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1 **CHAPTER 21.08: SUBDIVISION STANDARDS**

2 **21.08.010 PURPOSE**

3 **A. General**

4 These standards are enacted generally to promote the health, safety, convenience, and welfare
5 of the present and future inhabitants of the municipality; to secure adequate utilities and public
6 facilities, consideration of school and open space needs, and the protection of sensitive natural
7 areas; to ensure the functional and efficient layout and appropriate use of land so as to achieve
8 property lots of reasonable utility; and to facilitate orderly growth and harmonious development of
9 the municipality.

10 **B. Specific**

11 Planning, layout, and design of a subdivision are of the utmost concern. The subdivision must
12 provide safe, efficient, and convenient movement to points of destination or collection. Modes of
13 travel to achieve this objective should not conflict with each other or abutting land uses. Lots and
14 blocks should provide appropriate settings for the buildings that are to be constructed, make use
15 of natural contours, afford privacy for the residents, and protect residents from adverse noise and
16 vehicular traffic. Important natural features of the area should be preserved. Schools, parks,
17 churches, and other community facilities should be planned as an integral part of the area.

18 **21.08.020 APPLICABILITY**

19 **A. Generally**

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

24 **B. Approvals Required**

25 **1. General**

26 Before a preliminary plat for a subdivision shall be granted, the owner or his or her
27 authorized agent shall apply for and secure approval under the provisions of section
28 21.03.200, *Subdivisions and Plats*.

29 **2. Before Certificate of Zoning Compliance**

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

34 **21.08.030 DESIGN STANDARDS**

35 **A. Subdivision Layout and Design Generally**

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

37 **1. Name of Subdivision**

38 The title under which the subdivision will be recorded shall not duplicate the name of any
39 existing subdivision in the municipality.

1 **2. Compliance with Comprehensive Plan**
2 The design of subdivisions shall further the goals and policies of the comprehensive
3 plans.

4 **3. Compliance with Other Provisions of this Title**
5 All subdivisions shall comply with all other applicable zoning, design, and development
6 regulations set forth in this title.

7 **B. Phasing Schedule**

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

13 **C. Maintenance of Existing Natural Drainage**

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

22 **D. Drainage Design**

23 Submittals for new subdivisions shall comply with the following standards:

24 1. Any and all waters of the United States, including wetlands, streams, lakes, and marine
25 waters, located either in whole or in part within the proposed development shall be
26 surveyed and mapped.

27 2. All pre- and post-development points of drainage entrance and exit to the development,
28 and all site drainage receiving waters shall be clearly identified.

29 3. All existing and proposed drainageways affected by the proposed development, natural
30 or constructed, shall be clearly identified.

31 4. Plans for proposed development must demonstrate provision for integrated contiguous
32 drainage for all entrance drainage and site drainage, including the drainage from
33 individual lots.

34 5. Estimates for watercourse flow rates contributed by groundwater from subdrains,
35 ditching, or natural features that may convey shallow groundwater to the existing and/or
36 proposed drainage network shall be provided.

37 6. Estimates of pre- and post-development peak flow rates for design storm events
38 identified in the *Design Criteria Manual* (current edition), for all drainage entrance and exit
39 points to the proposed development shall be provided. Post development estimates for
40 drainage exit points shall reflect proposed storm water detention or retention controls.

1 7. Developments shall be designed such that post-development runoff volumes for design
2 storm events identified in the *Design Criteria Manual* (current edition), shall equate to a
3 zero net increase from the pre-development conditions.

4 8. All drainage will be evaluated for icing potential and designed to minimize icing effects in
5 streams and drainageways, and on streets and properties.

6 **E. Legal and Physical Access**

7 A subdivision shall have legal and physical access.

8 **F. Streets**

9 All streets shall comply with the standards of the *Design Criteria Manual* and section 21.07.060,
10 *Transportation and Connectivity*, and in addition shall comply with the following intent and
11 standards:

12 **1. Intent**

13 Streets shall be arranged in relation to topography to provide usable lots, safe streets,
14 reasonable gradients, and minimum damage to terrain and existing vegetation.

15 **2. Street Grades**

16 **a.** Except as provided in this section, cul-de-sac turnaround grades shall not exceed
17 five percent, and other street grades shall not exceed ten percent.

18 **b.** Notwithstanding subsection 2.a. above, residential street grades in a subdivision
19 may be up to 15 percent. However, any street grade exceeding ten percent
20 requires municipal engineer approval. Design of grades in excess of ten percent
21 is governed by the *Design Criteria Manual* (DCM), current edition.

22 **c.** Applicable streets shall comply with the standards of subsection 21.08.030H.,
23 *Subdivisions on Slopes*.

24 **3. Street Alignment**

25 **a.** Arterial and collector streets shall be aligned to continue existing streets from
26 adjoining areas into the proposed subdivision. Local streets shall be aligned to
27 discourage their use by through traffic. This provision is not intended to
28 encourage cul-de-sacs or dead-end streets. Stub streets with temporary
29 turnaround areas shall be extended to the boundaries of the proposed
30 subdivision, where appropriate, to provide future street connections to adjacent
31 unsubdivided areas.

32 **b.** Grade or median separations of street lanes may be permitted to preserve
33 natural features, provide space for landscaping, or facilitate access in
34 subdivisions containing hillside lots.

35 **c.** In areas subject to extreme winds, the minimizing of potential wind damage shall
36 be considered in aligning streets.

37 **4. Street Intersections**

38 Streets shall intersect at or as near as is feasible to a 90-degree angle and in no event at
39 less than a 75-degree angle. The distance between intersection centerlines shall be at
40 least 150 feet. Corner roundings at intersections shall conform to the standards of the
41 municipal engineer.

