

## CHAPTER 21.05: USE REGULATIONS

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## CHAPTER 21.05: USE REGULATIONS

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### 21.05.010 TABLE OF ALLOWED USES

Table 21.05-1 below lists the uses allowed within all base zoning districts in the Anchorage Bowl. (See chapters 21.09 and 21.10 for regulations specific to Girdwood and Chugiak-Eagle River, respectively.) Each of the listed uses is defined in sections 21.05.030 through 21.05.060.

#### A. Explanation of Table Abbreviations

The abbreviations in the table indicate the type of review process required for a use within a zoning district. District-specific standards in chapter 21.04, use-specific standards in chapter 21.05, or design and development standards in chapter 21.07 may require a higher level of review than indicated in the table under specific circumstances. For example, many commercial uses are allowed by right (“P” for permitted use) in various zoning districts as indicated in the table, but are required to be approved by major site plan review if the gross floor area of the use is over the size threshold for a large commercial establishment. That threshold and requirement for a higher level of review are found in subsection 21.07.120A.

##### 1. Permitted Uses

“P” in a cell indicates that the use is allowed by right in the respective zoning district. Permitted uses are subject to all applicable regulations of this title, including the use-specific standards set forth in this chapter and the development and design standards set forth in chapter 21.07.

##### 2. Administrative Site Plan Review

“S” in a cell indicates that the use requires administrative site plan review in the respective zoning district in accordance with the procedures of section 21.03.180C., *Administrative Site Plan Review*. The site plan review process is intended to determine compliance with the development standards of this title, not to review the appropriateness of the use itself.

##### 3. Major Site Plan Review

“M” in a cell indicates that the use requires major site plan review in the respective zoning district, in accordance with the procedures of section 21.03.180D., *Major Site Plan Review*. The site plan review process is intended to determine compliance with the development standards of this title, not to review the appropriateness of the use itself.

##### 4. Conditional Uses

“C” in a cell indicates that, in the respective zoning district, the use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.03.080, *Conditional Uses*. Throughout this title, the term “conditionally allowed” means that approval through the conditional use process is required.

##### 5. Special Land Use Permit for Marijuana

“T” in a cell indicates that the use requires a special land use permit for marijuana in accordance with the procedures of section 21.03.105.

##### 6. Multiple Abbreviations

Where table 21.05-1 indicates more than one abbreviation for a particular use, such as “P/M” or “S/M,” then the applicable review procedure is determined by size, geographic location, or other characteristic of the use as specified in this code.

##### 7. Prohibited Uses

A blank cell indicates that the use is prohibited in the respective zoning district.

**8. Definitions and Use-Specific Standards**

Each use listed in table 21.05-1 is defined in this chapter. Regardless of whether a use is allowed by right, subject to major or administrative site plan review, or permitted as a conditional use, there may be additional standards that are applicable to the use. The cross-reference in the last column of the table identifies the code location of the definition and any use-specific standards. Any standards apply in all districts unless otherwise specified.

**B. Table Organization**

In table 21.05-1, land uses and activities are classified into general “use categories” and specific “use types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories, and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

**C. Unlisted Uses**

When application is made for a use type that is not specifically listed in table 21.05-1, the procedure in section 21.03.220, *Use Classification Requests*, shall be followed.

**D. Use for Other Purposes Prohibited**

Approval of a use listed in table 21.05-1, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in the table and approved under the appropriate process or approved through section C. above, is prohibited.

**E. TABLE OF ALLOWED USES – RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS**

**TABLE 21.05-1: TABLE OF ALLOWED USES – RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS**  
 P = Permitted Use S = Administrative Site Plan Review C = Conditional Use M = Major Site Plan Review  
 For uses allowed in the A, TA, and TR districts, see section 21.04.050.  
 All other uses not shown are prohibited.

Use Category	Use Type	RESIDENTIAL													COMMERCIAL					INDUST.			OTHER					Definitions and Use-Specific Standards											
		R-1	R-1A	R-2A	R-2D	R-2M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2'	MI	AF	DR	PR	PLI		W										
RESIDENTIAL USES																																							
Household Living	Dwelling, mixed-use							P	P										P	P	P	P	C											21.05.030A.1.					
	Dwelling, multifamily					P/S	P	P	P											P	P	P												21.05.030A.2.					
	Dwelling, single-family, attached			P	P	P	P	P																											21.05.030A.3.				
	Dwelling, single-family, detached	P	P	P	P	P	P	P		P	P	P	P	P	P													P							21.05.030A.4.				
	Dwelling, townhouse					S	S	S	S												S	S														21.05.030A.5.			
	Dwelling, two-family			P	P	P	P	P		P	P	P	P	P																							21.05.030A.6.		
	Dwelling, mobile home									P																											21.05.030A.7.		
	Manufactured home community					C	C	C		C																												21.05.030A.8.	
Group Living	Assisted living facility (3-8 residents)	P	P	P	P	P	P	P	P	P	P	P	P	P	P																						21.05.030B.1.		
	Assisted living facility (9 or more residents)	C	C	C	C	P	P	P	P	P	C	C									P	P	P	P	C									C			21.05.030B.1.		
	Correctional community residential center																					C	C			C	C									C			21.05.030B.2.
	Habilitative care facility, small (up to 8 residents)	P	P	P	P	P	P	P	P	P	P	P										P	P	P											P			21.05.030B.3.	

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		R-1	R-1A	R-2A	R-2D	R-2M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2'	MI	AF	DR	PR	PLI		W
	Habilitative care facility, medium (9-25 residents)	C	C	C	C	C	P	P	P	C	C	C					P	P	P								C		21.05.030B.3.
	Habilitative care facility, large (26+ residents)						P	P	P								P	P	P								C		21.05.030B.3.
	Roominghouse					C	P	P	P	C	C	C	C	C		P	P	P	P										21.05.030B.4.
	Transitional living facility						P	P	P								P	P									C		21.05.030B.6.
<b>COMMUNITY USES</b>																													
Adult Care	Adult care facility (3 to 8 persons)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								P		21.05.040A.
	Adult care facility (9 or more persons)	C	C	C	C	C	C	C	C								P	P	P										
Child Care	Child care center (9 or more children)	C	C	C	C	S	S	S	S	S	S	S	S	S	S	P	P	P	P								P		21.05.040B.1.
	Child care home (up to 8 children)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										21.05.040B.2.
Community Service	Cemetery or mausoleum																										P		21.05.040C.1.
	Community center						S	S	S								S	S	S							C	S		21.05.040C.2.
	Crematorium																	P				P	P				C		21.05.040C.3.
	Government administration and civic facility																P/S/M	P/S/M	P/S/M	P/S/M	P/S/M	C				M	P/S/M		21.05.040C.4.
	Homeless and transient shelter																										C		21.05.040C.5.

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		R-1	R-1A	R-2A	R-2D	R-2M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2'	MI	AF	DR	PR	PLI		W
	Neighborhood recreation center	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P								S		21.05.040C.6.
	Religious assembly	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P		P	P					P		21.05.040C.7.
	Social service facility						C	C	C								C	P	P	C						P		21.05.040C.8.	
Cultural Facility	Aquarium																	M		M			M		M	M		21.05.040D.1.	
	Botanical gardens																								S	S		21.05.040D.2.	
	Library	S	S	S	S	S	S	S	S	S							M	M	M	M						M		21.05.040D.3.	
	Museum or cultural center																	M	M		M	C				M	M		21.05.040D.4.
	Zoo																									C	C		21.05.040D.5.
Educational Facility	Boarding school						M	M	M										P	M						M		21.05.040E.1.	
	College or university								M									M	M	M	M					M		21.05.040E.2.	
	Elementary school or middle school	P/M	P/M	P/M	P/M	P/M	P/M	P/M	P/M	P/M	P/M	P/M						P/M	P/M	P/M						P/M		21.05.040E.3.	
	High school	P/M	P/M	P/M	P/M	P/M	P/M	P/M	P/M	P/M	P/M							P/M	P/M	P/M						P/M		21.05.040E.4.	
	Instructional services	C	C	C	C	C	C	C	P	C	C	C	C	C			P	P	P	P	C	P/C		P			C		21.05.040E.5.
	Vocational or trade school																		C		P	P	P				M		21.05.040E.6.
Health Care Facility	Health services								P								P	P	P	P	C	P <sup>6</sup>				C		21.05.040F.1.	
	Hospital/health care facility																		P	P							C		21.05.040F.2.

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		R-1	R-1A	R-2A	R-2D	R-2M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2'	MI	AF	DR	PR	PLI		W	
	Nursing facility						C	C									P/C	P	C								C		21.05.040F.3.	
Parks and Open Area	Community garden					P	P	P	P								P	P	P	P						P	P		21.05.040G.1.	
	Park, public or private	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	21.05.040G.2.	
Public Safety Facility	Community or police substation					P	P	P	P								P	P	P	P	P	P	P				P		21.05.040H.1.	
	Correctional institution																					C	C					C	21.05.040H.2.	
	Fire station	M	M	M	M	M	M	M	M	M	M	M	M	M	M		M	M	M	M	M	M	M				M		21.05.040H.3.	
	Public safety facility																		C		P	P	P	P				C	21.05.040H.4.	
Transportation Facility	Airport																					C						C	21.05.040I.1.	
	Airstrip, private	C	C	C	C	C				C	C	C										C						C	21.05.040I.2.	
	Heliport	C	C	C	C	C				C	C	C							C		C	C	C	P				C	21.05.040I.3.	
	Rail yard																					P	P	P					21.05.040I.4.	
	Railroad freight terminal																				P	P	P	P					21.05.040I.5.	
	Railroad passenger terminal																			S		C	S	S	S				M	21.05.040I.6.
	Transit center																			S		C							S	21.05.040I.7.
Utility Facility	Tower, high voltage transmission	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	21.05.040J.1.	



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 All other uses not shown are prohibited.

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		R-1	R-1A	R-2A	R-2D	R-2M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2'	MI	AF	DR	PR	PLI		W
	Utility facility																		C	C	P	P				C	C	21.05.040J.2.	
	Utility substation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	S	S	S	S	S	P	P	P	S	S		S	S	21.05.040J.3.
	Wind energy conversion system (WECS), utility																					C	C	C			C		21.05.040J.4.
Telecommunication Facilities	Antenna only, large <sup>4</sup>															P	P	P		P	P	P	P	P		S	P	P	21.05.040K.
	Antenna only, small <sup>4</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.040K.
	Type 1 tower <sup>4</sup>															P	P	P	C	P	P	P	P	P/C <sup>5</sup>	P	C	C	P	21.05.040K.
	Type 2 tower <sup>4</sup>															C	C	P	C	P	P	P	P	S/C <sup>5</sup>	C	C	C	S	21.05.040K.
	Type 3 tower <sup>4</sup>															P	P	P		P	P	P	P	P/C <sup>5</sup>	P			P	21.05.040K.
	Type 4 tower <sup>4</sup>															P	P	P	S	P	P	P	P	P/C <sup>5</sup>	P	S	S	P	21.05.040K.
<b>COMMERCIAL USES</b>																													
Agricultural Uses	Commercial horticulture	C	C	C	C	C					C	C	C	C	C			P			P	P					C		21.05.050A.1.
Animal Sales, Service & Care <sup>2</sup>	Animal Boarding <sup>2</sup>																P	P			P	P							21.05.050B.1.
	Animal shelter <sup>2</sup>																	S			P	P					M		21.05.050B.2.
	Large domestic animal facility, principal use <sup>2</sup>																	C			P	C				C	C		21.05.050B.3.

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 All other uses not shown are prohibited.

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		R-1	R-1A	R-2A	R-2D	R-2M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2'	MI	AF	DR	PR	PLI		W					
	Retail and pet services <sup>2</sup>							P							P	P	P			P	C											21.05.050B.4.		
	Veterinary clinic <sup>2</sup>							P		C	C	C	C		P	P	P	P		P	C											21.05.050B.5.		
Assembly	Civic / convention center																		C								C				21.05.050C.1. 21.05.020A.			
	Club / lodge / meeting hall						C	S	S							P	P	P			P						S					21.05.050C.2. 21.05.020A.		
Entertainment and recreation <sup>2</sup>	Amusement establishment <sup>2</sup>															C	P			P/C												21.05.050D.1. 21.05.020A.		
	Entertainment facility, major <sup>2</sup>																C			C	C				C	C						21.05.050D.2. 21.05.020A.		
	Fitness and recreational sports center <sup>2</sup>							S	P						P	P	P	P	C	P/C					C	C						21.05.050D.3.		
	General outdoor recreation, commercial <sup>2</sup>																	P			P	C				M	C					21.05.050D.4.		
	Golf course <sup>2</sup>																									C	C						21.05.050D.5.	
	Motorized sports facility <sup>2</sup>																				C	C				C	C						21.05.050D.6. 21.05.020A.	
	Movie theater <sup>2</sup>																C	M		C	S	C											21.05.050D.7. 21.05.020A.	
	Nightclub <sup>2</sup>																	P			P													21.05.050D.8. 21.05.020A.
	Shooting range, outdoor <sup>2</sup>																				C	C					C	C						21.05.050D.9.
	Skiing facility, alpine <sup>2</sup>																										C	C						21.05.050D.10
	Theater company or dinner theater <sup>2</sup>																C	P	P	P	C													21.05.050D.11 21.05.020A.

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		R-1	R-1A	R-2A	R-2D	R-2M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2'	MI	AF		DR	PR	PLI	W
Food and Beverage Service <sup>2</sup>	Bar <sup>2</sup>																P		P	P	C							21.05.050E.1. 21.05.020A.	
	Food and beverage kiosk <sup>2</sup>															P	P	P	P	P	P	P	P			P			21.05.050E.2. 21.05.020A.
	Restaurant <sup>2</sup>										S	P				P	P	P	P	P	P	C				P	C		21.05.050E.3. 21.05.020A.
Office	Broadcasting facility																P	C		P	C					P		21.05.050F.1.	
	Financial institution															P	P	P	P	C	P	C							21.05.050F.2.
	Office, business or professional															P	P	P	P	P	P	P					P		21.05.050F.3.
Personal Services, Repair, and Rental	Business service establishment															C	P	P	P	C	P	C							21.05.050G.1.
	Funeral/mortuary services																C	P	P		P								21.05.050G.2.
	General personal services															P	P	P	P	C	P								21.05.050G.3.
	Small equipment rental																P	P		P	P	C	P						21.05.050G.4.
Retail Sales <sup>2</sup>	Auction house <sup>2</sup>																	P	P	P	P							21.05.050H.1.	
	Building materials store <sup>2</sup>																P	P			P	C							21.05.050H.2.
	Convenience store <sup>2</sup>									C	S	P				P	P	P	C	P	C							21.05.050H.3. 21.05.020A.	
	Farmers market <sup>2</sup>																P	P	P	P	P	P				P	P		21.05.050H.4.
	Fueling station <sup>2</sup>																C	P	P	P	P	P	P						21.05.050H.5. 21.05.020A.

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 For uses allowed in the A, TA, and TR districts, see section 21.04.050.  
 All other uses not shown are prohibited.

Use Category	Use Type	RESIDENTIAL										COMMERCIAL					INDUST.			OTHER					Definitions and Use-Specific Standards															
		R-1	R-1A	R-2A	R-2D	R-2M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2'	MI	AF		DR	PR	PLI	W											
	Furniture and home appliance store <sup>2</sup>																P	P		C	P	C											21.05.050H.6.							
	General retail <sup>2</sup>																P	P	P		P	P												21.05.050H.7.						
	Grocery or food store <sup>2</sup>																S	S			C	P												21.05.050H.8. 21.05.020.A.						
	Liquor store <sup>2</sup>																				C	P	C											21.05.050H.9. 21.05.020.A.						
	Pawnshop <sup>2</sup>																																		21.05.050H.10					
Vehicles and Equipment	Aircraft and marine vessel sales																				P	P	P	P										21.05.050I.1.						
	Parking lot or structure (50+ spaces)																C	C	C	C		C	C	P	P	P				C	C	S			21.05.050I.2. or I.3.					
	Parking lot or structure (less than 50 spaces)																C	C	C	C			P	P	P	P	P				P	P	P			21.05.050I.2. or I.3.				
	Vehicle parts and supplies <sup>2</sup>																									P	P										21.05.050I.4.			
	Vehicle-large, sales and rental <sup>2</sup>																										P	P										21.05.050I.5.		
	Vehicle-small, sales and rental <sup>2</sup>																											P	C	P	P									21.05.050I.6.
	Vehicle service and repair, major																												P	P										21.05.050I.7.
	Vehicle service and repair, minor																							C	C	P				P	P									21.05.050I.8.
Visitor Accommodations	Camper park																																						21.05.050J.1.	
	Extended-stay lodgings																																						21.05.050J.2.	

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	Hostel					C	S	S	S									P	S		S													21.05.050J.3.			
	Hotel/motel																	P	M	C	S													21.05.050J.4. 21.05.020A.			
	Inn																P	P	S	C	S													21.05.050J.5. 21.05.020A.			
	Recreational and vacation camp													C							P											C		21.05.050J.6.			
<b>COMMERCIAL MARIJUANA USES</b>																																					
	Marijuana cultivation facility																		T <sup>3</sup>			T	T											21.05.055B.1. 21.03.105			
	Marijuana manufacturing facility																		T <sup>3</sup>			T	T												21.05.055B.2. 21.03.105		
	Marijuana testing facility																		T			T	T													21.05.055B.3. 21.03.105	
	Marijuana retail sales establishment <sup>2</sup>																		T			T	T <sup>3</sup>												21.05.055B.4. 21.03.105		
<b>INDUSTRIAL USES</b>																																					
Industrial Service	Contractor and special trades, light																	S/C			P	P													21.05.060A.1.		
	Data processing facility																	P	P		P	C											P			21.05.060A.2.	
	Dry cleaning establishment																	P			P	P															21.05.060A.3.
	General industrial service																				P	P	P														21.05.060A.4.
	Governmental service																				P	P	P										C			21.05.060A.5.	

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	Heavy equipment sales and rental																				P	P												21.05.060A.6.
	Research laboratory																	P	P	P	P	P	P								S			21.05.060A.7.
Manufacturing and Production	Commercial food production																	C			P	P	P								P			21.05.060B.1.
	Cottage crafts																			C	P	P												21.05.060B.2.
	Manufacturing, general																				P	P	P											21.05.060B.3.
	Manufacturing, heavy																				C	P	P											21.05.060B.4.
	Manufacturing, light																		S/C	C	P	P	P											21.05.060B.5.
	Natural resource extraction, organic and inorganic	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		21.05.060B.6.
	Natural resource extraction, placer mining																						C									C	C	
Marine Facility	Aquaculture																			C		C	P								C			21.05.060C.1.
	Facility for combined marine and general construction																				P	P	P											21.05.060C.2.
	Marine operations																			P	P	P	P											21.05.060C.3.
	Marine wholesaling																			P	P	P	P											21.05.060C.4.

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Warehouse and Storage	Bulk storage of hazardous materials <sup>7</sup>																				C	C	P								21.05.060D.1.
	Impound yard																					P	P					C			21.05.060D.2.
	Motor freight terminal																					P	P	P							21.05.060D.3.
	Outdoor storage associated with a community use																										M	M			21.05.060D.8.
	Outdoor storage of vehicles and/or equipment associated with a community use																										M	M			21.05.060D.9.
	Self-storage facility																					P/C	P								21.05.060D.4.
	Storage yard																							P	P	P					21.05.060D.5.
	Warehouse or wholesale establishment, general																												C		21.05.060D.6.
	Warehouse or wholesale establishment, light																							S/C	P	P	P			C	
Waste and Salvage	Composting facility																						P					C		21.05.060E.1.	
	Incinerator or thermal desorption unit																							C				C		21.05.060E.3.	
	Junkyard or salvage yard																							C						21.05.060E.4.	

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		R-1	R-1A	R-2A	R-2D	R-2M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2 <sup>1</sup>	MI	AF	DR	PR	PLI		W
	Land reclamation	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	21.05.060E.5.	
	Landfill																					C				C		21.05.060E.6.	
	Recycling drop-off																				P	P					P		21.05.060E.7.
	Snow disposal site	C	C	C	C	C	C			C	C	C										C	C	S	S	S		C	21.05.060E.8.
	Solid waste transfer facility																										C		21.05.060E.9.
	Stormwater sediment management facility										C	C	C																21.05.060E.10

<sup>1</sup> See subsections 21.04.050B. and C. for interim provisions allowing for additional uses in the I-2 district.  
<sup>2</sup> Uses with structures with a gross floor area over 20,000 square feet require a major site plan review through subsection 21.07.120A., *Large Commercial Establishments*.  
<sup>3</sup> See subsection 21.05.055B. for restrictions on the establishment of this use in this zoning district.  
<sup>4</sup> In accordance with subsection 21.05.040K.3.g., a tower or antenna that is not permitted in a district may be requested through the conditional use process.  
<sup>5</sup> In the AF district, three towers per lot are permitted by right (or, for Type 2 towers, by administrative site plan review). The installation of more than three towers per lot requires a conditional use permit.  
<sup>6</sup> Health services facilities not to exceed 15,000 gross square feet per individual parcel.  
<sup>7</sup> See subsection 21.05.060D.1.b for specific use provisions applicable within the Port of Anchorage Security Area.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2013-139, 01-28-14; AO 2014-58, 5-20-14; 2015-133(S), 2-23-16; AO 2015-142(S-1), 6-21-16; AO 2016-3(S), 2-23-16; AO 2016-131, 11-15-16; AO 2016-136, 11-15-16; AO 2016-156, 12-20-16; AO 2017-10, 1-24-17; AO 2017-57, 4-11-17; AO 2017-74, 5-23-17)



**21.05.020      GENERALLY APPLICABLE USE STANDARDS**

**A.      Uses Involving the Retail Sale of Alcoholic Beverages**

Any use that involves the retail sale of alcoholic beverages is subject to the special land use permit for alcohol review process in section 21.03.040, *Alcohol—Special Land Use Permit*. That process shall apply to any such use regardless of whether it is listed in table 21.05-1, chapter 21.09, or chapter 21.10 as being permitted as a matter of right or subject to site plan or conditional use review. The applicant shall be required to obtain approval through both the special land use permit for alcohol process and the separate process referenced in table 21.05-1, chapter 21.09, or chapter 21.10. A cross-reference to this section 21.05.020A. in table 21.05-1, chapter 21.09, or chapter 21.10 is not required for the operator of a use to request approval under section 21.03.040.

**B.      Premises Containing Uses Where Children are Not Allowed**

Premises containing uses where children are not allowed are defined in AMC section 10.40.050. Any premises containing uses where children are not allowed, regardless of whether it is listed in table 21.05-1, chapter 21.09, or chapter 21.10 as being permitted as a matter of right or subject to site plan or conditional review, shall comply with the requirements of this subsection 21.05.020B. The applicant shall be required to obtain approval through the process referenced in table 21.05-1, chapter 21.09, or chapter 21.10 and also to comply with the standards of this subsection 21.05.020B.

**1.      Purpose**

Certain types of enterprises are places where children unaccompanied by an adult guardian or parent are prohibited. These enterprises have been determined, by court-accepted independent studies, to produce secondary impacts on surrounding land uses. The impacts include a decline in property values; an increase in the level of criminal activity, including prostitution, rape, and assaults, in the vicinity of these types of enterprises; and the degradation of the community standard of morality by inducing a loss of sensitivity to the adverse effect of pornography upon children, upon established family relations, and upon respect for marital relationships. The purpose of this section is to segregate such enterprises from places frequented by minors in order to reduce the influence of these enterprises on minors.

**2.      Minimum Distance from Certain Uses**

Except as provided in subsection B.3. below, permitted principal uses, accessory uses, or conditional uses that are prohibited by law from having minors or unaccompanied minors on the premises for reasons other than existence of marijuana or sale of liquor, shall be located so that all portions of the lot on which the use is located shall be 1,000 feet or more from the property line of:

- a.      A school or instructional service serving any combination of grades kindergarten through 12;
- b.      A public park;
- c.      A religious assembly;
- d.      Property zoned residential;
- e.      Property in the TA district designated as “residential” in the *Turnagain Arm Comprehensive Plan*;
- f.      A community center;
- g.      A neighborhood recreation center;
- h.      Child care centers; or

- i. Public libraries.
3. **Compliance with State Standards**  
Where the state has provided specific standards for determining an enterprise's permissible location, the state's means of measurement shall apply. Such enterprises shall also comply with subsection B.2. above if the enterprise engages in other activities not regulated by the state for which AMC title 8 prohibits the presence of minors or unaccompanied minors on the premises.
4. **Administrative Permit Required**  
An administrative permit is required and shall be on display in a prominent place. This permit shall certify that the enterprise is in compliance with subsection B.2. or B.3. of this section, as applicable. This permit shall be obtained from the director, pursuant to section 21.03.030, *Administrative Permits*. This permit shall remain valid so long as the enterprise remains in continuous operation at that location and does not physically expand. In addition, a permit granted under subsection B.3. shall remain valid so long as the enterprise does not engage in an activity for which a permit is required under subsection B.2.
5. **Premises Without Permit**  
An enterprise not in possession of a permit must immediately cease all activities for which a permit pursuant to this section is required.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2016-3(S), 2-23-16)

## **21.05.030 RESIDENTIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS**

This section defines the general residential use categories and specific residential use types listed in table 21.05-1. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, or subject to a site plan or conditional use review process.

### **A. Household Living**

This category is characterized by residential occupancy of a dwelling unit by a "household," which is defined in chapter 21.14. Tenancy is arranged on a month-to-month or longer basis. Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants' vehicles. Specific use types include:

1. **Dwelling, Mixed-Use**
  - a. **Definition**  
A dwelling that is located on the same lot or in the same building as a non-residential use, in a single environment in which both residential and non-residential amenities are provided.
  - b. **Use-Specific Standards**
    - i. Two or more mixed-use dwellings in the same building with a non-residential use constitute a mixed-use development.
    - ii. Two or more mixed-use dwellings shall comply with the applicable design standards of section 21.07.110, *Residential Design Standards*, as determined by the building style.
2. **Dwelling, Multifamily**
  - a. **Definition**  
A residential building or multiple residential buildings comprising three or more dwelling units on one lot. The definition includes the terms "apartment" or "apartment building."
  - b. **Use-Specific Standards**

- 
- i. Multifamily developments that consist of three or more units in one building shall comply with section 21.07.110C., *Standards for Multifamily Residential*, except as provided in subsection b.iii. below.
          - ii. *Dwellings with single-family style and two-family style construction* in multifamily developments shall comply with the residential design standards in subsection 21.07.110D.
          - iii. *Dwellings with townhouse style construction* in multifamily developments shall comply with section 21.07.110C., *Standards for Multifamily and Townhouse Residential*.
  3. **Dwelling, Single-Family Attached**
    - a. **Definition**

One dwelling unit in a building on its own lot, with one or more walls abutting the wall or walls of one other single-family dwelling unit on an adjacent lot.
    - b. **Use-Specific Standards**
      - i. *Residential Design Standards*

Single-family attached dwellings constructed after January 1, 2014 shall comply with the applicable residential design standards in section 21.07.110, *Residential Design Standards*.
      - ii. *Common Party Wall Agreement*

A common party wall agreement shall be recorded. The agreement shall provide for maintenance of the structure and other improvements in good condition, and for maintenance of the uniformity and common appearance of the exterior of all structures and landscaping.
      - iii. *Access; No Vertical Stacking*

Each unit shall have its own access to the outside, and no unit may be located over another unit in whole or in part.
      - iv. *Side Setback Requirement*

Detached accessory structures shall comply with the side setback requirement of the underlying zoning district on the common lot line between attached residential units.
  4. **Dwelling, Single-Family Detached**
    - a. **Definition**

One detached building on its own lot, erected on a permanent foundation, designed for long-term human habitation exclusively by one household, having complete living facilities, and constituting one dwelling unit.
    - b. **Use-Specific Standard**

Single-family detached dwellings constructed after January 1, 2014 shall comply with the applicable residential design standards in section 21.07.110, *Residential Design Standards*.
  5. **Dwelling, Townhouse**
    - a. **Definition**

A building containing three or more single-family dwelling units erected in a single row, with each unit on its own lot and having its own separate entrance.
    - b. **Use-Specific Standards**
      - i. *Residential Design Standards*

Townhouse dwellings shall comply with the applicable residential design standards in section 21.07.110, *Residential Design Standards*.

- ii. *Common Party Wall Agreement*  
A common party wall agreement shall be recorded. The agreement shall provide for maintenance of the structure and other improvements in good condition, and for maintenance of the uniformity and common appearance of the exterior of all structures and landscaping.
          - iii. *Access; No Vertical Stacking*  
Each unit shall have its own access to the outside, and no unit may be located over another unit in whole or in part.
          - iv. *Side Setback Requirement*  
Detached accessory structures shall comply with the side setback requirement of the underlying zoning district on the common lot line between attached residential units.
6. **Dwelling, Two-Family**
  - a. ***Definition***  
One detached building on one lot designed for and constituting two dwelling units. The definition includes the term “duplex.”
  - b. ***Use-Specific Standard***  
Two-family dwellings constructed after January 1, 2014 shall comply with the applicable residential design standards in section 21.07.110, *Residential Design Standards*.
7. **Dwelling, Mobile Home**
  - a. ***Definition***  
A transportable, factory-built dwelling unit designed and intended to be used as a year-round dwelling, and built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1976.
  - b. ***Use-Specific Standard***  
Only one mobile home is allowed per lot in the R-5 district, unless the lot is within a manufactured home community. A mobile home shall be placed on a permanent foundation unless it is located within a manufactured home community.
8. **Manufactured Home Community (MHC)**
  - a. ***Definition***  
Any parcel or adjacent parcels of land in the same ownership that are utilized for occupancy by more than two mobile homes or manufactured homes. This term shall not be construed to mean tourist facilities for parking of travel trailers or campers, which are classified under “camper park.”
  - b. ***Use-Specific Standards***  
All MHCs within the municipality shall be constructed, operated, and maintained in accordance with the general standards listed below.
    - i. ***Compliance with Applicable Regulations***  
MHCs shall be constructed, operated, and maintained in conformance with all applicable state statutes and regulations and local ordinances; provided, however, that the provisions of chapter 21.12, *Nonconformities*, of this title shall not be applied to prohibit the removal and replacement of a mobile home or manufactured home on a space within a MHC subject to that chapter.
    - ii. ***Responsibility for Compliance***  
Complete responsibility for standards established by this subsection and for construction within a MHC shall rest with the owner of such community.

- iii. *Minimum Site Size*  
MHCs shall be on sites of at least two acres.
- iv. *Maximum Site Density*  
Gross density for MHCs shall not exceed eight units per acre.
- v. *Impermanent Foundations*  
No mobile homes and manufactured homes within an MHC shall be placed on a permanent foundation.
- vi. *Mobile Home or Manufactured Home Spaces*
  - (A) *Occupancy*  
No mobile home or manufactured home space shall contain more than one manufactured home, mobile home or duplex mobile home or manufactured home. No other dwelling unit shall occupy a mobile home or manufactured home space.
  - (B) *Minimum Size*  
In manufactured home communities created after [effective date], all single mobile home or manufactured home spaces shall have a minimum of 3,500 square feet of land area and all duplex mobile home or manufactured home space shall have a minimum of 5,000 square feet of land area.
  - (C) *Mobile Home or Manufactured Home Separation*
    - (1) No part of any mobile home, manufactured home, accessory building, or its addition shall be placed closer than 15 feet from any other mobile home, manufactured home, or its addition, or no closer than ten feet if that mobile home, manufactured home, accessory building, or its addition being placed meets NFPA (National Fire Protection Act) 501A and HUD #24 CFR 328O standards.
    - (2) The requirements of sections 21.06.030C.2., *Projections into Required Setbacks* and 21.05.070, *Accessory Uses and Structures*, shall not apply to MHCs. All mobile homes, manufactured homes, and accessory structures shall be placed at least five feet from the front space line. Steps shall not be considered in determining the separations required by this subsection.
  - (D) *Access*  
Each mobile home or manufactured home space shall have direct access to an internal street. Direct access to exterior public streets is prohibited.
- vii. *Streets and Drainage Facilities*  
All streets within an MHC shall comply with the following standards:
  - (A) *Street Surface*  
All streets shall be surfaced with all-weather materials, such as asphalt or concrete, to a minimum surface width of 33 feet.
  - (B) *Right-of-Way Width*  
Any street that services 100 spaces or more shall be classified as a major street. Major streets shall have a minimum right-of-way width of 50 feet. All other streets shall have a minimum right-of-

way width of 40 feet. Streets are not required to be dedicated as public rights-of-way.

**(C)** *Cul-De-Sac Streets*

No street shall dead end except for cul-de-sac streets that are no more than 650 feet in length and have a minimum turning radius of 50 feet at the termination point of the cul-de-sac.

**(D)** *Intersections*

No street shall extend more than 650 feet in length between street intersections. Intersecting streets shall cross at 90-degree angles from an alignment point 100 feet from the point of intersection. No street intersection shall be closer than 130 feet to any other street intersection.

