

Agenda

Planning Commission - Title 49 Committee City and Borough of Juneau

June 18, 2018
Marine View Building, 230 S. Franklin, 4th Floor
12:00 PM

- I. ROLL CALL
- II. APPROVAL OF AGENDA
- III. APPROVAL OF MINUTES
 - A. May 16, 2018 Draft Minutes, Title 49 Committee
- IV. AGENDA TOPICS
 - A. Unit Lot Subdivisions
- V. COMMITTEE MEMBER COMMENTS AND QUESTIONS
- VI. ADJOURNMENT

Meeting Agenda of the City and Borough of Juneau
Title 49 Committee of the Planning Commission

Wednesday, May 16, 2018
Community Development Department
Small Conference Room, 12:00 pm

Members Present:

Nathaniel Dye, Paul Voelckers, Carl Greene, Dan Miller, Ben Haight

Members Absent:

Michael Levine

Staff Present:

Laura Boyce (CDD Planner), Jill Maclean (CDD Planner), Tim Felstead (CDD Planner), Bhagavati Braun (CDD Admin)

I) Call to Order

Meeting called to order at 12:04 pm.

II) Approval of Minutes

April 18, 2018 Draft Minutes

MOTION: *by Mr. Voelckers to approve the March 21, 2018 minutes*

The motion passed with no objection.

III) Agenda Topics

a) Review of Bonding for Stub Streets

Mr. Felstead gave an overview of the Stub Streets memo, including details about a subdivision which would benefit from a change in the stub streets rules; the subdivision abuts forest service land that will probably not be developed. He outlined the options discussed in the memo – either creating a provision for the Director to waive the requirement (option 1), or deleting the bonding requirement entirely (option 2).

Mr. Voelckers asked Mr. Felstead what his recommendation would be. Mr. Felstead stated that both options are agreeable. Ms. Boyce added that option two was in the code until around 2015. Mr. Felstead noted that he had found comments in notes from the last subdivision code change that stated the Commission wanted to ease the burden on subsequent developers, of building access to their property behind a subdivision. Mr. Voelckers added that the goal was to strike a balance of not creating a burden to the current or next developer. Mr. Dye noted that if it's making problems in the three years since it was adopted he would prefer to return to option 2.

Ms. Maclean added that developers currently have to set aside a platted right-of-way even if they bond for the street. Mr. Miller commented that setting aside that right-of-way could be a significant outlay for the developer even without bonding or street construction. Mr. Dye suggested that the criteria to waive, if used, could also include a criteria to waive the need of platting a right-of-way. Mr. Felstead clarified that the CBJ would not require a right-of-way to be platted if it wouldn't be feasible to construct.

Mr. Voelckers asked if Mr. Felstead would elaborate on option 2 and how it would affect different parties. Mr. Felstead replied that the current code puts the burden on the current sub-divider; the current sub-divider gets no benefit from platting the right-of-way.

Committee members discussed the costs of bonding and street construction and the lost income from platting a right-of-way, as well as both options presented by staff.

MOTION: *by Mr. Voelckers to adopt option 2 and use the language was proposed in the packet.*

The motion passed with no objections.

b) Common Wall Revisions

Ms. Maclean outlined the changes made since the previous meeting noting that most of the revisions requested, as well as some more updates, were made. Mr. Voelckers asked Ms. Maclean to refresh the Committee on incentives for more dense development, mentioning encouraging three or more units. Ms. Maclean stated that in the way the code was originally written two unit common walls did not get the minimum lot size and in order to incentivize developments of three units or more the reduced lot would be applied. Recently staff discovered that the code was not being applied correctly. The options in front of the Committee, she continued, are to use code as written (not as it has been applied), or to fix the code to reflect the practice that has been used. Current use is to apply the reduced lot size regardless of how many units are being built. She added that the Committee had stated they did not want common walls in Mixed Use (MU) zoning districts (common walls are still recommended in Mixed Use 2 (MU2), Light Commercial (LC), General Commercial (GC), and D5, D10, D10 SF, D15 and D18 zoning districts).

Mr. Voelckers voiced concern about allowing the same incentives for two lots as for three or more. Mr. Dye and Mr. Green voiced their support for reduced lot size for all common walls. Ms. Maclean clarified that three or more common walls receive a reduction in lot size because they provide more density; this may require agreements between neighbors for access to utilities etc. She added that it was her impression that the Committee wanted to extend the reduced lot size to two-unit common walls in the code change, adding that she fixed the numbers on the Table of Dimensional Standards included in the packet.

Mr. Dye asked if common walls would be allowed in the D-3 zoning districts as well – stating that there are currently 138 lots in D-3 zoning districts that have zero-lot lines, and if the property is on city water more common walls should be allowed, with lot size reductions available. Ms. Maclean clarified that D-3 is similar to D-5 and D-10SF in which only two unit common walls are permitted as these are single-family duplex zoning districts.

Mr. Miller asked if a smaller minimum lot size (under 5,800 square feet) would be good in the D-5 zoning district. Mr. Voelckers voiced his support for Mr. Miller's idea.

Mr. Voelckers asked if there were any consequences the Committee and staff hadn't considered regarding the D-3 zoning district, Ms. Maclean noted that there seems to be anecdotal information that when common walls were put into code there was some trepidation about having them in the D-3 zone. She stated she didn't see any more evidence that would preclude common walls from being allowed in the D-3 zoning districts, adding that there are many already throughout the borough.