- 1 **5. Cul-de-Sacs**
2 **a.** Where topography and traffic circulation permit, the length of a cul-de-sac shall
3 not exceed 900 feet in the R-6, R-8, R-9, R-10, and TA zoning districts, and 600
4 feet in all other zoning districts. The platting authority may approve longer cul-
5 de-sacs when necessary to accommodate natural features.
- 6 **b.** The length shall be measured from the centerline of intersecting through streets
7 to the radius point of the cul-de-sac bulb.
- 8 **c.** A cul-de-sac shall terminate with a turnaround having a minimum radius of 50
9 feet and a minimum return radius of 50 feet. Commercial/industrial cul-de-sacs
10 shall have a minimum radius of 65 feet. The platting authority may permit a cul-
11 de-sac street to terminate with a T-shaped or Y-shaped turnaround, or other
12 turnaround approved by the traffic engineer, when such a design is required by
13 extreme environmental or topographical conditions or unusually or irregularly
14 shaped boundaries.
- 15 **6. Alleys**
16 Dead-end alleys shall be prohibited.
- 17 **7. Street Names and Addresses**
18 **a.** The subdivider shall provide names for all new streets in the subdivision, which
19 names shall neither duplicate, nor be subject to confusion with, the spelling or the
20 pronunciation of any existing street name in the municipality. The subdivider's
21 selection of street names shall be subject to review by the director, who may
22 reject any proposed street name that does not conform to this section or to any
23 regulation promulgated pursuant to this section. The municipality shall name all
24 streets that are peripheral to the subdivision and all extensions of existing streets
25 into the subdivision. Where a new street extends or continues an existing street,
26 the name of the existing street shall be used for the new street.
- 27 **b.** The director may promulgate regulations establishing a uniform street
28 designation terminology. All street names shall conform to the terminology so
29 established.
- 30 **c.** Street names may be modified using the procedure adopted by the director.
- 31 **8. Street Addresses**
32 **a.** The director shall assign all official street address numbers within the
33 municipality. A permanent address shall be assigned to occupiable buildings,
34 and to other locations at the discretion of the director. Buildings with more than
35 one unit shall be assigned sub-addresses. Addresses shall be displayed as
36 required in section 21.07.010C.
- 37 **b.** The director may promulgate regulations establishing uniform street address
38 numbering technology and procedures. All street addresses shall conform to the
39 numbering technology and procedures adopted by regulation, unless unusual or
40 exceptional circumstances warrant utilization of alternate technology or
41 procedures.
- 42 **G. Block Arrangement**
43 **1.** Blocks shall have sufficient width to provide for two tiers of lots of depth meeting the
44 minimum requirements of this title, except where lots back onto a collector or greater

1 street, natural feature, or subdivision boundary, or where lots face an approved loop road
2 or cul-de-sac.

3 2. Residential blocks in class A improvement areas (as defined in 21.08.050B) shall not be
4 less than 300 feet nor more than 500 feet long. Residential blocks in class B
5 improvement areas shall not be less than 300 feet nor more than 1,320 feet long. The
6 platting authority may approve a longer block length when necessary to accommodate
7 natural features such as steep slopes, or when the longer block is divided by an improved
8 pedestrian easement that provides connectivity and traffic circulation is not impaired.

9 **H. Subdivisions on Slopes**

10 **1. Applicability**

11 This section applies to parcels to be subdivided that are five acres or more, and

12 a. Have an average slope of 20 percent or greater over the entire property; or

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

14 **2. Additional Submittal Requirements**

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

18 a. Nature, distribution, strength, stability, pH, and nutrients of soils; conclusions and
19 recommendations for grading procedures; recommendations for frequency of soil
20 compaction testing; design criteria for corrective measures; and opinions and
21 recommendations covering the adequacy of sites to be developed.

22 b. Slope stability analysis: conclusions and recommendations concerning the
23 effects on slope stability of material removal; introduction of water, both on and
24 offsite; seismic activity; and erosion.

25 c. Foundation investigation: conclusions and recommendations concerning the
26 effects of soil conditions on foundation and structural stability, including
27 permeability, bearing capacity, shear strength, and shrink/swell potential of soils.

28 d. Specific recommendations for cut and fill slope stability, seepage and drainage
29 control, or other design criteria to mitigate geologic hazards, slope failure, and
30 soil erosion.

31 e. A summary of field exploration methods and tests on which the report is based,
32 such as probings, core drilling, borehole photography, or test pits.

33 f. Depth to groundwater and to bedrock.

34 g. Complete description of the geology of the site, including site geologic maps, a
35 complete description of bedrock and subsurface conditions and materials,
36 including artificial fill, soil depth, avalanche and mass wasting hazard areas,
37 fractures, or other significant features.

- 1 **3. Design Standards**
2 **a.** For subdivisions where all the lots created are one acre or greater in area, the
3 subdivider shall show for each lot, to the satisfaction of the platting authority, a
4 building envelope that:
- 5 **i.** Meets the requirements of subsection 21.07.020C.3.b.;
- 6 **ii.** Defines the limits of earth disturbance and vegetation clearing on each
7 lot; and
- 8 **iii.** If applicable, accommodates on-site systems meeting the requirements
9 of AMC title 15.
- 10 **b.** Subdivisions that include any lots less than one acre in area shall use the
11 conservation subdivision process at section 21.08.070.
- 12 **4. ROW Reductions**
13 The municipal engineer may approve reductions in right-of-way standards in order to
14 keep grading and cut and fill slopes to a minimum.
- 15 **5. Downslope Lots**
16 Where the slope is over 30%, development is limited to the downslope side of each road.
- 17 **6. Sidewalks/Trails**
18 Any requirements for sidewalks or trails along roads may be limited to providing a
19 sidewalk/trail on one side of the road only.
- 20 **7. Grading**
21 **a.** For subdivisions where all the lots created are one acre or greater in area,
22 grading shall be limited to the road right-of-way pursuant to subsection 8.d.
23 below. Mass grading of the entire subdivision is prohibited. Lots shall be
24 individually graded, within their building envelope, at the time of construction,
25 pursuant to section 21.07.020C.
- 26 **b.** Grading in conservation subdivisions is prohibited in that area designated as
27 common open space.
- 28 **8. Vehicular Routes**
29 **a.** Streets, roads, private access roads, driveways, and other vehicular routes shall
30 not be allowed to cross slopes between 30 and 50 percent, except that a run of
31 no more than 100 feet or 10 percent of the road/street's entire length, whichever
32 is greater, as measured along the centerline from the nearest intersection to
33 intersection, may be allowed by the decision-maker upon finding that:
- 34 **i.** Such street or road will not have significant adverse safety or
35 environmental impacts, or appropriate engineering or other measures will
36 be taken by the developer to substantially mitigate any such adverse
37 impact; and
- 38 **ii.** No alternate location for access is feasible or available.
- 39 No intersections including driveways, public use easements, private drives, or
40 other vehicular routes, shall be allowed on this section of road.

