

Submitted by: Chair of the Assembly at the  
Request of the Mayor and  
Assembly Member Constant  
Prepared by: Office of Economic and  
Community Development  
For reading: April 25, 2017

**ANCHORAGE, ALASKA**  
**AO NO. 2017-75**

**AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 21 TO  
ADD A NEW METHOD OF SUBDIVISION CALLED UNIT LOT SUBDIVISION.**

(Planning and Zoning Commission Case 2017-0002)

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**WHEREAS**, financing for condominium development requires that between  
50 and 75 percent of the units be pre-sold before the first unit sale can be closed;

**WHEREAS**, such financing often leads to the development of fewer units  
than allowed by zoning on a parcel due to the difficulties in pre-selling many units  
at once;

**WHEREAS**, fee-simple ownership is desirable for homeowners and for  
developers, as the financing is then simplified;

**WHEREAS**, long term financing for investment properties larger than four  
units is subject to higher interest rates than one to four unit developments;

**WHEREAS**, a unit lot subdivision divides an existing lot into fee simple unit  
lots, but does not allow any increase in density under the zoning or changes to the  
development standards;

**WHEREAS**, allowing unit lot subdivisions could result in more efficient use  
of residential property, developments that fit in with existing neighborhoods and  
development patterns, and more affordable developments;

**WHEREAS**, the Planning and Zoning Commission passed Resolution  
2017-002 recommending approval; and

**WHEREAS**, the Platting Board also recommends approval; now, therefore,

**THE ANCHORAGE ASSEMBLY ORDAINS:**

**Section 1.** Anchorage Municipal Code section 21.03.020 is hereby amended to  
read as follows *(the remainder of the chapter is not affected and therefore not set  
out)*:

**21.03.020      Common Procedures**

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## B. Pre-application conferences.

1. Purpose. The pre-application conference is an informal discussion to familiarize the applicant and the municipal staff with the applicable provisions of this title that are required to permit the proposed development.

## 2. Applicability

a. Required for new applications. A pre-application conference is required prior to submittal of the following types of applications:

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ii. Subdivisions, except for most Abbreviated Plats (section 21.03.200);

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ix. Abbreviated plats for unit lot subdivisions (21.08.070E.).

No application for these types of approvals shall be accepted until after the pre-application conference is completed and the applicant receives written notification of the conclusions.

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

**Section 2.** Anchorage Municipal Code section 21.03.200 is hereby amended to read as follows (*the remainder of the chapter is not affected and therefore not set out*):

**21.03.200      Subdivision**

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## B. Applicability

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2. Abbreviated plat. Certain subdivisions may follow the streamlined procedure set forth in subsection D. below. Eligible preliminary plats are those plats where the applicant is not an agency of the municipal, state, or federal governments, and are:

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b. The subdivision of a single tract, parcel, or lot into no more than three tracts, [OR] eight lots, or eight unit lots

(see subsection 21.08.070E.), provided that the subdivision does not:

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iii. Divide a tract, parcel or lot:

(A) Created within the previous 48 months  
(except when considering unit lot  
subdivisions under AMC 21.08.070E)  
pursuant to the approval of a preliminary  
plat under this section;

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13)

**Section 3.** Anchorage Municipal Code section 21.08.070 is hereby amended to add a new subsection E as follows (*the remainder of the section is not affected and therefore not set out*):

**21.08.070 Alternative residential subdivisions.**

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**E. Unit Lot Subdivisions**

1. Purpose. The unit lot subdivision is intended to allow fee simple ownership of a dwelling unit within a multifamily development, simplifying the financing process for the developer, but not increasing the density allowed on the lot or changing the development standards.
2. Applicability. The unit lot subdivision process may be used to create no more than eight unit lots in the R-2M, R-3, R-4, R-4A, RO, B-1A, B-1B, B-3, gR-4, gR-5, gC-6, gC-7, gC-8, gC-9, CE-R-2M, CE-R-3, CE-RO, and CE-B-3 districts.
3. Approval Process
  - a. A unit lot subdivision shall be reviewed through the abbreviated plat process at AMC 21.03.200D.
  - b. Before filing an application, the applicant shall request a pre-application conference with the director, in accordance with subsection 21.03.020B.
  - c. In addition to the submittal requirements for preliminary plats, an application for a unit lot subdivision shall include a preliminary development plan, drawn to scale, which shall contain:

- i. Property lines of the parent lot and the proposed unit lots.
- ii. Setbacks of the parent lot.
- iii. The footprint of any existing structures to remain, along with the distance to property lines and lot coverage calculations.
- iv. The location and footprint for each proposed structure on each unit lot.
- v. A delineation of the required open space.
- vi. The driveway and parking locations, layout, dimensions, circulation, ingress and egress.
- vii. The location, if applicable, of any buildings to be used in common by the residents of the housing development.
- viii. The layout and dimensions of all pedestrian circulation facilities.
- ix. A utility plan addressing water and wastewater in accordance with the current Design and Construction Practices Manual-DCPM, approved by AWWU.
- x. Any other information the director finds necessary to ensure compliance with this title.

#### 4. Uses

- a. In residential districts where unit lot subdivisions are permitted, the allowed uses are limited to the residential uses as shown in tables 21.05-1, 21.09-2, and 21.10-4 as permitted in the applicable district.
- b. In commercial districts where unit lot subdivisions are permitted, only one unit lot within any parent lot may contain nonresidential uses. Unless authorized by the director, the unit lot containing the nonresidential use(s) shall abut a street. The unit lot containing the nonresidential use(s) may also contain a dwelling unit, in which case subsection 21.04.030G. or H. may apply.
- c. Only one dwelling unit is permitted per unit lot.

#### 5. Dimensional Standards

- a. The dimensional standards of tables 21.06-1, 21.06-2, 21.09-5, 21.09-6, 21.10-6, and 21.10-7 apply to the parent lot, except that the maximum number of principal structures per lot shall apply to the parent lot.
- b. No setbacks are required by this title on lot lines between unit lots, but setbacks may be required by title 23.
- c. The lot size of the parent lot shall determine the maximum number of units permitted on the parent lot, in accordance with the dimensional standards tables.
- d. Where a maximum floor area ratio (FAR) applies, it shall apply to the parent lot.

6. Design Standards

- a. Open space requirements shall be provided in accordance with subsection 21.07.030 and shall be applied to the parent lot, except that none of the open space is required to be common open space.
- b. Drainage shall be designed for the parent lot. Design and construction on each unit lot shall comply with the approved drainage plan for the parent lot.
- c. Snow storage shall be provided in accordance with subsection 21.07.040F. and shall be applied to the parent lot.
- d. Landscaping requirements shall be applied in accordance with subsection 21.07.080 and shall be applied to the parent lot.
- e. Refuse collection standards shall be applied in accordance with subsection 21.07.080G.2. and shall be applied to the unit lots.
- f. Off-street parking requirements shall be applied in accordance with subsection 21.07.090. The minimum parking requirement (after any applicable reductions are granted) shall be provided but may be provided on a different unit lot from the unit lot it is assigned to, or in a common ownership area, as long as the right to use that parking is formalized by an easement on the plat.
- g. The applicable residential design standards shall be applied in accordance with subsection 21.07.110.

