

Code Ordinance

By: Planning Department
Introduced: January 10, 2022
Public Hearing: January 24, 2022
Adopted: January 24, 2022

Yes: Brown, Graham, Harvey, Johnson, Sullivan-Leonard, Velock
No: None
Absent: None

**City of Wasilla
Ordinance Serial No. 22-03**

An Ordinance Of The Wasilla City Council Amending Wasilla Municipal Code Section 16.04.070, Definitions, To Add Definitions For “Caliper”, “Ground Cover”, “Landscaped Area”, “Lawn”, “Perennial Flower”, “Native Vegetation, Existing”, “Landscape Vegetation, Existing”, “Tree, Preserved”, And “Use, Change Of”; Amending Section 16.24.040, Parking, To Delete Subsection 16.24.040(D)(4)(A) – 16.24.040(D)(4)(C); Amending Section 16.33.010, Purpose, to clarify purpose; Amending Section 16.33.030, Exemptions, To Clarify Exemption And Nonconforming Provisions; Amending Section 16.33.040, Landscape Plan, To Clarify Language; Amending Section 16.33.050, General Landscaping Requirements And Standards, To Clarify Applicability, Standards, And Other Minor Revisions; Amending Section 16.33.060, Types Of Landscaping, To Add Landscape Provisions For Industrially Zoned Lots And Other Minor Revisions; Amending Section 16.33.080, Maintenance And Replacement, To Add Clarifying Language; Amending Section 16.33.090, Hardship Waiver-Variance, To Rename The Section “Landscape Waiver” And Add Language Clarifying Pre-Application Conference Requirements And Purpose; And Amending Section 16.33.100, Violations – Penalties, To Clarify Violations And Penalties; Amending Section 1.20.030, Disposition Of Scheduled Offenses – Fine Schedule, To Add Fines For Landscape Violations.

Section 1. Classification. This ordinance is of a general and permanent nature and shall become part of the Wasilla Municipal Code.

Section 2. Amendment of Section. WMC 16.04.070, Definitions, is hereby amended to add the following definitions:

“Caliper” means the diameter of a tree trunk measured at six inches above the ground unless this dimension exceeds four inches; then the diameter is measured at four and one-half feet above the ground. For multi-trunk trees, the diameter is measured 12 inches above the first fork or 12 inches above ground level if all trunks originate from soil.

“Ground cover” means the material planted or distributed between the required plantings within required landscaped areas. This definition is only for the purpose of the landscaping requirements in Chapter 16.33, Landscaping, of this chapter.

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“Landscaped area” means all areas shown on the approved landscape plan that contain required plantings (trees, shrubs, flowers, hedges, etc.), mulch, and other landscaping features that require maintenance and retention in perpetuity. These areas are often protected by curbs or other structural barriers and may be located along the perimeter of the site, within the interior and exterior of parking lots, and as screening/buffering between incompatible uses. This does not include sidewalks/walkways, patios, decks, fountains, or other pervious or non-pervious hardscape unless specifically permitted within this chapter.

“Lawn” means a managed area planted with grass that is typically maintained with a lawnmower and used for aesthetic and recreational purposes.

“Perennial flower” means a herbaceous flowering plant that regrows each year without replanting and typically achieves heights between six and 18 inches at maturity.

“Native vegetation, existing” means existing vegetation prior to any clearing, including trees, shrubs, and other plant species that are either indigenous to and/or occur naturally on the site. This includes vegetation that could have been expected to have been on the site prior to any clearing. This includes forests, wetlands, meadows, or any other undisturbed and undamaged vegetation.

“Landscape vegetation, existing” means previously installed landscape plant material such as trees, shrubs, perennial flowers, or lawn that is healthy, undamaged, and established.

“Tree, preserved” means all existing, healthy trees identified on an approved landscape plan in an area of the lot that is outside the approved clearing limits and/or all existing, healthy trees within the shoreline protection area.

“Use, change of” means a change in the occupancy/tenancy of a building/structure from one permitted use to another permitted use. The change may or may not trigger a

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change in the requirements that apply to a site (i.e., parking, landscaping, exterior façade).

A change of use includes, but is not limited to, the following:

1. Change of occupancy/tenancy, regardless of use;
2. Sublease of lot, building, or a unit within a multi-tenant building for a new/additional tenant;
3. Conversion of residential use to nonresidential use;
4. Conversion from one type of residential use to another type of residential use;
5. Increase in number of residential dwelling units;
6. Change from a nonresidential/commercial use to another nonresidential/commercial use (e.g., office to retail, commercial to automotive, commercial to restaurant or daycare facility, retail to vehicle sales);
7. Conversion of nonresidential/commercial use to industrial and/or residential use;
8. Conversion of industrial use to non-residential/commercial and/or residential use;
9. Change from single use to multi-use;
10. Change from temporary use to non-temporary use;
11. Increase in intensity of use;

Section 3. Repeal of Subsection. WMC 16.24.040(D)(4) within Parking, is hereby repealed as follows:

D. *Minimum Standards.* Parking required for a use must conform to the following:

~~4. Landscaping.~~

~~a. A parking or storage area in a residentially zoned lot or adjacent to a residentially zoned lot shall be screened by a wall, fence or landscaping designed to screen the~~

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~~view of the parking or storage area from the residential area. The screen shall have a minimum height of three and one-half feet and shall be maintained in good condition.~~

~~b. Each parking lot containing 10 or more parking spaces shall include around its perimeter a planting bed having a minimum width of 10 feet. A planting bed located adjacent to a street shall contain trees, shrubs, flowers, boulders, mulch and fences. Any fence in a planting bed located adjacent to a street shall be set back at least three feet from the lot line to allow room for plantings on the street side of the fence. A planting bed that is not adjacent to a street shall contain plantings that will attain an average height of two feet within two years of planting, and that are grouped to allow for seeded snow storage areas.~~

~~c. Each parking lot containing more than 40 parking spaces also shall include landscaped islands covering not less than 15 percent of the total area of the parking lot. A landscaped island shall contain trees, shrubs, flowers and mulch and shall be protected with mounding and boulders or curbs.~~

Section 4. Amendment of Subsection. WMC 16.33.010(F), within Purpose, is hereby amended to read as follows:

F. Soften the appearance and break up the visual impact of extensive paved parking areas and surfaces;

Section 5. Amendment of Section. WMC 16.33.030, Exemptions, is hereby amended to read as follows:

The following uses are exempt from the landscaping requirements in this chapter **but are not exempt from the clearing restrictions in WMC 16.33.050(B) or the shoreline protection area requirements in WMC 16.33.050(C):**

- A. Temporary uses;
- B. Single-family homes **dwelling (when only one single-family dwelling per lot);**

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C. Duplex (when only one duplex per lot);

D. Areas authorized by the city for public or private parks, playgrounds, playing fields, or golf courses that will be retained in pervious ground cover. Parking lots, community centers, clubhouses, and other typical accessory uses or structures must comply with the landscape requirements in this chapter;

E. Airport lease lots; and

F. Legal nonconforming commercial buildings except when there is a change of use of the lot, building, or unit within a multi-tenant building or an increase in gross floor area resulting from a building addition, creation of a basement/daylight basement, construction of additional stories, or other similar activity (e.g., retail to office, office to retail, retail to automotive uses). At that time, the landscaping must be brought into compliance with the regulations in this chapter to the greatest extent possible ~~feasible~~, as determined by the city planner.

Section 6. Amendment of Section. WMC 16.33.040, Landscape plan, is hereby amended to read as follows:

A. *Submittal.* A landscape plan that adequately indicates compliance with applicable landscaping standards in this chapter must be submitted with the development/permit application. Landscape plans for commercial developments with a gross floor area ~~greater than~~ of 5,000 square feet or more, and/or a lot size ~~greater than one acre~~ and multifamily residential developments with more than four dwelling units per lot, must be prepared and sealed by a licensed landscape architect registered in the state of Alaska or a professional with similar landscaping expertise, as approved by the city planner.

B. *Plan Components.* Where a landscape plan is required, the plan shall include the following. Design must take into consideration existing trees and incorporate existing trees and vegetation where practical to ~~lower~~ minimize adverse impacts of development.

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1. Calculations, dimensions, notes, and details necessary to describe the landscape elements and their relation to the site boundary and site improvements;
2. The common **and scientific** name of each plant **type or ground cover to be** used;
3. The ~~number~~ **location, quantity**, height, and caliper of each plant **type**;
4. The locations where different plant types will be used, **including area and dimensions**;
5. The locations, **plant** size, **area**, and type of vegetation to be preserved in its natural state **to fulfil the requirements of this chapter**;
6. The location, area, and type of native vegetation to be removed;
7. Location of any retaining walls and/or fences;
8. Location of existing or proposed utilities **utility elements such as easements, transformers, utility poles, overhead and underground utility lines, streetlights, and curb cuts** and ~~easements of record~~;
9. Location of all property **lot** lines, including all streets that border the lot/parcel;
10. Location of any existing or proposed structures, **walkways**, or parking areas;
11. North arrow, ~~and scale~~, **and planting details**; and
12. Areas of vegetation to be used for on-site retention/detention of storm water and drainage **features including swales, drainage basins, snow storage, storm drain inlets, bioswales, and other similar features**, unless shown on civil drawings.

Section 7. Amendment of Section. WMC 16.33.050, General landscaping requirements and standards, is hereby amended to read as follows:

A. *Minimum Lot Area to Be Landscaped.* A minimum of 15 percent of the total lot area must be covered with landscaping. **The landscaped areas required in this chapter apply to the minimum lot area to be landscaped. All other disturbed areas on the site that are not**

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part of the required landscaped areas must be planted with grass or a similar ground cover to create a lawn. ~~The~~ However, the planting of grass and annual flowers alone does not constitute landscaping in the context of this chapter.

B. *Clearing Restrictions.* No lot may be cleared of native vegetation prior to issuance of a permit for a use of a lot under this title.

1. *Exemptions.* ~~The following uses are exempt from the clearing restrictions in this section:~~ After approval of a preliminary plat for a subdivision, vegetation may be cleared in the following areas as shown on the preliminary plat:

a. ~~After approval of a preliminary plat for a subdivision, vegetation may be cleared in the following areas as shown on the preliminary plat:~~

i. ~~Roads and rights-of-way;~~

ii. ~~Water, sewer, and utility easements; or~~

iii. ~~Drainage or storm water facilities.~~

a. Roads and rights-of-way;

b. Water, sewer, and utility easements; and/or

c. Drainage and/or stormwater facilities.

2. ~~*Violations.* The entire area of vegetation cleared from a lot contrary to the requirements of this section shall be replaced with ground cover and the site perimeter/project boundary landscaping required in this chapter within 12 months of the clearing. This section shall apply to all lot areas cleared prior to or subsequent to the adoption of this chapter.~~

C. *Preservation of Existing **Native** Vegetation.*

1. *Existing Trees **and Forested Areas**.* Existing healthy trees must be preserved to the greatest extent practical to sustain an age-diverse urban forest and to minimize tree canopy cover losses.

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2. ~~Shoreline Protection Area.~~ ~~Native vegetation shall be preserved and there shall be no clearcutting or placement of fertilizer in any area of a lot that is within 75 feet of the mean high water mark of any body of water, including a lake, stream, creek, or river.~~ The purpose of the shoreline protection area is to preserve and enhance the important hydrologic, ecological, and aesthetic functions provided by wetlands, water bodies, and water courses. Water bodies and courses include, but are not limited to, lakes, streams, creeks, rivers. This section applies to all zoning districts and all developments within the city limits. This section does not repeal or supersede any existing federal, state, or local laws. When this subsection imposes a higher or more restrictive standard, this subsection shall apply.

a. *Clearing.* Native vegetation shall be preserved and there shall be no clearcutting in any area of a lot that is within 75 feet of the mean high-water mark of any body of water, including a lake, stream, creek, or river. However, minimal areas may be cleared to allow access to docks, boathouses, water's edge, and other similar uses with approval of an administrative approval land use permit.

b. *Maintenance.* Maintenance, modification, or removal of vegetation within the shoreline protection area is permitted as follows:

i. Pruning for the health of existing vegetation is allowed but may not remove more than 25 percent of the living crown of a tree or jeopardize the health and natural shape of a tree or shrub;

ii. Removal of trees and shrubs that are dead, a safety hazard to person, property, or public, or diseased is permitted;

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iii. The use of herbicides for control/removal of vegetation is prohibited; and

iv. The placement of fertilizer is prohibited.

c. Legally established uses. See WMC 16.24.030(C)(3) for provisions relating to nonconforming setbacks.

d. Other regulatory agencies. The lot owner must obtain the appropriate permit/approval from the federal, state, or local agencies having jurisdiction within this area prior to any activity within the shoreline protection area.

3. ~~Native Plant Material Area~~ Existing Native Vegetation. Natural ~~Existing native~~ vegetation that is sufficient to meet the intent of the standards set out in this chapter may be retained in place of all or part of any required landscaping. Existing trees may be credited toward the landscape requirements on a 3:1 basis for a coniferous tree 10 feet or more in height or a 3:1 basis for a deciduous tree six inches or greater caliper. Cottonwood trees (~~Populus balsamifera and Populus trichocarpa~~) may not be used to meet this requirement.

4. *Individual Trees*. The following protection requirements must be met:

a. *Critical Root Zone*. The critical root zone (CRZ) is, and will remain, substantially undisturbed. The CRZ is represented by a circle, centered on the tree trunk and having a radius of one and one-half feet for each one inch of trunk diameter measured at four and one-half feet above ground level. Although an undisturbed circular area centered on the tree generally assures less critical root loss, modifications to the CRZ perimeters resulting in nonconcentric, irregular, and/or smaller areas are acceptable for tree preservation if either of the following conditions are met:

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b. *Maximum Disturbance.* The modified root zone includes at least 50 percent of the concentric CRZ, contains no less total contiguous area than the concentric CRZ, and includes no disturbance or encroachments by improvements within the structural root plate area.

c. *Existing Conditions.* The tree has demonstrated long-term viability within the same sub-standard root zone and that area will not be further reduced or adversely impacted. In some cases, a certified arborist may be required to delineate the functioning root zone and confirm avoidance of further impacts.

d. *Structural Root Plate.* The structural root plate is represented by a circle, centered on the tree trunk and having a radius of one-half feet for each inch of trunk diameter measured at four and one-half feet above ground level, but no less than six feet and no more than 10 feet.

e. *~~Canopy~~Tree Crown.* No more than 25 percent of the ~~canopy~~crown has been or will be removed and the pruning is done according to American National Standards Institute (ANSI) standards (A300).

f. *Protective Barriers.* Trees designated for preservation must be protected from all potentially harmful activity during development by the temporary installation of protective barriers. Barriers must be constructed of chain link fence, orange laminated plastic fencing, or wood posts and rails, consistent with professional arboricultural practices and must be installed along the perimeter of all required preserve areas prior to any land clearing, demolition, grading, or construction. No potentially harmful activity may take place within the protective barrier, including, but not limited to, grade change, trenching, compaction, grubbing, piling of debris or materials, snow storage, or root raking.

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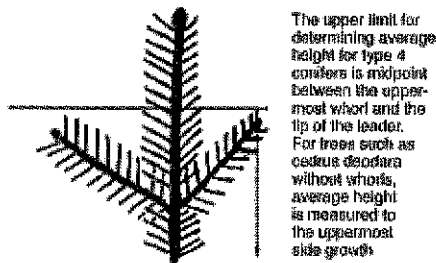
D. *Plant Materials.* Plant material must be true to name, variety, and size and must conform to all applicable provisions of the American Standards for Nursery Stock, latest edition, and meet the following:

1. *Minimum Plant Size.*

a. Shrubs planted in required perimeter landscape areas must be a minimum of 24 inches in height at time of planting. Shrubs planted in other required landscape areas must be a minimum of 18 inches at time of planting, except as specifically required in this chapter.

b. ~~Trees~~ Deciduous trees must be a minimum of ~~40 feet~~ eight feet in height or a minimum of two-inch caliper, whichever is taller larger, at time of planting, except as specifically required in this chapter.

c. Evergreen trees (non-deciduous) must be a minimum of six feet in height at time of planting and the ratio of height to spread should not be less than 5:3, except as specifically required in this chapter. Height measurement is taken at the midpoint between the uppermost whorl(s) and the tip of the leader.



The upper limit for determining average height for type 4 conifers is midpoint between the uppermost whorl and the tip of the leader. For trees such as cedrus deodara without whorls, average height is measured to the uppermost side growth.

2. *Quality.* All plant material must be healthy, of a suitable type for the site conditions being used in, and hardy to the project area.

3. *Species.* All landscaping shall utilize native plant species or other vegetation that is appropriate for the area.

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4. *Diversity.* The diversity of any trees required to be planted on a site shall comply with the following limits to avoid uniform site tree decline from pests or disease and to increase the aesthetic appeal:

Number of new trees planted on site	Maximum percentage of any one species planted
5 – 19	65%
20 – 49	40%
50 or more	30%

5. *Installation.* All required landscaping must be installed in a sound manner utilizing established professional standards and consistent with the requirements in this chapter.

6. *Ground Covers and Mulch.* All ground cover around vegetation in required planting beds must consist of dead vegetative matter **mulch, as defined in this title**, or a product with similar appearance **and functionality**, unless otherwise approved by the city planner.

Alternatives that may be approved in place of mulch include products with a similar appearance to mulch, evergreen ground cover, low-lying perennial plants, perennial ornamental grasses, or other similar plants, as approved by the city planner. Industrially zoned lots may utilize landscape quality rock, gravel, evergreen ground cover, or grass with mulch around base of plants as ground cover/mulch in required planting beds when lot frontage is on roadway(s) classified as “Local” roads in the City of Wasilla Official Streets and Highways Plan. When plants are used for ground cover instead of mulch, placement and quantity must be in a manner that continuous ground cover will be achieved within two years.