Mr. Miller requested a smaller lot size for common walls in the D-10SF zoning district. He noted some small lots that could build a common wall instead of only one dwelling, thus increasing density. Mr. Voelckers stated that this seems in character with the mission for the D-10SF zoning district. Ms. Maclean expressed some concern about how this change could affect the upcoming rezone of downtown, but stated that staff would look into this idea. Staff and Commissioners discussed the character of the Flats neighborhood and how this change could affect the character of the neighborhood, weighing the benefits and possible down-sides of allowing common walls in the area. Mr. Haight voiced his support for allowing more options or "more tools in your tool belt" and letting the developers choose. Mr. Dye added that two unit common walls would reduce the cost to developers and encourage infill. Ms. Maclean added that common walls are sometimes preferred (over bungalows) because they allow more square footage.

Ms. Maclean outlined the changes in the notes for the superscripts in the Table of Dimensional Standards (see packet). She noted that in the proposed changes two unit common walls would not be allowed in the Light Commercial (LC), General

Commercial (GC), and MU2 zoning districts to encourage infill, stating that higher density should be encouraged where allowed. Mr. Dye questioned this, suggesting that there may be lots that are too small for a three unit common wall, but which would accommodate a two unit common wall. He stated that if a two unit common wall is the only thing available to a developer the ability to construct one would be encouraging infill, he stated that the market will determine what gets built. Ms. Maclean stated that she was not in favor of allowing too much flexibility in these districts because they're primarily commercial areas. Mr. Dye responded that the common wall units could have multiple uses, parking and retail on the bottom and housing on top, for example.

Mr. Voelckers posited that it could be possible to allow two unit common walls but only for small or otherwise limited lots. He stated his preference, in general, to steer toward higher density, but stated he didn't want to preclude a small lot that would remain undeveloped, stating further that large standard lots should not be able to do under-scaled development. He stated he didn't want to orphan lots because of strong encouragement toward higher density.

Mr. Miller summarized that he agreed with Mr. Dye and Mr. Voelckers, stating that the Committee is supposed to be planning for the community, that incentivizing more units is good, but if there are small lots where a two unit common wall would be the only option the code should be flexible enough to allow that.

Discussion ensued about which common wall developments would allow mixed use development. Staff stated that the underlying zoning districts (49.25) descriptions could be the basis for what uses would be permissible within a common wall structure, this should illuminate the appearance of arbitrariness. Committee members suggested they look at this more closely to check for unintended uses and to be thorough. Ms. Maclean stated that she would draft information for the Committee to review at a future meeting.

The Committee commented on the wording in V2 Attachment A (included in the packet) specifically under 49.65.700 – Purpose. The committee wanted the last clause to be moved closer to the other residential uses portion of the section.

There was some discussion about the advantages of a common wall development compared to a condo-ized development for financing purposes.

Mr. Voelckers pointed out 49.65.735 Parking and Access refers to single family dwellings; he suggested that this gets changed to reflect mixed use development as well. He also suggested adding a period after “zoning districts” in 49.65.745 – Zoning Districts.

Ms. Maclean recommended that the Committee delete density and dimensional standards from the ordinance language in 49.65 so they are all in the Table of Dimensional Standards. Ms. Maclean also mentioned that the variances code change was adopted with minor changes (Ms. Boyce will forward the changes to the Committee) and will be in effect in a few weeks. She stated that having dimensional standards in this portion of code could be tricky. She recommended that the dimensional standards be housed in the Table of Dimensional Standards for this and for future changes.

IV) Next Meeting

Monday, June 18, 12:00 pm.

Common Walls

It was requested that Rob Palmer be in attendance

Mr. Dye asked that the Committee use the next meeting to look at the priorities list and work plan.

Mr. Voelckers asked for an updated on downtown zoning.

VI) Adjournment

The meeting adjourned at 1:26 pm.



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 www.juneau.org/CDD
 155 S. Seward Street • Juneau, AK 99801

TO: Title 49 Committee of the Planning Commission

FROM: Laura A. Boyce, AICP, Senior Planner
 Community Development Department

DATE: June 18, 2018

RE: Proposed Alternative Residential Subdivision – Unit Lot Subdivisions

Recently, a multifamily residential condominium plat was recorded with the State Recorder's Office in Juneau. Condo plats, because they are generally not subdivisions of land, are not required to go through review at the local level and can be recorded directly with the State. However, this specific development, Sunset Meadows (see Attachment A), includes selling a small portion of the land along with the residential condo unit and is, therefore, a subdivision. State law is clear about what constitutes a subdivision, as well as local law. Subdivisions must be reviewed and approved by the local Platting Authority, which is the City and Borough of Juneau, before the plat can be recorded with the State.

From Alaska Statutes:

A.S. 40.15.010

"Before the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision or dedication shall be approved by the authority having jurisdiction, as prescribed in this chapter and shall be filed and recorded in the office of the recorder. The recorder may not accept a subdivision or dedication for filing and recording unless it shows this approval."

A.S. 40.15.900

"(5) Subdivision

- (A) Means the division of a tract or parcel of land into two or more lots by the landowner or by the creation of public access, excluding common carrier and public utility access;*
- (B) Does not include the cadastral plats or cadastral control plats created by or on behalf of the United States Department of the Interior, Bureau of Land Management, regardless of whether these plats include easements or other public dedications;"*

From Title 49, CBJ 49.80.120, Definitions:

A subdivision is defined as meaning *"the division or redivision of a tract of parcel of land into two or more lots, sites, or other divisions and the act of developing, constructing, or improving property with a subdivision as required by CBJ Title 49"*.

