

Date Presented to Council: March 14, 2022
 Verified By: [Signature]
 Clerk's Note: N/A

**City of Wasilla
 Informational Memorandum No. 22-03**

Reported Revisor Of Ordinances To Wasilla Municipal Code (WMC) 1.20.030, General Penalty And WMC 16.33.100, Violations – Penalties.

Originator: Sarah Stanifer, Deputy Clerk
 Date: 3/1/2022

Agenda of: 3/14/2022

Route to:	Department Head	Signature	Date
X	Finance Director	[Signature]	3-4-22
X	Deputy Administrator	[Signature]	3/4/22
X	City Clerk	[Signature]	3/4/2022
X	Mayor	[Signature]	3/7/2022

Attachments: Ordinance Serial No. 22-03 (39 pages)
 Wasilla Municipal Code 1.20.030 – Revised Version (10 pages)
 Wasilla Municipal Code 16.33.100 - Revised Version (3 pages)

Summary Statement: In preparing to codify Ordinance Serial No. 22-03, adopted January 24, 2022, several revisions to the ordinance were identified. Prior to codification of the next paper supplement, the sections will be corrected by the City Clerk pursuant to Wasilla Municipal Code (WMC) 2.08.090 Revisor of Ordinances. The online code has been corrected, and the sections are included in the attachments.

1. The amendments to WMC 1.20.030, Disposition of scheduled offenses – Fine schedule, include additions to the table of code violations, referencing WMC 16.33.100(B)(1) through (6). This has been revised to WMC 16.33.100(A)(1) through (6) as WMC 16.33.100(B) does not include any subsections. **(Reference: Page nos. 38-39, Ordinance Serial No. 22-03).**
2. WMC 16.33.100(A) includes a reference to subsection (D) of that section. This has been updated to subsection (C) of that section. There is no subsection (D). **(Reference: Page nos. 34-37, Ordinance Serial No. 22-03).**
3. WMC 16.33.100(A) includes two instances of subsections numbered 4. The second subsection has been renumbered as well as the subsequent subsection. The subsection now appearing as WMC 16.33.100(A)(7) is not listed in the additions to the table of code violations as it was not added to the ordinance. The City Planner was notified on March 3, 2022, regarding submitting a code ordinance to add this to the fine schedule. **(Reference: Page no. 36, Ordinance Serial No. 22-03).**

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 facade).

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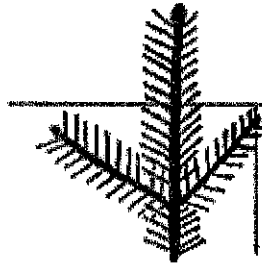
D. *Plant Materials.* Plant material must be true to name, variety, and size and must conform to all applicable provisions of the American Standards for Nursery Stock, latest edition, and meet the following:

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 evergreens is midpoint between the uppermost whorl and the tip of the leader. For trees such as cedars, deodars 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 foot 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 <u>property-lot</u> lines by the facade of the structure or by six-foot-high screening between the outdoor area and all <u>property-lot</u> lines.