E. *Planting Location.*

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1. *Placement.* Installation of plants in appropriate locations is essential to long-term survival. Locations should match mature plant size to available soil volume and other conditions necessary for healthy growth. Appropriate separation must be provided from pavement, structures, streets, driveways, curbs, sidewalks, signs, lights, and utilities.

2. *Vehicle Overhang.* All required landscape planting beds must be protected from vehicular damage. Vehicular use areas shall provide raised curbs, wheel stops, bollards, or other effective means to permanently protect landscape areas from damage by vehicle encroachment. Vehicles may not overhang into landscape areas beyond the designed boundaries of vehicular use areas.

3. *Utility Easements/Overhead Utilities.*

a. Only plants that will not create persistent utility maintenance or interference problems may be installed where overhead utilities exist.

b. Trees may not be planted directly below power lines to prevent them from being energized or disrupting service.

c. ~~Understory trees~~ **Trees** and vegetation within a utility easement may not achieve heights greater than 10 feet or intrude from the side closer than 15 feet to power lines, or exceed clearances otherwise required by applicable ANSI and/or National Electric Safety Code (NESC) standards, whichever is greater.

d. ~~Canopy trees and large-maturing species~~ **Tree species with a large mature crown** must be planted a minimum of 30 feet from power lines or exceed clearances otherwise required by applicable ANSI and/or NESC standards, whichever is greater.

4. *Visibility Clearance Areas/Sight Distance.* Landscaping within the sight distance/sight triangle areas must be designed, installed, and maintained to allow visibility between three feet and nine feet above grade. The trunks of mature trees trimmed of

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foliage to nine feet and newly planted trees with immature crown development allowing visibility are generally acceptable within this area.

F. *Installation.*

1. *Timing.* All landscaping structural requirements (e.g., drainage, grading, concrete, rock or keystone bed structures, curbs, sidewalks) must be in place prior to occupancy. If occupancy occurs outside the planting season, all landscaping must be in place no later than June 30 of the following year. Topsoil addition and final grading, seeding, and plantings must be in place within 12 months of occupancy, or within the first growing season after occupancy, whichever comes first.

2. *Tree Protection and Preservation.*

a. *Tree Roots.* In addition to the minimum areas required by this chapter for planted and preserved trees, curbs, sidewalks, and other concrete around trees must be minimized and more flexible materials utilized to accommodate tree roots (e.g., crushed rock, porous pavers).

G. *Guaranty.* The granting of an application for a use including with a structure having a gross floor area greater than or equal to 5,000 square feet shall be conditioned upon the applicant furnishing a guaranty for the provision of any required landscaping. **An itemized estimate of the required landscaping must be submitted with the guaranty.** The guaranty must be equal in amount to the estimated cost of the required landscaping, **be held in trust or payable to the city and released to the city if the city certifies that the applicant has not completed the required landscaping, may not be released or cancelled without approval from the city,** ~~must be valid for a minimum of two years from date of inspection of the landscaping by the city,~~ and be in one of the following forms:

1. A cash deposit in escrow with a responsible financial institution authorized to do such business in the state, under an escrow agreement that provides the deposit will be

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held in trust for the benefit of the city and, will not be used as security for any other obligation, ~~and will be released to the city if the city certifies that the applicant has not completed the required landscaping.~~

2. A surety bond from a company authorized to do such business in the state and, payable to the city if any required landscaping is not completed, posted either by the applicant or a contractor obligated by written contract to the applicant for ~~construction~~ **installation** of all of the required landscaping.

3. An irrevocable letter of credit with a responsible financial institution authorized to do such business in the state, ~~provided, that the letter of credit will be held in trust for the benefit of the city, and will not be used as security for any other obligation, and funds will be released to the city if the city certifies that the applicant has not completed the required landscaping.~~

Section 8. Amendment of Section. WMC 16.33.060 Types of landscaping, is hereby amended to read as follows:

A. *Site Perimeter/Project Boundary.*

1. *Purpose.* Create an aesthetically appealing visual appearance from the road right-of-way.

2. *Applicability.* Landscaping is required along the perimeter of all lot lines adjacent to the right-of-way.

3. *Perimeter Landscaping.*

~~a. *Minimum of a 10-Foot-Wide Landscaped Planting Bed.* Driveways and sidewalks may cross such strips to provide approved site access.~~

~~b. *Landscaped planting beds must contain a minimum of 16 perennial flowers and two shrubs per 100 square feet of planting bed, one tree per 30 feet, mulch, boulders, and decorative fencing panels.*~~

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a. *Landscaped planting bed width.* The planting bed width shall be an average of ten feet with a minimum width not less than six feet. Driveways and sidewalks may cross such strips to provide approved site access.

b. *Landscape planting bed components.*

i. *Multifamily residential or Commercial zoning districts.* Landscaped planting beds within these zoning districts must contain the following:

(A) *Minimum of nine perennial flowers and/or ornamental grasses per 100 square feet of planting bed. Flowers may be grouped but may not be planted at intervals greater than 15 feet on center;*

(B) *Two shrubs per 100 square feet of planting bed. Shrubs must be a mix of evergreen, flowering deciduous, and deciduous, with a maximum of 40 percent of any one species. Shrubs may be grouped but may not be planted at intervals greater than 15 feet on center;*

(C) *One street tree; and*

(D) *Mulch/ground cover, boulders, and decorative fencing panels.*

ii. *Industrial zoned lots with frontage on streets classified as Local streets by the city. Landscaped planting beds must contain the following:*

(A) *Minimum of two shrubs per 100 square feet of planting bed. Required shrubs must be a mix of evergreen, flowering deciduous, and deciduous, with a maximum percentage of any one species of 40 percent. Shrubs may be grouped around required trees but may not be planted at intervals greater than 15 feet on center;*

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(B) One street tree; and

(C) Ground cover/mulch.

iii. Industrially zoned lots with frontage on streets classified by the city as Commercial, Collector, Arterial, or Interstate. Landscaped planting beds must contain the following:

(A) Minimum of nine perennial flowers and/or ornamental grasses;

(B) Two shrubs per 100 square feet of planting bed. Required shrubs must be a mix of evergreen, flowering deciduous, and deciduous, with a maximum percentage of any one species of 40 percent. Shrubs may be grouped around required trees but may not be planted at intervals greater than 15 feet on center;

(C) One street tree; and

(D) Ground cover/mulch.

(E) Alternatively, the landscaped planting bed may be five feet wide, contain the required street trees, and two shrubs per 100 square feet of planting bed with grass instead of ground cover/mulch and be supplemented with a six-foot-tall opaque fence (minimum 95% opacity). The fence must be setback a minimum of five feet from the lot line with the five-foot-wide planting bed on the street side of the fence.

B. *Parking Lot and Vehicular Use Areas – Street, Perimeter, and Interior.*

1. *Purpose.* All parking lots and vehicular use areas must be screened from view from the right-of-way and/or adjacent residential areas to soften the appearance of these areas.

2. *Applicability.* Landscaping is required for all parking lots and vehicular use areas except as provided in this section.

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3. *Exemptions.* The following are exempt from the requirements in this subsection:

a. *Vehicular Display Areas for Automobile Sales or Rentals.* However, all other standards in this chapter must be met.

~~b. Truck wells, loading docks, and other areas designated exclusively for the loading and unloading of vehicles.~~

b. Industrially zoned lots with frontage only on streets classified as Local streets by the city City.

4. *Parking Lot Perimeter.* All parking lots visible from a public right-of-way must be screened with a combination of trees, shrubs, perennial flowers, boulders, and decorative fencing panels and must be consistent with the following **with the following:**

a. ~~Minimum of a 10-Foot-Wide Landscaped Planting Bed.~~ Driveways and sidewalks may cross such strips to provide approved site access **Plantings required in a perimeter planting bed (see subsection A.3 above):**

~~b. Landscaped planting beds must contain a minimum of 16 perennial flowers and two shrubs per 100 square feet of planting bed.~~

~~c. A minimum of one tree per 30 feet of planting bed.~~

~~d. A three-foot-high vegetative hedge (or other similar vegetative screening) is required along street lot lines and must be planted between the required 10-foot-wide **perimeter** planting bed and **abutting** the parking lot. **Plantings must be a minimum of two and one-half feet in height at time of planting and have a combination of one-third evergreen plant material and two-thirds deciduous plant material that will attain a mature height of at least three feet and be maintained at that height. Shrubs must be spaced to provide continuous coverage within three years. For parking lots where the parking spaces are less than 10 feet from the edge of the perimeter planted bed, the hedge may be planted adjacent to the perimeter**~~

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planting bed. When the separation is 10 feet or greater, the hedge must be planted adjacent to the parking spaces.

5. *Parking Row Terminations.*

a. All rows of parking stalls shall be terminated at each end with a landscape area **that meets the following requirements:** ~~having the full length of the adjoining parking stall and containing at least one planted or preserved tree. The landscape area must be sufficiently sized to provide the minimum root zone for a preserved tree or support the growth of a newly planted tree. Where a double row of interior parking stalls ends, the terminating landscape area shall be combined as one continuous area to maximize rooting area except when a dividing pedestrian and/or handicap accessibility route may be appropriate and is approved by the city planner.~~

i. Minimum area of 160 square feet;

ii. Extends the full length of the adjoining parking stall;

iii. Contains a minimum of one planted or preserved tree. Tree must be a minimum of eight feet in height at time of planting and be a variety that provides shade upon maturity. Columnar Swedish Aspen (Populus tremula 'Erecta', and other similar narrow-shaped trees, may not be used to meet this requirement;

iv. Contains a minimum of nine perennial flowers and two shrubs per 100 square feet of landscape area and be covered with ground cover and/or mulch. Up to 30 percent of the required ground cover may consist of grassed areas/lawn;

v. Terminating landscape areas for a double row of interior parking stalls must be combined as one continuous area. Pedestrian and/or

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handicap accessibility route through the landscape area may be approved by the city planner; and

vi. Protected by permanent curbs or structural barriers.

~~b. Exemptions. The following are exempt from the requirements in this subsection:~~

~~i. Parking lots in the industrial zoning district.~~

~~c. Landscaped planting beds must contain a minimum of 16 perennial flowers and two shrubs per 100 square feet of planting bed.~~

6. *Continuous Parking Stalls.*

a. Each row of parking must contain 15 or less continuous stalls without interruption by a landscape area. Each landscape area must be consistent with the dimensions required for parking row terminations above.

b. If any of the following conditions exist, no more than 12 continuous stalls may be provided:

i. The total number of on-site parking spaces exceeds 50;

ii. The total number of on-site parking spaces exceeds the number required by the minimum parking requirements in this title by more than 10 percent; or

iii. The dimensions of drive aisles and/or parking stalls exceed the standards in this title.

~~c. Exemptions. The following are exempt from the requirements in this subsection:~~

~~i. Parking lots in the industrial zoning district.~~

7. *Parking Lot Interior.* The calculation of the total area of a parking lot includes the area for all parking spaces, drive aisles between parking rows, and parking termination landscape areas. Entrance drive aisles and drive aisles around the

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perimeter of parking spaces are not included in this calculation. All interior landscaping must comply with the following minimum standards:

Landscaping requirements for surface parking areas

Number of parking spaces	Required interior landscaped area
0 to 4	5% of the total area of the parking lot
5 to 20	10% of the total area of the parking lot
21 or more	15% of the total area of the parking lot

a. Each landscaped area shall be no smaller than 400-160 square feet and must be protected by permanent curbs or structural barriers;

b. No part of a landscaped area shall be less than four feet in width or length except those parts of landscaped areas created by turning radii or angles of parking spaces;

c. No parking space shall be more than 60 feet from a required landscaped area;

d. The landscaped area may include bio-retention facilities; ~~and~~

e. Trees in surface parking areas; and

i. One tree is required for every 10 parking spaces; ~~and~~

ii. Trees shall be selected in consultation with the city planner; and

iii. Columnar Swedish Aspen (Populus tremula 'Erecta', and other similar narrow-shaped trees, may not be used to meet this requirement.

f. Landscaped planting beds must contain a minimum of 46-nine perennial flowers and two shrubs per 100 square feet of planting bed.

C. *Street Trees/Street Buffers.*

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1. A minimum of one street tree must be planted within the required perimeter landscape bed at average intervals no greater than 30 feet on center per 30 feet of frontage along a right-of-way is required for any new industrial, commercial, or multifamily residential development. Deciduous trees must be a minimum of 10 feet in height or two-inch caliper, whichever is taller at time of planting. Evergreen trees must be a minimum of eight feet in height at time of planting. Trees required in perimeter landscape beds may be counted toward meeting this requirement.

2. Existing street trees in the right-of-way shall be retained unless the city public works director approves their removal. The public works director, in consultation with the city planner, shall determine the number, type, and placement of additional street trees to be provided in order to:

- a. Improve public safety;
- b. Promote compatibility with existing street trees;
- c. Match trees to the available space in the planting strip;
- d. Maintain and expand the urban forest canopy;
- e. Encourage healthy growth through appropriate spacing;
- f. Protect utilities; and
- g. Allow access to the street, buildings, and lot.

3. *Exemptions.* The following are exempt from the street tree requirements in this section:

a. ~~Lots that border~~ Lot lines abutting an unopened right-of-way may request an exemption from the requirement to plant street trees;

b. ~~Changing a use or establishing a temporary/intermittent use;~~

Temporary/intermittent uses;

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c. Additions **of 500 square feet or less** to an existing structure ~~of 1,000 square feet or less~~; or

d. Expansion of surface area parking by less than 10 percent in area and less than 10 percent in number of **required** parking spaces.

D. *Screening and Buffering.*

1. *Purpose.* The purpose of the buffer is to minimize or eliminate adverse impacts between adjoining uses and is intended to protect the lower intensity use from the higher intensity use and provide an aesthetically attractive barrier between the uses. It shall function to reduce or eliminate incompatibility between uses such that the long-term continuation of either use is not threatened by impacts from the other. For purposes of this section, adjoining means lots/~~parcels~~ that share a common ~~property~~-**lot** line. It does not include lots/~~parcels~~ separated by a public right-of-way.

2. *Exemptions.* The following are exempt from the requirements in this subsection:

a. Development of a less intensive use;

b. Between uses located on the same lot/~~parcel~~;

c. Between uses on adjoining lots/~~parcels~~, if under the same ownership; or

d. Breaks in required screening ~~are permitted to provide pedestrian and vehicular access~~ **that do not exceed the maximum permitted width of driveways/curb cuts.**

~~Breaks in required screening for vehicular access shall not exceed the width of permitted curb cuts.~~

3. *Required Screening/Buffering.* Buffers shall be provided according to the following standards, which are based on the character of the adjoining land uses:

a. ~~Residential and Nonresidential.~~ All residential uses shall be buffered from all nonresidential uses, other than passive recreation, conservation, or agricultural uses,

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according to the buffer types established in this section and the following nonresidential categories:

i. ~~*Multifamily Residential.*~~ All permitted multifamily uses, ~~exceeding four dwelling units per acre~~ regardless of zoning district, shall provide a Type A buffer supplemented with an opaque fence, wall, or berm for all adjoining single-family and duplex residential uses.

ii. ~~*General-Commercial.*~~ General-commercial Commercial uses consistent with the ~~permitted commercial uses~~ permitted in the rural residential and commercial zoning districts shall provide a Type B buffer supplemented with an opaque fence, wall, or berm for all adjoining single-family, duplex, and multifamily uses.

iii. ~~*Industrial.*~~ Industrial uses consistent with the ~~industrial uses~~ permitted in the industrial, commercial, or rural residential zoning districts shall provide a Type C buffer supplemented with an opaque fence, wall, or berm for all adjoining single-family, duplex, and multifamily uses.

b. ~~*Nonresidential.*~~ Heavy commercial and industrial Industrial uses shall provide a Type B buffer for all adjoining general commercial, neighborhood commercial, and other nonresidential uses less intensive than heavy commercial or industrial.

c. *No Existing Use.* For the purposes of buffering, where no use exists on an adjoining land ~~lot~~ and none is proposed by a valid permit application, the use of the adjoining land ~~lot~~ will be assumed to be the most intensive use allowed by the existing zoning.

d. *Other Uses or Circumstances.* In addition to the screening and buffering requirements in this section, the following uses must also provide the additional landscaping to provide an adequate buffer:

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Table A.

Use or Circumstance	Minimum Requirement
Drive-in businesses abutting or across an alley from a lot in a residential zoning district.	Six-foot-high screening along the abutting or alley lot lines and a five-foot-deep landscaped area inside the screening, when a drive-in lane or queuing lane abuts a lot in a residential zoning district.
Drive-in businesses, other than gas stations, in which the drive-in lane or queuing lanes are across the street from a lot in a residential zoning district.	Three-foot-high screening.
Gas stations in RR zones or, in C zones, across the street from a lot in a residential zoning district.	Three-foot-high screening along street lot lines.
Outdoor sales and outdoor display of rental equipment, abutting or across an alley from a lot in a residential zoning district.	Six-foot-high screening along the abutting or alley lot lines.
Outdoor sales and outdoor display of rental equipment across the street from a lot in a residential zoning district.	Three-foot-high screening along the street lot line.

