

EXHIBIT A

CHAPTER 21.01: GENERAL PROVISIONS

21.01.010 TITLE AND EFFECTIVE DATE

This title shall be officially known as "Title 21, Land Use Planning, of the Anchorage Municipal Code of Ordinances." It also may be called "Title 21," the "Zoning Ordinance," or "the Land Use Ordinance," and is referred to throughout this document as "this title." This title shall become effective on January 1, 2014. The previous version of this title, effective on December 31, 2013, may be used until December 31, 2014, at the option of an applicant. The transitional provisions of section 21.01.090 below are applicable beginning on January 1, 2015.

21.01.020 AUTHORITY

This title is adopted pursuant to authority granted generally by the Alaska Constitution, the Alaska Statutes (A.S.), and the Municipal Charter, and specifically by:

- A. Alaska Constitution, Article X, Sect. 11 (Home rule powers);
- B. Municipal Charter, section 10.02(7) (Requires ordinances for land use controls);
- C. Municipal Charter, section 12.02 (Requires a planning commission); and
- D. A.S. 29.35.180(b) (Requires a home rule borough to provide for planning, platting, and land use regulation).

21.01.030 PURPOSE OF THIS TITLE

The purpose of this title is to implement the comprehensive plan in a manner which protects the public health, safety, welfare, and economic vitality by:

- A. Encouraging the efficient use of existing infrastructure and the available land supply in the municipality, including redevelopment;
- B. Encouraging a diverse supply of quality housing located in safe and livable neighborhoods;
- C. Encouraging a balanced supply of nonresidential land uses that are compatible with adjacent land uses and have good access to transportation networks;
- D. Promoting well-planned development that reflects the municipality's unique northern setting, natural resources, and majestic surroundings;
- E. Providing appropriate development incentives to achieve an economically balanced and diverse community and to promote further economic development in the municipality;
- F. Protecting the diversity of fish and wildlife habitats by minimizing adverse impacts of land development on the natural environment;
- G. Protecting development and residents of the municipality from flooding, wildfires, seismic risks, and other hazards;
- H. Encouraging development of a sustainable and accessible system of recreational facilities, parks, trails, and natural open space that meet neighborhood and community-wide needs;
- I. Promoting development in city centers and infill areas so as to create efficient travel patterns;
- J. Promoting development patterns and site designs that protect and enhance the surrounding community character and a variety of appealing and distinctive neighborhoods;

EXHIBIT A

- 1 **K.** Promoting a pattern of land use and development upon which to provide for adequate
2 transportation, water supply, sewerage, and other public facilities; and
- 3 **L.** Encouraging land and transportation development patterns that promote public health and safety
4 and offer transportation choices.

21.01.040 APPLICABILITY AND JURISDICTION

A. General

7 The provisions of this title shall apply to all land, buildings, structures, and uses thereof located
8 within the municipality, unless an exemption is provided by the terms of this title.

B. Application to Governmental Units

10 To the extent allowed by law, the provisions of this title shall apply to all land, buildings,
11 structures, and uses owned by government agencies, including all municipal, state, and federal
12 lands, within the corporate limits of the municipality. Where the provisions of this title do not
13 apply to such land, buildings, structures, and uses, such agencies are encouraged to meet the
14 provisions of this title.

C. Compliance Required

16 No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use,
17 nor shall any land, building, or structure be used or changed, except in accordance with this title.
18 No lot of record that did not exist on the effective date of this title shall be created, by subdivision
19 or otherwise, that does not conform to the applicable requirements of this title, unless allowed by
20 section 21.01.090, *Transitional Provisions*.

21.01.050 OFFICIAL ZONING MAP

A. Incorporation Into this Ordinance

23 The official zoning map designates the location and boundaries of the various zone districts
24 established in this title. It consists of a series of map pages adopted by ordinance and any
25 subsequent amendments in accordance with this title. The official zoning map is incorporated
26 herein by reference and referred to as the "zoning map" in this title. The zoning map shall be kept
27 on file in the office of the department and is available for public inspection during normal business
28 hours. The map shall be the final authority as to the current zoning status of lands, water areas,
29 buildings, and other structures in the municipality.

B. Changes to Official Zoning Map

31 Changes made in zoning district boundaries or other matters portrayed on the official zoning map
32 shall be made only in accordance with the provisions of section 21.03.160, *Rezoning (Zoning*
33 *Map Amendments)*.

C. Interpretation of District Boundaries

35 In the case of any dispute regarding the zoning classification of property subject to this title, the
36 official zoning map contained in the department shall control, or other official records as provided
37 below. The director shall use the rules set forth below to interpret the map. Appeals shall be
38 made to the zoning board of examiners and appeals in accordance with section 21.03.050,
39 *Appeals*.

- 40 **1.** Where the zoning map shows a zoning district boundary line located within or following a
41 street or alley right-of-way, utility line right-of-way, or public use easement, the district
42 boundary shall be considered to be in the center of the right-of-way or easement. If the
43 actual location of such right-of-way, or easement, as indicated in a recorded legal

EXHIBIT A

description of such, varies slightly from the location shown on the zoning map, then the actual location shall control.

2. Where the zoning map shows a boundary line as being located a specific distance from a street line or other physical feature, this distance shall control.

3. Where the zoning map shows a district boundary to coincide with a property line or municipal border, the legal property line or municipal border shall be considered to be the district boundary, unless otherwise indicated on the map.

4. Where the zoning map shows a district boundary to not coincide or approximately coincide with any street, alley, or property line, and no dimensions are shown, the location of the boundary shall be determined by use of the scale appearing on the zoning map.

5. Where the zoning map shows a district boundary dividing an existing lot, each part of the lot shall be used in conformity with the standards established by this title for the zoning district in which that part is located.

6. Where the case record conflicts with the zoning map, the case record shall control. For example, if the zoning map shows a property to be zoned R-1, yet the case record shows that the property was actually zoned I-1, the case record would control and the map would be changed to reflect the case record. Any permits issued in reliance on the erroneous designation shall be considered valid under this title; however, the lot, structure, or use shall be considered nonconforming and governed by chapter 21.12, *Nonconformities*.

21.01.060 CONFLICTING PROVISIONS

A. Conflict with Other Public Laws, Ordinances, Regulations, or Permits

This title is intended to complement other municipal, state, and federal regulations that affect land use. This title is not intended to revoke or repeal any other public law, ordinance, regulation, or permit, except as expressly set forth in ordinance. However, where conditions, standards, or requirements imposed by any provision of this title are either more restrictive or less restrictive than comparable standards imposed by any other public law, ordinance, or regulation, the provisions that are more restrictive or that impose higher standards or requirements shall govern.

B. Conflict with Private Agreements

This title is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this title are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this title shall govern. Nothing in this title shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this title. In no case shall the municipality be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

21.01.070 SEVERABILITY

A. Invalidating a Provision

If any court of competent jurisdiction invalidates any provision of this title, then such judgment shall not affect the validity and continued enforcement of any other provision of this title.

B. Invalidating the Application of a Provision

EXHIBIT A

If any court of competent jurisdiction invalidates the application of any provision of this title, then such judgment shall not affect the application of that provision to any other building, structure, or use not specifically included in that judgment, unless the circumstances leading to the invalidation are the same or substantially similar with respect to the other building, structure, or use.

C. Invalidating a Condition

If any court of competent jurisdiction invalidates any condition attached to the approval of an application for development approval, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment, unless the circumstances leading to the invalidation of the condition are the same or substantially similar.

21.01.080 COMPREHENSIVE PLAN

A. Purpose

The purpose of the comprehensive plan is to set forth the goals, objectives, strategies, and policies governing land use development of the municipality. As adopted, this section and the documents incorporated in this section constitute the comprehensive plan of the municipality.

B. Elements

1. Adopted Elements

The comprehensive plan consists of the adopted elements identified in the following table, and which are incorporated in this chapter by reference. Plans or other elements that are not listed below are not official elements of the comprehensive plan, though they may be valid planning tools.

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date ¹	Amendments
Anchorage Bowl	Anchorage 2020, Anchorage Bowl Comprehensive Plan	AO 2000-119(S); 2-20-2001	AO 2002-119; 9-10-2002
	Spennard Commercial District Development Strategy	AR 1986-121; 6-17-1986 AO 1987-145; 12-15-1987	
	Tudor Road Public Lands and Institutions Plan	AR 1986-162; 9-9-1986	
	3500 Tudor Road Master Plan	AO 2007-118; 11-13-2007	
	Anchorage Downtown Comprehensive Plan	AO 2007-113; 12-11-2007	
	Hillside District Plan	AO 2010-22; 4-13-2010	
	Utility Corridor Plan	AO 1990-13(S); 2-27-1990	AO 2003-78; 8-19-2003 AO 2005-121(S); 10-25-2005 AO 2007-97; 7-17-2007
	Section 36 Land Use Study (recommending Alternative 2)	AO 1992-125; 11-10-1992	
	The Ship Creek/Waterfront Land Use Plan (May 1991), including the Transportation Element	AO 1991-88; 6-3-1991	AIM 1991-178
	Potter Valley Land Use Analysis	AO 1999-144; 12-7-1999	
	U-MED/Universities and Medical District Framework Master Plan	AO 2003-129; 10-21-2003	AO 2009-69; 6-23-2009 AO 2012-79; 8-21-2012
	West Anchorage District Plan	AO 2012-47; 7-10-2012	
	Government Hill Neighborhood Plan	AO 2013-11; 2-12-2013	
Turnagain Arm	Turnagain Arm Comprehensive Plan	AO 2009-126; 12-1-2009	
	Girdwood Area Plan	AO 1994-238(S); 2-28-1995	AO 1998-176; 11-24-1998 AO 2006-47; 4-11-2006 AO 2007-112; 9-11-2007
	Crow Creek Neighborhood Land Use Plan	AO 2006-47; 4-11-2006	
	Glacier-Winner Creek Access Corridor Study Final Routing Report	AO 1997-11; 2-4-1997	

EXHIBIT A

Chapter 21.01: General Provisions Sec.21.01.080 Comprehensive Plan

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date ¹	Amendments
	Girdwood-Iditarod Trail Route Study	AR 1997-84; 5-20-1997	
	Girdwood Commercial Areas and Transportation Master Plan	AO 2000-124(S); 2-20-2001	
Chugiak; Eagle River; Eklutna	Chugiak-Eagle River Comprehensive Plan	AO 1992-133; 1-12-1993	AO 1996-86; 6-25-1996--amended by Alternative 1 of HLB Parcel 1-085 Land Use Study AO 2006-93(S-1); 12-12-2006 AO 2009-104; 9-15-2009—amended by Chugiak-Eagle River Site Specific Land Use Plan, January 2009; amended by AO 2011-104
	Eagle River Greenbelt Plan	AR 1985-88; April 1985	
	Eagle River Central Business District Revitalization Plan	AO 2003-74; 5-20-2003	
Environmental Quality	Anchorage Coastal Management Plan	AO 2007-107; 8-28-2007	
	208 Areawide Water Quality Management Plan	AR 1979-151; 7-31-1979	AO 1982-33(S); 4-20-1982
	Eagle River PM-10 Control Plan	AR 1990-30; 2-6-1990	AR 1991-197; 9-24-1991
	Little Campbell Creek Watershed Management Plan	AO 2008-74; 6-24-2008	
	1992 Air Quality Attainment Plan for Anchorage, Alaska	AR 1992-279; 12-8-1992	
	Anchorage Wetlands Management Plan	AO 1982-33(S); 4-20-1982	AO 1984-16(SA); 2-28-1984 AO 1984-130(S); 8-14-1984 AO 1984-163; 7-31-1984 AO 1995-129; 3-12-1996 AO 2006-94; 7-25-2006
Transportation	Street and Highway Landscape Plan	AO 1981-180; 11-3-1981	
	Areawide Trails Plan	AO 1996-140; 4-8-1997	
	Anchorage Non-Motorized Transportation Plan: Pedestrian Plan	AO 2007-96; 10-9-2007	
	Anchorage Non-Motorized Transportation Plan: Bicycle Plan	AO 2010-08; 3-23-2010	
	Official Streets and Highways Plan	AO 1979-10; 6-19-1979	AO 1983-200; 12-6-1983 AO 1984-255; 1-22-1985 AO 1986-132; 8-19-1986 AO 1996-97(S); 8-13-1996 AO 1997-85; 6-3- 1997 AO 2000-122; 8-15-2000 AO 2005-115; 10-25-2005
	2035 Metropolitan Transportation Plan	AO 2012-30(S); 4-10-2012	
Parks, Greenbelts, and Recreational Facilities	Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan	AO 2005-122; 4-18-2006	
	Anchorage Park, Greenbelt and Recreation Facility Plan, Volume 2: Eagle River—Chugiak—Eklutna	AO 1985-188; 12-17-1985	
	Anchorage Park, Greenbelt and Recreation Facility Plan, Volume 3: Turnagain Arm	AO 1985-188; 12-17-1985	AO 1987-4; 2-17-1987
	Areawide Library Facilities Plan	AR 1984-83; 4-10-1984	
	Updated Far North Bicentennial Park Plan	AR 1985-87; 5-14-1985	AO 2002-165; 12-10-2002
	Campbell Creek Park System Acquisition and Development Plan	GAAB Resolution No. R1986-72	
	Rabbit Creek Greenbelt Plan	AR 1987-16; 3-31-1987	
	Chester Creek Greenbelt	AR 11-1975; October 1975	
Historic Preservation	Historic Preservation Plan for Anchorage's Original four Neighborhoods	AO 2013-12; 2-12-2013	

EXHIBIT A

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date ¹	Amendments
------------	------	----------------------------	------------

¹ AO 2000-119(S), at section 9, provides that elements of the comprehensive plan that were originally adopted by resolution are hereby ratified and confirmed, and shall be deemed to have been adopted on the date that they were adopted by resolution.

2. New Elements

Procedures for amending the comprehensive plan are set forth in section 21.03.070, *Comprehensive Plan Amendments*. That process may be used to amend existing elements of the plan or to adopt new plan elements, including, but not limited to:

- a. Plan elements that address new topic areas, such as, but not limited to, housing or public utilities;
- b. Neighborhood plans;
- c. Town center, district, or small-area plans; and
- d. Land use maps or residential intensity maps.

C. Periodic Review

The comprehensive plan shall be subject to periodic review in accordance with the procedure described in section 21.03.070, *Comprehensive Plan Amendments*.

D. Implementation—Conformity to Plans

1. The elements of the comprehensive plan shall be implemented as provided in this title.
2. The specific requirements and regulations of this title govern in land use and building approvals and actions under this title, except as provided in subsections D.3. and D. 4. below.
3. Amendments to this title, rezonings, conditional uses, subdivisions, and other related discretionary actions under this title shall be consistent with the comprehensive plan, including the goals, objectives, policies, and strategies of the elements identified in table 21.01-1.
4. Rezonings, conditional uses, and subdivisions shall conform to the land use plan map and other applicable comprehensive plan maps of the elements identified in table 21.01-1.
5. Where comprehensive plan elements conflict, the most recently adopted shall govern.

21.01.090 TRANSITIONAL PROVISIONS

The purpose of transitional provisions is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, at the time of the adoption of this title and any future amendments to this title.

A. Violations Continue

Any violation of the previous title 21 ordinance shall continue to be a violation under this title and shall be subject to the penalties and enforcement set forth in chapter 21.13, *Enforcement*, unless the use, development, construction, or other activity complies with the provisions of this title.

EXHIBIT A

B. Special Limitations

1. If a provision of this title conflicts with a special limitation of a zoning district, the more restrictive provision or limitation shall apply.
2. If any special limitation becomes unnecessary or void as a result of any provision of this title, other remaining special limitations of the zoning district shall still apply.