**(E)** *Street Frontage*

Double-frontage spaces are prohibited, except that reverse-frontage spaces may back against streets bordering the MHC.

**(F)** *Street Layout*

Streets shall be laid out so that their use by through traffic will be discouraged.

**(G)** *Street Grades*

Street grades shall not exceed six percent. Street grades within 100 feet of intersections shall not exceed four percent.

**(H)** *Street Curves and Visibility*

The radius of street curves (between intersections) shall exceed 100 feet. Streets shall be constructed to provide clear visibility as measured along a centerline of the street for a minimum distance of 150 feet.

**(I)** *Crosswalks*

Pedestrian crosswalks not less than ten feet in width may be required in blocks longer than 330 feet to provide reasonable circulation or access to schools, playgrounds, shopping centers, convenience establishments, service buildings or other community facilities. Signs approved by the traffic department shall be provided at crossing locations.

**viii.** *Water and Sewage Systems*

All mobile homes in MHCs shall be connected to water and sewage systems approved by the appropriate governmental body before they may be occupied.

**ix.** *Landscaping*

**(A)** L2 buffer landscaping shall be planted along each boundary of the MHC, except for vehicular and pedestrian ingress and egress points. Where two MHCs share a common lot line, the L2 buffer landscaping shall be split, with seven and one half feet (of the total 15 foot requirement) on each lot. Along MHC lot lines abutting a dedicated park, the landscaping requirement shall be halved.

**(B)** All areas not devoted to mobile home or manufactured home spaces, structures, drives, walks, off-street parking facilities, or other required landscaping shall be planted with site enhancement landscaping.050

- x. *Additions to Mobile Homes or Manufactured Homes; Accessory Buildings*
- (A) *Generally*  
All additions and accessory buildings shall be subject to the spacing and setback requirements for mobile homes and manufactured homes. Any addition or accessory building shall be constructed in accordance with building safety code regulations pertaining to temporary structures, provided that additions will not be required to have a permanent foundation.
- (B) *Height*  
The height of accessory buildings is limited to that of the underlying zoning district. In the case of districts where the height is unrestricted, the maximum height of accessory structures shall be 12 feet. The height of additions to mobile homes or manufactured homes is limited to that of the underlying zoning district. The use of any area created above the original roof line of the mobile home or manufactured home as living space is prohibited.
- (C) *Exits*  
The number of exterior exits from additions shall be equal to or greater than the number of exits leading from the mobile home or manufactured home to the addition. When two exterior exits are required from additions, they shall be placed a distance apart equal to one-fifth of the total perimeter of the addition.
- xi. *Refuse Collection*  
A MHC operator shall provide adequate refuse collection facilities. Refuse collection facilities shall be constructed and maintained in accordance with all municipal health regulations and shall be designed to bar animals from access to refuse. Refuse shall be removed from refuse collection sites at least once a week. Refuse facilities shall be screened pursuant to section 21.07.080G., *Screening*.
- xii. *Fuel Tanks*  
Fuel oil supply tanks shall be placed in compliance with applicable building and fire codes. Liquefied gas containers shall be securely anchored to a permanent and stable holding structure or adequately secured to a mobile home or manufactured home.
- xiii. *Campers and Travel Trailers*  
Occupied campers and travel trailers are not subject to paragraphs 8.b.vi., *Mobile Home or Manufactured Home Spaces*, and 8.b.viii., *Water and Sewage Systems*, of this subsection. Any permitted spaces intended for occupied campers and travel trailers shall be placed in an area segregated from permanent mobile home or manufactured home spaces. Any area within a MHC that is occupied by campers and travel trailers shall be served by a service building containing public toilet facilities and water supply.
- xiv. *Animals in MHCs*  
Outdoor keeping of animals other than dogs in MHCs shall be regulated by subsection 21.05.070D.14., except that "spaces" within MHCs shall be considered "lots" for the purposes of applying subsection 21.05.070D.14.

- xv.** *Convenience Establishments in MHCs*  
Convenience establishments of a commercial nature, including stores, coin-operated laundry, beauty shops and barbershops, may be permitted in MHCs subject to the following restrictions. Such establishments and the parking lot primarily related to their operations shall not occupy more than ten percent of the area of the community, shall be subordinate to the residential use and character of the park, shall be located, designed and intended to serve frequent trade or service needs of persons residing in the community, and shall present no visible evidence of their commercial character from any portion of any district outside the community. Such convenience areas shall be considered accessory uses to the principal use of mobile homes or manufactured homes, may be permitted without a zoning change, and shall be discontinued if the MHC is discontinued.
- xvi.** *Sites in Flood Hazard Area*  
The following requirements shall apply to all MHCs, any portion of which are within a flood hazard area:
- (A)** Over-the-top ties shall be provided at each of the four corners of the mobile home or manufactured home and two ties per side at intermediate locations. Mobile homes more than 50 feet long shall require one additional tie per side.
  - (B)** Frame ties shall be provided at each corner of the frame, and five ties per side at intermediate points. Mobile homes or manufactured homes more than 50 feet long shall require four additional ties per side.
  - (C)** All components of the anchorage system shall be capable of carrying a force of 4,800 pounds.
  - (D)** Any additions to the mobile home or manufactured home shall be similarly anchored.
  - (E)** All applications for a conditional use for a MHC shall include an evacuation plan indicating alternate vehicular access and escape routes during times of flooding.
- xvii.** *Sites in Floodplain*  
No mobile homes or manufactured homes shall be placed within the regulatory floodplain, except that MHCs existing before September 25, 1979, shall be permitted to place mobile homes or manufactured homes within existing unit spaces.
- xviii.** *Nonconforming MHCs*
- (A)** Those MHCs situated within the boundaries of the former City of Anchorage which existed prior to August 30, 1977, are not subject to paragraphs 8.b.vi., *Mobile Home or Manufactured Home Spaces*, and 8.b.vii., *Streets And Drainage Facilities*, of this subsection, provided that such communities meet the standards set forth in the former City of Anchorage Municipal Code sections 6.60.010 through 6.60.110.
  - (B)** Those MHCs situated in any area of the municipality other than that described in paragraph i. above, which existed prior to 1966, are not subject to the requirements of paragraphs 8.b.vi., *Mobile Home or Manufactured Home Spaces*, 8.b.vii., *Streets and Drainage Facilities*, and 8.b.x., *Additions to Mobile Homes or*



*Manufactured Homes; Accessory Buildings*, of this subsection, within the area and to the extent that it was constructed, operated or maintained prior to that date.

- (C) Any MHC exempt from certain requirements of this subsection 21.05.030A.8., *Manufactured Home Community*, as provided in paragraphs xviii.(A) and (B) above, shall conform to all provisions of this subsection 21.05.030A.8. within any area first constructed, operated, or maintained after the specified date or within any area that is substantially altered, remodeled, reconstructed, or rebuilt after that date.

## B. Group Living

This category is characterized by residential occupancy of a structure by a group of people who do not meet the definition of “Household Living.” The size of the group may be larger than a family. Generally, structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. Specific use types include:

### 1. Assisted Living Facility

#### a. *Definition*

A facility that provides housing and ancillary care services on a residential basis to three or more adults, and adolescents in appropriate cases as allowed by exception. A small assisted living facility is defined as a group of three to eight residents. A large assisted living facility is defined as a group of nine or more residents.

#### b. *Use-Specific Standards for Assisted Living Facilities*

- i. An assisted living facility may only occupy a type of household living structure that is permitted in the zoning district.
- ii. All construction after January 1, 2016, shall comply with the applicable residential design standards in section 21.07.110, *Residential Design Standards*.
- iii. Assisted living facilities shall comply with the dimensional standards in tables 21.06-1, 21.06-2, 21.10-6, and 21.10-7 of the applicable residential structure type.
- iv. If the elements of the facility that are not directly related to residential uses, such as administrative offices, classrooms, auditoriums, and the like, exceed 20 percent of the total gross floor area of the assisted living facility, then the facility shall require conditional use approval.

### 2. Correctional Community Residential Center

#### a. *Definition*

A community residential facility, other than a correctional institution, for the short-term or temporary detention of people in transition from a correctional institution, performing restitution, or undergoing rehabilitation and/or recovery from a legal infirmity. This does not include people who pose a threat or danger to the public for violent or sexual misconduct or who are imprisoned or physically confined under guard or 24-hour physical supervision.

#### b. *Use-Specific Standards*

- i. *Standards for Centers Established After January 1, 1995*

The following standards apply to all correctional community residential centers established after January 1, 1995:

- (A) The addition of beds requires modification of the conditional use approval and authorization by the municipality under the department of health and human services permit.
- (B) No new correctional community residential center may be located within 1,250 feet of an existing center, a public park, or a school or instruction service serving any combination of grades kindergarten through 12, unless the planning and zoning commission determines that a reduction in separation distance is warranted based upon the program proposed and any other circumstances the commission deems appropriate. If the commission reduces the separation distance, it shall adopt findings of the facts upon which such reduction is based.
- (C) Program occupancy limits and program requirements shall be as determined under AMC chapter 16.80 and shall not exceed limits established by the state department of corrections.
- (D) Each center shall have a minimum of 50 square feet of outdoor recreation area per maximum resident occupancy.
- (E) Centers that house felons are only permitted by conditional use in the I-1 and PLI districts. Centers allowed in other districts may only house residents convicted of misdemeanors.
- (F) No additional correctional community residential centers may be located in the DT zoning districts or in a B-3 zoning district in the area bounded on the north by Ship Creek, on the south by Chester Creek, on the east by Orca Street extended, and on the west by Cook Inlet.
- (G) CCRCs shall not house sex offenders.

- ii. *Existing Centers Established Under Quasi-Institutional House Provisions*  
The three correctional community residential centers that were established under the quasi-institutional house provisions of title 16 and title 21 of this code and that existed as of January 1, 1995, may continue to operate under the terms of their existing conditional use permits, subject to applicable permitting under the department of health and human services. No other beds may be added to these centers except that the conditional use approval may be modified for the number of beds in a CCRC with internal building area greater than 30,000 square feet if, and only if, the minimum space ratios permitted under chapter 16.80 are met without enlarging the outer dimensions of the center.

### 3. **Habilitative Care Facility**

#### a. **Definition**

A residential facility, other than a correctional center or transitional living facility, the principal use or goal of which is to serve as a place for persons seeking rehabilitation or recovery from any physical, mental, or emotional infirmity, or any combination thereof, as part of a group rehabilitation and/or recovery program utilizing counseling, self-help, or other treatment or assistance, including, but not limited to, substance abuse rehabilitation. Such care for persons age 18 and under, who are under the jurisdiction of the state division of juvenile justice, shall be considered habilitative care, and not a correctional community residential

center. A small habilitative care facility shall provide housing for no more than eight residents, including any support staff living at the facility. A medium habilitative care facility shall provide housing for nine to 25 residents, including any support staff living at the facility. A large habilitative care facility shall provide housing for 26 or more residents, including any support staff living at the facility.

**b. Use-Specific Standards**

- i. An habilitative care facility may only occupy a type of household living structure that is permitted in the zoning district.
- ii. Habilitative care facilities constructed after January 1, 2016, shall comply with the applicable residential design standards in section 21.07.110, *Residential Design Standards*.
- iii. Habilitative care facilities shall comply with the dimensional standards in table 21.06-1, 21.06-2, 21.10-6, and 21.10-7 of the applicable residential structure type.
- iv. If the elements of the facility that are not directly related to residential uses, such as administrative offices, classrooms, auditoriums, and the like, exceed 20 percent of the total gross floor area of the habilitative care facility, then the facility shall require conditional use approval.

**4. Roominghouse**

**a. Definition**

Any dwelling or establishment in which four or more guestrooms are available for compensation that is paid on a daily, weekly, or monthly basis. A roominghouse may offer dining services only to its tenants and their guests. This definition does not include bed-and-breakfast establishments, which are classified in this title as an accessory use under section 21.05.070, or a hostel, which is classified as a "visitor accommodation" under section 21.05.050J.

**b. Use-Specific Standards**

**i. Administrative Permit**

Roominghouses shall require an administrative permit issued in accordance with section 21.03.030. An application for a roominghouse shall not be complete unless it is accompanied by proof of a current business license, health inspection for 25 occupants or more, a certificate of on-site systems approval (for on-site systems only), and a site plan and building floor plans meeting the requirements of this title.

**ii. General Standards**

- (A) In residential zones, the design standards for multi-family residential buildings shall apply.
- (B) L1 visual enhancement landscaping is required when abutting residential lots in a residential zone.
- (C) In the R-2M, R-5, R-6, R-7, R-8, and R-9 zoning districts, the number of guestrooms shall be limited to eight guestrooms or 12 pillows.
- (D) Cooking facilities are prohibited in guestrooms.
- (E) The roominghouse shall be limited to a single structure, and only one roominghouse shall be allowed per lot.

- (F) Public ingress and egress to the roominghouse shall be limited to one primary entrance; guestroom entrances shall be from a shared interior hall rather than individual exterior doors.
- (G) In residential zones, the owner or operator of the roominghouse shall reside on site.

**5. Transitional Living Facility**

**a. Definition**

A facility providing temporary housing with services to assist homeless persons and families and persons with special needs to prepare for and obtain permanent housing within twenty-four months. The facility provides 24-hour a day, seven days a week programmatic assistance or services for self-sufficiency skills to its tenants, and may provide services such as, but not limited to, on-site assistance in learning independent living skills (shopping, cooking, financial budgeting, preparing for job interviews, preparing resumes, and similar skills), and referral to off-site education and employment resources (GED completion, job training, computer training, employment services, and the like) to assist the tenants in becoming financially self-sustaining.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2014-58, 5-20-14; AO 2015-133(S), 2-23-16; AO 2017-160, 12-19-17)

**21.05.040 COMMUNITY USES: DEFINITIONS AND USE-SPECIFIC STANDARDS**

This section defines the general community use categories and specific community use types listed in table 21.05-1. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to an administrative or major site plan review process, or subject to the conditional use process.

**A. Adult Care**

**1. Definition**

A non-residential facility providing assistance with activities of daily living as described in AS 47.33.990(1) for three or more adults or a combination of three or more adults and adolescents.

**2. Use-Specific Standards for Adult Care Facilities with Three through Eight Persons**

- a. These facilities are intended to be minor commercial activities, shall not detract from the principal use allowed in the district, and shall not place an undue burden on any private or public infrastructure greater than anticipated from a permitted development.
- b. In all residential districts these facilities shall be located only in a single family detached structure, excluding detached condominium units. These facilities shall be prohibited if the only direct street access is from a private street.
- c. These standards shall not apply to any use continuing as a lawful conditional use on April 18, 2006.

**3. Use-Specific Standards for Adult Care Facilities with Nine or More Persons (also apply to "Large Assisted Living Facilities" and "Nursing Facility")**

**a. Access**

The site shall provide for direct access from a street constructed to class A improvement area standards.

**b. Minimum Lot Size**

- i. Unless otherwise authorized by the planning and zoning commission, the minimum lot size for a nursing facility shall be:

- (A) Six to 10 beds: 15,000 square feet.
      - (B) Eleven or more beds: 20,000 square feet.
    - ii. The minimum lot size for adult care facilities with nine or more persons, and for large assisted living facilities shall be:
      - (A) Nine to 16 beds: the minimum lot size of the underlying district.
      - (B) Seventeen or more beds: 20,000 square feet.
  - c. **Vegetated Open Space**  
A minimum of 15 percent (25 percent in the RO district) of the lot shall remain as a planted open area, landscaped area, or natural vegetation area, to exclude buildings, driveways, parking lots, sidewalks, etc., unless the decision-making body determines that retention of less than 15 percent (25 percent in the RO district) allows for sufficient buffering of adjacent uses.
  - d. **Parking and Setbacks**  
In residential zoning districts, no parking or loading areas shall be placed in any setback, except in approved driveways.
  - e. **Adjacent Residential**  
A facility in a non-residential district that is adjacent to a residential use or district shall provide L2 buffer landscaping along the lot line dividing the two.
  - f. **Ambulance and Delivery Areas**  
Ambulance and delivery areas shall be screened from adjacent residential areas by L2 buffer landscaping or a fence no less than six feet high.
  - g. **Snow Storage**  
Snow storage space adjacent to surface parking lots and pathways shall be identified on the site plan. In residential districts, to facilitate snow removal, snow storage areas equal to at least 15 percent of the total area of the site used for parking, access drives, walkways, and other surfaces that need to be kept clear of snow, shall be designated on the site plan. Such areas designated for snow storage shall be landscaped only with grasses and flowers and shall have positive drainage away from structures and pavements. Except for facilities in single-family or two-family structures, storage of snow is not allowed in the front setback. Storage of snow may be in 50 percent of the side and rear setbacks, if trees and other vegetation designated for preservation will not be damaged. If snow is to be hauled off-site, temporary snow storage areas shall be shown on the site plan.
  - h. **Continuing Conditional Uses**  
These standards shall not apply to any use continuing as a lawful conditional use on April 18, 2006.
4. **Additional Standards for Conditional Uses (also apply to “Nursing Facility” and “Large Assisted Living Facility”)**
- a. **Use-Specific Standards Apply**  
These uses shall meet the use-specific standards above in addition to any requirements imposed by a conditional use approval.
  - b. **Vegetated Open Space**  
A minimum of 25 percent of the lot shall remain as open area, to include landscaping or natural vegetation. The open area shall not include buildings, driveways, parking lots, sidewalks, or similar structures, unless the planning and

zoning commission determines retention of less than 25 percent of the lot as open area allows for sufficient buffering of adjacent uses.

**c. *Factors for Consideration***

When a conditional use permit is required for these uses, the following factors shall be considered, as well as the approval criteria for conditional uses in subsection 21.03.080C.

- i. The extent to which the facility and the applicant seek to protect and preserve the primarily residential character of the district. Factors may include traffic patterns, on-street parking patterns, the control exercised by the provider to mitigate environmental disturbance associated with ingress and egress of facility staff at shift change, and any other measures taken by the provider to ensure commercial aspects of the facility do not detract from its residential purpose (if applicable) and the primarily residential character of the district.
- ii. Economic hardship on the intended occupants of the facility if the conditional use is denied. Cost and availability of other housing alternatives, including whether a shortage of other facilities exists, may be addressed in preparation and review of the application.
- iii. Whether the requested facility and the applicant are implementing accident prevention and safety measures specific to the needs of the residents, including but not limited to safety measures in state law and regulation, and in municipal fire code adopted under title 23.
- iv. Whether the conditional use advances housing opportunities for disabled individuals in a residential community without jeopardizing residential aspects of the neighborhood with commercial aspects of operation.
- v. Whether the proposed size of the facility is necessary for the financial viability of the facility.
- vi. External characteristics and impacts of the proposed facility, including without limitation appearance, projected contribution to traffic volumes and on-street parking within the neighborhood, available street lighting, and sidewalks.
- vii. Quantifiable risks to the health, safety, and quality of life of area residents and users.
- viii. Administrative and economic burden on the municipality, in either approval or denial of the conditional use.
- ix. Other factors deemed relevant to the applicant or the planning and zoning commission in review of the application.

**B. Child Care**

**1. Child Care Center**

**a. *Definition***

Child care center has the same meaning as set forth in AMC chapter 16.55 for child care and educational center, and may care for nine or more children. Operation of a child care center is not a home occupation pursuant to subsection 21.05.070D.11. This use includes pre-schools that are not associated or co-located with an elementary, middle, or high school.

**b. Use-Specific Standards****i. Access**

The site shall have direct access from a street constructed to municipal standards.

**ii. Usable Outdoor Space**

Usable outdoor space shall be provided pursuant to AMC section 16.55.450. Exempt child care centers, as per chapter 16.55, are not required to meet the usable outdoor space requirement.

**iii. Vegetated Open Space in Residential Districts**

*In residential zoning districts where a child care center requires conditional use approval, a minimum of 25 percent of the lot shall remain as planted open area, landscaped area, or natural vegetation area, to exclude buildings, driveways, parking lots, sidewalks, etc., unless the planning and zoning commission determines that retention of less than 25 percent allows for sufficient buffering of adjacent uses. In all other residential zoning districts where a child care center is allowed, a minimum of 15 percent of the lot area shall remain as required above, unless the decision-making body determines that retention of less than 15 percent allows for sufficient buffering of adjacent uses.*

**iv. Parking and Setbacks**

In residential zoning districts, no parking or loading areas shall be placed in any setback, except in approved driveways.

**v. Adjacent Residential**

L1 visual enhancement landscaping shall be provided along each lot line that abuts a lot within a residential district. A child care center in a nonresidential district, that is adjacent to a residential use or district, shall provide L2 buffer landscaping along the adjacent lot line. If the child care center is on a site where it is not a primary use, the director may determine that an alternative landscaping or fencing plan allows for sufficient buffering of adjacent uses, or that landscaping is unnecessary because the lot size is sufficiently large in relation to the use and that it will not create a high impact at the lot perimeter abutting the residential district.

**vi. Snow Storage**

In residential districts, snow storage areas equal to at least 15 percent of the total area of the site used for parking, drives, walkways, and other surfaces that need to be kept clear of snow, shall be designated on the site plan. Such areas designated for snow storage shall be landscaped only with grasses and flowers and shall have flat or concave ground surface with positive drainage away from structures and pavements. Snow storage is not allowed in front setbacks except in association with single-family or two-family structures. Snow storage is allowed in 50 percent of side and rear setbacks, if trees and other vegetation designated for preservation will not be damaged. If snow is to be hauled off-site, temporary snow storage areas shall be shown on the site plan.

**vii. Continuing Conditional Uses**

This section shall not apply to any use continuing as a lawful conditional use on February 28, 2006.

**c. Additional Standards for Conditional Uses****i. Use-Specific Standards Apply**

These uses shall meet the use-specific standards above in addition to any requirements imposed by a conditional use approval.

- ii. *Additional Standards*  
Additional restrictions as to the size of the use, hours of operation, or other restrictions necessary to ensure compatibility with the neighborhood and minimize offside impacts, may be imposed by the planning and zoning commission.

## 2. Child Care Home

### a. Definition

Child care home has the same meaning as set forth in AMC chapter 16.55 and may care for up to eight children. Operation of a child care home is not a home occupation pursuant to subsection 21.05.070D.11. This use includes pre-schools that are not associated or co-located with an elementary, middle, or high-school.

### b. Use-Specific Standards

#### i. Minor Commercial Activity

Licensed child care homes are intended to be minor commercial activities, shall not detract from the principal use allowed in the district, and shall not place an undue burden on any private or public infrastructure greater than anticipated from a permitted development.

#### ii. Usable Outdoor Space

Licensed child care homes shall provide usable outdoor space as required by section 16.55.450.

#### iii. Continuing Conditional Uses

This section shall not apply to any use continuing as a lawful conditional use on February 28, 2006.

## C. Community Service

This category includes uses of a public, non-profit, or charitable nature providing a local service to people of the community. Generally, such uses provide the service on-site or have employees at the site on a regular basis. The service is ongoing, not just for special events. The use may provide special counseling, education, or training. Accessory uses may include offices, meeting, food preparation, parking, therapy areas, and athletic facilities. Specific use types include:

### 1. Cemetery or Mausoleum

#### a. Definition

A graveyard, burial ground, mausoleum, or other place of interment, entombment, or sepulture of one or more human bodies or remains. Crematoria are not permitted unless specifically allowed under this title as a separate principal use.

#### b. Use-Specific Standards

##### i. Burial of Human Remains in Other Areas Prohibited

Human remains, other than cremated remains, may not be buried, entombed, or interred, above or below ground, except in an approved cemetery.

##### ii. Platting of Burial Plots

Burial plots shall be platted in accordance with section 21.03.200D., *Abbreviated Plat Procedure*.

##### iii. Density of Burial Plots

Notwithstanding the minimum lot area for any zoning district, there shall be no more than 1,500 burial plots per gross acre.



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- iv. *Interment Below Groundwater Table Prohibited*  
No burial plots shall be established where interment would occur below the groundwater table.
  - v. *Traffic Access*  
A cemetery or mausoleum shall have direct access to a street designated as a collector or greater capacity.
  - vi. *Dimensional Standards*  
Notwithstanding the general dimensional standards in chapter 21.06, the following standards shall apply to all cemeteries and mausoleums.
    - (A) *Minimum Site Area*  
Five acres.
    - (B) *Minimum Setbacks*
      - (1) Front setback: 10 feet.
      - (2) Side setback: 10 feet.
      - (3) Rear setback: 10 feet.
    - (C) *Maximum Height of Structures*  
35 feet.
  - vii. *Setbacks*  
Graves and burial plots shall not be allowed within setback areas.
  - viii. *Parking, Driveways, and Streets*  
Parking shall be provided according to section 21.07.090, *Off-Street Parking and Loading*, except that the traffic engineer may authorize a pavement surface of gravel for drives and streets that provide direct access to graves and burial plots. Internal driveways and streets providing direct access to a public right-of-way or connecting to principal structures shall be paved with asphalt or concrete.
2. **Community Center**
- a. **Definition**  
A facility that is intended primarily to serve the meeting, cultural, social services, administrative, athletic, or entertainment needs of the community as a whole, operated by the government or as a non-profit facility, and generally open to the public.
  - b. **Use-Specific Standards (also apply to “Religious Assembly”)**
    - i. *Applicability*  
The standards of this subsection shall apply to all community centers and religious assemblies within a residential zoning district.
    - ii. *Minimum Lot Area and Width*  
Notwithstanding any smaller minimum lot area required by tables 21.06-1 and 21.06-2, community centers and religious assemblies subject to this subsection shall have a minimum lot area of 14,000 square feet and a minimum lot width of 100 feet.
    - iii. *Traffic Access*  
Community centers and religious assemblies shall have at least one property line of the site that is at least 50 feet in length, and it shall abut a street designated as a collector or greater on the *Official Streets and*

*Highways Plan.* All ingress and egress traffic shall be directly onto such street.

- iv. ***Buffering Standards***  
L2 buffer landscaping is required along all property lines where the community center or religious assembly site abuts a residential use in a residential zone.
- v. ***Vegetated Open Space***  
In residential and PLI zoning districts a minimum of 25 percent of the lot area shall remain as planted open area, landscaped area, or natural vegetation area, to exclude buildings, driveways, parking lots, sidewalks, etc., unless the decision-making body determines that retention of less than 25 percent allows for sufficient buffering of adjacent uses.
- vi. ***Parking and Setbacks***  
In residential zoning districts, no parking or loading areas shall be placed in any setback, except in approved driveways.

### 3. **Crematorium**

#### a. ***Definition***

A furnace or establishment for the cremation of corpses, human and animal. A crematorium is never an accessory use.

#### b. ***Use-Specific Standards***

- i. All facilities shall be maintained within a completely enclosed building, and shall be sufficiently insulated so that, to the maximum extent feasible, no noise or odor can be detected off-premises.
- ii. Crematoria shall be located at least 200 feet from any residential use or zoning district.

### 4. **Governmental Administration and Civic Facility**

#### a. ***Definition***

An office of a governmental agency or foreign government that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance offices, or motor vehicle licensing and registration services.

#### b. ***Use-Specific Standards***

- i. Unless otherwise indicated in table 21.05-1, table 21.09.050-1, and table 21.10-4, government administration and civic facilities or additions to existing government administration and civic facilities shall have the following review process:
  - (A) Construction of *less than 7,000* square feet is permitted.
  - (B) Construction of 7,000 to 25,000 square feet is subject to an administrative site plan review.
  - (C) Construction over *25,000* square feet is *subject to* a major site plan review.
  - (D) Lease of existing space is permitted.
- ii. The priority location for major federal, state, and municipal administrative offices and civic facilities is in the central business district. Satellite government offices and civic functions are intended to be located in other

regional centers, mixed-use centers, or town centers designated in the comprehensive plan. When a government administrative and civic facility use is proposed at another location, approval is contingent on a finding by the planning and zoning commission, using the approval criteria of a public facility site selection process (21.03.140), that locating the major use in the central business district or a satellite use in a designated center would not be feasible, would not be compatible with the urban center, or would not serve the public interest.

**5. Homeless and Transient Shelter**

**a. Definition**

A facility designed to provide minimum necessities of life, including overnight accommodation, on a limited, short-term basis for individuals and families during periods of dislocation or emergency pending formulation of longer-term planning. Facility elements may include providing the physical care required, including shelter, food, and necessary medical and clothing needs, directly or by referral to appropriate agency; and planning for more permanent housing and employment, including contact with community resources.

**6. Neighborhood Recreation Center**

**a. Definition**

A facility providing recreation/pool facilities and/or meeting rooms, and typically oriented to the recreational needs of the residents of a particular subdivision or housing project.

**7. Religious Assembly**

**a. Definition**

A building or structure, or group of buildings or structures, intended primarily for the conducting of organized religious services. Accessory uses may include, but are not limited to, parsonages, meeting rooms, child care provided for persons while they are attending religious functions, broadcast ministries, bookstores, vehicle service and repair facilities (for bus ministries and staff vehicles), lawn and garden sheds, warehouse and storage buildings, community service centers, gymnasiums, food distribution ministries. Schools associated with religious assemblies are not an accessory use.

**b. Use-Specific Standards**

**i. Standards**

Religious assembly uses shall comply with the use-specific standards set forth above under "community center."

**ii. Columbaria**

Columbaria, which are structures having recesses in the walls to receive urns containing ashes of the dead, or columbarium walls, are permitted accessory uses with religious assemblies.

**iii. Maximum Height**

Except for those elements excepted in subsection 21.06.030D.6., a religious assembly may not exceed the height permitted in the zoning district in which it is located. However, in districts where the maximum height is less than 40 feet, the maximum height for a religious assembly may increase to 40 feet, so long as the building is setback from any point on the property line at least twice the maximum actual height.

**iv. Religious Assembly in Industrial Districts**

Religious assembly uses in the I-1 and I-2 districts shall have a maximum gross floor area of 20,000 square feet.

**8. Social Service Facility****a. Definition**

A facility operated by a government or a non-profit social service agency which provides services or undertakes activities to advance the welfare of citizens in need, such as food or clothing distribution, job or life skills counseling or training, and the like. This use does not include retail facilities, medical care, behavioral health counseling, or overnight accommodations. This use may include supporting offices, but stand-alone offices of a social service agency are not considered a social service facility.

**b. Use-Specific Standards**

- i. In the R-3, R-4, and B-1A districts, social service facilities shall not exceed 3,000 square feet of gross floor area.
- ii. L2 buffer landscaping shall be provided along lot lines adjacent to a residential use or district.
- iii. When allowed by conditional use approval, the applicant shall submit along with their conditional use application, a copy of the state licensing application, a description of the program including the services offered, and the professional certification or licenses required to operate.

**D. Cultural Facility**

This category includes public or nonprofit facilities open to the public that display or preserve objects of interest or provide facilities for one or more of the arts or sciences or provision of government services. Accessory uses may include parking, offices, storage areas, and gift shops. Specific use types include:

**1. Aquarium****a. Definition**

An establishment where collections of living aquatic organisms are kept and exhibited.

**2. Botanical Gardens****a. Definition**

A facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, native, and/or ornamental plants.

**3. Library****a. Definition**

A facility for the use of literary, musical, artistic, and/or reference materials.

**4. Museum or Cultural Center****a. Definition**

A building or place serving as a repository for a collection of natural, scientific, cultural, historic, or literary curiosities or objects of interest, or works of art, or sites and buildings, and arranged, intended, and designed to be used by members of the public for viewing, and which may include demonstrations and teaching. This use includes planetariums.

**5. Zoo****a. Definition**

An area, building, or structures that contain wild animals on exhibition for viewing by the public.

**E. Educational Facility**

This category includes any public and private school at the elementary, middle, junior high, or high school level. This category also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. This category also includes vocational or trade schools. Accessory uses at schools may include play areas, meeting areas, cafeterias, recreational and sport facilities, auditoriums, parking, and before- or after-school day care. Accessory uses at colleges may include offices, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and ancillary supporting commercial activities. Specific use types include:

1. **Boarding School**
  - a. **Definition**  
A school where students are provided with on-site meals and lodging.
  - b. **Use-Specific Standard**  
Boarding schools shall comply with the use-specific standards set forth below for “elementary school.” Any associated dormitories shall comply with the use-specific standards for “dormitory” in section 21.05.070, *Accessory Uses and Structures*.
  
2. **College or University**
  - a. **Definition**  
A degree-granting institution, other than a vocational or trade school, that provides education beyond the high school level. The use includes, but is not limited to, classroom buildings, offices, laboratories, lecture halls, athletic facilities, and dormitories. Colleges tend to be in campus-like settings or on multiple blocks.
  - b. **Use-Specific Standard**  
In accordance with section 21.03.110, colleges or universities with an approved institutional master plan are exempt from the review and approval procedures required by table 21.05-1 for projects developed under the auspices of the approved institutional master plan.
  