A lot means *"a continuous parcel, tract or area of land undivided in ownership, established by plat, subdivision, or otherwise permitted by law, to be used, conveyed, developed, or built upon as a unit."*

Title 49 Committee

June 18, 2018

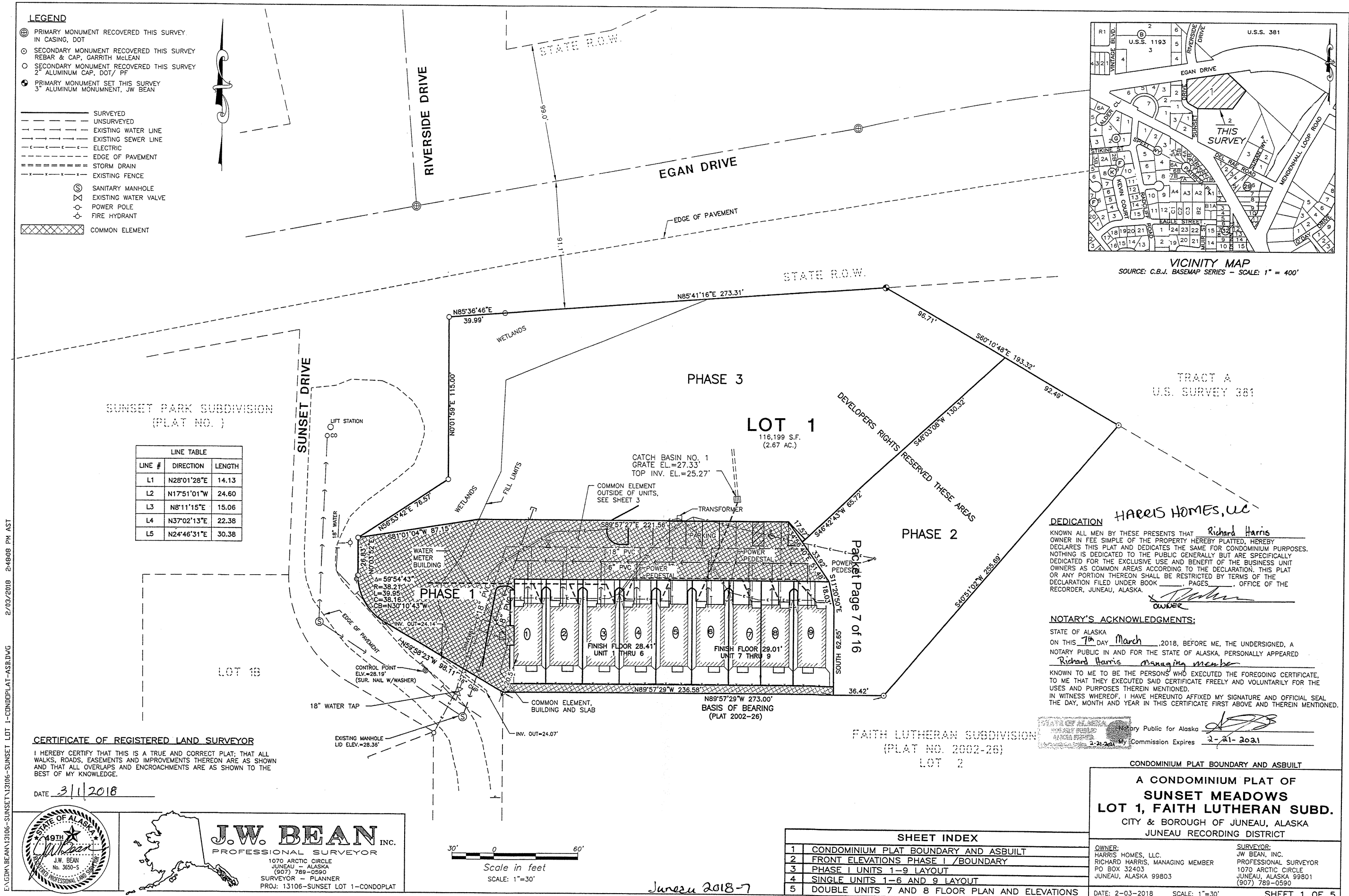
Condominium development that includes selling a portion of the land along with the condo unit, like Sunset Meadows, is a growing trend in the nation. This type of development is sometimes called a “site condo” or a “unit lot subdivision”. These are essentially a hybrid of a subdivision and a condominium development. Because this type of development includes a portioning out of the land (parent parcel) for sale along with the condominium unit (a small plot of land around the condo unit), it meets the definition of a subdivision and therefore falls under the subdivision regulations of Title 49 because the CBJ is the local Platting Authority. Developers are able to finance their multifamily projects easier using this unit lot subdivision approach.

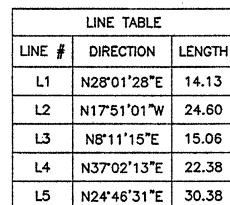
In an effort to facilitate these types of development, we propose the following code amendment to Title 49 (see Attachment B). This proposed amendment would create requirements for these “unit lot subdivisions”. In 2017, the Municipality of Anchorage (Muni) amended its land use code (Title 21) to regulate this type of development. The draft language for review includes the Muni’s code, but has been changed for the CBJ’s purposes. Notes are included in the margins for consideration and discussion purposes.

Attachments

Attachment A - Condo plat – Sunset Meadows

Attachment B - Proposed Code Language









J.W. BEAN

INC.