C. Uses, Characteristics of Use, Structures, and Lots Rendered Lawful

A use, characteristic of use, structure, or lot not lawfully existing at the time of the adoption of this title is deemed lawful as of the effective date of this title, provided it conforms to all of the requirements of this title.

D. Uses, Structures, and Lots Rendered Nonconforming

1. When a lot is used for a purpose that was a lawful use before the effective date of this title, and this title no longer classifies such use as an allowed use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by chapter 21.12, *Nonconformities*.
2. Structures and lots that legally existed on the effective date of this title may become nonconforming, based on the provisions of chapter 21.12, *Nonconformities*.

E. Processing of Applications Commenced or Approved Under Previous Ordinances

1. Pending Applications

- a. Any complete application that has been submitted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this title, shall, within twelve months of the date of acceptance for completeness, be reviewed in accordance with the provisions of the ordinance in effect on the date the application was deemed complete. However, in such cases, if the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this title. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

[FOR MULTI-PHASE PROJECTS, THIS SUBSECTION SHALL APPLY ONLY TO THOSE PHASES FOR WHICH COMPLETE APPLICATIONS HAVE BEEN SUBMITTED FOR APPROVAL BUT UPON WHICH NO FINAL ACTION HAS BEEN TAKEN BY THE APPROPRIATE DECISION-MAKING BODY PRIOR TO THE EFFECTIVE DATE OF THIS TITLE.]

- b. An applicant with an approved pending application may waive review available under prior ordinances through a written letter to the director and request for review under this title.

2. Preliminary Plats

- a. Any complete preliminary plat application that has been submitted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to January 1, 2015 [THE EFFECTIVE DATE OF THIS TITLE], shall, within twelve months of the date of acceptance for completeness, be reviewed in accordance with the provisions of the ordinance in effect on the date the application was deemed complete. Subsequently, the final plat for such subdivision applications also shall be processed and reviewed according to the

EXHIBIT A

provisions of the ordinance applicable at the time of submission of the complete application for preliminary plat.

- b. An application for which preliminary approval of a plat was granted prior to the effective date of this title may be processed for a final decision in accordance with the preliminary approval, applicable terms of the ordinance in place at the time of preliminary approval, and any other approved permits and conditions, even if the application does not comply with one or more requirements set forth in this title. Preliminary approvals granted under the previous title 21 may be extended no more than once, and for no longer than 24 months (12 months for abbreviated plats), pursuant to the extension procedures applicable under the previous ordinance.

3. Approved Projects

- a. Conditional use permits, subdivision plats, site plan approvals, grading permits, building permits, land use permits, sign permits, and variances, any of which are valid on January 1, 2015 [2014] shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed.
- b. Any building or development for which a building permit or land use permit was granted prior to January 1, 2015 [THE EFFECTIVE DATE OF THIS TITLE] shall be permitted to proceed to construction even if such building or development does not conform to the provisions of this title.
- c. If the development for which the building permit or land use permit is issued prior to January 1, 2015 [THE EFFECTIVE DATE OF THIS TITLE] fails to comply with the time frames for development established for the permit, including any approved extensions, the building or land use permit shall expire and future development shall be subject to the requirements of this title.
- d. For multi-phase projects, the phases of the project may be developed in accordance with the approved master phasing plan, subject to the approval period and time extensions provisions provided in subsection 21.03.200C.7.e. or in the approval decision.

4. Remanded Cases

If the board of adjustment remands a case to another decision-making body, that body shall process the case under the rules applicable at the time the original complete application was submitted for approval, unless the applicant has waived review under previous ordinances pursuant to subsection D.1.c. above.

5. Future Amendments

The transitional provisions described in this section shall apply to any future amendment to this title, with the referenced effective date meaning the effective date of the amendment that impacts any particular application.

EXHIBIT A

CHAPTER 21.02: BOARDS, COMMISSIONS, AND MUNICIPAL ADMINISTRATION

21.02.010 PURPOSE

This chapter sets out the powers and duties of land use boards and commissions, the role of the assembly, and the responsibilities of municipal staff in the administration of this title.

21.02.020 TABLE OF DECISION AND REVIEW AUTHORITY

- A.** Table 21.02-1 summarizes the major review and decision-making responsibilities of the assembly, the municipal staff, and the other entities that have roles in the procedures set forth in chapter 21.03, *Review and Approval Procedures*. Such other entities are referred to as the “land use boards and commissions” and include: the planning and zoning commission, the platting board; the zoning board of examiners and appeals; the board of adjustment, the urban design commission; and the geotechnical advisory commission.
- B.** Table 21.02-1 is a summary tool and includes many, but not all, duties of these entities. Other duties and responsibilities are set forth in subsequent sections of this chapter and this title and other parts of the municipal code. Some other duties and responsibilities not listed in the table may require public hearings.
- C.** The referenced notes are set forth immediately below the table.
- D.** Even though not referenced in this chapter, the applicant, boards, commissions, or municipal administration may request that other boards, commissions, government agencies, and non-governmental agencies review some applications, including, but not limited to, rezonings, site plans, design reviews, and subdivisions. Title 21 matters referred to other agencies will follow the procedures established in chapter 21.03, *Review and Approval Procedures*.

TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES

NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03.
Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.

A = APPEAL = Authority to Hear and Decide Appeals
D = DECISION = Responsible for Review and Final Decision
H = HEARING = Public Hearing Required
R = REVIEW = Responsible for Review and/or Recommendation Only

	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
Alcohol—Special Land Use Permit	21.03.040	D-H/A ¹						R/D ¹
Certificates of Zoning Compliance	21.03.060					A		D
Comprehensive Plan Amendments	21.03.070 C.	D-H ²	R-H ²					R
Conditional Uses	21.03.080		D-H				A	R
Flood Hazard Permits	21.03.090					A		D
Land Use Permits	21.03.100				A ³	A ³		D
Master Plan, Institutional	21.03.110 A.	D-H	R-H					R
Minor Modifications	21.03.120		D ⁴	D ⁴		A ⁵	A ⁵	D ⁴
Neighborhood or District Plans	21.03.130	D-H	R-H					R

EXHIBIT A

Chapter 21.02: Boards, Commissions, and Municipal Administration
Sec.21.02.020 Table of Decision and Review Authority

TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES

NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03.
Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.

A = APPEAL = Authority to Hear and Decide Appeals

D = DECISION = Responsible for Review and Final Decision

H = HEARING = Public Hearing Required

R = REVIEW = Responsible for Review and/or Recommendation Only

	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
Public Facility Site Selection	21.03.140	D-H/ A-H ⁶	R-H/ D-H ⁶					R
Rezoning (Map Amendments)	21.03.160	D-H	R-H					R
Sign Permits	21.03. 170					A		D
Site Plan Review, Administrative	21.03. 180C.			A				D
Site Plan Review, Major	21.03. 180D.		D-H ⁷	D-H ⁷			A	R
Street Review	21.03. 190B.		R ⁸ /D	R ⁸ /D				R
Trail Review	21.03.190 C.			R/D				R
Preliminary Plat	21.03. 200C.5.		D-H ⁹	D-H ⁹	D-H ⁹		A	R
Abbreviated Plat	21.03. 200D.				A-H			D
Commercial Tract Plat	21.03.200 E.		D-H ¹⁰	D-H ¹⁰	D-H ¹⁰			R
Title 21, Text Amendments	21.03. 210	D-H	R-H		R-H ¹¹			R
Vacation of Public and Private Interest in Land	21.03.230				D or A ¹²		A ¹²	R or D ¹²
Variances from the provisions of [CHAPTER] 21.05.040K., <u>Telecommunication Facilities</u> ; 21.06, <u>Dimensional Standards and Measurements</u> ; 21.07.050, <u>Utility Distribution Facilities</u> ; 21.09.060, <u>Dimensional Standards</u> ; 21.09.070J., <u>Utilities and Utility Equipment Standards</u> ; 21.10.060, <u>Dimensional Standards</u> ;	21.03. 240					D-H		R
Variances from the provisions of [SUBSECTIONS] 21.07.020C., <u>Steep Slope Development</u> ; 21.07.060, <u>Transportation and Connectivity</u> ; [AND PEDESTRIAN FACILITIES]; [ANDCHAPTER] 21.08, <u>Subdivision Standards</u> ; 21.09.070C., <u>Hazard Areas</u> ; 21.09.070D., <u>Grading and Drainage</u> ; 21.09.070F., <u>Transportation and Connectivity</u> ; 21.09.070G.1., <u>Street and Trail Lighting Standards</u> ; 21.09.070H., <u>Pedestrian Circulation</u> ; 21.09.070N., <u>Driveway Standards</u> ; 21.10.070B., <u>Transportation and Connectivity</u>	21.03. 240		D-H ¹³	D-H ¹³	D-H		A	R

EXHIBIT A

Chapter 21.02: Boards, Commissions, and Municipal Administration
Sec.21.02.020 Table of Decision and Review Authority

TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES

NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03.
Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.

A = APPEAL = Authority to Hear and Decide Appeals

D = DECISION = Responsible for Review and Final Decision

H = HEARING = Public Hearing Required

R = REVIEW = Responsible for Review and/or Recommendation Only

	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
<p>Variances from the district-specific standards of [CHAPTER] 21.04, <u>Zoning Districts</u>; <u>21.09.040, Zoning Districts</u>; <u>21.10.040, Zoning Districts</u>;</p> <p>the use-specific standards of [CHAPTER] 21.05, <u>Use Regulations</u>; <u>21.09.050, Use Regulations</u>; <u>21.10.050, Use Regulations</u>;</p> <p>[AND THE PROVISIONS OF CHAPTER] 21.07, <u>Development and Design Standards</u> (except 21.07.020C., <u>Steep Slope Development</u>, 21.07.050, <u>Utility Distribution Facilities</u>, and 21.07.060, <u>Transportation and Connectivity</u>);</p> <p><u>21.09.070E., Landscaping, Vegetation, and Tree Retention</u>; <u>21.09.070G.2., Exterior Site Lighting</u>; <u>21.09.070I., Fences and Walls</u>; <u>21.09.070K., Snow Management</u>; <u>21.09.070L., Off-Street Parking Standards</u>; <u>21.09.070M., Signage</u>; <u>21.09.070O., Trash Management in Multifamily, Commercial, Industrial, and Resort Districts</u>; <u>21.09.080, Building Design Standards</u>;</p> <p><u>21.10.070C., Landscaping, Screening, and Fences</u>; <u>21.10.070D., Off-Street Parking and Loading</u>; <u>21.10.070E., Exterior Lighting</u>; <u>21.10.070F., Large Establishments</u>;</p> <p>[AND CHAPTER] 21.11, <u>Signs</u></p>	21.03.240			D-H			A	R
<p>[VARIANCES FROM THE PROVISIONS OF SUBSECTIONS 21.07.050, <u>UTILITY DISTRIBUTION FACILITIES</u>, AND 21.05.040K., <u>TELECOMMUNICATION FACILITIES</u>]</p>	[21.03.240 D.2.B.]					[D-H]		[R]
Administrative Variances	21.03.240 J.					A		D
Verification of Nonconforming Status	21.03.250					A		D

EXHIBIT A

Chapter 21.02: Boards, Commissions, and Municipal Administration Sec.21.02.030 Planning and Zoning Commission

TABLE 21.02-1: SUMMARY OF MAJOR TITLE 21 DECISION-MAKING AND REVIEW RESPONSIBILITIES

NOTE: This table summarizes the major review and decision-making responsibilities for the procedures contained in Chapter 21.03. Exceptions to general rules apply; see Chapter 21.03 for details on each procedure.

A = APPEAL = Authority to Hear and Decide Appeals

D = DECISION = Responsible for Review and Final Decision

H = HEARING = Public Hearing Required

R = REVIEW = Responsible for Review and/or Recommendation Only

Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
---------	-------	-----	-----	----	------	-----	----

NOTES:

¹ See section 21.03.040, *Alcohol-Special Land Use Permit*, to determine whether the Assembly or the director is the decision-making body.

² Only substantive comprehensive plan amendments require a public hearing. See section 21.03.070, *Comprehensive Plan Amendments*.

³ The appeal body for subsection 21.03.100E., *Improvements Associated with Land Use Permits*, is the platting board. Appeals related to provisions in title 23 are made to the building board of examiners and appeals.

⁴ An applicant may request application of the minor modification process only once during the review process.

⁵ See section 21.03.120C.5. for appropriate appeal body.

⁶ Site selection for municipal facilities is approved by the assembly. See section 21.03.140.

⁷ See section 21.03.180D. for the division of major site plan review decision-making authority.

⁸ See section 21.03.190, *Street and Trail Review*.

⁹ The planning and zoning commission may act as the platting authority for conditional uses that create a subdivision. The planning and zoning commission or the urban design commission may act as the platting authority for major site plan reviews that create a subdivision.

¹⁰ The planning and zoning commission or the urban design commission (whichever is the decision-making authority—see section 21.03.180) shall act as the platting authority for a commercial tract whose site plan includes a large retail establishment. The platting board shall be the platting authority for all other commercial tracts.

¹¹ Code amendments relating to chapter 21.08, *Subdivision Standards*, require a hearing by the platting board. All code amendments require a hearing by the planning and zoning commission.

¹² See section 21.03.230, *Vacation of Public and Private Interest in Lands*.

¹³ When the planning and zoning commission or the urban design commission acts as the platting authority, they shall have variance authority over these sections as well.

KEY TO ABBREVIATIONS:

ASBLY = Anchorage Assembly
PZC = Planning and Zoning Commission
PB = Platting Board

ZBEA = Zoning Board of Examiners and Appeals
BOA = Board of Adjustment
UDC = Urban Design Commission
MS = Municipal Staff

21.02.030 PLANNING AND ZONING COMMISSION

A. Recommendation to the Assembly

The planning and zoning commission shall make a recommendation to the assembly on the following:

1. Comprehensive plan amendments (21.03.070);
2. Institutional master plans (21.03.110);
3. Neighborhood or district plans (21.03.130);
4. Public facility site selection for municipal facilities (21.03.140);
5. Rezoning (zoning map amendments), to include overlay districts (21.03.160); and
6. Title 21 text amendments (21.03.210).

EXHIBIT A

B. Decision-Making Authority

The planning and zoning commission has decision-making authority over the following:

1. Conditional uses (21.03.080);
2. Preliminary plats, when a conditional use creates a subdivision or requires the vacation of a dedicated public area, and the commission directs in the conditional use approval that it shall act as the platting authority (21.03.080F.);
3. Public facility site selections, except for municipal facilities (21.03.140);
4. Appeals from the director's decision regarding consistency with an institutional master plan (21.03.110F.);
5. Major site plan reviews for non-residential development with a gross floor area of 100,000 square feet or more, and for residential development of 140 units or more (21.03.180D.);
6. Preliminary plats, when a major site plan under the authority of the planning and zoning commission creates a subdivision or requires the vacation of a dedicated public area, and the commission directs in the major site plan approval that it shall act as the platting authority (21.03.180F.);
7. Draft design study report for new construction and reconstruction of streets of collector class or greater in the *Official Streets and Highways Plan* (21.03.190); and
8. Commercial tract plats, where the site plan includes a large commercial establishment under the authority of the planning and zoning commission (21.03.200E.); and

C. Other Powers and Duties

The planning and zoning commission shall:

1. Develop, review, and make recommendations to the assembly regarding policies, plans, and ordinances to implement the municipal function of planning for the economic, social, and land use needs of the community.
2. Review and make recommendations to the assembly and school board regarding the annual capital improvement program of the municipality and school district.
3. Review and make recommendations to the mayor regarding the annual work program of the department.
4. Promulgate regulations to implement or make specific the provisions of this title, except provisions of chapter 21.08, *Subdivision Standards*, which are reserved to the platting board.
5. Exercise such other powers, and perform such other duties, as are provided by law.