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Use or Circumstance	Minimum Requirement
Outdoor storage in an industrial zoning district abutting a lot in the commercial zoning district.	Screened from all lot lines by the facade of the structure or by six-foot-high screening; and five-foot-deep landscaped area between all street lot lines and the six-foot-high screening (Exh. B).
Outdoor storage in an industrial zoning district abutting a lot in a residential zoning district.	50-foot setback from the lot lines of the abutting lot in a residential zone and screened from those lot lines by the facade of the structure or by six-foot-high screening (Exh. C).
Outdoor storage in an industrial zoning district across the street from a lot in a residential zoning district.	Screened from the street by the facade of a structure, or by six-foot-high screening.
Parking garage occupying any portion of the street-level and/or street-facing facade between five and eight feet above sidewalk grade.	Five-foot-deep landscaped area along street lot line; or screening by the exterior wall of the structure; or six-foot-high screening between the structure and the landscaped area (Exh. A).
Unenclosed parking garage on lots abutting a lot in a residential zoning district.	A five-foot-deep landscaped area and six-foot-high screening along each shared lot line.

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Use or Circumstance	Minimum Requirement
Parking garage that is eight feet or more above grade.	Three-and-one-half-foot screening along the perimeter of each floor of parking.
Outdoor areas associated with pet or child daycare centers.	Screened from all property <u>lot</u> lines by the facade of the structure or by six-foot-high screening between the outdoor area and all property <u>lot</u> lines.

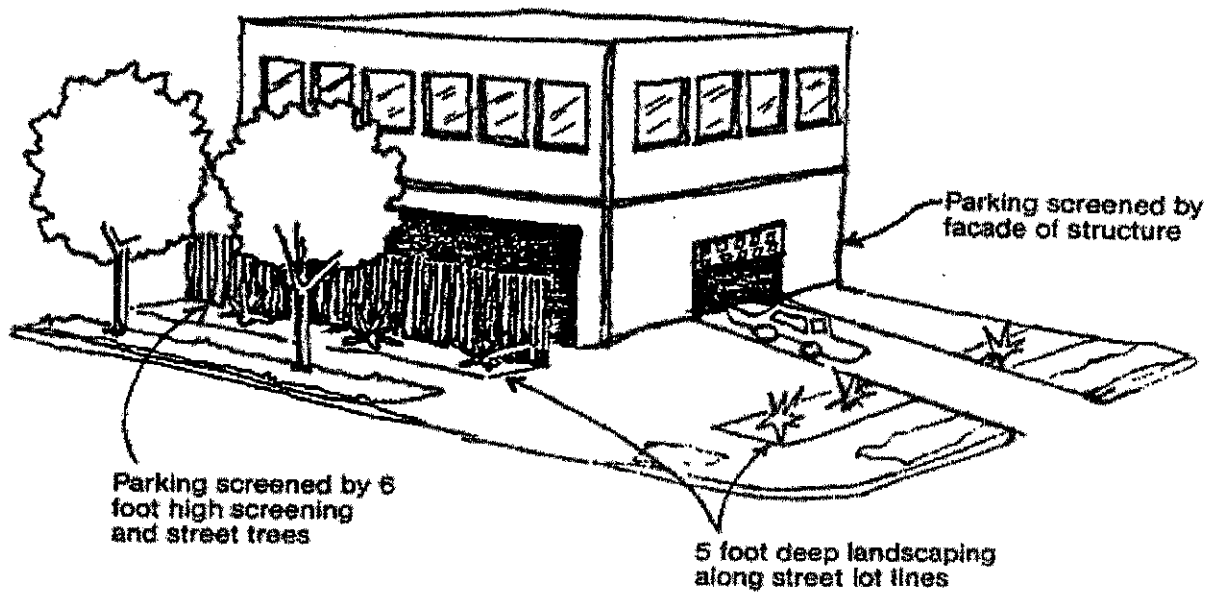


Exhibit A. Screening of parking within or under a structure.

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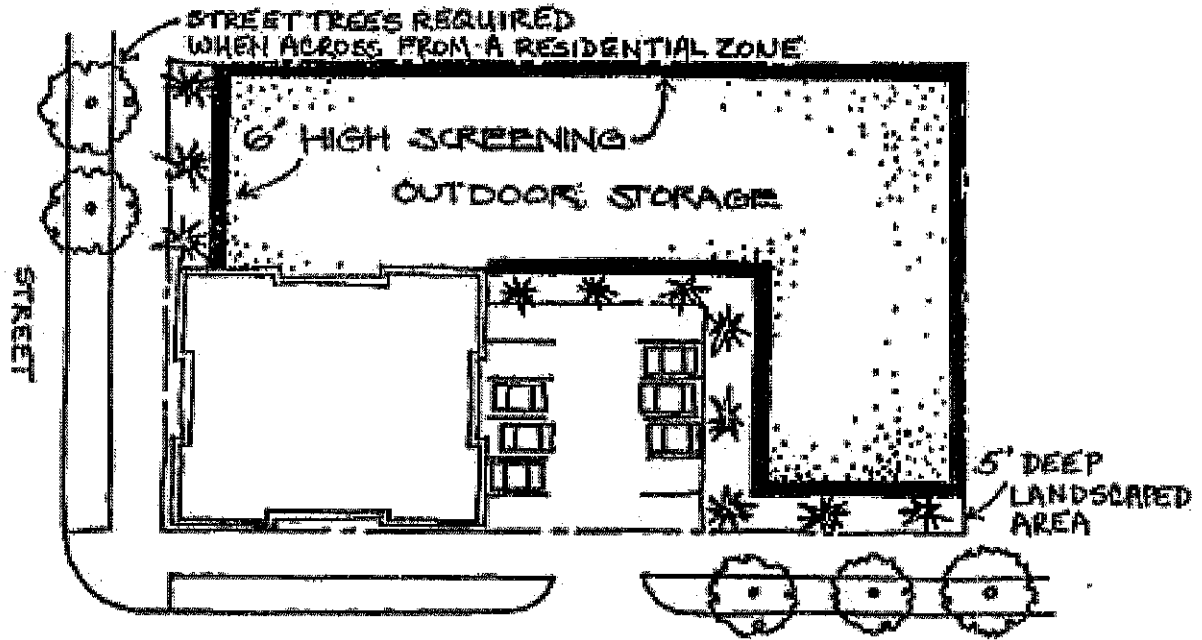


Exhibit B. Screening of open storage areas in industrial zoning districts.

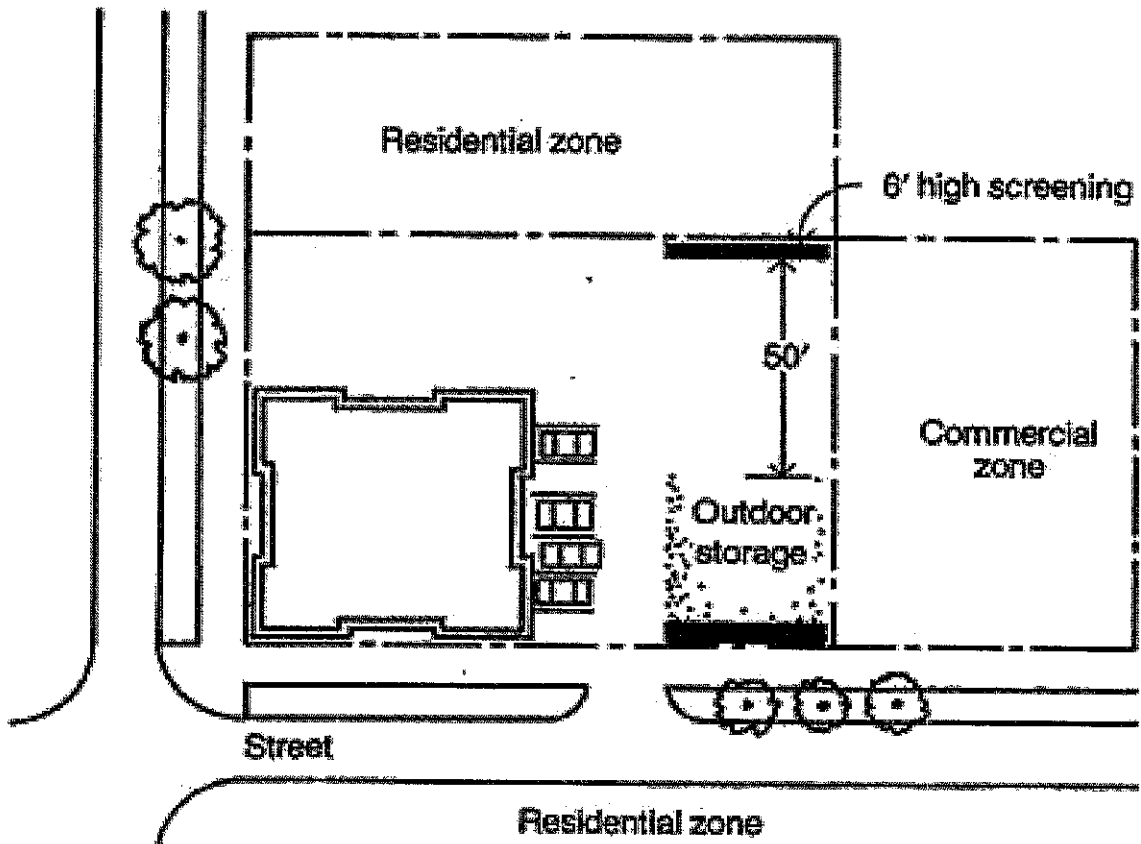


Exhibit C. Screening of open storage areas in industrial zoning districts.

4. Standards.

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a. *Location.* Where a use is required to provide buffering for adjoining uses, the buffering must be along all side and rear lot lines where the use abuts the other use. No buffers are required along front ~~property~~lot lines unless buffering is included in screening requirements for outdoor storage or other conditions described in this chapter.

b. *Composition.*

i. *Types.* Where buffering is required, the following buffer types define the minimum width and plants required per 100 linear feet of buffer:

Buffer Type	Buffer Width	Canopy	Understory	Shrubs
		<u>Deciduous</u> Trees	<u>Evergreen</u> Trees	
A	12 feet	2	1	10
B	16 feet	2.5	2	20
C	20 feet	3	3	30

ii. *Plants.* The prescribed buffer plants may be existing ~~natural~~native vegetation, existing vegetation supplemented with additional plantings, or entirely new plantings. The suitability of existing vegetation to provide adequate buffering will be evaluated based on the minimum plants required. For effective buffering year-round, at least 50 percent of buffer trees and shrubs shall be evergreen species. The selection and installation of buffer plants and buffer maintenance shall be according to the provisions in this chapter. Newly planted trees and shrubs must meet the size requirements in WMC 16.33.050(D)(1). Where

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existing native vegetation is proposed to be retained to provide the required screening/buffering, the following must occur:

(A) An inventory and plan identifying all existing trees with a diameter of four inches or more (measured at breast height) and shrubs with a height of two feet or more must be prepared by a landscape architect and submitted with the permit application;

(B) A surveyor, licensed to work in the State of Alaska, must survey and mark the edge of the clearing limits. A copy of the survey must be submitted to the city planner for review and approval prior to any clearing on the site. City staff may visit the site to verify compliance with the approved landscape plan; and

(C) The as-built survey required after completion of the development must also delineate the surveyed edge of clearing limits after clearing is complete.

iii. *Supplemental Structures.*

(A) If an opaque fence, wall, and/or berm is required to supplement the plants within a buffer, it must be a minimum of six feet in height and have a minimum 95 percent opacity rating. Where an existing fence or wall on abutting ~~property~~ lot meets these requirements, no additional structure is required within the buffer. The existing fence or wall must be in good condition.

(B) For new fences or walls, all support posts must be on the side of the developing ~~property~~ lot so that the more finished appearance faces the abutting ~~property~~ lot or right-of-way. Fence and wall materials must consist of materials typically designed for the intended use. Materials

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such as jersey barriers, untextured concrete, garage doors, or other similar materials, as determined by the city planner, are prohibited.

(C) Existing ~~natural~~native vegetation, or existing landscaping ~~vegetation~~ supplemented with additional plantings, may be approved for use instead of the fence or wall by the city planner ~~for use instead of the fence or wall~~ if they determine that it meets or exceeds the purpose of the standards in this chapter.

5. *Refuse Containers and Areas.* Trash and garbage areas, including dumpsters, must be located within a gated enclosure that is opaque on all sides, including the gates. The height of the enclosure must be greater than the height of the dumpster and the exterior materials and colors must be similar/complementary with the primary building on the lot.

6. *Service and Off-Street Loading Areas.* Screening with a continuous row of evergreen trees must be provided such that the service and off-street loading areas may not be viewed from adjacent streets. Trees must be a minimum of eight feet in height at time of planting. Placement and quantity must be in a manner that will provide continuous screening within three years. When the loading area is in an area where it is not feasible to plant the trees adjacent to the loading area, the required trees may be added to the perimeter planting bed.

7. *Mechanical and Electrical Equipment.* All ground level equipment must be screened with landscaping or a combination of decorative fencing and landscaping that screens the equipment from view from adjacent streets. Shrubs must be a minimum of two feet in height at time of planting, reach a minimum mature height of three feet, and be maintained at that height. Landscaping must be consistent with ANSI and/or NESC standards, whichever is more restrictive.

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8. *Screening of Surface Parking Areas.* Surface parking areas abutting or across an alley from a lot in a residential zoning district must be screened with a minimum of a six-foot-high ~~buffer~~ **opaque fence or wall** along the abutting lot line or the lot line along the alley.

E. *Waivers.* When one of the ~~specific uses listed in this subsection~~ **permitted uses in the zoning district** is proposed for expansion, the applicable requirements for that use shall be met. The city planner may reduce or waive the requirements where they are physically infeasible due to the location of existing structures or required **paved** parking.

F. *Treatment of Blank Facades.* A minimum of 50 percent of the blank facade of a building facing the street that is wider than 35 feet must be "broken up" with landscaped areas that include trees, shrubs, perennial flowers, and boulders. **For purposes of this section, a blank facade is a side of a building where more than 50 percent or more of the wall area does not contain windows or glass doors and does not include architectural details provided on other building walls.**

Section 9. Amendment of Section. WMC 16.33.080, Maintenance and replacement, is hereby amended to read as follows:

A. It is the duty of the owner of the lot/~~parcel~~ to continuously maintain all required landscaping. If any required landscaping dies, becomes substantially damaged, or destroyed, it must be replanted in a similar manner within the same growing season that the damage or destruction occurs or no later than June 30 of the following year, whichever is earliest. When landscaping that is part of an approved landscaping plan is removed, disturbed or damaged, or is not maintained, in addition to any other remedy under this title, the city may require the lot owner to replace ~~bring~~ the landscaping on the lot consistent **into compliance** with the current provisions of this chapter.

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B. ~~Grassy~~Lawn and landscaped areas shall be maintained according to standard practices, which include regular mowing, weeding, fertilizing, and watering.

C. All required screening/buffering must be maintained by the landowner proposing the more intensive use in perpetuity or until there is a change in use that does not require screening/buffering.

Section 10. Amendment of Section. WMC 16.33.090, Hardship waiver – Variance, is hereby amended to read as follows:

The planning commission may waive or modify a requirement concerning the type, density quantity, location, or height of landscaping, planting bed widths, or other landscaping standards as provided in this chapter.

A. *Pre-Application Conference.* The applicant shall schedule a pre-application conference with the city planner prior to submission of a waiver application to review the proposed waiver or modification. The purpose of the pre-application conference is to allow the applicant to explain the situation that gives rise to the need for a waiver. It also gives the city planner the opportunity to review the proposed waiver or modification and identify other options and to explain the waiver process.

B. *Application and Site* ~~Landscape~~ Plan. After the pre-application conference, the applicant shall submit an application for the waiver or modification to the city planner with the appropriate application fee. The application shall include a ~~site~~landscape plan depicting all information relevant to the requested waiver or modification. The city planner may require that the ~~site~~landscape plan be produced by a registered professional engineer, architect, landscape architect or land surveyor.

C. *Public Hearing.* The planning commission shall hold a public hearing on the application. The notice, comment period, and hearing procedure shall be the same as provided in WMC 16.16.040 for a conditional use.

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D. *Decision.* The planning commission may approve an application only if the **planning** commission finds that the application meets all of the following standards:

1. Either (a) ~~natural~~ **native** vegetative features within or adjacent to the property, or the shape, topography, drainage or other physical features of the property, make compliance with the landscaping requirements of this title impracticable or contrary to the public interest; or (b) compliance with the landscaping requirements of this title will have an adverse effect on other **adjoining** property;

2. The special conditions that support the waiver or modification are not caused by the person seeking the waiver or modification, a predecessor in interest, or the agent of either;

3. The waiver or modification is not sought solely to relieve pecuniary hardship or inconvenience;

4. The waiver or modification will not significantly affect adjacent property or water bodies; and

5. The waiver or modification is consistent with the ~~spirit~~ **purpose** and intent of this chapter.

Section 11. Amendment of Section. WMC 16.33.100, Violations – Penalties, is hereby amended to read as follows:

All applicable landscaping standards of this chapter must be documented on city-approved development permits/plans. Failure to comply with such standards will subject the development to stop work orders, code enforcement citations, and/or financial penalties **identified below and/or provided in WMC Chapter 16.08, Administrative Procedures. The lot owner and the contractor(s) performing the work on site are responsible for compliance with the provisions of this chapter. Failure of an agent and/or contractor to comply with this**

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chapter will be deemed noncompliance by the owner and the contractor, and fines may be issued to the owner and/or the contractor(s) performing the unpermitted activity.