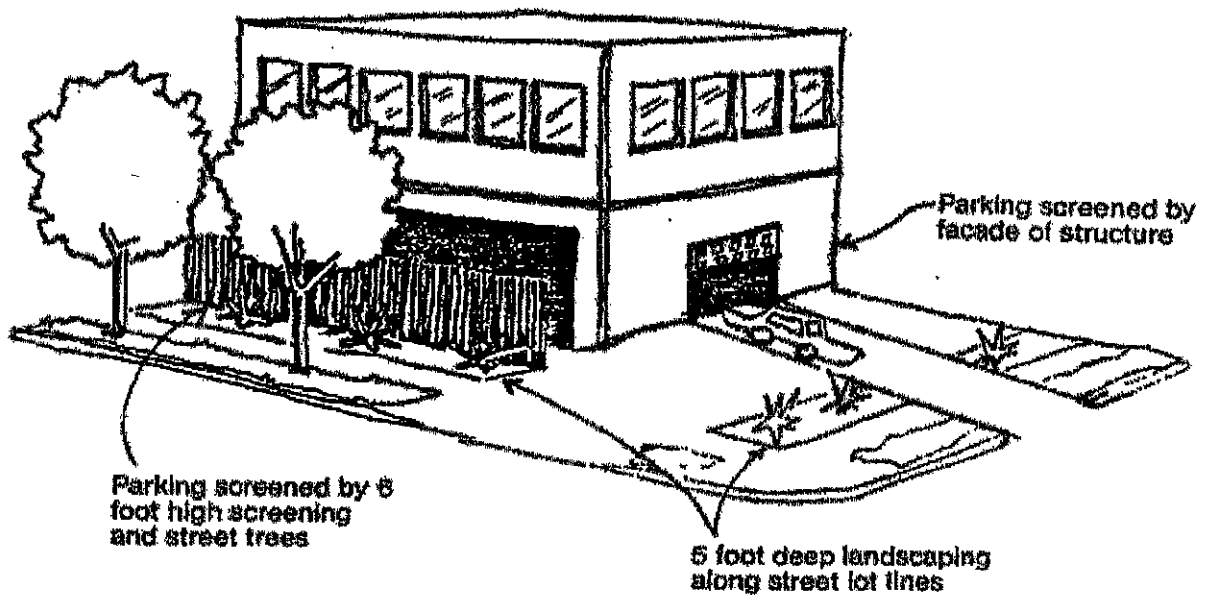


Exhibit A. Screening of parking within or under a structure.

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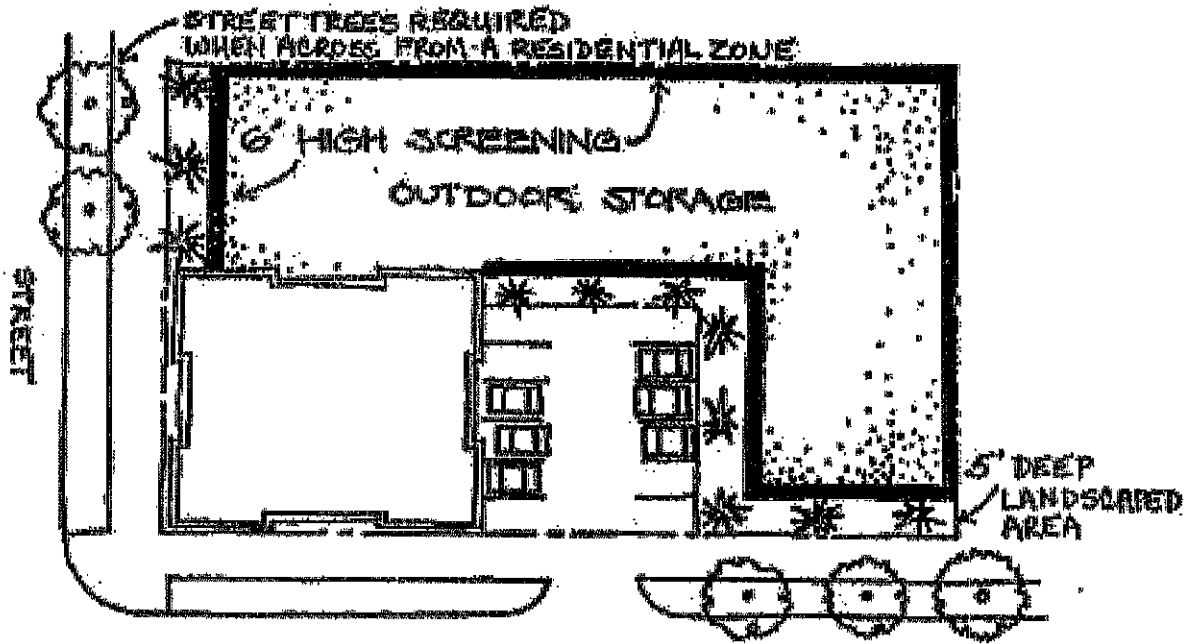


Exhibit B. Screening of open storage areas in industrial zoning districts.