21.02.040 URBAN DESIGN COMMISSION

A. Decision-Making Authority

The urban design commission has decision-making authority over the following:

1. Appeals of administrative site plan reviews (21.03.180C.);
2. Major site plan reviews for non-residential development with a gross floor area of less than 100,000 square feet, and for residential development of fewer than 140 units (21.03.180D.);

EXHIBIT A

3. Preliminary plats, when a major site plan review under the authority of the urban design commission creates a subdivision or requires the vacation of a dedicated public area, and the commission directs in the major site plan approval that it shall act as the platting authority (21.03.180F.);
4. Plans in hand design drawings review for new construction and reconstruction of streets of collector classification or greater on the *Official Streets and Highways Plan* (21.03.190);
5. Commercial tract plats, where the site plan includes a large commercial establishment under the authority of the urban design commission (21.03.200E.);
6. Variances from the district-specific standards of chapter 21.04, *Zoning Districts*, section 21.09.040, *Zoning Districts*, and section 21.10.040, *Zoning Districts*; the use-specific standards of chapter 21.05, *Use Regulations*, section 21.09.050, *Use Regulations*, and section 21.10.050, *Use Regulations*; [AND] the provisions of chapter 21.07, *Development and Design Standards*; the provisions of subsections 21.09.070E., *Landscaping, Vegetation, and Tree Retention*, 21.09.070G.2., *Exterior Site Lighting*, 21.09.070I., *Fences and Walls*, 21.09.070K., *Snow Management*, 21.09.070L., *Off-Street Parking Standards*, 21.09.070M., *Signage*, 21.09.070O., *Trash Management in Multifamily, Commercial, Industrial, and Resort Districts*, and 21.09.080, *Building Design Standards*; the provisions of subsections 21.10.070C., *Landscaping, Screening, and Fences*, 21.10.070D., *Off-Street Parking and Loading*, 21.10.070E., *Exterior Lighting*, and 21.10.070F., *Large Establishments*; and chapter 21.11, *Signs*; and
7. Appeals of the director's decision regarding subsection 21.12.060B., *Bringing Characteristics Into Compliance*.

B. Other Powers and Duties

The urban design commission shall:

1. Advise the mayor, assembly, and planning and zoning commission regarding urban design, northern climate design, and winter city design matters, including design-related amendments to the comprehensive plan and title 21.
2. Review and make recommendations regarding any entitlement requests, in accordance with authority delegated by the planning and zoning commission or platting board under this title.
3. Perform those duties stated in title 7, relating to the art funding requirements for public buildings and facilities.
4. Designate historic signs pursuant to subsection 21.12.070F.
5. Exercise such other powers, and perform such other duties, as are provided by law.

21.02.050 PLATTING BOARD

A. Decision-Making Authority

The platting board has decision-making authority over the following:

1. Preliminary plats (except in those situations where a different board or commission acts as the platting authority—see subsections 21.03.080F., *Platting for Conditional Uses*, and 21.03.180F., *Platting for Site Plans*);
2. Commercial tract plats, when not included in a large commercial establishment site plan review (21.03.200E.);

EXHIBIT A

3. Vacations of public and private interest in lands, where the platting board is the platting authority (21.03.230C.);
4. Variances from the provisions of chapter 21.08, *Subdivision Standards* (21.03.240); subsection 21.07.020C., *Steep Slope Development*, and section 21.07.060, *Transportation, Connectivity, and Pedestrian Facilities*; subsections 21.09.070C., *Hazard Areas*, 21.09.070D., *Grading and Drainage*, 21.09.070F., *Transportation and Connectivity*, 21.09.070G.1., *Street and Trail Lighting Standards*, 21.09.070H., *Pedestrian Circulation*, and 21.09.070N., *Driveway Standards*; and subsection 21.10.070B., *Transportation and Connectivity*;
[VARIANCES FROM THE FOLLOWING PROVISIONS OF CHAPTER 21.07: SUBSECTION 21.07.020C., *STEEP SLOPE DEVELOPMENT*, AND SECTION 21.07.060, *TRANSPORTATION, CONNECTIVITY, AND PEDESTRIAN FACILITIES*];
5. Modification or removal of plat note(s) (21.03.200G.);
6. Appeals of the following decisions:
 - a. Land use permits under subsection 21.03.100E, *Improvements Associated with Land Use Permits*;
 - b. Record of survey maps (21.03.150);
 - c. Abbreviated plats (21.03.200D.);
 - d. Right-of-way acquisition plats (21.03.200F.); and
 - e. Vacations of public and private interest in lands, where the platting officer is the platting authority (21.03.230).

B. Other Powers and Duties

The platting board shall:

1. Interpret or make specific the provisions of chapter 21.08, *Subdivision Standards*.
2. Review and make recommendations to the assembly [PLANNING AND ZONING COMMISSION] regarding all proposed amendments to chapter 21.08, *Subdivision Standards*.
3. Authorize extensions of subdivision agreements as provided in section 21.08.060C., *Time Limit for Completion of Improvements*.
4. Exercise such other powers, and perform such other duties, as are provided by law.

21.02.060 ZONING BOARD OF EXAMINERS AND APPEALS

A. Decision-Making Authority

The zoning board of examiners and appeals has decision-making authority over the following:

1. Appeals pursuant to subsection 21.03.050B.;
2. Variances from the provisions of chapter 21.06, *Dimensional Standards and Measurements*; from the provisions of subsection 21.05.040K., *Telecommunication Facilities*, and section 21.07.050, *Utility Distribution Facilities* (21.03.240); from the provisions of section 21.09.060, *Dimensional Standards*, and subsection 21.09.070J., *Utilities and Utility Equipment Standards*; and the provisions of section 21.10.060, *Dimensional Standards*;

EXHIBIT A

[VARIANCES FROM THE PROVISIONS OF SUBSECTION 21.05.040K.,
TELECOMMUNICATION FACILITIES, AND SECTION 21.07.050, UTILITY
DISTRIBUTION FACILITIES (21.03.240).]

3. Overcoming presumption of abandonment pursuant to subsection 21.12.030E.; and

4. Time extensions for amortized signs, pursuant to subsection 21.12.070G.

B. Other Powers and Duties

The zoning board of examiners and appeals shall:

1. Adopt general rules or make findings in specific cases regarding proposed changes of nonconforming uses, pursuant to section 21.12.030B., *Change of Use*.

[INTERPRET OR MAKE SPECIFIC THE PROVISIONS OF THIS TITLE, EXCEPT
PROVISIONS OF CHAPTER 21.08, SUBDIVISION STANDARDS.]

2. Exercise such other powers, and perform such other duties, as are provided by law.

C. Subpoenas

The zoning board of examiners and appeals has the right to subpoena witnesses and documents using a form provided by the municipal clerk and submitted to the clerk for issuance at least five working days before the date of the hearing.

21.02.070 BOARD OF ADJUSTMENT

A. Powers and Duties

The board of adjustment has the responsibilities set forth in subsection 21.03.050A.1.

B. Subpoenas

The board of adjustment has the right to subpoena witnesses and documents using a form provided by the municipal clerk and submitted to the clerk for issuance at least five working days before the date of the hearing.

21.02.080 GEOTECHNICAL ADVISORY COMMISSION

A. Powers and Duties

1. The geotechnical advisory commission shall serve as a technical advisory board in the municipality.

2. The commission shall act in an advisory capacity to the assembly, the mayor, boards, commissions, and heads of municipal departments and agencies, and shall have the following responsibilities:

a. To make recommendations and give advice on geotechnical engineering issues and natural hazards risk mitigation.

b. To recommend and review special studies relating to geotechnical engineering and natural hazards risk mitigation issues.

c. To act in an advisory capacity regarding proposed development located in high or moderate snow avalanche hazard zones, in areas designated with high or very high susceptibility to seismically induced ground failure, and in areas susceptible to other natural hazards.

EXHIBIT A

21.02.090 ASSEMBLY

A. Decision-Making Authority

The assembly has the following decision-making authority under this title:

1. Special land use permit for alcohol—for beverage dispensary and package store liquor licenses (21.03.040);
2. Comprehensive plan amendments (21.03.070);
3. Institutional master plans (21.03.110);
4. Neighborhood or district plans (21.03.130);
5. Public facility site selection for municipal facilities (21.03.140);
6. Rezoning (s) (zoning map amendments), to include overlay districts (21.03.160);
7. Title 21 text amendments (21.03.210);
8. Appeals on public facility site selections for non-municipal facilities (21.03.140); and
9. Any other action not delegated to the planning and zoning commission, platting board, zoning board of examiners and appeals, board of adjustment, urban design commission, or municipal staff, as the assembly may deem desirable and necessary to implement the provisions of this title.

B. Land Use Procedure

1. The land use review and approval procedures specified in chapter 21.03, *Review and Approval Procedures*, supplement the assembly's procedures under title 2.
2. Where a board or commission has authority under this title to review and comment on a land use matter, the assembly shall not take final action on the matter until it has received and taken notice of the review comments and recommendations of the board or commission.

21.02.100 MUNICIPAL STAFF

Municipal departments shall have the review and decision-making responsibilities set forth in this chapter and other sections of this title, to be carried out in accordance with the terms of this title. The departments also shall have such additional powers and duties as may be set forth in other ordinances, rules, and operating procedures of the municipality.

EXHIBIT A

CHAPTER 21.03: REVIEW AND APPROVAL PROCEDURES

21.03.010 PURPOSE AND STRUCTURE OF THIS CHAPTER

This chapter describes the procedures for review and approval of all applications for development activity in the municipality. Common procedures, which are applicable to all or most types of development applications, are set forth in section 21.03.020. Subsequent sections set forth additional provisions that are unique to each type of application, including timetables, staff and review board assignments, review standards, and other information.

21.03.020 COMMON PROCEDURES

A. Applicability

The common procedures of this section 21.03.020 shall apply to all applications for development activity under this title unless otherwise stated.

B. Pre-Application Conferences

1. Purpose

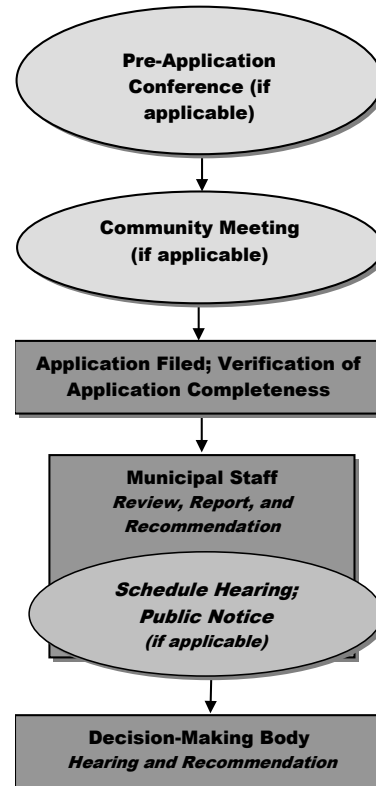
The pre-application conference is an informal discussion to familiarize the applicant and the municipal staff with the applicable provisions of this title that are required to permit the proposed development.

2. Applicability

a. *Required for New Applications*

A pre-application conference is required prior to submittal of the following types of applications:

- i. Rezoning (Map Amendments) (section 21.03.160);
- ii. Subdivisions, except for Abbreviated Plats (section 21.03.200);
- iii. Conditional Uses (section 21.03.080);
- iv. Institutional Master Plans (section 21.03.110);
- v. Major Site Plan Review (section 21.03.180D.);
- vi. Public Facility Site Selection (section 21.03.140);
- vii. Girdwood Area Master Plans and Development Master Plans (sections 21.09.030E. and F.); and
- viii. Abbreviated plats (section 21.03.200) or administrative site plan reviews (subsection 21.03.180C.) which include [PROJECTS INCLUDING] Class A or B wetlands within or adjacent to the application area.



Common Procedures

EXHIBIT A

No application for these types of approvals shall be accepted until after the pre-application conference is completed and the applicant receives written notification of the conclusions.

b. Exception for Some Changes to Already-Approved Applications

Pre-application conferences are not required for minor amendments to already-approved conditional uses or site plans. All other changes to already-approved applications require a pre-application conference.

c. Optional for All Other Applications

A pre-application conference is optional prior to submittal of any other application under this title not listed in subsection 2.a. above.

d. Waiver

The director may waive the pre-application requirement if the director finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her judgment, make a pre-application conference unnecessary. The waiver shall be made in writing and shall become a part of the case record for the application.

3. Initiation of Pre-Application Conference

The potential applicant shall request a pre-application conference, in the manner prescribed in the user's guide, with the director. Prior to the pre-application conference, the applicant shall provide to the director a description of the character, location, and magnitude of the proposed development and any other supporting documents such as maps, drawings, models, and the type of entitlement sought. It is the applicant's responsibility to provide sufficiently detailed plans and descriptions of the proposal to enable staff to make the informal recommendations discussed below.

4. Pre-Application Conference Content

a. The director shall schedule a pre-application conference after receipt of a proper request.

b. Applicants shall provide the information specified in the user's guide prior to the pre-application conference.

c. At the conference, the applicant, the director, and any other persons the director deems appropriate and available to attend shall discuss the proposed development. Based upon the information provided by the applicant and the provisions of this title, the parties should discuss in general the proposed development and the applicable requirements and standards of this title.

d. The conference attendees shall discuss the desired development activities with respect to the following items:

i. Applicability of municipality policies, plans, and requirements as they apply to the proposed development.

ii. Appropriateness of the development with respect to the policies set forth in the comprehensive plan and the regulations in this title.

iii. Need, if any, to prepare a subdivision plat.

iv. Any site plan considerations or requirements.

v. Any concerns or requirements related to the anticipated impact upon public rights-of-way and public improvements, and appropriate

EXHIBIT A

requirements to mitigate those impacts, including but not limited to traffic impact analyses.

vi. Any concerns related to neighborhood impacts, land use, landscaping concepts, and overall project design.

vii. Possible alternatives or modifications related to the proposed application.

viii. Procedures that will need to be completed to review and act on the proposed application.

e. A checklist of discussion items indicating topics discussed at the pre-application conference shall be **provided** [MAILED] to the applicant within ten days of the conference. The checklist shall be considered proprietary information until an application has been submitted.

5. Informal Review Comments Not Binding

The review comments of the director are not binding upon the applicant or the municipality, but are intended to serve as a guide to the applicant in making the application and to advise the applicant in advance of the formal application of any issues which will or may subsequently be presented to the appropriate decision-making body. Because a pre-application conference precedes the actual application, some key issues relating to a specific proposal may not be apparent at the pre-application conference.

6. Application Required Within Six Months

After a pre-application conference has been completed, an application must be submitted within six months, unless one extension is granted by the director not to exceed an additional six months. If a complete application is not submitted within six months or an extension has not been granted, a new pre-application conference shall be required prior to submitting an application.

C. Community Meetings

1. Purpose

The community meeting is an informal opportunity for the developer to inform the surrounding area residents and property owners of the details of a proposed development and application, how the developer intends to meet the standards contained in this title, and to receive public comment and encourage dialogue at an early time in the review process.

2. Applicability

a. Types of Applications

The applicant shall hold a community meeting for any of the following types of applications.

i. Rezoning (zoning map amendments);

ii. Subdivisions, except for abbreviated plats;

iii. Conditional uses;

iv. Institutional master plans;

v. Major site plan review; and

vi. Public facility site selection.

b. Community Councils

EXHIBIT A

The applicant shall use as its first choice the community council(s) meeting of the project area as the community meeting when the community council(s) meeting is available. If an applicant chooses not to use the community council for the community meeting, the applicant shall provide a written explanation to the director outlining the reasons for this decision. The explanation shall be available to the appropriate board or commission at the time of authorization review. If the community council(s) meeting for the project area is not scheduled in a timely manner, the applicant shall organize a community meeting. If the project area spans more than one community council and the applicant chooses to attend community council meetings, the applicant shall attend the community council meetings of all applicable community councils.

