

Submitted by: Assembly Member Weddleton
Assembly Member Constant
Prepared by: Assembly Counsel
For reading:

ANCHORAGE, ALASKA
AO No. 2019-_____

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS (OLD CODE) 21.35.020, (NEW CODE) 21.05.020, (NEW CODE) 21.05.050, AND (NEW CODE) 21.05.070, AND ADDING NEW SECTION (OLD CODE) 21.45.035 TO ALLOW REPURPOSED INTERMODAL SHIPPING CONTAINERS (CONNEXES) TO BE USED FOR ANY PRINCIPAL OR ACCESSORY USE.

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code (old code) section 21.35.020 is hereby amended to read as follows (*the remainder of the section is not affected and not set out*):

21.35.020 - Definitions and rules of construction.

B. The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Containerized storage unit means a factory built shipping container, which has been placed on a lot or tract for the purpose of storage. Containerized storage unit includes but is not limited to Conex or ATCO containers, moving vans, and railroad boxcars.

Repurposed intermodal shipping container means a standard intermodal shipping container (connex) that has been substantially modified for a permanent use other than storage, and long term placement as a building, structure, or mobile unit for residential, commercial, or industrial use and occupancy. If a shipping container is primarily used for storage, regardless of modifications it is a containerized storage unit as defined in this section.

(GAAB 21.05.020; AO No. 77-355; AO No. 78-16; AO No. 78-28; AO No. 78-171; AO No. 78-231; AO No. 79-214; AO No. 80-42; AO No. 81-67(S); AO No. 81-97; AO No. 81-180; AO No. 82-54; AO No. 82-167; AO No. 83-91(S); AO No. 84-14; AO No. 84-52; AO No. 85-58; AO No. 85-159; AO No. 85-91, 10-1-85; AO No. 85-216; AO No. 86-19; AO No. 86-78; AO No. 86-90; AO No. 86-171; AO No. 88-172; AO No. 88-171(S-1), 12-31-88; AO No. 89-35, 4-7-89; AO No. 88-147(S-2); AO No. 90-50(S); AO No. 91-35; AO No. 90-152(S); AO No. 91-90(S); AO No. 91-184; AO No. 92-7(S-2); AO No. 92-26; AO No. 92-93; AO No. 92-128(S); AO No. 92-129(S); AO No. 93-58; AO No. 93-148, § 1, 11-16-93; AO No. 94-62, § 2, 4-12-94; AO No. 95-68(S-1), §§ 2, 3, 8-8-95; AO

No. 95-173, § 1, 11-14-95; AO No. 96-41, § 1, 3-5-96; AO No. 96-131(S), § 1, 10-22-96; AO No. 98-106, § 1, 7-21-98; AO No. 98-160, § 3, 12-8-98; AO No. 99-62, § 2, 5-11-99; AO No. 2000-119(S), § 8, 2-20-01; AO No. 2001-79(S), § 1, 5-8-01; AO No. 2001-80, § 1, 5-8-01; AO No. 2001-101(S), § 2, 4-9-02; AO No. 2002-109, § 2, 9-10-02; AO No. 2002-117, § 4, 1-28-03; AO No. 2003-62(S-1), § 3, 10-1-03; AO No. 2003-97, § 1, 9-30-03; AO No. 2003-132, § 1, 10-7-03; AO No. 2003-124(S), § 1, 1-20-04; AO No. 2004-108(S), § 2, 10-26-04; AO No. 2005-9, § 1, 3-1-05; AO No. 2005-150(S-1), § 1, 2-28-06; AO No. 2005-185(S), § 1, 2-28-06; AO No. 2005-124(S-1A), § 4, 4-18-06; AO No. 2006-121, § 1, 9-26-06; AO No. 2006-64(S-1), § 1, 12-12-06; AO No. 2007-62, § 1, 5-15-07; AO No. 2008-80, § 1, 9-16-08; AO No. 2009-22, § 1, 4-14-09; AO No. 2010-3, § 1, 3-23-10; AO No. 2010-50(S), § 1, 8-31-10; AO No. 2011-93(S), § 1, 9-27-11; AO No. 2014-58, § 5, 5-20-14; AO No. 2016-3(S), § 20, 2-23-16)

Section 2. Anchorage Municipal Code (old code) Chapter 21.45, *Supplementary District Regulations*, is hereby amended by adding a new section to read as follows:

21.45.035 Intermodal shipping containers, unmodified or repurposed.

- A. The use of one or more intermodal shipping containers (connexes) as a principal or accessory building or structure is allowed in all zoning districts subject to the restrictions of this section and where other restrictions or standards are set out in this title.
- B. An intermodal shipping container (connex) used as a containerized storage unit shall not be a principal building, structure or use on any lot or parcel. When containerized storage units are accessory to a permitted vehicle storage facility they shall comply with section 21.50.450.
- C. A repurposed intermodal shipping container is allowed as a principal or accessory use in all zoning districts subject to the following:
 - 1. Repurposed containers shall be sided and roofed using materials and colors which alter the appearance such that the structure's exterior features make it distinguishable from a standard intermodal shipping container (connex) or as approved by the director.
 - 2. The repurposed container shall comply with all applicable use regulations and structural, plumbing, mechanical, electrical, and fire safety codes for the intended use and purpose of the structure. A land use permit under section (new code) 21.03.100 shall be obtained, as well as any other required permits for the use and structure.

Section 3. Anchorage Municipal Code (old code) section 21.50.450 is not being

1 amended, but is set forth below for context with this ordinance:
2

3 **21.50.450 - Conditional use standards—Containerized storage units in**
4 **conjunction with vehicle-storage facilities.**
5

6 The following standards shall apply to the use of containerized storage units in
7 conjunction with permitted vehicle storage facilities:
8

- 9 A. A containerized storage unit shall be a factory built shipping container.
10 B. Containerized Storage Units may be utilized for storage, provided the
11 units are limited to one unit in height (no stacking), have uniform roll up
12 doors or swing doors, complimentary and uniform exterior facade
13 materials and colors.
14 C. A containerized storage unit shall be subject to the requirements for
15 any required permitting, as set forth in the Code.
16

17 (AO. No. 2004-108(S), § 10, 10-26-04)
18

19 **Section 4.** Anchorage Municipal Code (new code) section 21.05.020 is hereby
20 amended to read as follows (*the remainder of the section is not affected and*
21 *therefore not set out*):
22

23 **21.05.020 - Generally applicable use standards.**
24 *** **

25 **C. Use of repurposed intermodal shipping containers (connexes).**
26

27 1. Definition. A repurposed intermodal shipping container is a pre-
28 fabricated, standardized, reusable, metal container designed
29 and intended for transporting cargo on ocean-going ships,
30 trains, or tractor trailers, also commonly called cargo containers,
31 transport containers, marine cargo containers, connex or ATCO
32 containers, that has been substantially adapted or modified for a
33 permanent use other than storage, and long term placement as
34 a building, structure, or mobile unit for residential, commercial,
35 or industrial use and occupancy.
36

37 2. Use-specific standards. The use of a repurposed intermodal
38 shipping container is allowed as a principal or accessory use in
39 all zoning districts subject to the following:
40

- 41 a. Repurposed containers shall be sided and roofed using
42 materials and colors which alter the appearance such
43 that the structure's exterior features make it
44 distinguishable from a standard intermodal shipping
45 container (connex).
46
47 b. The repurposed container shall comply with all applicable
48 use regulations and structural, plumbing, mechanical,

1 electrical, and fire safety codes for the intended use and
2 purpose of the structure. A land use permit under
3 section 21.03.100 shall be obtained, as well as any other
4 required permits for the use and structure.

5
6 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2016-3(S), § 8, 2-
7 23-16)
8

9 **Section 5.** Anchorage Municipal Code (new code) section 21.05.050 is hereby
10 amended to read as follows (*the remainder of the section is not affected and not set*
11 *out*):
12

13 **21.05.050 - Commercial uses: Definitions and use-specific standards.**

14 *** *** ***
15 E. Food and beverage services. This category includes businesses that
16 serve prepared food or beverages for consumption on or off the
17 premises. Accessory uses may include food preparation areas, offices,
18 and parking. Specific use types include:
19 *** *** ***

- 20 2. Food and beverage kiosk.
- 21 a. Definition. An establishment in a trailer, repurposed
22 intermodal shipping container, or vehicle on an
23 impermanent foundation that sells coffee or other
24 beverages and food from a window to customers who are
25 either pedestrians or seated in their automobiles, for
26 consumption off the premises, and that provides no
27 indoor seating.
- 28
- 29 b. Use-specific standards. Kiosks in all districts shall comply
30 with the following standards:
- 31 i. Food and beverage kiosks shall comply with the
32 "drive-through service" accessory use standards
33 in subsection 21.05.070D.6.
- 34 ii. Kiosks shall be on wheels to facilitate movement
35 onto and off the site, and may not be located on a
36 permanent foundation. The wheels shall be
37 screened with opaque skirting or screening so as
38 to not be visible.
- 39 iii. Kiosks may be located on the same lot as another
40 principal use.
- 41 iv. Kiosks shall comply with the Title 23 requirements
42 relating to mobile food units.
- 43 v. All signs shall comply with Chapter 21.11, Signs.