~~A. *Tree Removal.* The penalty for the unauthorized removal of a preserved tree, including its effective removal by irreparable injury causing an unnatural decline, will be the cost necessary to replace the total tree trunk diameter measured at four and one-half feet above ground level removed with the same total caliper inches of standard replacement trees. Where the actual diameter of the removed tree cannot be directly measured, city officials may estimate the size from any tree remains, photographs, or other reliable evidence.~~

~~B. *Tree Damage.* If a preserved tree has sustained irreparable damage to its normal growth character by topping, "hat racking," or other pruning exceeding 30 percent of the total canopy, the fine may be based on the total caliper inches of limbs removed, up to the trunk diameter measured at four and one-half feet above ground level and full tree replacement may be required.~~

~~C. *Protection Barriers.* The penalty for the failure to install or maintain one or more tree protection barriers required by city development/permit approval will be the cost of one standard replacement tree. Subsequent citations on the same site for failure to install or maintain the required barriers will be the cost of a standard replacement tree for each uninstalled or unmaintained barrier.~~

A. Violations. Remedies and penalties for violations under this chapter are provided in subsection (D) of this section and in WMC Chapter 1.20, General Penalty. The following shall constitute a violation for which the referenced penalties may be imposed, and/or suspension/revocation of the permit:

1. Noncompliance with any of the requirements in this chapter.

2. Noncompliance with conditions imposed by the city planner and/or planning commission.

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3. Clearing a lot without first procuring the required permit.
4. Clearing within the shoreline protection area.
4. Clearing a lot contrary to an approved landscape plan.
5. Failure to comply with a notice of violation, citation, and/or stop work order and/or pay any fines imposed pursuant to this chapter.
6. Failure to maintain vegetation as required in this chapter.

B. Evidence of Violation. Visual observation of active clearing or recent clearing shall constitute prima facie evidence of the violation.

C. Penalties. The penalties for violations specified in this chapter shall be the responsibility of the owner and/or contractor. Each day that the violation continues shall constitute a separate offense. In addition to the penalties below, violations of this chapter are subject to the remedies and penalties provided in WMC Chapter 1.20, General Penalty:

1. Tree Removal. The penalty for the unpermitted removal of a preserved tree, including its effective removal by irreparable injury causing an unnatural decline, will be the replacement of the tree with a similar type of tree with a minimum three-inch caliper. Where the actual diameter of the removed tree cannot be directly measured, city officials may estimate the size from any tree remains, photographs, or other reliable evidence.

2. Tree Damage. If a preserved tree has sustained irreparable damage to its normal growth character by topping, "hat racking," or other pruning exceeding 25 percent of the total crown, the fine may be based on the total caliper inches of limbs removed, up to the trunk diameter measured at four and one-half feet above ground level and full tree replacement may be required.

3. Protection Barriers. The penalty for the failure to install or maintain one or more tree protection barriers required by city development/permit approval will be

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the cost of one standard replacement tree. Subsequent citations on the same site for failure to install or maintain the required barriers will be the cost of a standard replacement tree for each uninstalled or unmaintained barrier.

4. *Unpermitted Clearing (outside the Shoreline Protection Area).* The entire area of vegetation cleared from a lot contrary to the requirements of this section shall be replaced with ground cover and the site perimeter/project boundary landscaping required in this chapter within 12 months of the clearing. This section shall apply to all lot areas cleared prior to or subsequent to the adoption of this chapter. Lots with landscape plans approved prior to July 24, 2017, must be replanted consistent with the landscape regulations in effect at the time of the landscape plan approval. Alternatively, the lot owner may submit a revised landscape plan that brings the site into compliance with the regulations in this chapter. In addition to the remedies provided in this section, violations are also subject to the remedies and penalties provided in WMC Chapter 16.08, Administrative Procedures.

5. *Unpermitted Clearing within Shoreline Protection Area.* The entire area of vegetation cleared from a lot contrary to the requirements of this chapter shall be revegetated with non-invasive trees, shrubs, and ground cover similar in type and density to native vegetation on the site prior to clearing, if known, or that is similar to native vegetation in a similar area. A revegetation plan must be prepared by the lot owner and submitted to the city planner for review and approval. Revegetation shall occur during the same growing season as the clearing, except as otherwise permitted by the city planner.

Section 12. Amendment of Section. WMC 1.20.030, Disposition of scheduled offenses

– Fine Schedule, is hereby amended to read as follows:

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1.20.030 Disposition of scheduled offenses – Fine schedule.

A. A person **and/or entity** cited for an offense for which a fine is established in subsection (C) of this section may mail or personally deliver to the clerk of court the amount of the fine indicated on the citation for the offense plus any surcharge required to be imposed by AS 29.25.074, together with a copy of the citation signed by the person indicating the person's waiver of court appearance, entry of plea of no contest, and forfeiture of the fine. The citation with the fine shall be mailed or personally delivered on or before the thirtieth day after the date the citation was issued. The payment of a fine under this subsection shall be treated as a judgment of conviction. The fine paid is complete satisfaction for the offense.

B. If a person cited for an offense for which a fine amount is established in subsection (C) of this section appears in court to contest the citation and is found guilty, the maximum sentence which shall be imposed is the scheduled fine amount plus any surcharge required to be imposed by AS 29.25.074.

C. The following violations of this code are amenable to disposition without court appearance upon payment of a fine in the amount listed below.

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
<u>WMC 16.33.100(B)(1)</u>	<u>Noncompliance with any of the requirements in WMC Chapter 16.33, Landscaping Standards</u>	<u>\$300</u>
<u>WMC 16.33.100(B)(2)</u>	<u>Noncompliance with conditions imposed by city planner and/or planning commission</u>	<u>\$300</u>
<u>WMC 16.33.100(B)(3)</u>	<u>Clearing native vegetation from a lot without required permit</u>	<u>\$300</u>

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CODE SECTION	DESCRIPTION OF OFFENSE	FINE
<u>WMC 16.33.100(B)(4)</u>	<u>Unpermitted clearing within the shoreline protection area</u>	<u>\$1,000</u>
<u>WMC 16.33.100(B)(5)</u>	<u>Clearing a lot contrary to an approved landscape plan</u>	<u>\$300</u>
<u>WMC 16.33.100(B)(6)</u>	<u>Landscape maintenance violations</u>	<u>\$300</u>


Section 13. Effective Date. This ordinance shall take effect upon adoption.

ADOPTED by the Wasilla City Council on January 24, 2022.



 Glenda D. Ledford, Mayor

ATTEST:



 Jamie Newman, MMC, City Clerk

[SEAL]

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City of Wasilla
Legislative Staff Report
Ordinance Serial No. 22-03
 (Code Ordinance)

An Ordinance Of The Wasilla City Council Amending Wasilla Municipal Code Section 16.04.070, Definitions, To Add Definitions For “Caliper”, “Ground Cover”, “Landscaped Area”, “Lawn”, “Perennial Flower”, “Native Vegetation, Existing”, “Landscape Vegetation, Existing”, “Tree, Preserved”, And “Use, Change Of”; Amending Section 16.24.040, Parking, To Delete Subsection 16.24.040(D)(4)(A) – 16.24.040(D)(4)(C); Amending Section 16.33.010, Purpose, to clarify purpose; Amending Section 16.33.030, Exemptions, To Clarify Exemption And Nonconforming Provisions; Amending Section 16.33.040, Landscape Plan, To Clarify Language; Amending Section WMC 16.33.050, General Landscaping Requirements And Standards, To Clarify Applicability, Standards, And Other Minor Revisions; Amending Section 16.33.060, Types Of Landscaping, To Add Landscape Provisions For Industrially Zoned Lots And Other Minor Revisions; Amending Section 16.33.080, Maintenance And Replacement, To Add Clarifying Language; Amending Section 16.33.090, Hardship Waiver-Variance, To Rename The Section “Landscape Waiver” And Add Language Clarifying Pre-Application Conference Requirements And Purpose; And Amending Section 16.33.100, Violations – Penalties, To Clarify Violations And Penalties; Amending Section 1.20.030, Disposition Of Scheduled Offenses – Fine Schedule, To Add Fines For Landscape Violations.

Originator: Tina Crawford, City Planner *TC*
 Date: 12/28/2021

Agenda of: 1/10/2022

Route to:	Department Head	Signature	Date
	Chief of Police		
	Public Works Director		
	Recreational Services Director		
X	Finance Director	<i>[Signature]</i>	1.5.22
X	Deputy Administrator	<i>[Signature]</i>	12/29/21
X	City Attorney	<i>[Signature]</i>	1/11/22
X	City Clerk	<i>[Signature]</i>	1/5/2022
X	Mayor	<i>[Signature]</i>	1/5/2022

Fiscal Impact: yes or no

Attachments: Ordinance Serial No. 22-03 (39 pages)
 Planning Commission Resolution Serial No. 21-14(AM) (44 pages)
 Planning Commission Meeting Minutes – October 12, 2021 (6 pages)
 Comparative Table – Current vs. Proposed Code (2 pages)

Summary Statement: In 2017, the landscape regulations were reviewed, and a complete re-write was completed that was intended to provide clear language and reasonable standards for commercial and multi-family development that was consistent with the 2011 Comprehensive Plan. However, the review did not specifically consider requiring less intense regulations for industrially zoned lots; especially lots within an industrial park that do not have frontage on major roadways.

The Planning Commission discussed this issue and solicited public comment regarding landscaping requirements for industrially zoned lots at five Committee of the Whole meetings in 2021. After extensive discussion, they adopted Resolution Serial No. 21-14 on November 9, 2021, which requires less landscaping and provided more flexibility for industrially zoned lots. As part of the public input process, other landscaping issues were discussed, and those changes are also included in this proposal. A comparative table is included in this packet that identifies the major revisions and savings proposed in this amendment.

The proposed revisions provide additional clarification of the 2017 regulations and reduce the overall landscaping requirements for commercial and industrial zoned lots while enhancing the appearance and attractiveness of developments within the city.

Proposed Action: Introduce and set the Ordinance for public hearing.

WASILLA PLANNING COMMISSION
RESOLUTION SERIAL NO. 21-14

A RESOLUTION OF THE WASILLA PLANNING COMMISSION RECOMMENDING THAT THE CITY COUNCIL AMEND WASILLA MUNICIPAL CODE SECTION 16.04.070, DEFINITIONS, TO ADD DEFINITIONS FOR “GROUND COVER”, “LAWN”, “PERENNIAL FLOWER”, “NATIVE VEGETATION, EXISTING”, AND “LANDSCAPE VEGETATION, EXISTING; AMEND SECTION 16.24.040, PARKING, TO DELETE SUBSECTION 16.24.040(D)(4)(a) – 16.24.040(D)(4)(c); AMEND SECTION 16.33.030, EXEMPTIONS, TO CLARIFY EXEMPTION AND NONCONFORMING PROVISIONS; AMEND SECTION 16.33.060, TYPES OF LANDSCAPING TO ADD LANDSCAPE PROVISIONS FOR INDUSTRIALLY ZONED LOTS AND OTHER MINOR REVISIONS; AMEND SECTION 16.33.090, HARDSHIP WAIVER-LANDSCAPE WAIVER, TO RENAME THE SECTION “LANDSCAPE WAIVER”, AND ADD LANGUAGE CLARIFYING PRE-APPLICATION CONFERENCE REQUIREMENTS AND PURPOSE; AND AMEND SECTION 1.20.030, DISPOSITION OF SCHEDULED OFFENSES – FINE SCHEDULE, TO ADD FINES FOR LANDSCAPE VIOLATIONS.

WHEREAS, the Wasilla Planning Commission (“Commission”) is required to make recommendations to the Wasilla City Council for amendments to Title 16 of the Wasilla Municipal Code; and

WHEREAS, the Commission held Committee of the Whole discussions at the March 9, 2021, April 27, 2021, May 25, 2021, June 22, 2021, and August 10, 2021 meetings to solicit public input and discuss possible revisions to the landscape regulations in Wasilla Municipal Code Chapter 16.33, Landscaping; and

WHEREAS, the Planning staff provided notification and solicited comments from landscape architects, the Wasilla and Anchorage Home Builders Associations, the Wasilla Chamber of Commerce, and other interested persons; and

WHEREAS, a notice of the Commission public hearing was published in the Frontiersman on October 3, 2021; and

35 WHEREAS, on October 12, 2021, the Commission held a public hearing on the
36 proposed amendments; and

37 WHEREAS, the Commission deliberated on this request taking into account the
38 current provisions of the Wasilla Municipal Code and the 2011 City of Wasilla
39 Comprehensive Plan; and

40 WHEREAS, the Planning Commission continued the public hearing to the
41 November 9, 2021 to allow additional time for review and input prior to adoption; and

42 WHEREAS, a notice of the continued Commission public hearing was published
43 in the Frontiersman on October 31, 2021; and

44 WHEREAS, on November 9, 2021, the Commission held the continued public
45 hearing on the proposed amendments; and

46 WHEREAS, after due consideration, the Commission determines that the
47 proposed amendments are appropriate and are consistent with the goals and objectives
48 of the Wasilla Municipal Code and the 2011 City of Wasilla Comprehensive Plan.

49 NOW, THEREFORE BE IT RESOLVED, that the Commission hereby approves
50 this resolution recommending that the City Council adopt the following amendments:

51 **Amendment of section.** WMC 1.20.030, Disposition of scheduled offenses -
52 Fine, is hereby amended as follows:

53 1.20.030 Disposition of scheduled offenses – Fine schedule.

54 A. A person and/or entity cited for an offense for which a fine is established in
55 subsection (C) of this section may mail or personally deliver to the clerk of court the
56 amount of the fine indicated on the citation for the offense plus any surcharge required to
57 be imposed by AS 29.25.074, together with a copy of the citation signed by the person

58 indicating the person's waiver of court appearance, entry of plea of no contest, and
 59 forfeiture of the fine. The citation with the fine shall be mailed or personally delivered on
 60 or before the thirtieth day after the date the citation was issued. The payment of a fine
 61 under this subsection shall be treated as a judgment of conviction. The fine paid is
 62 complete satisfaction for the offense.

63 B. If a person cited for an offense for which a fine amount is established in
 64 subsection (C) of this section appears in court to contest the citation and is found guilty,
 65 the maximum sentence which shall be imposed is the scheduled fine amount plus any
 66 surcharge required to be imposed by AS 29.25.074.

67 C. The following violations of this code are amenable to disposition without
 68 court appearance upon payment of a fine in the amount listed below.

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
<u>WMC 16.33.100(B)(1)</u>	<u>Noncompliance with any of the requirements in WMC 16.33</u>	<u>\$300</u>
<u>WMC 16.33.100(B)(2)</u>	<u>Noncompliance with conditions imposed by city planner and/or planning commission</u>	<u>\$300</u>
<u>WMC 16.33.100(B)(3)</u>	<u>Clearing native vegetation from a lot without required permit</u>	<u>\$300</u>
<u>WMC 16.33.100(B)(4)</u>	<u>Unpermitted clearing within the shoreline protection area</u>	<u>\$1,000</u>
<u>WMC 16.33.100(B)(5)</u>	<u>Clearing a lot contrary to an approved landscape plan</u>	<u>\$300</u>

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CODE SECTION	DESCRIPTION OF OFFENSE	FINE
<u>WMC 16.33.100(B)(6)</u>	<u>Landscape maintenance violations</u>	<u>\$300</u>

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70 **Amendment of section.** WMC 16.04.070, Definitions, is hereby amended to add
71 the following definitions:

72 **16.04.070 Definitions.**

73 When used in this title, the following words and phrases shall have the meanings
74 set forth in this section:

75 “Caliper” means the diameter of a tree trunk measured at six inches above the
76 ground unless this dimension exceeds four inches; then the diameter is measured at four
77 and one-half feet above the ground. For multi-trunk trees, the diameter is measured 12
78 inches above the first fork or 12 inches above ground level if all trunks originate from soil.

79 “Ground cover” means the material planted or distributed between the required
80 plantings within required landscaped areas. This definition is only for the purposed of the
81 landscaping requirements in Chapter 16.33, Landscaping, of this code.

82 “Landscaped area” means all areas shown on the approved landscape plan that
83 contain required plantings (trees, shrubs, flowers, hedges, etc.), mulch, and other
84 landscaping features that require maintenance and retention in perpetuity. These areas
85 are often protected by curbs or other structural barriers and may be located along the
86 perimeter of the site, within the interior and exterior of parking lots, and as
87 screening/buffering between incompatible uses. This does not include
88 sidewalks/walkways, patios, decks, fountains, or other pervious or non-pervious
89 hardscape unless specifically permitted within this code.

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90 “Lawn” means a managed area planted with grasses that is typically maintained
91 with a lawnmower and used for aesthetic and recreational purposes.

92 “Perennial flower” means a herbaceous flowering plant that regrows each year
93 without replanting and typically achieves heights between six and 18 inches at maturity.

94 “Native vegetation, existing” means existing vegetation prior to any clearing,
95 including trees, shrubs, and other plant species that are either indigenous to and/or occur
96 naturally on the site. This includes vegetation that could have been expected to have
97 been on the site prior to any clearing. This includes forests, wetlands, meadows, or any
98 other undisturbed and undamaged vegetation.

99 “Landscape vegetation, existing” means previously installed landscape plant
100 material such as trees, shrubs, perennial flowers, or lawn that is healthy, undamaged,
101 and established.

102 “Tree, preserved” means all existing, healthy trees identified on an approved
103 landscape plan in an area of the lot that is outside the approved clearing limits and/or all
104 existing, healthy trees within the shoreline protection area.

