

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

**ANCHORAGE, ALASKA**  
**AO No. 2019-\_\_\_\_\_**

1 **AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING ANCHORAGE**  
2 **MUNICIPAL CODE SECTIONS 16.60.050, 16.60.230, (OLD CODE) 21.35.020,**  
3 **(NEW CODE) 21.05.020, (NEW CODE) 21.05.050, (NEW CODE) 21.05.070 AND**  
4 **23.10.104.4., AND ADDING NEW SECTION (OLD CODE) 21.45.035 TO ALLOW**  
5 **REPURPOSED INTERMODAL SHIPPING CONTAINERS (CONNEXES) TO BE**  
6 **USED FOR ANY PRINCIPAL OR ACCESSORY USE, AND TO ALLOW MOBILE**  
7 **FOOD UNITS TO CONNECT TO UTILITY SERVICES AND HAVE MEMBERS OF**  
8 **THE PUBLIC INSIDE TO ORDER FOOD ONLY.**  
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10  
11 **THE ANCHORAGE ASSEMBLY ORDAINS:**  
12

13 **Section 1.** Anchorage Municipal Code section 16.60.050 is hereby amended to  
14 read as follows (*the remainder of the section is not affected and not set out, other*  
15 *provisions included for context*):  
16

17 **16.60.050 - Definitions.**  
18

19 The definitions from the 2013 FDA Model Food Code paragraph 1-201.10(B)  
20 are adopted and incorporated by reference, except as otherwise modified or  
21 supplemented by this section as follows:  
22

23 \*\*\* \*\*

24 *Mobile food unit* means a type of permitted food establishment located in a  
25 vehicle, trailer, or pushcart that:

- 26 1. Completely retains its mobility and is capable of easily moving  
27 daily [FOR SERVICING OF WATER AND WASTEWATER  
28 HOLDING TANKS];  
29 2. Operates out of an commissary or other approved facility  
30 (unless the unit is a self-contained mobile food unit);  
31 3. Has a menu usually restricted to service of specific food;  
32 4. A mobile food unit, other than a pushcart, shall:  
33 a. Not exceed eight feet six inches in width or forty-eight  
34 feet in length, including overhangs.  
35 b. Be currently licensed by the State of Alaska as a motor  
36 vehicle or trailer having a tow hitch, chassis, axles,  
37 wheels and trailer lamps and reflectors required by AMC  
38 chapter 9.44.  
39 c. If [NOT BE] connected to utilities, has retrofit permits for  
40 all connections required by Title 23 [EXCEPT  
41 ELECTRICAL].  
42 d. Meet the requirements of section 23.10.104.4.  
43



1 3. Provide on both sides of the mobile food unit, in at least three-  
2 inch-high letters and numbers, the name of the facility and the  
3 permit number as printed on the permit, if the mobile food unit is  
4 not a pushcart.

5 4. If the unit is connected to utilities, obtain retrofit permits and  
6 install connections as required by Title 23 and utility service  
7 providers.

8 \*\*\* \*\*

9 F. In addition to the other applicable requirements of this chapter, the  
10 operator of a mobile retail unit:

11 1. Shall drain, wash, rinse, and sanitize refrigerators and ice chests  
12 after each day's operation or as approved by the department.

13 2. Shall not process seafood as defined in 18 AAC 34 at the  
14 mobile retail unit or commissary.

15 3. Shall provide approved and adequate hand washing, this shall  
16 include, at a minimum for units not connected to water and  
17 wastewater utilities:

18 a. A container with a minimum capacity of five gallons,  
19 equipped with a faucet-type spigot, and filled with warm  
20 water or, if the container is not insulated, a means to heat  
21 the water;

22 b. A container to catch wastewater from hand washing; and

23 c. Soap and single-service towels.

24 4. Chemically treated towelettes as specified in 2013 FDA Model  
25 Food Code paragraph 5-203.11(C) may be substituted for  
26 handwashing requirements in subsection F.3. above.