44 *** *** ***
45 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-82, § 1, 7-28-
46 15)
47

48 **Section 6.** Anchorage Municipal Code (new code) section 21.05.070 is hereby

1 amended to read as follows (*the remainder of the section is not affected and*
2 *therefore not set out, or set out for context only*):

3
4 **21.05.070 - Accessory uses and structures.**

5 *** *** ***
6 D. Definitions and use-specific standards for allowed accessory uses and
7 structures. This section defines the accessory uses listed in Table
8 21.05-3 and also contains use-specific standards that apply to those
9 uses. Accessory uses shall comply with the applicable use-specific
10 standards in the subsection, in addition to complying with the general
11 standards in subsection B.

12
13 *** *** ***
14 11. *Intermodal shipping container (connex unit), unmodified.*

15
16 a. *Definition.* A pre-fabricated, standardized, reusable,
17 metal container designed and intended for transporting
18 cargo on ocean-going ships, trains, or tractor trailers,
19 also commonly called cargo containers, transport
20 containers, [OR] marine cargo containers, connex or
21 ATCO containers. This use includes similar structures,
22 such as railroad cars.

23
24 b. *Use-specific standards.* The use of a connex unit
25 substantially unmodified from its original structural shape
26 and design is allowed in all zoning districts subject to the
27 following:

28 i. Except in the industrial, commercial, and airport
29 districts, connex units shall be screened on sides
30 facing abutting public streets and residential
31 properties by structures, landscaping, and/or
32 fences at least as high as the unit, or alternately,
33 shall be sided and roofed using materials and
34 colors which are similar to materials and/or colors
35 of the primary structure. If the connex unit is
36 placed and used for seasonal purposes subject to
37 the provisions of Section 21.05.080, Temporary
38 Uses and Structures, it may instead be painted
39 with paint that matches the color scheme of the
40 principal building or blends the connex with the
41 surroundings.

42 ii. In commercial districts, connex units shall be
43 located to the rear of all principal structures or
44 alternately, meet either the screening or the siding
45 and roofing requirements of subsection b.i. above.

46 iii. In residential districts, connex units are only
47 permitted on lots equal to or greater than 40,000
48 square feet. Except as restricted in b.vii. below,

1 | connex units existing as of January 1, 2014 on
2 | any size lot may continue as long as the screening
3 | requirements of subsection b.i. above and the
4 | number limitations of b.iv. below are met within
5 | one year of January 1, 2014, in which case such
6 | connex unit(s) shall be deemed conforming.
7 | Failure to comply with this provision shall not
8 | result in a legal nonconformity, but rather shall
9 | result in an illegal structure.

10 | iv. In residential districts where the primary use of the
11 | lot is residential, no more than one unit is allowed
12 | per every 40,000 square feet of property up to a
13 | maximum of three units. In conjunction with
14 | nonresidential uses in residential districts, no
15 | more than three units are allowed.

16 | v. Self-storage establishments in compliance with
17 | the development standards of subsection
18 | 21.05.060 D.4., self-storage facility, are exempt
19 | from this section.

20 | vi. Loading or unloading a connex unit, or the use of
21 | a connex during construction is exempt from this
22 | section, as long as the connex unit is removed
23 | promptly at the finish of the loading/unloading or
24 | construction activity.

25 | vii. In residential districts on lots of less than 40,000
26 | square feet, connex units existing on January 1,
27 | 2014 that are located between the front plane of
28 | the principal structure and the front property line
29 | shall be removed or relocated within one year of
30 | January 1, 2014.

31 | ***

32 | (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-131, § 4, 1-
33 | 12-15 ; AO No. 2015-142(S-1), § 5(Exh. C), 6-21-16 ; AO No. 2016-3(S), § 10,
34 | 2-23-16 ; AO No. 2016-136 , § 3, 11-15-16; AO No. 2017-10 , § 1, 1-24-17;
35 | AO No. 2017-160 , § 2, 12-19-17; AO No. 2017-176 , § 5, 1-9-18; AO No.
36 | 2018-43(S) , §§ 1(Exh. B), 2, 6-12-18)

37 |
38 | **Section 7.** This ordinance shall be effective immediately upon passage and
39 | approval by the Assembly.

40 |
41 | PASSED AND APPROVED by the Anchorage Assembly this _____ day of
42 | _____, 2019.

43 |
44 | _____
45 | Chair of the Assembly

46 | ATTEST:
47 |
48 |

1
2

Municipal Clerk

DRAFT