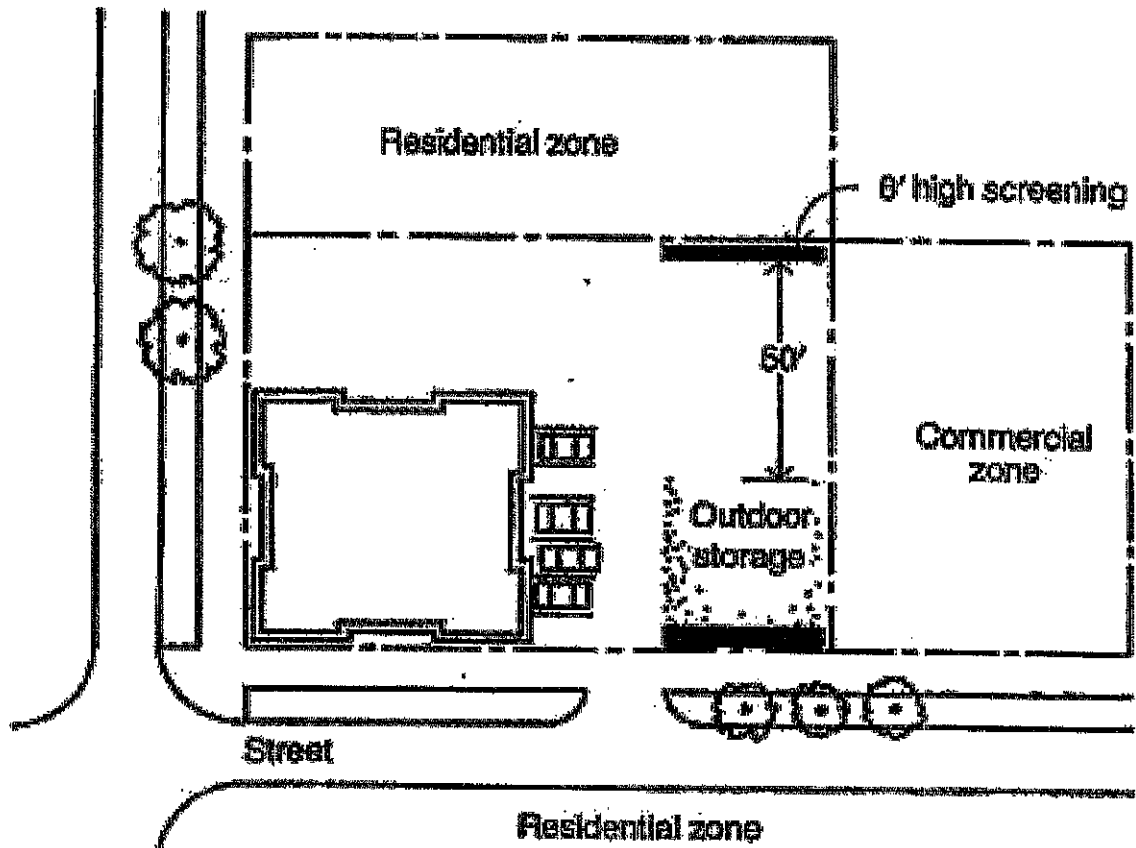


Exhibit C. Screening of open storage areas in industrial zoning districts.

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~~ **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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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
WMC 5.16.190(A)(1)	A buyer failing to pay sales tax to a seller	\$550
WMC 5.16.190(A)(2)	A seller failing to collect sales tax from a buyer	\$500
WMC 5.16.190(A)(3)	A seller failing to file a sales tax return	\$50
WMC 5.16.190(A)(4)	A seller failing to remit sales tax collected on sales	\$500
WMC 5.16.190(A)(5)	A buyer or seller knowingly submitting false information in a document filed with the city	\$500
WMC 5.16.190(A)(6)	A seller falsifying or concealing information related to its business activities in the city for the purpose of avoiding payment of sales tax	\$500

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
WMC 5.16.190(A)(7)	A seller failing to permit the city to inspect records of the seller	\$500
WMC 5.16.190(A)(8)	A seller failing to maintain records	\$500
WMC 5.16.190(A)(9)	A buyer giving false information when applying for a certificate of exemption or using a certificate of exemption in a transaction that was not exempt	\$500
WMC 5.16.190(A)(10)	A seller failing to notify a transferee of the seller's business of the transferee's withholding obligation or the transferee failing to withhold the amount required under WMC 5.16.130(C)	\$500
WMC 5.16.190(A)(11)	An officer, member, manager, partner or owner causing or permitting a business to commit a violation of WMC 5.16.190(A)(1) – (A)(10)	\$500
WMC 6.04.015	Business License Required	\$250
WMC 6.08.020	Permit Required for Public Vending	\$100
WMC 6.08.030	Single Location Vendor Permit	\$100
WMC 6.08.040	Mobile Vendor Permit	\$100
WMC 6.08.050	Short-Term Vendor Permit	\$100
WMC 6.08.060	Application for Vendor Permit	\$100
WMC 6.08.070	Permit Conditions for Vendors	\$100
WMC 6.08.080	Operating Requirements for Vendors	\$100