- 1 **b.** No street, road, private access road, driveway, or other vehicular route shall
2 cross slopes greater than 50 percent.
- 3 **c.** Streets, roads, private access roads, and other vehicular routes shall follow
4 natural contour lines to the maximum extent feasible.
- 5 **d.** Grading for streets, roads, private access roads, and other vehicular routes shall
6 be limited to the cartway portion of the right-of-way, plus up to an additional ten
7 feet on either side of the cartway as needed, except that when developing
8 access on slopes in excess of 25 percent, only the cartway right-of-way shall be
9 graded plus the minimum area required for any necessary curb, gutter, or
10 sidewalk improvements. The remainder of the access right-of-way shall be left
11 undisturbed to the maximum extent feasible.

12 **I. Avalanche Zones**

13 No lot shall be created that is completely in the “high hazard area”, as identified on municipal
14 avalanche maps, unless it is restricted to non-structural uses. For every residential lot, an
15 adequate building site shall be identified outside of the “high hazard area”.

16 **J. Lot Dimensions**

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

- 19 **1.** The depth of a lot shall be at least 80 feet.
- 20 **2.** The width of a lot, except for a townhouse lot, shall be at least one-third the depth of the
21 lot.
- 22 **3.** If a lot is to be served by an on-site wastewater disposal system, the lot must have the
23 minimum area required for such a lot under AMC chapter 15.65.
- 24 **4.** Notwithstanding any other provision of this section, the width of the flagpole portion of a
25 flag-shaped lot shall be no less than:
- 26 **a.** Thirty feet when both public water and sewer systems are to serve such a
27 residential lot.
- 28 **b.** Forty feet when both public water and sewer systems are to serve such a
29 commercial or industrial lot.
- 30 **c.** Twenty-four feet when only a public water or a public sewer system is to serve
31 such a lot.
- 32 **d.** Twenty-four feet when the lot is located in the R-6, R-8, R-9, R-10 or TA districts
33 and will not be served by either the public water or the public sewer system.
- 34 **5.** The length of the flag pole portion of the lot shall not exceed 200 feet in the R-6, R-8, R-
35 9, R-10 or TA districts or 100 feet in all other districts, and all other measurements shall
36 be consistent with other sections of this title.
- 37 **6.** To the extent feasible, side lot lines shall be perpendicular to straight streets and radial to
38 curved streets.

1 7. Lots tracted out for open space, well protection areas, or for undevelopable areas such
2 as wetlands, are exempt from these dimensional requirements and the dimensional
3 standards of chapter 21.06.

4 **K. Lot Frontage and Access**

5 1. Except when platted under subsection 21.03.200E., *Unified Development Plats*, or except
6 for lots tracted out for open space, well protection areas, or for undevelopable areas such
7 as wetlands, all lots shall have frontage on a street.

8 2. Unless approved by the director, access to a residential use on a residential lot shall not
9 be from a collector or greater street as designated on the *Official Streets and Highways*
10 *Plan*.

11 3. Subdivisions shall be designed to minimize lots with access to residential major streets
12 carrying more than 1,000 average daily trips.

13 4. The frontage of a lot on a cul-de-sac bulb shall be at least 35 feet, except that the
14 frontage on a cul-de-sac bulb of a lot with a side setback abated under subsection
15 21.06.020A.3., *Construction on Adjoining Lots*, shall be at least 18 feet. This subsection
16 does not apply to flag lots.

17 5. There shall be no more than one flag lot facing onto each cul-de-sac bulb.

18 **L. Landscaping**

19 1. The platting authority shall consider and require, where appropriate, landscaping and
20 screening under section 21.07.080, *Landscaping, Screening, and Fences* to separate
21 property from incompatible uses or structures, including but not limited to streets
22 designated for collector or greater capacity on the *Official Streets and Highways Plan*,
23 commercial, or industrial uses. The area containing the landscaping shall be shown as
24 an easement or open space area on the plat. The landscaping shall be installed before
25 final plat approval, or its installation shall be guaranteed under section 21.08.060,
26 *Subdivision Agreements*, or by other performance guarantees acceptable to the platting
27 authority. The landscaping shall be maintained by the property owner or designee.

28 2. If a landscaping easement is required, no more than 50 percent of such easement shall
29 coincide with any utility easement, per the requirements of 21.07.080G.2.c.

30 **M. Reserve Strips**

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

32 **N. Electrical and Telecommunication Utilities**

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

37 **O. General Subdivision Standards Are Minimum Standards**

38 1. The design standards in this chapter are minimum standards. The platting authority may
39 impose more restrictive standards when it finds they are necessary to conform the design

1 of a proposed subdivision to the approval criteria for subdivisions or to meet other
2 requirements set forth in this title.

3 2. When the platting authority finds that it is not feasible to conform the design of a
4 proposed subdivision to meet the approval criteria for subdivisions or other requirements
5 set forth in this title, the platting authority may reject a proposed subdivision in its entirety.

6 **21.08.040 DEDICATION**

7 **A. Streets**

8 1. All street rights-of-way shall be dedicated to the public.

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

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

22 **B. Alleys**

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

26 **C. Walkways**

27 The platting authority shall require the dedication of pedestrian walkways where it finds that
28 pedestrian walkways are necessary to provide for convenient and safe pedestrian circulation or to
29 protect pedestrians from hazardous traffic. The minimum width of a walkway dedication shall be
30 10 feet. If the walkway is paved, the paving shall be a minimum of six feet wide.