3. **Elementary or Middle School**
  - a. **Definition**  
A public, private, parochial, or charter school offering academic instruction during the majority of the days of the week for at least two consecutive hours, for students typically between the kindergarten and eighth grade levels, but not higher than the ninth grade. This classification includes the terms “junior high school” and “intermediate school.” Pre-schools that are associated and co-located with elementary, middle, or high schools are considered to be part of the elementary, middle, or high school. Pre-schools without such association and co-location are categorized in this title as “child care facility.”
  - b. **Use-Specific Standards (also apply to “Boarding School” and “High School”)**
    - i. **Purpose**  
The standards of this subsection are intended to ensure the compatibility of schools with surrounding neighborhoods and to minimize the impacts of school uses on adjacent properties.
    - ii. **Approval Process**  
Schools with fewer than 10 students are permitted by-right in accordance with table 21.05-1, table 21.09.050-1, and table 21.10-4. Schools with 10 or more students are permitted by major site plan review in accordance with table 21.05-1.
    - iii. **Site Size**

Except where established site size criteria are approved by local or state governmental authority, minimum lot size in residential districts for schools with capacity of 100 or more students shall be one acre per 100 students.

**iv.** *Setbacks*

**(A)** In residential districts, setbacks for schools with capacity for 25 or more students shall be as follows:

- (1)** The front setback of the underlying district shall apply.
- (2)** Any structure or portion of structure equal to or less than 15 feet high and equal to or less than 50 feet in length shall be set back at least 15 feet from any side or rear lot line. Any portion of such structure longer than 50 feet in length shall be set back at least 20 feet from any side or rear lot line.
- (3)** Any structure or portion of structure that is greater than 15 feet in height shall be set back at least 25 feet from any side or rear lot line.

**(B)** In nonresidential districts, the setbacks of the underlying district shall apply.

**v.** *Outdoor Play Space for Elementary and Middle Schools*

**(A)** Elementary and middle schools with capacity for 50 or more students, where students remain for more than four consecutive hours, shall provide two square feet of outdoor open space play area for every one square foot of total combined classroom space.

**(B)** The minimum dimension of any required outdoor open space play area is 20 feet.

**(C)** If the school is in close proximity to a park with usable open space, the park may count as the required outdoor open space play area. The decision-making body shall determine whether the nearby park is appropriate in terms of play space and access, using the following conditions as a guide:

- (1)** The park is between an eighth and a quarter mile from the school.
- (2)** The school and park are not separated by a street of arterial classification or greater on the *Official Streets and Highways Plan*, except that in the Downtown area (as defined by the Anchorage Downtown Comprehensive Plan – 2007) but excluding the area north of 2<sup>nd</sup> Avenue, the school and park may be separated by a street classified as an arterial if a signalized pedestrian crosswalk and adult crossing guard supervision are provided.

**(D)** The decision-making authority may reduce or waive the outdoor play space requirement if the applicant provides sufficient rationale.

**vi.** *Vehicle and Pedestrian Access*

- (A) In all residential districts, all middle and high schools, and schools without an Anchorage school district attendance boundary shall have at least 100 feet of frontage on a collector or greater classification street, if such schools have capacity of 100 or more students.
- (B) In all districts, all schools with capacity for 100 or more students shall provide a passenger loading zone in accordance with subsection 21.07.090I.
- (C) Paved pedestrian walkways and trails, exclusive of driveways, shall be provided between the principal buildings and each abutting public right-of-way or trail.

vii. *Temporary Structures for School Expansion Space (Relocatables)*

Temporary structures serving as expansion space for schools are allowed in all districts in which schools are allowed, subject to the following standards:

- (A) Temporary structures shall not be placed in traffic circulation routes, in required parking, or in required landscaping areas.
- (B) The temporary structures are exempt from the general requirements for all temporary uses contained in section 21.05.080, *Temporary Uses and Structures*.

The decision-making body may grant relief from these standards on a case-by-case basis.

viii. *Landscaping*

L1 visual enhancement landscaping is required along all property lines where the school site abuts a residential use in a residential zone.

4. **High School**

a. ***Definition***

A public, private, parochial, or charter school offering academic instruction during the majority of the days of the week for at least two consecutive hours, for students typically in the ninth through twelfth grades, but may include lower grades.

b. ***Use-Specific Standards***

High schools shall comply with the applicable use-specific standards set forth for "elementary or middle school" above.

5. **Instructional Services**

a. ***Definition***

A specialized instructional establishment that provides on-site training of business, artistic, or commercial skills. Examples include, but are not limited to, driving schools for personal vehicles, fine arts schools, dance, music, and computer instructional services. This use does not include establishments that teach skills that prepare students for jobs in a trade (e.g., carpentry), which are classified under "vocational or trade schools."

b. ***Use-Specific Standard***

A conditional use approval is required for instructional services in the I-1 district that are proposed to occupy more than 20,000 square feet of gross floor area.

6. **Vocational or Trade School**

a. ***Definition***

A secondary or higher education facility teaching skills that prepare students for jobs in a trade to be pursued as an occupation, such as carpentry, welding, heavy equipment operation, piloting boats or aircraft, repair and service of appliances, motor vehicles, boats, aircraft, light or heavy equipment, and computer repair. Incidental instructional services in conjunction with another primary use shall not be considered a vocational or trade school.

**b. Use-Specific Standard**

This use excludes establishments providing training in an activity that is not otherwise permitted in the zoning district.

**F. Health Care Facility**

This category includes uses that provide medical or surgical care to patients. Accessory uses may include offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, and housing for staff or trainees. Specific uses types include:

**1. Health Services**

**a. Definition**

Establishments primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, surgical, or other services to individuals, including the offices of chiropractors, physicians, dentists, and other licensed medical practitioners, medical and dental laboratories, outpatient care and outpatient care facilities, pharmacies, home health care agencies, and blood banks.

**b. Use-Specific Standard**

Applicable health service establishments shall comply with the medical facility accessible parking requirements; see subsection 21.07.090J.4.

**2. Hospital/Health Care Facility**

**a. Definition**

A facility or institution, whether public or private, principally engaged in providing inpatient services for medical, surgical, or psychiatric care, and the treatment and housing of persons under the care of doctors and nurses. Examples include general or specialty hospitals, but exclude habilitative care facilities, assisted living facilities, and nursing facilities. Training, rehabilitation services, and health services may be permitted as accessory uses, if integral to the facility's function. Other accessory uses may include pharmacies and central services facilities, such as kitchens and laboratories which serve the health care facility.

**b. Use-Specific Standards**

**i. Minimum Lot Size**

Unless otherwise authorized by the planning and zoning commission, the minimum lot size for a hospital/health care facility shall be as follows:

**(A)** Six to 10 beds: 21,780 square feet.

**(B)** Eleven to 20 beds: 43,560 square feet.

**(C)** Every 10 beds (or fraction thereof) over 20 beds: 21,780 square feet.

**ii. Vegetated Open Space**

A minimum of 15 percent of the lot shall remain as a planted open area, landscaped area, natural vegetation area, or usable yard, to exclude buildings, driveways, parking lots, sidewalks, etc., unless the decision-making body determines that retention of less than 15 percent of the lot as open area, etc., allows for sufficient buffering of adjacent uses.



- iii. *Landscaping Buffer*  
L2 buffer landscaping shall be provided along all lot lines adjacent to a residential use or district.
- iv. *Institutional Master Plan*  
In accordance with section 21.03.110, hospitals with an approved institutional master plan are exempt from the review and approval procedures required by table 21.05-1, table 21.09.050-1, or table 21.10-4, for projects developed under the auspices of the approved institutional master plan.
- v. *Accessible Parking*  
Hospital/health care facilities shall comply with the medical facility accessible parking requirements of subsection 21.07.090J.4.

### 3. **Nursing Facility**

#### a. **Definition**

A facility providing housing and nursing care for aged or chronically or incurably ill persons who are unable to function independently or with only limited assistance.

#### b. **Use-Specific Standards**

- i. Nursing facilities allowed by right or by site plan review shall comply with the use-specific standards set forth for “adult care facilities with nine or more persons” above. Facilities allowed by conditional use shall comply with the additional standards for conditional uses set forth in “adult care facilities” above.
- ii. Nursing facilities shall be subject to the multi-family building development and design standards in section 21.07.110C.
- iii. Nursing facilities shall comply with the medical facility accessible parking requirements of subsection 21.07.090J.4.

## G. **Parks and Open Areas**

This category includes uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Such lands tend to have few structures. Accessory uses may include clubhouses, playgrounds, maintenance facilities, concessions, caretaker's quarters, and parking. Specific use types include:

### 1. **Community Garden**

#### a. **Definition**

A private or public facility for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one individual or family, for personal use and not for commercial gain.

### 2. **Park, Public or Private**

#### a. **Definition**

An area that is predominately open space, reserved for and designed to be used principally for active and/or passive recreation, and/or to serve ecological and aesthetic functions; any area designated as park by the assembly.

#### b. **Use-Specific Standards in the Anchorage Bowl**

- i. Any master plan created for a municipal park shall be reviewed and approved as follows:

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- (A) For all park master plan proposals, the parks and recreation commission shall hold a public meeting, which shall include the opportunity for oral public comment.
  - (B) Master plans for parks classified by the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* as community use area, special use area, or natural resource use area (over 30 acres) shall be approved by the planning and zoning commission.
  - (C) Master plans for parks classified by the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* as neighborhood use area or natural resource use area (30 acres or fewer) shall be approved administratively by the director.
- ii. All development projects in municipal parks require a site plan review, as follows:
- (A) For all development projects in municipal parks, the parks and recreation commission shall hold a public meeting, which shall include the opportunity for oral public comments.
  - (B) Any minor discrepancies with an approved park master plan shall be described and justified. Significant discrepancies, as determined by the parks and recreation commission, require a change in the master plan.
  - (C) All development projects costing more than \$500,000 or disturbing more than one acre of land and in parks classified by the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* as community use area, special use area, or natural resource use area (over 30 acres) shall be approved by major site plan review in accordance with 21.03.180D. For the purposes of this subsection, vegetation removal for public safety, natural resource protection and enhancement (such as invasive species removal and reforestation), ecosystem health, and general routine maintenance is not considered land disturbance.
  - (D) All development projects costing \$500,000 or less and disturbing one acre or less of land, and all development projects in parks classified by the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* as neighborhood use area or natural resource use area (30 acres or fewer) shall be approved by administrative site plan review in accordance with 21.03.180C. Trails that are reviewed under section 21.03.190, *Street and Trail Review*, are exempt from this administrative site plan review. For the purposes of this subsection, vegetation removal for public safety, natural resource protection and enhancement (such as invasive species removal and reforestation), ecosystem health, and general routine maintenance is not considered land disturbance.
  - (E) The decision-making body shall determine whether standards of this title relating to paving of parking lots and lighting of parking lots shall be applied to a development project, considering the location and surrounding area of the project, and the anticipated level of use. If determined by the decision-making body, the paving and lighting standards for parking lots may be reduced or waived.

- c. Use-Specific Standards in Turnagain Arm**
- i.** All master plans, and any development projects costing more than \$500,000 in municipal parks identified in the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 3: "Turnagain Arm"* shall be approved by major site plan review in accordance with 21.03.180D.
  - ii.** All development projects costing \$500,000 or less in municipal parks identified in the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 3: "Turnagain Arm"* shall be approved by administrative site plan review in accordance with subsection 21.03.180C.
  - iii.** The decision-making body shall determine whether standards of this title relating to paving of parking lots and lighting of parking lots shall be applied to a development project, considering the location and surrounding area of the project, and the anticipated level of use. If determined by the decision-making body, the paving and lighting standards for parking lots may be reduced or waived.
- d. Director's Discretion**
- Notwithstanding the various requirements above, the director shall require a park master plan or development project that would normally be approved administratively, to be approved by the appropriate commission if, in his or her judgment:
- i.** The plan or project is likely to generate significant public interest;
  - ii.** The project is a significant deviation from an approved master plan;
  - iii.** The project will have a significant impact on neighboring uses; or
  - iv.** The plan or project significantly increases the intensity of development of the park.

## H. Public Safety Facility

This category includes buildings, storage areas, and other facilities for the public safety operations of local, state, or federal government. Accessory uses may include maintenance, storage, fueling facilities, satellite offices, holding cells, and parking lots. Specific use types include:

### 1. Community or Police Substation

#### a. Definition

A subsidiary community services or police station providing public services primarily intended for the immediate geographic area in which the station is located.

#### b. Use-Specific Standard

In residential districts, community or police substations shall be no larger than 3,500 square feet in gross floor area, and shall be architecturally compatible with the surrounding residential neighborhood in terms of building and roofing design and materials and lot placement.

### 2. Correctional Institution

#### a. Definition

A facility, other than a correctional community residential center, providing for the imprisonment or physical confinement of prisoners under guard or 24-hour physical supervision, such as prisons, prison farms, jails, reformatories, penitentiaries, houses of detention, detention centers, honor camps, and similar facilities.

**b. Use-Specific Standards****i. Traffic Access**

A site more than one-half acre in size shall provide for direct access from a street of collector or greater capacity.

**ii. Screening or Buffering**

The planning and zoning commission may require fencing and landscaping.

**3. Fire Station****a. Definition**

A station housing fire and rescue personnel including indoor and outdoor space for administrative offices, storage of equipment, and associated vehicles and servicing facilities.

**4. Public Safety Facility****a. Definition**

A facility operated by a government agency for the purpose of providing public safety and emergency services, training for public safety and emergency personnel, and related administrative and support services. Examples include, but are not limited to, a police station, an emergency operations center, or a fire or police training center.

**I. Transportation Facility**

This category includes facilities that receive and discharge passengers and freight. Accessory uses may include freight handling areas, concessions, offices, parking and maintenance, and fueling facilities. Specific use types include:

**1. Airport****a. Definition**

A publicly owned area of land or water that is used or intended for use for the landing and take-off of aircraft, and includes its buildings and facilities, if any.

**2. Airstrip, Private****a. Definition**

Privately owned land or water maintained as a runway for fixed-wing aircraft.

**b. Use-Specific Standards**

**i.** Private airstrips are allowed conditionally in residential districts only if approach and noise buffer areas are provided.

**ii.** Applications for private airstrips shall be accompanied by a determination letter from the Federal Aviation Administration.

**3. Heliport****a. Definition**

An area designed to be used for the landing or takeoff of helicopters, which may include all necessary passenger and cargo facilities, fueling, and emergency service facilities.

**b. Use-Specific Standards**

**i.** Heliports are not accessory uses unless they are accessory to an airport. A heliport associated with a principal use other than an airport shall be considered an additional principal use on the property and shall meet these use-specific standards.

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- ii. Applications for heliports shall be accompanied by a determination letter from the Federal Aviation Administration (FAA).
  - iii. In addition to the conditional use approval criteria at subsection 21.03.080D., the planning and zoning commission shall consider the following issues when reviewing a conditional use application for a heliport, in order to minimize impacts of a heliport on nearby uses:
    - (A) Proximity to residential zoning districts, schools, and parks.
    - (B) Arrival and departure, as established by the FAA.
    - (C) Hours of operation and projected number of takeoffs and landings.
- 4. Rail Yard**
- a. **Definition**  
Lands reserved for typical railroad activities including, but not limited to, repair, maintenance, and servicing of rolling stock and railroad support equipment; fueling; inventory of equipment, tools, parts, and supplies in support of railroad activities; loading/unloading and transfer of freight; switching and classifying rail cars in support of train operations and intermodal activities; storage of rail cars and equipment supporting railroad activities; and crew operations, training, and other administrative support functions in support of railroad activities.
- 5. Railroad Freight Terminal**
- a. **Definition**  
A rail facility for the loading and unloading of goods, merchandise, substances, materials, and commodities.
- 6. Railroad Passenger Terminal**
- a. **Definition**  
A railroad facility for the boarding of passengers, but not including freight terminal operations. Accessory uses may include ticketing sales and offices, restaurants, and stores.
- 7. Transit Center**
- a. **Definition**  
Any premises, located at the confluence of multiple established routes (of the same or different types of transit), for the loading and unloading of passengers on public transit. Accessory uses may include ticket purchase facilities, food and beverage kiosks, and convenience stores.
- J. Utility Facility**
- This category includes major utilities, which are infrastructure services providing regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near the neighborhood where the service is provided. Services may be publicly or privately provided. Accessory uses may include parking and control, monitoring, or data transmission equipment. Specific uses types include:
- 1. Tower, High Voltage Transmission**
- a. **Definition**  
A structure used to support transmission conductors transmitting electric power over relatively long distances, usually from the central generating station to main substations, or from one substation to another for load sharing or system reliability. High voltage transmission towers are designed to be capable of supporting transmission lines carrying in excess of 138 kilovolts.

**b. Use-Specific Standards****i. Approval Process**

If the average tower height is 70 or less above ground level, the high voltage transmission tower is a permitted use. If the average tower height exceeds 70 feet, the high voltage transmission tower requires a conditional use approval, except as follows:

**(A)** Towers exceeding the maximum average height of 70 feet may be replaced with a like tower, or a shorter tower, without the requirement for a conditional use.

**(B)** When a road project or other public works project causes a utility to modify its existing facilities to accommodate the design of the public works project, a maximum of four towers supporting an existing transmission line may be replaced with towers exceeding the maximum average height of 70 feet without the requirement for a conditional use.

**ii. Location**

The location of new transmission towers shall be in compliance with, and within existing or proposed transmission alignments or corridors identified in the latest version of the *Utility Corridor Plan*. Deviations from the *Utility Corridor Plan* shall require amendment to the plan before installation of any tower.

**iii. Easement or Right-of-Way Clearing**

Clearing and/or grubbing of vegetation within the easement or right-of-way for transmission tower installation shall be limited to minimum amount to allow for the safe installation of each transmission tower.

**iv. Landscaping**

All areas cleared in conjunction with the installation of a tower, except for the area within ten feet of the tower, shall be replanted with vegetation as follows:

**(A)** Cleared areas originally planted by a public or private agency as part of an approved building permit, land use permit, or public facility project landscaping plan, shall be replaced in accordance with the plan, except as modified by the tower location(s). Other landscaped areas that have been cleared shall be replaced with landscaping equivalent to that which was removed. Approval of the revised landscape plan shall be by the director, except in cases where the planning and zoning commission is the approving authority.

**(B)** Cleared areas not previously landscaped shall be landscaped in accordance with the buffer landscaping standards. The director may approve alternative landscaping to meet the intent and intensity of buffer landscaping, except in cases where the planning and zoning commission is the approving authority.

**v. Exemptions from Landscaping**

Exemptions for the landscaping requirements may be granted by the director, if the utility shows there is a safety concern, the property owner does not grant authorization in which landscaping can be placed by the utility, or for other engineering or related issues.

- vi. Structure Design**  
The color of the transmission tower structures shall be as neutral to the immediate surroundings as possible. The director shall approve the utility's proposed structure color, except in cases where the planning and zoning commission is the approving authority.
- vii. Conditional Use Standards**  
When a high voltage transmission tower requires a conditional use approval, the application shall:
- (A)** Determine proposed height of the tower(s) is the minimum required to meet safety requirements, future load projections, or terrain. It is understood, however, utilities must construct facilities in compliance with the National Electric Safety Code;
  - (B)** Identify the impact on any scenic view sheds and, if necessary, apply mitigation measures through changes to tower design, tower color, and landscaping at the tower location to reduce negative impacts; and
  - (C)** Identify the aesthetic impact and relation of scale of the tower to abutting development and, if necessary, apply mitigation measures through changes to tower design, tower color, and landscaping at the tower location to reduce negative impacts.
- 2. Utility Facility**
- a. Definition**  
A service of a regional nature that normally entails the construction of new buildings or structures, and that typically has employees at the site. Examples include water works, water or sewage treatment plants, power or heating plants, or steam generating plants.
- 3. Utility Substation**
- a. Definition**  
A service that is necessary to support development within the immediate vicinity, and is typically not staffed. Examples include, but are not limited to, electric transformer stations; gas regulator stations; water reservoirs; telephone exchange facilities; and water and sewage collection or pumping stations.
- b. Use-Specific Standard**  
The facility shall be designed and constructed to ensure visual and aesthetic compatibility with the surrounding neighborhood. Compatibility may be achieved either by using similar architectural design and materials as building(s) in the surrounding neighborhood, or by screening the facility with L2 buffer landscaping.
- 4. Wind Energy Conversion System (WECS), Utility**
- a. Definition**  
Any device or assemblage which directly converts wind energy into usable thermal, mechanical, or electrical energy, including such devices as windmills and wind turbines, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries, and associated control equipment. A utility WECS has one or more WECS units with a rated capacity greater than 25 kW, and is intended primarily to provide distributed electric power as a public or private utility.
- b. Use-Specific Standards**
- i. Additional Submittal Requirements**

In addition to the minimum application information set forth in the title 21 user's guide, the following shall be provided:

- (A) For each WECS model proposed, the make, model, an illustrative photograph or brochure, manufacturer's specifications including noise decibels data for the proposed WECS, and drawings of the support structure stamped by a structural engineer registered in the state of Alaska.
- (B) Elevation drawing of each WECS model showing total height, turbine dimensions, tower and turbine colors, distance between ground and lowest point of any blade, and if proposed, the location of ladders, climbing pegs, and access doors.
- (C) An assessment of potential electromagnetic interference with microwave, radio, television, personal communication systems and other wireless communication.
- (D) An analysis of impacts on local wildlife shall be prepared, regarding impacts anticipated during construction, reconstruction, modification or operation of WECS. Wildlife impacts to be considered shall include, at a minimum, anticipated impacts on birds.
- (E) If any habitable building is located within 1,300 feet of any proposed utility WECS unit, then the applicant shall conduct a study on potential shadow flicker. The study shall identify locations where shadow flicker may be caused by the WECS and the expected durations of the flicker at these locations. The study shall identify areas where shadow flicker may interfere with habitable buildings and describe measures that shall be taken to eliminate or mitigate the problems. The applicant has the burden of proving that shadow flicker will not negatively impact neighboring uses.
- (F) Applications shall include a visual impact analysis of the proposed WECS as installed, which may include a computerized photographic simulation, demonstrating any visual impacts from strategic vantage points. Color photographs of the proposed site from at least two locations accurately depicting the existing conditions shall be included. The visual analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the project that is intended to lessen the system's visual prominence.
- (G) A noise analysis by a competent acoustical consultant documenting the noise levels associated with the proposed WECS. The study shall document projected noise levels at property lines. The noise analysis shall include low frequency noise.

ii. *Height*

The height as measured from grade to the highest point of the fully operational system, including the turbine vane(s), shall not exceed 450 feet in the AF, WS, TR, and PLI zoning districts, or 200 feet in any other district in which a utility WECS may be approved. A utility WECS shall not interfere with Federal Aviation Administration Regulations in the vicinity of an airport. In no case shall the height exceed manufacturer's specifications.



- iii. *Blade or Vane Clearance*  
Lowest point of moving elements, such as blades or vanes, shall be at least 30 feet above grade.
- iv. *Setbacks*
- (A) All WECS shall setback from all residential property lines at least 3.0 times the height of system, and from all nonresidential property lines a minimum of 2.0 times the height of the system.
  - (B) All systems shall be at least 325 feet from any telecommunications towers.
  - (C) The tower shall maintain a minimum separation distance equal to 1.1 times the height of system from all overhead power and telecommunication lines.
- v. *Design Standards*
- (A) Except for short-term high wind speed events such as storms, operational noise shall not exceed 50 dBH at any property line adjacent to a residential zoning district, and 60 dBH at any property line adjacent to a nonresidential zoning district.
  - (B) The rotating turbine shall not produce vibrations that are humanly perceptible beyond the property lines of the site.
  - (C) Lattice type towers and towers using guy wires are prohibited.
  - (D) All power transmission and telemetry lines from the tower to any building or other structure shall be placed underground, unless otherwise allowed by the planning and zoning commission.
  - (E) No tower shall be illuminated unless required by a state or federal agency, such as the FAA.
  - (F) All structures in a project shall be finished in a single, non-reflective, matte finished, neutral color.
  - (G) No commercial or noncommercial advertisements, signs, or other messages shall be placed or painted on the tower, rotor, generator or tail vane, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner, as approved by the planning and zoning commission.
  - (H) WECS structure shall be designed to prevent unauthorized external access to electrical and mechanical components and shall have access doors that are kept securely locked. No climbing pegs or tower ladders shall be located closer than 12 feet to the ground level at the base of the structure. A fence with a locking portal may be required by the planning and zoning commission to enclose the entire WECS tower site.
- vi. *Abandoned or Unsafe Wind Energy Conversion Systems*  
Any system that is not operated for a continuous period of 12 months shall be considered abandoned and shall be dismantled and removed from the property at the expense of the property owner.

## K. Telecommunication Facilities

This subsection provides the land use standards for the location and design of what are commonly referred to as cell towers, but also includes or excludes other types of telecommunication facilities. Telecommunication facilities are allowed as a principal use as provided in table 21.05-1. Telecommunication facilities are allowed as an accessory use as provided in table 21.05-3.

### 1. Definitions

#### a. **Type 1 Tower**

A freestanding vertical support structure of cylindrical, conical, or rectangular cross section constructed of composite, wood, concrete, or metal employed primarily for the purpose of supporting an antenna array and commonly called a monopole. A utility pole with one or more macro antennas is a type 1 tower unless it meets the requirements of 8.f. of this section.

#### b. **Type 2 Tower**

A freestanding vertical support structure of open frame skeletal design employed primarily for the purpose of supporting an antenna array and commonly called a lattice tower. This tower type includes lateral arrays.

#### c. **Type 3 Tower**

A guyed vertical support structure of open frame, skeletal design, or solid pole design employed primarily for the purpose of supporting an antenna array and commonly called a guyed tower.

#### d. **Type 4 Tower**

A concealed telecommunications facility and its support structure.

#### e. **Antenna Only, Large (Macro)**

One or more antennas used for wireless communication and not attached to a Type 1-4 tower, with a volume of greater than three cubic feet.

#### f. **Antenna Only, Small (Micro)**

One or more antennas used for wireless communication and not attached to a Type 1-4 tower, with a volume of equal to or less than three cubic feet per antenna. This use includes facilities commonly known as "small cell" and "DAS."

### 2. Applicability

This section applies to new telecommunications towers and associated equipment, new telecommunications antennas and associated equipment, and modifications to existing telecommunications towers and antennas and/or their equipment. Except for the provisions governing abandonment and interference, the following are exempt from this section:

- a. Amateur radio station towers and noncommercial receive-only antennas, provided:
  - i. The antenna and tower structure are part of a federally-licensed amateur radio station; and
  - ii. In residential zoning districts there is no use of the tower structure by a third party commercial antenna operator.
- b. Personal antenna for use by a dwelling unit occupant for personal use, including a home occupation.
- c. Localized utility antenna used for utility telemetry purposes, or by an electric or gas utility on an existing utility pole or cabinet to monitor or control equipment thereon.
- d. Antennas and antenna systems located entirely within buildings.

- e. A government-owned telecommunications facility installed upon the declaration of a state of emergency by the federal, state, or local government, except that such facility shall comply with all federal and state requirements. The facility shall be exempt from the provisions of this section for up to six months after the duration of the state of emergency.
- f. Temporary mobile telecommunication facilities, including cell-on-wheels. Temporary facilities shall comply with section 21.05.080.

### 3. Approval Process

- a. Towers and antennas shall be allowed in accordance and using the approval process set forth in table 21.05-1, table 21.05-3, table 21.09-2, table 21.09-3, table 21.10-4, and table 21.10-5, except that the provisions and standards in residential districts shall apply to all telecommunications facilities located within 150 feet of a residential district. Towers in PC districts shall be allowed in accordance with the provisions of the district's master plan.
- b. "Antenna only, large" and "Antenna only, small" shall require an administrative permit, in accordance with subsection 21.05.040K.4.d. below.
- c. The director may refer applications for administrative site plan review or conditional use to an independent, Alaska licensed, professional engineer for analysis. The cost of such review shall be borne by the applicant.
- d. Modifications that are not consistent with 47 U.S.C 1455(a) and its implementing regulations (47 C.F.R. § 1.40001, commonly referred to as "6409(a)") shall be acted upon within 90 days of a complete application submittal.
- e. Modification consistent with 47 U.S.C 1455(a) and its implementing regulations (47 C.F.R. § 1.40001, commonly referred to as "6409(a)") shall be acted upon within 60 days of a complete application submittal.
- f. Any telecommunication facility that is approved through an administrative site plan review process shall be approved through the administrative site plan review with notice process in accordance with subsection 21.03.180C.3.
- g. A tower or antenna that does not meet the standards set forth in this section may be approved through the conditional use process, except that the limitations in subsection 7.b. below still apply. To approve such an application, the planning and zoning commission shall find that, in addition to meeting the approval criteria of subsection 21.03.080D. and K.6. below, denial would unreasonably discriminate among providers of functionally equivalent services or prohibit or have the effect of prohibiting the provision of personal wireless service.
- h. Towers in dedicated parks may require a majority vote at a regular or special election as provided for in the Anchorage Home Rule Charter 10.02.8, if siting the tower would require the Municipality to convey an interest in lands.

### 4. Limitations on Authority to Deny

The decision-making body may not deny an application for a telecommunications facility:

- a. If the denial would unreasonably discriminate among providers of functionally equivalent services or prohibit or have the effect of prohibiting the provision of personal wireless services.
  - i. Unreasonable discrimination occurs if the applicant is treated differently from other providers whose facilities are similarly situated in terms of the structure, placement, or cumulative impact as the facilities in question.

- ii. In order to establish the need for service, the applicant must make a showing of a significant gap in service coverage and address to the satisfaction of the decision-making body the infeasibility of alternative facilities or site locations.
- b. On the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions.

## 5. Submittal Requirements

### a. *Administrative Site Plan Review and Conditional Use for New Towers*

In addition to the submittal requirements in chapter 21.03, applications for administrative site plan review and conditional use shall also include the following. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer, except radio frequency engineering reports which may be provided by a qualified employee of the applicant.

- i. An explanation of why the site was selected. The applicant shall submit evidence that demonstrates that no existing tower or structure can accommodate the applicant's needs. Such evidence shall consist of information demonstrating the following:
  - (A) No existing tower or structure is located within the geographic area needed to meet applicant's engineering requirements.
  - (B) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - (C) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - (D) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - (E) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are commercially unreasonable. Costs exceeding new tower structure development are presumed to be unreasonable.
  - (F) There are other limiting factors that render existing tower or structures unsuitable.
- ii. Evidence to demonstrate that no alternative technology can accommodate the applicant's proposed antenna. Such evidence shall consist of information demonstrating that an alternative technology that does not require the use of a tower or structure, such as a cable microcell network using multiple low-powered transmitters or receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new

tower structure or antenna development may render the technology unsuitable.

- iii. A dimensioned and scaled site plan clearly indicating the location of the proposed tower structure, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, topography, parking, landscaping, and other information deemed by the director to be necessary to assess compliance with the standards.
- iv. The proposed tower height and type, along with elevation drawings of the tower, and types, sizes and locations of antennas on the tower.
- v. A rendition, drawing, or photographic representation of what the tower will look like if constructed, from at least two directions.
- vi. The distance between the proposed tower structure and the nearest residential unit, residentially-zoned property, and PLI-zoned property.
- vii. The separation distance from other tower structures within one mile, shown on a plan or map. The applicant shall also identify the type of construction of the nearby towers and the owner/operator of the nearby towers, if known.
- viii. Radio frequency propagation maps.
- ix. Fence and lighting details.
- x. An evaluation of the tower structure's compliance with this subsection.
- xi. An applicant for a type 4 tower shall provide evidence in the form of construction drawings, photographs, renderings, or other data sufficient for the director to find the concealment standards are satisfied.

**b. *Administrative Permit***

- i. Each antenna array installation, a single antenna not in an array, and any network of antennas (such as "small cell" or "DAS") requires an administrative permit in accordance with section 21.03.030. In the case of an antenna network, the administrative permit shall verify compliance with subsection K.8.f. below.
- ii. Compliance with subsection K.9. below regarding interference is required for the administrative permit.
- iii. An applicant for a concealed antenna shall provide evidence in the form of construction drawings, photographs, renderings, or other data sufficient for the director to find the concealment standards are satisfied.

**c. *Building Permit Required***

Installation and use of a telecommunication facility that does not require an approval under this section may still be required to comply with other laws, including approval of a building or land use permit under title 23. Building or land use permits shall be reviewed for compliance with this title.

**6. Approval Criteria**

In addition to the general standards for site plan approval under subsection 21.03.180F. and for conditional use approval under subsection 21.03.080D., the decision-making body shall also consider all of the following factors. In approving an application, the decision-

making body may impose conditions to the extent it concludes conditions are necessary to minimize any adverse effect of the proposed tower structure, including all associated structures and landscaping, on adjoining properties.

- a. Height of the proposed tower structure.
- b. Proximity of the tower structure to residential structures and residential district boundaries.
- c. Nature of uses on adjacent and nearby properties.
- d. Surrounding topography.
- e. Surrounding tree coverage and foliage.
- f. Design of the tower structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
- g. Proposed ingress and egress.
- h. Availability of suitable existing towers, structures, or alternative technologies not requiring the use of towers or structures. No new tower structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the decision-making body that:
  - i. No existing tower or structure can accommodate or replace the applicant's proposed antenna; and
  - ii. No alternative technology that does not require the use of tower structures can accommodate or replace the applicant's proposed antenna.