1 h. Where multiple unit lots abut a street, driveway cuts shall be  
2 minimized, either through shared access on the other side of  
3 the buildings from the street, or by shared driveways.  
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5 i. AWWU service standards shall be applied in accordance with  
6 AMC sections 26.40, Water Service and 26.50, Sewer  
7 Service.  
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9 7. Covenants, Conditions, and Restrictions  
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11 a. A Homeowners' Association with covenants, conditions, and  
12 restrictions is required for each unit lot subdivision, in order to  
13 ensure the long term success, maintenance, cohesive  
14 appearance, and curb appeal of a small subdivision.  
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16 b. Prior to recording the final plat, the applicant shall provide  
17 access easements, joint use and maintenance agreements,  
18 and final covenants, conditions, and restrictions identifying the  
19 rights and responsibilities of property owners and /or the  
20 homeowners' association, complying with the requirements  
21 described below, in a form satisfactory to the municipal  
22 attorney. The documents shall be reviewed and approved by  
23 the platting officer and AWWU, and shall then be recorded  
24 with the State Recorders Office.  
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26 c. Prior to recording the final plat, the applicant shall provide  
27 evidence that the Homeowners' Association has been  
28 incorporated pursuant to the laws of the State of Alaska.  
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30 d. The covenants, conditions, and restrictions shall provide  
31 authority for the Homeowners' Association to perform required  
32 maintenance, repairs, or replacement, to recover any costs  
33 incurred by the Homeowners' Association to maintain, repair,  
34 or replace components that are the responsibility of the unit lot  
35 owners which are visible from the exterior of the residence,  
36 due to a failure of individual owner of the unit lot to adequately  
37 maintain, repair, or replace these components.  
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39 e. The covenants, conditions, and restrictions shall  
40 identify/define areas and components which are the  
41 responsibility of the Homeowners' Association to maintain,  
42 repair and replace and areas and components which are  
43 responsibility of the individual unit lot owners to maintain,  
44 repair, and replace.  
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46 f. In unit lot subdivision developments, the Homeowners'  
47 Association shall be responsible for maintenance, repair, and  
48 replacement of, including without limitation, shared  
49 landscaping; easements for: vehicle and pedestrian access,

joint use and access, parking, open space, and similar areas; snow removal within shared areas and easements; on-site private utility and drainage infrastructure; and, except as provided in subsection 7.g. below, exterior building components which are visible from outside the building including without limitation: roofs, siding, gutters, decks and porches, and other similar features. For purposes of this section, maintenance obligations of the Homeowners' Association need not include snow removal and clearing of the exterior building components.

g. For unit lot subdivisions where all units are detached units, the Homeowners' Association is not required to be responsible for exterior building components which are visible from outside the building including without limitation: roofs, siding, gutters, decks and porches, and other similar features. Per subsection 7.d. above, the Homeowners' Association does have authority to perform required maintenance, repairs, or replacement and recover costs associated with maintenance, repairs, or replacement to exterior building components which are the responsibility of individual unit lot owners' and which are visible from the exterior of the residence.

h. The Homeowners' Association shall maintain in reserves, or in their operating budget, adequate funding for maintenance, repairs, and future replacement of the items and areas for which the Homeowners' Association is responsible per subsection 7.f. above.

i. The Homeowners' Association shall perform all maintenance, repair, and replacement of the improvements that are the responsibility of the Homeowners' Association in accordance with applicable municipal codes and the covenants, conditions, and restrictions.

j. Individual unit lot owners shall perform all maintenance, repair, and replacement of the improvements that are the responsibility of the individual unit lot owners in accordance with applicable municipal codes and the covenants, conditions, and restrictions.

8. Existing Development. Existing development may be subdivided through the unit lot subdivision process if it meets or can be made to meet the requirements of this title.

**Section 4.** Anchorage Municipal Code section 21.14.040 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

**21.14.040 Definitions**

When used in this title, the following words and terms shall have the meaning set forth in this section, unless other provisions of this title specifically indicate otherwise.

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**Parcel**

A generic descriptive term used to refer to a lot, a tract, a group of lots and/or tracts, or a contiguous quantity of land, under the same ownership.

**Parent Lot**

A lot meeting the dimensional requirements of chapter 21.06 for its zoning district, or a nonconforming lot of record per AMC section 21.12.050, that may contain between two and eight unit lots.

**Parking angle**

The angle formed by a parking space and the wall or centerline of the facility, ranging from ninety degrees (perpendicular) to zero degrees (parallel).

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**Unified sign plan**

A comprehensive site plan where contiguous lots and or tracts are considered as a single site for the purposes of determining the size, number, and placement of freestanding signs.

**Unit Lot**

A unit of land within a parent lot that has been subdivided in accordance with AMC section 21.03.200 and in conformance with AMC 21.08.070E. A unit lot is not a lot for the purposes of municipal code unless it is specifically identified as a unit lot.

**Uplight**

For an exterior luminaire, flux radiated in the hemisphere at or above a horizontal plane.

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(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-82, § 7, 7-28-15; AO No. 2015-100, § 9, 10-13-15)

**Section 5.** This ordinance shall become effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_ day of \_\_\_\_\_, 2017.



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ATTEST:

\_\_\_\_\_  
Chair

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Municipal Clerk