105 “Use, change of” means a change in the occupancy/tenancy of a building/structure
106 from one permitted use to another permitted use. The change may or may not trigger a
107 change in the requirements that apply to a site (i.e., parking, landscaping, exterior
108 façade). A change of use includes, but is not limited to, the following:

- 109 1. Change of occupancy/tenancy, regardless of use;
- 110 2. Sublease of lot, building, or a unit within a multi-tenant building for a
111 new/additional tenant;
- 112 3. Conversion of residential use to nonresidential use;

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- 113 4. Conversion from one type of residential use to another type of residential use;
114 5. Increase in number of residential dwelling units;
115 6. Change from a nonresidential/commercial use to another
116 nonresidential/commercial use (e.g., office to retail, commercial to automotive,
117 commercial to restaurant or daycare facility, retail to vehicle sales);
118 7. Conversion of nonresidential/commercial use to industrial and/or residential
119 use;
120 8. Conversion of industrial use to non-residential/commercial and/or residential;
121 9. Change from single use to multi-use;
122 10. Change from temporary use to non-temporary use;
123 11. Increase in intensity of use;

124 **Amendment of section.** WMC 16.24.040, Parking, is hereby amended to delete
125 subsection D (4), Landscaping, as follows:

126 D. *Minimum Standards.* Parking required for a use must conform to the following:

127 ~~4. *Landscaping.*~~

128 ~~a. A parking or storage area in a residentially zoned lot or adjacent to a~~
129 ~~residentially zoned lot shall be screened by a wall, fence or landscaping designed~~
130 ~~to screen the view of the parking or storage area from the residential area. The~~
131 ~~screen shall have a minimum height of three and one-half feet and shall be~~
132 ~~maintained in good condition.~~

133 ~~b. Each parking lot containing 10 or more parking spaces shall include around~~
134 ~~its perimeter a planting bed having a minimum width of 10 feet. A planting bed~~
135 ~~located adjacent to a street shall contain trees, shrubs, flowers, boulders, mulch~~

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136 and fences. Any fence in a planting bed located adjacent to a street shall be set
137 back at least three feet from the lot line to allow room for plantings on the street
138 side of the fence. A planting bed that is not adjacent to a street shall contain
139 plantings that will attain an average height of two feet within two years of planting,
140 and that are grouped to allow for seeded snow storage areas.

141 c. ~~Each parking lot containing more than 40 parking spaces also shall include~~
142 ~~landscaped islands covering not less than 15 percent of the total area of the~~
143 ~~parking lot. A landscaped island shall contain trees, shrubs, flowers and mulch and~~
144 ~~shall be protected with mounding and boulders or curbs.~~

145 **Amendment of section.** WMC 16.33.010, Purpose, is hereby amended as
146 follows:

147 F. Soften the appearance and break up the visual impact of extensive paved
148 parking areas and surfaces;

149 **Amendment of section.** WMC 16.33.030, Exemptions, is hereby amended as
150 follows:

151 The following uses are exempt from the landscaping requirements in this chapter
152 but are not exempt from the clearing restrictions in WMC 16.33.050(B) or the shoreline
153 protection area requirements in WMC 16.33.050(C):

154 A. Temporary uses;

155 B. Single-family homes dwellings (when only one single-family dwelling per lot);

156 C. Duplex (when only one duplex per lot);

157 D. Areas authorized by the city for public or private parks, playgrounds, playing
158 fields, or golf courses that will be retained in pervious ground cover. Parking lots,

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159 community centers, clubhouses, and other typical accessory uses or structures must
160 comply with the landscape requirements in this chapter;

161 E. Airport lease lots; and

162 F. Legal nonconforming commercial buildings except when there is a change of
163 use of the lot, building, or unit within a multi-tenant building (e.g., retail to office, office to
164 retail, retail to automotive uses) or an increase in gross floor area resulting from a building
165 addition, creation of a basement/daylight basement, construction of additional stories, or
166 other similar activity. At that time, the landscaping must be brought into compliance with
167 the regulations in this chapter to the greatest extent ~~possible~~feasible, as determined by
168 the city planner.

169 **Amendment of section.** WMC 16.33.040, Landscape plan, is hereby amended
170 as follows:

171 A. *Submittal.* A landscape plan that adequately indicates compliance with
172 applicable landscaping standards in this chapter must be submitted with the
173 development/permit application. Landscape plans for commercial developments with a
174 gross floor area ~~greater than~~of 5,000 square feet or more, and/or a lot size ~~greater than~~
175 ~~one-acre~~ and multifamily residential developments with more than four dwelling units per
176 lot, must be prepared and sealed by a licensed landscape architect registered in the state
177 of Alaska or a professional with similar landscaping expertise, as approved by the city
178 planner.

179 B. *Plan Components.* Where a landscape plan is required, the plan shall include
180 the following. Design must take into consideration existing trees and incorporate existing
181 trees and vegetation where practical to ~~lower~~minimize adverse impacts of development.

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- 182 1. Calculations, dimensions, notes, and details necessary to describe the
183 landscape elements and their relation to the site boundary and site improvements;
- 184 2. The common and scientific name of each plant type or ground cover to be
185 used;
- 186 3. The ~~number~~location, quantity, height, and caliper of each plant type;
- 187 4. The locations where different plant types will be used, including area and
188 dimensions;
- 189 5. The locations, plant size, area, and type of vegetation to be preserved in its
190 natural state to fulfil the requirements of this chapter;
- 191 6. The location, area, and type of native vegetation to be removed;
- 192 7. Location of any retaining walls and/or fences;
- 193 8. Location of existing or proposed ~~utilities~~utility elements such as easements,
194 transformers, utility poles, overhead and underground utility lines, streetlights, and
195 curb cuts and easements of record;
- 196 9. Location of all ~~property~~lot lines, including all streets that border the
197 lot/parcel;
- 198 10. Location of any existing or proposed structures, walkways, or parking areas;
- 199 11. North arrow, and scale, and planting details; and
- 200 12. Areas of vegetation to be used for on-site retention/detention of storm water
201 and drainage features including swales, drainage basins, snow storage, storm
202 drain inlets, bioswales, and other similar features, unless shown on civil drawings.

203 **Amendment of section.** WMC 16.33.050, General landscaping requirements
204 and standards, is hereby amended as follows:

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205 A. *Minimum Lot Area to Be Landscaped.* A minimum of 15 percent of the total lot
206 area must be covered with landscaping. The landscaped areas required in this chapter
207 apply to the minimum lot area to be landscaped. All other disturbed areas on the site that
208 are not part of the required landscaped areas must be planted with grass or a similar
209 ground cover to create a lawn. However, ~~The~~ ~~the~~ planting of grass and annual flowers
210 alone does not constitute landscaping in the context of this chapter.

211 B. *Clearing Restrictions.* No lot may be cleared of native vegetation prior to
212 issuance of a permit for a use of a lot under this title.

213 1. *Exemptions.* After approval of a preliminary plat for a subdivision,
214 vegetation may be cleared in the following areas as shown on the preliminary plat:
215 ~~following uses are exempt from the clearing restrictions in this section:~~

216 a. Roads and rights-of-way;

217 b. Water, sewer, and utility easements; and/or

218 c. Drainage and/or stormwater facilities.

219 ~~a. After approval of a preliminary plat for a subdivision, vegetation may be~~
220 ~~cleared in the following areas as shown on the preliminary plat:~~

221 ~~i. Roads and rights-of-way;~~

222 ~~ii. Water, sewer, and utility easements; or~~

223 ~~iii. Drainage or storm water facilities.~~

224 ~~2. *Violations.* The entire area of vegetation cleared from a lot contrary to the~~
225 ~~requirements of this section shall be replaced with ground cover and the site~~
226 ~~perimeter/project boundary landscaping required in this chapter within 12 months~~

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227 of the clearing. This section shall apply to all lot areas cleared prior to or
228 subsequent to the adoption of this chapter.

229 C. *Preservation of Existing Native Vegetation.*

230 1. *Existing Trees and Forested Areas.* Existing healthy trees must be
231 preserved to the greatest extent practical to sustain an age-diverse urban forest
232 and to minimize tree canopy cover losses.

233 2. *Shoreline Protection Area.* The purpose of the shoreline protection area is
234 to preserve and enhance the important hydrologic, ecological, and aesthetic
235 functions provided by wetlands, water bodies, and water courses. Water bodies
236 and courses include, but are not limited to, lakes, streams, creeks, rivers. This
237 section applies to all zoning districts and all developments within the city limits.
238 This section does not repeal or supersede any existing federal, state, or local laws.
239 When this subsection imposes a higher or more restrictive standard, this
240 subsection shall apply. ~~Native vegetation shall be preserved and there shall be no~~
241 ~~clearcutting or placement of fertilizer in any area of a lot that is within 75 feet of the~~
242 ~~mean high water~~ high-water ~~mark of any body of water, including a lake, stream,~~
243 ~~creek, or river.~~

244 a. Clearing. Native vegetation shall be preserved and there shall be no
245 clearcutting in any area of a lot that is within 75 feet of the mean high-water
246 mark of any body of water, including a lake, stream, creek, or river. However,
247 minimal areas may be cleared to allow access to docks, boathouses, water's
248 edge, and other similar uses with approval of an administrative approval land
249 use permit.

250 b. Maintenance. Maintenance, modification, or removal of vegetation
251 within the shoreline protection area is permitted as follows:

252 i. Pruning for the health of existing vegetation is allowed but may not
253 remove more than 25 percent of the living crown of a tree or jeopardize the
254 health and natural shape of a tree or shrub;

255 ii. Removal of trees and shrubs that are dead, a safety hazard to
256 person, property, or public, or diseased is permitted.

257 iii. The use of herbicides for control/removal of vegetation is prohibited.

258 iv. The placement of fertilizer is prohibited.

259 c. Legally established uses. See Section 16.24.030(C)(3) for provisions
260 relating to nonconforming setbacks.

261 d. Other regulatory agencies. The lot owner must obtain the appropriate
262 permit/approval from the federal, state, or local agencies having jurisdiction
263 within this area prior to any activity within the shoreline protection area.

264 3. ~~Native Plant Material Area~~Existing Native Vegetation. ~~Natural Existing~~
265 native vegetation that is sufficient to meet the intent of the standards set out in this
266 chapter may be retained in place of all or part of any required landscaping. Existing
267 trees may be credited toward the landscape requirements on a 3:1 basis for a
268 coniferous tree 10 feet or more in height or a 3:1 basis for a deciduous tree six
269 inches or greater caliper.

270 4. *Individual Trees*. The following protection requirements must be met:

271 a. *Critical Root Zone*. The critical root zone (CRZ) is, and will remain,
272 substantially undisturbed. The CRZ is represented by a circle, centered on the

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273 tree trunk and having a radius of one and one-half feet for each one inch of
274 trunk diameter measured at four and one-half feet above ground level. Although
275 an undisturbed circular area centered on the tree generally assures less critical
276 root loss, modifications to the CRZ perimeters resulting in nonconcentric,
277 irregular, and/or smaller areas are acceptable for tree preservation if either of
278 the following conditions are met:

279 b. *Maximum Disturbance.* The modified root zone includes at least 50
280 percent of the concentric CRZ, contains no less total contiguous area than the
281 concentric CRZ, and includes no disturbance or encroachments by
282 improvements within the structural root plate area.

283 c. *Existing Conditions.* The tree has demonstrated long-term viability
284 within the same sub-standard root zone and that area will not be further
285 reduced or adversely impacted. In some cases, a certified arborist may be
286 required to delineate the functioning root zone and confirm avoidance of further
287 impacts.

288 d. *Structural Root Plate.* The structural root plate is represented by a
289 circle, centered on the tree trunk and having a radius of one-half feet for each
290 inch of trunk diameter measured at four and one-half feet above ground level,
291 but no less than six feet and no more than 10 feet.

292 e. ~~Canopy Tree Crown~~. No more than 25 percent of the canopy crown has
293 been or will be removed and the pruning is done according to American
294 National Standards Institute (ANSI) standards (A300).

295 f. *Protective Barriers*. Trees designated for preservation must be protected
296 from all potentially harmful activity during development by the temporary
297 installation of protective barriers. Barriers must be constructed of chain link
298 fence, orange laminated plastic fencing, or wood posts and rails, consistent
299 with professional arboricultural practices and must be installed along the
300 perimeter of all required preserve areas prior to any land clearing, demolition,
301 grading, or construction. No potentially harmful activity may take place within
302 the protective barrier, including, but not limited to, grade change, trenching,
303 compaction, grubbing, piling of debris or materials, snow storage, or root
304 raking.

305 D. *Plant Materials*. Plant material must be true to name, variety, and size and
306 must conform to all applicable provisions of American Standards for Nursery Stock, latest
307 edition, and meet the following:

308 1. *Minimum Plant Size*.

309 a. Shrubs planted in required perimeter landscape areas must be a
310 minimum of 24 inches in height at time of planting. Shrubs planted in other
311 required landscape areas must be a minimum of 18 inches at time of planting,
312 except as specifically required in this chapter.

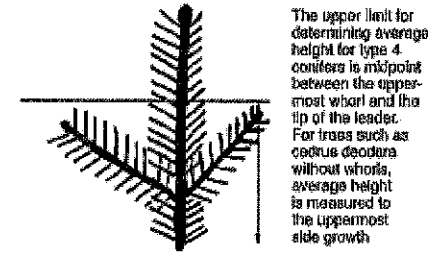
313 b. ~~Trees~~ Deciduous trees must be a minimum of ~~10 feet~~ eight feet in height
314 or a minimum of two-inch caliper, whichever is taller ~~larger~~, at time of planting,
315 except as specifically required in this chapter.

316 c. Evergreen trees (non-deciduous) must be a minimum of six feet in
317 height at time of planting and the ratio of height to spread should not be less

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than 5:3, except as specifically required in this chapter. Height measurement
it taken at the midpoint between the uppermost whorl(s) and the tip of the
leader.



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2. *Quality.* All plant material must be healthy, of a suitable type for the site conditions being used in, and hardy to the project area.

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3. *Species.* All landscaping shall utilize native plant species or other vegetation that is appropriate for the area.

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4. *Diversity.* The diversity of any trees required to be planted on a site shall comply with the following limits to avoid uniform site tree decline from pests or disease and to increase the aesthetic appeal:

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Number of new trees planted on site	Maximum percentage of any one species planted
5 – 19	65%
20 – 49	40%
50 or more	30%

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330 5. *Installation.* All required landscaping must be installed in a sound manner
331 utilizing established professional standards and consistent with the requirements
332 in this chapter.

333 6. *Ground Covers and Mulch.* All ground cover around vegetation in required
334 planting beds must consist of ~~dead vegetative matter mulch, as defined in this title,~~
335 or a product with similar appearance and functionality, ~~unless otherwise approved~~
336 ~~by the city planner.~~ Alternatives that may be approved in place of mulch include
337 products with a similar appearance to mulch, evergreen ground cover, low-lying
338 perennial plants, perennial ornamental grasses, or other similar plants, as
339 approved by the city planner. Industrially zoned lots may utilize landscape quality
340 rock, gravel, evergreen ground cover, or grass with mulch around base of plants
341 as ground cover/mulch in required planting beds when lot frontage is on
342 roadway(s) classified as "Local" roads in the City of Wasilla Official Streets and
343 Highways Plan. When plants are used for ground cover instead of mulch,
344 placement and quantity must be in a manner that continuous ground cover will be
345 achieved within two years.

346 E. *Planting Location.*

347 1. *Placement.* Installation of plants in appropriate locations is essential to
348 long-term survival. Locations should match mature plant size to available soil
349 volume and other conditions necessary for healthy growth. Appropriate separation
350 must be provided from pavement, structures, streets, driveways, curbs, sidewalks,
351 signs, lights, and utilities.

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352 2. *Vehicle Overhang.* All required landscape planting beds must be protected
353 from vehicular damage. Vehicular use areas shall provide raised curbs, wheel
354 stops, bollards, or other effective means to permanently protect landscape areas
355 from damage by vehicle encroachment. Vehicles may not overhang into landscape
356 areas beyond the designed boundaries of vehicular use areas.

357 3. *Utility Easements/Overhead Utilities.*

358 a. Only plants that will not create persistent utility maintenance or
359 interference problems may be installed where overhead utilities exist.

360 b. Trees may not be planted directly below power lines to prevent them
361 from being energized or disrupting service.

362 c. ~~Understory trees~~Trees and vegetation within a utility easement may not
363 achieve heights greater than 10 feet or intrude from the side closer than 15 feet
364 to power lines, or exceed clearances otherwise required by applicable ANSI
365 and/or National Electric Safety Code (NESC) standards, whichever is greater.

366 d. ~~Canopy trees and large maturing species~~Tree species with a large
367 mature crown must be planted a minimum of 30 feet from power lines or exceed
368 clearances otherwise required by applicable ANSI and/or NESC standards,
369 whichever is greater.

370 4. *Visibility Clearance Areas/Sight Distance.* Landscaping within the sight
371 distance/sight triangle areas must be designed, installed, and maintained to allow
372 visibility between three feet and nine feet above grade. The trunks of mature trees
373 trimmed of foliage to nine feet and newly planted trees with immature crown
374 development allowing visibility are generally acceptable within this area.

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375 F. *Installation.*

376 1. *Timing.* All landscaping structural requirements (e.g., drainage, grading,
377 concrete, rock or keystone bed structures, curbs, sidewalks) must be in place prior
378 to occupancy. If occupancy occurs outside the planting season, all landscaping
379 must be in place no later than June 30 of the following year. Topsoil addition and
380 final grading, seeding, and plantings must be in place within 12 months of
381 occupancy, or within the first growing season after occupancy, whichever comes
382 first.

383 2. *Tree Protection and Preservation.*

384 a. *Tree Roots.* In addition to the minimum areas required by this chapter
385 for planted and preserved trees, curbs, sidewalks, and other concrete around
386 trees must be minimized and more flexible materials utilized to accommodate
387 tree roots (e.g., crushed rock, porous pavers).