3. Timing and Number of Community Meetings

When required, there shall be at least one community meeting held after the pre-application conference (if applicable), but prior to the submittal of an application.

4. Notice of Community Meeting

The applicant shall provide written (mailed) notice of the community meeting in accordance with subsection H.3. below, at least 21 days prior to the community meeting.

5. Attendance at Community Meeting

a. If a community meeting is required, the applicant or applicant's representative shall attend the community meeting. The applicant shall be responsible for scheduling the community meeting, coordinating the community meeting, and for retaining an independent facilitator if the applicant determines one is needed.

b. All community meetings shall be convened at a place in the vicinity of the proposed development.

6. Summary of Community Meeting

The applicant shall prepare a written summary of the community meeting(s), which shall be submitted to the director and the affected community council(s) no later than seven days after the date of the meeting. The written summary shall be included in the departmental report. At a minimum, the written summary shall include the following information:

a. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposals;

b. Content and dates of mailing, and number of mailings, including letters, meeting notices, and any other written material;

c. The number of people that participated in the meeting(s);

d. A summary of concerns, issues, and problems expressed during the meeting(s), including:

i. The substance of the concerns, issues, and problems;

ii. How the applicant has addressed or intends to address concerns, issues, and problems expressed at the meeting(s); and

iii. Concerns, issues, and problems the applicant is unwilling or unable to address and why.

EXHIBIT A

D. Authority to File Applications

1. When an authorized agent files an application under this title on behalf of a property owner, the agent shall provide the municipality with written documentation that the owner of the property has authorized the filing of the application.
2. When a review or decision-making body initiates action under this title, it does so without prejudice toward the outcome.

E. Application Contents, Submittal Schedule, and Fees

1. Title 21 User's Guide

The director shall compile the requirements for application contents, forms, fees, and the submittal and review schedule (including typical time frames for review) in a user's guide, which shall be made available to the public. The director, after seeking the recommendation of the planning and zoning commission, may amend and update the user's guide from time to time. See subsection 21.14.020F. for more information about the user's guide.

2. Form of Application

Applications required under this chapter shall be submitted in a form and in such number as required in the user's guide.

3. Processing Fees

Applications shall be accompanied by the fee amount established by the assembly and listed in the user's guide. Fees are not subject to waivers except as specifically allowed by this title.

4. Waivers

The director may waive certain submittal requirements in order to reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. The director may waive such requirements where he or she finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver. The waiver shall be made in writing and shall become a part of the case record for the application.

F. Verification of Application Completeness

1. The director shall only initiate the review and processing of an application if such application is complete. The director shall make a determination of application completeness and notify the applicant in writing within 15 days of application filing. If the application is determined to be complete, the application shall then be processed according to this title. If an application is determined to be incomplete, the director shall provide an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected.
2. An application shall be considered complete if it is submitted in the required form, includes all mandatory information, including all supporting materials specified in the title 21 user's guide, and is accompanied by the applicable fee. A pre-application conference shall have been held, if required, pursuant to subsection 21.03.020B, *Pre-Application Conferences*.
3. As a consequence for any false or misleading information submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

G. Additional Information

1. Requested Information

Nothing in this section prohibits the department or the decision-making body on the application from requesting additional information deemed necessary for review, after the

EXHIBIT A

application is complete. Any supplemental technical reports, special studies, and/or revised application materials that are requested following the original application must be received at least thirty days prior to a public hearing. The municipality may postpone and reschedule a public hearing or approval deadline if such reports and studies are submitted less than thirty days prior to a public hearing, unless the applicable board or commission waives this time limit in a specific case for cause. Copies of such additional materials shall be delivered to all reviewers who received the original application packet.

2. Voluntary Information

Any supplemental information, such as revised application materials, that is voluntarily submitted by the applicant, should be submitted before the departmental report is finalized. Any such information submitted after the departmental report is finalized shall cause the application to be automatically postponed to the next regular meeting in order for the department to have time to review the new information, unless the board or commission determines that the new information does not significantly alter the application.

H. Notice

1. Content of Notices

Public notice required under this chapter shall, unless otherwise specified in this title:

- a. Identify the date, time, and place of the public hearing, if applicable;
- b. If applicable, describe the property involved in the application by street address or by legal description and nearest cross street;
- c. Describe the nature, scope, and purpose of the proposed action;
- d. If applicable, indicate that interested parties may appear at the hearing and speak on the matter; and
- e. Indicate where additional information on the matter may be obtained.

2. Summary of Notice Requirements

The following table 21.03-1 summarizes the notice requirements of the procedures set forth in this chapter. Unless otherwise specified in this title, procedures not listed in this table have no public notice requirements.

TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS					
Type of Application or Procedure	Section	Notice Required			
		Written (Mailed)	Published	Posted	Community Council
Alcohol—Special Land Use Permit	21.03.040	✓	✓	✓	✓
Appeals to Board of Adjustment	21.03.050A.	✓	✓	-	-
Appeal of an Enforcement Order	21.13	-	-	✓	-
Appeals to ZBEA	21.03.050B.	✓	✓	-	✓
Comprehensive Plan Amendments, Substantive	21.03.070C.	-	✓	-	✓
Conditional Uses	21.03.080	✓	✓	✓	✓
Master Plan, Area	21.09.030E.	✓	✓	✓	✓

EXHIBIT A

TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS

Type of Application or Procedure	Section	Notice Required			Community Council
		Written (Mailed)	Published	Posted	
Master Plan, Development	21.09.030F.	✓	✓	✓	✓
Master Plan, Institutional	21.03.110	✓	✓	✓	✓
Neighborhood or District Plans	21.03.130	-	✓	-	✓
Nonconforming Uses of Land or Structures, Replication of	21.12.030C.	✓	✓	✓	✓
Nonconforming Structures, Replication of	21.12.040D.	✓	✓	✓	✓
Public Facility Site Selection	21.03.140	✓	✓	✓	✓
Rezoning (Zoning Map Amendments)	21.03.160	✓	✓	✓	✓
Site Plan Review, Administrative	21.03.180C.	-	✓	-	-
Site Plan Review, Major	21.03.180C.	✓	✓	✓	✓
Street and Trail Review	21.03.190	-	✓	-	✓
Subdivisions (with existing physical access)	21.03.200	✓	✓	✓	✓
Subdivisions (without existing physical access)	21.03.200	✓	✓	-	✓
Abbreviated Plats	21.03.200D.	-	✓	-	✓
Modification or Removal of Plat Notes	21.03.200G.	✓	✓	✓	✓
Title 21, Text Amendments	21.03.210	-	✓	-	✓
Vacation of Public and Private Interest in Land	21.03.230	✓	✓	✓	✓
Variances	21.03.240	✓	✓	✓	✓
Administrative Variances	21.03.240J.	✓	✓	✓	✓

3. Written (Mailed) Notice

When table 21.03-1 requires that written notice be provided, the director shall deposit such notice into first class mail at least 21 days prior to the scheduled date of the hearing. In computing such period, the day of mailing shall not be counted, but the day of the hearing shall be counted. Written notice shall be provided to the following persons or groups:

a. Owners of Subject Property

All persons listed on the records of the municipal assessor as owners of land subject to the application, at the mailing addresses of such persons in the records of the municipal assessor.

b. Adjacent Property Owners and Residents/Occupants

All persons listed on the records of the municipal assessor as owners of any land within 500 feet of the outer boundary of the land subject to the application, or

EXHIBIT A

owners of the 50 parcels nearest to the outer boundary of the land subject to the application, whichever is the greater number of parcels, at the mailing addresses of such persons in the records of the municipal assessor; and all residents/occupants of land in the same area as required above, at the property addresses. Any mailing to the 50 nearest parcels shall not include parcels that are entirely located more than a mile from the land subject to the application, which may reduce the number of mailings.

c. Joint Base Elmendorf-Richardson

The commander of Joint Base Elmendorf-Richardson (JBER) when the subject parcel is within 500 feet of JBER or within 500 feet of the boundary of a safety zone or noise contour that emanates from JBER and has been shared with and accepted by the [COMMUNITY DEVELOPMENT] department.

d. Additional Persons

Such additional persons or geographic areas as the director may designate.

4. Published Notice

When table 21.03-1 requires that notice be published, the director shall cause a notice to be published on the municipal public notice web page of the municipal website. The notice shall be published at least 21 days before the scheduled hearing date. In computing such period, the day of publication shall not be counted, but the day of the hearing shall be counted.

5. Posted Notice

When table 21.03-1 requires that notice be posted, the applicant shall cause a notice(s), on a form(s) provided by the department, to be posted on the property, visible from each developed right-of-way adjacent to the property, for at least 21 days before the scheduled public hearing date. In computing such period, the day of posting shall not be counted, but the day of the public hearing shall be counted. If no part of the subject property is visible from the public right-of-way, the notice shall be posted along the nearest street in the public right-of-way. Posted notices shall include all the content specified in subsection H.1. above except for the legal description. Before the public hearing, the applicant shall submit to the department an affidavit, signed by the person who did the posting or the person who caused the posting to be done, that notice was posted as required by this subsection. Posted notices shall be removed by the applicant within 30 days after the close of the public hearing on the application.

6. Community Councils

When table 21.03-1 requires that notice be given to community councils, any officially recognized community council whose boundary includes any part of the subject property, and any additional such council whose boundary lies within 1,000 feet of any part of the subject property shall receive written (mailed) notice in accordance with H.3. above. Furthermore, the department shall provide notice to additional community councils in the following instances:

a. Each recognized community council within the municipality shall receive written notice where the subject parcel is one of the following regional public lands or facilities: Ted Stevens Anchorage International Airport; Merrill Field Airport; Birchwood Airport; Far North/Bicentennial Park; Kincaid Park; Russian Jack Springs Park; Beach Lake Park; Edmonds Lake Park; Bird Creek Regional Park; Chugach State Park; Anchorage Coastal Wildlife Refuge; BLM tract(s) near Far North/Bicentennial Park.

b. If the subject parcel is a branch public facility that serves a specific delineated area, such as a public school or fire station, then any community council whose boundaries lie within the delineated district of service of a branch public facility

EXHIBIT A

shall receive written notice. This requirement shall only take effect after the municipality has established maps delineating areas of service for the type of branch facility, and has adopted procedures and responsibilities for updating service area boundaries.

c. Any community council whose boundaries lie beyond the minimum notification distance shall receive notice regarding proposals of potentially major scope or controversy that, in the opinion of the director, are likely to have a significant impact on the residents of the community council beyond the minimum notification distance.

d. Any community council within the impact area of a street or trail project, a neighborhood or district plan, or other area-specific element of the comprehensive plan, shall receive written notice. The impact area shall, at a minimum, include all community councils within 1,000 feet of the project/plan boundaries. The impact area shall include additional community councils if the recommendations in the project/plan affect specific public lands or facilities as provided in subsections 6.a. or 6.b. above, or are likely to impact residents beyond the minimum impact area, as provided in subsection 6.c. above.

e. All community councils shall receive notice of substantive amendments to the comprehensive plan (except as provided in subsection 6.d. above), and amendments to the text of title 21.

7. Constructive Notice

Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice may include, but are not limited to, errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this title.

8. Presumption of Notice

When the records of the municipality document the publication, mailing, and posting of notices as required by this subsection, it shall be presumed that notice of a public hearing was given as required by this subsection.

I. Departmental Report

For every decision that requires a public hearing or where otherwise required by this title, the department shall prepare a report to be given to the decision-making body approximately one week before the initial public hearing on the application. The report shall include project background, public comments received, the summary of community meeting (if applicable), and the department's recommendation for action. The report shall be posted on the municipal website.

J. Referrals

The applicant, boards, commissions, or the municipal administration may request that government agencies, non-governmental agencies, and other boards and commissions besides the decision-making body review an application, but the final decision-making authority shall remain with the body identified in this chapter.

EXHIBIT A

K. Concurrent Processing

1. Where possible without creating an undue administrative burden on the municipality's decision-making bodies and staff, this title intends to accommodate the simultaneous processing of applications for different permits and approvals that may be required for the same development project in order to expedite the overall review process. Review and decision-making bodies considering applications submitted simultaneously shall render separate reports, recommendations, and decisions on each application based on the specific standards applicable to each approval.
2. Some forms of approval depend on the applicant having previously received another form of approval, or require the applicant to take particular action within some time period following the approval in order to avoid having the approval lapse. Therefore, even though this title intends to accommodate simultaneous processing, applicants should note that each of the permits and approvals set forth in this title has its own timing and review sequence.
3. The expected time frame and approval process for a consolidated application shall follow the longest time frame and approval process required from among the joined application types.

L. Postponements

1. If only five or fewer board or commission members are in attendance at the hearing, the applicant may request a postponement of his or her case, and the fee for the first postponement request shall be waived.
2. The applicant may request a postponement of his or her case for any other reason, which he or she shall state to the decision-making body. If the decision-making body grants the postponement request, the applicant shall pay the postponement fee listed in the user's guide, and a new hearing date shall be determined by the department.
 - a. If public notice pursuant to subsection H. above has not been given, the director is the decision-making body for the purpose of granting a postponement.
 - b. If public notice pursuant to subsection H. above has been given, the decision-making body is the board or commission identified in this chapter for the entitlement requested.
3. Re-notice of the new time for hearing is only required if the postponement is for more than 30 days, or if no date certain is set for the hearing at the time of postponement.

M. Conditions of Approval

1. The decision-making body is authorized to impose such conditions upon the entitlement as may be necessary to conform to the standards of this title, reduce or minimize any potential adverse impact upon other property in the area, or to carry out the general purpose and intent of the comprehensive plan and this title. In such cases, any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both extent and amount to the anticipated impacts of the proposed use or development.
2. No conditions of approval, except for those attached to variance approvals, shall be less restrictive than the requirements of this title or applicable special limitations.
3. Unless there is a time schedule stated as part of the approval or conditions of approval, all conditions of approval shall be met within one year of the date of approval (unless the condition is ongoing, such as a specification of hours of operation).

EXHIBIT A

N. Decision

Recommendations and decisions shall be made in accordance with title 4.

O. Lapse of Approval

1. The lapse of approval time frames established by the procedures of this title may be extended only when all of the following conditions exist:

a. The provisions of this title must expressly allow the extension;

b. An extension request must be filed prior to the applicable lapse-of-approval deadline; and

c. The extension request must be in writing and include justification.

2. Unless otherwise noted, authority to grant extensions of time shall rest with the decision-making body that granted the original approval (the one being extended).

P. New Application Required

If an application is inactive for one year awaiting action by the petitioner, the application shall be discarded and a new application shall be required.

21.03.030 ADMINISTRATIVE PERMITS

A. Applicability

It shall be a violation of law for any person to engage in a land use for which an administrative permit is required by this title without first obtaining such a permit. An administrative permit is required for the following uses:

1. Premises containing uses where children are not allowed (21.05.020B.);

2. Roominghouse (21.05.030B.4.);

3. Telecommunication tower and antenna (21.05.040K.)

4. Unlicensed nightclub (21.05.050D.8.c.);

5. Hostel in a residential zoning district (21.05.050J.3.); and

6. Bed and breakfast (21.05.070D.2.)

B. Administrative Permits

Except as otherwise allowed in this title, a permit issued by the director and pursuant to this section shall be valid between January 1 or the date of issuance and December 31 of either the year in which it is issued or the year after it is issued. Permits and renewals may be for one or two years, at the choice of the applicant. An application for renewal of a permit shall be submitted in the same manner as the original application and no later than December 1 immediately preceding the expiration date of that permit.

C. Regulations

The director may promulgate regulations to implement this section, as provided in AMC chapter 3.40. Permits shall be issued and renewed as outlined in the title 21 user's guide.

D. Appeals

Denial of an administrative permit may be appealed to the zoning board of examiners and appeals in accordance with subsection 21.03.050B.