27 \*\*\* \*\*

28 (AO No. 2009-40(S), § 1, 7-21-09; AO No. 2009-102, § 1, 8-25-09, eff. 1-1-  
29 10; AO No. 2017-162 , § 22, 12-19-17)

30  
31 **Section 3.** Anchorage Municipal Code (old code) section 21.35.020 is hereby  
32 amended to read as follows (*the remainder of the section is not affected and not set*  
33 *out*):

34  
35 **21.35.020 - Definitions and rules of construction.**

36 \*\*\* \*\*

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

40 \*\*\* \*\*

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

45 \*\*\* \*\*

46 Repurposed intermodal shipping container means a standard  
47 intermodal shipping container that has been substantially modified for a  
48 permanent use other than storage, and permanent placement as a building or

1 structure for residential, commercial, or industrial use and occupancy. If a  
2 shipping container is primarily used for storage, regardless of modifications it  
3 is a containerized storage unit as defined in this section.  
4 \*\*\* \*\*

5 (GAAB 21.05.020; AO No. 77-355; AO No. 78-16; AO No. 78-28; AO No. 78-  
6 171; AO No. 78-231; AO No. 79-214; AO No. 80-42; AO No. 81-67(S); AO No.  
7 81-97; AO No. 81-180; AO No. 82-54; AO No. 82-167; AO No. 83-91(S); AO  
8 No. 84-14; AO No. 84-52; AO No. 85-58; AO No. 85-159; AO No. 85-91, 10-1-  
9 85; AO No. 85-216; AO No. 86-19; AO No. 86-78; AO No. 86-90; AO No. 86-  
10 171; AO No. 88-172; AO No. 88-171(S-1), 12-31-88; AO No. 89-35, 4-7-89;  
11 AO No. 88-147(S-2); AO No. 90-50(S); AO No. 91-35; AO No. 90-152(S); AO  
12 No. 91-90(S); AO No. 91-184; AO No. 92-7(S-2); AO No. 92-26; AO No. 92-  
13 93; AO No. 92-128(S); AO No. 92-129(S); AO No. 93-58; AO No. 93-148, § 1,  
14 11-16-93; AO No. 94-62, § 2, 4-12-94; AO No. 95-68(S-1), §§ 2, 3, 8-8-95; AO  
15 No. 95-173, § 1, 11-14-95; AO No. 96-41, § 1, 3-5-96; AO No. 96-131(S), § 1,  
16 10-22-96; AO No. 98-106, § 1, 7-21-98; AO No. 98-160, § 3, 12-8-98; AO No.  
17 99-62, § 2, 5-11-99; AO No. 2000-119(S), § 8, 2-20-01; AO No. 2001-79(S), §  
18 1, 5-8-01; AO No. 2001-80, § 1, 5-8-01; AO No. 2001-101(S), § 2, 4-9-02; AO  
19 No. 2002-109, § 2, 9-10-02; AO No. 2002-117, § 4, 1-28-03; AO No. 2003-  
20 62(S-1), § 3, 10-1-03; AO No. 2003-97, § 1, 9-30-03; AO No. 2003-132, § 1,  
21 10-7-03; AO No. 2003-124(S), § 1, 1-20-04; AO No. 2004-108(S), § 2, 10-26-  
22 04; AO No. 2005-9, § 1, 3-1-05; AO No. 2005-150(S-1), § 1, 2-28-06; AO No.  
23 2005-185(S), § 1, 2-28-06; AO No. 2005-124(S-1A), § 4, 4-18-06; AO No.  
24 2006-121, § 1, 9-26-06; AO No. 2006-64(S-1), § 1, 12-12-06; AO No. 2007-62,  
25 § 1, 5-15-07; AO No. 2008-80, § 1, 9-16-08; AO No. 2009-22, § 1, 4-14-09;  
26 AO No. 2010-3, § 1, 3-23-10; AO No. 2010-50(S), § 1, 8-31-10; AO No. 2011-  
27 93(S), § 1, 9-27-11; AO No. 2014-58, § 5, 5-20-14; AO No. 2016-3(S), § 20, 2-  
28 23-16 )  
29

30 **Section 4.** Anchorage Municipal Code (old code) Chapter 21.45, *Supplementary*  
31 *District Regulations*, is hereby amended by adding a new section to read as follows:  
32

33 **21.45.035 Intermodal shipping containers, unmodified or repurposed.**

- 34
- 35 A. The use of one or more intermodal shipping containers as a principal or  
36 accessory building or structure is allowed in all zoning districts subject  
37 to the restrictions of this section and where other restrictions or  
38 standards are set out in this title.  
39
- 40 B. An intermodal shipping container used as a containerized storage unit  
41 shall not be a principal building, structure or use on any lot or parcel.  
42 When containerized storage units are accessory to a permitted vehicle  
43 storage facility they shall comply with section 21.50.450.  
44
- 45 C. A repurposed intermodal shipping container is allowed as a principal or  
46 accessory use in all zoning districts subject to the following:  
47
- 48 1. Repurposed containers shall be sided and roofed using



1 substantially adapted or modified for a permanent use other  
2 than storage, and permanent placement as a building or  
3 structure for residential, commercial, or industrial use and  
4 occupancy.