## 7. Common Standards for All Towers

### a. *Applicability*

These common standards apply to all towers.

### b. *Minimum Separation Distance from Protected Land Uses*

- i. The minimum separation distance between the base of the tower and any principal structure on residentially-zoned land, or any school or child care center, shall be 200% of the allowable or actual tower height, whichever is greater.
- ii. The decision-making body may reduce the separation distance set forth in paragraph b.i. above to 150% of the allowable or actual tower height (whichever is greater) upon finding that the property owner(s) of the protected land use(s) agree to the reduction, or that the reduced separation allows a location that has less visual impact on the community in general.
- iii. After giving due consideration to the comments of the applicant, the property owner of the proposed tower site, the local community council, and the property owner(s) of the protected land use(s), the decision-making body may further reduce the separation distance set forth in paragraph b.i. above to no less than 110% of the allowable or actual tower height (whichever is greater) upon finding that the reduced separation allows a location that has less visual impact on the community in general, or is necessary for the applicant to close a significant gap in service. The

applicable decision-making body may not further reduce this separation distance.

- iv. Notwithstanding variance authority set forth in chapter 21.02 and section 21.03.240, the assembly may grant a variance from the separation distance if the applicant proves that denial of such variance would unreasonably discriminate among providers of functionally equivalent services or prohibit or have the effect of prohibiting the provision of personal wireless services.

**c. Tower Structure Height**

- i. Notwithstanding section 21.06.020, height for a tower structure directly fixed to the ground shall be determined by measurement from grade to the highest point on the tower structure, including any installed antennas and lighting and associated structures. Maximum height shall be as set forth below:

(A) Residential districts—65 feet.

(B) Commercial districts—130 feet.

(C) Industrial districts—150 feet.

(D) AF district—200 feet.

(E) All other districts—100 feet.

- ii. Notwithstanding section 21.06.020, height for a tower structure not directly affixed to the ground shall be determined by measurement from the grade of the building to the highest point on the tower structure, including any installed antennas and lighting and supporting structures. At no time shall the height of a tower installed on a building as measured from grade to the highest point on the tower structure as set forth above exceed the height of the building multiplied by two or the maximum height set forth in subsection 7.c.i. above, whichever is greater.

- iii. Tower structures, whether directly affixed to the ground or mounted on a building, shall not interfere with Federal Aviation Administration Regulations on airport approaches.

**d. Co-location**

- i. All type 1, type 2, and type 3 towers constructed after June 21, 2016, shall be engineered and constructed to accommodate a total of three separate antenna array without the need to re-engineer, except that type 1, type 2, or type 3 towers in residential districts shall accommodate a total of two separate antenna array if they are less than 85 feet in height.

- ii. With a signed letter of intent or similar document demonstrating that another carrier intends to co-locate on the tower:

(A) A Type 4 tower in class A districts may be engineered and constructed to accommodate one additional antenna array and may exceed the maximum tower height set in subsection 7.c. above by 15 feet.

(B) A Type 4 tower in class B districts may be engineered and constructed to accommodate one or two additional antenna array

and may exceed the maximum tower height set in subsection 7.c. above by 15 feet per additional array, up to a maximum of 30 feet of additional height.

- iii. All towers shall, for reasonable compensation, be made available for use by as many licensed carriers as can be technically co-located thereon when the use will not result in substantial injury to the owner, or in substantial detriment to the service to the customers of the owners. All licensed carriers shall cooperate with each other in co-locating additional facilities upon such towers. All licensed carriers shall exercise good faith in co-locating with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of co-location.
- iv. Colocation is prohibited if the installation will violate the standards of the original approval, including violation of standards applicable to concealment.
- e. ***Seward Highway National Scenic Byway and Significant Viewsheds***  
In order to approve towers proposed along the Turnagain Arm in or adjacent to the Seward Highway National Scenic Byway corridor, and in significant viewsheds, including street level viewsheds, and community gateways identified in the comprehensive plan, the decision-making body shall find that the proposed facility does not significantly affect the scenic corridor, viewshed, or gateway.
- f. ***Parking***  
Off-street parking is not required, however if it is provided, parking spaces may be shared with other principal uses on the site. The parking spaces shall be paved in class A districts and, in class B districts, shall be paved or covered with a layer of crushed rock of no more than one inch in diameter to a minimum depth of three inches. Notwithstanding section 21.07.100, parking space illumination is not required.
- g. ***Landscaping and Fencing***
  - i. All towers and related ground-mounted equipment shall be surrounded by a sight obscuring fence at least six feet tall. In dedicated parks, residential districts and within 150 feet of residential districts, chain link, plastic, or vinyl fencing/screening is prohibited.
  - ii. In dedicated parks, residential districts and within 150 feet of residential districts, security wire, such as barbed, razor, or concertina wire, is prohibited. In all other locations, security wire is permitted but only if inverted inside the fence. The wire may be exposed and visible above the fence by a maximum of one foot, but if not exposed, the fence shall be posted with prominent warning signs.
  - iii. In dedicated parks, residential districts and within 150 feet of residential districts, L1 visual enhancement landscaping shall be provided around the outside of the fence, except for at the point of access and where the fence is not visible from the property line. In all other locations, L1 visual enhancement landscaping shall be provided around the outside of the fence (except for at the point of access and where the fence is not visible from the property line) unless waived by the decision-making body with a finding that the landscaping is not compatible with the location.
- h. ***Security***



The tower structure and support structures shall be secured to prevent unauthorized access.

i. ***Separation Distance***

Towers shall maintain a minimum spacing of one-half mile unless the applicant reasonably demonstrates that physical limitations (such as topography, terrain, vegetation, or existing buildings) in the immediate service area prohibit the provision of services by existing facilities or that co-location on an existing facility within one-half mile is technically impractical or does not sufficiently meet coverage needs.

j. ***Installation***

All transmitting antennas shall be installed in a manner as set forth by the manufacturer and by the Federal Communications Commission (FCC) as meeting the current American National Standards Institute (ANSI) standard for nonionizing electromagnetic radiation (NIER).

k. ***Tower Lighting***

Tower structures shall not be lighted unless the Federal Aviation Administration requires or recommends that obstruction lighting be installed. To prevent direct light reflection on other property, tower structure lighting shall be shielded to the extent permitted by the Federal Aviation Administration.

l. ***Equipment Lighting***

Lighting placed to illuminate the associated equipment shall be designed to direct light towards the ground. Lighting shall not cause glare or light trespass on adjacent properties. In residential districts and within 150 feet of residential districts, lights shall either be on motion sensors or shall be kept off when no personnel are on site.

m. ***Tower Color***

Except for qualifying Type 4 concealed towers where the color used enhances the concealment, the tower structure and any other structure(s) directly related to the operation of any antenna mounted on the tower structure shall be neutral in color and, to the extent possible, shall be compatible with the appearance and character of the neighborhood or location unless obstruction marking is required by the Federal Aviation Administration.

n. ***Identification Placard***

An identification placard shall be attached to the tower structure or the security fencing in a location clearly visible at eye level. The placard shall provide the following information:

- i. The name and address of the tower structure owner;
- ii. The name and address of the tower structure manager, if different from the owner;
- iii. The date of erection of the tower structure; and
- iv. The owner's name and address of each antenna on the tower structure.

o. ***Time Period for Construction***

Construction of a tower shall commence within one year from the later date of the building or land use permit, site plan, or conditional use approval, with opportunity

for a six-month extension. If not used within one year, or within the extension period, the permit or approval, or both, shall become null and void.

**8. Specific Standards for Types of Telecommunications Facilities**

**a. Type 1 Tower**

**i. Setbacks**

The minimum distance from any lot line to the vertical axis of the tower structure shall be equal to or greater than the setbacks of the underlying zoning district.

**b. Type 2 Tower**

**i. Setbacks**

The minimum distance from any lot line to the vertical axis of the tower structure shall be equal to or greater than the distance measured from grade to the first taper transition.

**c. Type 3 Tower**

**i. Setbacks**

The minimum distance from any lot line to the vertical axis of the tower structure shall be equal to or greater than the distance measured from the tower structure axis to the outermost guy wire anchor. The guy wire levels and anchor radius must match manufacturer's criteria for the proposed application. That portion of guy wire anchor structure that is above grade shall be set back from any property line in accordance with the following:

- (A)** Guy wire with a nominal diameter of 0.25 inches or less—25 feet, provided the setback may be reduced to 0 feet if the anchor structure is enclosed within a sight obscuring fence.
- (B)** Guy wire with a nominal diameter greater than 0.25 inches but less than 0.625 inches—25 feet, provided the setback may be reduced to five feet if the anchor structure is enclosed within a sight obscuring fence.
- (C)** Guy wire with a nominal diameter equal to or greater than 0.625 inches—25 feet.

**d. Type 4 Tower and Concealed Antenna**

**i. Setbacks**

The minimum distance from any lot line to the vertical axis of the tower structure shall be equal to or greater than the setbacks of the underlying zoning district.

**ii. Concealment Qualifications for Towers and Antennas**

**(A)** Towers and antennas shall be considered Type 4 towers or concealed antennas if they are integrated as an architectural feature of an existing structure and/or designed and built so that the purpose of the facility for providing wireless services is not readily apparent to a casual observer. Common concealments include integration into building facades, street light poles, flagpoles, free standing signs, steeples and spires at places of worship, and water towers. Other concealments create the appearance of a natural feature, consistent with its surroundings, that is not commonly recognized as a man-made structure. Common types include trees, large rocks, and cliff faces. The antennas of the facility are mounted on the structure so that they are located and designed to minimize or eliminate visual and

aesthetic impacts to surrounding land uses and structures and shall, to the greatest extent practical, blend into the existing environment. By itself, paint schemes on the support structure or telecommunication facility are not presumptively sufficient to classify a facility as a Type 4 facility, but the director may determine that a paint scheme is sufficient to achieve the concealment required to be classified as a Type 4 facility.

- (B) Each Type 4 tower structure and concealed antenna proposed for installation and use shall be qualified as meeting the concealment standards in this section by the director.

e. ***Antenna Only, Large***

- i. In residential districts and within 150 feet of residential districts, antennas meeting the definition of “antenna only, large” shall be concealed in accordance with 8.d. above.
- ii. In all other locations, when attached the façade of existing buildings, antennas meeting the definition of “antenna only, large” shall be painted to match the building at the location of mounting.

f. ***Antenna Only, Small***

An antenna or a system of antennas meeting the definition of “antenna only, small” is permitted on utility poles in the public right-of-way and/or on existing structures, and requires an administrative permit. When located in the right-of-way, the following standards shall apply:

- i. If applicable, the applicant shall provide proof that the owner of the utility pole authorizes the installation of the facilities.
- ii. The applicant shall provide proof that the property owner, if different from applicant, authorizes the installation of the facilities.
- iii. If replace, the new pole diameter shall be no larger than 1.5 times the diameter of the replaced pole, and no more than six feet taller than the replaced pole.
- iv. The top of any installation on the utility pole shall not exceed 50 feet in height from the ground, or six feet above the top of the pole, whichever is less.
- v. Antennas shall not increase the pole height by more than three feet per installation and shall not exceed 18 inches in diameter.
- vi. There shall be no more than two separate installations on each pole.
- vii. Antennas and mounting hardware shall be covered or painted to match the color of the pole on which it is mounted. All cables shall be located inside the installation or within an encasement colored to match the pole and oriented to a side with the least visual impact.
- viii. Any ancillary equipment located in a right-of-way:

- (A) Shall be attached to a utility pole and be the same color as the utility pole, or shall be ground mounted; and

- (B) Shall include no individual item of equipment that exceeds two feet in width, two feet in depth, and six cubic feet, when attached to a utility pole. The total volume of equipment, either pole-mounted or ground-mounted, shall not exceed 17 cubic feet; and
  - (C) Shall not encroach into any walkway clear width. Notwithstanding title 24, any ancillary equipment that obstructs future pedestrian facility construction shall be moved at the equipment owner's expense, in situations where pedestrian facilities were required or intended at the location (based on the comprehensive plan or code), at the time of the installation of the equipment.
- ix. Any ancillary equipment not located in a right-of-way shall meet the following criteria:
- (A) The equipment shall be located in an easement.
  - (B) The equipment shall be located on a concrete pad, unless required to be elevated due to FEMA requirements.
  - (C) All equipment, including power generators, service panels and service connections shall be housed in one of the following: within a building, within a wireless equipment compound, within a wireless equipment cabinet, or completely underground. The wireless equipment cabinet shall not exceed four feet in height and 80 cubic feet.
  - (D) Notwithstanding chapter 21.06, the equipment may be located within a required front, side, or rear setback, provided, that it extends no higher than 48 inches above finished grade and does not encroach into any required sight distance triangle.
  - (E) The equipment, including the pad, shall be included in lot coverage and shall not count as open space for the site.
  - (F) The equipment shall be screened from view by landscaping, architectural features, or a combination of both, and designed in a manner which minimizes nuisance impacts, such as noise and odor. Screening shall be at least equal to the height of the equipment on all sides and shall be maintained in good order. Failure to maintain fences, walls, landscaping, or other screening shall constitute a violation of this chapter.
- x. The building, wireless equipment compound or wireless equipment cabinet shall be architecturally compatible with the surrounding area in terms of scale, form, texture, materials and color.
- xi. If the installation is located on a pole that is undergrounded, the installation shall be removed.

## 9. Notification of Activation

Within 30 days of activation of an antenna, antenna array, or antenna network, the operator shall provide written notice to property owners and residents in accordance with subsection 21.03.020H.3., *Written (Mailed) Notice*. The notice shall include:

- a. The date of activation;
- b. A statement that the Federal Communications Commission (FCC) has authority over interference caused by telecommunications facilities, and how to contact the FCC to register a complaint;
- c. The operator's contact information, including phone number; and
- d. Normal business hours or, if none, hours the operator can be reached by phone.

**10. Annual Inventory**

By January 31 of each year, the owner of each antenna or tower regulated by this section shall provide the municipality with an inventory of all additions and deletions of the owner's existing antennas, towers, or approved sites for such facilities that are within the municipality or within one mile of the border thereof as of December 31 of the previous year.

- a. The first inventory from each provider shall be a comprehensive current list of their existing antennas, towers, and approved sites.
- b. The inventory shall be provided in an electronic format, preferably in a spreadsheet, emailed to the director, and shall contain a separate entry for each tower or, if no tower, each site and antenna. Each entry shall contain:
  - i. Municipal or borough parcel ID. In the absence of a parcel ID, a legal description or official street address;
  - ii. Global positioning system (GPS) coordinates for each tower and antenna/antenna array;
  - iii. Actual height of the antenna or tower or, in the absence of a constructed antenna or tower, the approved tower height;
  - iv. Number of actual or planned antenna;
  - v. Name of each antenna owner for co-located antenna;
  - vi. Number of inactive antenna or, if applicable, indicate the entire tower or site is inactive; and
  - vii. Unutilized number of antenna co-locations available on the tower, by counting designed or existing and known engineered capacity in 15 foot increments.
- c. Failure to comply with this section is a violation enforceable under 21.13.040.

**11. Modifications and Amendments**

- a. Standards for modifications to telecommunications facilities are as follows:
  - i. Repairs and maintenance to a nonconforming tower structure may be performed consistent with subsection 21.12.010F.
  - ii. The replacement or repair of antennas, addition of antennas to a tower that does not increase the maximum height or width of the tower, or changes that do not increase the footprint or height of associated equipment, shall not be considered an amendment of final approval under

subsection b. and shall be considered a use contemplated within the original approval where the replacement, repair, or addition:

- (A) Will serve the same user or successor entity under the original approval;
  - (B) Will serve the same general purpose as was served under the original approval; and
  - (C) Is consistent with the conditions and standards applicable to the original approval.
- iii. Replacement or addition of an antenna requires an administrative permit and compliance with the notification of activation requirement in subsection K.9.
  - iv. An application under this title for modification approval is not required. A review for eligibility and compliance with this subsection shall occur during the administrative, building, or land use permit review.

**b. Amendments to Final Approval**

- i. Applications for amendments to a conditional use shall be subject to the requirements of 21.03.080E. Applications for amendments to an administrative site plan approval shall be subject to the requirements of 21.03.180H.
- ii. Utilization of the criteria provided in 47 U.S.C. 1455(a) and its implementing regulations (47 C.F.R. § 1.40001, commonly referred to as “6409(a)”) (hereafter “Rule”), as it may be amended from time to time, shall be treated as a minor amendment under this title if:
  - (A) The application clearly requests treatment of the modification as an insubstantial change under the Rule;
  - (B) The application is complete in accordance with this title and the Rule; and
  - (C) The director determines the application meets all the requirements of the Rule and applicable provisions of this title not preempted by the Rule. The director may use the maximum time allowed by the Rule to determine whether the application is complete and eligible under the Rule.

**12. Building or Land Use Permit, Administrative Site Plan Approval, or Conditional Use Approval Revocation**

- a. Unless cured, a building or land use permit or approval of a site plan or conditional use shall be revoked after notice and the opportunity to cure, for any of the following:
  - i. Construction, maintenance, and/or operation of a tower at an unauthorized location;
  - ii. Construction or operation of a tower in violation of any of the terms and conditions of this title or the conditions attached to the permit or approval;
  - iii. Material misrepresentation by or on behalf of an applicant or permittee in any application or written statement upon which the approving authority

substantially relies in making the decision to grant, review, or amend any permit or approval pursuant to this section and which materially changes the application of the standards of approval of the permit or issuance of the approval;

- iv. Abandonment of a tower as set forth in this section; or
  - v. Failure to relocate or remove facilities as required in this section.
- b. After having a permit or approval revoked, no tower shall be re-permitted or subsequently approved for that property or by that tower owner on any property within the municipality for a period of one year except through a conditional use approval.

### 13. Abandonment

Any antenna or tower structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower structure shall remove the same within 180 days of receipt of notice from the municipality notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower structure within said 180 days shall be grounds for the municipality to remove the tower structure or antenna at the owner's expense. If there are two or more users of a single tower structure, then this provision shall not become effective until all users cease using the tower structure.

### 14. Appeals

- a. Notwithstanding 21.03.050, a decision to
- i. Deny or issue a building or land use permit based on requirements of this section where an approval of an administrative site plan or conditional use is not required, or
  - ii. Deny or approve an administrative site plan under the authority set forth in this section,

is final unless appealed to the planning and zoning commission within 30 days of the denial or effective date of the permit or approval. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding owners of rights-of-way) of the privately owned land within 500 feet of the outer boundary of the site. The appeal shall be heard by the commission in accordance with the procedures in 21.03.050A.

- b. An appeal from an original or appellate decision of the planning and zoning commission may be brought in Superior Court.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-142(S-1), 6-21-16)

## 21.05.050 COMMERCIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS

This section defines the general commercial use categories and specific commercial use types listed in table 21.05-1. The uses may either be commercial or have impacts common to commercial uses. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to a site plan review process, or subject to the conditional use process.

### A. Agricultural Uses

This category includes activities that primarily involve producing or keeping plants on a commercial basis. Accessory uses may include dwellings for proprietors and employees, barns, storage, and sales of products produced on-site. Specific use types include:

**1. Commercial Horticulture**

**a. Definition**

An establishment engaged in the growth and sale of vegetables, produce, fruit crops, vines, shrubs, trees (including Christmas trees), sod, and nursery plants, conducted within or outside an enclosed building. This use includes, but is not limited to, crop farms, orchards, groves, tree plantations, commercial greenhouses, nurseries, and a temporary stand for the sale of products grown on the premises.

**B. Animal Sales, Service, and Care**

This category includes uses that involve the selling, boarding, training, or care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas. Specific use types include:

**1. Animal Boarding**

**a. Definition**

A commercial establishment where small domestic animals, such as dogs and cats, are boarded. This use includes animal daycare.

**b. Use-Specific Standard**

Animal boarding establishments shall comply with the use-specific standards below for “animal shelter.”

**2. Animal Shelter**

**a. Definition**

A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public or nonprofit organization devoted to the welfare, protection, and humane treatment of animals. This term shall not include residences where animals are fostered while awaiting adoption.

**b. Use-Specific Standards (also apply to “Retail and Pet Services”, “Animal Boarding”, and “Veterinary Clinic”)**

**i. General Standards when Use is within 100 Feet of a Residential District**  
All facilities, including all treatment rooms, cages, pens, kennels, and training rooms, shall be maintained within a completely enclosed building. Areas for the care of large animals that are associated with veterinary clinics are exempt from this requirement, but shall meet the setback standards of subsection 21.05.050B.3.b.iv.

**ii. Standards When Use is Not within 100 Feet of a Residential District**  
Outdoor runs shall be located on site and shall be screened from the view of all adjacent streets and properties by fencing or vegetation.

**iii. Waste Management**  
Waste shall be managed in accordance with AMC section 15.20.020.

**3. Large Domestic Animal Facility, Principal Use**

**a. Definition**

An establishment for keeping, harboring, riding, boarding, stabling, training, exercising, breeding, or related use of four or more large domestic animals, and the associated structure(s) such as a paddock or stable. Includes riding stable facilities for the care and exercise of horses and related equestrian activities.

**b. Use-Specific Standards**

**i. Access**



Traffic access shall be from a street constructed to standards found by the traffic engineer to be appropriate to the intensity of the use proposed.

**ii.** *Lot Coverage*

Lot coverage may be 10 percent greater than the maximum lot coverage otherwise allowed in the zoning district.

**iii.** *Adjacent Lots*

Adjacent lots may be used in square footage calculations for site size only. If the adjacent lots are not under single ownership, the lot owners shall submit a recorded joint usage agreement for review and approval by the director. In such cases, setback requirements shall not apply to the common interior lot lines and a primary use need not be located on the adjacent lot.

**iv.** *Setbacks*

Notwithstanding the setbacks of the underlying zoning district, covered structures associated with a large domestic animal facility, such as a stable or barn, shall be set back at least 25 feet from any abutting lot line, not including interior lot lines between lots in common ownership. Uncovered enclosures shall meet one of the following setback options:

**(A)** Seventy-five feet from residences existing on February 28, 2006, not including any residence in common ownership with the large domestic animal facility; or

**(B)** Ten feet from any abutting lot line, not including interior lot lines between lots in common ownership, if the separation area is vegetated with L2 buffer landscaping.

**v.** *Fences*

Barbed wire shall not be used for fencing of any large domestic animal facilities.

**vi.** *Other Requirements*

Large domestic animal facilities shall:

**(A)** Meet the requirements of AMC chapter 15.20 regarding animal waste, AMC subsection 15.55.060B. concerning separation requirements from water supply wells, and section 21.07.020 concerning stream protection setbacks;

**(B)** Obtain an animal control facility license;

**(C)** Obtain certification of compliance with a state of Alaska, Anchorage soil and water conservation district conservation plan, or obtain a letter from the district showing demonstrated intent to come into compliance with a conservation plan within one year; and

**(D)** Comply with licensing and other laws concerning the keeping of animals as set forth in AMC titles 15, 17, and 21.

**vii.** *Additional Conditions*

The planning and zoning commission may impose additional conditions upon a conditional use permit that are found necessary to protect any

person or neighboring use from unsanitary conditions or unreasonable noise or odors, or to protect the public health and safety.

#### 4. Retail and Pet Services

##### a. *Definition*

An establishment primarily engaged in the sale, bathing, and/or grooming of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep, and poultry. Accessory uses may include overnight stays incidental to the primary use.

##### b. *Use-Specific Standard*

Retail and pet services shall comply with the use-specific standards above for "animal shelter."

#### 5. Veterinary Clinic

##### a. *Definition*

An establishment for the medical care and treatment of animals by a licensed veterinarian.

##### b. *Use-Specific Standard*

Veterinary clinics shall comply with the use-specific standards above for "animal shelter."

### C. Assembly

This use includes buildings and facilities owned or operated by associations, corporations, governments, or other persons for social, educational, or recreational purposes. Facilities are primarily for members and their guests, or members of the public paying a fee. Accessory uses may include offices, meeting areas, food preparation areas, concessions, parking, and maintenance facilities. Specific use types include:

#### 1. Civic/Convention Center

##### a. *Definition*

An establishment designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, and entertainment functions. Accessory uses may include temporary outdoor displays, parking, and food and beverage preparation and service for on-site consumption.

##### b. *Use-Specific Standard*

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

#### 2. Club/Lodge/Meeting Hall

##### a. *Definition*

An establishment owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose, to which membership may be required for participation.

##### b. *Use-Specific Standard*

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

### D. Entertainment and Recreation

This category includes uses that provide continuous recreation or entertainment activities, outdoors or indoors. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include:

1. **Amusement Establishment**
  - a. **Definition**

An establishment offering entertainment, game playing, or similar amusements to the public within a fully enclosed building. This shall include without limitation arcades, bowling alleys, billiard parlors, bingo parlors, laser tag parlors, water parks, miniature golf courses, and indoor shooting ranges.
  - b. **Use-Specific Standard**
    - i. Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.
    - ii. A conditional use approval is required for amusement establishments in the I-1 district that are proposed to occupy more than 20,000 square feet of gross floor area.
2. **Entertainment Facility, Major**
  - a. **Definition**

Major entertainment facilities uses are designed to accommodate activities that generally draw 501 persons or more to specific events or shows. Activities are generally of a spectator nature. Examples include amphitheatres, performing arts centers, stadiums, sports arenas, coliseums, auditoriums, and fairgrounds. Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.
  - b. **Use-Specific Standard**

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.
3. **Fitness and Recreational Sports Center**
  - a. **Definition**

A facility primarily featuring equipment for exercise and other active physical fitness conditioning or recreational sports activities, such as swimming, skating, racquet sports, aerobic dance, gymnasium facilities, yoga, and other kinds of sports and fitness facilities.
  - b. **Use-Specific Standard**

A conditional use approval is required for fitness and recreational sports centers in the I-1 district that are proposed to occupy more than 20,000 square feet of gross floor area.
4. **General Outdoor Recreation, Commercial**
  - a. **Definition**

Developed recreational uses such as amusement parks, miniature golf courses, dog mushing tracks, golf driving ranges, batting cages, skateboard or skate parks or courses, bicycle motocross courses, water parks or slides, drive-in movie theaters, courses for paramilitary games, and archery facilities.
  - b. **Use-Specific Standard**

L2 buffer landscaping shall be provided wherever this use is adjacent to a residential district.
5. **Golf Course**
  - a. **Definition**

A tract of land laid out with a course having nine or more holes for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restrooms, or similar accessory uses or structures. This term shall not include housing or

miniature golf courses as a principal or accessory use, nor shall it include driving ranges that are not accessory to a golf course.

**6. Motorized Sports Facility**

**a. Definition**

A facility for the racing of motorcycles, snow machines, race cars, or other motorized vehicles.

**b. Use-Specific Standards**

**i. Special Land Use Permit for Alcohol**

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

**ii. Hours of Operation**

The maximum hours of operation shall be from 8:00 a.m. to 10:00 p.m. Monday through Saturday, and from 12:00 p.m. to 10:00 p.m. on Sunday.

**iii. Additional Site Plan Requirements**

In all districts, as part of the site plan application, the applicant shall comply with the following requirements:

**(A)** If the projected or actual noise level exceeds the standards set at AMC section 15.70.080A., a noise analysis shall be prepared identifying noise mitigation measures.

**(B)** The applicant shall prepare an operation plan to monitor and enforce:

**(1)** Prohibition on consumption of alcoholic beverage on the premises; and

**(2)** Mandatory transportation of racing machines to the site.

**(C)** The applicant shall submit a dust and litter control plan and describe the methods to be used to collect trash on the site.

**(D)** The applicant shall identify one or more individuals who shall be responsible for enforcement of the noise, operation, and dust and litter control plans developed pursuant to this subsection.

**iv. Dimensional Standards**

Notwithstanding the general dimensional standards of chapter 21.06:

**(A)** The planning and zoning commission may designate minimum setback areas around the perimeter of the site as it deems necessary to minimize glare and noise impact on adjacent uses, to separate incompatible uses, and to restrict casual access to the site.

**(B)** The maximum height of structures shall be 35 feet.

**v. Site Location, Development, and Operation**

**(A)** No motorized facility shall be located within 500 feet of any residential district.

**(B)** In order to prevent casual access to and from the site or to mitigate adverse effects of the motorized sports facility upon adjacent uses, the planning and zoning commission may require the

enclosure of the entire site by a screening structure and/or landscaping, as described in section 21.07.080.

(C) Public sanitation facilities (restrooms) shall be provided on-site and operated in a manner consistent with AMC section 15.20.020.

vi. *Industrial Districts Standard*

Motorized sports facilities are conditionally allowed in the I-1 and I-2 districts on parcels with a minimum of 20 acres. The maximum engine size allowed is 250 cc's for wheeled vehicles and 550 cc's for snow machines.

7. **Movie Theater**

a. **Definition**

An indoor theater for showing motion pictures.

8. **Nightclub**

a. **Definition**

An enterprise, that, for consideration, provides entertainment to its patrons in the form of floorshows; dance revues; live, recorded, or electronically enhanced music; patron dancing; or performances by live or recorded professional or amateur entertainers. Discotheques, nightclubs, bars, lounges, dance halls, bistros, teen clubs, and any facility that meets the terms of this definition are often, but not exclusively, open during one or more of the hours between 11:00 p.m. and 3:00 a.m. This definition excludes theaters or auditoriums with fixed seating, religious assemblies, adult-oriented establishments as defined by AMC section 10.40.050, publicly owned and operated recreation centers or parks, and public and private schools. Nightclubs may be licensed or unlicensed. Unlicensed nightclubs do not offer or sell to patrons either alcoholic beverages, as defined by AS 04.21.080, or adult entertainment, as defined by AMC section 10.40.050.

b. **Use-Specific Standards for Licensed Nightclubs**

i. All facilities adjacent to a residential district shall be maintained within a completely enclosed building, and shall be sufficiently insulated so that the standards of AMC section 15.70.080A. are met.

ii. Licensed nightclubs are subject to the special land use permit for alcohol process to allow the retail sale of alcohol; see section 21.05.020A.

c. **Use-Specific Standards for Unlicensed Nightclubs**

i. *Purpose*

Certain types of enterprises have been determined to produce secondary impacts on surrounding land uses. The impacts include a perceived decline in property values, and an increase in the level of criminal activity, including unlawful sales and use of drugs and consumption of alcoholic beverages, in the vicinity of these types of enterprises. The purpose of this subsection is to segregate such enterprises from land uses that are likely to be negatively impacted.

ii. *Minimum Distance from Certain Uses*

Except for teen nightclubs and underage dances permitted under AMC chapter 10.55, an unlicensed nightclub shall be located so that all portions of the lot on which the unlicensed nightclub is located shall be 300 feet or more from the lot line of property on which is located:

(A) A school or instructional service serving any combination of grades kindergarten through 12;

- (B) A childcare center;
- (C) Property zoned residential; or
- (D) TA-zoned property designated as residential in the *Turnagain Arm Comprehensive Plan*.

iii. *Administrative Permit Required*

An administrative permit for each unlicensed nightclub shall be obtained from the department and be displayed in a prominent place inside the unlicensed nightclub. This permit shall certify that, when granted, the enterprise was in compliance with paragraph ii. of this subsection. This permit shall be obtained from the director, pursuant to section 21.03.030, *Administrative Permits*. This permit shall remain valid so long as that enterprise remains in continuous operation at that location, and does not physically expand.

9. **Shooting Range, Outdoor**

a. **Definition**

An establishment engaged in the use of land for discharging of firearms for target practice, skeet, and trap shooting.

b. **Use-Specific Standards**

i. *Intent*

The intent of the following standards for shooting ranges is primarily safety and buffering for adjacent neighborhoods.

ii. *Setbacks*

All shooting areas shall be set back a minimum distance of 100 feet from any public right-of-way. Buildings located behind the firing line are allowed to be located to the normal zone setback.

iii. *Site Size*

The minimum site size shall be 20 acres.

iv. *Shooting Area*

The backstop must be an earth mound or dugout of sufficient dimension to stop projectiles. Casual access into the line of fire shall be prevented through fencing or some equally effective equivalent.

v. *On-Site Uses*

An accessory retail store, snack shop, ammunition storage, and short-term rental of firearms and equipment for use only on the premises are permitted. Sale of alcoholic beverages is prohibited.

vi. *Noise Impact Analysis*

A noise impact analysis with a noise map based on the types of firing and layout of the range shall be submitted as part of the conditional use application.

10. **Skiing Facility, Alpine**

a. **Definition**

A facility and related terrain utilized for alpine skiing, and uses and facilities typically associated with the use and operation of such facility, including but not limited to: ski and snowboard runs and trails; ski lifts and tows, including towers and structures, related to skiing and snowboarding patrons; snow-making equipment/facilities; ski patrol facilities; ski area administrative and ticketing offices; special events directly associated with ski areas such as ski races,

snowboard races, snow machine races, bicycle races, and concerts; alpine slide; nordic ski trails and facilities; tubing hills; ski and equipment rental facilities and ski instruction facilities; ice skating rinks; ski bridges; and supporting accessory structures.