EXHIBIT A

21.03.040 ALCOHOL—SPECIAL LAND USE PERMIT

A. Applicability

1. Any use that includes the retail sale of alcoholic beverages is subject to the review process set forth in this section. This process shall apply to such a use regardless of whether it is listed in the use table in section 21.05.010 as being permitted as a matter of right or subject to site plan review or the conditional use process. The applicant shall be required to obtain approval through both the process in this section and the separate process referenced in the use table.
2. Notwithstanding A.1. above, catering and special event permits issued by the state alcoholic beverage control board are exempt from these approval requirements, but shall meet AMC title 10 requirements and the following:
 - a. When multiple permits are issued for the same location, the permits shall be for discreet events, and shall not be used to avoid the special land use permit process; and
 - b. The catering and special event permit shall be reviewed by the chief of police in order to address any recurring problems at the site that have involved the police.
3. No modification of an existing special land use permit for alcohol shall be required for the first duplicate liquor license provided:
 - a. There is no increase in the square footage of the premise licensed for the retail sale or dispensing of alcoholic beverages; or
 - b. If there is an increase in the square footage of the licensed premise, such increase is five hundred square feet or less, whether or not the area of increase is used year-round. In such case the licensed business shall request a minor modification to their approval by submitting a site plan for department review, along with the fee specified in the user's guide. The department shall review the site plan for potential impacts including, but not limited to, parking, lighting, noise, and traffic.

B. General Standards

Any use, whether principal or accessory, involving the retail sale or dispensing of alcoholic beverages is permitted only by approval under this section. This provision applies to all uses, in all districts, involving the retail sale, dispensing, or service of alcoholic beverages including, but not limited to, liquor stores, restaurants, bars, dinner theaters, movie theaters, brew pubs, tearooms, and cafes, but applies only to the retail sale or dispensing of alcoholic beverages and not to related principal or accessory uses.

C. Application and Review Procedure

1. Application Submittal

Applications for a special land use permit for alcohol shall be submitted to the director after application is made to the state alcoholic beverage control board for issue or transfer of location of a liquor license. Applications shall contain a zoning map showing the proposed location and any other information specified in the title 21 user's guide. The assembly may promulgate regulations concerning the mandatory information to be submitted with the application for a special land use permit for alcohol.

2. Departmental Review

The department shall prepare and submit a report and a list of all licenses located within a minimum of 1,000 feet of the proposed use to the assembly, and shall address the conformity of the proposed application with this title and AMC chapter 10.50. The

EXHIBIT A

department shall also submit a proposed resolution for assembly consideration in connection with liquor license applications.

3. Public Notice

Notice shall be provided in accordance with section 21.03.020H., *Notice*.

4. Action

a. The special land use permit for alcohol for any use that includes the retail sale of alcoholic beverages, with the exception of a restaurant or eating place that sells beer and wine for consumption only on the licensed premises, shall be considered by the assembly. After holding a public hearing, the assembly shall approve, approve conditionally, or deny the application. In considering action, the assembly shall apply the criteria set forth in this title for conditional uses in section 21.03.080D., *Approval Criteria*. The assembly shall not take into consideration the sum paid by any person to acquire the license for which a permit is requested.

b. The special land use permit for alcohol for a restaurant or eating place that sells beer and wine for consumption only on the licensed premises, shall be considered by the director. In considering whether to approve, approve conditionally, or deny the application, the director shall apply the criteria set forth in this title for conditional uses in section 21.03.080D., *Approval Criteria*. The director shall not take into consideration the sum paid by any person to acquire the license for which a permit is requested. The director's decision may be appealed to the assembly.

5. Conditions of Approval

a. The assembly or the director may, in connection with an approval under this section, impose such special terms and conditions or modify existing conditions governing operation of that license as are in the public interest, and are consistent with the purposes of this title.

b. Conditions of approvals under this section are enforceable under the provisions of this title. The assembly may revoke such an approval for failure to comply with conditions of the permit, provided a public hearing with notice to the owner affected is first held.

c. The assembly may, at its discretion, modify the conditions of approval of a special land use permit for alcohol, when the assembly finds this is warranted by public safety concerns or negative impacts on surrounding properties. Before the assembly acts to modify the conditions of approval on a special land use permit for alcohol, notice shall be provided to the permit holder and in accordance with subsection 21.03.020H., and a public hearing shall be held.

d. A copy of the conditions imposed by the assembly or the director in connection with approval under this section shall be maintained on the premises involved at a location visible to the public.

6. Effect of Denial

An application for approval under this section that has been denied shall not be accepted for rehearing for a period of one year following such denial if the director finds the proposed application is substantially the same as that denied, and if no substantially new evidence or change in circumstances has occurred. This paragraph shall not apply to an application filed under assembly direction at a hearing at which a like application was considered. This paragraph does not apply if the alcoholic beverage control board remands a case that was previously denied.

EXHIBIT A

7. Expiration

An approval granted under this section shall expire:

- a. One hundred twenty days after the transfer of the license to sell alcoholic beverages from the premises has been approved by the state alcoholic beverage control board, unless there is an application filed with the control board prior to the expiration of the 120 day period;
- b. The use holding the permit has been discontinued, vacant, or inactive for a continuous period of at least one year; or
- c. If the operation of the business becomes substantially different from the business and operation reviewed by the assembly or the director when the alcohol approval was granted under this section, unless the licensee applies for and receives approval for a modification of the existing alcohol approval to reflect the change.

For the purposes of this section, "substantially different" means any material change in the operation of the business which could result in significant impact on the use and enjoyment of adjacent properties by property owners or occupants. A material change includes, without limitation, an increase in the late night or early morning hours of operation; a change involving the type of entertainment presented which results in an increase in noise level at the property line; or a change from a business which meets the requirements of the state alcoholic beverage control board statutes and regulations for a restaurant designation permit to a business which would not meet such requirements.

21.03.050 APPEALS

A. Appeals to Board of Adjustment

1. Jurisdiction of Board

The board of adjustment shall decide appeals:

- a. From decisions regarding the approval or denial of a preliminary plat (subsection 21.03.200C.);
- b. From decisions regarding the approval or denial of a variance from the all of the provisions of this title with the exception of subsection 21.05.040K., *Telecommunication Facilities*; chapter 21.06, *Dimensional Standards and Measurements*; and section 21.07.050, *Utility Distribution Facilities*;
- c. From decisions regarding the approval or denial of vacations of public and private interest in land where the platting board is the platting authority (section 21.03.230);
- d. From decisions regarding the approval or denial of a development master plan (subsection 21.09.030F.);
- e. From decisions regarding the approval or denial of applications for conditional uses (section 21.03.080); and
- f. From decisions regarding the approval or denial of applications for major site plan reviews (subsection 21.03.180C.).

2. Appellants Before Board

Decisions may be appealed to the board of adjustment by:

- a. Any municipal agency; or

EXHIBIT A

b. Any party of interest for the application, as defined in chapter 21.14.

3. Appellees Before Board

a. Appellees before the board may be:

i. The party in whose favor the lower administrative body's decision was rendered.

ii. Any municipal agency.

iii. Any party of interest for the application, as defined in chapter 21.14.

b. An appellee shall file a notice of intent to file a brief with the municipal clerk's office on a form prescribed by the municipal clerk, within 10 days after the deadline for filing an appeal. The municipal clerk shall serve notice to such appellees in writing of the date the record is available and of the date the appellant's brief is filed.

4. Perfection of Appeal; Notice of Appeal; Appeal Fee

a. Except as indicated in subsection 4.d. below for appeals regarding preliminary plats, a [A]n appeal to the board of adjustment must be perfected by the appellant within 20 days after the date of service of the decision. The appeal is perfected by the filing of a notice of appeal, appeal fee, and cost bond in accordance with this section.

b. The notice of appeal must be filed with the municipal clerk on a form prescribed by the municipality and must contain detailed and specific allegations of error. If the appellant is not the applicant, the appellant's notice of appeal shall include certificate of service on the applicant.

c. The appellant shall pay the current appeal fee. In addition, the appellant shall file a cost bond equal to the estimated cost of preparation of the record. Following completion of the record, the actual cost thereof shall be paid by the appellant. All costs and fees shall be returned to the appellant if the decision of the lower body is reversed in whole or in part.

d. To appeal a platting board decision regarding the approval or denial of a preliminary plat:

i. Any party of interest shall first file with the director, within seven days of the platting board's decision on the preliminary plat, a written notice of intent to appeal and a request for a written decision based upon the record made at the hearing.

ii. If such request is received in the stated time, the director shall prepare proposed written findings of fact and decision to submit to the platting board at its next regularly scheduled meeting, or as soon thereafter as possible.

iii. Platting board review of the written findings of fact and decision shall have priority over regular agenda items, and shall be approved, as amended by the board if necessary, and become the final appealable decision of the board.

iv. Once the final appealable decision of the platting board is adopted, any party of interest may, within 20 days, file an appeal or allege new evidence or changed circumstances. The appeal is perfected by the

EXHIBIT A

filing of a notice of appeal, appeal fee, and cost bond in accordance with this section.

5. New Evidence or Changed Circumstances

a. Allegations of new evidence or changed circumstances shall not be considered or decided by the board of adjustment. Allegations of new evidence or changed circumstances shall be raised by written motion for rehearing, filed with the municipal clerk within 20 days after the date of service of the initial decision of the lower administrative body.

i. The municipal clerk shall reject any motion filed more than 20 days after the date of service of the initial decision of the lower administrative body, without hearing or reconsideration by the lower administrative body.

ii. A decision of the lower administrative body on any issues remanded from the board of adjustment is not an initial decision as described in subsection 5.a. above.

iii. The municipal clerk shall reject any motion alleging new evidence or changed circumstances filed in response to a lower administrative body's decision on any issue(s) presented on remand.

b. If the written motion for rehearing is filed in a timely manner, the administrative body from which the appeal is taken shall decide whether to reopen and rehear the matter. A rehearing shall be held if the lower administrative body determines:

i. If true, that the alleged new evidence or changed circumstances would substantially change the decision of the body, and

ii. The party alleging new evidence or changed circumstances acted promptly and with diligence in bringing the information to the body's attention.

c. After a decision by the lower administrative body on alleged new evidence or changed circumstances, the time for appeal shall begin to run. Any party of interest may file an appeal within ten days after the date of service of the decision.

6. Appeal Record

a. The appellant shall arrange for the preparation of the transcript of the board hearing by a court reporter or the board and commission recording secretary and shall pay the cost of such preparation. The appellant shall file the transcript with the municipal clerk. If the appellant fails to file the transcript within 30 days after the filing of the notice of appeal, the municipal clerk shall reject the appeal.

b. Upon timely perfection of an appeal to the board of adjustment, the municipal clerk shall assemble an appeal record. The record shall contain:

i. A copy of the notice of appeal filed by the appellant.

ii. A verbatim transcript of the proceedings before the administrative body from which the appeal has been taken.

iii. Copies from the department of all documentary evidence, memoranda, exhibits, correspondence, and other written material submitted to the administrative body prior to the decision from which the appeal is taken.

EXHIBIT A

iv. A copy from the department of the written decision of the administrative body, including its findings and conclusions.

c. Upon completion of the record, the municipal clerk shall serve notice on the appellant of the cost of its preparation. If the appellant fails to pay the costs within seven days of receiving the notice, the appeal shall be rejected. Upon timely payment of costs, the municipal clerk shall serve a copy of the record on the appellant. The municipal clerk shall also serve notice on the appellees who have filed a notice of intent to file a brief that the record is available for pickup. Upon request, the municipal clerk shall provide a copy of the record to an appellee or the public. A copying cost for the record will be charged as set out in AMCR 3.90.002. The appellee shall also be charged any mailing costs.

7. Written Arguments

a. *Brief of Appellant*

The appellant may file a written brief of points and authorities in support of those allegations of error specified in the notice of appeal with the municipal clerk's office within 15 days after service of the appeal record. If the appellant files a brief, allegations of error specified in the notice of appeal and not included in the appellant's brief may be deemed waived or abandoned. The municipal clerk shall deliver a copy of the appellant's brief to the municipal staff assigned responsibility for the appeal. The municipal clerk shall also serve notice on those appellees who have filed a notice of intent to file a brief that the appellant's brief is available for pickup. Upon request, the municipal clerk shall provide a copy of the appellant's brief to appellees, who shall be charged copying costs as provided in AMCR 3.90.002 and any mailing costs applicable.

b. *Brief of Appellee*

An appellee who has filed a notice of intent to file a brief may also file with the municipal clerk's office a written response (appellee's brief) to the notice of points on appeal and any brief in support thereof within 15 days after service of notice by the municipal clerk that the appellant's brief is available for pick-up. The municipal clerk shall serve notice on the appellant that appellee briefs have been filed. The director may prepare and submit to the municipal clerk a written response (staff's brief) to the notice of appeal and any brief in support thereof within 15 days after service of notice by the municipal clerk that the appellant's brief is available for pick-up.

c. *Reply Brief*

An appellant may file a written reply brief to appellee briefs submitted pursuant to subsection 7.b. The appellant's reply brief is due within 15 days after service of notice by the municipal clerk that the appellee's brief is available for pick-up.

d. *Form of Briefs*

The municipal clerk shall not accept a brief unless it is in the form prescribed by this subsection.

i. *Required Attachments*

All briefs shall be filed with an attached copy of the ordinances and regulations principally relied upon, set out verbatim. All briefs shall also include an excerpt of record of the pages on which the brief relies.

ii. *Text of Brief, Exclusive of Attachments*

Briefs shall be typewritten on 8½- by 11-inch pages, double-spaced, with quotations over two lines being single-spaced and indented.

iii. *Page Limitation*

The brief of appellant and the brief of appellee are each limited to 25 pages exclusive of exhibits and attachments. The reply brief is limited to 10 pages exclusive of exhibits.

8. Appeal Packet; Notice of Hearing

Following the time set for the municipal clerk's receipt of all written argument from the appellant, the appellee, and the municipal staff, the municipal clerk shall prepare and distribute to the members of the board of adjustment an appeal packet containing only the appeal record assembled by the clerk and any briefs filed in accordance with subsection A.7. above. The board of adjustment shall set a date for consideration of the issues on appeal. The municipal clerk shall publish notice of the date in a newspaper of general circulation and shall serve notice by mail on the appellant and those appellees who have submitted briefs. The municipal clerk shall make appeal packets shall be made available to the public upon request with costs payable by the public as provided in AMCR 3.90.002.

9. Procedural Changes

Upon timely application and for good cause shown, the board of adjustment may relax or modify the procedural rules or the rules relating to costs contained herein for the orderly transaction of appeals before the board.

10. Conduct of Hearing

a. The meeting at which the board of adjustment deliberates and decides an appeal shall be open to the public and a record of the hearing shall be made.

b. The board of adjustment shall not hear argument nor take additional testimony or other evidence. The board of adjustment may consider only the material contained in the appeal packet.

11. Scope of Review

a. The board of adjustment shall consider an appeal solely on the basis of the record established before the lower administrative body, the notice of appeal, the briefs, and the law.

b. The board of adjustment may exercise its independent judgment on legal issues raised by the appellant. The term "legal issues," as used in this section, means those matters that relate to the interpretation or construction of ordinances or other provisions of law.

c. The board of adjustment shall, unless it substitutes its independent judgment pursuant to subsection 11.d. below, defer to the judgment of the lower administrative body regarding factual issues. Findings of fact adopted expressly or by necessary implication by the lower administrative body may be considered as true if they are supported in the record by substantial evidence. The term "substantial evidence," for the purpose of this section, means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion. If the record affords a substantial basis of fact from which the fact in issue may be reasonably inferred, it shall be considered that the fact is supported by substantial evidence.

d. The board of adjustment may, by unanimous vote, substitute its independent judgment for that of the lower administrative body on any disputed issues or findings of fact. such judgment must be supported on the record by substantial evidence.

