he or she has reasonable cause to believe there exists a violation of this title, or enter upon such a building or premises to perform a duty of the director under this title.

2. At any reasonable time, the director may enter upon and inspect any land or structure where any entitlement has been applied for or issued. The purpose of such inspection shall be to verify conformity with the application or entitlement.
3. Where the Constitution of the United States or of the state so requires, the director shall obtain an administrative search warrant authorizing an inspection and exhibit the warrant to the person in charge of the premises before conducting the inspection. The director or representative shall apply to the trial courts of the state to obtain a warrant, stating in the application the name and address of the premises to be inspected, the authority to conduct the inspection, the nature and extent of the inspection, and the facts and circumstances justifying the inspection. Warrants issued under this section shall be returned within ten days.

21.13.030 VIOLATIONS

Each of the following activities shall constitute a violation of this title:

A. Activity Inconsistent with Title

Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any building, structure, or sign, or development or subdivision of any land, in contravention of any provision of this title or any regulation promulgated under this title.

B. Activity Inconsistent with Entitlement

Any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms or conditions of any entitlement required to engage in such activity, whether issued under or required by this title.

C. Illustrative Examples

Examples of activities inconsistent with this title or with an entitlement issued under this title include, but are not limited to, the following:

1. Excavation, grading, cutting, clearing, or other land disturbance activity without obtaining all necessary approvals required by this title or other applicable regulations;
2. Damage to or removal of vegetation inconsistent with this title;
3. Creation, expansion, replacement, or change of a nonconformity inconsistent with this title;
4. Reduction or diminishment of lot area, setbacks, vegetative buffers, or open space below the minimum requirements set forth in this title;
5. Increasing the density or intensity of any use of any land or structure except in accordance with the requirements of this title;
6. Storage or maintenance (intentionally or otherwise) of goods, materials, products, or other items outdoors including, but not limited to operable vehicles or equipment, appliances, building materials, machine parts, abandoned vehicles, or snow, except in compliance with this title;

7. Filing or recording of a subdivision plat in any public office without approval for recording by, and bearing the approval of, the platting authority under this title;
8. Failure to remove any sign installed, created, erected, or maintained in violation of this title, or for which the sign permit has lapsed; and
9. Failure to remove a temporary use once authorization for the temporary use under this title has lapsed.

21.13.040 REMEDIES AND PENALTIES

The director shall have the following remedies and powers to enforce this title:

A. Civil Remedies and Enforcement Powers

1. Deny/Withhold Entitlements

The director may deny or withhold all entitlements, including certificates of occupancy, or other forms of authorization to use or develop any land, structure, or improvements, until a violation, associated civil penalty, and/or lien resulting from a previous final order related to such property, use, or development is corrected. This provision shall apply whether or not the current owner or applicant for the permit or other approval is responsible for the violation.

2. Revoke Entitlements

Any entitlement or other form of authorization required under this title may be revoked when the director determines that:

- a. There is a material or substantive departure from the approved plans, specifications, limitations, or conditions as required under the entitlement;
- b. The entitlement was procured by false representation;
- c. The entitlement was issued in error; or
- d. There is a violation of any provision of this title or other applicable regulations.

Written notice of revocation shall be served upon the property owner, agent, applicant, or other person to whom the entitlement was issued, or such notice may be posted in a prominent location at the place of violation. No work or construction shall proceed after service of the revocation notice.

3. Stop-Work Orders

- a. Whenever any building or structure or site or part thereof is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in substantial violation of any state or municipal law, or in a manner that endangers life or property, the director has the authority to issue a stop-work order for the specific part of the work that is in violation or presents the hazard.
- b. With or without revoking permits, the director may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this title or a provision of an entitlement or other form of authorization issued under this title.