388 G. *Guaranty.* The granting of an application for a use ~~including with~~ a structure
389 having a gross floor area greater than or equal to 5,000 square feet shall be conditioned
390 upon the applicant furnishing a guaranty for the provision of any required landscaping.
391 An itemized estimate of the required landscaping must be submitted with the guaranty.
392 The guaranty must be equal in amount to the estimated cost of the required landscaping,
393 be held in trust or payable to the city and released to the city if the city certifies that the
394 applicant has not completed the required landscaping, may not be released or cancelled
395 without approval from the city, must be valid for a minimum of two years from date of
396 inspection of the landscaping by the city, and be in one of the following forms:

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397 1. A cash deposit in escrow with a responsible financial institution authorized
398 to do such business in the state, under an escrow agreement that provides the
399 deposit will be held in trust for the benefit of the city and, will not be used as security
400 for any other obligation, ~~and will be released to the city if the city certifies that the~~
401 ~~applicant has not completed the required landscaping.~~

402 2. A surety bond from a company authorized to do such business in the state
403 and, payable to the city if any required landscaping is not completed, ~~posted~~ either
404 by the applicant or a contractor obligated by written contract to the applicant for
405 ~~construction~~ installation of all of the required landscaping.

406 3. An irrevocable letter of credit with a responsible financial institution
407 authorized to do such business in the state, ~~provided~~, that the letter of credit will
408 be held in trust for the benefit of the city, and will not be used as security for any
409 other obligation, ~~and funds will be released to the city if the city certifies that the~~
410 ~~applicant has not completed the required landscaping.~~

411 **Amendment of section.** WMC 16.33.060, Types of landscaping, is hereby
412 amended as follows:

413 A. *Site Perimeter/Project Boundary.*

414 1. *Purpose.* Create an aesthetically appealing visual appearance from the
415 road right-of-way.

416 2. *Applicability.* Landscaping is required along the perimeter of all lot lines
417 adjacent to the right-of-way.

418 3. *Perimeter Landscaping.*

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~~a. Minimum of a 10-Foot-Wide Landscaped Planting Bed. Driveways and sidewalks may cross such strips to provide approved site access.~~

~~b. Landscaped planting beds must contain a minimum of 16 perennial flowers and two shrubs per 100 square feet of planting bed, one tree per 30 feet, mulch, boulders, and decorative fencing panels.~~

a. Landscaped planting bed width. The planting bed width shall be an average of ten feet with a minimum width not less than six feet. Driveways and sidewalks may cross such strips to provide approved site access.

b. Landscape planting bed components.

i. Multifamily residential or Commercial zoning districts. Landscaped planting beds within these zoning districts must contain the following:

(A) Minimum of nine perennial flowers and/or ornamental grasses per 100 square feet of planting bed. Flowers may be grouped but may not be planted at intervals greater than 15 feet on center;

(B) Two shrubs per 100 square feet of planting bed. Shrubs must be a mix of evergreen, flowering deciduous, and deciduous, with a maximum of 40 percent of any one species. Shrubs may be grouped but may not be planted at intervals greater than 15 feet on center;

(C) One street tree; and

441 (D) Mulch/ground cover, boulders, and decorative fencing
442 panels.

443 ii. Industrial zoned lots with frontage on streets classified as
444 Local streets by the Citycity. Landscaped planting beds must contain
445 the following:

446 (A) Minimum of two shrubs per 100 square feet of planting
447 bed. Required shrubs must be a mix of evergreen, flowering
448 deciduous, and deciduous, with a maximum percentage of any one
449 species of 40 percent. Shrubs may be grouped around required
450 trees but may not be planted at intervals greater than 15 feet on
451 center;

452 (B) One street tree;

453 (C) Ground cover/mulch.

454 iii. Industrially zoned lots with frontage on streets classified by the
455 Citycity as Commercial, Collector, Arterial, or Interstate. Landscaped
456 planting beds must contain the following:

457 (A) Minimum of nine perennial flowers and/or ornamental grasses;

458 (B) Two shrubs per 100 square feet of planting bed. Required
459 shrubs must be a mix of evergreen, flowering deciduous, and deciduous,
460 with a maximum percentage of any one species of 40 percent. Shrubs
461 may be grouped around required trees but may not be planted at
462 intervals greater than 15 feet on center;

463 (C) One street tree; and

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(D) Ground cover/mulch.

(E) Alternatively, the landscaped planting bed may be five feet wide, contain the required street trees, and two shrubs per 100 square feet of planting bed with grass instead of ground cover/mulch and be supplemented with a six-foot-tall opaque fence (minimum 95% opacity). The fence must be setback a minimum m of five feet from the lot line with the five-foot-wide planting bed on the street side of the fence.

B. *Parking Lot and Vehicular Use Areas – Street, Perimeter, and Interior.*

1. *Purpose.* All parking lots and vehicular use areas must be screened from view from the right-of-way and/or adjacent residential areas to soften the appearance of these areas.

2. *Applicability.* Landscaping is required for all parking lots and vehicular use areas except as provided in this section.

3. *Exemptions.* The following are exempt from the requirements in this subsection:

a. *Vehicular Display Areas for Automobile Sales or Rentals.* However, all other standards in this chapter must be met.

~~b. Truck wells, loading docks, and other areas designated exclusively for the loading and unloading of vehicles.~~

b. Industrially zoned lots with frontage only on streets classified as Local streets by the Citycity.

4. *Parking Lot Perimeter.* All parking lots visible from a public right-of-way must be screened with a combination of trees, shrubs, perennial flowers, boulders,

487 and decorative fencing panels and must be consistent with the following with the
488 following:

489 a. ~~Minimum of a 10-Foot-Wide Landscaped Planting Bed.~~ Driveways and
490 sidewalks may cross such strips to provide approved site access. Plantings
491 required in a perimeter planting bed (see subsection A.3 above);

492 b. ~~Landscaped planting beds must contain a minimum of 16 perennial~~
493 ~~flowers and two shrubs per 100 square feet of planting bed.~~

494 c. ~~A minimum of one tree per 30 feet of planting bed.~~

495 db. A three-foot-high vegetative hedge (or other similar vegetative
496 screening) is required along street lot lines and must be planted between the
497 required 10-foot-wide perimeter planting bed and abutting the parking lot.
498 Shrubs must be a minimum of two and one-half feet in height at time of planting
499 and have a combination of one-third evergreen plant material and two-thirds
500 deciduous plant material that will attain a mature height of at least three feet
501 and be maintained at that height. Shrubs must be spaced to provide
502 continuous coverage within three years. For parking lots where the parking
503 spaces are less than 10 feet from the edge of the perimeter planted bed, the
504 hedge may be planted adjacent to the perimeter planting bed. When the
505 separation is 10 feet or greater, the hedge must be planted adjacent to the
506 parking spaces.

507 5. *Parking Row Terminations.*

508 a. All rows of parking stalls shall be terminated at each end with a
509 landscape area that meets the following requirements: having the full length of

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510 the adjoining parking stall and containing at least one planted or preserved tree.
511 ~~The landscape area must be sufficiently sized to provide the minimum root~~
512 ~~zone for a preserved tree or support the growth of a newly planted tree. Where~~
513 ~~a double row of interior parking stalls ends, the terminating landscape area~~
514 ~~shall be combined as one continuous area to maximize rooting area except~~
515 ~~when a dividing pedestrian and/or handicap accessibility route may be~~
516 ~~appropriate and is approved by the city planner.~~

517 i. Minimum area of 160 square feet;

518 ii. Extends the full length of the adjoining parking stall;

519 iii. Contains a minimum of one planted or preserved tree. Tree must be
520 a minimum of eight feet in height at time of planting and be a variety that
521 provides shade upon maturity. Columnar Swedish Aspen (Populus tremula
522 'Erecta', and other similar narrow-shaped trees, may not be used to meet
523 this requirement;

524 iv. Contains a minimum of nine perennial flowers and two shrubs per
525 100 square feet of landscape area and be covered with ground cover and/or
526 mulch. Up to 30 percent of the required ground cover may consist of
527 grassed areas/lawn;

528 v. Terminating landscape areas for a double row of interior parking
529 stalls must be combined as one continuous area. Pedestrian and/or
530 handicap accessibility route through the landscape area may be approved
531 by the city planner; and

532 vi. Protected by permanent curbs or structural barriers.

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533 ~~b. Exemptions. The following are exempt from the requirements in this~~
534 ~~subsection:~~

535 ~~i. Parking lots in the industrial zoning district.~~

536 ~~c. Landscaped planting beds must contain a minimum of 16 perennial flowers~~
537 ~~and two shrubs per 100 square feet of planting bed.~~

538 6. *Continuous Parking Stalls.*

539 a. Each row of parking must contain 15 or less continuous stalls without
540 interruption by a landscape area. Each landscape area must be consistent with
541 the dimensions required for parking row terminations above.

542 b. If any of the following conditions exist, no more than 12 continuous
543 stalls may be provided:

544 i. The total number of on-site parking spaces exceeds 50;

545 ii. The total number of on-site parking spaces exceeds the number
546 required by the minimum parking requirements in this title by more than 10
547 percent; or

548 iii. The dimensions of drive aisles and/or parking stalls exceed the
549 standards in this title.

550 ~~c. Exemptions. The following are exempt from the requirements in this~~
551 ~~subsection:~~

552 ~~i. Parking lots in the industrial zoning district.~~

553 7. *Parking Lot Interior.* The calculation of the total area of a parking lot
554 includes the area for all parking spaces, drive aisles between parking rows, and
555 parking termination landscape areas. Entrance drive aisles and drive aisles

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556 around the perimeter of parking spaces are not included in this calculation. All
557 interior landscaping must comply with the following minimum standards:

558 **Landscaping requirements for surface parking areas**

Number of parking spaces	Required interior landscaped area
0 to 4	5% of the total area of the parking lot
5 to 20	10% of the total area of the parking lot
21 or more	15% of the total area of the parking lot

559

560 a. Each landscaped area shall be no smaller than ~~400~~160 square feet
561 and must be protected by permanent curbs or structural barriers;

562 b. No part of a landscaped area shall be less than four feet in width or
563 length except those parts of landscaped areas created by turning radii or angles
564 of parking spaces;

565 c. No parking space shall be more than 60 feet from a required landscaped
566 area;

567 d. The landscaped area may include bio-retention facilities; and

568 e. Trees in surface parking areas; and

569 i. One tree is required for every 10 parking spaces; and

570 ii. Columnar Swedish Aspen (Populus tremula 'Erecta', and other
571 similar narrow-shaped trees, may not be used to meet this requirement; and

572 ~~ii.iii.~~ Trees shall be selected in consultation with the city planner.

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573 f. Landscaped planting beds must contain a minimum of ~~46~~nine perennial
574 flowers and two shrubs per 100 square feet of planting bed.

575 C. *Street Trees/Street Buffers.*

576 1. A minimum of one street tree must be planted within the required perimeter
577 landscape bed at average intervals no greater than 30 feet on center ~~per 30-foot~~
578 ~~of frontage along a right-of-way is required for any new~~ industrial, commercial, or
579 multifamily residential development. Deciduous trees must be a minimum of 10
580 feet in height or two-inch caliper, whichever is taller at time of planting. Evergreen
581 trees must be a minimum of eight feet in height at time of planting. Trees required
582 in perimeter landscape beds may be counted toward meeting this requirement.

583 2. Existing street trees in the right-of-way shall be retained unless the city
584 public works director approves their removal. The public works director, in
585 consultation with the city planner, shall determine the number, type, and placement
586 of additional street trees to be provided in order to:

- 587 a. Improve public safety;
- 588 b. Promote compatibility with existing street trees;
- 589 c. Match trees to the available space in the planting strip;
- 590 d. Maintain and expand the urban forest canopy;
- 591 e. Encourage healthy growth through appropriate spacing;
- 592 f. Protect utilities; and
- 593 g. Allow access to the street, buildings, and lot.

594 3. *Exemptions.* The following are exempt from the street tree requirements in
595 this section:

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- 596 a. ~~Lot lines abutting s that border an unopened right-of-way may request~~
597 ~~an exemption from the requirement to plant street trees;~~
598 b. ~~Changing a use or establishing a t~~Temporary/intermittent uses;
599 c. Additions of 500 square feet or less to an existing structure ~~of 1,000~~
600 ~~square feet or less; or~~
601 d. Expansion of surface area parking by less than 10 percent in area and
602 less than 10 percent in number of required parking spaces.

603 D. *Screening and Buffering.*

604 1. *Purpose.* The purpose of the buffer is to minimize or eliminate adverse
605 impacts between adjoining uses and is intended to protect the lower intensity use
606 from the higher intensity use and provide an aesthetically attractive barrier
607 between the uses. It shall function to reduce or eliminate incompatibility between
608 uses such that the long-term continuation of either use is not threatened by impacts
609 from the other. For purposes of this section, adjoining means lots/~~parcels~~ that
610 share a common ~~property~~ lot line. It does not include lots/~~parcels~~ separated by a
611 public right-of-way.

612 2. *Exemptions.* The following are exempt from the requirements in this
613 subsection:

- 614 a. Development of a less intensive use;
615 b. Between uses located on the same lot/~~parcel~~;
616 c. Between uses on adjoining lots/~~parcels~~, if under the same ownership;
617 or

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618 d. Breaks in required screening are ~~permitted to provide pedestrian and~~
619 ~~vehicular access that do not exceed the maximum permitted width of~~
620 ~~driveways/curb cuts. Breaks in required screening for vehicular access shall~~
621 ~~not exceed the width of permitted curb cuts.~~

622 3. *Required Screening/Buffering.* Buffers shall be provided according to the
623 following standards, which are based on the character of the adjoining land uses:

624 a. ~~Residential and Nonresidential.~~ All residential uses shall be buffered
625 from all nonresidential uses, other than passive recreation, conservation, or
626 agricultural uses, according to the buffer types established in this section and
627 the following nonresidential categories:

628 i. ~~Multifamily Residential.~~ All permitted multifamily uses, ~~exceeding~~
629 ~~four dwelling units per acre regardless of zoning district,~~ shall provide a
630 Type A buffer supplemented with an opaque fence, wall, or berm for all
631 adjoining single-family and duplex residential uses.

632 ii. ~~General Commercial.~~ ~~General commercial~~ Commercial uses
633 ~~consistent with the permitted commercial uses permitted~~ in the rural
634 residential and commercial zoning districts shall provide a Type B buffer
635 supplemented with an opaque fence, wall, or berm for all adjoining single-
636 family, duplex, and multifamily uses.

637 iii. ~~Industrial.~~ Industrial uses ~~consistent with the industrial uses~~
638 permitted in the industrial, ~~commercial, or rural residential~~ zoning districts
639 shall provide a Type C buffer supplemented with an opaque fence, wall, or
640 berm for all adjoining single-family, duplex, and multifamily uses.

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641 b. *Nonresidential.* ~~Heavy commercial and industrial~~Industrial uses shall
 642 provide a Type B buffer for all adjoining general commercial, neighborhood
 643 commercial, and other nonresidential uses less intensive than heavy
 644 ~~commercial or industrial.~~

645 c. *No Existing Use.* For the purposes of buffering, where no use exists on
 646 an adjoining landlot and none is proposed by a valid permit application, the use
 647 of the adjoining ~~landlot~~ will be assumed to be the most intensive use allowed
 648 by the existing zoning.

649 d. *Other Uses or Circumstances.* In addition to the screening and buffering
 650 requirements in this section, the following uses must also provide the additional
 651 landscaping to provide an adequate buffer:

652 **Table A.**

Use or Circumstance	Minimum Requirement
Drive-in businesses abutting or across an alley from a lot in a residential zoning district.	Six-foot-high screening along the abutting or alley lot lines and a five-foot-deep landscaped area inside the screening, when a drive-in lane or queuing lane abuts a lot in a residential zoning district.
Drive-in businesses, other than gas stations, in which the drive-in lane or queuing lanes are across the street from a lot in a residential zoning district.	Three-foot-high screening.

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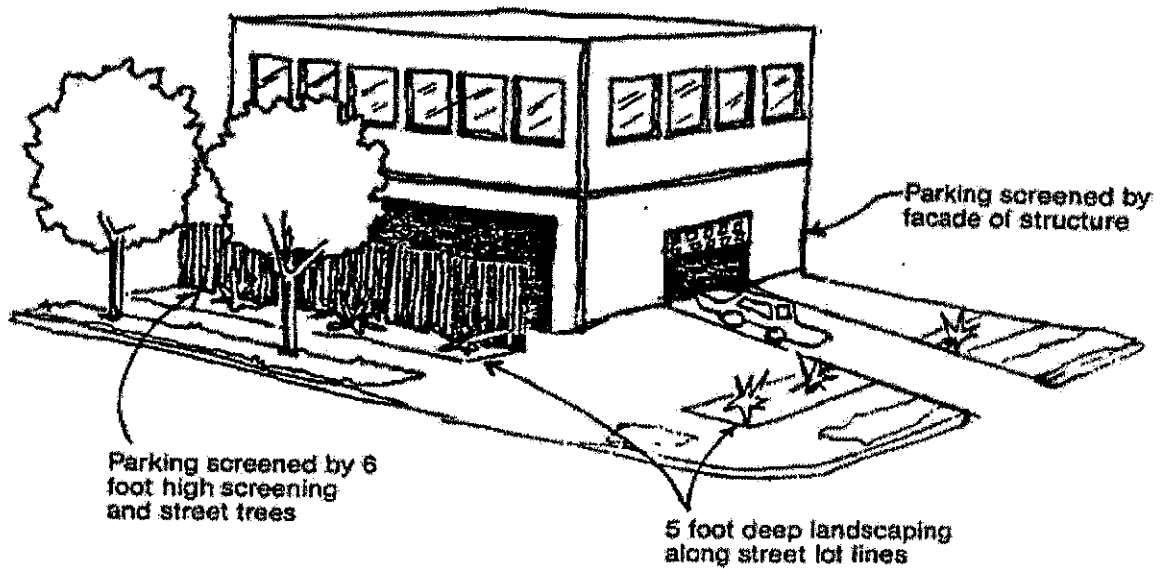
Use or Circumstance	Minimum Requirement
Gas stations in RR zones or, in C zones, across the street from a lot in a residential zoning district.	Three-foot-high screening along street lot lines.
Outdoor sales and outdoor display of rental equipment, abutting or across an alley from a lot in a residential zoning district.	Six-foot-high screening along the abutting or alley lot lines.
Outdoor sales and outdoor display of rental equipment across the street from a lot in a residential zoning district.	Three-foot-high screening along the street lot line.
Outdoor storage in an industrial zoning district abutting a lot in the commercial zoning district.	Screened from all lot lines by the facade of the structure or by six-foot-high screening; and five-foot-deep landscaped area between all street lot lines and the six-foot-high screening (Exh. B).
Outdoor storage in an industrial zoning district abutting a lot in a residential zoning district.	50-foot setback from the lot lines of the abutting lot in a residential zone and screened from those lot lines by the facade of the structure or by six-foot-high screening (Exh. C).