**Ski Facility, Alpine** shall not mean such uses as lodges, hotels, dwelling units, restaurants, retail shops, outdoor carts and vending areas, clinics, day care centers, offices, and high impact recreational uses such as go carts, golf courses and driving ranges, paint ball games, rifle ranges, waterslides, and stables.

#### 11. Theater Company or Dinner Theater

##### a. **Definition**

An establishment for live dramatic, operatic, or dance presentations open to the public, without membership requirements, whose seating capacity does not exceed 500 seats and seating area does not exceed 3,000 square feet, or any area for the rehearsal of such live performances. These establishments may also provide food and beverages for consumption on the premises.

##### b. **Use-Specific Standard**

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

### E. Food and Beverage Services

This category includes businesses that serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Specific use types include:

#### 1. Bar

##### a. **Definition**

An establishment that prepares and retails alcoholic beverages for consumption on the premises. These establishments may also manufacture malt beverages and provide limited food services.

##### b. **Use-Specific Standard**

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

#### 2. Food and Beverage Kiosk

##### a. **Definition**

An establishment in a trailer or vehicle on an impermanent foundation that sells coffee or other beverages and food from a window to customers who are either pedestrians or seated in their automobiles, for consumption off the premises, and that provides no indoor seating.

##### b. **Use-Specific Standards**

Kiosks in all districts shall comply with the following standards:

- i. *Food and beverage kiosks shall comply with the "drive-through service" accessory use standards in subsection 21.05.070D.6.*
- ii. Kiosks shall be on wheels to facilitate movement onto and off the site, and may not be located on a permanent foundation. The wheels shall be screened with opaque skirting or screening so as to not be visible.
- iii. Kiosks may be located on the same lot as another principal use.
- iv. Kiosks shall comply with the title 23 requirements relating to mobile food units.

- v. All signs shall comply with chapter 21.11, *Signs*.

### 3. Restaurant

#### a. **Definition**

An establishment primarily engaged in the preparation and sale of food and beverages, normally for consumption on the premises, but including those establishments that provide only take-out or delivery service.

#### b. **Use-Specific Standards**

- i. *Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.*
- ii. Any restaurant with drive-through service shall comply with the “drive-through service” accessory use standards in section 21.05.070D.6.

## F. Office

This category includes activities that generally focus on providing business or professional services. Accessory uses may include storage areas, cafeterias, parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include:

### 1. Broadcasting Facility

#### a. **Definition**

An establishment engaged in the broadcasting of audio, television, or movie productions and associated activities.

### 2. Financial Institution

#### a. **Definition**

Establishments that provide retail banking, mortgage lending, and/or financial services to individuals and businesses. Accessory uses may include automatic teller machines, offices, and parking. Financial institutions may or may not have drive-through service depending on the zoning district in which they are located; see section 21.05.070, *Accessory Uses and Structures*.

#### b. **Use-Specific Standards**

- i. *Financial institutions are permitted in the B-1A, B-1B, I-1 and I-2 districts only if they are providing primarily retail services to walk-in customers, rather than primarily office and support services with few walk-in customers.*
- ii. Financial institutions in the I-1 and I-2 districts shall have a maximum gross floor area of 5,000 square feet.
- iii. Any financial institution with drive-through service shall comply with the “drive-through service” accessory use standards in subsection 21.05.070D.6.

### 3. Office, Business or Professional

#### a. **Definition**

An establishment that provides executive, management, administrative, or professional services, but not involving the sale of merchandise, except as incidental to a permitted use. Typical examples include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Government offices are classified under “governmental administration and civic facility” above.

#### b. **Use-Specific Standards**



- i. Business or professional office uses in the PLI district shall comply with one of the following:
  - (A) The use shall be an administrative office of a charitable or similar quasi-public organization of a noncommercial nature;
  - (B) The use shall be primarily engaged in directly serving the function of a community use permitted in the district; or
  - (C) The use shall be accessory to a use permitted in the district, and comprise no more than one-third of the gross floor area on the site, unless a greater percentage is approved by the director.
- ii. Business or professional office uses in the I-1 and I-2 districts shall comply with the limitations that follow, except as provided in ii.(D).:
  - (A) The building or portion of the building containing the use shall not exceed 50 feet in height.
  - (B) If business or professional office uses occupy more than 20,000 sf of gross floor area (gfa), they shall comprise no more than 50 percent of the total gfa on the site.
  - (C) In the I-2 district, the use shall be directly associated with and support the function of another use permitted in the district.
  - (D) The section is not applicable to the following:
    - (1) Business or professional office uses existing as of January 1, 2014;
    - (2) New business or professional office uses that occupy floor area previously legally occupied by a government administration and civic facility use, or another use in the office or health services category;
    - (3) Enlargements of (D).(1). or (D).(2). that increase their gfa by no more than 25 percent; and
    - (4) Business or professional office uses in a BIP-PUD.

## G. Personal Services, Repair, and Rental

This category includes establishments engaged in the provision of information, instruction, personal improvement, personal care, repair, lease, or rent of new or used products, or similar services. Accessory uses may include offices, storage of goods, manufacture, or repackaging of goods for on-site sale, and parking. Specific use types include:

### 1. Business Service Establishment

#### a. Definition

An establishment that, for consideration, provides other businesses with advertising, leased or rented equipment, maintenance, security, management, consulting or technical aid, or copying services.

### 2. Funeral/Mortuary Services

#### a. Definition

An establishment providing services involving the display of the deceased, preparation of the deceased for burial, and rituals connected therewith before burial or cremation. Cremation services are a separate use.

**3. General Personal Services****a. Definition**

An establishment, whether for consideration or not, that provides care, advice, aid, maintenance, repair, treatment, or similar semi-technical, technical, or experienced assistance, other than the practice of a profession and wholesale or retail sale of goods. Examples include, but are not limited to: dry-cleaning drop-off; photography studios; check cashing; shoe repair; beauty and barber shops; locksmith; repair of household appliances; and tanning salons. This use excludes maintenance and repair of vehicles and industrial equipment or machinery.

**4. Small Equipment Rental****a. Definition**

The commercial rental of supplies and equipment primarily intended for personal or household use, such as furniture, and minor residential gardening and construction projects, but not including car or truck rentals, or rentals of smaller motor vehicles not for home care such as motorcycles or snowmobiles. This use does not include the rental, storage, or maintenance of large construction or other commercial heavy equipment, which are classified under "industrial service."

**H. Retail Sales**

This category includes retail establishments involved in the sale of new or used products to the general public. Accessory uses may include offices, parking, storage of goods, assembly, repackaging, and repair of goods for on-site sale. Specific use types include:

**1. Auction House****a. Definition**

A structure or enclosure where goods are sold by auction.

**2. Building Materials Store****a. Definition**

An establishment primarily engaged in the sale, distribution, and associated storage of lumber and other building materials such as brick, tile, cement, insulation, roofing materials, and other improvement materials and associated tools; and/or the sale and service of plumbing, heating, and/or electrical equipment.

**3. Convenience Store****a. Definition**

An establishment engaged primarily in the sale of convenience goods, such as pre-packaged food items, tobacco, over-the-counter drugs, periodicals, and other household goods.

**b. Use-Specific Standards**

- i. Any use that involves the retail sale of alcohol is subject to the *special* land use permit for alcohol process; see section 21.05.020A.
- ii. In the R-4, R-4A, and B-1A districts, a convenience store shall not sell alcoholic beverages.

**4. Farmers Market****a. Definition**

An occasional, periodic, or seasonal market for offering for sale fresh agricultural, fresh food, or arts and crafts products directly to the consumer at an open-air market, covered structure with multiple stalls, or other pre-designated area, where the vendors are generally individuals who have raised the produce or made the product, or have taken the same on consignment for retail sale.

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5. **Fueling Station**
- a. **Definition**  
An establishment engaged in the retail dispensing or sale of gasoline or other vehicular fuel products. This use definition does not include convenience store or vehicle service and repair uses.
6. **Furniture and Home Appliance Store**
- a. **Definition**  
An establishment engaged primarily in the sale of large household items, such as furniture, mattresses, carpets and flooring, and home appliances, in which a majority of the merchandise occupies large amounts of store floor area and is generally too large or heavy for an individual consumer to carry alone.
7. **General Retail**
- a. **Definition**  
An establishment engaged primarily in the retail sale of goods or merchandise, and rendering services incidental to the sale of such goods. Examples may include, but are not limited to: general merchandise retailers; warehouse and club retailers; superstores; discount stores; catalog showrooms; and specialty retail stores specializing in such goods as clothing, home décor, paint, sporting goods, books, stationary, music, video rentals, or flowers.
- b. **Use-Specific Standards**
- i. Any general retail use with drive-through service shall comply with the “drive-through service” accessory use standards in subsection 21.05.070D.6.
- ii. General retail establishments in the I-1 district shall have a maximum gross floor area of 20,000 square feet.
8. **Grocery or Food Store**
- a. **Definition**  
An establishment primarily engaged in the retail sale of food and/or beverages primarily to be consumed outside of the retail establishment’s premises. Examples include, but are not limited to: supermarkets, grocery stores, delicatessens, specialty food shops, and bakeries. Take-out and delivery establishments are classified under “restaurant”.
- b. **Use-Specific Standards**
- i. Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.
- ii. Grocery or food stores in the I-1 district shall have a maximum gross floor area of 20,000 square feet.
9. **Liquor Store**
- a. **Definition**  
An establishment that is primarily engaged in selling alcoholic beverages for consumption off the premises.
- b. **Use-Specific Standard**  
Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.
10. **Pawnshop**
- a. **Definition**  
An establishment that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling the same back

again to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security thereon, and takes or receives such personal property.

## I. Vehicles and Equipment

This category includes a broad range of uses for the sale, rental, and/or repair and maintenance of motor vehicles and related equipment. Some uses in this category include provisions for small boats. Large parking lots and outdoor storage areas may be included with these uses. Accessory uses may include incidental repair and storage, offices, and sales of parts and/or tires. Specific use types include:

### 1. Aircraft and Marine Vessel Sales

#### a. **Definition**

An establishment primarily engaged in the display and sale of aircraft and/or marine vessels as well as associated parts and supplies.

### 2. Parking Lot, Principal Use

#### a. **Definition**

An off-street, surface parking lot where motor vehicles are parked for not more than 72 consecutive hours, and the lot is not required parking for another use.

#### b. **Use-Specific Standard**

Principal use parking lots shall be designed in accordance with subsection 21.07.090H., *Parking and Loading Facility Design Standards*, and landscaped in accordance with subsection 21.07.080E.2., *Parking Lot Landscaping Requirements*.

### 3. Parking Structure, Principal Use

#### a. **Definition**

A parking structure with two or more levels or stories where motor vehicles are parked for not more than 72 consecutive hours, and the spaces are not required parking for another use. The parking structure may be above and/or below grade, and the levels may be partially or fully enclosed. A parking structure may occupy a portion of a building which also includes commercial space, such as offices or retail on the ground floor.

#### b. **Use-Specific Standard**

Parking structures shall comply with the requirements of subsection 21.07.090M.

### 4. Vehicle Parts and Supplies

#### a. **Definition**

The display and sale of new, reconditioned, or rebuilt parts, supplies, or equipment for automobiles, motorcycles, trucks, vans, trailers, recreational vehicles, mobile homes, boats less than 30 feet in length and/or less than 12,000 lbs., or snowmobiles.

#### b. **Use-Specific Standard**

No dismantling or wrecking of vehicles or machinery may occur on site. Uses that include dismantling and wreckage are classified by this title as "junkyards."

### 5. Vehicle-Large, Sales and Rental

#### a. **Definition**

An establishment engaged in the display, sale, leasing, or rental of new or used motor vehicles, and boats less than 30 feet in length and/or less than 12,000 lbs. Vehicles include, but are not limited to, automobiles, light trucks, vans, trailers, recreational vehicles, and mobile homes.

- b. Use-Specific Standards**
- i.** This use may include the uses “vehicle service and repair, major” and “vehicle service and repair, minor”, and repair of the vehicle inventory with a gross vehicular weight rating over 12,000 lbs, in accordance with subsection b.ii. below, is also allowed.
  - ii.** At any given time, no more than five percent of the vehicle inventory on the lot, not including Class A and C recreational vehicles, shall have a gross vehicular weight rating (GVWR) of more than 12,000 lbs.
- 6. Vehicle-Small, Sales and Rental**
- a. Definition**  
An establishment engaged in the display, sale, leasing, or rental of small motor vehicles, personal watercraft (jet skis), and/or associated equipment. Vehicles include, but are not limited to: motorcycles, snowmobiles, and all-terrain vehicles (ATVs).
  - b. Use-Specific Standard**  
This use may include the uses “vehicle service and repair, major” and “vehicle service and repair, minor”.
- 7. Vehicle Service and Repair, Major**
- a. Definition**  
An establishment engaged in the major repair and maintenance of automobiles, motorcycles, trucks, vans, trailers, recreational vehicles, boats less than 30 feet in length and/or less than 12,000 lbs., or snowmobiles. Vehicles served by this type of establishment, except for recreational vehicles, shall have a gross vehicular weight rating (GVWR) of no more than 12,000 lbs. Services include all activities listed in “vehicle service and repair, minor”, as well as engine, transmission, or differential repair or replacement; body, fender, or upholstery work; and painting.
  - b. Use-Specific Standards**
    - i.** Vehicle service bays facing a rear or side setback shall be screened from adjacent residential properties by a screening fence of at least six feet in height. Required landscaping shall be between the fence and the property line.
    - ii.** Noise generating equipment shall meet the noise control standards of AMC section 15.70.
- 8. Vehicle Service and Repair, Minor**
- a. Definition**  
An establishment engaged in light maintenance activities such as engine tune-ups; oil change and lubrication; carburetor cleaning; muffler replacement; brake repair; car washing; tire shops; and detailing and polishing. Vehicle parts are sold and are ordinarily installed on the premises. Vehicles served by this type of establishment, except for recreational vehicles, shall have a gross vehicular weight rating (GVWR) of no more than 12,000 lbs.
  - b. Use-Specific Standards for Carwash Bays and Vehicle Repair Bays**
    - i.** Vehicle wash or service bays facing a rear or side setback shall be screened from adjacent residential properties by a screening fence of at least six feet in height. Required landscaping shall be between the fence and the property line.
    - ii.** Noise generating equipment shall meet the noise control standards of AMC section 15.70.

## J. Visitor Accommodations

This category includes visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation, and with an average length of stay of less than 30 days. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices. Specific use types include:

### 1. Camper Park

#### a. *Definition*

A lot or parcel of land, or portion thereof, temporarily occupied or intended for temporary occupancy by recreational vehicles or tents for travel, recreational, or vacation usage for short periods of stay, and containing a potable water source and washroom facilities. These establishments may provide laundry rooms, recreation halls, and playgrounds. These uses are not intended for vehicle storage.

#### b. *Use-Specific Standards*

##### i. *Location and Access*

No entrance to, or exit from, a camper park shall be through a residential district or shall provide access to any street other than a collector or street of greater capacity.

##### ii. *Occupancy and Length of Stay*

Spaces in camper parks may be used by campers, recreational vehicles, equivalent facilities constructed on automobiles, tents, or short-term housing or shelter arrangements or devices. The occupants of such space shall remain in that space a period not to exceed 30 days.

### 2. Extended-Stay Lodgings

#### a. *Definition*

A visitor lodging establishment with six or more guest rooms offering suites with kitchens, business traveler communications conveniences, and intended primarily for periods of stay of one week or more. This does not include bed-and-breakfasts, which are classified as an accessory use under section 21.05.070.

#### b. *Use-Specific Standards*

i. A kitchen area shall be provided in all guest rooms.

ii. The facility shall provide a lobby area with a minimum of 750 square feet.

iii. In the R-4 district, extended-stay lodgings shall have a minimum lot size of 14,000 square feet and shall have principal access from a street of collector class or greater.

### 3. Hostel

#### a. *Definition*

An overnight lodging facility in which beds (pillows), rather than rooms, are rented. Sleeping accommodations are primarily dormitory-style and shared kitchen facilities may be available to the guests.

#### b. *Use-Specific Standards*

i. Hostels in the R-2M shall contain no more than 20 pillows. Hostels in the R-3, R-4, and R-4A shall contain no more than 40 pillows.

ii. Hostels in residential zones require an administrative permit pursuant to subsection 21.03.030.

- 4. Hotel/Motel**
- a. Definition**  
Any building containing 20 or more guestrooms, rented for compensation by the day or week, and offered for use by the general public in conjunction with subordinate services and facilities, such as restaurants and meeting rooms. Meeting facilities designed to accommodate 1,500 or more persons shall constitute a separate principal use and be classified as “civic/convention center” under this title.
- b. Use-Specific Standards**
- i.** Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.
  - ii.** Establishments in the R-4 and R-4A districts shall have all their guestrooms accessible by means of interior corridors.
  - iii.** Establishments whose rooms are individually accessible from the outdoors shall have frontage on a major arterial or street of greater classification. This restriction shall not apply in the GRST-1 and GRST-2 districts.
  - iv.** In the R-4 district, hotels shall have a minimum lot size of 14,000 square feet and shall have principal access from a street of collector class or greater.
- 5. Inn**
- a. Definition**  
A building or group of buildings containing between six and 19 guest rooms, or up to 60 pillows, for overnight lodging for compensation, where at least one meal per day may be provided to the guests, there is a central meeting room or lounge available to all of the guests, and there are no shared kitchen facilities.
- b. Use-Specific Standards**
- i.** Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.
  - ii.** Inns in the R-4A district shall be subject to the multifamily building design standards in section 21.07.110C., and the multi-family building parking standards in section 21.07.090. In the R-4A district, inns shall adhere to the maximum floor area ratio permitted for multi-family dwellings.
- 6. Recreational and Vacation Camp**
- a. Definition**  
An overnight recreational camp, such as a children’s camp, family vacation camp, or outdoor retreat. These establishments provide accommodation facilities, such as cabins and fixed camp sites, and incidental recreational and educational facilities.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2014-133, 11-5-14; AO 2015-82, 7-28-15)

**21.05.055 MARIJUANA ESTABLISHMENTS**

This section defines specific commercial and industrial use types relating to marijuana growing, processing, production, testing, and sales, listed in table 21.05-1. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of the approval process for the particular use type. All uses involving the commercial cultivation, production, testing, and sales of marijuana are governed by this section; no other use in any other section shall involve marijuana. Personal cultivation and use of marijuana is not regulated by this section.

**A. Use-Specific Standards Applicable to All Marijuana Establishments**

**1. Licenses Required**

- a. All marijuana establishments are required to obtain a license from the state of Alaska Marijuana Control Board, and a license from the municipality of Anchorage, before beginning operations.
- b. If at any time either the state license or the municipal license is suspended or revoked, the establishment shall immediately cease operations, until such time as both required licenses and the land use approval are valid.
- c. Licenses from the municipality of Anchorage shall be issued in accordance with chapter 10.80.

**2. Separation from Protected Land Uses**

- a. In addition to the other methods for measuring the separation distances as set forth in this subsection, all marijuana establishments shall be separated from the protected land uses listed in subsection 2.c. below by at least 200 feet, as measured from the lot line of the marijuana establishment directly to the closest lot line of the protected land use. Applicants who have initiated a state of Alaska marijuana license on or before January 1, 2017, are exempt from this provision.
- b. Additionally, all marijuana establishments shall be separated from schools (items 2.c.i., 2.c.ii., and 2.c.iii. below) by at least 500 feet, measured from the lot line of the marijuana establishment directly to the closest lot line of the school. Applicants who have initiated a state of Alaska marijuana license on or before January 1, 2017, are exempt from this provision.
- c. Additionally, all marijuana establishments shall be located at least 500 feet away from the following uses except in zoning districts established for Chugiak-Eagle River in chapter 21.10 where marijuana establishments shall be located at least 1,000 feet away from all the following uses, including the uses specific to Chugiak-Eagle River listed below:
  - i. Boarding school.
  - ii. Elementary or middle school.
  - iii. High school.
  - iv. Playground.
  - v. A housing facility owned by a public housing authority.
  - vi. Child care center.
  - vii. Homeless and transient shelters.
  - viii. Habilitative care facilities.
  - ix. Dedicated parks in zoning districts established for Chugiak-Eagle River in chapter 21.10.
  - x. A residential district established for Chugiak-Eagle River in section 21.10.040.
  - xi. The Harry J. McDonald Memorial Center.
  - xii. Community centers.



- xiii. Neighborhood recreation centers.
  - xiv. Religious assemblies.
  - xv. Correctional institutions.
  - xvi. Athletic fields.
  - xvii. Correctional community residential centers.
- d. All marijuana establishments shall be located at least 100 feet away from video arcades with at least 10 arcade machines.
- e. Except in zoning districts established for Chugiak-Eagle River in chapter 21.10, the separation distance required in subsections 2.c. and 2.d. above shall be measured by the shortest practicable pedestrian route from the main entrance to the proposed marijuana establishment to:
- i. The closest lot line of a school, child care center, community center, neighborhood recreation center;
  - ii. The edge of a playground or athletic field (including abutting parking lots); and
  - iii. A main public entrance of the building containing any other use listed above.
- f. In zoning districts established for Chugiak-Eagle River in chapter 21.10, this distance shall be measured “as the crow flies” from the closest lot line of the proposed marijuana establishment to:
- i. The closest lot line of a school, community center, neighborhood recreation center, correctional institution, or residential district;
  - ii. The edge of a playground or athletic field (including abutting parking lots); and
  - iii. The closest lot line of any other use listed above.
- 3. Prohibited with Alcohol License**  
A marijuana establishment shall not be allowed in the same establishment as a use that holds a state alcohol license.
- 4. Prohibited with Residential**  
A marijuana establishment shall not be allowed on a lot that contains a residential use other than a caretaker’s residence. The caretaker’s residence shall be inhabited by a person or persons associated with the marijuana establishment: a licensee, an affiliate, or an employee of the establishment.
- 5. Inspection of Premises**  
All premises of all marijuana establishments shall be open at all times during business hours for the inspection and examination by the municipality.
- 6. Ventilation**  
The premises shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at any lot line of the subject property.

7. **Public Display of Land Use Approval Conditions**  
Each establishment shall display in a location near the main entrance, and visible to the public in those establishments where the public are permitted, the conditions imposed through the land use approval, using the Conditions Certificate provided by the department.
8. **Permanent Structure**  
A marijuana establishment shall be in a permanent structure with a valid certificate of zoning compliance. No marijuana establishment shall be authorized in a vehicle or trailer, a mobile food unit, a standalone intermodal shipping container (connex unit), or a temporary structure.
9. **Signs**  
Signs shall comply with state regulations and chapter 21.11. Signs for all marijuana establishments may only be placed in a window of the establishment or attached to the outside of the licensed premises. No temporary signs are permitted.

## B. Principal Uses

1. **Marijuana Cultivation Facility**
  - a. **Definition**  
A facility that cultivates and harvests marijuana for transfer or sale to a marijuana manufacturing facility, a marijuana testing facility, or a marijuana retail sales establishment.
  - b. **Use-Specific Standards**
    - i. Marijuana plants shall not be visible from a public right-of-way.
    - ii. All cultivation facilities shall be organized in orderly rows compliant with all building and fire codes. Aisles between planting rows shall be included in the square footage under cultivation.
    - iii. Direct retail sales to the general public is prohibited.
    - iv. Marijuana cultivation facilities are permitted in the B-3 district when collocated with and attached to a marijuana retail sales establishment. The Assembly may allow the operation of a cultivation facility in the B-3 district if a complete application for the collocated and attached retail sales establishment has been received by the municipality.
2. **Marijuana Manufacturing Facility**
  - a. **Definition**  
A facility that receives harvested marijuana from a cultivation facility and extracts, processes, and/or manufactures marijuana products for transfer or sale to another marijuana manufacturing facility, a marijuana testing facility, or a marijuana retail sales establishment.
  - b. **Use-Specific Standards**
    - i. An industrial hygienist or a professional engineer shall attest that:
      - (A) Any processes using solvents or flammables are safe, are in compliance with all applicable laws, and otherwise do not create a danger to any person or entity in or near the business.
      - (B) Any noxious gases or fumes created by such processes shall be mitigated with an appropriate ventilation system.
    - ii. Direct retail sales to the general public is prohibited.

- iii. Marijuana manufacturing facilities that only manufacture edibles, but do not have extraction facilities or other types of manufacturing, are permitted in the B-3 district.
  - iv. "Industrial hygienist" as used in this section, shall mean an individual who meets the definition for "industrial hygienist" set forth in Alaska Statute 45.50.477(a). "Professional engineer" as used in this section, shall mean an individual who meets the definition for "professional engineer" set forth in Alaska Statute 08.48.341.
- 3. Marijuana Testing Facility**
- a. **Definition**  
A facility that analyzes and certifies the safety and potency of marijuana and marijuana products.
  - b. **Use-Specific Standards**  
Direct retail sales to the general public is prohibited.
- 4. Marijuana Retail Sales Establishment**
- a. **Definition**  
An establishment that receives marijuana and/or marijuana products from a marijuana cultivation facility or a marijuana manufacturing facility, for sale to the public.
  - b. **Use-Specific Standards**
    - i. Establishments shall be closed to the public between the hours of midnight and 8:00 a.m. each day.
    - ii. Establishments shall not have accessory drive-throughs.
    - iii. No outdoor storage or display of products is permitted.
    - iv. Marijuana retail sales establishments are permitted in the I-2 district when collocated with and attached to a marijuana cultivation facility or a marijuana manufacturing facility.
    - v. Assembly issuance of special land use permits for marijuana establishments and the related licensing and regulation of marijuana establishments under AMC title 10 require engagement by the community council. The owner/operator of a marijuana retail sales establishment is encouraged to engage in neighborhood responsibility planning with neighborhood residents and other businesses. Where available, this may be done in conjunction with the community council. A copy of an informal memorandum of understanding (mou) outlining the elements confirmed with the community council may be included with the application. In the absence of a mou, the applicant may include applicant's report on the status of community engagement efforts.

(2016-3(S), 2-23-16; AO 2016-35, 4-12-16; AO 2016-144(S), 12-20-16; AO 2017-55, 4-11-17)

#### **21.05.060 INDUSTRIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS**

This section defines the general industrial use categories and specific industrial use types listed in table 21.05-1. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to a site plan review process, or subject to the conditional use process.

**A. Industrial Service**

This category includes establishments engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, parking, and storage. Specific use types include:

**1. Contractor and Special Trades, Light****a. Definition**

An establishment primarily engaged in providing general contracting and/or building construction services for residential, commercial, or industrial uses, and which typically does not involve outdoor storage of equipment or materials, and services are performed off-site. Examples include: general building contractors; plumbing, HVAC, electrical, masonry, carpentry, flooring, roofing, siding, or glass contractors; installing or repairing building equipment. This use excludes excavation, structural steel, well-drilling, street improvement, and similar heavy construction contractors. Contractors and special trades shall be categorized in the office, business and professional use if equipment and materials are not stored at the site, and fabrication or similar work is not carried on at the site.

**b. Use-Specific Standards**

This use is subject to the following limitations in the B-3 district, to ensure compatibility with the commercial area, and to limit potential impacts on residential and commercial uses.

- i. The development shall comply with subsections 21.04.030G.7.a. and 7.b. regarding building placement and orientation.
- ii. Individual uses are limited to no more than 5,000 square feet of gross floor area by administrative site plan review. Individual uses of up to 20,000 square feet may be proposed through a conditional use review. Conditions of approval shall include a determination by the planning and zoning commission that the proposed size, site plan, and/or location is appropriate relative to designated commercial centers, transit corridors, and similar policy areas identified in the comprehensive plan.
- iii. The use shall be operated within a completely enclosed building, except for parking and loading. Outdoor display or storage of objects or materials is prohibited.
- iv. Vehicles with a GVWR of more than 12,000 lbs shall not remain on the premises except as necessary to load and discharge contents.

**2. Data Processing Facility****a. Definition**

An establishment where electronic data is processed by employees, including, without limitation, data entry, storage, conversion, or analysis; and subscription and credit card transaction processing.

**3. Dry-Cleaning Establishment****a. Definition**

An establishment maintained for on-site laundry and/or dry cleaning, including the use of a perchlorethylene process or similar nonflammable, non-aqueous solvent,

of fabrics, textiles, wearing apparel, or articles of any sort, and also including related maintenance or operation of equipment and machinery.

**4. General Industrial Service**

**a. Definition**

Establishments engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Examples include: welding shops; machine shops; tool repair; electric motor repair; repair of heavy machinery; heavy truck servicing and repair; aircraft servicing and repair; tire retreading or recapping; exterminators; and vending machine sales and service. Accessory activities may include retail sales, offices, parking, and storage.

**b. Use-Specific Standard**

L2 buffer landscaping is required where adjacent to residential zones.

**5. Governmental Service**

**a. Definition**

A facility housing government shops, maintenance and repair centers, and/or equipment storage. Accessory activities may include supporting administrative offices.

**b. Use-Specific Standard**

If the specific development is similar to a heavy industrial use, L3 screening landscaping is required where adjacent to residential zones. Otherwise, L2 buffer landscaping is required where adjacent to residential zones.

**6. Heavy Equipment Sales and Rental**

**a. Definition**

An establishment engaged in the display, sale, leasing, or rental of construction equipment and other heavy equipment, including all heavy equipment of 12,000 or more pounds gross vehicular weight (GVW). This category does not include recreational vehicles or larger trucks that typically are sold at automobile dealerships; such vehicles are covered by "vehicle-large, sales and rental" above.

**7. Research Laboratory**

**a. Definition**

A facility that is designed or equipped for basic or applied research or experimental study, testing, or analysis in the natural sciences or engineering, including any educational activities associated with and accessory to such research, and including research and analysis facilities operated by public agencies and designed to assure public health and safety. The use does not include facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

**B. Manufacturing and Production**

This category includes industrial establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, synthetic, raw, secondary, or partially completed materials may be used in the manufacturing process. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Such uses may include industries furnishing labor in the case of the refinishing of manufactured articles. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of total sales. Accessory activities may include limited retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters. Specific uses types include:

1. **Commercial Food Production**
  - a. **Definition**

An establishment processing and/or producing food for human consumption, including facilities engaged in providing food and/or food services for institutional, governmental, commercial, industrial, and other locations of other businesses; as well as facilities that process meat, game, and seafood. Examples include airline food services and catering companies that prepare food for consumption at an off-premise customer site.
  
2. **Cottage Crafts**
  - a. **Definition**

An establishment engaged in small-scale assembly of completely hand-fabricated parts, or arts-and-crafts production by hand manufacturing of custom or craft goods. Goods are predominantly manufactured only involving the use of hand tools and domestic-scale mechanical equipment. Examples include, but are not limited to: candle making, artisan woodworking, art studio/gallery, artisan pottery, fabric making, jewelry production, glass work, and the like. Cottage crafts are less intensive than, and do not have the off-site impacts often associated with, general industrial uses.
  
  - b. **Use-Specific Standards**
    - i. **Production and Sale of Cottage Crafts**

Cottage crafts may only be produced within a wholly-enclosed permanent structure. Cottage crafts production may occupy up to 1,500 square feet of gross building area, and may include up to an additional 300 square feet of gross building area on the same lot devoted to the display and retail sale of the crafts produced. The retail/display area shall be located on the ground floor and in the front part of the building facing the primary street on which the lot is located.
  
    - ii. **Prohibitions**
      - (A) The outdoor storage of materials related to the production and sale of cottage crafts is prohibited in non-industrially-zoned districts.
  
      - (B) The use of equipment, materials, or processes that create hazards, noise, vibration, glare, fumes, or odors detectable to the normal senses off-site is prohibited.
  
3. **Manufacturing, General**
  - a. **Definition**

An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing. This use includes additive (three-dimensional printing) manufacturing. This use does not produce or utilize toxic, hazardous, or explosive materials in large quantities as part of the manufacturing process. Examples include, but are not limited to: airplane, automobile, or truck assembly; repair of railroad equipment; beverage manufacture and brewery; boatbuilding; cabinet shops; machine or blacksmith shops; metalworking or welding shops; paint shops; processing and/or dressing of skins; and printing, publishing, and lithography.
  
  - b. **Use-Specific Standard**

L2 buffer landscaping with an 8-foot screening fence is required where adjacent to residential zones.

**4. Manufacturing, Heavy****a. Definition**

An establishment engaged in the manufacture or compounding process of raw materials. Such activities may involve the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Examples include, but are not limited to: refining or initial processing of raw materials; rolling, drawing, or extruding of metals; asphalt batching plants, hot-mix plants, and RAP storage and processing; sawmills; manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine, varnish, charcoal, or distilled products, or similar industrial uses; steel fabrication shops or yards; and manufacture, service, or repair of railroad equipment.

**b. Use-Specific Standard**

L3 screening landscaping is required where adjacent to residential zones.