- c. The stop-work order shall be in writing directed to the person doing the work if known, and a copy mailed to the owner of record of the property, and shall specify the provisions of this title or other law allegedly in violation. After any such order has been posted, no work shall proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order.
- d. The stop-work order may be issued at the same time as the enforcement order (see subsection 21.13.050B., *Non-Emergency Matters*, below), or subsequent to such notice. The stop-work order may also specify a shorter time for correction of the violation than the time period specified in the enforcement order. The stop-work order shall also indicate that failure to comply with the order may subject the violator to civil and/or criminal liability as penalty for the violation(s).
- e. Once conditions for resumption of the work have been met, the director shall rescind the stop-work order and shall notify the owner in writing of the rescission.
- f. The owner of any property affected by a stop-work order, or his or her representative, may request that the director reconsider such stop-work order. The request shall be in writing and shall state the grounds for reconsideration. The director shall issue written findings and either confirm or rescind the stop-work order within 7 days of receiving the request for reconsideration. The stop-work order shall remain in effect until the director either confirms or rescinds the stop-work order. Decisions of the director may be appealed to the zoning board of examiners and appeals.

4. Civil Penalties

In addition to other remedies provided in AMC section 1.45.010 or other sections of this title, violation of this title may be punishable through imposition of a civil penalty as set forth in AMC section 14.60.030, or, if no penalty is set forth in AMC section 14.60.030, a civil fine of \$300.00 for each violation.

5. Restoration of Disturbed Areas

The director may require a violator who is regulated under this title and who failed to retain sediment generated by a land-disturbing activity to restore the waters and lands affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. This authority is in addition to any other civil or criminal penalty or injunctive relief authorized under this title or applicable law.

6. Injunctive Relief

The director may seek injunctive relief or other appropriate relief in superior court or other court of competent jurisdiction against any person who fails to comply with any provision of this title or any requirement or condition imposed pursuant to this title. In any court proceedings in which the municipality seeks a preliminary injunction, it shall be presumed that a violation of this title is a real, immediate, and irreparable injury to the public; that the public will be irreparably injured by the continuation of the violation unless the violation is enjoined; and that there is no plain and adequate remedy at law for the subject title violation.

7. Abatement

The municipality may abate the violation pursuant to this subsection.

- a. Before action is taken to abate a violation, a final warning notice shall be posted on the property and served personally or by certified mail with return receipt requested to the owner of record of the property.
- b. Unless this notice is appealed to the zoning board of examiners and appeals in accordance with subsection 21.03.040B, within ten days of the posting of the final warning, the director shall proceed to abate the violation.
- c. The director shall keep an account of the cost, including incidental expenses, incurred by the municipality in the abatement of any violation. The director shall forward a bill for collection to the violator and owner of record of the property specifying the nature and costs of the work performed. For purposes of this section, the term "incidental expenses" shall include but not be limited to the actual expenses and costs to the municipality in the preparation of the notices, specifications and contracts, work inspection, and interest from the date of completion at the rate prescribed by law for delinquent real property taxes.
- d. The responsibility for payment of the charges for abatement as set forth in this section shall rest solely upon the owners of the property upon which the abatement occurred. Such charges become a lien upon the real property upon which the violation was located. When charges for abatement remain unpaid after 30 days from billing, the director shall record a claim of lien at the district recorder's office. The lien shall be subordinate to all existing special assessment liens previously imposed upon the same property and shall be paramount to all other liens except for state or municipal property taxes, with which it shall be upon a parity. The lien shall continue until the charges and all interest due and payable thereon are paid.
- e. The lien created under this section may be enforced as provided in AS 34.35.005--34.35.045. The enforcement of the lien is a cumulative remedy and does not bar the collection of the charges for abatement or costs and attorney fees through a personal action.

B. Remedies Cumulative

The remedies provided for violations of this title shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