12. Decision

a. The board of adjustment, by majority vote, may affirm, modify, or reverse the decision of the lower administrative body in whole or in part. A decision

EXHIBIT A

reversing or modifying the decision appealed from shall be in a form which finally disposes of the case on appeal except where the case is remanded in accordance with subsection 13.a. below.

b. Every decision of the board of adjustment to affirm, modify, or reverse the decision of the lower administrative body pursuant to subsection 12.a. above shall be based upon and include written findings and conclusions adopted by the board. Such findings must be reasonably specific so as to provide the community, and, where appropriate, reviewing authorities, a clear and precise understanding of the reason for the board's decision. The board may seek the assistance of legal counsel in the preparation of its decision.

c. Every final decision of the board of adjustment shall clearly state on its face it is a final decision with respect to all issues involved in the case, and that the parties have 30 days from the date of service of the decision to appeal to the superior court.

13. Remand

a. The case shall be remanded to the lower body where the board of adjustment determines any of the following:

i. There is insufficient evidence in the record on an issue material to the decision of the case;

ii. There has been a substantial procedural error that requires further public hearing; or

iii. The lower administrative body has made a legal error that, in the opinion of the board of adjustment, warrants a remand.

b. If the board of adjustment remands a case to the lower administrative body, the board shall describe any issue upon which further evidence shall be taken, and shall set forth any further directions the board deems appropriate for the guidance of the lower administrative body.

c. Cases on remand following a decision of the board shall take precedence over all other matters on the agenda of the lower administrative body.

d. A board of adjustment decision remanding a case on one or more issues is not a final decision with respect to any issues involved in the appeal. The board of adjustment's decision remanding the case is and shall state that it is the final decision with respect to all matters affirmed by the board of adjustment's decision, when, following service of the lower administrative body's decision on remand, no appeal is perfected within the period specified in subsection 21.03.050A.4. The decision shall also state that the parties have 30 days from the expiration of said period to appeal to the superior court.

B. Appeals to Zoning Board of Examiners and Appeals

1. Jurisdiction of Board

The zoning board of examiners and appeals shall hear appeals from decisions of the municipal staff regarding:

a. Interpretation of zoning district boundaries under subsection 21.01.050C.

b. Denial of an administrative permit under section 21.03.030.

c. Denial of a certificate of zoning compliance under section 21.03.060.

EXHIBIT A

- d. Interpretation of whether a conditional use amendment is major or minor under subsection 21.03.080D.2.
- e. Denial of an application for a flood hazard permit under section 21.03.090.
- f. Denial of an application for a building or land use permit under subsection 21.03.100 when such denial is based on the requirements of title 21, except for subsection 21.03.100E.
- g. Compliance with an institutional master plan under subsection 21.03.110F.
- h. Denial of a minor modification under section 21.03.120 when the director is the decision-making body.
- i. Denial of an application for a sign permit under subsection 21.03.170 when such denial is based on the requirements of title 21.
- j. Determination of use classification under subsection 21.03.220.
- k. Administrative variance for occupancy limits in assisted living facilities under subsection 21.03.240J.
- l. Denial of a verification of legal nonconforming status under section 21.03.250.
- m. Alleging an error in the enforcement or interpretation of the flood hazard **area** **[OVERLAY DISTRICT]** under subsection **21.07.020E** **[21.04.080D.]**
- n. Site enhancement plan for a self-storage facility under subsection 21.05.060D.4.
- o. Denial of or imposition of conditions on a certificate for legalization of nonconforming dimensional setback encroachment under section 21.12.030, or a certificate for legalization of lots created prior to September 16, 1975 under subsection 21.12.050C.
- p. Denial of administrative approval to reinstate a damaged nonconforming use under subsection 21.12.030C., or to rebuild a damaged nonconforming structure under subsection 21.12.040D.1.a.
- q. Overcoming presumption of abandonment under subsection 21.12.030E.
- r. Enforcement orders issued under chapter 21.13, *Enforcement*.
- s. Interpretation of general definitions and use definitions.

2. Initiation of Appeal

Appeals to the zoning board of examiners and appeals may be brought by any party of interest for the application.

3. Time Limit for Filing; Notice of Appeal; Appeal Fee

- a. An appeal of an administrative decision to the zoning board of examiners and appeals, as set out in subsection B.1. above, must be filed no later than 20 days after the date of service of the decision.
- b. Notice of appeal must be filed with the director on a form prescribed by the municipality and must contain detailed and specific allegations of error.
- c. The appellant shall pay an appeal fee as set by the assembly, which shall accompany the filing of the notice of appeal. The appeal fee shall be returned to

EXHIBIT A

the appellant if the decision of the lower administrative body is reversed in whole, and one-half of the fee shall be returned if the decision is reversed in part.

4. Scope of Review

The zoning board of examiners and appeals shall conduct a full evidentiary hearing on an appeal and make its decision on the basis of this title, the evidence, and the argument presented.

5. Notice and Public Hearing

a. A public hearing shall be held within 60 days of the filing of a proper notice of appeal.

b. Notice of the appeal hearing shall be published on the municipal public notice web page of the municipal website at least 14 days prior to the hearing, and, in addition, the appellant shall be sent a notice by mail at least 14 days prior to the hearing.

c. The zoning board of examiners and appeals may prescribe rules of procedure for additional notification in cases where a decision of the board would have a substantial effect on the surrounding neighborhood.

6. Decision

a. The zoning board of examiners and appeals may affirm or reverse the decision of the decision-making body in whole or in part. It shall require a majority of the full membership, minus those members who disqualify themselves with conflicts of interest in accordance with AMC title 4.

b. Every decision of the zoning board of examiners and appeals to affirm or reverse an administrative action shall be in writing and based on and include written findings and conclusions adopted by the board. Such findings must be reasonably specific so as to provide the community and, where appropriate, reviewing authorities, with a clear and precise understanding of the reasons for the board's decision.

c. Every final decision of the zoning board of examiners and appeals shall clearly state it is a final decision and that the parties have 30 days from the date of mailing, or other distribution of the decision to file an appeal to the superior court.

C. Appeal of Director's Decision

If the right to appeal the director's decision is not otherwise provided in this code, the decision of the director may be appealed to the board or commission that has decision-making and/or review authority over the type of issue being appealed as set forth in table 21.02-1.

D. Judicial Appeals—Judicial Review Authorized

In accordance with Appellate Rule 601 et seq., of the *Alaska Rules of Court*, a municipal officer, a taxpayer, or a person jointly or severally aggrieved may appeal to the superior court:

1. A final decision of the board of adjustment on an appeal from a decision regarding the approval or denial of an application for a conditional use.

2. A final decision of the municipal manager or platting board on an appeal from a decision of the building official regarding off-site improvements for a land use permit.

3. A final decision of the board of adjustment on an appeal from the platting board regarding an application for a subdivision.

4. A final decision of the zoning board of examiners and appeals.

EXHIBIT A

5. Any final action or decision under this title that is appealable to the superior court under the *Alaska Rules of Court* and/or laws of the state of Alaska.

21.03.060 CERTIFICATE OF ZONING COMPLIANCE

A. Purpose

A certificate of zoning compliance shall be required at the completion of any development in the municipality for which a permit is required, to ensure that the development complies with all applicable standards of this title.

B. Applicability

A certificate of zoning compliance shall be required prior to the occupancy of any building, structure, or land, except that temporary uses and structures in accordance with section 21.05.080, *Temporary Uses and Structures*, shall be exempt from certificate of zoning compliance requirements. Where issued, a certificate of occupancy shall be considered the certificate of zoning compliance.

C. Issuance

1. Certificate

Upon approval by the director, the building official shall issue a certificate of zoning compliance, which is valid as long as the conditions of the building or land use permit remain in effect.

2. Conditional Certificate

a. Upon approval by the director, the building official may issue a conditional certificate of zoning compliance for a specified portion or portions of a building prior to final completion of the entire building and/or site.

b. The conditional certificate shall be valid only for the period of time stated in the certificate, not to exceed 270 days.

c. Conditions that are attached to the conditional certificate of zoning compliance must be completed prior to the expiration of the certificate. When such conditions have not been completed prior to the expiration date of the conditional certificate, the certificate of zoning compliance shall immediately expire.

d. Upon receipt of a written application to the building official stating satisfactory reasons for the failure to complete work within the given time period, the building official may renew the certificate for a specified period of time, not to exceed 180 days.

e. Only one renewal may be granted, except that single family homes and phased projects may be granted more than one renewal.

3. Inside the Building Safety Service Area

Inside the building safety service area, the building official shall issue a certificate of zoning compliance in accordance with AMC 23.10.107.3, *Certificate of Occupancy Issuance*, when, after examination of the building, structure, landscaping, and/or other improvements or changes to the property, the municipality finds that the property complies with the applicable provisions of this title and other applicable ordinances and construction codes of the municipality. Where there is no construction or placement of a structure, or addition to an existing structure, no as-built survey is required. An as-built is not required for a fence.

4. Outside the Building Safety Service Area

Outside the building safety service area, the building official shall issue a certificate of zoning compliance when the municipality finds that the property complies with the

EXHIBIT A

applicable provisions of this title. An as-built survey certified by a surveyor registered with the state of Alaska is required for construction or placement of a structure, or addition to a structure. An as-built is not required for a fence.

a. For single- and two-family development, site inspection is not required. However, provisions of this title that cannot be verified by an as-built may be subject to physical examination of the property through a final zoning inspection.

b. For all other development, such finding shall follow an examination of the building/structure exterior, landscaping, and/or other improvements or changes to the property through a final zoning inspection.

5. Appeals

Denial of a certificate of zoning compliance may be appealed to the zoning board of examiners and appeals in accordance with subsection 21.03.050B.

21.03.070 COMPREHENSIVE PLAN AMENDMENTS

A. Purpose and Scope

This section provides uniform procedures, schedules, and review criteria necessary for amendments to the comprehensive plan. It includes allowances for concurrent comprehensive plan map and zoning map amendments.

B. Levels of Plan Review

The comprehensive plan should be reviewed and reassessed regularly in order to evaluate its effectiveness and adequacy in guiding the growth of the municipality and to determine whether or not the plan continues to meet the long-term planning needs of the municipality. Because this review need not necessarily result in the complete revision of the plan, several levels of review are contemplated in this section.

1. Complete Plan Revision (20-year Intervals)

The director shall initiate a full review and complete revision of the comprehensive plan at least once every 20 years, preferably following the decennial census. As part of this review, the director shall provide the planning and zoning commission with an overall assessment of the adequacy and effectiveness of the existing plan, including identification of new issues not adequately addressed, issues which require further study and investigation, and suggested improvements. The planning and zoning commission shall consider the staff assessment and shall recommend amendments or issues that the commission feels should be pursued or investigated. Any amendments shall follow the procedures of subsections C. and D. below.

2. Targeted Plan Review (10-year Intervals)

The director shall initiate a targeted review of the plan at least once every 10 years, or in conjunction with an area-wide rezoning, in order to make it consistent with economic and demographic trends, recent and proposed land use decisions, and adopted studies and plans. Any amendments shall follow the procedures of subsections C. and D. below.

3. Other Plan Amendments

In addition to the regularly scheduled reviews described above, any review or decision-making body, or the director of any municipal department, may propose a plan amendment at any time. All such proposals shall be processed in accordance with the procedures in subsections C. and D. below.

C. Procedure for Substantive Amendments

1. Procedure

a. Initiation

EXHIBIT A

A petition for amendment to the comprehensive plan may be initiated by any review or decision-making body, or, if accompanied by a rezone application, by a property owner.

b. Public Notice

i. Notice shall be provided in accordance with section 21.03.020H.

ii. Substantive amendments to be considered by the planning and zoning commission shall be available for public review at least 21 days in advance of the public hearing.

c. Departmental Review

The department shall review each proposed substantive amendment in light of the approval criteria set forth in subsection C.2. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the planning and zoning commission. This report shall include a discussion of all plans and policies that have been adopted by the municipality and are relevant to the proposed amendment.

d. Planning and Zoning Commission Action

The planning and zoning commission shall hold a public hearing on the proposed amendment. Based on testimony received, the department's report, and the approval criteria in subsection C.2. below, the commission shall recommend that the assembly approve, approve with modifications, or deny the proposed amendment.

e. Assembly Action

The assembly shall hold a public hearing on the proposed amendment. Based on the commission's recommendation, testimony received, and the approval criteria in subsection C.2. below, the assembly shall:

i. Approve the amendment by ordinance, either as submitted or with modifications suggested by staff, the planning and zoning commission, or the assembly;

ii. Reject the proposed amendment; or

iii. Refer the proposed amendment, and/or any substantial modifications proposed by the assembly, back to the planning and zoning commission or to a committee of the assembly for further consideration.

2. Approval Criteria

The planning and zoning commission may submit a recommendation for approval, and the assembly may approve an amendment if, in the judgment of the commission or the assembly, the amendment meets the following approval criteria:

a. The proposed amendment is necessary in order to address one or more of the following:

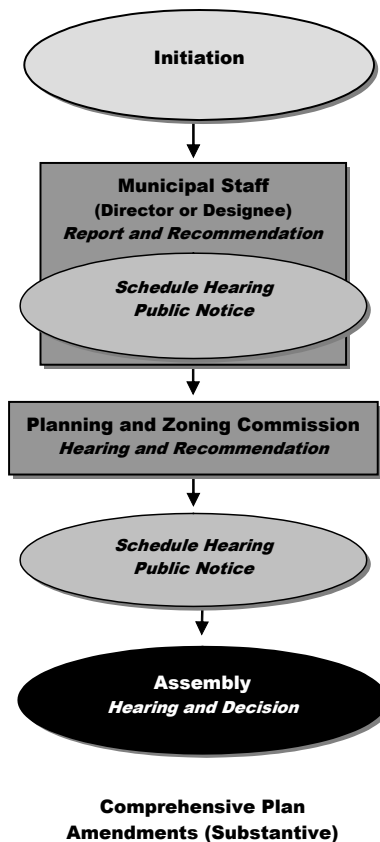


EXHIBIT A

- i. A change in projections or assumptions from those on which the comprehensive plan is based;
 - ii. Identification of new issues, needs, or opportunities that are not adequately addressed in the comprehensive plan;
 - iii. A change in the policies, objectives, principles, or standards governing the physical development of the municipality or any other geographic areas addressed by the comprehensive plan; or
 - iv. Identification of errors or omissions in the comprehensive plan.
 - b. The proposed amendment maintains the internal consistency of the comprehensive plan, and is consistent with the other elements of the comprehensive plan without the need to change other components of the plan to maintain internal consistency.
 - c. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the community.
 - d. If the proposed amendment is to the comprehensive plan map, the requested land use designation is found to be equally or more supportive of the comprehensive plan goals, objectives, policies, and guidelines, than the old land use designation.
 - e. If the proposed amendment is to the comprehensive plan map, the subject site is consistent with the adopted description and locational criteria for the requested land use designation, and is physically suitable to accommodate the proposed designation, including but not limited to access, physical constraints, provision of utilities, and compatibility with surrounding designations and development patterns.
3. **Concurrent Zoning Changes Allowed**
 - a. Requests for rezonings (zoning map amendments) may be considered concurrently with a comprehensive plan map amendment. The zoning map amendment shall be to a zone corresponding to the requested comprehensive plan map designation. Concurrent zoning map amendments shall meet all of the approval criteria of subsection 21.03.160E.
 - b. The planning and zoning commission shall submit its report and recommendation regarding the comprehensive plan map amendment to the assembly at the same time it submits the report and recommendation on the rezoning case. The assembly and planning and zoning commission shall consider the plan amendment proposal and rezoning request separately, and shall act separately on the two items.
- D. **Procedure for Cosmetic Amendments**
 1. **Initiation**

Any review or decision-making body, or director of any municipal department, may, at any time on their own motion, request that the director investigate and evaluate a specific cosmetic amendment proposal. No public hearing or public notification is required.
 2. **Departmental Review**

The department shall review each proposed cosmetic amendment and shall provide a report to the planning and zoning commission.