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
WMC 6.08.090	Revocation or Suspension of Vendor Permit	\$100
WMC 6.20.030 – 6.20.080	Taxicab Violations	\$100
WMC 8.04.030	Sale of Fireworks Prohibited	\$100
WMC 8.04.040	Use of Fireworks Prohibited	\$100
WMC 8.08.010	Refuse Enclosure Required	\$100
WMC 8.08.020	Refuse Container Unauthorized Use	\$100
WMC 8.08.030	Refuse Collection and Transportation	\$100
WMC 8.08.040	Litter Unlawful	\$100
WMC 8.12.060	Public Nuisance	\$300
WMC 8.16.030	Failure to Properly Dispose of Animal Solid Waste – 1st Offense	Warning
WMC 8.16.030	Failure to Properly Dispose of Animal Solid Waste – 2nd Offense	\$100
WMC 9.04.020	Lewd Conduct	\$200
WMC 9.08.025	Petty Theft in the First Degree	\$300
WMC 9.08.035	Petty Theft in the Second Degree	\$100
WMC 9.12.010	Unlawful Discharge of Firearm	\$300
WMC 9.12.030	Concealed Weapons	\$300
WMC 9.16.020	Curfew for Minors Age 17 or Less – 1st Offense	Warning
WMC 9.16.020	Curfew for Minors Age 17 or Less – 2nd Offense or More	\$100
WMC 9.20.010	Trespassing	\$100

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
WMC 9.24.020	Vandalism	\$300
WMC 9.24.030	Vandalism – Parent Civil Liability	\$300
WMC 9.28.030	Prohibition of Illicit Synthetic Drugs	\$500
WMC 9.28.040	Sale of Certain Products for Human Consumption Prohibited	\$500
WMC 9.32.020 – 9.32.030	Panhandling – 1st Offense	Warning
WMC 9.32.020 – 9.32.030	Panhandling – 2nd Offense	\$100 or eight hours of community service
WMC 9.32.020 – 9.32.030	Panhandling – 3rd and Subsequent Offenses	\$200 or 16 hours of community service
WMC 9.36.020 – 9.36.060	Excessive Police Responses	\$500
WMC 9.40.030(A)	Marijuana Manufacture – For Sale or Commercial Use	\$750
WMC 9.40.030(B)	Marijuana Manufacture – Using Volatile or Explosive Gas	\$750
WMC 9.40.040	Marijuana Transport	\$750
WMC 9.40.050	Marijuana Use	\$100
WMC 9.40.060	Marijuana Clubs Prohibited	\$1,000
WMC 9.40.062	Retail Marijuana Stores Prohibited	\$1,000
WMC 9.40.064	Marijuana Cultivation Facilities Prohibited	\$1,000

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
WMC 9.44.030	Distribution of Single-Use Plastic Disposable Shopping Bag – 1st Offense	Warning
WMC 9.44.030	Distribution of Single-Use Plastic Disposable Shopping Bag – 2nd Offense	\$100
WMC 9.44.030	Distribution of Single-Use Plastic Disposable Shopping Bag – 3rd Offense	\$300
WMC 10.08.020	Obstruction of Right-of-Way	\$50
WMC 10.08.030	Unlawful Use of Two-Way Left Turn Lane	\$100
WMC 10.12.020	Prohibited Operation of Off-Road Vehicles	\$50
WMC 10.12.030	Operation of Off-Road Vehicle by a Minor	\$100
WMC 10.12.040	Operation of Off-Road Vehicle Without Helmet	\$100
WMC 10.12.050	Off-Road Vehicles – Parent Responsibility	\$100
WMC 10.12.060(A)(1)	Speeding of Off-Road Vehicle in Parking Lot, Business Area, or Near Pedestrian Traffic	\$100
WMC 10.12.060(A)(2)	Speeding of Off-Road Vehicle in City Rights-of-Way	\$100
WMC 10.12.080	Off-Road Vehicle Equipment Violation	\$100
WMC 10.20.010(C)	Stopping, Standing or Parking Where Prohibited	\$50
WMC 10.20.020	Parking to Display Vehicle for Sale	\$50
WMC 10.20.030(C)	Stopping, Standing or Parking at Prohibited Time	\$50