PROFESSIONAL SURVEYOR

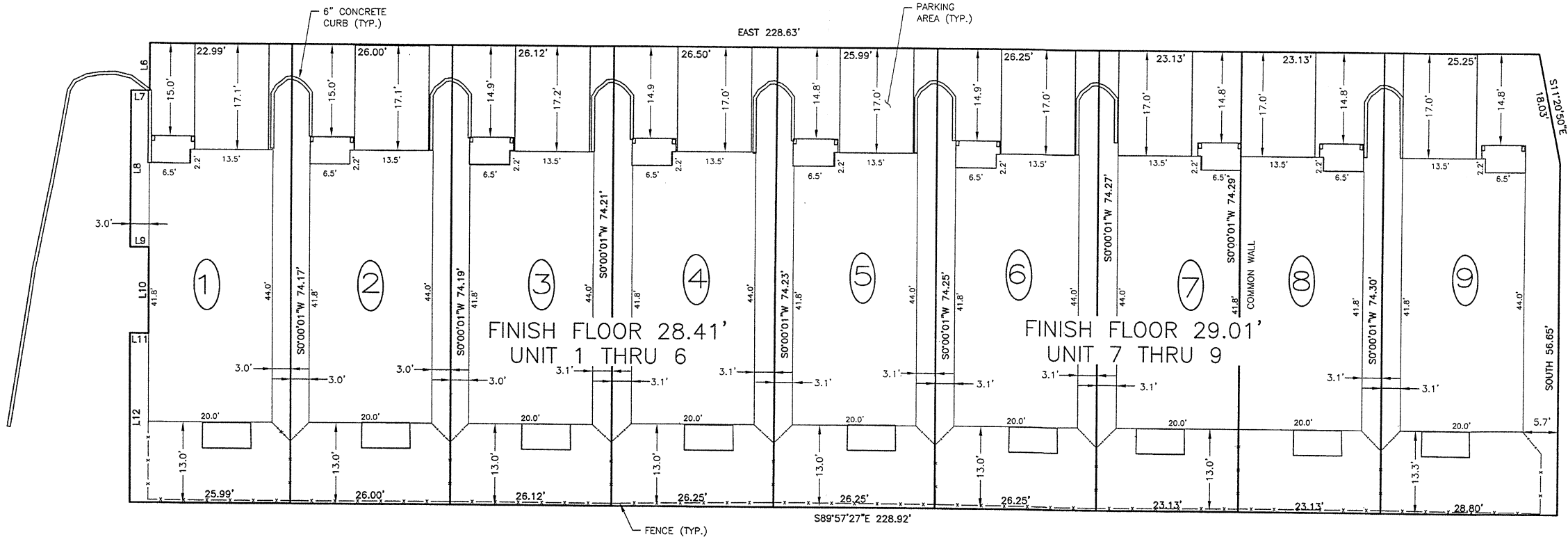
1070 ARCTIC CIRCLE
JUNEAU - ALASKA
(907) 789-0350

SURVEYOR - PLANNER

PROJ: 13106-SUNSET LOT 1-CONDOPLAT

June 24 2018-7

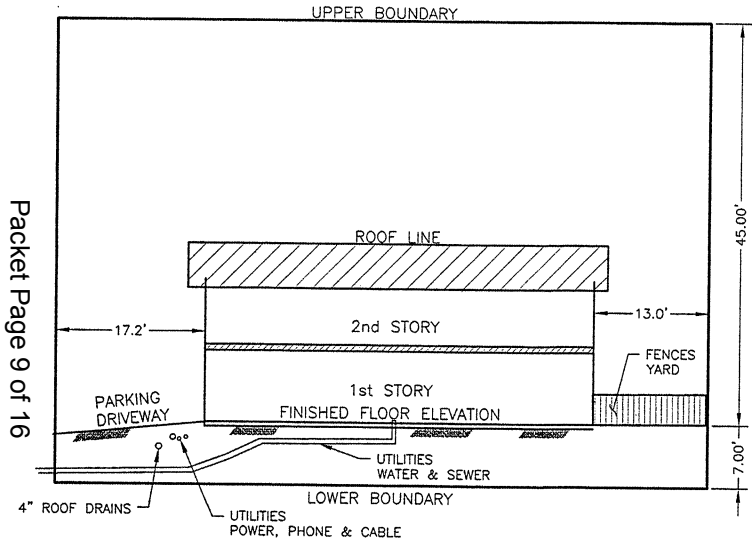
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LINE TABLE		
LINE #	DIRECTION	LENGTH
L6	SOUTH	7.70
L7	WEST	3.00
L8	SOUTH	25.30
L9	EAST	3.00
L10	SOUTH	13.84
L11	WEST	3.00
L12	SOUTH	27.32

PHASE 1 - UNITS 1 - 9
SCALE: 1"=10'

AREA PER UNIT	
UNIT 1	= 1,863.2 SQ. FT.
UNIT 2	= 1,929.0 SQ. FT.
UNIT 3	= 1,938.5 SQ. FT.
UNIT 4	= 1,948.3 SQ. FT.
UNIT 5-6	= 1,949.0 SQ. FT.
UNIT 7-8	= 1,718.1 SQ. FT.
UNIT 9	= 2,108.9 SQ. FT.

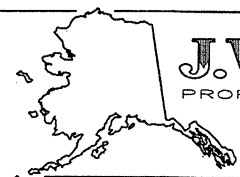


UNIT BOUNDARIES SECTION TYPICAL
NOT TO SCALE

CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT; THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.