31 **D. Trails**

32 The platting authority shall require the dedication of an easement for a trail designated on
33 adopted municipal plans when it finds that the trail cannot be located in an existing dedicated
34 easement or right-of-way. The platting authority may modify the alignment, width, and scope of
35 trail easements as necessary to integrate trail and subdivision design.

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

38 a. The platting authority shall require the dedication of a public pedestrian
39 easement for a trail designated on adopted municipal plans, for connectivity with
40 a trail or access point to a large Community Use Area or Natural Resource Use
41 Area (as defined in the *Anchorage Bowl Park, Natural Resource, and Recreation*
42 *Facility Plan*), and for connectivity with a trail or access point identified in the

1 most current Chugach State Park Access Inventory, master plan, or trails plan,
2 when it finds that the trail cannot reasonably be located in an existing dedicated
3 public easement or right-of-way. The platting authority may modify the
4 alignment, width, and scope of trail easements as necessary to integrate trail and
5 subdivision designs, so long as the resulting trails are of comparable gradient,
6 directness, and utility, and reflect the general locations and patterns of existing
7 public access routes. An acceptable pedestrian easement shall be at least 20
8 feet wide, centered on an existing, recognized, new, or relocated trail.

9 **b.** The platting authority shall require the dedication of a vehicular right-of-way for
10 public access to trails and parks access points as defined in an adopted plan. An
11 acceptable vehicular right-of-way shall be a public street that is platted,
12 constructed, and dedicated in accordance with relevant provisions of this code.

13 **E. Riparian Protection and Maintenance Easements**

14 **1.** The platting authority shall require the dedication of riparian maintenance and protection
15 easements where a stream, water body, or wetland traverses or is adjacent to the
16 subdivision.

17 **2.** The easement shall conform substantially to the line of the watercourse. The width of the
18 easement shall be that which the platting authority finds necessary to provide access to
19 widen, deepen, slope, improve, and maintain the stream, and to protect the stream and
20 adjacent property from soil erosion, flooding, water pollution, and destruction of fish and
21 wildlife habitat. At a minimum, the easement shall be the same as the applicable setback
22 required in the zoning district, as set forth in section 21.07.020B.4., *Buffer/Setback*
23 *Requirements*.

24 **3.** Section 21.07.020B., *Stream, Water Body, and Wetland Protection*, sets forth additional
25 restrictions on development and the use of land and structures within the easement and,
26 in some districts, beyond the easement.

27 **4.** In cases where two or more easements coincide, the outer limits of the combined
28 easement shall be measured from the outer edge of the outermost watercourse edge in
29 either direction.

30 **5.** Credit towards other open space dedication or private open space set-aside
31 requirements shall be given for the dedication of riparian protection and maintenance
32 easements at a ratio of one-to-one.

33 **6.** For purposes of this section, maintenance shall include, but not be limited to: placement
34 of riprap, re-vegetation, debris removal, glaciation control, grading and sediment removal,
35 protection of adjacent or downstream land from flooding, soil stabilization, and erosion
36 control. Access for maintenance shall be allowed within the closest 15 feet of the
37 setback to the stream. Appropriate permits may still be required for in-stream or
38 floodplain activities.

39 **F. Reserve Tracts**

40 **1. Sites Designated**

41 **a.** The platting authority:

- 1 i. May require that an area designated as a park, playground, or open
2 space in an officially adopted plan, or as a school site pursuant to AMC
3 subsection 25.25.040; and
- 4 ii. Shall require that a wetland designated for preservation in the *Wetlands*
5 *Management Plan*;
- 6 be designated as a reserve tract. The designation shall be supported by a report
7 from the department containing a statement that the municipality intends to
8 purchase the designated area within the period allowed under subsection F.2
9 below.
- 10 b. Special, natural, or manmade features of historical or community significance in a
11 proposed subdivision which enhance or have unique value to the community may
12 be set aside in a reserve tract for acquisition, or voluntarily dedicated to the
13 public.
- 14 **2. Time for Acquisition**
- 15 a. Within 24 months of filing of a final plat, or the period of the school site
16 designation provided by AMC subsection 25.25.040B, whichever is earlier, the
17 municipality or any other public or private agency may acquire any parcel
18 designated as reserve tract on the plat, by purchase or as otherwise authorized
19 by law, for the purpose for which the parcel was reserved under subsection F.1.
20 above.
- 21 b. If a reserve tract is not acquired within such time, it shall be released from the
22 reserve tract designation, unless the time for acquisition is extended by the
23 reserve tract's owners, or by another provision of law.
- 24 c. In consideration of the reservation, the municipality shall pay the owners of the
25 reserve tract an amount equal to the municipal real property taxes that accrue on
26 the reserve tract, during the period of reservation.
- 27 **G. Utility Easements**
- 28 1. Public utilities shall be placed in dedicated rights-of-way whenever possible.
- 29 2. In situations where utilities may not be placed within rights-of-way, easements shall be
30 provided for utilities, and shall be centered along or adjacent to lot lines to the greatest
31 extent practicable.
- 32 3. Utility easements shall be sized as follows, but the platting authority may approve
33 different standards when justified by site conditions or utility needs.
- 34 a. Utility easements along rear lot lines shall be at least ten feet wide, or a total of
35 20 feet wide along adjoining rear lots.
- 36 b. Utility easements along side lot lines shall be five feet wide, or a total of ten feet
37 wide along adjoining side lots.
- 38 c. Where a front yard easement is needed to accommodate a transmission utility,
39 which is included in the utility corridor plan, the easement shall generally be ten
40 feet wide.

- 1 d. The platting authority may require wider utility easements along the rear lot lines
 2 of hillside lots.
- 3 4. The platting authority shall require the dedication of utility easements when a utility
 4 company demonstrates a specific need for them or an easement is needed to
 5 accommodate the routing included in the *Utility Corridor Plan*.