21.13.050 PROCEDURES FOR PUBLIC ENFORCEMENT ACTIONS

A. Emergency Matters

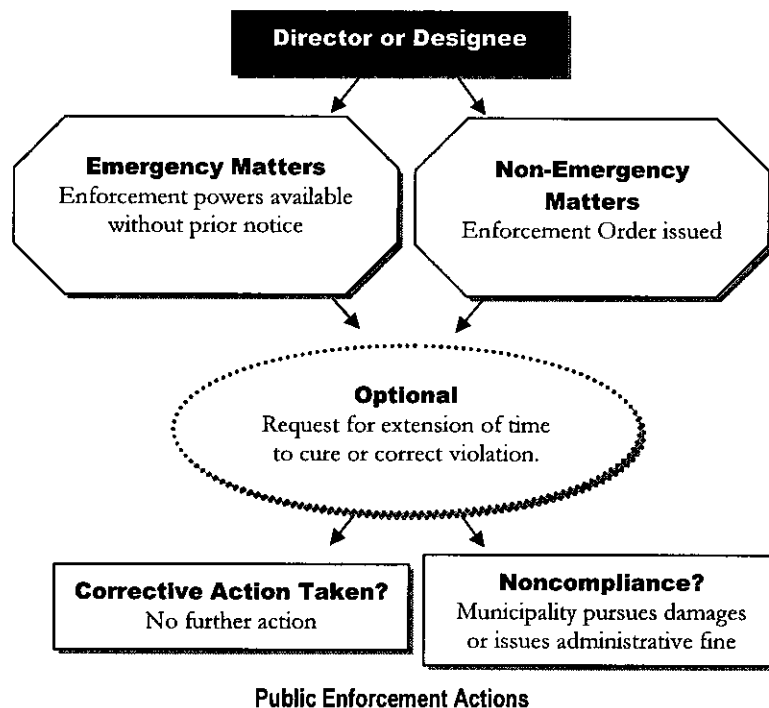
In the case of a violation of this title that constitutes a public health or safety emergency, the director may use the enforcement powers available under this chapter without prior notice, but he or she shall attempt to give notice simultaneously with beginning enforcement action or as soon thereafter as possible. Notice may be provided to the property owner, agent, occupant, or to the applicant for any relevant entitlement and shall indicate the nature of the emergency.

B. Non-Emergency Matters

1. Enforcement Orders

- a. In the case of a violation of this title that does not constitute an emergency matter as described in subsection 21.13.050A., the director may issue an enforcement order pursuant to this section. The director may order:

- i. The discontinuation of a use of land or a structure that is in violation of this title;
 - ii. The abatement or removal of a structure or part of a structure that is a violation of this title;
 - iii. The discontinuation of construction or other activity preparatory to a structure or use of land or a structure that is a violation of this title;
 - iv. The suspension or revocation of an entitlement issued under this title under the authority, or purported authority, of which a violation of this title is occupied, maintained, constructed, or established;
 - v. The restoration of any structure, vegetation, land, water body, or other thing upon the land that is destroyed, damaged, altered, or removed in violation of this title; and
 - vi. Any other action necessary to prevent, abate, or discontinue a violation of this title.
- b. No penalty shall be assessed pursuant to this title unless and until the violator has been notified of the enforcement order in accordance with this section, with the exception of a violation of a stop-work order.



- c. The enforcement order shall be in writing and shall describe the violation, shall identify the provision or provisions of this title that are being violated, shall specify

what actions must be taken to correct the violation (including an order to stop any and all work which violates this title), shall direct the person to correct the violation within a specified reasonable time period (beginning on the date such notice is received) and shall warn that more severe measures (such as a civil penalty or criminal prosecution) may be assessed or brought against the violator if he or she fails to take appropriate action to cure or correct the violation. If no other violator can be ascertained, then the notice of violation shall be sent to the record owner of the land on which the violation occurs.

- d. An enforcement order issued under subsection B.1.a. above may be directed to one or more violators. An enforcement order that is served on a violator personally or by certified mail is final with respect to that violator if not appealed to the zoning board of examiners and appeals within 20 days of its service.
- e. An enforcement order need not be issued before other legal action is commenced with respect to a violation of this title. The pendency of any proceeding regarding an enforcement order issued under this section does not stay any other legal action with respect to the violation that is the subject of the enforcement order.

2. Extension of Time to Cure or Correct Violation

Upon receipt of a written request from the alleged violator or the property owner for an extension of time to cure or correct the violation, the director may grant not more than two extensions of time of not more than six months each in which the alleged violator may cure or correct the violation before the director pursues any of the forms of relief or penalties listed in section 21.13.040, *Remedies and Penalties*. Such extension of time shall not be granted unless the alleged violator or the property owner can demonstrate to the director that the violation cannot be cured or corrected as specified in the enforcement order.

3. Corrective Action Taken

If the violation is cured or corrected within the time period specified in the enforcement order, or within the extension of time granted, then the municipality shall take no further action against the violator.

