

**ANCHORAGE, ALASKA
AO No. 2018-43 (S)**

1 **AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SUBSECTIONS**
2 **21.05.070C.1.g., TABLE 21.05-3, TABLE OF ACCESSORY USES; 21.05.070D.1.,**
3 **DEFINITIONS AND USE-SPECIFIC STANDARDS FOR ALLOWED ACCESSORY**
4 **USES AND STRUCTURES, ACCESSORY DWELLING UNIT (ADU); AND 21.06.020B.,**
5 **TABLE 21.06-1, TABLE OF DIMENSIONAL STANDARDS, TO ENCOURAGE**
6 **DEVELOPMENT OF ACCESSORY DWELLING UNITS.**

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8 (Planning and Zoning Commission Case No. 2017-0095)
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11 **WHEREAS**, Accessory Dwelling Units can expand the supply of residential rental units
12 maximizing efficient use of land supply; and
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14 **WHEREAS**, Accessory Dwelling Units can make homeownership easier to attain and
15 sustain by providing homeowners with a source of rental income; and
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17 **WHEREAS**, Accessory Dwelling Units foster multigenerational living and aging in place;
18 and
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20 **WHEREAS**, the current standards for Accessory Dwelling Units do little to encourage the
21 development of this alternative housing type; and
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23 **WHEREAS**, this amendment ensures that Accessory Dwelling Units are compatible with
24 the desired character of Anchorage's residential neighborhoods; and
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26 **WHEREAS**, amending development standards for Accessory Dwelling Units will allow
27 more efficient use of residential property, development is compatible with existing
28 neighborhoods, and more affordable housing alternatives; now, therefore,
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30 **THE ANCHORAGE ASSEMBLY ORDAINS:**
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32 **Section 1.** Anchorage Municipal Code subsection 21.05.070C.1.g., Table 21.05-3
33 Table of Permitted Accessory Uses and Structures, is hereby amended to read as follows:
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35 **SEE EXHIBIT B: TABLE 21.05-3**
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38 **Section 2.** Anchorage Municipal Code subsection 21.05.070D.1., Definitions and use-
39 specific standards for allowed accessory uses and structures, is hereby amended to read
40 as follows:
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- 42 D. *Definitions and use-specific standards for allowed accessory uses and*
43 *structures.* This section defines the accessory uses listed in Table 21.05-3
44 and also contains use-specific standards that apply to those uses.

1 Accessory uses shall comply with the applicable use-specific standards in
2 the subsection, in addition to complying with the general standards in
3 subsection B.
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5 1. *Accessory dwelling unit (ADU).*

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7 a. *Definition.* A subordinate dwelling unit added to, created
8 within, or detached from a detached single-family dwelling
9 [RESIDENCE], which provides basic requirements for living,
10 sleeping, cooking, and sanitation. The unit may have a
11 separate exterior entrance or an entrance to an internal
12 common area accessible to the outside.
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14 b. *Use-specific standards.*

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16 i. *Purpose and intent.* The purpose and intent of this
17 section is to:

- 18 (A) Fulfill housing policy #15 of Anchorage 2020:
19 Anchorage Bowl Comprehensive Plan, which
20 provides that accessory housing units shall be
21 allowed in certain residential zones;
22
- 23 (B) Provide a means for homeowners, particularly
24 the elderly, single parents, and families with
25 grown children, to remain in their homes and
26 neighborhoods, and obtain extra income,
27 security, companionship, and services;
28
- 29 (C) Allow more efficient and flexible use of existing
30 housing stock, land supply, and infrastructure;
31
- 32 (D) Respond to changing family needs and smaller
33 households by providing a mix of housing:
34
- 35 (E) Improve the affordability of [STABILIZE]
36 homeownership and enhance property values
37 through rental income opportunity;
38
- 39 (F) Provide a broader range of accessible and more
40 affordable housing within the municipality; and
41
- 42 (G) Protect neighborhood stability, property values,
43 and character [SINGLE-FAMILY RESIDENTIAL
44 APPEARANCE OF THE NEIGHBORHOOD] by
45 ensuring that ADUs are installed under the
46 provisions of this title.
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49 ii. *Application, review, and approval procedures.*
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(A) Any landowner operating or seeking to establish an ADU shall obtain a building or land use permit from the Development Services Department [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 the 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 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 **[residence] [dwelling]** on the lot, and preserve **underlying lot coverage limits** [YARDS AND OPEN SPACE];

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(3) Minimize [PROVIDE ADEQUATE PARKING WHILE MAINTAINING THE SINGLE-FAMILY RESIDENTIAL CHARACTER OF THE NEIGHBORHOOD, AVOIDING] negative impacts to on-street parking if allowed by the Traffic Engineer, and minimize **[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. ADUs are allowed in all residential 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 AREA 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

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on a lot, tract, or parcel in all residential 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 facility [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

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RELATED GARAGE, SHALL BE NO LESS THAN 300 SQUARE FEET.]

(a[B]) In class A districts, the gross floor area of the ADU, not including any related garage, shall be no greater than 900 [700] square feet or 75 [35] percent of the total gross floors area of the principal dwelling unit (excluding the ADU and garages), whichever is less.

(b[C]) In class B districts, the gross floor area of the ADU, not including any related garage, shall be not greater than 900 [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.

(c[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. Detached accessory units taller than 15 feet shall adhere to a 10-foot side setback abutting a neighboring R-1 or R-1A lot.

(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. The additional parking space required for the ADU may be on the parent lot or on-street when approved by the municipal traffic engineer as provided in subsection 21.07.090F.19. Notwithstanding the provisions of Chapter 21.12, Nonconformities, all off-street parking deficiencies shall be corrected.

(9) *Design and appearance.*

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(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. Detached ADUs are exempt from this standard.

(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,

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either have a front setback of at least 40 [60] feet, or be at least 10 feet behind the street facing façade of 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 the 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 ~~[by June 15, 2018]~~ [within six months of] the effective date of this ordinance [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.

(l) Variances. No variances shall be granted from the standards and provisions of this section.

*** *** ***

(AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-131, § 4, 1-12-15 ; AO No. 2015-142(S-1), § 5(Exh. C), 6-21-16 ; AO No. 2016-3(S), § 10, 2-23-16 ; AO No. 2016-136 , § 3, 11-15-16; AO No. 2017-10 , § 1, 1-24-17; AO No.2017-160 , § 2, 12-19-17; AO No. 2017-176 , § 5, 1-9-18)

Section 3. Anchorage Municipal Code subsection 21.06.020B., Table 21.06-1, Table of Dimensional Standards: Residential Districts, is hereby amended to read as follows:

SEE EXHIBIT B: TABLE 21.06-1

~~**Section 4.** Notwithstanding the authority vested in the Planning and Zoning commission to promulgate regulations implementing Title 21 under AMC (new code) subsection 21.02.030.C.1., the Assembly approves adoption of the regulation~~

1 ~~amendments in this ordinance.~~

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

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7 PASSED AND APPROVED by the Anchorage Assembly this _____ day of
8 _____, 2018.

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12 _____
13 Chair of the Assembly

14 ATTEST:

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17 _____
18 Municipal Clerk