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Use or Circumstance	Minimum Requirement
Outdoor storage in an industrial zoning district across the street from a lot in a residential zoning district.	Screened from the street by the facade of a structure, or by six-foot-high screening.
Parking garage occupying any portion of the street-level and/or street-facing facade between five and eight feet above sidewalk grade.	Five-foot-deep landscaped area along street lot line; or screening by the exterior wall of the structure; or six-foot-high screening between the structure and the landscaped area (Exh. A).
Unenclosed parking garage on lots abutting a lot in a residential zoning district.	A five-foot-deep landscaped area and six-foot-high screening along each shared lot line.
Parking garage that is eight feet or more above grade.	Three-and-one-half-foot screening along the perimeter of each floor of parking.
Outdoor areas associated with pet or child daycare centers.	Screened from all property lot lines by the facade of the structure or by six-foot-high screening between the outdoor area and all property lot lines.

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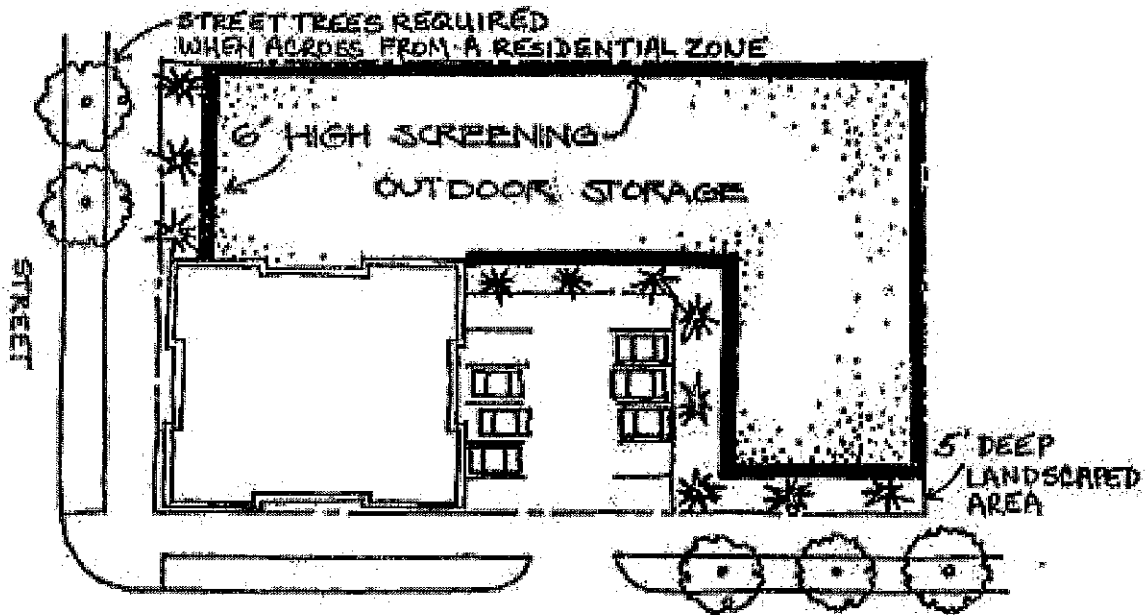
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Exhibit A. Screening of parking within or under a structure.

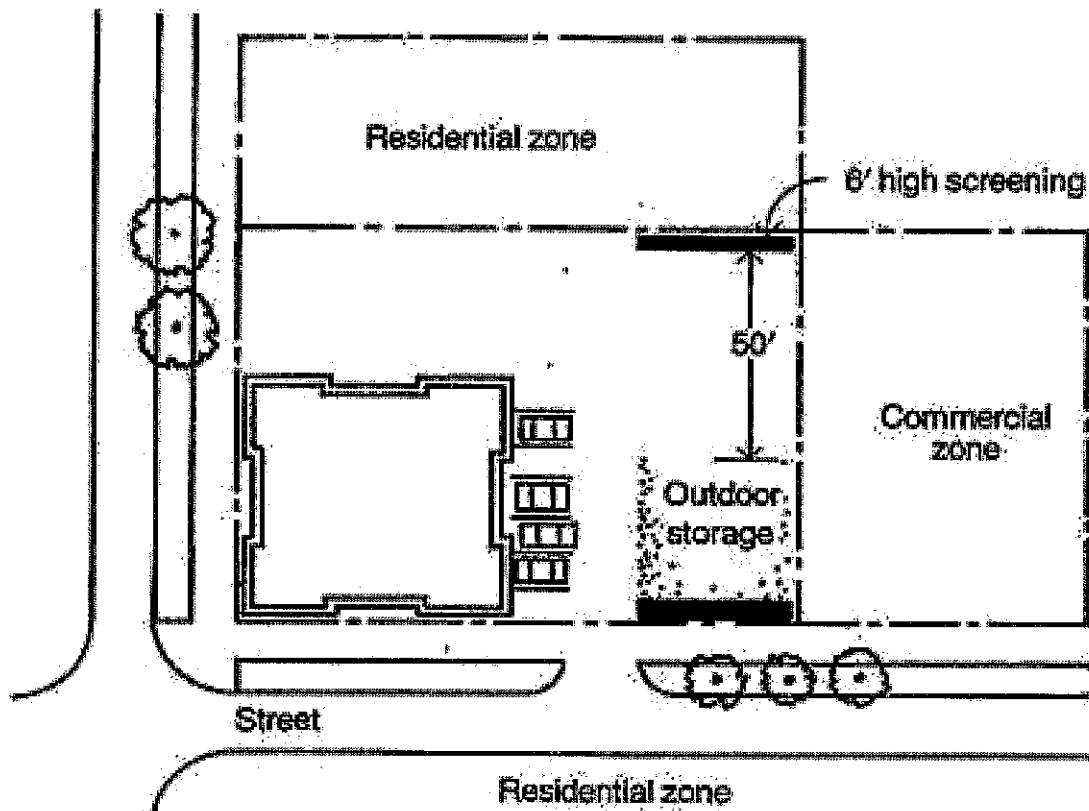


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Exhibit B. Screening of open storage areas in industrial zoning districts.

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Exhibit C. Screening of open storage areas in industrial zoning districts.

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4. *Standards.*

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a. *Location.* Where a use is required to provide buffering for adjoining

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uses, the buffering must be along all side and rear lot lines where the use abuts

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the other use. No buffers are required along front property lot lines unless

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buffering is included in screening requirements for outdoor storage or other

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conditions described in this chapter.

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b. *Composition.*

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i. *Types.* Where buffering is required, the following buffer types define

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the minimum width and plants required per 100 linear feet of buffer:

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Buffer Type	Buffer Width	Canopy	Understory	Shrubs
		<u>Deciduous</u> Trees	<u>Evergreen</u> Trees	
A	12 feet	2	1	10
B	16 feet	2.5	2	20
C	20 feet	3	3	30

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ii. *Plants.* The prescribed buffer plants may be existing ~~natural~~ native vegetation, existing vegetation supplemented with additional plantings, or entirely new plantings. The suitability of existing vegetation to provide adequate buffering will be evaluated based on the minimum plants required. For effective buffering year-round, at least 50 percent of buffer trees and shrubs shall be evergreen species. The selection and installation of buffer plants and buffer maintenance shall be according to the provisions in this chapter. Newly planted trees and shrubs must meet the size requirements in Section 16.33.050(D)(1). Where existing native vegetation is proposed to be retained to provide the required screening/buffering, the following must occur:

(A) An inventory and plan identifying all existing trees with a diameter of four inches or more (measured at breast height) and shrubs with a height of two feet or more must be prepared by a landscape architect and submitted with the permit application;

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686 (B) A surveyor, licensed to work in the State of Alaska, must
687 survey and mark the edge of the clearing limits. A copy of the survey
688 must be submitted to the Planning Department for review and approval
689 prior to any clearing on the site. City staff may visit the site to verify
690 compliance with the approved landscape plan; and

691 (C) The as-built survey required after completion of the
692 development must also delineate the surveyed edge of clearing limits
693 after clearing is complete.

694 iii. *Supplemental Structures.*

695 (A) If an opaque fence, wall, and/or berm is required to supplement
696 the plants within a buffer, it must be a minimum of six feet in height and
697 have a minimum 95 percent opacity rating. Where an existing fence or
698 wall on abutting ~~property-lot~~ meets these requirements, no additional
699 structure is required within the buffer. The existing fence or wall must be
700 in good condition.

701 (B) For new fences or walls, all support posts must be on the side
702 of the developing ~~property-lot~~ so that the more finished appearance
703 faces the abutting ~~property-lot~~ or right-of-way. Fence and wall materials
704 must consist of materials typically designed for the intended use.
705 Materials such as jersey barriers, untextured concrete, garage doors, or
706 other similar materials, as determined by the city planner, are prohibited.

707 (C) Existing ~~natural-native~~ vegetation, or existing landscaping
708 ~~vegetation~~-supplemented with additional plantings, may be approved for

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709 ~~use instead of the fence or wall~~ by the city planner ~~for use instead of the~~
710 ~~fence or wall~~ if they determine that it meets or exceeds the purpose of
711 the standards in this chapter.

712 5. *Refuse Containers and Areas.* Trash and garbage areas, including
713 dumpsters, must be located within a gated enclosure that is opaque on all sides,
714 including the gates. The height of the enclosure must be greater than the height
715 of the dumpster and the exterior materials and colors must be
716 similar/complementary with the primary building on the lot.

717 6. *Service and Off-Street Loading Areas.* Screening with a continuous row of
718 evergreen trees must be provided such that the service and off-street loading
719 areas may not be viewed from adjacent streets. Trees must be a minimum of eight
720 feet in height at time of planting. Placement and quantity must be in a manner that
721 will provide continuous screening within three years. When the loading area is in
722 an area where it is not feasible to plant the trees adjacent to the loading area, the
723 required trees may be added to the perimeter planting bed.

724 7. *Mechanical and Electrical Equipment.* All ground level equipment must be
725 screened with landscaping or a combination of decorative fencing and landscaping
726 that screens the equipment from view from adjacent streets. Shrubs must be a
727 minimum of two feet in height at time of planting, reach a minimum mature height
728 of three feet, and be maintained at that height. Landscaping must be consistent
729 with ANSI and/or NESC standards, whichever is more restrictive.

730 8. *Screening of Surface Parking Areas.* Surface parking areas abutting or
731 across an alley from a lot in a residential zoning district must be screened with a

732 minimum of a six-foot-high ~~buffer~~ opaque fence or wall along the abutting lot line
733 or the lot line along the alley.

734 E. *Waivers*. When one of the specific uses listed in this subsection permitted uses
735 in the zoning district is proposed for expansion, the applicable requirements for that use
736 shall be met. The city planner may reduce or waive the requirements where they are
737 physically infeasible due to the location of existing structures or required paved parking.

738 F. *Treatment of Blank Facades*. A minimum of 50 percent of the blank facade of
739 a building facing the street that is wider than 35 feet must be “broken up” with landscaped
740 areas that include trees, shrubs, perennial flowers, and boulders. For purposes of this
741 section, a blank façade is a side of a building where more than 50 percent or more of the
742 wall area does not contain windows or glass doors and does not include architectural
743 details provided on other building walls.

744 **Amendment of section.** WMC 16.33.080, Maintenance and replacement, is
745 hereby amended as follows:

746 A. It is the duty of the owner of the lot/parcel to continuously maintain all required
747 landscaping. If any required landscaping dies, becomes substantially damaged, or
748 destroyed, it must be replanted in a similar manner within the same growing season that
749 the damage or destruction occurs or no later than June 30 of the following year, whichever
750 is earliest. When landscaping that is part of an approved landscaping plan is removed,
751 disturbed or damaged, or is not maintained, in addition to any other remedy under this
752 title, the city may require the lot owner to ~~replace~~ bring the landscaping on the lot
753 ~~consistent~~ into compliance with the current provisions of this chapter.

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754 B. ~~Grassy-Lawn and landscaped~~ areas shall be maintained according to standard
755 practices, which include regular mowing, weeding, fertilizing, and watering.

756 C. All required screening/buffering must be maintained by the landowner
757 proposing the more intensive use in perpetuity or until there is a change in use that does
758 not require screening/buffering.

759 **Amendment of section.** WMC 16.33.090, Hardship waiver – Variance, is hereby
760 amended as follows:

761 **16.33.090 ~~Hardship waiver – Variance~~Landscape waiver.**

762 The planning commission may waive or modify a requirement concerning the type,
763 density~~quantity~~, location, ~~or~~ height of landscaping, planting bed widths, or other
764 landscaping standards as provided in this chapter.

765 A. *Pre-Application Conference.* The applicant shall schedule a pre-application
766 conference with the city planner prior to submission of a waiver application to review the
767 proposed waiver or modification. The purpose of the pre-application conference is to
768 allow the applicant to explain the situation that gives rise to the need for a waiver. It also
769 gives the city planner the opportunity to review the proposed waiver or modification and
770 identify other options and to explain the waiver process.

771 B. *Application and Site-Landscape Plan.* After the pre-application conference,
772 the applicant shall submit an application for the waiver or modification to the city planner
773 with the appropriate application fee. The application shall include a site-landscape plan
774 depicting all information relevant to the requested waiver or modification. The city planner
775 may require that the site-landscape plan be produced by a registered professional
776 engineer, architect, landscape architect or land surveyor.

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777 C. *Public Hearing.* The planning commission shall hold a public hearing on the
778 application. The notice, comment period, and hearing procedure shall be the same as
779 provided in WMC 16.16.040 for a conditional use.

780 D. *Decision.* The planning commission may approve an application only if the
781 planning commission finds that the application meets all of the following standards:

782 1. Either (a) ~~natural~~native vegetative features within or adjacent to the
783 property, or the shape, topography, drainage or other physical features of the
784 property, make compliance with the landscaping requirements of this title
785 impracticable or contrary to the public interest; or (b) compliance with the
786 landscaping requirements of this title will have an adverse effect on other adjoining
787 property;

788 2. The special conditions that support the waiver or modification are not
789 caused by the person seeking the waiver or modification, a predecessor in interest,
790 or the agent of either;

791 3. The waiver or modification is not sought solely to relieve pecuniary
792 hardship or inconvenience;

793 4. The waiver or modification will not significantly affect adjacent property or
794 water bodies; and

795 5. The waiver or modification is consistent with the ~~spirit~~purpose and intent
796 of this chapter.

797 **Amendment of section.** WMC 16.33.100, Violations – Penalties, is hereby
798 amended as follows:

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799 A. All applicable landscaping standards of this chapter must be documented
800 on city-approved development permits/plans. Failure to comply with such standards will
801 subject the development to stop work orders, code enforcement citations, and/or financial
802 penalties identified below and/or provided in Chapter 16.08. The lot owner and the
803 contractor(s) performing the work on site are responsible for compliance with the
804 provisions of this chapter. Failure of an agent and/or contractor to comply with this
805 chapter will be deemed noncompliance by the owner and the contractor and fines may
806 be issued to the owner and/or the contractor(s) performing the unpermitted activity.

807 B. Violations. Remedies and penalties for violations under this chapter are
808 provided in subsection D. of this section and WMC Chapter 1.20. The following shall
809 constitute a violation for which the referenced penalties may be imposed, and/or
810 suspension/revocation of the permit:

- 811 1. Noncompliance with any of the requirements in this chapter.
- 812 2. Noncompliance with conditions imposed by the city planner and/or planning
813 commission.
- 814 3. Clearing a lot without first procuring the required permit.
- 815 4. Clearing within the shoreline protection area.
- 816 4. Clearing a lot contrary to an approved landscape plan.
- 817 5. Failure to comply with a notice of violation, citation, and/or stop work order
818 and/or pay any fines imposed pursuant to this chapter.
- 819 6. Failure to maintain vegetation as required in this chapter.

820 C. Evidence of Violation. Visual observation of active clearing or recent
821 clearing shall constitute prima facie evidence of the violation.

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822 D. Penalties. The penalties for violations specified in this chapter shall be the
823 responsibility of the owner and/or contractor. Each day that the violation continues shall
824 constitute a separate offense. In addition to the penalties below, violations of this chapter
825 are subject to the remedies and penalties provided in WMC Chapter 1.20:

826 1. *Tree Removal.* The penalty for the unpermitted removal of a preserved tree,
827 including its effective removal by irreparable injury causing an unnatural decline,
828 will be the replacement of the tree with a similar type of tree with a minimum three-
829 inch caliper. Where the actual diameter of the removed tree cannot be directly
830 measured, city officials may estimate the size from any tree remains, photographs,
831 or other reliable evidence.