EXHIBIT A

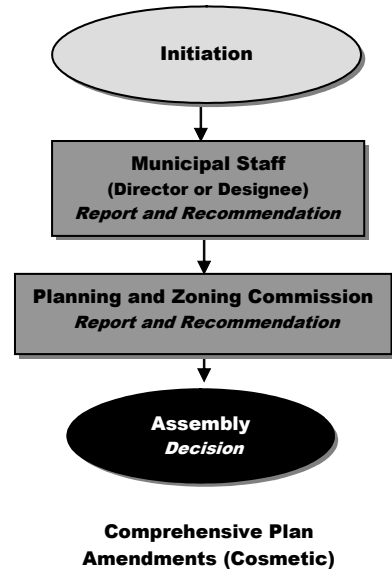
3. Planning and Zoning Commission Action

The planning and zoning commission shall submit, within a reasonable time, a report and recommendation to the assembly regarding whether or not the proposed amendment should be adopted as submitted, adopted with modifications, or rejected.

4. Assembly Action

The assembly shall consider the reports and recommendations of the planning and zoning commission and the director at a regularly scheduled assembly meeting, and will take action to either:

- a. Approve or deny the amendment;
- b. Approve the amendment with modifications; or
- c. Refer the matter back to the planning and zoning commission for further consideration.



21.03.080 CONDITIONAL USES

A. Purpose

The conditional use approval procedure is intended for situations where a use may or may not be appropriate in a district, depending on the specific location, the use characteristics, and potential conditions to decrease the adverse impacts of the use on surrounding properties and/or the community-at-large. It also provides a discretionary review process for uses with unique or widely varying operating characteristics or unusual site development features. The procedure provides public review and evaluation of a use's operating characteristics and site development features through a public hearing process.

B. Applicability

1. Land uses requiring conditional use approval are identified in table 21.05-1, *Table of Allowed Uses*, table 21.05-3, *Table of Allowed Accessory Uses*, [AND] table 21.09-1, *Table of Allowed Uses (Girdwood)*, table 21.09-2, *Table of Accessory Uses (Girdwood)*, table 21.10-4, *Table of Allowed Uses (Chugiak-Eagle River)*, and table 21.10-5, *Table of Accessory Uses (Chugiak-Eagle River)*.
2. This section shall not apply to remodeling, renovation, or repair to interior portions of structures that are subject to conditional use approval under this title, except those interior areas that affect conformity to the approval criteria for conditional use approval or the development and design requirements of this title.

C. Procedure

1. Initiation

An application for a conditional use approval shall be initiated by the owner(s) of the subject property.

2. Pre-Application Conference

Before filing an application, the applicant shall request a pre-application conference with the director, in accordance with subsection 21.03.020B.

3. Community Meeting

A community meeting is required in accordance with subsection 21.03.020C.

4. Application Submittal

EXHIBIT A

Applications for a conditional use approval shall contain the information specified in the title 21 user's guide, and shall be submitted to the director on a form provided by the department.

5. Public Notice

Notice shall be provided in accordance with section 21.03.020H.

6. Departmental Review

The department shall review each proposed conditional use approval application in light of the approval criteria of subsection D. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the planning and zoning commission.

7. Planning and Zoning Commission Action

The planning and zoning commission shall hold a public hearing on the proposed application and act to approve, approve with conditions, or deny the proposed conditional use, based on the approval criteria of subsection D. below.

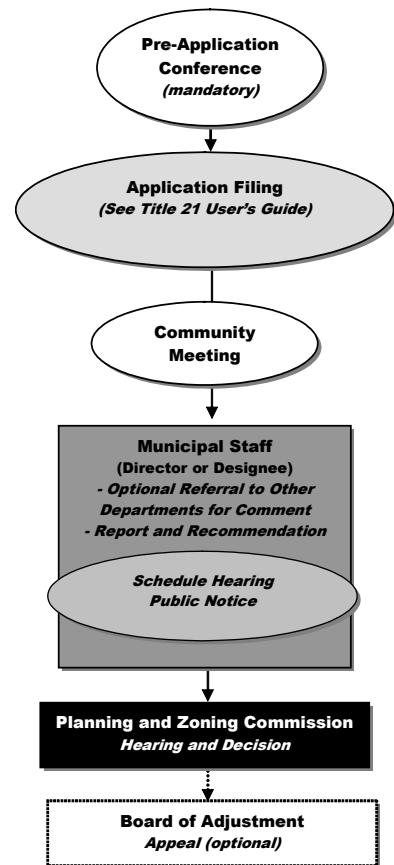
8. Appeal

Decisions on conditional use approvals may be appealed to the board of adjustment in accordance with subsection 21.03.050A.

D. Approval Criteria

The planning and zoning commission may approve a conditional use application if, in the judgment of the commission, all of the following criteria have been met in all material matters:

1. The proposed use is consistent with the comprehensive plan and all applicable provisions of this title and applicable state and federal regulations;
2. The proposed use is consistent with the purpose and intent of the zoning district in which it is located, including any district-specific standards set forth in chapter 21.04;
3. The proposed use is consistent with any applicable use-specific standards set forth in chapter 21.05;
4. The site size, dimensions, shape, location, and topography are adequate for the needs of the proposed use and any mitigation needed to address potential impacts;
5. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or prevents the use of surrounding properties for the permitted uses listed in the underlying zoning district;
6. The proposed use is compatible with uses allowed on adjacent properties, in terms of its scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);
7. Any significant adverse impacts anticipated to result from the use will be mitigated or offset to the maximum extent feasible;



Conditional Uses

EXHIBIT A

8. The proposed use is appropriately located with respect to the transportation system, including but not limited to existing and/or planned street designations and improvements, street capacity, access to collectors or arterials, connectivity, off-site parking impacts, transit availability, impacts on pedestrian, bicycle, and transit circulation, and safety for all modes; and

9. The proposed use is appropriately located with respect to existing and/or planned water supply, fire and police protection, wastewater disposal, storm water disposal, and similar facilities and services.

E. Amendments to Approved Conditional Uses

1. Original Procedure Applies for Most Amendments

Amendment of a conditional use approval shall follow the same process required for the original approval of a conditional use, unless the amendment is determined to be a minor amendment as described in subsection E.2. below.

2. Administrative Approval of Minor Amendments

The director may administratively approve minor amendments to any approved conditional use upon written application and documentation by the applicant, and upon the director's determination that the amendment is a minor amendment.

a. Procedure

i. Upon receiving a written request from the applicant for a conditional use amendment, the director shall determine if the proposed amendment will be processed as a minor amendment or major amendment. The applicant may appeal the director's decision in writing to the zoning board of examiners and appeals within 10 days of the decision.

ii. Immediately following the director's determination that a proposed amendment is minor, the director shall:

(A) Issue a minor amendment affidavit, which shall be transmitted to the planning and zoning commission for their information; and

(B) Attach a form stating the nature of the modification, date of approval, and bearing the signature of the director to the conditional use on file in the department.

iii. If the original approval had been recorded, the amended plan shall be recorded by the municipality at the applicant's expense.

b. Types of Minor Amendments

The following are amendments which the director may reasonably determine to be "minor":

i. Insubstantial changes to the text to add clarity or correct conflicting provisions.

ii. Changes in street alignment if such changes further the intent of the plan and this code, and are acceptable to the municipal engineer.

iii. Changes in building envelope, setback, and similar provisions of 10 percent or less.

iv. Incidental changes in landscaping, sign placement, lighting fixtures, etc. to further the intent of the plan and this code.

EXHIBIT A

F. Platting for Conditional Uses

1. If development under an approval under this section creates a subdivision or requires the vacation of a dedicated public area, the approval is not effective until a final plat for the subdivision or vacation is approved and recorded in accordance with this title. A preliminary plat required under this section is subject to approval as required by section 21.03.200, *Subdivisions*.
2. Unless the planning and zoning commission directs in the final approval that it shall act as the platting authority, the platting board is the platting authority for subdivisions under this subsection.
3. The platting authority under this subsection may require that any street right-of-way, walkway, utility easement, or other public area designated under the final approval be dedicated to the public.

G. Conditional Use for a Business-Industrial Park Planned Unit Development

1. Intent and Approval

A business-industrial park planned unit development (BIP-PUD) is intended to provide comprehensively planned commercial-industrial developments that are compatible with surrounding areas. BIP-PUD developments should have integrated, campus-style site plans designed to accommodate a variety of public/institutional, commercial, and industrial uses. High standards for architecture, landscaping, and site planning are encouraged. The planning and zoning commission shall evaluate the proposed planned unit development in accordance with the conditional use approval criteria at D. above.

2. Zoning District

A BIP-PUD is allowed only in the B-3 and I-1 districts. Business-industrial parks existing on January 1, 2014 in other zoning districts shall be considered conforming in those districts.

3. Allowed Uses

- a. For a BIP-PUD in the B-3 district, in addition to the uses allowed in the B-3 district, a developer may propose to include the following industrial uses in a BIP-PUD: general industrial service; governmental service; manufacturing, **general** [LIGHT]; warehouse **or**; wholesale establishment, **general**.
- b. For a BIP-PUD in the I-1 district, in addition to the uses allowed in the I-1 district, a developer may propose to include the following uses in a BIP-PUD: child care center, health services, and government administrative and civic facilities, if the location of the latter is consistent with subsection 21.05.040C.4.b.ii.
- c. For initial uses proposed in the BIP-PUD that require a conditional use approval, the conditional use application(s) may be combined with the BIP-PUD conditional use and treated as one application and approval process.

4. Development Agreement

The developer shall enter into a development agreement with the private development division, using the provisions established in subsection 21.03.100E., *Improvements Associated with Land Use Permits*.

5. Minimum Standards

All BIP-PUDs shall meet the following minimum standards, in addition to the applicable standards of this title. The planning and zoning commission may apply additional standards as it may deem necessary to meet the approval criteria.

- a. The minimum site area for a BIP-PUD is seven acres.

EXHIBIT A

- b. In keeping with a campus-style site plan, the number of access points to the BIP-PUD shall be limited to only what is necessary, as determined by the traffic engineer.
- c. Pedestrian walkways shall be provided to streets abutting the BIP-PUD. All transit stops abutting a BIP-PUD shall be connected to the internal street/sidewalk system by a pedestrian walkway. Where abutting streets have no transit stops, the BIP-PUD shall have a pedestrian walkway connection to the abutting street at least every 500 feet, unless the abutting street is a restricted access street without pedestrian facilities.
- d. L2 buffer landscaping shall be provided along the exterior lot lines of the BIP-PUD.
- e. A BIP-PUD shall have a defined internal street system, which shall have pedestrian facilities and landscaping in accordance with the provisions of this title. Streets shall allow vehicles to travel into and within the development. Driveways shall access parking areas.
- f. Except for stand-alone restaurants located along an outside edge of a BIP-PUD, all buildings shall have a common architectural character utilizing similar materials. The standards of 21.07.130 shall not apply.
- g. Maximum individual building footprint shall be 30,000 square feet.
- h. Individual tenancies for [INSTRUCTIONAL SERVICES;] health services; and office, business or professional, shall not exceed 5,000 square feet.
- i. Individual tenancies for government administration and civic facilities and religious assembly shall not exceed 15,000 square feet.
- j. Individual tenancies for instructional services and uses in the retail sales use category shall not exceed 20,000 square feet.
- k. The uses in the entire BIP-PUD may aggregate their parking as long as the following standards are met:
- i. Required parking for each use shall be located no farther than 800 feet from the primary entrance of the use;
 - ii. Relatively direct pedestrian pathways shall be available from required parking to each use;
 - iii. The sum of the required parking for all uses in the BIP-PUD, which may include parking reductions and alternatives noted in subsection 21.07.090F., shall be provided at all times.
- l. Loading areas and refuse collection areas shall be internal to the site and not located between any building and any BIP-PUD exterior lot line.
- m. The maximum floor area devoted to retail sales uses shall not exceed 35 percent of the total gross building area of the entire development.
- n. Outdoor storage and display is prohibited.

H. Conditional Use for a Residential Planned Unit Development

1. Intent and Approval

EXHIBIT A

A residential planned unit development (PUD) is intended to allow flexibility for residential development in the zoning ordinance and to achieve the creation of a more desirable environment than would be possible through a strict application of the zoning ordinance. The planning and zoning commission shall evaluate the proposed planned unit development in accordance with the conditional use approval criteria at D. above, and the following additional criteria:

- a. Creative use of the land, imaginative architectural design, a consolidation of usable open space and recreation areas, and the preservation of natural features.
- b. The mixing of compatible land uses, residential densities, and housing types within the neighborhood.
- c. The efficiency of the configuration of utilities, vehicular circulation, and parking facilities.
- d. Enhancing the surrounding environment.
- e. Maintaining population densities and lot coverage that are consistent with available public services and the comprehensive plan.

2. Minimum Standards

All planned unit developments shall meet the following minimum standards. In addition, the planning and zoning commission may require compliance with such other design standards relating to the construction, design, and placement of buildings, landscaping, streets, roadways, walkways, drainageways, and other site design features as it may deem necessary. A PUD shall comply with any special limitations of the zoning district. The user's guide may include guidelines to assist developers in meeting such standards.

a. **Minimum Site Area**

The minimum site area for a PUD shall be 2.0 acres for PUDs located entirely in the R-2M, R-3, and R-4 zoning districts. If any portion of a proposed PUD is located within the R-1, R-1A, R-2A, R-2D, R-5, R-7, GR-1, GR-2, GR-2A, GR-3, GR-4, or GR-5 zoning districts, the minimum site area shall be 5.0 acres. If any portion of a proposed PUD is located within the R-6, R-8, or R-9 zoning districts, the minimum site area shall be 10 acres.

b. **Open Space**

A minimum of 30 percent of the site shall be reserved as open space which shall meet the following standards:

- i. At least one-half of such open space shall be contiguous;
- ii. The open space shall not include public or private streets or rights of way; parking facilities, driveways, other motor vehicle circulation areas, loading areas, or refuse collection areas; slopes over 15 percent; 50 percent of designated snow storage areas; drainage easements, ditches, swales, or other areas intended to collect and channel water;
- iii. In class A districts, no portion of the required open space shall be less than 2,000 square feet in area or less than 30 feet in its smallest dimension, except for individual yards, balconies, or decks pursuant to b.iv. and b.v. below;
- iv. In class B districts, no portion of the required open space shall be less than half of the minimum lot size of the underlying district in area, or less

EXHIBIT A

than 100 feet in its smallest dimension, except for individual yards, balconies, or decks pursuant to b.v. and b.vi. below;

v. A minimum of 12 percent and a maximum of 50 percent of required open space shall consist of yards which shall be reserved for the residents of individual dwelling units; and

vi. In multistory buildings, balconies or decks may be used in lieu of individual yards provided that the total area of all balconies or decks is not less than the total yard area otherwise required.

c. **Design**

i. Any nonresidential use permitted in a PUD shall be compatible with the residential nature of the development. Parking areas which are intended to serve nonresidential uses shall be separated from those designed to serve residential areas. Unless nonresidential and residential uses are combined within a single structure, nonresidential uses shall be separated from dwelling units by L2 buffer landscaping.

ii. Pedestrian walkways shall connect residential and nonresidential uses within a PUD.

iii. L2 buffer landscaping shall be planted along each boundary of the PUD adjacent to a nonresidential district or a right-of-way designated for collector or greater capacity on the *Official Streets And Highways Plan*.

iv. Common open space with L3 screening landscaping shall be provided along any lot line abutting a residential neighborhood where any abutting lot is greater than 150 percent of the average lot size along that lot line of the PUD.

v. Any two adjacent buildings within a PUD shall be separated from each other by a distance equal to one-half the height of the taller building.

vi. Each dwelling unit shall be provided with either heated parking, or at least one electrical outlet that is convenient to the required parking space(s).

d. **Access and Connectivity**

PUDs shall comply with section 21.07.060, *Transportation and Connectivity*.

e. **Utility Installation**

All new utilities shall be installed underground.

f. **Homeowners' Agreements**

Any PUD which will involve the formation of a horizontal property regime under the terms of AS 34.07.010 et seq. or any mandatory homeowners' or similar association shall submit for review by the commission the articles of incorporation and bylaws of any such association prior to the sale of any property subject to the association. The commission may require any provisions necessary to ensure that the provisions and intent of this title are met.