**5. Manufacturing, Light****a. Definition**

A general manufacturing establishment that, because of the nature of its equipment, operations, processes, materials, and products, has little or no potential of creating noise, vibration, dust, smoke, fumes, odor, glare, or other environmental impacts on surrounding properties or uses. The scale and intensity of operations are limited by bulk controls and other use-specific standards such that it may be compatible in some commercial areas. This use may include production, assembly, finishing, or packaging of articles from parts made at another location, such as assembly of electrical appliances or medical equipment. It includes additive (three-dimensional printing) manufacturing. It may also include production of finished household and office goods, such as furniture, clothing, or tents, from materials that are already refined, or from raw materials that do not need refining, such as paper, fabric, or pre-milled wood; or wool, clay, fiber, or similar materials.

**b. Use-Specific Standards**

Light manufacturing is subject to the following limitations in the B-3 district to ensure compatibility and protect commercial and residential property.

- i. This use shall comply with the use-specific standards set for in subsection 21.05.060A.1. for contractor and special trades, light.
- ii. Building areas used as part of the manufacturing process or related storage or distribution shall have a building height of no more than 35 feet.
- iii. When a new establishment is proposed, or when an existing establishment is proposed to be expanded, advance documentation that the establishment will conform to the operation standards of section 21.07.140 and the regulations of title 15 for noise, odor, and airborne emissions shall be required prior to issuance of the land use permit. The documentation shall include an evaluation and explanation certified by a registered engineer or architect, as appropriate, that the proposed activity can achieve the off-site noise, odor, and airborne emissions standards of the municipality. Such evaluation shall describe the measures to be taken by the applicant to meet the standards. Such measures may include, for example, the provision of buffers, reduction in hours of operation, relocation of mechanical equipment, increased setbacks, and use of specific construction techniques, operations, equipment, or building materials. The decision-making body shall determine the appropriate measures to be taken by the applicant to significantly reduce potential

odor, dust, and airborne pollutant emissions. The measures to be taken shall be indicated on the plans as conditions of approval. After a permit has been issued, any measures that were required by the permit to limit noise shall be maintained.

**6. Natural Resource Extraction, Organic and Inorganic**

**a. Definition**

The development or extraction of organic and/or inorganic material from its natural occurrences on affected land. This use includes placer mining operations in which rock byproduct is removed from the premises. This use also includes commercial or industrial operations involving removal of timber, native vegetation, peat, muck, topsoil, fill, sand, gravel, rock, or any other mineral, and other operations having similar characteristics. This use includes only operations of a scale involving 50,000 cubic yards or more of material. Site preparation as part of the development of a subdivision under a subdivision agreement is not included.

**b. Use-Specific Standards (also apply to “Natural Resource Extraction, Placer Mining”)**

The following general standards apply in all districts:

**i. Limit on Site Size**

Except for placer mining, general natural resource extraction is allowed only on sites of five acres or more.

**ii. Water Discharge Permit**

Placer mining operations are subject to a wastewater discharge permit issued by the state department of environmental conservation.

**iii. Use and Handling of Explosives**

In addition to the requirements of the fire code, the following shall govern the storage, handling, and use of explosive materials:

**(A)** In addition to the submittal requirements for a conditional use approval, a blasting plan and a safety plan shall be submitted.

**(B)** Blasting shall be conducted during daylight hours within the operating hours established by the planning and zoning commission.

**(C)** The handling and firing of explosives shall be performed only by the individual possessing a valid explosives certificate issued by the fire marshal.

**(D)** Whenever a new storage or magazine site is established the Anchorage police department, Anchorage fire department and the emergency operations center shall be notified.

**(E)** Quantities of explosives shall be determined by the fire code at AMC title 23.

**(F)** Blasting operations shall be performed in accordance with the instructions of the manufacturer of the explosive materials being used.

**(G)** Rock fall mitigation methods may be required. When blasting is done in close proximity to a structure, railway, highway, or any other installation, precautions shall be taken to minimize earth



vibrations and air blast effects. Blasting mats or other protective means shall be used to prevent fragments from being thrown.

- (H) Property owners within 1,000 feet of the site shall be notified at least 24 hours in advance of blasting. Verbal notices shall be confirmed with written notice.
- (I) All areas subject to blasting operations shall be fenced in a manner to secure the site and to prevent unauthorized access to the site.
- (J) Notice of blasting operations shall be posted at all entrances to the site and on security fencing in areas subject to blasting operations. Posting shall occur at least 24 hours in advance of blasting.
- (K) When blasting is being conducted in the vicinity of utilities (gas, water, electric, fire alarm, or telephone), the blaster shall notify the appropriate representatives of the agencies at least 24 hours in advance of blasting. Verbal notices shall be confirmed with written notice.
- (L) Before a blast is fired, the individual in charge shall make certain that all surplus explosives are in a safe place, all persons and vehicles are at a safe distance or under sufficient cover and a loud warning signal has been sounded.
- (M) The operator of the site shall be responsible for all damages to persons or property which arise from, or are caused by the blasting operations.

iv. *Screening*

At a minimum, L3 screening landscaping is required where adjacent to residential zones. The planning and zoning commission, through the conditional use review, may require additional screening.

v. *Required Submittals*

In addition to the general submittal requirements applicable to all site plans specified in the title 21 user's guide, additional submittal requirements are specified in that guide for natural resource extraction. The site plan shall be subject to review and approval of the department of public works for drainage, erosion, and sedimentation control; for conformance with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit and other applicable EPA guidelines; and for compliance with generally accepted sound engineering principles.

vi. *Standards for Approval*

In addition to the conditional use standards of approval at 21.03.080D., the planning and zoning commission may approve a natural resource extraction conditional use only if the commission finds that the use also meets the following standards:

- (A) Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner to make them dust free. Where access roads intersect collectors or arterials, suitable traffic controls shall be established.

- (B) The extraction operations will not pose a hazard to the public health and safety.
- (C) The extraction operations will not generate noise, dust, surface water runoff or traffic that will unduly interfere with surrounding land uses.
- (D) The restoration plan for the site ensures that, after extraction operations cease, the site will be left in a safe, stable, and aesthetically acceptable condition. The site shall either be restored generally to its pre-excavation contours, or as appropriate for the future use of the land.
- (E) The proposed use meets such additional standards for natural resource extraction conditional uses as the director may establish by regulation pursuant to AMC chapter 3.40.

#### 7. Natural Resource Extraction, Placer Mining

##### a. *Definition*

Natural resource extraction by means of the placer mining method that does not involve the removal of any natural resources other than small quantities of precious metals, such as gold, silver, and platinum, from the premises. Rock byproduct is not removed from the premises.

##### b. *Use-Specific Standard*

Placer mining shall comply with the use-specific standards set forth above for "natural resource extraction, organic and inorganic."

### C. Marine Facility

This category includes a mix of commercial and light or general industrial manufacturing, processing, storage, wholesale, and distribution operations that are water-dependent or water-related. Water-dependent uses are generally permitted, while water-related uses are generally conditional uses. Specific use types include:

#### 1. Aquaculture

##### a. *Definition*

An establishment engaged in the hatching, raising, and breeding of fish or other aquatic plants or animals for sale.

#### 2. Facility for Combined Marine and General Construction

##### a. *Definition*

An establishment engaged in the manufacture, construction, and repair of marine and non-marine related products.

#### 3. Marine Operations

##### a. *Definition*

Establishments engaged in light or general industrial manufacturing, processing, or storage operations, that are water-dependent and water-related. Examples include, but are not limited to: cargo handling facilities, including docking, loading, and related storage; fabrication, storage, and repair of fishing equipment; facilities for marine construction and salvage; facilities for marine pollution control, petrochemical cleanup, and servicing of marine sanitation devices; facilities for processing of products harvested from the ocean; facilities for manufacturing ice; marine industrial welding and fabricating; seafood packaging, packing, storage, loading, and distribution facilities; shipbuilding and facilities for construction, maintenance, and repair of vessels; marine repair yards, boat fabrication, boat storage, and marine machine shops; marine transport services, including ferries,

public landings and boat launches, commercial vessel berthing, excursion services, hovercraft, and boat rentals; recreational and commercial fishing and boating activities; tugboat, fireboat, pilot boat; coast guard, and similar services; uses that provide pedestrian access to the waterfront; wharves, docks, ramps, and piers; marine police, harbormaster, and other marine enforcement agencies; harbor and marine supplies and services, and ship supply, such as fueling and bunkering of vessels; and aids to navigation.

#### 4. Marine Wholesaling

##### a. Definition

Establishments engaged in wholesale and distribution operations of marine-related products.

### D. Warehouse and Storage

This category includes uses involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses may include offices, limited retail sales, truck fleet parking, and maintenance areas. Specific use types include:

#### 1. Bulk Storage of Hazardous Materials

##### a. Definition

An establishment primarily engaged in the bulk storage and/or distribution of hazardous materials, including liquefied fuel such as petroleum gas, for wholesale sale. "Hazardous materials" is defined at AMC 16.110.020.

##### b. Use-Specific Standard

In the I-1 and I-2 districts, any new facilities for the storage and/or dispersion of hazardous materials, or expansion of existing facilities for the storage and/or dispersing of hazardous materials, shall occur at least 1,000 feet from a residential district, school, hospital, or park, except the I-2 district within the Port of Anchorage Security Area. Additionally, in the I-2 district within the Port of Anchorage Security Area, alteration, replacement, and expansion of existing structures that are primarily for safety upgrades shall be processed as minor amendments to approved conditional uses with notice to the community council.

#### 2. Impound Yard

##### a. Definition

An area used for the storage of vehicles seized for any reason, including but not limited to traffic accidents, improper parking, and abandonment. No dismantling or disassembly of vehicles is permitted in an impound yard. The vehicle so stored may be sold from the impound yard by auction or otherwise, in accordance with state law.

##### b. Use-Specific Standard

Impound yards shall comply with the use-specific standards set forth for "storage yard" below.

#### 3. Motor Freight Terminal

##### a. Definition

A facility for freight pick-up, distribution, and storage. This may include intermodal distribution facilities for truck or shipping transport.

##### b. Use-Specific Standards

i. Loading, parking, and maneuvering space shall be entirely on private property, which includes private leasehold of public property.

- ii. There shall be a 200 foot buffer zone between the motor freight terminal operations and property zoned residential. No motor freight trucks, trailers (including those with refrigeration or heating units), or other motorized equipment such as fork lifts may be maneuvered, parked, or operated, nor any associated warehouses be located within 200 feet of residentially zoned property. The buffer zone may be used for employee parking, for landscaping, including a required L3 screening landscape buffer, and similar uses that do not create noise. The buffer zone shall be posted or marked in such a manner so as to clearly delineate the areas where operations are permitted.
- iii. A motor freight terminal which abuts or is directly across a street or alley from residentially zoned property shall have L3 screening landscaping on the boundary of the abutting property, street, or alley.
- iv. A motor freight terminal that is separated from property zoned residential by the Alaska Railroad main line corridor, or a freeway or expressway as classified on the *Official Streets and Highways Plan* is not subject to the provisions of subsections b.ii. and b.iii. above.

#### 4. Self-Storage Facility

##### a. **Definition**

A completely enclosed structure(s) containing three or more areas or rooms available for lease or rent for the purpose of the general storage of household goods and business or personal property, where the lessee of the unit is provided direct access to deposit or store items. Also known as a “ministorage facility.” A self-storage facility may have associated outdoor vehicle/boat storage, but a stand-alone vehicle/boat storage establishment is classified under “storage yard”.

##### b. **Use-Specific Standards**

The standards below are applicable to self-storage facilities in all districts.

##### i. *Size of Site*

The self-storage site shall contain no less than one-half acre and no more than ten acres.

##### ii. *Traffic Access and Curb Cuts*

The site shall have direct driveway access from a street constructed to appropriate municipal standards as described in chapter 21.08. Location, number, and width of curb cuts shall be subject to the approval of the traffic engineer or the state department of transportation and public facilities.

##### iii. *Dimensional Standards*

Notwithstanding the general dimensional standards in chapter 21.06, the following specific standards apply:

##### (A) *Maximum Lot Coverage By All Buildings*

75 percent in industrial districts; 50 percent in all other districts.

##### (B) *Maximum Height of Structures*

35 feet. Structures over 35 feet in height shall require conditional use approval.

##### iv. *Paving and Drainage*

(A) All parking lots and driveways, interior aisles, and walkways shall be paved to municipal standards. In class B areas, the areas may be graveled with D-1, except that all ADA requirements shall be

met, including paving accessible parking spaces and walkways from accessible parking spaces to the building.

- (B) Provisions shall be made to prevent any contamination of the domestic water supply or to prevent excessive or contaminated surface runoff from the site onto adjacent lands or streams. Drainage flow patterns shall be shown on the site plan or a separate approved map. Drainage shall comply with section 21.07.040.

v. *Permitted Accessory Uses*

The facility may provide two on-site dwelling units for use by an on-site caretaker, manager, or owner of the site.

vi. *Storage of Hazardous Substances*

The storage of explosives, radioactive materials, or any other hazardous chemicals, or flammable materials as defined by municipal code, is prohibited.

vii. *Prohibited Uses Within Storage Units*

Except for work performed ancillary to the operation of the self-storage facility, the following uses are prohibited from occurring within a self-storage facility or vehicle storage rental unit or space:

- (A) The servicing, repair, or fabrication of vehicles, boats, trailers, lawn mowers, appliances, or any other equipment with the exception of battery or tire removal and replacement. These must be conducted in accordance with all federal, state, and local laws. All hazardous materials must be disposed of properly by the owner of the vehicle.
- (B) The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
- (C) Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

viii. *Fencing and Landscaping*

- (A) Except as noted below, all site boundaries shall be fenced with a sight-obscuring fence structure at least eight feet high. No fencing shall be required on the portion of site boundaries where a structure, excluding containerized storage units, abuts either side of the lot line.
- (B) The fence shall be constructed of concrete, solid wood, or chain link with a neutral color fabric screening or vinyl covering, and shall be approved by the department for compatibility with surrounding properties. The structure shall be maintained in a safe, sound, and orderly condition, and shall be kept free of any advertising matter other than signs permitted by this title. Security wire, such as concertina, razor, or barbed wire, is permitted but only if inverted inside the fence. The wire may be exposed and visible above the fence by a maximum of one foot, but if not exposed, the fence shall be posted with prominent warning signs.
- (C) Where a self storage or vehicle storage facility abuts a commercially zoned district, L1 visual enhancement landscaping

shall be required external to the sight-obscuring fence. Where lot lines for these facilities abut a residential district, L2 buffer landscaping shall be required. No landscaping shall be required where a lot line abuts an industrial district, or on the portion of site boundaries where a structure, excluding containerized storage units, abuts either side of the lot line, unless otherwise required by this title.

**ix.** *Vehicle/Boat Storage Yards*

The vehicle/boat storage portion shall be accessory to the self-storage facility. The yard may not be used to display or advertise any merchandise for sale, including vehicles/boats. No salvaging, dismantling, or disassembly of vehicles/boats is permitted in a vehicle storage yard.

**x.** *Financial Guarantees*

The department may require a financial guarantee to ensure installation of required landscaping, fencing, paving, or mitigation of any environmental impacts or contamination to the site or surrounding land in accordance with section 21.08.060, *Subdivision Agreements*.

**xi.** *Existing Self Storage and Vehicle Storage Operations*

Self-storage and vehicle storage operations existing on or before October 26, 2004 shall be deemed to have approved site plans and not be nonconforming uses or structures. Notwithstanding the provisions of chapter 21.12, *Nonconformities*, where self-storage and vehicle storage operations exist and have been in continuous existence since October 26, 2004, that use may continue provided the owner thereof complies with the following:

**(A)** *Site Enhancement Plan Required*

Any self-storage or vehicle storage operation existing prior to October 26, 2004 that does not comply with the requirements of this section related to sight-obscuring fencing, required landscaping external to said fencing, and elimination of security razor or concertina security wire at the top of a fence shall obtain approval by the director of, and agree to implement, a site enhancement plan for the property. This site enhancement plan shall be submitted to the director before April 26, 2014. The plan shall be fully implemented by October 26, 2014. The intent of this site enhancement plan is to bring the property as closely as reasonably possible into compliance with the above noted subsection without impeding existing operations.

**(B)** *Contents of Site Enhancement Plan*

The site enhancement plan shall include:

- (1)** A graphic and legal description of the plan area.
- (2)** Existing fencing and fencing types on the site.
- (3)** Current vegetation external to perimeter fencing, if any.
- (4)** Vehicular access points, including ingress and egress points, and queuing lanes.
- (5)** Proposed modifications to bring the property into compliance with the intent of the standards of this section, but only for the following items: sight-obscuring fencing;

required landscaping external to said fencing on any side of the property abutting a residential zoning district or an arterial, if the side is not otherwise obscured from view by other landscaping, naturally-vegetated areas, natural features, or buildings located on adjoining properties; and in all instances elimination of barbed, razor, concertina, or other security wire, unless the security wire is placed in accordance with other sections of this title.

- (6) It is the intent of this section that owners of existing facilities not be required to move existing fences or change existing operations.

(C) *Narrative Statement Required*

A narrative statement shall also be submitted with the site enhancement plan. The narrative shall be based on existing conditions and shall detail the following information:

- (1) The method of securing the area to prevent casual access.
- (2) A proposed schedule that specifies the date and methods by which the owner shall come into compliance with the intent of this section.
- (3) A description of current operations and uses that take place on the site.

(D) *Implementation of Approved Site Enhancement Plan*

The director shall set a reasonable period of time for implementation of the approved site enhancement plan, but in all cases the implementation shall be complete by October 26, 2014. Adequacy of the site enhancement plan shall be based on evidence presented by the owner, which may include the following:

- (1) The location and size of the property and the self-storage and/or vehicle storage use, including topography and related physical constraints of the site.
- (2) History of the use of the property as a self-storage and/or vehicle storage use, including information about the length of time it has existed as that use and any relevant permits or other official regulatory documents related to the use of the property as a self-storage and/or vehicle storage use.
- (3) A map of the subject property indicating the location of all parcels of real property within a distance of 300 feet from the exterior boundary of the subject property, showing the zoning district boundaries.
- (4) The compatibility of the operation with surrounding neighborhoods, and with prevention of noise, dust, safety hazards, traffic congestion, aesthetic deterioration, and other adverse environmental effects.

(5) Any other information the property owner may wish to submit in order to make his or her case.

(E) *Decision by Director*

Upon receipt of a site enhancement plan pursuant to subsection xi.(A). above, the director shall make a determination within 60 days of submittal of the site enhancement plan. The decision of the director shall be in writing and sent by certified mail to the address listed in the owner's application.

(F) *Appeals*

A decision of the director is final unless appealed within 30 days of its receipt by the owner of the property. Appeal is to the zoning board of examiners and appeals. Only the applicant may appeal the decision of the director. An appeal from a decision of the zoning board of examiners and appeals may be brought in superior court.

5. **Storage Yard**

a. **Definition**

Any lot or portion of a lot that is used for the sole purpose of the outdoor storage of fully operable motor vehicles; construction equipment; construction materials; sand, gravel, topsoil, or the like; or other tangible materials and equipment.

b. **Use-Specific Standards (also apply to "Impound Yard" and "Junkyard")**

i. *Location of Site*

(A) L2 buffer landscaping with an 8-foot screening fence shall be planted along all lot lines where a storage yard or impound yard abuts any academic school, hospital, residential district, or government administration and civic facility.

(B) A junkyard shall not be located within 500 feet of any academic school, hospital, residential district, or government administration and civic facility.

ii. *Minimum Lot Size and Width for Junkyard*

Notwithstanding the general dimensional standards set forth in chapter 21.06, the minimum lot size for a junkyard shall be two acres. The minimum lot width shall be 150 feet.

iii. *Limits on Outdoor Storage*

Outdoor storage shall not exceed 35 feet in height. No outdoor storage shall occur within the required front or side setback as set forth in chapter 21.06.

iv. *Containerized Storage Units*

The following standards shall apply to the use of containerized storage units:

(A) A containerized storage unit shall be a factory-built shipping container.

(B) A containerized storage unit shall be subject to the requirements for any required permitting, as set forth in the Anchorage municipal code of ordinances.

v. *Screening*



L3 screening landscaping is required where a junkyard is adjacent to residential districts.

- vi. *Drainage; Protection of Water Supply*  
Provisions shall be made to prevent any contamination of the domestic water supply or excessive surface runoff from the property into adjoining lands or streams. Failure to prevent such contamination of the domestic water supply or to prevent excessive surface runoff from the site onto adjoining lands or streams shall be cause for the conditional use to be rescinded and the junkyard to be removed at the cost of the owner of the land upon which it is located.
- vii. *Existing Vehicle Storage Yards*  
Storage yards in existence on October 26, 2004 and that fall under the definition of “vehicle storage yard”, which means “the outdoor storage of vehicles (under 12,000 lbs. gross vehicle weight rating), boats, and recreational vehicles”, may continue to exist pursuant to the requirements of subsection D.4.b.xi. above.

## 6. Warehouse or Wholesale Establishment, General

### a. *Definition*

An establishment primarily engaged in the sale or distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers. Activities may include assembling, sorting, and grading goods into large lots and breaking bulk for redistribution into smaller lots. This use also includes warehouse storage and distribution of materials, goods, or property with no on-site wholesale business activity. This use shall not include heavy manufacturing, resource extraction, scrap operations, bulk storage of hazardous materials, or salvage operations.

### b. *Use-Specific Standards*

- i. L2 buffer landscaping is required where adjacent to residential districts.
- ii. This use shall be limited in the PLI district to warehouse storage. Wholesale operations including the sale or distribution of goods and materials to retailers or other business customers are prohibited in the PLI district.

## 7. Warehouse or Wholesale Establishment, Light

### a. *Definition*

A general warehouse or wholesale establishment whose activities of assembly, sorting, and grading goods into large lots and breaking bulk for redistribution into smaller lots are performed in such a way as to have minimal impact on surrounding properties. Operations with more than 33 percent of sales to retail customers shall be categorized as a retail sales use rather than as a warehouse or wholesale establishment.

### b. *Use-Specific Standards*

- i. This use shall be limited in the PLI district to warehouse storage. Wholesale operations including the sale or distribution of goods and materials to retailers or other business customers are prohibited in the PLI district.
- ii. Light warehouse or wholesale establishments are subject to the following limitations in the B-3 district to ensure compatibility and protect commercial and residential property.

- (A) This use shall comply with the use-specific standards set forth in subsection 21.05.060A.1. for contractor and special trades, light.
- (B) Building areas used as part of the storage and distribution process shall have a building height of no more than 35 feet.
- (C) When a new establishment is proposed, or when an existing establishment is proposed to be expanded, advance documentation that the establishment will conform to the operational standards of section 21.07.140 and the noise regulations of title 15 may be required by the decision-making body prior to the issuance of the land use permit. The documentation shall include an evaluation and explanation certified by a registered engineer or architect, as appropriate, that the proposed activity can achieve the off-site noise standards of the municipality. Such evaluation shall describe the measures to be taken by the applicant to meet the standards. Such measures may include, for example, the provision of buffers, reduction in hours of operation, relocation of mechanical equipment, increased setbacks, and use of specialized construction techniques or building materials. The measures to be taken shall be indicated on the plans as conditions of approval. After a permit has been issued, any measures that were required by the permit to limit noise shall be maintained.

## 8. Outdoor Storage Associated with a Community Use

### a. *Definition*

Outdoor storage of goods and/or materials (but not “junk” as defined by chapter 21.14) associated with a community principal use.

### b. *Use-Specific Standards*

Goods and/or materials associated with a community principal use shall be allowed subject to the following standards:

- i. Goods stored in an approved outdoor storage area shall be limited to items used for maintenance, repair, replacement, or new construction as part of an associated principle use.
- ii. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six and eight feet in height that incorporates at least one of the predominant materials used in the principal structure. The fence or wall may exceed eight feet in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller fence or wall necessary to effectively screen the area. Alternatively, if it can be demonstrated that existing topography or vegetation adequately screens the storage area, in the opinion of the Director, the fence requirement may be waived. Materials may not be stored higher than fifteen feet from existing grade. The outer perimeter of the fence or wall shall be landscaped with L1 visual enhancement landscaping. A landscaped earth berm may be used instead of or in combination with a required fence or wall, provided it meets the same height requirements.
- iii. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.

- iv. No goods and/or materials may be stored in areas required for vehicular or pedestrian circulation or parking.
- v. Minimum lot size shall be no less than three acres. The director may reduce the minimum lot size when it can be demonstrated that the lot is in close proximity to the community use and there will be no impacts to neighboring properties.
- vi. "Hazardous material," "hazardous chemical," and "hazardous waste," as defined by AMC 16.110.020, shall be stored in accordance with all applicable municipal, state, and federal laws.

## 9. Outdoor Storage of Vehicles and/or Equipment Associated with a Community Use

### a. *Definition*

The outdoor storage or parking of vehicles and/or equipment (but not "junk" as defined by chapter 21.14) used in support of a community use.

### b. *Use-Specific Standards*

Vehicles and/or equipment accessory to a community principal use shall be allowed subject to the following standards:

- i. Vehicles and/or equipment stored in an approved outdoor storage area shall be limited to those under ownership of and for use by the associated principal community use.
- ii. Each outdoor vehicle storage area shall be screened in accordance with the provisions of subsection 21.07.080E.2.b. Alternatively, if it can be demonstrated that existing topography or vegetation adequately screens the vehicle storage area, in the opinion of the Director, the other landscape requirements may be waived.
- iii. Vehicle fueling stations associated with vehicle storage areas are allowed. Flammables liquids or gases in excess of 1,000 gallons shall be stored underground.
- iv. "Hazardous material," "hazardous chemical," and "hazardous waste," as defined by AMC 16.110.020, shall be stored in accordance with all applicable municipal, state, and federal laws.

## E. Waste and Salvage

This category includes uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location; uses that collect sanitary wastes; or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. Waste and salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products. Specific use types include:

### 1. Composting Facility

#### a. *Definition*

A facility where organic matter, including leaves, grass, manures, and non-meat, non-biosolids waste, amassed primarily from off-site, is processed by composting and/or processing for commercial purposes. Activities may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of collected compost.

#### b. *Use-Specific Standards*

- i. *Any composting storage area of a composting facility shall be set back at least 200 feet from any lot line abutting a residential district or any residential use (except a residential use occupied by the owner, operator, or any employee of such composting facility) that exists at the time of the establishment of the composting facility.*
  - ii. Composting facilities shall contain and treat on-site, all water run-off that comes into contact with the feedstocks or compost, in such manner that the run-off will not contaminate surface or ground water.
  - iii. Composting facilities shall not be located in any floodway.
  - iv. No composting facility shall commence operation until a nuisance condition control plan, specifying all measures to be taken to control nuisance conditions (such as odor, noise, scattered solid waste, dust) has been approved by the director.
- 2. Hazardous Waste Treatment Facility**
- a. **Definition**  
The processing of hazardous waste by means other than incineration, for the purposes of rendering the waste non-dangerous or less dangerous, safer for transport, amenable for storage, and/or able to be reused for energy production.
  - b. **Use-Specific Standard**  
Hazardous waste treatment facilities shall be located at least 1,000 feet from any residential district.
- 3. Incinerator or Thermal Desorption Unit**
- a. **Definition**
    - i. **Incinerator**  
An establishment that uses thermal combustion processes to destroy or alter the character or composition of medical waste, hazardous waste, sludge, soil, or municipal solid waste (not including animal or human remains). This definition does not include “rag burners” or oil heaters.
    - ii. **Thermal Desorption Unit**  
A facility that removes volatile and semi-volatile contaminants from soils, sediments, slurries, and filter cakes using direct or indirect heat exchange. This definition does not include short-term (less than six months) on-site remediation operations.
    - iii. **Not Accessory Uses**  
Incinerators and thermal desorption units that are accessory to other principal uses shall meet these use-specific standards.
  - b. **Use-Specific Standards**
    - i. **Separation Requirements from Residential Zoning Districts and Academic Schools**  
No incinerator facility or thermal desorption unit shall be located less than 1315 feet from a residentially zoned district, a dedicated park, or an elementary, middle, or high school.
    - ii. Standards for Incinerators
      - (A) Hazardous Waste Prohibited**  
Incinerators covered under this section shall not accept any materials that meet the definition of hazardous waste as defined by the U.S. Environmental Protection Agency (EPA) of the state department of environmental conservation (ADEC).

- (B)** *Separation Distances between Incinerator Facilities*  
 Separation distances between incinerator facilities shall be as follows:

<b>TABLE 21.05-2: MINIMUM SEPARATION DISTANCES BETWEEN INCINERATOR FACILITIES</b>				
<b>Rated Capacity (lbs./hour)</b>	<b>Distance from Nearest Emission Source (feet)</b>			
	<b>1315</b>	<b>2300</b>	<b>3280</b>	<b>3940</b>
Under 500	X			
500--1,000		X		
1,001--1,500			X	
1,501--2,000				X
Facilities with unequal capacity: the largest capacity shall determine the minimum distance. Facilities with a rated capacity greater than 2,000 pounds per hour shall perform an analysis of the health risk pursuant to subsection iv.(B). below, and shall meet the standards of subsection iv.(A).(2). below.				

- iii.** Standards for Thermal Desorption Units (TDUs)  
 TDUs with a rated capacity of under 100 tons per hour shall be 1315 feet from the nearest emission source of another TDU. TDUs with a rated capacity of 100 tons per hour or more shall perform an analysis of the health risk pursuant to subsection iv.(B). below, and meet the standards of subsection iv.(A).(2). below.

**iv.** *Standards for Both Incinerators and Thermal Desorption Units*

**(A)** *Distance Requirements*

All new incinerator facilities shall be located at least 1315 feet from an existing TDU, and vice versa, unless one of the following two standards is met:

- (1)** It can be demonstrated that the combined percentage rated capacity of all incinerator facilities and thermal desorption units, existing and proposed, does not exceed 100. The combined percentage rated capacity shall be calculated as follows:

$$((I_1 + I_2 + \dots + I_N) / 500) + (T_1 + T_2 + \dots + T_N) / 100 \times 100 = C$$

Where  $I_1 + I_2 + \dots + I_N$  is the sum of the rated capacities of all incinerator facilities, in pounds per hour, within 1315 feet of the proposed facility, and  $T_1 + T_2 + \dots + T_N$  is the sum of the rated capacities of all thermal desorption units, in tons per hour, within 1315 feet of the proposed facility. The proposed incinerator facility or thermal desorption unit shall be included in the calculation of the combined percentage rated capacity; or

- (2)** It can be demonstrated, through an analysis of the health risk described in subsection iv.(B). below, that the combined risk of all incinerators and thermal desorption units operating within 1315 feet of the proposed facility will not pose a lifetime health risk greater than one excess cancer case per 100,000 for individuals living within adjacent residentially zoned areas or attending elementary, middle, or high schools.

**(B)** *Analysis of Health Risk*

The intent of the analysis is to provide information regarding the health risks of persons living close to the proposed site. The municipality shall select a contractor to conduct the analysis and the cost will be billed to the petitioner. The analysis shall meet the following requirements:

- (1) The analysis shall utilize an EPA-approved dispersion model appropriate for the type of facility, and the given terrain, to estimate the ambient annual average concentration of contaminants from the facility. The model shall be run according to EPA modeling guidelines;
- (2) Models shall utilize a full year of local meteorological data (e.g., National Weather Service observations taken at the Anchorage International Airport). If several years worth of meteorological data are obtained, the year providing the highest ambient concentrations shall be used;
- (3) All emission factors used in conjunction with the model shall be documented. Acceptable emission factors may be obtained from either a source test conducted by the manufacturer of the same or similar model as the one proposed to be used or must reference a published report (e.g., an article in a peer review scientific journal or EPA publication);
- (4) The report shall describe the modeling results in terms of the annual concentration of each identified toxic compound at the boundary of the adjacent residential zoning districts as well as the location and magnitude of the maximum annual average concentrations found within each adjacent residential district; and
- (5) The report shall also describe the health risks attributable to these concentration levels based on the latest cancer risk values from the EPA's Integrated Risk Information System (IRIS) database. Cancer risks shall be based on the risk of one additional cancer above the background cancer rate per 100,000 individuals.

**(C)** *Standards for Facilities Not Meeting Separation Requirements*

The planning and zoning commission may approve a conditional use for an incinerator facility or thermal desorption unit that is less than 1315 feet from an existing facility, but meets the standards of either (A).(1). or (A).(2). above, only if the commission finds that the storage plan for the material to be burned and the waste generated by the incineration activity is adequate to prevent any runoff, groundwater contamination, airborne dust, or other means for contaminants to migrate off the site.