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
WMC 10.20.040(B)	Stopping, Standing or Parking Beyond Time Limit	\$50
WMC 10.20.050(B)	Unauthorized Use of Parking Reserved for Persons with Disabilities – 1st Offense	\$125
WMC 10.20.050(B)	Unauthorized Use of Parking Reserved for Persons with Disabilities – 2nd Offense	\$250
WMC 10.20.050(C)	Unauthorized Use of Parking Reserved for Persons with Disabilities, Use of Permit or Plate – 1st Offense	\$250
WMC 10.20.050(C)	Unauthorized Use of Parking Reserved for Persons with Disabilities, Use of Permit or Plate – 2nd Offense	\$500
WMC 12.08.090	Posting of Assigned Street Addresses	\$50*
WMC 12.12.030	Driveway Permits	\$250
WMC 12.20.020	Limitation of Motorized Uses on Lakes	\$100
WMC 12.20.030	Prohibition of Motorized Uses on Lakes	\$100
WMC 12.24.025	Violation of Park Rules	\$250
WMC 12.24.030	Park Use Permits	\$250
WMC 12.28.020	Skate Devices – 1st Offense; device may be confiscated for 10 days	Warning
WMC 12.28.020	Skate Devices – 2nd Offense; device may be confiscated for 30 days	\$50
WMC 12.28.020	Skate Devices – 3rd Offense; device may be permanently confiscated	\$100

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
WMC 13.08.020	Sewage Disposal	\$300
WMC 13.08.030	Use of Public Sewer Required	\$300
WMC 13.08.050	Sewer Connection Permits	\$300
WMC 13.08.110	Control of Wastewater	\$300
WMC 13.08.120	Prohibitions, Sewer and Wastewater	\$300
WMC 13.12.030	Wastewater Pretreatment Violations	\$300
WMC 13.12.050	Excessive or Accidental Discharges	\$300
WMC 13.20.060	Airport Violations	\$300
WMC 13.20.270	Airport Animal Violations	\$300
WMC 16.08.010	Permit for Land Development Required	\$300
WMC 16.08.090	Land Use Code Violations	\$300
WMC 16.16.060(L)(1) – (L)(7)	Mobile Food Vendor Violations	\$300
WMC 16.26.110(B)(1)	Noncompliance with Any Requirements in WMC Chapter 16.26 – 1st Offense	\$500
WMC 16.26.110(B)(1)	Noncompliance with Any Requirements in WMC Chapter 16.26 – 2nd Offense	\$1,000
WMC 16.26.110(B)(2)	Noncompliance with Conditions Imposed by the City Planner and/or Planning Commission Regarding WMC Chapter 16.26 – 1st Offense	\$500
WMC 16.26.110(B)(2)	Noncompliance with Conditions Imposed by the City Planner and/or Planning Commission Regarding WMC Chapter 16.26 – 2nd Offense	\$1,000

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
WMC 16.26.110(B)(3)	Owner/Agent Commences or Continues to Advertise and/or Operate a Short-Term Rental without First Procuring the Required Permit – 1st Offense	\$500
WMC 16.26.110(B)(3)	Owner/Agent Commences or Continues to Advertise and/or Operate a Short-Term Rental without First Procuring the Required Permit – 2nd Offense	\$1,000
WMC 16.26.110(B)(4)	Failure to Comply with a Notice of Violation/ Citation and/or Pay Any Fines Imposed Pursuant to WMC 16.26.110 – 1st Offense	\$500
WMC 16.26.110(B)(4)	Failure to Comply with a Notice of Violation/ Citation and/or Pay Any Fines Imposed Pursuant to WMC 16.26.110 – 2nd Offense	\$1,000
WMC 16.26.110(B)(5)	Failure to Remit City Sales Tax or Submit a Report as Required by WMC Chapter 5.16 – 1st Offense	\$500
WMC 16.26.110(B)(5)	Failure to Remit City Sales Tax or Submit a Report as Required by WMC Chapter 5.16 – 2nd Offense	\$1,000
WMC 16.26.110(B)(6)	Occupants of Short-Term Rental Have Created Noise, Disturbances, or Nuisances, in Violation of the WMC or State Law Pertaining to Consumption of Alcohol or the Use of Illegal Drugs – 1st Offense	\$500
WMC 16.26.110(B)(6)	Occupants of Short-Term Rental Have Created Noise, Disturbances, or Nuisances, in Violation	\$1,000