21.08.050 IMPROVEMENTS

A. General Requirements

- 8 1. The subdivider shall construct and install improvements in accordance with this section,
 9 the design standards in section 21.08.030, and the current *Design Criteria Manual* and
 10 *Municipality of Anchorage Standard Specifications*.
- 11 2. The improvement standards in this section are minimum standards. The platting
 12 authority may require additional or more extensive improvements when it finds they are
 13 necessary to conform a proposed subdivision to the standards of section 21.08.030, or
 14 the subdivider may provide such additional or more extensive improvements.
- 15 3. All improvements required under this section shall be constructed under a subdivision
 16 agreement as provided in section 21.08.060, *Subdivision Agreements*. Lots in
 17 subdivisions shall not be eligible for building permits until the improvements included in
 18 this section have been accepted for warranty by the municipality.
- 19 4. The subdivider shall have construction plans for the improvements required under this
 20 section prepared by an engineer registered in the state, in accordance with the
 21 requirements of the municipal engineer.

B. Improvement Areas Defined

23 For the purpose of this section, the municipality is divided into two distinct improvement areas.
 24 The class A improvement area includes areas of more dense population and/or intensive
 25 development, and thus requires a more urbanized level of improvements. The class B
 26 improvement area includes areas that are less densely populated and/or intensely developed,
 27 and thus requires a less urbanized level of improvements. The zoning districts associated with
 28 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-1A R-2A R-2D R-2M R-2F R-3 R-4 R-4A R-5	R-6 R-7 R-8 R-9 R-10
Commercial	B-1 B-3 CBD R-O MC	

TABLE 21.08-1: IMPROVEMENT AREAS DEFINED		
District Type	Class A	Class B
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.	

1
 2 **C. Improvement Requirements by Improvement Area**

3 The subdivider or developer shall construct and install the required improvements prescribed by
 4 this section for the improvement area where the subdivision is located in accordance with the
 5 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

6
 7 **D. Interior Streets**

8 **1. Residential Interior Streets**
 9 **a. Categories**

10 There are two categories of residential interior streets:

11 **i. Residential Minor Streets**

12 Residential minor streets have the sole purpose of providing frontage for
 13 service and access to individual lots. These streets carry only traffic
 14 having either an origin or a destination on the street itself, and include
 15 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*.

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	30		2	1	20	60	No	Cul-de-sacs, low-volume residential streets
		24	2	0	20	60	Yes	
75--300 Residential minor	30		2	1	25	60	No	Residential minor streets, cul-de-sacs and small loops
		24	2	0	25	60	Yes	
300--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	
600--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	
1,000--2,000	36 (6)	24 (6)	2	0	25	60	Yes	Residential limited access
			2	2	30	60	No	Residential subconnector
		36 (6)	3 (7)	0	30	60	Yes	No on-street parking permitted

NOTES:

- (1) Street dimensions are from back of curb.
- (2) See subsection 21.08.050D.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) Vertical face curb; rolled curb may be substituted when sidewalk is detached.
- (7) Center turning lane required.

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

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

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

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2. Commercial and Industrial Interior Streets

Commercial and industrial interior streets shall be improved in accordance with table 21.08-5 and table 21.08-6 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			
36(V)	2	2 (3)	30	60	Commercial/industrial streets
36(V)	3(1TL)	0	35	60	Major commercial/industrial streets; no on-street parking permitted; parking must be provided off-street
40(V)	3(1TL)	0	35	60	Limited application for commercial and industrial areas for turning movements when traffic warrants

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

5

TABLE 21.08-6: CLASS B COMMERCIAL/INDUSTRIAL STREETS, MINIMUM STANDARDS

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

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

6
7

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.

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- 1 2. The platting authority may find that it is practical to substitute spillover parking for on-
 2 street parking only in residential subdivisions containing at least five acres or 25 dwelling
 3 units with a homeowners' association that is responsible for operating and maintaining
 4 spillover parking facilities.
- 5 3. Spillover parking substituted for on-street parking shall conform to the design standards
 6 in section 21.07.090, *Off-Street Parking and Loading*, shall be a designated common
 7 area owned and administered by the homeowners' association, and shall not be located
 8 within an individually owned lot or tract. The design of spillover parking areas shall be
 9 approved by the traffic engineer. The spillover parking area shall be shown on the plat,
 10 and a plat note shall be provided limiting the use of that area to spillover parking.
 11 Spillover parking areas shall not be counted toward required open space requirements.
 12 Spillover parking spaces in addition to the off-street parking spaces required under
 13 section 21.07.090 shall be provided for each lot fronting on a street without on-street
 14 parking under the following formula, using the maximum residential density permitted for
 15 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

16
 17 **F. Access Streets, Peripheral Streets, and Half Streets**

- 18 1. **Access Streets**
 19 The platting authority may require access streets when it finds that they are necessary for
 20 the efficient flow of traffic or for emergency vehicle access. The platting authority shall
 21 determine the length of the access street that the subdivider shall improve. Access
 22 streets shall be improved in accordance with table 21.08-4.
- 23 2. **Peripheral Streets**
 24 a. The platting authority may require the improvement of peripheral streets when it
 25 finds that they are necessary for the efficient flow of traffic or for emergency
 26 vehicle access.
- 27 b. Peripheral streets whose improvement is required under this subsection shall be
 28 improved in accordance with table 21.08-4, provided that peripheral streets used
 29 for access to individual lots shall be improved in accordance with tables 21.08-3
 30 and 21.08-5.
- 31 3. **Half Streets**
 32 The municipal engineer or the platting authority may require the improvement of a half
 33 street in the urban area to one-half of the street width specified in table 21.08-3, if
 34 underground utilities will be installed before street construction.

35 **G. Curbs and Gutters**

36 Where required, the subdivider shall construct curbs and gutters in accordance with the *Design*
 37 *Criteria Manual* and *Municipality of Anchorage Standard Specifications* (MASS), or, in the case of

1 a state-maintained road, the current standard specifications of the state department of
 2 transportation and public facilities. Curbs shall be of the American Association of State Highway
 3 and Transportation Officials (AASHTO) vertical type.