**(D)** *Additional Submittal Requirements for a Conditional use Permit*

In addition to standard materials required for all conditional use applications, all applicants for a conditional use for an incinerator

facility or TDU shall submit the following information pertaining to the burning process:

- (1) A description of the operation, including equipment to be used.
  - (2) The type and quantity of material that will be processed.
  - (3) Operating hours and conditions.
  - (4) Plans for storing the material to be burned.
  - (5) A disposal plan for waste generated from the process.
  - (6) The location of points of vehicular access to the site and projected traffic counts for each.
  - (7) A description of the federal or state permitting process required for operation of the incinerator or TDU.
  - (8) Such other materials as the director may require by regulation pursuant to AMC chapter 3.40.
- (E) *Additional Conditions of Approval*
- (1) The planning and zoning commission shall attach such conditions to the approval of a conditional use for an incinerator or TDU as it finds are necessary to conform the use to the standards set forth above.
  - (2) All conditional uses granted under this subsection are subject to revocation if the planning and zoning commission determines, based on a recommendation by the municipal department of health and human services, that the operator of the incinerator or TDU failed to operate according to the specifications shown in the plans approved by the planning and zoning commission, or operate in conformance with the state department of environmental conservation or municipal air quality regulations. In order to determine whether or not this condition is met, the director of the municipal department of health and human services shall have authority to require monitoring for compliance with the conditional use permit and to annually obtain copies of the operator's monitoring or testing records.
  - (3) The petitioner shall obtain all applicable permits from the U.S. Environmental Protection Agency, state department of environmental conservation, and municipal department of health and human services.

#### 4. Junkyard or Salvage Yard

##### a. *Definition*

Any lot, or portion of a lot, that is used for the purpose of the outdoor storage, handling, dismantling, salvage, wrecking, keeping, or sale of used, discarded, wrecked, or abandoned airplanes, appliances, vehicles, boats, building and building materials, machinery or equipment, or parts thereof, including but not limited to scrap metals, wood, lumber, plastic, fiber, or other tangible materials defined under "junk" (see general definitions in chapter 21.14). Auto wrecking

yards and salvage or scrap yards are included in this use. This does not include a composting facility or “vehicle repair/rebuilding, outdoor, hobby”.

**b. Use-Specific Standard**

Junkyards and salvage yards shall comply with the use-specific standards applicable to “storage yard” set forth above.

**5. Land Reclamation**

**a. Definition**

An operation engaged primarily in increasing land-use capability by changing the land’s character or environment through fill or regrading. Land reclamation shall include only operations at a scale involving 5,000 cubic yards or more of fill material. Site preparation as part of the development of a subdivision under a subdivision agreement is not included.

**b. Use-Specific Standards**

**i.** If the land reclamation operation will be completed within one year, the review and approval procedure shall be an administrative site plan review. If the operation will continue for more than one year, the review and approval procedure shall be the conditional use process. If an operation was approved under the administrative site plan review process but is not completed within one year, the operator must then apply for a conditional use permit.

**ii.** In addition to the submittal requirements in the user’s guide, an applicant for a land reclamation use shall submit the following:

**(A)** A site plan showing:

**(1)** Drainage.

**(2)** Existing and proposed topographical contours (ten-foot contour).

**(3)** Water table information.

**(4)** Points of vehicular access to the site.

**(B)** An erosion and sediment control plan.

**(C)** A description of the soil types encountered on the site.

**(D)** A landscaping plan for the period of land reclamation operations and for final restoration of the site.

**(E)** A security plan to prevent casual trespass.

**(F)** Proposed hours of operation.

**(G)** A description of land reclamation and processing operations proposed for the site.

**(H)** Projected traffic counts for each point of vehicular access to the site.

**(I)** An estimate of the quantity of materials to be imported to the site and timetable, with supporting calculations conforming to generally accepted engineering principles.



- (J) A statement of the types of materials that will be accepted at the site.
  - (K) Such other materials as the director may require by regulation pursuant to AMC chapter 3.40.
- iii. The site plan and erosion and sediment control plan required in subsection ii. above shall be subject to review and approval for drainage, erosion and sedimentation control; for conformance with the *208 Areawide Water Quality Management Plan*; and for compliance with generally accepted sound engineering principles.
- iv. A building or land use permit is required for land reclamation.
- v. In addition to the conditional use standards of approval at 21.03.080D., the planning and zoning commission may approve a land reclamation use only if the commission finds that the use also meets the following standards:
- (A) Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner so as to make them dust free. Where access roads intersect arterials, suitable traffic controls shall be established.
  - (B) The site will not accept materials that are hazardous or flammable.
  - (C) The site will not accept junk as defined in chapter 21.14.
  - (D) The site will not accept soils contaminated with petroleum products or byproducts.
  - (E) The reclamation operations will not pose a hazard to the public health and safety.
  - (F) The reclamation operations will not generate noise, dust, surface water runoff, groundwater pollution, or traffic that will unduly impact surrounding land uses.
  - (G) The restoration plan for the site ensures that, after reclamation operations cease, the site will be left in a safe, stable, and aesthetically acceptable condition.
  - (H) The proposed use meets such additional standards for land reclamation conditional uses as the director may establish by regulation pursuant to AMC chapter 3.40.
- vi. The planning and zoning commission may attach such conditions to the approval of a land reclamation conditional use as it finds are necessary to mitigate potential negative impacts on adjacent uses.

## 6. Landfill

### a. **Definition**

The burial of hazardous or non-hazardous agricultural, residential, institutional, commercial, or industrial waste, including solid waste processing. This use does not include land reclamation.

- 
- b. Use-Specific Standards**
- i.** Landfills (operational area, excavated or filled area) shall be set back at least 200 feet from the property boundary, and at least 500 feet from the lot line of any academic school, hospital, religious assembly, or residential zoning district. L3 screening landscaping is required along all lot lines.
  - ii.** Landfills shall contain and treat all run-off that comes into contact with the waste material, in such manner that the run-off will not contaminate surface or ground water.
  - iii.** Landfills shall comply with the requirements of 18 AAC 60.
  - iv.** Applications for a conditional use for a landfill shall specify all measures to be taken to control nuisance conditions (such as odor, noise, scattered solid waste, wildlife).
- 7. Recycling Drop-Off**
- a. Definition**
- A lot or portion of a lot where containers are located to collect various materials for recycling. This use includes drop-off and collection of materials for recycling, but not processing of such materials.
- b. Use-Specific Standards**
- i.** No recycling drop-off area shall be located in required parking for any other uses on the same lot, required landscaping, or pedestrian facilities.
  - ii.** Recycling drop-off areas that are on a lot with another principal use such as a school or retail store shall, to the extent reasonably feasible, be placed to the side of the principal structure and/or site, and not abutting the street that provides primary access to the site.
  - iii.** Recycling drop-offs that are the sole or principal use on a lot, and are not placed on a lot with another principal use such as a school or retail store, shall be fenced. The fencing shall be interior to any landscaping required by section 21.07.080. Recycling drop-offs adjacent to residential districts shall have a screening fence.
  - iv.** If a recycling drop-off area is within 200 feet of a residential district, no collection/pick-up of the accumulated materials shall occur between the hours of 10:00 p.m. and 6:00 a.m.
  - v.** If a recycling drop-off area is within 200 feet of a residential district, and the drop-off includes containers for collecting glass, the area shall be closed between the hours of 10:00 p.m. and 6:00 a.m.
- 8. Snow Disposal Site**
- a. Definition**
- An area used for the concentrated storage and disposal of snow transported to that site from other locations. For the purposes of this section, an entire Airport District is considered a single location.
- b. Use-Specific Standards**
- i. Location**  
Snow disposal sites shall be located at least 25 feet from a class A or class B wetland, and at least 100 feet from a stream or water body.

- 
- ii. *Dimensional Standards*  
Notwithstanding the general dimensional requirements of chapter 21.06, the following specific standards shall apply to this use.
- (A) *Minimum Lot Size*  
The minimum lot size shall be 36,000 square feet, unless otherwise established by the planning and zoning commission. Abutting smaller lots in common ownership may be considered in aggregate to achieve the minimum lot size. With a recorded joint use agreement, abutting smaller lots with multiple owners may be considered in aggregate to achieve the minimum lot size.
- (B) *Maximum Height of Snow Piles*  
The maximum height of snow piles shall be 35 feet where the snow storage operations area is within 500 feet of a residential district, unless the snow pile and the residential district are separated by the Alaska Railroad main line corridor, or a freeway or expressway as classified on the *Official Streets and Highways Plan*. In that case, and in all other areas, the maximum height of snow piles shall be the height limit of the zoning district.
- (C) *Minimum Setback Requirement*  
The minimum setback of snow piles shall be 25 feet if adjacent to a public right-of-way or to an industrial zoning district, and 50 feet if adjacent to a non-industrial zoning district.
- iii. *Snow Storage Area*  
The snow storage area shall be well defined on-site in order to prevent storage of snow on adjacent properties or landscaped areas. This may be accomplished through location, landscaping, fencing, and/or signs.
- iv. *Screening Fence or Berm*  
An earthen berm or a screening structure, either at least six feet high, shall be constructed within every setback adjacent to a public right-of-way or to a non-industrial zoning district. Site enhancement landscaping, or another ground cover acceptable to the decision-making body, shall be planted on the berm and within the area between the berm and the lot line for the site. The decision-making body may require construction of a berm or fence within other setback areas in order to restrict casual access, to confine the operations within the site, to reduce noise and glare, and to ensure compatibility of the operation with adjacent uses.
- v. *Drainage and Water Quality Facilities*  
The on-site and off-site drainage network shall handle water runoff and snow melt without impacting adjacent properties. Drainage and meltwater disposal shall comply with the municipal *Design Criteria Manual* sections regarding snow disposal sites and drainage.
- vi. *Noise, Dust, and Litter*
- (A) *Noise*  
If the level of noise from the activity at the snow disposal site, measured at the property line of any residential zoning district or noise-sensitive use such as a public building, academic school, or hospital within one half mile of the snow disposal site, shall exceed the standards stated in AMC subsection 15.70.080A., then the site plan shall identify mitigation measures.

**(B) Dust and Litter Control**

A dust control and litter plan shall be established and implemented. Trash collection/removal shall be done in a manner so that there are no dust or litter impacts to adjacent properties or public rights-of-way.

**9. Solid Waste and/or Recycling Transfer Facility****a. Definition**

An establishment for the processing, transfer, and/or disposal of hazardous or non-hazardous solid waste and/or materials for recycling.

**b. Use-Specific Standards**

- i. A solid waste transfer facility (structures, operations, outdoor storage) shall not be located within 500 feet of any academic school, hospital, or residential zoning district.
- ii. Notwithstanding the general dimensional standards set forth in chapter 21.06, the minimum lot size for a solid waste and/or recycling transfer facility shall be two acres and the minimum lot width shall be 150 feet, unless otherwise established by the decision-making body.
- iii. Outdoor storage shall not exceed 35 feet in height. No outdoor storage, operations, or donations shall occur within the required front or side setback as set forth in chapter 21.06.
- iv. In addition to any landscaping required under section 21.07.080, *Landscaping, Screening, and Fences*, the facility shall be surrounded by a fence that is at least eight feet high, except that public drop-off areas need not be fenced unless they are adjacent to a residential district. Such fencing that is adjacent to a residential district shall be screening fencing; such fencing that is adjacent to other non-industrial districts or to streets shall be sight-obscuring fencing.

**10. Stormwater Sediment Management Facility****a. Definition**

A facility designed specifically for the collection, processing, storage, and disposal or redistribution of sediment collected from stormwater pipelines, catch basins, sedimentation basins, infiltration systems, stormwater grit separators, and roadways.

**b. Use-Specific Standards****i. Location**

Stormwater sediment management facilities shall be located such that they comply with all environmental and public health regulatory standards for setbacks from wetlands and other water bodies.

**ii. Dimensional Standards**

Notwithstanding the general dimensional requirements of chapter 21.06, the following specific standards shall apply to this use.

**(A) Minimum Site Size**

The minimum site size shall be 36,000 square feet, unless otherwise established by the planning and zoning commission. Where abutting smaller lots are used in aggregate to achieve the minimum site size, a recorded joint use agreement is required.

- (B) *Maximum Height of Gravel Piles*  
Gravel piles shall not exceed 15 feet in height.
- (C) *Minimum Setback Requirement*  
The minimum setback of gravel piles shall be 25 feet if adjacent to a public right-of-way or to an industrial zoning district, and 50 feet if adjacent to a non-industrial zoning district.
- iii. *Material Limitations*  
Only liquids and solids collected from the cleaning of stormdrain systems designed to collect stormwater (water that originates from precipitation and enters the system as runoff, groundwater, or surface water) is allowed to be delivered and processed at the stormwater sediment management facility.
- iv. Waste materials specifically prohibited at the stormwater sediment management facility include:  
Waste or leachate collected from solid waste transfer stations; sediment or other materials associated with the production and storage of solvents, fuels, PCBs, pesticides, or radioactive materials; concrete slurry; sewage, material from septic systems, or from industrial lift stations; grease trap waste; water pumped from utility vaults, unless sampling and testing has occurred prior to pumping.
- v. *Protection of Water Quality*  
Provisions shall be made to prevent any contamination of groundwater and surface water due to storm and drainage runoff from the stormwater sediment management facility. No drainage from impervious surfaces or from the sediment piles shall be allowed to leave the site as surface runoff unless treated by best management practice measures approved by regulatory agencies having jurisdiction.
- vi. *Definition of Sediment Storage Area*  
The sediment storage area shall be well-defined on site in order to prevent storage of sediment on adjacent properties or on required setback areas. This may be accomplished through surfacing, curbing, fencing, or signage.
- vii. *Screening*  
An earthen berm, a site-obscuring screening structure (fence) at least 6-foot tall, buffer landscape (L-2) or some combination of these screening tools shall be constructed at each lot line adjacent to a public right-of-way or to a non-industrial zoning district. Where a berm is used, a quantity of landscape equal to that required for site enhancement landscape (L-1) shall be planted on the length of the berm. The director may require construction of a fence at any lot line in order to restrict casual access.
- viii. *Noise and Dust*
- (A) *Noise*  
If the level of noise as a result of site activities, measured at the property line of any residential zoning district, or noise-sensitive use, such as a public building, academic institution, or hospital within one half mile of the stormwater sediment management facility shall exceed the standards stated in AMC subsection 15.70.080A., then the facility shall implement mitigation measures.

**(B) Dust**

A dust control plan shall be established and implemented.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-82, 7-28-15; AO 2015-131, 1-12-16; AO 2016-131; 11-15-16; AO 2017-10, 1-24-17; AO 2017-74, 5-23-17)

**21.05.070 ACCESSORY USES AND STRUCTURES**

**A. Purpose**

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. An accessory use is “incidental and customarily subordinate” to a principal use if it complies with the standards set forth in this section.

**B. General Standards**

All accessory uses shall comply with the general standards in this subsection B.

**1. Approval of Accessory Uses and Structures**

- a. All principal uses allowed in a zoning district shall be deemed to include the accessory uses, structures, and activities set forth in this section, unless specifically prohibited.
- b. See also sections 21.05.030 through 21.05.060 above, in which incidental or accessory uses are sometimes included in the description of a specific principal use category or use type. When a definition does include permitted accessory or incidental uses, such accessory or incidental uses shall be subject to the general standards set forth in this subsection B., ***the zoning district limitations in subsection C. below***, as well as any use-specific standards set forth in subsections D. and E. below.

**2. Compliance with Ordinance Requirements**

- a. All accessory uses and structures shall be subject to the standards set forth in this section and the dimensional standards of chapter 21.06. In the case of any conflict between the standards of this section and any other requirement of this title, the standards of this section shall control.
- b. Any use listed in subsections 21.05.030 through 21.05.060 is allowed as an accessory use to a residential use if the accessory use meets the standards of a “home occupation” at subsection 21.05.070D.11. If the use exceeds the standards of a “home occupation”, then the use is no longer considered accessory and shall meet any applicable standards of subsections 21.05.010 through 21.05.060, which dictate in which districts the use is allowed, and any use-specific standards.
- c. Accessory uses shall comply with all standards of this title applicable to the principal use with which they are associated. Parking requirements shall be met for both the principal use, as specified in section 21.07.090, and any additional requirements for the accessory use, if applicable and specified in this section.

**3. Dimensional Standards for Accessory Buildings and Structures**

**a. Same Lot**

The accessory use or structure shall be conducted and/or located on the same lot as the principal use.

**b. Location of Accessory Structures**

No accessory structure shall be erected or maintained in any required setback, except that:

- i. Buildings accessory to a residential use and allowed by this section 21.05.070 may be erected in a required side or rear setback that is adjacent to an alley;
- ii. Two sheds *or greenhouses*, each 150 square feet or less, a maximum of 12 feet in height, and not attached to a foundation, may be erected in a required side or rear setback; and
- iii. Dog runs and dog houses not attached to a foundation may be erected in a required side or rear setback.

**4. Same Ownership Required**

The principal use and the accessory use shall be under the same ownership.

**5. Temporary Accessory Uses and Structures**

Temporary accessory uses and structures shall be governed by the temporary use standards set forth in section 21.05.080 of this title.

**C. Table of Allowed Accessory Uses**

Table 21.05-3 below lists the accessory uses allowed within all base zoning districts in the Anchorage Bowl. (See chapters 21.09 and 21.10 for regulations specific to Girdwood and Chugiak-Eagle River, respectively.) Each of the listed uses is defined in subsection D. below.

**1. Explanation of Table Abbreviations**

**a. Permitted Uses**

“P” in a cell indicates that the accessory use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this title, including the use-specific standards in subsection D. below and the development and design standards set forth in chapter 21.07.

**b. Administrative Site Plan Review**

“S” in a cell indicates that the accessory use requires administrative site plan review in the respective zoning district in accordance with the procedures of section 21.03.180C., *Administrative Site Plan Review*.

**c. Conditional Uses**

“C” in a cell indicates that, in the respective zoning district, the accessory use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.03.080, *Conditional Uses*.

**d. Prohibited Uses**

A blank cell indicates that the accessory use is prohibited in the respective zoning district.

**e. Definitions and Use-Specific Standards**

Each use listed in table 21.05-3 is defined in this section. Regardless of whether an accessory use is allowed by right or subject to administrative site plan review or conditional use, there may be additional standards that are applicable to the use. The cross-reference in the last column of the table identifies the code location of the definition and any use-specific standards. Any standards apply in all districts unless otherwise specified.

- f. ***Unlisted Accessory Uses or Structures***  
An accessory use or structure that is not listed in table 21.05-3 shall comply with all standards set forth in subsection B. above.



**g. Table of Permitted Accessory Uses and Structures**

TABLE 21.05-3: TABLE OF ACCESSORY USES – RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS																													
P = Permitted                      S = Administrative Site Plan Review                      C = Conditional Use Review																													
Accessory Uses	RESIDENTIAL														COMMERCIAL					INDUST.			OTHER					Definitions and Use-Specific Standards	
	R-1	R-1A	R-2A	R-2D	R-2M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2	MI	AF	DR	PR	PLI	W		
Accessory dwelling unit (ADU)	P <sup>3</sup>	P <sup>3</sup>	P	P	P	P	P <sup>4</sup>	P <sup>4</sup>	P	P	P	P	P	P															21.05.070.D.1.
Bed and breakfast (up to 3 guestrooms)	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P											21.05.070D.2.
Bed and breakfast (4 or 5 guestrooms)	S	S	S	S	S	S			S	S	S	S	S	S	P	P	P	P											21.05.070D.2.
Beekeeping	P	P	P	P	P	P	P		P	P	P	P	P	P											P	P			21.05.070D.3.
Caretaker's residence															P	P	P	P	P	P	P				P	P	P		21.05.070D.4
Dormitory						S	S	S	S	S	S	S	S	S			P			C	P					P			21.05.070D.5.
Drive-through service															P / S	P / S	P / S	P / S	P / S	P / S	P / S	P / S							21.05.070D.6.
Farm, hobby									P	P	P	P	P																21.05.070D.7.
Garage or carport, private residential	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P		P			21.05.070D.8.
Home- and garden-related use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P		P			21.05.070D.9.
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P		P			21.05.070D.10.
Intermodal shipping container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		21.05.070D.11.
Large domestic animal facility									P/C	P/C	P/C	P/C	P/C	P/C															21.05.070D.12.
Marijuana, personal cultivation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P	P	P	P		21.05.070D.13.

**TABLE 21.05-3: TABLE OF ACCESSORY USES – RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS**

**P = Permitted                      S = Administrative Site Plan Review                      C = Conditional Use Review**

Accessory Uses	RESIDENTIAL										COMMERCIAL					INDUST.			OTHER					Definitions and Use-Specific Standards				
	R-1	R-1A	R-2A	R-2D	R-2M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2	MI	AF		DR	PR	PLI	W
Outdoor keeping of animals	P	P	P	P	P	P			P	P	P	P	P	P										P	P	P		21.05.070D.14.
Outdoor display accessory to a commercial use															P	P	P		P	P	P	P						21.05.070D.15.
Outdoor storage accessory to a commercial use																	P		P	P	P	P						21.05.070D.16.
Outdoor storage associated with a community use																	S								S	S		21.05.070D.22.
Outdoor storage of vehicles and/or equipment associated with a community use																	S								S	S		21.05.070D.23.
Parking of business vehicles, outdoors, accessory to a residential use	P	P	P	P	P	P	P	P	P	P	P	P	P	P														21.05.070D.17.
Private outdoor storage of non-commercial equipment accessory to a residential use	P	P	P	P	P	P	P	P	P	P	P	P	P	P										P				21.05.070D.18.
Telecommunications antenna only, large	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>	P <sup>5</sup>					P <sub>6</sub>					P <sub>6</sub>				21.05.040K.
Telecommunications antenna only, small	P	P	P	P	P	P	P	P	P	P	P	P	P	P														21.05.040K.
Type 4 tower	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>	S <sup>6</sup>					S							S		21.05.040K.
Vehicle repair/rebuilding, outdoor, hobby	P	P	P	P	P				P	P	P	P	P	P										P				21.05.070D.19.
Wind energy conversion system (WECS), freestanding small	S	S	S	S	S	S	S	S	S	S	S	S	S	S				S	S / C	S / C	S / C	S / C				S / C		21.05.070D.20.
Wind energy conversion system (WECS), building mounted small							S	S							S	S	S		S	S	S	S				S		21.05.070D.20.

<sup>3</sup> Accessory dwelling units in the R-1 and R-1A districts are limited to attached ADUs, which are added to or created within single-family dwellings.  
<sup>4</sup> In the R-4 and R-4A districts, ADUs are allowed only on lots already improved with detached single-family dwellings as of January 1, 2014.  
<sup>5</sup> The telecommunications antenna is allowed only when meeting the concealment standards of 21.05.040K.8.d. and as accessory to a multifamily structure containing at least seven dwelling units or to a nonresidential use.

**TABLE 21.05-3: TABLE OF ACCESSORY USES – RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS**

**P = Permitted**

**S = Administrative Site Plan Review**

**C = Conditional Use Review**

	RESIDENTIAL										COMMERCIAL					INDUST.			OTHER									
Accessory Uses	R-1	R-1A	R-2A	R-2D	R-2M	R-3	R-4	R-4A	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2	MI	AF	DR	PR	PLI	W	Definitions and Use-Specific Standards

<sup>o</sup> The tower or telecommunications antenna is allowed only as accessory to a multifamily structure containing at least seven dwelling units, or to a nonresidential use.

**D. Definitions and Use-Specific Standards for Allowed Accessory Uses and Structures**

This section defines the accessory uses listed in table 21.05-3 and also contains use-specific standards that apply to those uses. Accessory uses shall comply with the applicable use-specific standards in this subsection, in addition to complying with the general standards in subsection B.

**1. Accessory Dwelling Unit (ADU)**

**a. Definition**

A subordinate dwelling unit added to, created within, or detached from a detached single-family residence, which provides basic requirements for living, sleeping, cooking, and sanitation.

**b. Use-Specific Standards**

**i. Purpose and Intent**

The purpose and intent of this section is to:

- (A) Fulfill housing policy #15 of *Anchorage 2020: Anchorage Bowl Comprehensive Plan*, which provides that accessory housing units shall be allowed in certain residential zones;
- (B) Provide a means for homeowners, particularly the elderly, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;
- (C) Allow more efficient and flexible use of existing housing stock and infrastructure;
- (D) Respond to changing family needs and smaller households by providing a mix of housing;
- (E) Stabilize homeownership and enhance property values;
- (F) Provide a broader range of accessible and more affordable housing within the municipality; and
- (G) Protect neighborhood stability, property values, and single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the provisions of this title.

**ii. Application, Review, and Approval Procedures**

- (A) Any landowner operating or seeking to establish an ADU shall obtain a building or land use permit from the building official. The permit shall constitute an ADU permit.
- (B) With the permit application, the landowner shall submit an affidavit on a form provided by the municipality, affirming that at least one landowner will occupy the principal dwelling or the accessory unit, and that the ADU will conform to the requirements of the permit and the requirements of this section.
- (C) The permit and the affidavit shall be filed as a deed restriction with the Anchorage recording district to indicate the presence of the ADU, the requirement of owner-occupancy, and conformity with the requirements of the permit and the requirements of this chapter.
- (D) The department shall receive a fee from the applicant pursuant to the title 21 user's guide.

- (E) For purposes of securing financing, potential landowners may request and receive a letter of pre-approval from the municipality indicating the property is eligible for an ADU permit if the potential landowner completes the application process and construction in accordance with this section.

iii. *Requirements*

All ADUs shall meet the following requirements:

(A) *Purpose*

Requirements for accessory dwelling units address the following purposes:

- (1) Ensure that accessory dwelling units maintain and are compatible with the single-family appearance and character of the principal residence, lot, and neighborhood;
- (2) Ensure that accessory dwelling units are smaller in size than the principal dwelling on the lot, and preserve yards and open space;
- (3) Provide adequate parking while maintaining the single-family residential character of the neighborhood, avoiding negative impacts to on-street parking, and minimizing the amount of paved surface on a site; and
- (4) Provide clear and flexible standards that make it practical and economical to develop accessory dwelling units that are in compliance with this code, and offer an accessible, affordable housing option to the community.

(B) *Allowed Zoning Districts*

- (1) Except as restricted by subsections (B).(2). and (B).(3). below, ADUs are allowed in all residential zoning districts.
- (2) In the R-1 and R-1A districts, ADUs are allowed only if added to or created within a detached single-family dwelling.
- (3) In the R-4 and R-4A districts, ADUs are allowed only on lots already improved with detached single-family dwellings as of January 1, 2014.

(C) *Requirements for Developing an ADU*

(1) *One Principal Structure*

One ADU may be added to or created within a detached single family dwelling on a lot, tract, or parcel, but only if the detached single-family dwelling is the sole principal structure on that lot, tract, or parcel.

(2) *Detached ADU*

One ADU detached from a single-family dwelling is permitted on a lot, tract, or parcel in all zoning districts except for the R-1 and R-1A, but only if:

- (a) The lot, tract, or parcel is 10,000 square feet or greater and the detached single-family dwelling is the only principal structure; or

- (b) The lot, tract, or parcel abuts an alley; the ADU is above a detached garage; the ADU/garage abuts the alley; and the detached single-family dwelling is the only principal structure.
- (3) *Lot Coverage*  
The lot coverage of the principal dwelling unit and all accessory structures combined, including but not limited to the ADU, shall be less than or equal to the maximum lot coverage allowed by the zoning district.
- (4) *Uses*
  - (a) An ADU shall not be permitted on any lot with a child care center.
  - (b) The landowner shall reside in either the principal dwelling unit or the ADU as his or her primary residence for more than six months of each year.
- (5) *Building Code Requirements*  
To ensure that the dwellings meet appropriate health and fire safety standards, the ADU shall be built to the adopted municipal building code standards for two-family dwellings.
- (6) *Size*
  - (a) The gross floor area of the ADU, not including any related garage, shall be no less than 300 square feet.
  - (b) In class A districts, the gross floor area of the ADU, not including any related garage, shall be no greater than 700 square feet or 35 percent of the total gross floor area of the principal dwelling unit (excluding the ADU and garages), whichever is less.
  - (c) In class B districts, the gross floor area of the ADU, not including any related garage, shall be no greater than 700 square feet or 35 percent of the total gross floor area of the principal dwelling unit (excluding the ADU and garages), whichever is greater.
  - (d) The ADU shall have no more than two bedrooms.
- (7) *Setbacks*  
An ADU shall not encroach into any required setback, except that an ADU may encroach into the side or rear setback abutting an alley.
- (8) *Parking*  
One off-street parking space in addition to the parking spaces required for the principal dwelling unit is required for the accessory dwelling unit; but in no event shall there be fewer than three parking spaces per lot. Notwithstanding the provisions of chapter 21.12,

*Nonconformities*, all off-street parking deficiencies shall be corrected.

**(9)** *Design and Appearance*

**(a)** All ADUs shall be designed to maintain the appearance of the primary unit as a single family dwelling. The accessory dwelling unit shall maintain the architectural style and character of the single-family residence. Exterior siding, roofing, and trim shall match the appearance of the materials on the principal dwelling unit. Roof style shall match the predominant style of the principal dwelling unit. Exterior window trim, window proportions (width to height), patterns, and orientation (horizontal to vertical) shall match those of the principal dwelling unit.

**(b)** The construction of an additional entry door on the side of a principal structure facing a street for entrance into an accessory dwelling unit is prohibited, unless no other entry door already exists on that side. Entrances are permitted on non-street-facing sides of the principal structure.

**(10)** *Utilities*

To the extent allowed by law and utility tariff, the ADU shall be connected to the water, sewer, gas, and electric utilities of the single family dwelling unit. However, lots with on-site water or septic systems may have a separate water and/or septic system for the ADU.

**(D)** *Additional Requirements for Detached ADUs*

**(1)** The ADU shall, on all street frontages, either have a front setback of at least 60 feet, or be at least 10 feet behind the street facing façade of the principal dwelling unit.

**(2)** The maximum height of a detached ADU shall be 25 feet.

**(E)** *Density*

ADUs are not included in the density calculations for a site.

**(F)** *Expiration of Approval of an ADU*

Approval of an ADU expires when:

**(1)** The ADU is altered and is no longer in conformance with this code;

**(2)** The property ceases to maintain all required off-street parking spaces;

**(3)** A landowner of the property does not reside in either the principal or the accessory dwelling unit; or

**(4)** The ADU is abandoned by the landowner through written notification to the municipality on a form provided by the municipality.

**(G)** *Transfer*

When a property with an ADU is sold or otherwise transferred, the new landowner shall file an affidavit of owner-occupancy with the department within 30 days of the transfer, and pay a processing fee. Failure to file an affidavit by the due date constitutes failure to have a permit, in violation of this section. Transfers from one landowner to another landowner do not require a new affidavit so long as the recipient landowner signed the original affidavit.

**(H)** *Prior Illegal Use*

**(1)** All structures which meet the definition of accessory dwelling unit which are not recognized as legal nonconforming structures or uses of structures under chapter 21.12 shall comply with this subsection. Such structures may continue in existence provided the following requirements are met:

**(a)** A permit application for an ADU is submitted to the building safety division within six months of January 1, 2014.

**(b)** The unit complies with the requirements of this section.

**(2)** If the unit does not comply with the requirements of this section at the time the permit application is filed, the building official may grant six months to bring the unit into conformance.

**(3)** In addition to any other remedies provided in this code, failure to legalize an existing unit under this subsection shall result in civil penalties as provided at AMC section 14.60.030. All landowners of illegal units shall also be required to either legalize the unit or remove it.

**(4)** This subsection does not apply to existing legal nonconforming uses of structures established pursuant to chapter 21.12.

**(I)** *VariANCES*

No variances shall be granted from the standards and provisions of this section.

**2. Bed and Breakfast**

**a. Definition**

A bed and breakfast is a private residence that offers overnight accommodations and limited food service to overnight guests, for which compensation is paid on a daily or weekly basis.

**b. Use-Specific Standards**

**i. General Standards**

**(A)** Bed and breakfast establishments are allowed only in attached or detached single-family and two-family dwellings, not including mobile homes.

**(B)** The host-operator of the bed and breakfast enterprise shall establish and maintain the single-family or the bed and breakfast unit of a two-family structure as his or her primary domicile at all times while it is operated as a bed and breakfast.



- (C) A bed and breakfast may have up to five guestrooms, as allowed by table 21.05-3, table 21.09.050-2, and table 21.10-5. If an ADU also exists on the premises, the ADU shall count as one of the allowed guestrooms. No more than the permitted number of guestrooms shall be offered for use at any one time.
- (D) Only one daily meal shall be offered to guests at any bed and breakfast establishment.
- (E) Individual guests are prohibited from staying at a particular bed and breakfast establishment for more than 30 consecutive days.
- (F) A bed and breakfast shall not be permitted concurrently on any lot with an child or adult care facility, or assisted living facility.
- (G) The accessory use shall protect and maintain the integrity of the residential neighborhood. A bed and breakfast shall not detract from the principal use in the district and shall not place a burden on any private or public infrastructure (i.e., streets or utilities) greater than anticipated from permitted development.
- (H) Every bed and breakfast shall meet the off-street parking requirements stated in its administrative permit.
- (I) Every bed and breakfast supported by on-site well and wastewater disposal systems shall conform to the requirements of AMC chapter 15.65, pertaining to wastewater disposal regulations, and shall obtain a one-time only health authority certificate.

ii. *Administrative Permit*

A bed and breakfast shall require an administrative permit pursuant to section 21.03.030. An application for a bed and breakfast permit shall not be complete unless it is accompanied by proof of a current business license, a certificate of on-site systems approval (for on-site systems only), and a site plan and building floor plans meeting the requirements of this title.