DATE 3/1/2018



J.W. BEAN INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU - ALASKA
(907) 789-0590
SURVEYOR - PLANNER
PROJ: 13106-SUNSET LOT 1-CONDOPLAT

PHASE 1 UNITS 1-9 LAYOUT

A CONDOMINIUM PLAT OF
SUNSET MEADOWS
LOT 1, FAITH LUTHERAN SUBD.
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

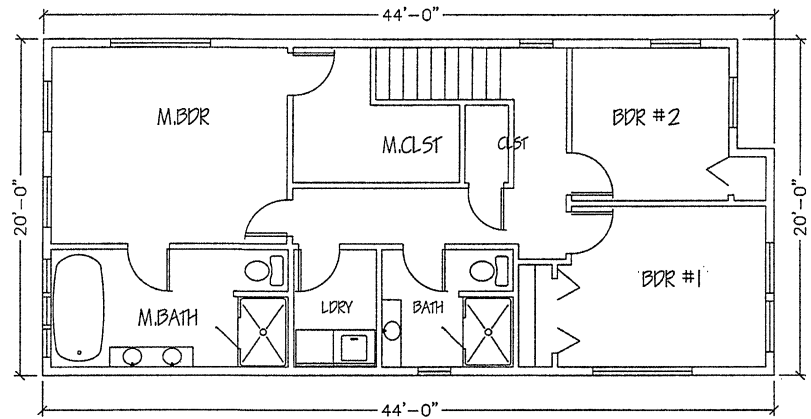
OWNER:
HARRIS HOMES, LLC.
RICHARD HARRIS, MANAGING MEMBER
PO BOX 32403
JUNEAU, ALASKA 99803

SURVEYOR:
JW BEAN, INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU, ALASKA 99801
(907) 789-0590

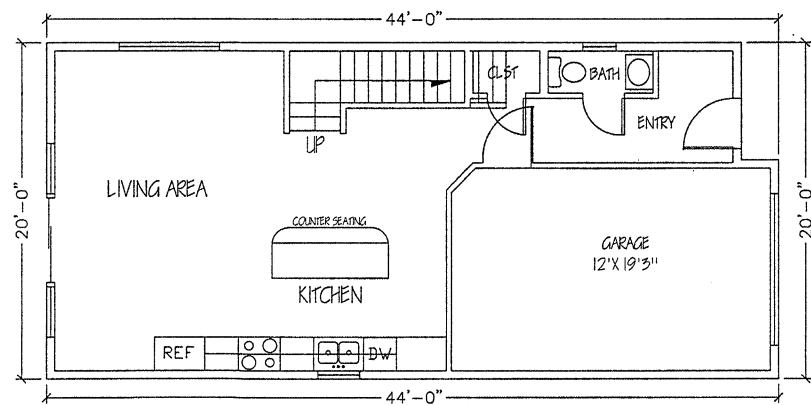
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Juneau 2018-7

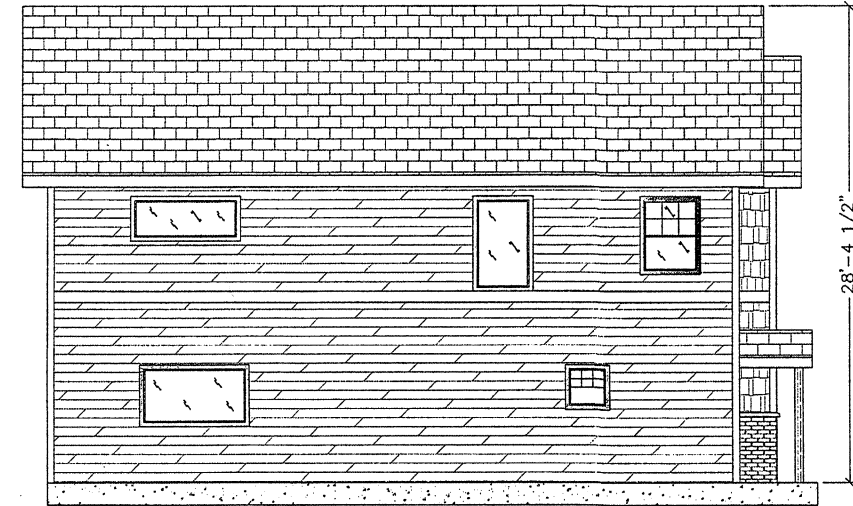
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ENDW:BEAN\13106-SUNSET\13106-SUNSET LOT 1-CONDOPLAT-BLDVIEWS-FINAL.DWG



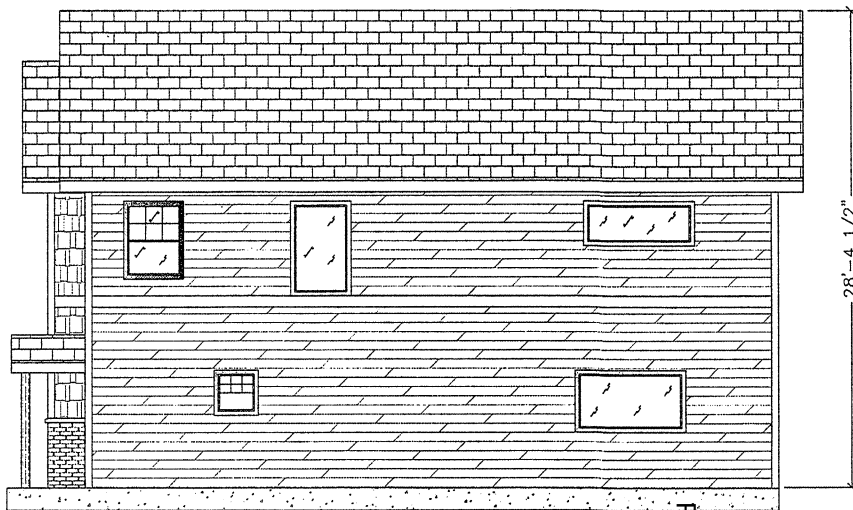
SECOND FLOOR PLAN
3/16" = 1'-0"



FIRST FLOOR PLAN
3/16" = 1'-0"