4 **H. Sidewalks**

- 5 1. The placement of sidewalks shall be determined by the transportation and connectivity
 6 standards in section 21.07.060.
- 7 2. All sidewalks shall be constructed of concrete.
- 8 3. Sidewalks shall be improved in accordance with table 21.08-8 below:

TABLE 21.08-8: MINIMUM SIDEWALK AND WALKWAY IMPROVEMENTS				
Type of material	Minimum Width (feet)	Separation from curb	Right-of-Way (feet)	Remarks
4" PCC	5	0	N/A	Attached to curb
4" PCC	5	7	N/A	Detached*
1 1/2" AC	5	7	N/A	Detached*
4" PCC	5	N/A	10	Not recommended where peat is surcharged
1 1/2" AC	5	N/A	10	Paved walkways
Gravel	5	N/A	10	For Class B improvement areas or nature trails
* Additional information may be required if need demonstrated.				

9
 10 **I. Walkways**

11 Walkways, and trails not part of required trail dedications, shall be improved in accordance with
 12 table 21.08-8.

13 **J. Street Lighting**

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

17 **K. Traffic Control Devices**

18 Traffic and street name signs and traffic signals shall be installed in accordance with the
 19 requirements of the traffic engineer and the *Alaska Traffic Manual*, per the requirements of AS
 20 28.01.010.

21 **L. Monuments**

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

1 **M. Drainage System**

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

- 7 1. No surface water drainage from the subdivision shall empty into a sanitary sewer; or
8 directly, without treatment and energy dissipation, into a creek or stream channel.
- 9 2. The size, design, and construction of drainage structures shall conform to the
10 requirements set forth by the municipal engineer.
- 11 3. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, a
12 stormwater or drainage easement shall be provided that substantially conforms with the
13 lines of such watercourse, plus additional width that is adequate and necessary to convey
14 expected storm flows and/or stormwater drainage facilities. Streets paralleling such
15 easement may be required in connection therewith. Lakes, ponds, creeks, and similar
16 areas will be accepted for maintenance by the municipality only if sufficient land is
17 dedicated as a public recreation area or park or if such area constitutes a necessary part
18 of the stormwater drainage control system.
- 19 4. The municipality shall accept no responsibility to maintain any storm drainage structures,
20 except for those lying within a municipal right-of-way or traversing municipally owned
21 property.
- 22 5. The drainage system shall comply with the standards set forth in section 21.07.040,
23 *Drainage, Erosion and Sediment Control, Storm Water Runoff, and Prohibited*
24 *Discharges.*
- 25 6. No more than 20 percent of the pre-development runoff volumes shall be diverted from
26 the original U.S. receiving water unless approved by the municipal engineer.
- 27 7. Unless waived by the municipal engineer, footing drain stub-outs shall be provided for
28 each lot where there is a storm drain system.

29 **N. Telecommunication and Electric Facilities**

- 30 1. All new telecommunication and electric lines shall be installed in accordance with the
31 specifications of the municipality and the utility providing the service.
- 32 2. All new telecommunication and electric utility distribution lines, as defined in chapter
33 21.14, shall be placed underground:
- 34 a. As required by section 21.07.050, *Utility Distribution Facilities*; and
- 35 b. As required by the platting authority in areas with patterns of development similar
36 to those where section 21.07.050 requires that utility distribution lines be placed
37 underground.

- 1 **O. Water Supply Facilities**
- 2 **1. Access to Public Water System**
- 3 a. If the platting authority requires that a subdivision be served by a public water
4 system, the subdivider shall install the system in accordance with the
5 requirements of the state department of environmental conservation and the
6 most current edition of the *Design Criteria for Sanitary Sewer and Water*
7 *Improvements* of the municipal water and wastewater utility.
- 8 b. Where connection to public water supply systems is required, such systems shall
9 be dedicated to the municipality for operation and maintenance, thus allowing for
10 the orderly expansion of the municipality, its water systems, and fire protection
11 services that protect the health of the citizens of the municipality.
- 12 **2. No Access to Public Water System**
- 13 a. If the subdivision has no access to a public water system, the platting authority
14 may require the subdivider to install a water system for the common use of the
15 lots in the subdivision. The subdivider shall install the system in accordance with
16 the requirements of the state department of environmental conservation and the
17 specifications of the municipal water and wastewater utility.
- 18 b. If the subdivision has no access to a public water system, and the platting
19 authority finds that a water system for the common use of lots in the subdivision
20 is not feasible and desirable, the subdivider need not install water supply
21 facilities. A well serving an individual lot shall conform to the requirements of the
22 municipal on-site water and wastewater program. A common water system
23 serving a portion of the subdivision shall not preclude individual wells for the
24 remaining lots.
- 25 **P. Sanitary Sewer Facilities**
- 26 **1. Access to Public Sewer System**
- 27 a. If the platting authority or provisions of law require that a subdivision be served
28 by a public sewer system, the subdivider shall install the system in accordance
29 with the requirements of the state department of environmental conservation and
30 the most current edition of the *Design Criteria for Sanitary Sewer and Water*
31 *Improvements* of the municipal water and wastewater utility.
- 32 b. Where connection to public sanitary sewer systems is required, such systems
33 shall be dedicated to the municipality for operation and maintenance, thus
34 allowing for the orderly expansion of the municipality and its sanitary sewer
35 system, which protects the health of the citizens of the municipality.
- 36 **2. No Access to Public Sewer System**
- 37 a. If the subdivision has no access to a public sewer system, the platting authority
38 may require the subdivider to install a sewer system for the common use of lots
39 in the subdivision.
- 40 b. If the subdivision has no access to a public sewer system, the subdivider need
41 not install sewer facilities. A sewage disposal system serving an individual lot
42 shall conform to the requirements of the municipal on-site water and wastewater
43 program.

1 **Q. Natural Gas Facilities**

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

4 **R. Erosion and Sedimentation Control**

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

13 **S. Landscaping**

14 The subdivider shall be responsible for the provision of landscaping required under section
15 21.07.080, *Landscaping, Screening, and Fences*, except the tree provisions of subsection
16 21.07.080F.8., and it shall be installed by the subdivider or guaranteed under the provisions of
17 subsection 21.08.060E.