5  
6 2. Use-specific standards. The use of a repurposed intermodal  
7 shipping container is allowed as a principal or accessory use in  
8 all zoning districts subject to the following:

9  
10 a. Repurposed containers shall be sided and roofed using  
11 materials and colors which alter the appearance such  
12 that the structure's exterior features make it  
13 distinguishable from a standard intermodal shipping  
14 container (connex unit).

15  
16 b. The repurposed container shall comply with all applicable  
17 use regulations and structural, plumbing, mechanical,  
18 electrical, and fire safety codes for the intended use and  
19 purpose of the structure. A land use permit under  
20 section 21.03.100 shall be obtained, as well as any other  
21 required permits for the use and structure.

22  
23 c. Exceptions. A repurposed container that is used as a  
24 mobile food unit is exempt from this section; it shall be  
25 connected to a vehicular chassis and comply with section  
26 21.05.050E.2.

27  
28 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2016-3(S), § 8, 2-  
29 23-16 )

30  
31 **Section 7.** Anchorage Municipal Code (new code) section 21.05.050 is hereby  
32 amended to read as follows (*the remainder of the section is not affected and not set*  
33 *out*):

34  
35 **21.05.050 - Commercial uses: Definitions and use-specific standards.**

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37 E. Food and beverage services. This category includes businesses that  
38 serve prepared food or beverages for consumption on or off the  
39 premises. Accessory uses may include food preparation areas, offices,  
40 and parking. Specific use types include:

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42 2. Food and beverage kiosk.

43 a. Definition. An establishment in a trailer, repurposed  
44 intermodal shipping container on a vehicular chassis, or  
45 vehicle on an impermanent foundation that sells coffee or  
46 other beverages and food from a window to customers  
47 who are either pedestrians or seated in their automobiles,  
48 for consumption off the premises, and that provides no

1 indoor seating.

2  
3 b. Use-specific standards. Kiosks in all districts shall comply  
4 with the following standards:

5 i. Food and beverage kiosks shall comply with the  
6 "drive-through service" accessory use standards  
7 in subsection 21.05.070D.6.

8 ii. Kiosks shall be on wheels to facilitate movement  
9 onto and off the site, and may not be located on a  
10 permanent foundation. The wheels shall be  
11 screened with opaque skirting or screening so as  
12 to not be visible.

13 iii. Kiosks may be located on the same lot as another  
14 principal use.

15 iv. Kiosks shall comply with the Title 23 requirements  
16 relating to mobile food units.

17 v. All signs shall comply with Chapter 21.11, Signs.

18 \*\*\* \*\*

19 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-82, § 1, 7-28-  
20 15 )

21  
22 **Section 8.** Anchorage Municipal Code (new code) section 21.05.070 is hereby  
23 amended to read as follows (*the remainder of the section is not affected and*  
24 *therefore not set out, or set out for context only*):

25  
26 **21.05.070 - Accessory uses and structures.**

27 \*\*\* \*\*

28 D. Definitions and use-specific standards for allowed accessory uses and  
29 structures. This section defines the accessory uses listed in Table  
30 21.05-3 and also contains use-specific standards that apply to those  
31 uses. Accessory uses shall comply with the applicable use-specific  
32 standards in the subsection, in addition to complying with the general  
33 standards in subsection B.

34  
35 \*\*\* \*\*

36 11. *Intermodal shipping container (connex unit), unmodified.*

37  
38 a. *Definition.* A pre-fabricated, standardized, reusable,  
39 metal container designed and intended for transporting  
40 cargo on ocean-going ships, trains, or tractor trailers,  
41 also commonly called cargo containers, transport  
42 containers, or marine cargo containers. This use includes  
43 similar structures, such as railroad cars.

44  
45 b. *Use-specific standards.* The use of a connex unit  
46 substantially unmodified from its original structural shape  
47 and design is allowed in all zoning districts subject to the  
48 following:

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- 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 subsection 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 subsection 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 subsection 21.05.060 D.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



1 the principal structure and the front property line  
2 shall be removed or relocated within one year of  
3 January 1, 2014.