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
	of the WMC or State Law Pertaining to Consumption of Alcohol or the Use of Illegal Drugs – 2nd Offense	
WMC 16.26.110(B)(7)	Failure to Provide and Maintain a Valid 24-Hour Contact Telephone Number for the Local Contact Responsible for Short-Term Rental – 1st Offense	\$500
WMC 16.26.110(B)(7)	Failure to Provide and Maintain a Valid 24-Hour Contact Telephone Number for the Local Contact Responsible for Short-Term Rental – 2nd Offense	\$1,000
WMC 16.26.110(B)(8)	Failure to Preserve Occupancy Records or Failure to Present Such Records When Requested by the City to Do So – 1st Offense	\$500
WMC 16.26.110(B)(8)	Failure to Preserve Occupancy Records or Failure to Present Such Records When Requested by the City to Do So – 2nd Offense	\$1,000
WMC 16.32.050	Signs Prohibited	\$300
WMC 16.33.100(A)(1)	Noncompliance with any of the requirements in WMC Chapter 16.33 , Landscaping Standards	\$300
WMC 16.33.100(A)(2)	Noncompliance with conditions imposed by city planner and/or planning commission	\$300
WMC 16.33.100(A)(3)	Clearing native vegetation from a lot without required permit	\$300
WMC 16.33.100(A)(4)	Unpermitted clearing within the shoreline protection area	\$1,000

CODE SECTION	DESCRIPTION OF OFFENSE	FINE
WMC 16.33.100(A)(5)	Clearing a lot contrary to an approved landscape plan	\$300
WMC 16.33.100(A)(6)	Landscape maintenance violations	\$300

* Citation must be dismissed if proof of correction is presented to the code enforcement officer within 14 days after the date of the citation. If the required correction is not made, the offense may be disposed of without court appearance upon payment of the fine amount listed.

(Ord. 22-03 § 12, 2022; Ord. 20-22(AM) § 2, 2020; Ord. 20-11(AM) § 5, 2020; Ord. 19-29(SUB)(AM) § 4, 2020; Ord. 18-28(AM) § 3, 2018; Ord. 18-06 § 20, 2018; Ord. 17-24(AM) § 3, 2018; Ord. 16-20(AM) § 5, 2016; Ord. 16-12 § 2, 2016; Ord. 16-07(AM) § 6, 2016; Ord. 15-13 § 2, 2015; Ord. 15-08(AM) § 3, 2015; Ord. 14-30(AM) § 3, 2014; Ord. 14-29 § 3, 2014; Ord. 14-28(AM) § 3, 2014; Ord. 14-17(AM) § 3, 2014; Ord. 14-11 § 2, 2014; Ord. 14-07 § 2, 2014; Ord. 13-23(AM) § 2, 2013; Ord. 12-01 § 3, 2012; Ord. 11-18(AM) § 3, 2011; IM 10-28; Ord. 10-30 § 3, 2010; Ord. 09-51 § 3, 2009; Ord. 09-47 § 3, 2009; Ord. 07-44 § 2, 2007; Ord. 06-31 § 2, 2006; Ord. 06-14(SUB) § 2, 2006; Ord. 05-71 § 2, 2005; Ord. 05-14(AM) § 2, 2005; Ord. 05-12 § 3, 2005; Ord. 03-72 § 4, 2003; Ord. 03-46 § 2, 2003; IM 02-12; Ord. 01-47 § 2, 2001)

The Wasilla Municipal Code is current through Ordinance 22-05, passed January 24, 2022.

Disclaimer: The Office of the City Clerk has the official version of the Wasilla Municipal Code. Users should contact the clerk’s office for ordinances passed subsequent to the ordinance cited above.

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16.33.100 Violations – Penalties.

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 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. *Violations.* Remedies and penalties for violations under this chapter are provided in subsection [\(C\)](#) 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.
3. Clearing a lot without first procuring the required permit.
4. Clearing within the shoreline protection area.
5. Clearing a lot contrary to an approved landscape plan.
6. Failure to comply with a notice of violation, citation, and/or stop work order and/or pay any fines imposed pursuant to this chapter.
7. 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 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 noninvasive 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. (Ord. 22-03 § 11, 2022; Ord. 17-18(AM) § 2, 2017)

The Wasilla Municipal Code is current through Ordinance 22-05, passed January 24, 2022.

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