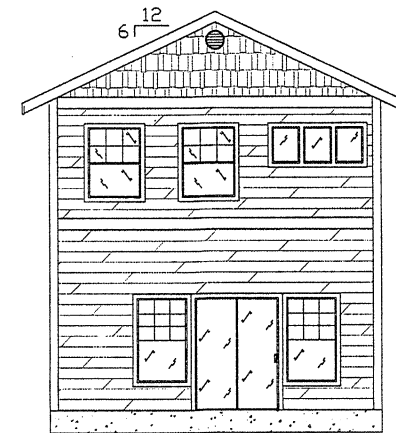
LEFT ELEVATION
3/16" = 1'-0"



RIGHT ELEVATION
3/16" = 1'-0"



① FRONT ELEVATION
3/16" = 1'-0"



② REAR ELEVATION
3/16" = 1'-0"

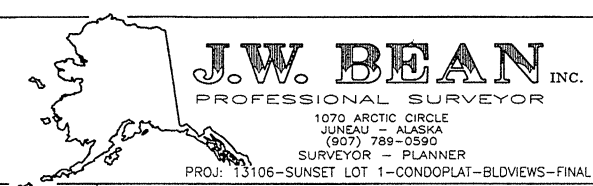
SINGLE UNITS 1 THRU 6 AND 9

Packet Page 10 of 16

CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT; THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.

DATE 3/1/2018



SINGLE UNITS 1-6 AND 9 LAYOUT

A CONDOMINIUM PLAT OF
SUNSET MEADOWS
LOT 1, FAITH LUTHERAN SUBD.
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

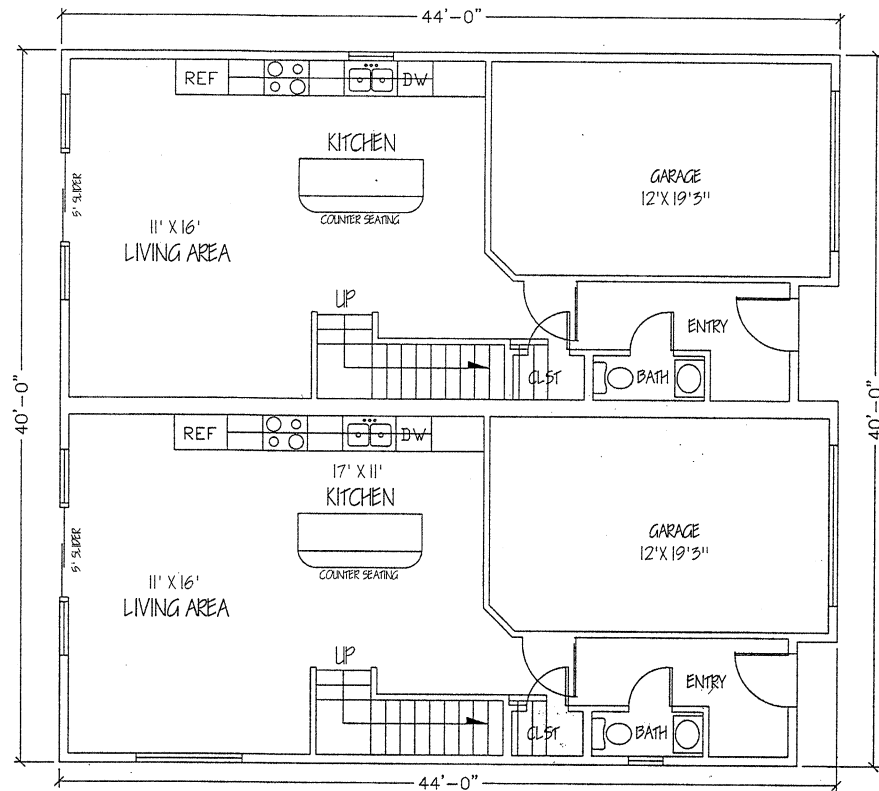
OWNER:
HARRIS HOMES, LLC.
RICHARD HARRIS, MANAGING MEMBER
PO BOX 32403
JUNEAU, ALASKA 99803

SURVEYOR:
JW BEAN, INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU, ALASKA 99801
(907) 789-0590