3. **Beekeeping**

a. **Definition**

Keeping honey bees, *Apis mellifera*, for the purpose of education and/or producing honey or other products related to bees.

b. **Use-Specific Standards**

i. Colonies of *Apis mellifera* shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:

- (A) At least 25 feet from any lot line not in common ownership; or
- (B) Oriented with entrances facing away from adjacent property; or
- (C) Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in all directions.

ii. No more than four hives shall be placed on lots smaller than 10,000 square feet.

4. **Caretaker's Residence**
  - a. **Definition**

A single dwelling unit on the site of a nonresidential use and occupied only by a guard or the person who oversees the operation of the nonresidential facility (and his/her household).
  
5. **Dormitory**
  - a. **Definition**

A facility intended or used as group living quarters for students, religious orders, employees, and the like, directly affiliated with a permitted principal use such as a school, college, convent, or similar institutional use.
  - b. **Use-Specific Standards**
    - i. Dormitories in non-industrial districts shall comply with the multifamily residential design standards in subsection 21.07.110C.
    - ii. L1 visual enhancement landscaping is required when dormitories abut residential lots in a residential district.
  
6. **Drive-Through Service**
  - a. **Definition**

The physical facilities of an establishment that encourage or permit customers to receive services or obtain goods while remaining in their motor vehicles. A drive-through facility consists of two parts—the queuing lane and a service station where the service occurs. The queuing and service facilities of motor vehicle-related uses such as fueling stations, car washes, and vehicle service and repair are not included in the definition “drive-through service” as an accessory use, and are addressed elsewhere in this title.
  - b. **Use-Specific Standards**

The purpose of these standards is to allow for drive-through facilities by reducing the impacts they may create, such as noise, glare, and fumes from idling cars, noise from voice amplification equipment, or traffic interferences with vehicle and pedestrian circulation. Drive-through services are allowed as accessory uses to the following primary uses: restaurant, pharmacy, financial institution, general personal services and food and beverage kiosk. The following standards apply to all drive-through services:

    - i. **Queuing Spaces**

Vehicle queuing spaces shall be provided pursuant to section 21.07.090L.
    - ii. **Impact on Adjacent Uses**
      - (A) A drive-through that abuts a residential zoned property shall be located, sized, and designed to minimize traffic, noise, air emissions, and glare impacts on surrounding properties, based on the findings of an administrative site plan review.
      - (B) No drive-through queuing spaces shall be located directly between the building and an abutting street unless otherwise allowed by the director.
      - (C) When a drive-through service facility abuts a residential zoned lot, a six-foot high screening fence or wall shall be provided along that lot line between the drive-through facility and required perimeter landscaping.
      - (D) To the maximum extent feasible, talk boxes shall be located so that the principal structure on the site is between the talk box and

any abutting residential zoning district, and shall meet the noise control standards in AMC section 15.70.

- iii. **Change of Use**  
The physical addition or removal of a drive-through is a change of use.

**7. Farm, Hobby**

**a. Definition**

The production of crops for sale. This may include a temporary stand for sales on the premises.

**8. Garage or Carport, Private Residential**

**a. Definition**

A detached accessory or portion of a principal structure that is used for the parking and storage of vehicles owned and operated by the residents thereof.

**b. Use-Specific Standards**

- i. Garages may encroach into the rear or side setback when that setback abuts an alley.
- ii. Such accessory uses shall serve only the residents of the property and shall not be used for commercial purposes except as part of a home occupation approved under subsection D.10. below.
- iii. In R-1, R-1A, R-2A, and R-2D, districts all garages or carports accessory to a single residential use, whether attached or detached from the principal structure shall cumulatively be no larger than 100% of the total gross floor area of the principal structure for lots smaller than 10,000 square feet, but not to exceed allowable lot coverage. For lots greater than 10,000 square feet, garages or carports may be up to 100% of total gross floor area of the principal structure or up to 10% of the total lot area, whichever is greater, but shall not exceed maximum allowable lot coverage for the zone.
- iv. In the R-2M, R-3, R-4, and R-4A, districts all garages or carports accessory to a single residential use, whether attached to or detached from the principal structure, shall cumulatively be no larger than 50% of the total gross floor area of the principal structure.
- v. In the R-5, R-6, and R-7 districts, all garages or carports accessory to a single residential use, whether attached or detached from the principal structure shall cumulatively be no larger than 100% of the total gross floor area of the principal structure for lots smaller than 10,000 square feet. For lots greater than 10,000 square feet, garages or carports may be up to 10% of the total lot area, but shall not exceed maximum lot coverage.
- vi. In the R-8 district, all garages or carports accessory to a single residential use, whether attached to or detached from the principal structure, shall cumulatively be no larger than 100% of the total gross floor area of the principal structure.
- vii. In the R-9 and R-10 districts, all garages or carports accessory to a single residential use, whether attached or detached from the principal structure shall cumulatively be no larger than 100% of the total gross floor area of the principal structure.

- viii. In all residential zones, exterior garage materials, to include siding, trim and windows, shall be similar in character to those of the principal structure.

**9. Home- and Garden-Related Use**

**a. Definition**

Accessory uses subordinate to the use of a residential dwelling. Examples include, but are not limited to, greenhouses, gardens, storage sheds, garden sheds, tool sheds, workshops, private barbeque pits, spas, and hot tubs.

**b. Use-Specific Standards**

- i. All spas and hot tubs shall be set back a minimum of 10 feet from all property lines, and shall not be counted in calculating lot coverage.
- ii. In class A improvement areas and in the R-7 district, all detached accessory structures under this use shall cumulatively be no larger than 50 percent of the total gross floor area of the principal structure.
- iii. In class B improvement areas, except for the R-7 district, all detached accessory structures under this use shall cumulatively be no larger than five percent of the lot area, up to a maximum of 5,000 square feet.

**10. Home Occupation**

**a. Definition**

An activity that results in a product or service, carried out for consideration or not, and conducted as a customary, incidental, and accessory use in a dwelling unit. This use expressly does not include bed and breakfasts, hobby farms, large domestic animal facilities, small and large assisted living facilities, or adult or child care homes.

**b. Use-Specific Standards**

A home occupation may be conducted in a dwelling unit or in a building accessory to a dwelling unit provided that:

- i. A permanent resident of the dwelling unit is engaged in the home occupation on the premises;
- ii. Only one nonresident may be engaged in the home occupation on the premises;
- iii. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its residential use. This standard is met by and limited to one of the following *in class A areas*:
  - (A) No more than the lesser of 25 percent or 500 square feet of the floor area of the principal dwelling is devoted to any home occupation; or
  - (B) No more than 300 square feet of an accessory building is devoted to any home occupation; or
  - (C) No more than 250 square feet of the principal dwelling and 250 square feet of the accessory building are devoted to any home occupation.
- iv. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its residential use. This standard is met by and limited to one of the following *in class B areas*:

- (A) No more than the lesser of 40 percent or 650 square feet of the gross floor area of the primary structure is devoted to the home occupation use; or
  - (B) No more than 600 square feet of an accessory structure is devoted to the home occupation; or
  - (C) No more than 325 square feet of the principal dwelling and 350 square feet of the accessory building are devoted to any home occupation.
- v. Except for as provided in chapter 21.11, *Signs*, there shall be no change to the outside of the building or premises, nor shall there be other visible evidence of the conduct of such home occupation;
  - vi. Vehicles making deliveries shall not be parked at the site for a period exceeding one hour;
  - vii. No traffic or deliveries shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood;
  - viii. All vehicles used in connection with the home occupation shall, except for delivery vehicles allowed above, be of the type commonly used for personal non-commercial transportation. Home occupations shall comply with the requirements of subsection D.16. below;
  - ix. The peace and quiet of the neighborhood shall not be disturbed. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, or odors detectable to the normal senses at the property line. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes a fluctuation in line voltage off the premises. No hazardous or toxic materials shall be stored on the property as part of the home occupation;
  - x. The hours of operation during which an employee or co-worker, clients, or customers are allowed to come to the home in connection with the business activity are limited to between 7:00 a.m. and 10:00 p.m. Monday through Saturday. Care and feeding of animals is exempted from this provision;
  - xi. A home occupation shall not be permitted on any lot with an adult or child care facility, or assisted living facility; and
  - xii. Any storage of wholesale or retail stock in trade in conjunction with the home occupation shall not exceed 10 percent of the area devoted to the home occupation, except on lots 40,000 sf or larger in class B districts as defined in 21.08.050B. On lots meeting this exception, storage of stock in trade may equal the area devoted to the home occupation, if the storage is screened from neighboring lots and separated from the neighboring lot line by at least the established district setback.
- c. *Uses Prohibited as Home Occupations***  
A home occupation shall not include, but is not limited to excluding, the following: veterinary or animal hospital; restaurant; and vehicle repair, unless allowed below under "vehicle repair/rebuilding, outdoor, hobby."

**11. Intermodal Shipping Container (Connex Unit)**

**a. Definition**

A pre-fabricated, standardized, reusable, metal container designed and intended for transporting cargo on ocean-going ships, trains, or tractor trailers, also commonly called cargo containers, transport containers, or marine cargo containers. This use includes similar structures, such as railroad cars.

**b. Use-Specific Standards**

The use of a connex unit is allowed in all zoning districts subject to the following:

- i. Except in the industrial, commercial, and airport districts, connex units shall be screened on sides facing abutting public streets and residential properties by structures, landscaping, and/or fences at least as high as the unit, or alternately, shall be sided and roofed using materials and colors which are similar to materials and/or colors of the primary structure. If the connex unit is placed and used for seasonal purposes subject to the provisions of section 21.05.080, *Temporary Uses and Structures*, it may instead be painted with paint that matches the color scheme of the principal building or blends the connex with the surroundings.
- ii. In commercial districts, connex units shall be located to the rear of all principal structures or alternately, meet either the screening or the siding and roofing requirements of section b.i. above.
- iii. In residential districts, connex units are only permitted on lots equal to or greater than 40,000 square feet. Except as restricted in b.vii. below, connex units existing as of January 1, 2014 on any size lot may continue as long as the screening requirements of b.i. above and the number limitations of b.iv. below are met within one year of January 1, 2014, in which case such connex unit(s) shall be deemed conforming. Failure to comply with this provision shall not result in a legal nonconformity, but rather shall result in an illegal structure.
- iv. In residential districts where the primary use of the lot is residential, no more than one unit is allowed per every 40,000 square feet of property up to a maximum of three units. In conjunction with nonresidential uses in residential districts, no more than three units are allowed.
- v. Self-storage establishments in compliance with the development standards of 21.05.060D.4., *Self-Storage Facility*, are exempt from this section.
- vi. Loading or unloading a connex unit, or the use of a connex during construction is exempt from this section, as long as the connex unit is removed promptly at the finish of the loading/unloading or construction activity.
- vii. In residential districts on lots of less than 40,000 square feet, connex units existing on January 1, 2014 that are located between the front plane of the principal structure and the front property line shall be removed or relocated within one year of January 1, 2014.

**12. Large Domestic Animal Facility (4 or more animals)**

**a. Definition**

The keeping, harboring, riding, boarding, stabling, training, exercising, breeding, or related use of four or more large domestic animals regardless of animal

ownership, and the associated structure(s) such as a paddock, stable, or barn. Operation of a large domestic animal facility is not a home occupation.

**b. Use-Specific Standards**

**i. Lot Size**

The minimum lot size for a large domestic animal facility of four animals is 40,000 square feet. An additional 10,000 square feet is required for each animal over four. Application for an administrative variance from the minimum lot size may be made to the department pursuant to subsection 21.03.240J.

**ii. Adjacent Lots**

Adjacent lots may be used in square footage calculations for site size only. If the adjacent lots are not under single ownership, the lot owners shall submit a recorded joint usage agreement for review and approval by the director. In such cases, setback requirements shall not apply to the interior lot lines between the applicable lots, and a primary use need not be located on the adjacent lot.

**iii. Setbacks**

Notwithstanding the setbacks of the underlying zoning district, covered structures associated with a large domestic animal facility, such as a stable or barn, shall be set back at least 25 feet from any abutting lot line, not including interior lot lines between lots in common ownership. Uncovered enclosures shall meet one of the following setback options:

**(A)** Seventy-five feet from residences existing on February 28, 2006, not including any residence in common ownership with the large domestic animal facility; or

**(B)** Ten feet from any abutting lot line, not including interior lot lines of lots in common ownership, if the separation area is vegetated with L2 buffer landscaping.

**iv. Structures**

The square footage of any single large domestic animal facility structure shall not exceed 10 percent of the lot size, up to a maximum of 8,000 square feet.

**v. Fences**

Barbed wire shall not be used for fencing of any large domestic animal facility.

**vi. Commercial Activity**

Commercial activity associated with large domestic animal facilities, such as boarding or riding lessons, is permitted.

**vii. Other Requirements**

Large domestic animal facilities shall:

**(A)** Meet the requirements of AMC chapter 15.20 regarding animal waste, AMC subsection 15.55.060B. concerning separation requirements from water supply wells, and section 21.07.020 concerning stream protection setbacks;

**(B)** Obtain an animal control facility license;

- (C) Obtain certification of compliance with a state of Alaska, Anchorage soil and water conservation district conservation plan, or obtain a letter from the district showing demonstrated intent to come into compliance with a conservation plan within one year; and
      - (D) Comply with licensing and other laws concerning the keeping of animals as set forth in AMC titles 15, 17, and 21.
    - c. **Large Domestic Animal Facilities That Do Not Meet These Standards**  
Large domestic animal facilities that exceed the use-specific standards listed above for site area, structure size, or number of animals, may be allowed by conditional use, pursuant to subsection 21.03.080.
- 13. **Marijuana, Personal**
  - a. **Definition**  
Cultivating marijuana in compliance with AS 17.38.020 and AS 17.38.030 and this section.
  - b. **Use-Specific Standard**  
Personal cultivation of marijuana shall not occur on any premise licensed as a commercial marijuana establishment pursuant to section 21.03.105 and 21.05.055.
- 14. **Outdoor Keeping of Animals**
  - a. **Definition**  
Restraining or restricting the movement of animals outside of a principal structure, by any means not involving the continued presence and/or participation of a human being.
  - b. **Use-Specific Standards**
    - i. One to three large domestic animals may be kept outdoors on lots of 20,000 square feet or greater, but any structures or enclosures for keeping such animals shall meet the setback standards of subsection 21.05.070D.12.b.iii.
    - ii. The following standards apply to the outdoor keeping of all animals except for dogs, domestic cats, and large domestic animals:
      - (A) Animals kept outdoors in accordance with this section shall be contained by a structure, fenced enclosure, or pen at all times.
      - (B) Animals under this section shall not be kept outdoors in manufactured home communities, except for when the following standards are met:
        - (1) Any structure, fenced enclosure, or pen for the outdoor keeping of animals shall be at least 20 feet from any residence, not including the residence of the owner of the animal(s).
        - (2) No nonconforming rights for the outdoor keeping of animals in a manufactured home community shall be established. If at any time the separation distance of subsection ii.(B).(1). is no longer achieved, the animal(s) shall no longer be kept outside.
    - (C) On lots of 40,000 square feet or greater, the following shall apply:



- (1) No more than one animal per 1,000 square feet of lot area may be kept outdoors.
  - (2) Structures for the outdoor keeping of animals shall not encroach into the setbacks of the zoning district and shall be at least 10 feet from any lot line.
  - (3) A facility license may be required pursuant to title 17.
- (D) On lots smaller than 40,000 square feet, the following shall apply:
- (1) Excessively noisy animals such as roosters, turkeys, guinea fowl, peacocks, or geese are prohibited.
  - (2) Up to five animals may be kept on lots of 6,000 square feet or less, with an additional one animal per additional 1,000 square feet of lot area. A facility license may be required pursuant to title 17.
  - (3) Structures for the outdoor keeping of animals shall not encroach into the setbacks of the zoning district and shall be at least 10 feet from any lot line.
  - (4) It shall be unlawful for any owner or custodian of an animal under this section to permit it to make chronic animal noise, as defined in AMC section 17.05.010.

**15. Outdoor Display Accessory to a Commercial Use**

**a. Definition**

Outdoor display of goods and/or materials (but not “junk” as defined by chapter 21.14) for sale, accessory to a commercial principal use. Merchandise may be directly available to the consumer for purchase.

**b. Use-Specific Standards**

No materials may be displayed in areas intended for vehicular circulation, required parking, required open space, required unobstructed clear width of pedestrian walkways, or required landscaping.

**16. Outdoor Storage Accessory to a Commercial Use**

**a. Definition**

Outdoor storage, but not display for sale, of goods, equipment, and/or materials (but not “junk” as defined by chapter 21.14) accessory to a commercial principal use. Merchandise in outdoor storage shall not be directly available to the consumer without the assistance of an employee.

**b. Use-Specific Standards**

Except in industrial districts and except for outdoor storage associated with a large commercial establishment which is governed by subsection 21.07.120A.5.m., outdoor storage of goods, equipment, and/or materials accessory to a commercial principal use shall be allowed subject to the following standards:

- i. Each outdoor storage area shall not be located closer to the front property line than the front façade of the principal building.
- ii. Goods stored in an approved outdoor storage area shall be limited to those sold or used on the premises as part of an associated primary use.

- iii. Equipment stored in an approved outdoor storage area shall be limited to equipment used for property maintenance, such as snow removal equipment. The number of pieces of equipment shall not exceed three. Such equipment storage is only allowed on lots of three acres or greater.
  - iv. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six and eight feet in height that incorporates at least one of the predominant materials used in the principal structure. The fence or wall may exceed eight feet in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller fence or wall necessary to effectively screen the area. Materials may not be stored higher than the height of the principal structure. The outer perimeter of the fence or wall shall be landscaped with L1 visual enhancement landscaping. A landscaped earth berm may be used instead of or in combination with a required fence or wall, provided it meets the same height requirements.
  - v. If the outdoor storage area is covered, then the covering shall include at least one of the predominant roofing materials and exposed roofing colors on the principal structure.
  - vi. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.
  - vii. No goods, equipment, and/or materials may be stored in areas required for vehicular or pedestrian circulation or parking.
17. **Parking of Business Vehicles, Outdoors, Accessory to a Residential Use**
- a. **Definition**  
The outdoor storage or parking of a vehicle used for and/or bearing visible evidence of a commercial/business purpose, but not regulated by subsection 21.05.070E.7.
  - b. **Use-Specific Standard**  
Only two vehicles bearing visible evidence of a business/commercial purpose are permitted per residence.
18. **Private Outdoor Storage of Noncommercial Equipment Accessory to a Residential Use**
- a. **Definition**  
The private outdoor storage of noncommercial equipment, including noncommercial trucks, boats, aircraft, off-road vehicles, recreational vehicles (RVs), or travel trailers.
  - b. **Use-Specific Standard**  
The private outdoor storage of noncommercial equipment is permitted in the front setback only in the driveway, but not within five feet of any property line, and is prohibited in any side or rear setback, except in a side or rear setback abutting an alley. In class B districts, the setback shall be 25 feet from any property line where the adjacent property is not in common ownership.
19. **Vehicle Repair/Rebuilding, Outdoor, Hobby**
- a. **Definition**  
The repair or rebuilding of an inoperative motor vehicle as an accessory use, not for commercial purposes.
  - b. **Use-Specific Standards**

- i. Only one inoperative vehicle may stored outdoors on the site at any given time.
- ii. Any vehicle being rebuilt or repaired shall be the property of the resident of the principal structure.
- iii. Repair or rebuilding work shall take place to the rear or side of the principal structure and shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence between six and eight feet in height, or by opaque landscaping of an equivalent height.

**20. Wind Energy Conversion System (WECS)**

**a. Definition**

Any device or assemblage which directly converts wind energy into usable thermal, mechanical, or electrical energy, including such devices as windmills and wind turbines, towers and supporting structures and such directly connected facilities as generators, alternators, inverters, batteries, and associated control equipment. A small WECS has a rated power capacity of not more than 25 kW and is intended to produce power primarily for on-site consumption, either instead of or as a supplement to utility power.

**b. Zoning Districts Allowed**

- i. In all districts where a freestanding small WECS is allowed as an accessory use, only one WECS per lot is allowed. Adjoining lots under the same ownership shall be treated as one lot for purposes of this limitation.
- ii. Notwithstanding subsection b.i. above, in the PLI, MC, I-1, I-2, and MI districts, two or three freestanding small WECS are allowed as accessory uses by conditional use approval.
- iii. In the R-2M, R-3, R-4, and R-4A districts, one freestanding small WECS is only allowed on lots with only one principal structure.
- iv. In the R-4 and R-4A districts, building-mounted WECS are only allowed on lots with only one principal structure.

**c. Use-Specific Standards**

**i. Submittal Requirements**

**(A)** Additional submittal requirements for WECS are provided in the title 21 user's guide.

**(B)** In addition to meeting the approval criteria of chapter 21.03 for the appropriate approval process, applicants for small WECS shall demonstrate in their application materials that the small WECS' visual impacts are minimized or mitigated for surrounding neighbors and the community. This may include, but is not limited to, information regarding site selection, turbine design or appearance, buffering, and screening of ground-mounted equipment.

**ii. Freestanding WECS**

**(A)** Small WECS in residential districts shall have a rated power capacity of not more than 10 kW. Small WECS in nonresidential districts shall have a rated power capacity of not more than 25 kW.

**(B)** The height of a small WECS shall be determined by compliance with the setback provisions of subsections ii.(E). through (G).

below. In no instance shall a small WECS exceed 95 feet in height.

- (C) Height shall be measured as depicted in the illustration below. Structures shall not interfere with Federal Aviation Administration regulations on airport approaches. In no case shall the height exceed manufacturer's specifications.
- (D) The lowest point of moving elements, such as blades or vanes, shall be at least 25 feet above grade. No blades may extend over public sidewalks or trails.
- (E) WECS shall be set back at least 1.5 times the height of the system from property lines abutting residentially-zoned lots and at least 1.1 times the height of the system from property lines abutting rights-of-way and non-residentially-zoned lots.
- (F) WECS shall be set back at least 25 feet from a water body edge provided that the full extent of the applicable setback distance of subsection ii.(E). above falls within the water body or the applicant's property.
- (G) All systems shall be set back at least 1.1 times the height of the system from all overhead power and telecommunication lines, and any telecommunication towers.
- (H) All systems shall be equipped with manual and automatic (manual or electrical) over-speed controls to limit the blade rotation speed to within the design limits of the system.
- (I) The rotating turbine shall not produce vibrations that are humanly perceptible beyond the property lines of the site.
- (J) Lattice type towers and towers using guy wires are prohibited.
- (K) All power transmission and telemetry lines from the tower to any building or other structure shall be placed underground.
- (L) No tower shall be illuminated unless required by a state or federal agency, such as the FAA.
- (M) All structures in a project shall be finished in a single, non-reflective, matte finished, neutral color.
- (N) No commercial or non-commercial advertisements, signs, or other messages shall be placed or painted on the tower, rotor, generator, or tail vane, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.

iii. *Building Mounted WECS*

- (A) Small WECS in residential districts shall have a rated power capacity of not more than 10 kW. Small WECS in nonresidential districts shall have a rated power capacity of not more than 25 kW.
- (B) In residential districts on lots less than 20,000 square feet, a building mounted WECS shall not exceed the maximum height for

principal structures of the underlying zoning district by more than 10 feet.

- (C) On buildings of 60 feet or less in height, building mounted WECS shall be no taller than 10 feet.
- (D) On buildings over 60 feet in height, building mounted WECS shall be set back from the structure edge by at least two feet for every one foot of height greater than 10 feet.
- (E) Building mounted WECS shall meet the design standards for freestanding WECS in subsections ii.(H), (I), (J), (L), (M), and (N). above.
- (F) Building mounted WECS shall be located at least 1.1 times the height of the system (rooftop to top of WECS) from all overhead power and telecommunication lines, and any telecommunication towers.

iv. *Abandoned or Unsafe WECS*

Any system that is not operated for a continuous period of 12 months shall be considered abandoned and shall be dismantled and removed from the property at the expense of the property owner.

**21. Aircraft Hangar, Private Residential**

a. **Definition**

A detached accessory structure that is used for the parking and storage of private personal aircraft by residents of the principal structure.

b. **Use-Specific Standards**

- i. Hangars shall comply with all required setback standards.
- ii. Such accessory uses shall serve only the residents of the property and shall not be used for commercial purposes except as part of a home occupation approved under subsection D.10, above.
- iii. Both the principal use or structure and the accessory use or structure are developed in conjunction with a legally established airstrip.
- iv. The gross floor area of the accessory aircraft hangar shall not exceed the gross floor area of the principal residential structure by more than 200%.

**22. Outdoor Storage Associated with a Community Use**

See subsection 21.05.060D.8.

**23. Outdoor Storage of Vehicles and/or Equipment Associated with a Community Use**

See subsection 21.05.060D.9.

**E. Prohibited Accessory Uses and Structures**

**1. Operation of Particle Accelerators, including Cyclotrons**

Operation of particle accelerator systems, including cyclotrons, is prohibited in all residential districts, whether or not such system is associated with a home occupation.

**2. Fabric Structures**

Frame-supported, arch-supported, or inflated tension fabric or membrane structures, fabricated off-site and assembled on-site, and typically used for garages, sheds, warehouses, or temporary or permanent shelters for automobiles, boats, or other items,

are prohibited in all class A residential districts. In class B residential districts, setbacks for fabric structures shall be twice that otherwise required.

**3. Outdoor Storage of Inoperative Vehicles**

In all zoning districts, the outdoor storage of any vehicle that meets the definition of “junk vehicle” at AMC section 15.20.010 is prohibited except as provided in section 21.05.070D.19., *Vehicle Repair/Rebuilding, Outdoor, Hobby*; section 21.05.060E.4., *Junkyard or Salvage Yard*; and section 21.05.050I.7. or I.8., *Vehicle Repair, Major and Minor*.

**4. Use of Mobile Home, Recreational Vehicle, or Travel Trailer as Residence**

Except as allowed by 21.05.080B.3.e., in all zoning districts, mobile homes, recreational vehicles, and travel trailers may not be used as an accessory use for a permanent or temporary residence. However, an RV or travel trailer may be used as visitor accommodation for not more than 90 days in any calendar year.

**5. Use of Motor Vehicle for Sales**

In all zoning districts, the use of any motor vehicle or trailer as a structure in which, out of which, or from which any goods are sold or stored, any services performed, or other businesses conducted is prohibited. However, the following shall not be prohibited by this subsection:

- a. The sale of food products at a municipal-approved or -sponsored event;
- b. Use of a motor vehicle in connection with an approved recycling operation;
- c. Approved food and beverage kiosks that comply with the use-specific standards in section 21.05.050E.2., *Food and Beverage Kiosk*; **and**
- d. Use of a trailer in connection with an approved vehicle sales use.

**6. Commercial Motor Vehicle Repair**

Commercial motor vehicle repair, including engine, body, or other repair or repainting of more than one vehicle at any one time or owned by a person not residing at that address, is prohibited in all residential districts.

**7. Parking of Commercial Vehicles, Outdoor**

The outdoor storage or parking of a vehicle or trailer is prohibited in all residential districts, for a period of one or more nights, if the vehicle or trailer is licensed or regularly used for business purposes, and is either:

- a. A vehicle for which a commercial driver's license is required by state law;
- b. A vehicle or trailer having more than two axles;
- c. Any trailer bearing commercial signage, logo, or carrying commercial or industrial equipment or materials;
- d. A vehicle or trailer having a height in excess of 90 inches; or
- e. A vehicle with a gross vehicle weight rating (GVWR) of more than 12,000 lbs.

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO 2015-142(S-1), 6-21-16; AO 2016-3(S), 2-23-16; AO 2016-136, 11-15-16; AO 2017-10, 1-24-17; AO 2017-160, 12-19-17)

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**21.05.080 TEMPORARY USES AND STRUCTURES**

**A. Purpose**

This section allows for the establishment of certain temporary uses of limited duration, provided that such uses do not negatively affect adjacent properties or municipal facilities, and provided that such uses are discontinued upon the expiration of a set time period. The construction or alteration of any permanent building or structure is not considered a temporary use.

**B. General Temporary Use Standards**

**1. Required Permits**

All temporary uses shall obtain any permits required by other municipal departments, such as the clerk's office, the health department, the building safety department, or the police department.

**2. Uses Allowed**

Except as specified below, any use allowed in a district, pursuant to table 21.05-1, table 21.09.050-1, or table 21.10-4, is allowed on a temporary basis in that district. Such temporary uses shall comply with the requirements of subsection D. below. Any such temporary use that is established for more than the allowed time limit as determined in subsection 21.05.080D.3. shall be considered a permanent use and shall make all improvements required by this title.

**3. Other Uses and Structures Allowed**

The following temporary uses and structures shall be allowed in any zoning district or as specified below, in accordance with the standards of this section.

**a. Licensed Commercial Uses**

Temporary licensed commercial uses and associated temporary structures are allowed in any non-residential zoning district, for not more than 90 days total (consecutive or intermittent) within a 12 month period.

**b. Real Estate Sales Offices**

Sales offices are allowed on residential development sites in any zoning district until all lots or houses are sold. Use of the sales office to market sites outside of the project is prohibited.

**c. Temporary Parking of Construction Equipment During Construction**

Temporary use of non-loading areas for tractor trailers, office trailers, construction equipment or materials, construction worker parking, or intermodal shipping container (connex) trailers, during construction or renovation is allowed in all zoning districts, subject to the standards of this section.

**d. Temporary Living in a Mobile Home, Motor Home, or Other Recreational Vehicle**

Notwithstanding title 23, one mobile home, motor home, or other recreational vehicle with a fully operable self-contained sanitation system may be used on a lot in the R-5, R-6, R-7, R-8, R-9, R-10, and TA districts as temporary living quarters for not more than 18 months while a permanent dwelling is being constructed or repaired, if the following requirements are met:

- i. The property owner or person intending to occupy the temporary living quarters during construction or repair of the permanent dwelling shall secure a permit from the building official before a motor home or other recreational vehicle is used on site as temporary living quarters. A permit issued under this subsection shall not be renewed and only one permit shall be issued for the same parcel within any 10 year period. The permit

may be granted only upon the applicant's written certification, with attachments, that:

- (A) The self-contained sanitation system is fully operable and shall be used with zero on-site discharge, including no on-site gray water discharge, except through an approved septic system;
  - (B) Site access is sufficient and shall be used to transport refuse and excess waste year-round for proper off-site disposal;
  - (C) Electrical utility service is on-site for use during the permit period and no generators shall be used;
  - (D) The applicant has a current building or land use permit, a copy of which shall be attached to the certification; and
  - (E) If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.
- ii. Only one motor home or other recreational vehicle shall be permitted for use as temporary living quarters on any parcel of land during the construction or repair of a permanent dwelling.
  - iii. The motor home or recreational vehicle placement on the lot shall comply with the setbacks of the underlying zoning district.
- e. ***Other Allowed Temporary Uses***
- i. Up to nine one-day garage/yard sales per year per dwelling unit.
  - ii. Gatherings of less than 100 people, such as block parties, nonprofit bazaars, and fundraisers.
  - iii. Temporary uses that occur wholly within an enclosed permanent building.
  - iv. Frame-supported, arch-supported, or inflated tension fabric or membrane structures, fabricated off-site and assembled on-site, and typically used for garages, sheds, warehouses, or temporary or permanent shelters for automobiles, boats, or other items, shall be allowed for 30 days within a 12 month period in all residential districts.
  - v. In the PLI district, temporary licensed commercial uses and associated temporary structures, for not more than 90 days total duration within a 12 month period. The temporary use may be in operation 90 continuous days or any combination of days in intermittent operation. This provision does not apply to the use of construction trailers on an active construction project.

**C. Prohibited Temporary Uses and Structures**

The following temporary uses and structures are prohibited:

- 1. [RESERVED]

**D. General Requirements for All Temporary Uses and Structures**

All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this title:

- 1. The temporary use or structure shall not have substantial adverse or noise impacts on nearby residential neighborhoods.



2. The temporary use shall comply with all applicable general and specific regulations of this section unless otherwise expressly stated.
3. Unless otherwise stated in this title, temporary uses in residential districts shall last no longer than 90 days. Temporary uses in nonresidential districts shall last no longer than 180 days, with a possible 180 day extension, in accordance with AMC 23.10.104.
4. All temporary signs associated with the temporary use or structure shall be removed when the activity ends.
5. The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.
6. The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as health department permits.
7. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic movement that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, 100-year floodplains, stream protection setbacks, wetlands, areas of slope greater than 20 percent, and required landscaping.
8. If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movement, pedestrian circulation, or parking space availability.
9. Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property.
10. Off-street parking shall be adequate to accommodate the proposed temporary use.
11. Applications for temporary structures to be located in or near the 100-year floodplain shall be in accordance with subsection 21.03.090, *Flood Hazard Permits*.

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