4 \*\*\* \*\*\* \*\*\*

5 (AO 2012-124(S), 2-26-13; AO 2013-117, 12-3-13; AO No. 2015-131, § 4, 1-  
6 12-15 ; AO No. 2015-142(S-1), § 5(Exh. C), 6-21-16 ; AO No. 2016-3(S), § 10,  
7 2-23-16 ; AO No. 2016-136 , § 3, 11-15-16; AO No. 2017-10 , § 1, 1-24-17;  
8 AO No. 2017-160 , § 2, 12-19-17; AO No. 2017-176 , § 5, 1-9-18; AO No.  
9 2018-43(S) , §§ 1(Exh. B), 2, 6-12-18)

10  
11 **Section 9.** Anchorage Municipal Code section 23.10.104.4 is hereby amended to  
12 read as follows (*the remainder of the section is not affected and therefore not set*  
13 *out*):

14  
15 **23.10.104.4 - Mobile food units.**

16  
17 Mobile food units, including coffee carts, (hereafter referred to as units)  
18 may be set up without obtaining a building permit and certificate of  
19 occupancy under the following restrictions:

- 20  
21 A. The unit shall not exceed 8'6" in width or 48' in length, including  
22 overhangs.  
23  
24 B. The unit shall be readily moveable and either:  
25 1. Currently titled and licensed by the State of Alaska as a:  
26 i. Motor vehicle, or  
27 ii. Trailer having a tow hitch, chassis, axles, wheels and  
28 trailer lamps and reflectors required by AMC chapter  
29 9.44; or  
30 2. A pushcart as defined in AMC 16.60.050 and that satisfies the  
31 requirements of AMC 16.60.230E.  
32  
33 C. The unit shall obtain approval by the Department of Health and Human  
34 Services.  
35  
36 D. A licensed plumbing contractor shall obtain a retrofit permit if the unit is  
37 to be connected to a public utility's water supply or wastewater system,  
38 and comply with requirements of the utility service provider. The water  
39 supply shall be isolated by a reduced pressure backflow assembly.  
40 [THE UNIT SHALL NOT BE CONNECTED TO UTILITIES, EXCEPT  
41 ELECTRICAL].  
42  
43 E. A licensed mechanical contractor shall obtain a retrofit permit if the unit  
44 is to be connected to a natural gas utility supply, and comply with the  
45 requirements of the utility service provider.  
46  
47 F. A licensed electrical contractor shall obtain a permit to provide electrical  
48 service and/or connection to the unit. The electrical connection shall

1 consist of an approved flexible cord, attachment cap and receptacle  
2 approved for the location.  
3

4 G[F]. The unit shall comply with the National Electrical Code as noted by  
5 NEC 550.4 (A). A code compliance inspection shall be performed and  
6 necessary corrections made before power is connected. A licensed  
7 electrical contractor shall obtain a permit and make the corrections.  
8 The permit for providing electrical service and/or connection may  
9 include the corrections when performed by the same contractor.

10  
11 H[G]. Service equipment located adjacent to vehicle lanes or the unit shall be  
12 provided with bollards or other substantial protective barriers.  
13

14 I[H]. The unit shall not reduce the required number of parking spaces at  
15 existing facilities.  
16

17 J[I]. Mobile food units shall be an allowable use in the zoning district where  
18 the unit is proposed to be located.  
19

20 K[J]. An Anchorage Fire Department (AFD) approved, currently  
21 serviced fire extinguisher shall be located inside the unit.  
22

23 L[K]. Propane tanks shall be protected from vehicle impact and shall  
24 be located in accordance with the fire code.  
25

26 M[L]. The unit location shall not impact fire lanes or emergency vehicle  
27 access to nearby structures.  
28

29 N[M]. The unit location is subject to approval by fire plan review and  
30 traffic engineering.  
31

32 O[N]. Public occupancy for consumption of food or beverages shall not  
33 be allowed inside the unit. The unit may only be occupied by the owner  
34 and employees, and entered by members of the public only for ordering  
35 and take out of food or beverages for consumption not within the unit  
36 [ONLY].  
37

38 Units that do not meet all of these requirements shall be considered a  
39 structure and require a building permit in accordance with this code.  
40

#### 41 **23.10.104.4.1 - Application requirements.**

42  
43 The following items are required at the time of the permit application:  
44

- 45 A. A completed commercial permit application.  
46 B. A site plan showing where the unit will be located.  
47 C. Approval from the Department of Health and Human Services for  
48 compliance with requirements of AMC 16.60.

1 D. A current copy of the State of Alaska vehicle or trailer registration, if the  
2 structure is not a pushcart.

3 \*\*\* \*\*

4 ( AO No. 2015-127, § 1, 4-1-16 ; AO No. 2016-36(S), § 1, 4-1-16 ; AO No.  
5 2016-117 , § 1, 11-1-16)

6  
7 **Section 10.** This ordinance shall be effective immediately upon passage and  
8 approval by the Assembly.

9  
10 PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day of  
11 \_\_\_\_\_, 2019.

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14 \_\_\_\_\_  
Chair of the Assembly

15 ATTEST:

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18 \_\_\_\_\_  
19 Municipal Clerk

DRAFT