18 **21.08.060 SUBDIVISION AGREEMENTS**

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

20 **1. Agreement Required**

21 Before a final plat for a subdivision where improvements are required under section
22 21.08.050 is approved or filed, the subdivider shall enter into a subdivision agreement
23 with the municipality in accordance with this section. The municipality reserves the right
24 to refuse to enter into a subdivision agreement with any subdivider who fails to comply
25 with the conditions of an active agreement, or is delinquent in the payment of any
26 account with the municipality.

27 **2. Application**

28 Application for a subdivision agreement shall be made to the department of project
29 management and engineering. The application shall include a copy of the platting
30 summary of action, a copy of the preliminary plat, a tentative schedule of all proposed
31 construction of public improvements and utilities, and an engineer's estimate of the cost
32 of each required public improvement. The engineer's estimate shall be based on the
33 schedule of prices for standard items for private development projects, published by the
34 municipal engineer. If that schedule is not available, the subdivider shall use the most
35 current average bid tab calculations of the municipality. The municipality may require a
36 showing of the subdivider's financial responsibility.

37 **3. Contents**

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

40 **a.** A designation of the public improvements required to be constructed.

41 **b.** The construction and inspection requirements of the municipality or utility for
42 which the improvements are constructed.

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

25 **4. Exceptions**

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

30 **B. Approval by Assembly**

31 Approval by the assembly shall be required to enter into those subdivision agreements where
32 municipal participation in the cost of the required public improvements is estimated to be
33 \$30,000.00 or more.

34 **C. Time Limit for Completion of Improvements**

- 35 1. The improvements required under the terms of the subdivision agreement shall be fully
36 completed and accepted for warranty within two years of the date of execution of the
37 agreement. However, before the expiration of the subdivision agreement, the subdivider
38 may request a time extension from the director. Upon approval, the director may grant
39 one subdivision agreement time extension, up to two years in length, upon a showing of

1 good cause by the developer and provided such extension does not unreasonably impact
2 adjacent properties or the general public. The director does not have the authority to
3 modify conditions placed by the platting board. The director may refer any extension
4 application to the platting board if the project is in default or he or she deems further or
5 more extensive analysis and public comment concerning the continuation of the
6 subdivision agreement may be needed. In considering whether an extension should be
7 granted, the following shall be considered: the manner in which safety hazards, drainage
8 problems, sanding, snow removal, grading and other matters will be handled during the
9 extension period and may impose performance conditions on the extension to ensure
10 that such matters are adequately handled.

- 11 2. Requests for a second two-year time extension require platting board approval.
12 Requests for any subsequent two-year time extensions require assembly approval. All
13 time extensions shall be conditioned to require provision of an adequate performance
14 guarantee when the existing guarantee is inadequate.

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

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

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

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

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

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

30 3. **Administration of Agreement**

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

33 4. **Arterial and Collector Streets**

34 Reasonable costs incurred in the construction of a street designated on the *Official*
35 *Streets and Highways Plan* (OSHP) as a collector, arterial, or greater shall be
36 apportioned as specified in subsections D.4.a. through d. below. For purposes of this
37 subsection, construction costs means only those costs associated with construction,
38 design engineering, project administration and inspection, related bank fees and interest
39 payments, and fair market value of right-of-way dedicated to the street in excess of 60
40 feet.

41 a. **Interior Collector Streets**

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

1 table 21.08-4, subject to the availability of bond funds, state grants, or mil-levy
2 funds appropriated for the construction of that street. If the platting authority has
3 not required construction to collector or greater standards, the subdivider shall
4 construct the street to the standards required under subsection 21.08.050D. and
5 shall pay 100 percent of the construction costs.

6 **5. Other Streets**

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

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

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

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

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

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

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

31 **8. Storm Drains, Inlets, and Manholes**

32 The subdivider shall pay 100 percent of the cost of storm drains, inlets, and manholes
33 necessary to serve the subdivision, provided that, within areas where the municipality
34 provides drainage maintenance, the municipality shall reimburse the subdivider those
35 costs attributable to oversizing required by the municipality. In those areas where the
36 municipality does not maintain drainage facilities, the subdivider shall pay all costs,
37 including those for any required oversizing.

38 **9. Water Improvements**

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

- 1 **10. Sanitary Sewer Improvements**
2 The subdivider shall provide sanitary sewer facilities, including service connections to all
3 lots, with cost participation as provided in the current approved tariff of the municipal
4 sanitary sewer utility.
- 5 **11. Electrical and Telecommunication Facilities**
6 The subdivider shall provide electrical and telecommunication facilities with cost
7 participation as provided in the current approved tariffs of the applicable utility
8 companies.
- 9 **12. Deferred Utilities**
10 When paved street or sidewalk improvements are installed prior to placement of traffic
11 control devices and electrical and telecommunication cable placement, the subdivider
12 shall, at appropriate crossings as directed by the municipality, provide any necessary
13 underground conduit consistent with conduit size, type, and installations standards
14 provided by the utility.
- 15 **13. Street Lighting**
16 The subdivider shall pay the cost of street lighting apparatus in the same manner as the
17 cost of constructing the streets to which it is adjacent as provided in subsections D.4. and
18 5.
- 19 **14. Traffic Control Devices**
20 The subdivider shall pay 100 percent of the cost of traffic control devices. Traffic control
21 devices, except electric-operated traffic signals, shall be installed prior to any structure
22 being occupied in the subdivision.
- 23 **15. Landscaping**
24 The subdivider is responsible for required landscaping as stated in subsection
25 21.08.050S. Landscaping shall meet the standards of section 21.07.080, *Landscaping,*
26 *Screening, and Fences.*
- 27 **E. Guarantee of Completion of Improvements Required; Amount; Methods**
- 28 **1. Guarantee Required**
29 To ensure the installation of required public improvements that are not accepted at the
30 time the final plat is filed, the subdivision agreement shall require the subdivider to
31 guarantee the completion of all such improvements by one or more of the methods
32 specified in this section. The means of a guarantee may be changed during the
33 guarantee period upon approval by the municipal engineer. The amount of the guarantee
34 shall be determined on the basis of the subdivider's cost estimate. The guarantee shall
35 remain in effect until warranty acceptance of the public improvements and the posting of
36 an acceptable security for the warranty period.
- 37 **2. Cost Estimate; Overrun Allowance**
38 The engineer's cost estimate shall state the estimated cost of completion for each
39 required public improvement. Cost estimates for each required public improvement must
40 be approved by the department of project management and engineering. For purposes
41 of establishing the amount necessary for the guarantee of completion of public
42 improvements, a percentage for overrun allowance shall be added to the total estimated
43 cost of public improvements as follows:

44

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

1
2 **3. Methods**

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

5 **a. Performance Bond**

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

16 **b. Deposit in Escrow**

17 The subdivider may elect to deposit a cash sum equal to the estimated cost of all
18 required public improvements plus overrun allowances as provided in subsection
19 E.2. above, either with the municipality or in escrow with a responsible financial
20 institution authorized to do such business in the state. In the case of an escrow
21 account, the subdivider shall file with the municipality an escrow agreement that
22 includes the following terms:

23 i. Funds of the escrow account shall be held in trust until released by the
24 municipality and may not be used or pledged by the subdivider as
25 security in any matter during that period other than payment for the
26 improvements.

27 ii. In the case of a failure on the part of the subdivider to complete any
28 improvement within the required time period, the institution shall
29 immediately make all funds in such account available to the municipality
30 for use in the completion of those improvements.

31 **c. Letter of Credit**

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

36 i. That the creditor irrevocably guarantees funds in an amount equal to the
37 estimated cost of all required public improvements plus overrun
38 allowances as provided in subsection E.2. above, for the completion of
39 all such improvements; and

40 ii. That in the case of failure on the part of the subdivider to complete any
41 specified improvements within the required time period the creditor shall
42 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.

F. Release of Guarantee of Improvements

1. The municipality shall release the obligation for performance guarantees upon the warranty acceptance of the improvement, together with the posting of adequate security for warranty.
2. 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.

G. 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. 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 E. 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

H. 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

1 the deficiencies, satisfactory to the municipality. Such notification shall be made by certified mail.
2 If the subdivider fails to repair or reconstruct the deficiency within the time specified in this
3 section, the municipality will make the repair at the subdivider's sole expense. The municipality
4 may then bill the subdivider for the cost of the repair and associated administrative costs, or
5 declare the bond or deposit forfeited.

6 **I. Release of Warranty**

7 Inspection will be made by the municipality at the end of the warranty period and prior to the
8 release of guarantees. All deficiencies shall be corrected, monitored, and approved prior to
9 release of the warranty security. Upon final acceptance, the municipality will release the
10 remaining security.

11 **J. Default**

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

- 18 1. All required public improvements are built to specifications necessary to receive warranty
19 acceptance; and
- 20 2. The improvements remain in good condition for the completion of the warranty period.
21 The municipality may use guarantee funds for the construction, repair, or maintenance of
22 required public improvements from the date of initial default until three years after the
23 funds have become available to the municipality for such use, except that no use shall be
24 made of the funds later than two years after satisfactory completion and warranty
25 acceptance of the work. Following either: (1) the warranty acceptance of all public
26 improvements and posting of the warranty security, or (2) final acceptance, or (3) the
27 three-year period provided for in this subsection, the municipality shall pay to the
28 subdivider all guarantee funds which were not used or obligated for the completion of the
29 improvements.

30 **K. Agency Coordination**

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

34 **L. Standards May Not Be Altered; Enforcement of Chapter**

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

38 **21.08.070 CONSERVATION SUBDIVISIONS**

39 **A. Purpose**

40 A conservation subdivision is an alternative type of residential development in which the lots are
41 allowed to be smaller in area or narrower than otherwise required in the zoning district, but in
42 which the overall number of lots does not exceed the maximum number of lots allowed in a

1 conventional subdivision by the zoning district. Conservation subdivisions are intended to create
2 a more compact residential development to preserve and maintain open areas, high value natural
3 lands, and lands unsuitable for development, in excess of what would otherwise be required by
4 this title.

5 **B. Applicability**

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

9 **C. Conservation Design Process**

10 Conservation subdivisions shall be approved through the procedure set forth in section
11 21.03.200, *Subdivisions and Plats*.

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

13 Conservation subdivisions may include one or more lots that do not conform to the minimum lot
14 size or lot width requirements of chapter 21.06, or the dimensional requirements of subsections
15 21.08.030J.1. and 2., provided that:

- 16 1. The amount of any reduction in minimum lot size shall be used for common open space,
17 pursuant to F. below;
- 18 2. There shall be no more than one principal single-family structure per lot;
- 19 3. Front and rear setbacks are not less than half the depth required by the underlying
20 zoning district, but side setbacks are not less than the width required by the underlying
21 zoning district;
- 22 4. On any lot that is less than the minimum lot size of the underlying zoning district, the
23 principal structure shall have a maximum floor area ratio of not more than 0.5;
- 24 5. In class A improvement areas, street sections shall have vertical curbs;
- 25 6. Driveways shall have a maximum width of 14 feet at the curb;
- 26 7. Where on-street parking is allowed, a minimum 20 foot separation distance between the
27 curb returns of adjacent driveways shall be provided; and
- 28 8. Level 4 Screening landscaping shall be provided along any lot line abutting a residential
29 neighborhood where the average lot size is greater than 150% of the average lot size of
30 the conservation subdivision.

31 **E. Lot Coverage Allowed**

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

34 **F. Minimum Open Space**

35 The amount of lot size reduction of each lot shall, in total, be provided as common open space,
36 except that under no circumstances shall the amount of common open space provided be less
37 than 20 percent of the property shown on the subdivision plat. Open space shall be identified

1 using the standards set forth in subsection 21.07.030B.4., *Private Open Space, Standards*,
2 except that no portion of the land preserved as common open space may be located within the
3 boundaries of an individual lot for residential development, or in a road right-of-way or utility
4 easement, and no portion of the land preserved as common open space may be less than 2,000
5 square feet or less than 30 feet in its smallest dimension. Common open space areas in class B
6 improvement areas shall remain undisturbed.

7 **G. Dedication and Recording**

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

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

15