832 2. *Tree Damage.* If a preserved tree has sustained irreparable damage to its
833 normal growth character by topping, "hat racking," or other pruning exceeding 25
834 percent of the total crown, the fine may be based on the total caliper inches of
835 limbs removed, up to the trunk diameter measured at four and one-half feet above
836 ground level and full tree replacement may be required.

837 3. *Protection Barriers.* The penalty for the failure to install or maintain one or
838 more tree protection barriers required by city development/permit approval will be
839 the cost of one standard replacement tree. Subsequent citations on the same site
840 for failure to install or maintain the required barriers will be the cost of a standard
841 replacement tree for each uninstalled or unmaintained barrier.

842 4. *Unpermitted Clearing (outside the Shoreline Protection Area).* The entire
843 area of vegetation cleared from a lot contrary to the requirements of this section
844 shall be replaced with ground cover and the site perimeter/project boundary

Strikethrough indicates deleted language and **Underline** indicates new language

845 landscaping required in this chapter within 12 months of the clearing. This section
846 shall apply to all lot areas cleared prior to or subsequent to the adoption of this
847 chapter. Lots with landscape plans approved prior to July 24, 2017, must be
848 replanted consistent with the landscape regulations in effect at the time of the
849 landscape plan approval. Alternatively, the lot owner may submit a revised
850 landscape plan that brings the site into compliance with the regulations in this
851 chapter. In addition to the remedies provided in this section, violations are also
852 subject to the remedies and penalties provided in WMC 16.08, Administrative
853 Procedures.

854 5. *Unpermitted Clearing within Shoreline Protection Area.* The entire area of
855 vegetation cleared from a lot contrary to the requirements of this chapter shall be
856 revegetated with non-invasive trees, shrubs, and ground cover similar in type and
857 density to native vegetation on the site prior to clearing, if known, or that is similar
858 to native vegetation in a similar area. A revegetation plan must be prepared by the
859 lot owner and submitted to the city planner for review and approval. Revegetation
860 shall occur during the same growing season as the clearing, except as otherwise
861 permitted by the city planner.

862 ~~A. *Tree Removal.* The penalty for the unauthorized removal of a preserved tree,~~
863 ~~including its effective removal by irreparable injury causing an unnatural decline, will be~~
864 ~~the cost necessary to replace the total tree trunk diameter measured at four and one-half~~
865 ~~feet above ground level removed with the same total caliper inches of standard~~
866 ~~replacement trees. Where the actual diameter of the removed tree cannot be directly~~

Strikethrough indicates deleted language and **Underline** indicates new language

867 ~~measured, city officials may estimate the size from any tree remains, photographs, or~~
868 ~~other reliable evidence.~~

869 ~~B. *Tree Damage.* If a preserved tree has sustained irreparable damage to its~~
870 ~~normal growth character by topping, "hat racking," or other pruning exceeding 30 percent~~
871 ~~of the total canopy, the fine may be based on the total caliper inches of limbs removed,~~
872 ~~up to the trunk diameter measured at four and one-half feet above ground level and full~~
873 ~~tree replacement may be required.~~

874 ~~C. *Protection Barriers.* The penalty for the failure to install or maintain one or~~
875 ~~more tree protection barriers required by city development/permit approval will be the cost~~
876 ~~of one standard replacement tree. Subsequent citations on the same site for failure to~~
877 ~~install or maintain the required barriers will be the cost of a standard replacement tree for~~
878 ~~each uninstalled or unmaintained barrier.~~

879 NOW, THEREFORE BE IT RESOLVED that the Wasilla Planning Commission
880 approves of these code amendments and enactment of the proposed new code and
881 hereby forwards their support for adoption to the Wasilla City Council and to take effect
882 upon adoption by the Wasilla City Council.

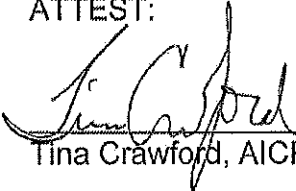
883 APPROVED by the Wasilla Planning Commission on November 9, 2021.

APPROVED:

886


Eric Bushnell, Chairman 12-23-2021
Date

889 ATTEST:

890 
891
892 Tina Crawford, AICP, City Planner
893

894 VOTE: Passed Unanimously
895

Strikethrough indicates deleted language and **Underline** indicates new language

REGULAR MEETING

1. CALL TO ORDER

The regular meeting of the Wasilla Planning Commission was called to order at 6:06 PM on Tuesday, October 12, 2021, in Council Chambers of City Hall, Wasilla, Alaska by Eric Bushnell, Chair.

2. ROLL CALL

Commissioners present and establishing a quorum were:

Eric Bushnell, Seat A
David Seals, Seat B
Melvin Sage-EL, Seat C
Vacant, Seat D
Alina Rubeo, Seat E (via teleconference)

Staff in attendance were:

Crystal Nygard, Deputy Administrator
Archie Giddings, Public Work Director
Tina Crawford, City Planner
Mike Schwarz, City Attorney (via teleconference)
Tahirih Revet, Planning Clerk

3. PLEDGE OF ALLEGIANCE

Commissioner Sage-EL led the Pledge of Allegiance.

4. APPROVAL OF AGENDA

GENERAL CONSENT: The agenda was approved, as presented.

5. REPORTS

5.1 City Deputy Administrator

Ms. Nygard provided information on mask mandates for City buildings, current business licenses, update on proposed MSB sales tax, and the City of Wasilla phone app. She also reported that the City is working with MEA and MTA regarding provision of necessary services for future build out.

5.2 City Public Works Director

No report given.

5.3 City Attorney

No report given.

5.4 City Planner

No report given.

6. PUBLIC PARTICIPATION (*Three minutes per person for items not on agenda*)
Mr. Jason Marvel, Wasilla High School Principal, requested support of a proposal to change the Crusey Street to Warrior Way.

7. CONSENT AGENDA

7.1 Minutes of August 10, 2021, regular meeting

GENERAL CONSENT: Minutes were approved as presented.

8. NEW BUSINESS (*five minutes per person*)

8.1 Public Hearing

1. Item: Conditional Use #21-07 (Reso. #21-10)

Applicant: Tim Alley, The Boutet Company

Owner: Nanez Properties

Request: Approval to amend the conditions of approval for CUP #21-06 to revise the requirement to retain a 200± foot screening/buffer between the proposed restaurant with outdoor entertainment venue and the residential homes to the north and only require retention of 113± feet of existing vegetation. NOTE: The area under consideration was recently cleared of all vegetation without city approval. The applicant is seeking after-the-fact approval to leave this area cleared of trees and vegetation (87± feet) and allow the cleared area to be replaced with a 3:1 grass covered slope with a 15-foot tall earthen berm. The slope would extend south from the current edge of the cleared area (113± feet from the northern lot line) to the edge of the clearing limits previously approved by the Planning Commission on August 10, 2021.

Lot Area: 4.48 +/- acres

Location: 3001 E. Sun Mountain Avenue

Tract 3A, Pioneer Overlook RSB Subdivision

Zoning: Commercial

a. City Staff

Ms. Crawford provided her staff report and a summary of the conditional use request.

b. Applicant

Mr. Alley, The Boutet Company, provided a summary of the request for Conditional Use #21-07.

c. Private person supporting or opposing the proposal

Chair Bushnell opened the public comment portion of the public hearing.

Mr. Ken Anderson, resident on lot abutting north lot line of Chepo's restaurant, stated that the unpermitted clearing that reduced the screening/buffering and is creating negative impacts and affecting his and his neighbor's quality of life. He requested that the Planning Commission require replanting of the vegetation that was removed.

Chair Bushnell closed the public comment portion of the public hearing as no one else stepped forward.

d. Applicant

Mr. Alley, The Boutet Company, provided information regarding the comment by the adjoining property owner.

Discussion moved to the Commission.

MOTION: Commissioner Bushnell moved to approve Conditional Use #21-07 (Reso. #21-10 – Option #1 or Option #2), as presented.

Discussion moved to the Commission.

MOTION: Commissioner Sage-EL, moved to amend the main motion to approve Resolution Serial No. 21-10, Option #2.

VOTE: The motion to amend the main motion, passed unanimously.

VOTE: The motion to approve Conditional Use #21-07 (Reso. #21-10) as amended, passed unanimously.

2. Item: Conditional Use #21-08 (Reso. #21-11)
Applicant: Tim Alley, The Boutet Company
Owner: Sun Mountain Development Group, LLC
Request: Approval of an additional one-year extension to the deadline to install the required perimeter landscaping for the Shoppes at Sun Mountain development from Summer 2021 to Summer 2022 (Condition of approval in Conditional Use Permits #18-01, #19-01, #19-02, and #20-07).
Lot Area: 19.61 +/- acres
Location: E. Sun Mountain Avenue
Shoppes at Sun Mountain Phase 1 Condos
Zoning: Commercial

a. City Staff

Ms. Crawford provided her staff report and a summary of the conditional use request.

b. Applicant

Mr. Alley, The Boutet Company, provided a summary of the request for Conditional Use #21-08.

c. Private person supporting or opposing the proposal

Chair Bushnell opened the public comment portion of the public hearing.

Chair Bushnell closed the public comment portion of the public hearing as no one stepped forward.

d. Applicant

No additional comments.

MOTION: Commissioner Seals moved to approve Conditional Use #21-08 (Reso. #21-11), as presented.

VOTE: The motion to approve Conditional Use #21-08 (Reso. #21-11) as presented, passed unanimously.

Recess for four minutes at 7:16 PM.

Returned from recess at 7:19 PM.

3. Resolution Serial No. 21-12: A resolution of Wasilla Planning Commission supporting the development of two additional softball fields, and additional parking at Bumpus Ballfields Complex, Section 5, Township 17 North, Range 1 West, Lot B5.

a. City Staff

Ms. Crawford introduced item #3.

b. Applicant

Mr. Greg DeArmond, Director of MSSA, stated the need for the additional fields and parking.

c. Private person supporting or opposing the proposal

Chair Bushnell opened the public comment portion of the public hearing.

Mr. Kerby Coman spoke in favor of the expansion of the softball fields.

Mr. Matt Ketchum spoke in favor of the expansion of the softball fields.

Chair Bushnell closed the public comment portion of the public hearing as no one else stepped forward.

d. Applicant

Mr. DeArmond stated that he appreciates the time from the Commission and the support from the public.

MOTION: Commissioner Seals moved to approve Resolution Serial No. 21-12, as presented.

VOTE: The motion to approve Resolution Serial No. 21-12 as presented, passed unanimously.

4. Resolution Serial No. 21-13: A resolution of Wasilla Planning Commission adopting an amended schedule of fees and list of review agencies for Wasilla Municipal Code Title 16 Land Development Code applications amending fees for mobile food vendors, temporary use permits, and other minor revisions/clarifications; and repealing WPC Resolution Serial No. 20-05.

a. City Staff
Ms. Crawford introduced item #4.

b. Applicant

c. Private person supporting or opposing the proposal
Chair Bushnell opened the public comment portion of the public hearing.

Chair Bushnell closed the public comment portion of the public hearing as no one stepped forward.

d. Applicant
No comments.

MOTION: Commissioner Seals moved to approve Resolution Serial No. 21-13, as presented.

VOTE: The motion to approve Resolution Serial No. 21-13 as presented, passed unanimously.

5. Resolution Serial No. 21-14: A resolution of Wasilla Planning Commission recommending that the City Council amend Wasilla Municipal Code Section 16.04.070, Definitions, to add definitions for "Ground cover", "Lawn", "Perennial flower", "Native vegetation, existing", and "Landscape vegetation, existing; amend Section 16.24.040, Parking, to delete Subsection 16.24.040(d)(4)(a) – 16.24.040(d)(4)(c); amend Section 16.33.030, Exemptions, to clarify exemption and nonconforming provisions; amend Section 16.33.060, Types of landscaping, to add landscape provisions for industrially zoned lots and other minor revisions; amend Section 16.33.070, Inspection, to require landscape architect inspection and certification for projects requiring use of a landscape architect; amend Section 16.33.090, Hardship waiver-Landscape waiver, to rename the section "Landscape waiver", and add language clarifying pre-application conference requirements and purpose; and amend Section 1.20.030, Disposition of scheduled offenses – Fine schedule, to add fines for landscape violations.

a. City Staff
Ms. Crawford introduced item #5.

b. Applicant

c. Private person supporting or opposing the proposal
Chair Bushnell opened the public comment portion of the public hearing.

Mr. Ketchum provided comments regarding possible revisions to the requirement for a landscape architect, mulch requirements, and other landscape requirements.

Mr. Alley, The Boutet Company, indicated that he agreed with Mr. Ketchum's comments.

Chair Bushnell closed the public comment portion of the public hearing as no one else stepped forward.

d. Applicant
No comments.

MOTION: Commissioner Sage-EL moved to continue the public hearing for Resolution Serial No. 21-14 to the November 9, 2021 and direct staff to provide additional outreach on the City's Facebook page and allow additional testimony/input.

VOTE: The motion to continue the public hearing for Resolution Serial No. 21-14 passed unanimously.

9. UNFINISHED BUSINESS

No unfinished business.

10. COMMUNICATIONS

No statements made regarding the following items.

- 10.1 Permit Information
- 10.2 Enforcement Log
- 10.3 Matanuska-Susitna Borough Planning Commission agenda

11. AUDIENCE COMMENTS (three minutes per person)

No comments.

12. STAFF COMMENTS

No comments.

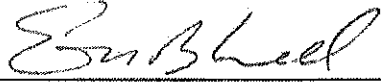
13. COMMISSION COMMENTS

Chair Bushnell asked if the Commission if they supported the request to rename Crusey Street to Warrior Way. The Commission indicated agreement and directed staff to bring forward a resolution of support at the next meeting.

14. ADJOURNMENT

The regular meeting adjourned at 8:27 PM.

ATTEST:


ERIC BUSHNELL, Chair 11/9/2021
Date


TAHIRIH REVET, Planning Clerk

Adopted by the Wasilla Planning Commission -, 2021.

**COMPARATIVE TABLE – RESOLUTION SERIAL NO. 21-14
CURRENT CODE VS. PROPOSED REVISIONS**

REGULATIONS	CURRENT CODE	PROPOSED REVISION	NOTES
Perimeter Landscaping			
• Perennial flowers	16 per 100 SF	9 per 100 SF	Reduction of 7 per 100 SF
• Shrubs	2 per 100 SF	2 per 100 SF	Added alternative plant types (e.g., grass, ground cover)
• Bed width	10' for entire length	Average 10' with 6' minimum	
• Grouping	Even distribution	Grouping allowed with max. spacing	
• Tree height	10' for all trees	Evergreen reduced from 10' to 8'	
• Shrub type	No restrictions	Requires mix with max 40% of one species	
Interior Landscaping			
• Perennial flowers	16 per 100 SF	9 per 100 SF	Reduction of 7 per 100 SF
• Tree height	Min. 10' for all trees	Deciduous reduced from 10' to 8'; Evergreen reduced from 10' to 6'	
• Shrub height	Min. 24"	Min. 18"	
• Parking lot hedge	Min. 3' at time of planting	Min. 2.5' at time of planting	
• Parking Islands – Mulch	Requires mulch	Allows alternative ground cover and grass	
• Area Calculation	Entire paved area for parking and drive aisles	Exempts perimeter drive aisles and entrance drive aisles	
• Parking Islands – Trees	No restrictions	Prohibits Columnar Aspen and none-shade producing tree types	Purpose of tree is to provide shade, overall tree canopy, etc.
• Shrub type	No restrictions	Requires 1/3 evergreen and mix of types	
Ground Cover/Mulch			
• Material type	Vegetative mulch	Allows alternative types: evergreen ground cover, perennial ornamental grasses, etc.	

**COMPARATIVE TABLE – RESOLUTION SERIAL NO. 21-14
CURRENT CODE VS. PROPOSED REVISIONS**

REGULATIONS	CURRENT CODE	PROPOSED REVISION	NOTES
Industrially-zoned Lots			
<ul style="list-style-type: none"> Perennial flowers 	16 per 100 SF	None required (Local Road frontage)	
<ul style="list-style-type: none"> Ground cover/mulch 	Vegetative mulch	Allows alternative types: evergreen ground cover, perennial ornamental grasses, lawn, etc.	
<ul style="list-style-type: none"> Perimeter bed 	Standard requirements	Option for 5' bed with no flowers – Fence, shrubs & street trees	
Shoreline Protection Area			
<ul style="list-style-type: none"> Purpose, Maintenance, & Remediation 	Left to staff discretion as part of code compliance	Added requirement for clarity and consistent application	
<ul style="list-style-type: none"> Exemptions 	Unclear language	Clarified that regulations apply to all use types/zoning	Consistent with past approvals/variances
Vacant Lot Clearing			
<ul style="list-style-type: none"> Exemptions 	Unclear language	Clarified that regulations apply to all use types/zoning	Consistent with past approvals
Loading Area/Screening			
<ul style="list-style-type: none"> Trees 	No info – staff discretion	Min. 8' – Continuous screening within 3 yrs.	
Mechanical Equipment			
<ul style="list-style-type: none"> Shrub height 	None	Min. 24" at time of planting – Maintain at 3'	
Landscape Inspections			
<ul style="list-style-type: none"> Inspector 	By City staff	Landscape Architect to inspect certify if LA required to prepare plan – Otherwise City	
Violations – Penalties			
Updated to be consistent with: <ol style="list-style-type: none"> WMC 1.20.030 and Superior Court ticketing requirements; Clarify what serves as proof of violations; and Restructure for clarity and application. 			