4. Options Upon Noncompliance

Whenever a written enforcement order has become final, as specified in subsection B.1.d. above, and the violation continues to exist, the director may:

- a. Pursue any of the forms of relief under section 21.13.040, *Remedies and Penalties*; and/or
- b. Assess an administrative fine, not exceeding \$250.00 per day, for failure to comply with a final enforcement order.

21.13.060 PROCEDURES FOR PRIVATE ENFORCEMENT ACTIONS

A. Purpose and Intent

The private enforcement action process set forth in this section is offered as an alternative to the public enforcement action process set forth in section 21.13.050, *Procedures for Public Enforcement Actions*. It provides a way for private individuals or community councils to charge that a violation of this or another title has occurred, and to present their case directly to the administrative hearings officer for consideration and resolution.

B. Authorization

In addition to other remedies available under this code, any person aggrieved by a violation of this title, AMC section 15.20.020.A. with regard to public nuisances listed in AMC section 15.20.020.B., or AMC sections 25.70.040 and 25.70.045 relating to activities on public grounds, may initiate a private enforcement action before the administrative hearings officer as provided by title 14. For purposes of actions brought under this section 21.13.060, the term "person aggrieved" means any person who lives, owns, or lawfully occupies property within the municipality, or the duly appointed representative of any community council the boundaries of which encompass all or part of the area of the alleged violation.

C. Limitations

The private enforcement action procedure may not be used to address code violations that are under concurrent consideration by the director through the public enforcement action procedure under section 21.13.050.

D. Procedure

Private enforcement actions shall follow the following procedure:

1. Filing of Complaint

A private enforcement action is commenced upon filing of a written complaint to the director by a person aggrieved by a violation described in subsection 21.13.060B. The complaint must include the following information:

- a. The street address of the property involved or legal description if no street address has been assigned;
- b. The owner of record for the property;
- c. The occupants of the property (if known);
- d. The name of the persons alleged to have violated the code (if known);
- e. The provision of the code alleged to be violated;
- f. The facts upon which the complaint is based;
- g. A request that the complaint be prosecuted as a private enforcement action;
- h. The name and address of the complainant;
- i. An explanation of how the complainant qualifies as a "person aggrieved"; and
- j. A notarized statement that all information in the complaint is true and correct to the best of the complainant's knowledge.