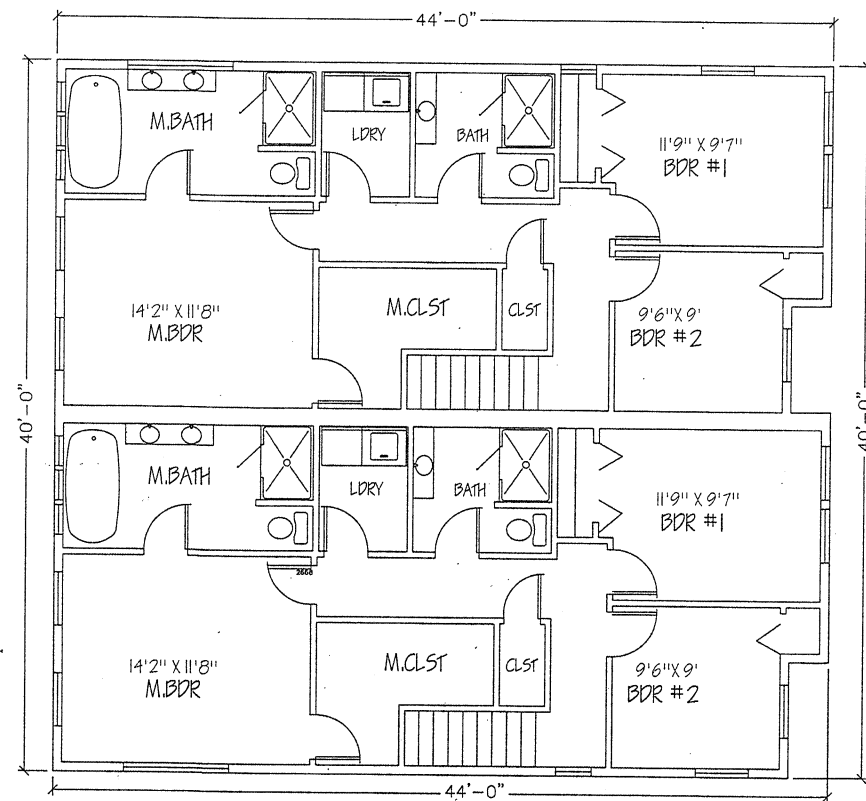
DATE: 1-23-2018 SCALE: AS SHOWN

SHEET 4 OF 5

Juneau 2018-7



FIRST FLOOR PLAN
3/16" = 1'-0"

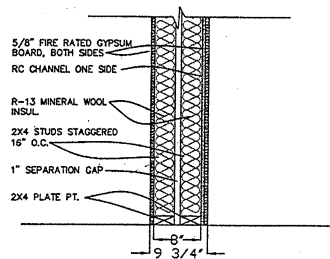


SECOND FLOOR PLAN
3/16" = 1'-0"

DOUBLE UNITS 7 AND 8

Packet Page 11 of 16

STOED PARTY WALL - 1 HOUR FIRE RATING:
ONE LAYER 5/8" TYPE-X FIRE RATED GYPSUM BOARD APPLIED PARALLEL TO RESILIENT CHANNEL. RC CHANNEL APPLIED PERPENDICULAR TO 2X4 WOOD STUDS 16" O.C. ON SEPARATE PLATES STAGGERED WITH LAYOUT OF OTHER SIDE WOOD STUDS. PLATES ARE TO BE 1" APART. JOINTS STAGGERED A MIN OF 16" ON OPPOSITE SIDES.

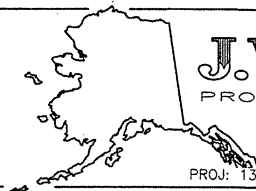
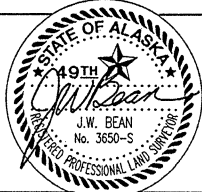


④ COMMON WALL
3/4" = 1'-0"

CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT PLAT, THAT ALL WALKS, ROADS, EASEMENTS AND IMPROVEMENTS THEREON ARE AS SHOWN AND THAT ALL OVERLAPS AND ENCROACHMENTS ARE AS SHOWN TO THE BEST OF MY KNOWLEDGE.

DATE 3/1/2018



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SURVEYOR - PLANNER
PROJ: 13106-SUNSET LOT 1-CONDOPLAT-BLDVIEWS-FINAL

DOUBLE UNITS 7 AND 8 FLOOR PLAN AND ELEVATIONS

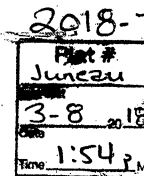
A CONDOMINIUM PLAT OF
SUNSET MEADOWS
LOT 1, FAITH LUTHERAN SUBD.
CITY & BOROUGH OF JUNEAU, ALASKA
JUNEAU RECORDING DISTRICT

OWNER:
HARRIS HOMES, LLC.
RICHARD HARRIS, MANAGING MEMBER
PO BOX 32403
JUNEAU, ALASKA 99803

SURVEYOR:
JW BEAN, INC.
PROFESSIONAL SURVEYOR
1070 ARCTIC CIRCLE
JUNEAU, ALASKA 99801
(907) 789-0590

DATE: 2-23-2018 SCALE: AS SHOWN

SHEET 5 OF 5



Definitions:

Unit Lot means a unit of land within a parent lot that has been subdivided in accordance with the unit lot subdivision process. A unit lot is not a lot.

Parent Lot means a lot meeting the dimensional requirements in the Table of Dimensional Standards for the zoning district, or a nonconforming lot, and may contain unit lots.

.....

A. Unit Lot Subdivisions

1. Purpose

The unit lot subdivision is intended to allow fee simple ownership of a dwelling unit within a multifamily development, simplifying the financing process for the developer, but not increasing the density allowed on the lot or changing the development standards.

Comment [LB1]: Do we want to allow for density bonuses like we do for multifamily development?

2. Applicability

The unit lot subdivision process may be used to create no more than eight unit lots.

Comment [LB2]: The Municipality of Anchorage limits this type of subdivision to 8 unit lots. Do we want to limit this? I don't think we do. We'd review density during the CU process.

3. Approval Process

a. A unit lot subdivision shall be reviewed through the minor subdivision process.

Comment [LB3]: This means that this would be an administrative review. For multifamily developments, a Conditional Use permit is required for 9 or more units in multifamily zone districts and 13 or more units in commercial and mixed use zone districts. The project would already be reviewed and vetted at a public hearing. A second public hearing for the subdivision plat portion may not be needed.

b. Before filing an application, the applicant shall request a pre-application conference with the director, in accordance with 49.15.401(b) and 49.15.402(b).

c. In addition to the submittal requirements for preliminary plats, an application for a unit lot subdivision shall include a preliminary development plan, drawn to scale, which shall contain:

- i. Property lines of the parent lot and the proposed unit lots.
- ii. Setbacks of the parent lot.
- iii. The footprint of any existing structures to remain, along with the distance to property lines and lot coverage calculations.
- iv. The location and footprint for each proposed structure on each unit lot.
- v. A delineation of the required open space.
- vi. The driveway and parking locations, layout, dimensions, circulation, ingress and egress.
- vii. The location, if applicable, of any buildings to be used in common by the residents of the housing development.
- viii. The layout and dimensions of all pedestrian circulation facilities.