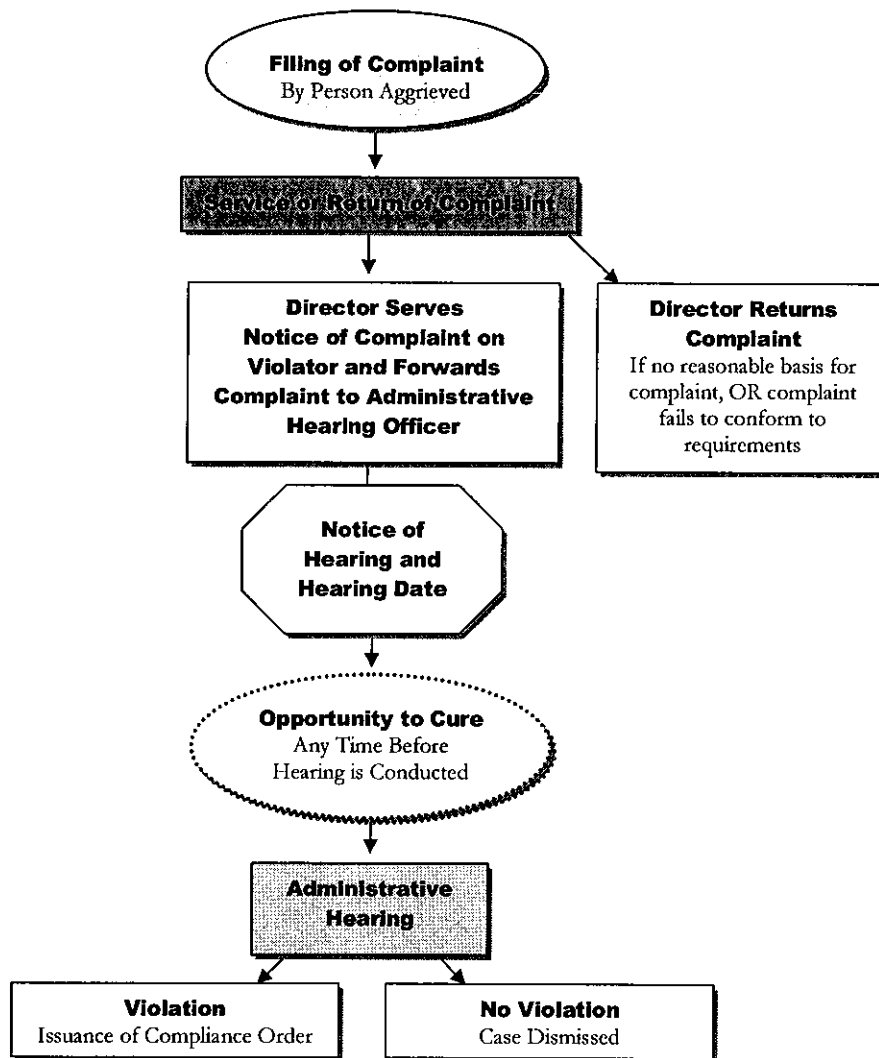
2. Service or Return of Complaint

Within ten days after filing of a complaint, the director shall:

- a. Serve notice of the complaint upon the violator(s) named in person or by certified mail; or

- b. Return the complaint to the complainant with an explanation as to why the complaint does not conform to this section; or
- c. Return the complaint to the complainant with an explanation that information available to the director at the time of review demonstrates that there is no reasonable basis for the complaint.

Appeals of the director's decision may be made to the zoning board of examiners and appeals in accordance with subsection 21.03.040B.



Private Enforcement Actions

3. **Notice of Hearing and Hearing Date**
After serving notice of a complaint on all alleged violators, the director shall forward the complaint to the administrative hearings officer who shall schedule a hearing pursuant to AMC section 14.30.050.

- 4. Opportunity to Cure**
The alleged violator may, at any time before a hearing is conducted under this section, serve on the complainant and the director an answer and any supporting documentation as appropriate. Upon request of the alleged violator and concurrence of the complainant filed at least 48 hours prior to the scheduled hearing, the complaint shall be dismissed and the hearing vacated, with no costs assessed.
- 5. Conduct of Hearing**
Hearings shall be conducted under the provisions of AMC section 14.30.060.
- 6. Responsibility of Complainant**
In actions brought under this section, the complainant bears the burden of proof and must prove the existence of the violation claimed by the preponderance of the evidence.
- 7. Issuance of Compliance Order**
After the hearing and upon finding that a violation exists, the administrative hearings officer shall issue a compliance order as provided by AMC subsection 14.50.010A to each violator and set a reasonable time for compliance. In all cases where a violation has been found to exist, the violator shall be ordered to pay the reasonable costs, not to exceed \$7,500.00, incurred by the municipality in hearing the matter.
- 8. Service of Decisions**
A final decision of the administrative hearings officer and the compliance order issued under subsection 21.13.060D.7. shall be served per AMC subsection 14.30.110B.
- 9. Appeals; Collection of Fines**
Final decisions issued under this section may be appealed to the superior court pursuant to AMC chapter 14.40. Fines imposed under this section shall be collected as provided by AMC sections 14.50.030 and 14.50.040.

E. Civil Fine

The administrative hearings officer shall also order payment of a civil fine as provided in AMC subsection 14.50.010C.

F. Payment of Costs by Complainant

After the hearing and upon a finding that a complaint under this section was brought or maintained frivolously or in bad faith, the administrative hearings officer may order the complaining party to pay actual costs incurred by the alleged violator in an amount no greater than \$7,500.00 plus the reasonable costs, not to exceed \$1,000.00, incurred by the municipality in hearing the matter.

G. Commencement of Action in Superior Court to Enforce Compliance Order

Any person may commence an action in superior court to enforce a compliance order of the administrative hearings officer issued under this subsection.

H. Failure to Obey Compliance Order

Upon written request to the municipal attorney by any person who has brought a private enforcement action under this section that a compliance order issued by the administrative hearings officer has not been obeyed, that more than 30 days have passed since the date ordered by the hearings officer for compliance, and that no action has been brought in court to enforce that order, the department of law shall initiate and pursue action to enforce that order

using all available remedies and penalties authorized in section 21.13.040, *Remedies and Penalties*.