Comment [LB4]: Not applicable unless it's a PUD.

-
- i. A utility plan addressing water and wastewater.
 - ii. Any other information the Director finds necessary to ensure compliance with this Title.

4. Uses

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- a. In residential districts where unit lot subdivisions are permitted, the allowed uses are limited to the residential uses as shown in the Table of Dimensional Standards.
 - b. In commercial districts where unit lot subdivisions are permitted, only one unit lot within any parent lot may contain nonresidential uses. Unless authorized by the director, the unit lot containing the nonresidential uses(s) shall abut a street. The unit lot containing the nonresidential uses(s) may also contain a dwelling unit.
 - c. Only one dwelling unit is permitted per unit lot.
5. Dimensional Standards
- a. The dimensional standards for the underlying zone district, as shown in the Table of Dimensional Standards, apply to the parent lot.
 - b. No setbacks are required by this title on lot lines between unit lots, but setbacks may be required by Title 19, the Building Code.
 - c. The lot size of the parent lot shall determine the maximum number of units permitted on the parent lot. Density bonuses may apply.
6. Design Standards
- a. Vegetative cover requirements shall be provided and shall be applied to the parent lot.
 - b. Drainage shall be designed for the parent lot. Design and construction on each unit lot shall comply with the approved drainage plan for the parent lot.
 - c. Snow storage shall be provided and shall be applied to the parent lot.
 - d. Refuse collection standards shall be applied in accordance and shall be applied to the unit lots.
 - e. Off-street parking requirements. The minimum parking requirement (after any applicable reductions are granted) shall be provided but may be provided on a different unit lot from the unit lot it is assigned to, or in a common ownership area, as long as the right to use that parking is formalized by an easement on the plat.
 - f. Where multiple unit lots abut a street, driveway cuts shall be minimized, either through shared access on the other side of the buildings from the street, or by shared driveways.
 - g. Water and sewer service.....
7. Covenants, Conditions, and Restrictions
- a. A Homeowners' Association with covenants, conditions, and restrictions is required for each unit lot subdivision, in order to ensure the long term success, maintenance, cohesive appearance, and curb appeal of a small subdivision.
 - b. Prior to recording the final plat, the applicant shall provide access easements, joint use and maintenance agreements, and final covenants, conditions, and restrictions identifying the rights and responsibilities of property owners and/or the homeowners' association, complying with the requirements described below, in a form satisfactory to the Director. The documents shall be reviewed and approved by the director, and shall then be recorded with the State
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Comment [LB5]: This limits only one of the unit lots to have a commercial use.

Comment [LB6]: No accessory apartments are allowed – which would add to density.

Comment [LB7]: Do we want to allow for density bonuses?

Comment [LB8]: Parking requirements can be met on each unit lot or the parent lot or a combination of both.

Comment [LB9]: Multifamily projects may have an internal private driveway.

Comment [LB10]: Do we want to regulate this?

Recorders Office.

- c. Prior to recording the final plat, the applicant shall provide evidence that the Homeowners' Association has been incorporated pursuant to the laws of the State of Alaska.
 - d. The covenants, conditions, and restrictions shall provide authority for the Homeowners' Association to perform required maintenance, repairs, or replacement, to recover any costs incurred by the Homeowners' Association to maintain, repair, or replace components that are the responsibility of the unit lot owners which are visible from the exterior of the residence, due to a failure of individual owner of the unit lot to adequately maintain, repair, or replace these components.
 - e. The covenants, conditions, and restrictions shall identify/define areas and components which are the responsibility of the Homeowners' association to maintain, repair and replace and areas and components which are the responsibility of the individual unit lot owners to maintain, repair, and replace.
 - f. In unit lot subdivision developments, the Homeowners' Association shall be responsible for maintenance, repair, and replacement of, including without limitation, shared landscaping; easements for: vehicle and pedestrian access, joint use and access, parking, open space, and similar areas; snow removal within shared areas and easements; on-site private utility and drainage infrastructure; and, except as provided in subsection 7.g. below, exterior building components which are visible from outside the building including without limitation: roofs, siding, gutters, decks and porches, and other similar features. For purposes of this section, maintenance obligations of the Homeowners' Association need not include snow clearing and removal from the exterior building components.
 - g. For unit lot subdivisions where all units are detached units, the Homeowners' Association is not required to be responsible for exterior building components which are visible from outside the building including without limitation: roofs, siding, gutters, decks and porches, and other similar features. Per subsection 7.d. above, the Homeowners' Association does have authority to perform required maintenance, repairs, or replacement and recover costs associated with maintenance, repairs, or replacement to exterior building components which are the responsibility of individual unit lot owners' and which are visible from the exterior of the residence.
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Comment [LB11]: We don't currently require this.

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- h. The Homeowners' Association shall maintain in reserves, or in their operating budget, adequate funding for maintenance, repairs, and future replacement of the items and areas for which the Homeowners' Association is responsible per subsection 7.f. above.
 - i. The Homeowners' Associations shall perform all maintenance, repair, and replacement of the improvements that are the responsibility of the Homeowners' Association in accordance with applicable codes and the covenants, conditions, and restrictions.
 - j. Individual unit lot owners shall perform all maintenance, repair, and replacement of the improvements that are the responsibility of the individual unit lot owners in accordance with applicable municipal codes and the covenants conditions, and restrictions.
8. Existing Development
Existing development may be subdivided through the unit lot subdivision process if it meets or can be made to meet the requirements of this title.
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Comment [LB12]: We don't require this now.