3. **Development Options**

The following provisions allow the developer of the PUD to propose changes from the provisions of the underlying zoning district with regard to density, allowed uses, and dimensional standards. The extent of the changes to the standards shall be determined by the planning and zoning commission in accordance with the approval criteria of subsection F.1. above.

EXHIBIT A

a. **Density**

The number of dwelling units per acre allowable on the gross are of a PUD shall be determined by the planning and zoning commission. However, in no event shall the number of dwelling units per acre exceed the maximums established by the following schedule:

TABLE 21.03-2	
Zoning District	Dwelling Units per Acre (gross area)
R-1 and R-5	8
R-1A	6
R-2A	12
R-2D	15
R-2M	22
R-3	55
R-4	110
R-6	2
R-7	4.5
R-8	0.5
R-9	1.0
GR districts	As determined by the planning and zoning commission

b. **Uses**

The applicant may propose any residential use, and in class A zoning districts, may propose any commercial use that is allowed in the R-4 district in table 21.05-1. A PUD may not include the storage or use of mobile homes or quonset huts. Any nonresidential use must be specifically authorized as to its exact location, type, and size. In no event shall the total gross floor area of all nonresidential uses exceed 10 percent of the total gross floor area of the PUD.

c. **Dimensional Standards**

- i. Height limitations in the R-1, R-1A, R-2A, R-2D, R-2F, R-2M, R-6, R-7, R-8, R-9, GR-1, GR-2, GR-2A, GR-3, GR-4, or GR-5 zoning districts may be exceeded by an additional five feet. Height limitations in the R-3 and R-4 districts may be exceeded by an additional 10 feet.
- ii. The applicant may propose changes to minimum lot area, maximum lot coverage, and minimum setbacks for the PUD.

4. **Planned Unit Developments in the Turnagain Arm District**

PUDs in the TA district shall conform, with regard to uses and residential density, to the land use plans of the *Turnagain Arm Area Plan* and the standards of this section.

I. **Abandonment of Conditional Use**

An otherwise lawful conditional use approval shall expire if:

1. For any reason the conditional use is abandoned in its entirety for a period of one year or longer; or
2. The property owner notifies the planning and zoning commission of the abandonment of the conditional use approval. A conditional use shall not be abandoned under this subsection if the result of the abandonment is the creation of a nonconforming land use.

EXHIBIT A

21.03.090 FLOOD HAZARD PERMITS

A. Applicability

Any use, structure, or activity listed in the floodplain regulations (section 21.07.020E., [21.04.060D.], Flood Hazard Area Regulations [OVERLAY DISTRICT]) as requiring a flood hazard permit is prohibited until the issuance of such permit. Applications for flood hazard permits shall be made to the municipal engineer.

B. Application Contents

Any application for a flood hazard permit shall contain the following material:

1. The elevation in relation to mean sea level of the lowest floor, including basement or crawl space, of all structures;
2. The elevation in relation to mean sea level to which any structure has been floodproofed;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 21.07.020E.7, [21.04.060D.7.], Construction Requirements [(IN FLOOD HAZARD OVERLAY DISTRICT)]; and
4. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

C. Evaluation; Additional Information

Upon receipt of an application for a flood hazard permit, the municipal engineer shall transmit copies of the application, together with pertinent information, to interested and affected departments and agencies within the municipality, requesting technical assistance in evaluating the proposed application. The municipal engineer may require more detailed information from the applicant where special circumstances necessitate. Such additional information may include:

1. A valley cross section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross sectional areas to be occupied by the proposed development, and high water information.
2. Specification of proposed construction and materials, floodproofing, filling, dredging, grading, channel improvement, water supply, and sanitary facilities.
3. A profile showing the slope of the bottom of the channel or flow line of the stream.
4. A report of soil types and conditions.
5. Analysis of proximity to a dam break area.

D. Criteria for Issuance

Permits shall be issued if the application and supporting material demonstrate that:

1. The proposed use or structure poses a minimal increase in probable flood height or velocities caused by encroachment;

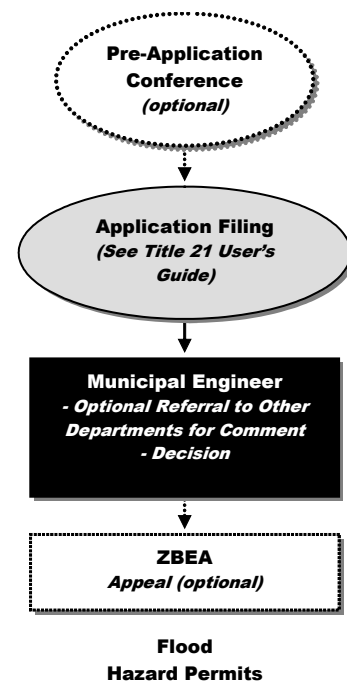


EXHIBIT A

2. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions will not be impaired by flooding;
3. The susceptibility of the proposed facility and its contents to flood damage is minimal;
4. There will be adequate access to the property in times of flood for ordinary and emergency vehicles;
5. The proposed use, structure, or activity is in conformance with all applicable land use regulations; and
6. All necessary floodproofing will be provided.

E. Time for Acting on Application

The municipal engineer shall act on an application in the manner described in this section within 30 days from receiving the application, except that, where additional information is required, the official shall act within 30 days of the receipt of such additional requested information.

F. Notice on Subdivision Plats

Where any portion of a subdivision is situated within a flood hazard **area** [DISTRICT], a note shall be placed on the plat that reads as follows: "Portions of this subdivision are situated within the flood hazard **area** [DISTRICT] as it exists on the date hereof. The boundaries of the flood hazard **area** [DISTRICT] may be altered from time to time in accordance with the provisions of section 21.07.020E4, [21.04.060D.3], *Creation of Flood Hazard **Area** [OVERLAY DISTRICT]; Official Flood Hazard Reports and Maps*. All construction activities and any land use within the flood hazard **area** [DISTRICT] shall conform to the requirements of **subsection** 21.07.020E., [21.04.060D.,] *Flood Hazard **Area Regulations** [OVERLAY DISTRICT]*."

G. Appeals

Denial of a flood hazard permit may be appealed to the zoning board of examiners and appeals in accordance with section 21.03.050B.

21.03.100 LAND USE PERMITS

A. Purpose

The land use permit process assures current and future property owners that the structures and land uses conform to the zoning code. Within the building safety service area, the land use permit also involves plan review and on-site inspections to insure that buildings meet the structural, plumbing, mechanical, electrical, and fire safety codes.

B. Applicability

1. In the Municipality

In the municipality, a land use permit shall be required prior to:

- a. **Construction of any structure placed on a permanent foundation or any addition to an existing structure that alters the footprint or height of the structure;**
- b. Construction or placement of **any** building **not on a permanent foundation** [OR ADDITION TO AN EXISTING BUILDING] whose floor area is **150** [120] square feet or greater;
- c. Changing the principal use of a building, as defined by "change of use" in chapter 21.14;
- d. Installation of telecommunication towers **and associated equipment;**

EXHIBIT A

- e. Construction of a fence over eight feet in height;
- f. Excavation of more than 50 cubic yards on any lot or tract;
- g. Filling or grading more than 50 cubic yards on any lot or tract; or
- h. Mechanized land clearing of more than one contiguous acre (chainsaws excluded).

2. Inside Building Safety Service Area

Inside the building safety service area, a building permit shall be considered the land use permit and shall be required in accordance with B.1. above and title 23. The issuance of a building permit may also be subject to the improvement requirements referenced in subsection E. below.

C. Procedures

1. Application Submittal

Applications for land use permits shall be submitted to the building official on the form provided.

2. Approval Procedure

- a. The building official shall review each application for a land use permit.
- b. The building official shall determine whether the application complies with all requirements of title 23. The director shall determine whether the application complies with all requirements of title 21, and shall inform the building official of his or her determination.
- c. The building official shall issue a land use permit upon finding that the application and the proposed work complies with the approval criteria of subsection D. below.
- d. A land use permit shall become null and void unless the work approved by the permit is commenced (see "start of construction" in chapter 21.14) within 12 months after the date of issuance. If after start of construction the work is discontinued for a period of 12 months, the permit therefore shall immediately expire. No work authorized by any permit that has expired shall thereafter be performed until a permit has been reinstated, or until a new permit has been secured.

3. Changes to Approved Permits

- a. After a land use permit has been issued, no substantial changes or deviations from the terms of the permit or the application and accompanying plans and specifications shall be made without the specific written approval of such changes or deviations by the building official.
- b. An amendment to a land use permit that requires payment of an additional fee, either because of an increase in the size of the buildings, a change in the scope of work, or an increase in the estimated cost of the proposed work, shall not be approved until the applicant has paid the additional fees and the amendment has been properly reviewed and approved for conformance with applicable codes.

4. Revocation of Land Use Permit

The issuing department may revoke and require the return of any land use permit by notifying the permit holder in writing, stating the reason for such revocation. The issuing department shall revoke land use permits for any of the following reasons:

- a. Any material departure from the approved application, plans, or specifications;

EXHIBIT A

b. Refusal or failure to comply with the requirements of this title or any other applicable state or local laws;

c. False statements or misrepresentations made in securing such permit.

5. Appeals

a. Denials or revocations of a land use permit relating to title 21 compliance, with the exception of those relating to subsection 21.03.100E, may be appealed to the zoning board of examiners and appeals in accordance with subsection 21.03.050B.

b. Denials or revocations of a land use permit relating to title 23 compliance may be appealed to the building board of examiners and appeals.

D. Approval Criteria

No land use permit shall be issued unless the building official determines that all required approvals have been granted and the plans comply with all applicable provisions of title 23, and the director determines the plans comply with all applicable provisions of this title.

E. Improvements Associated with Land Use Permits

1. Purpose

The purpose of this section is to determine what off-site public infrastructure improvements are reasonably necessary to serve a development, determine the portion of the demand for off-site public infrastructure improvement which is created by a development, and provide for dedications or improvements which are directly proportional to the development's demand for the public infrastructure improvements.

2. Improvements Required

The issuance of a land use permit under this section for the construction of a residential, commercial, or industrial structure on a lot, shall be subject to the permit applicant providing the easements, dedications, and improvements required for a subdivision in the same improvement area under chapter 21.08, *Subdivision Standards*. In applying the provisions of chapter 21.08, *Subdivision Standards*, under this section, the term "lot" shall be substituted for the term "subdivision," the term "permit applicant" shall be substituted for the term "subdivider," and the term "building official" shall be substituted for the term "platting authority."

3. Exceptions

The requirements in subsection E.1. above shall not apply to a land use permit to the extent that:

a. All construction associated with a single dwelling unit is located on a single lot, tract, or parcel, regardless of zoning district;

b. The traffic engineer determines that a street dedication or improvement is not required for traffic circulation;

c. A dedication or improvement has been provided to the applicable standard of chapter 21.08, *Subdivision Standards*;

d. A dedication or improvement will be provided under a subdivision agreement that has been entered into under section 21.08.060, *Subdivision Agreements*, or under an established assessment district;

e. The municipality has already appropriated funds to construct an improvement; or

EXHIBIT A

- f. The permit is for repairs, maintenance, emergencies, electrical, mechanical, or plumbing.

4. Standards for Requiring Dedications and Improvements

Where chapter 21.08, *Subdivision Standards*, grants discretion to determine whether a dedication or improvement will be required, or to determine the design standards for a dedication or improvement, the building official shall determine the requirement or standard that applies to a land use permit under this section by applying the following standards:

- a. The dedication or improvement shall be directly correlated to the occupancy of the structure that is the subject of the building or land use permit. The required dedication or improvement shall bear a rational nexus to the public facility improvement needs created by the development. The extent of a requirement shall be no greater than what is proportional to the impact of the development. Any required public use easement shall be removed when calculating density or lot coverage per the applicable zoning district. The building official may require the permit applicant to provide information or analyses to determine impacts as set out in the comprehensive plan's policies for transportation, transportation design and maintenance, and water resources on public facilities and adjacent areas, including without limitation the following:

- i. A traffic impact analysis, or similar information. The traffic engineer may require a traffic impact analysis if the same would be required for approval of a subdivision, conditional use, or site plan for similar development under this title.
- ii. A drainage study, or similar information. A drainage study may be required if the same would be required for approval of a subdivision, conditional use, or site plan for similar development under this title.
- iii. An estimate of the financial costs of impacts on public facilities and adjacent areas without the required improvements, including without limitation continuity of improvements, maintenance costs of public facilities, parking, drainage, noise and dust control, pedestrian and vehicle safety and access, and emergency vehicle access and response time.
- iv. Information concerning the consistency of the impacts of the proposed development with the comprehensive plan.
- v. A design of internal streets and location of fire hydrants satisfactory to the fire marshal for purposes of fire protection within the development. Outside the Anchorage fire service area, the state fire marshal's standards control.

- b. The building official shall consider relevant level of service standards, standards for adequate facilities, and/or design standards for public facilities.

- c. The estimated cost of constructing the improvement shall be reasonable when compared to the estimated cost of the proposed development under the land use permit. The determination of reasonableness shall be based on cost estimates for the improvement and the proposed development that the permit applicant or applicant's agent submits under penalty of perjury. If the building official determines that the estimated cost to the applicant to complete all the improvements required by this section is unreasonable in relation to the estimated cost of the proposed development, the building official may reduce or

EXHIBIT A

eliminate required improvements as necessary to make the relationship between such costs reasonable.

d. The building official shall consider the potential development of all adjacent parcels, lots, or tracts under common ownership, in addition to the lot, parcel, or tract that is the subject of the permit application, and the impacts associated therewith, in applying the standards in this subsection.

e. The building official may approve adjustments to the improvement requirements under this section to the extent that compliance with the standards would result in an adverse impact on natural features such as wetlands, steep slopes, or existing mature vegetation; existing development; or public safety.

5. Phasing of Installation

Except as provided in this section, all required improvements shall be constructed and accepted by the municipality before any certificate of zoning compliance is issued for the permitted construction. If the building official determines that it is not reasonable to require compliance with the preceding sentence, no permit may be issued until the applicant enters into an agreement for construction of the required improvements, with performance guarantees, in the form required for subdivision improvements under section 21.08.050, *Improvements*.

6. Warranty

All improvements required under this section shall be subject to the warranty and guarantee of warranty requirements provided for subdivision improvements in section 21.08.050, *Improvements*.

7. Oversizing

If an improvement exceeding the requirements of this section is requested by the municipality and is necessary for the adequate and efficient development of surrounding areas, the municipality may require the applicant to install or accommodate oversizing. Inside the Anchorage road and drainage service area, the municipality shall reimburse the applicant for the cost of the oversizing at least as soon as budgeted funds are available after completion and acceptance of the improvements. This subsection shall not be a limitation on the municipality's ability to require a utility to oversize its facilities or a limitation on the manner in which the municipality may pay its proportionate share of the costs of oversizing.

8. Fee in Lieu

A fee in lieu of the required improvements may be accepted if the building official determines:

a. That the improvements or construction activities associated therewith would create a potential undue safety hazard to motorists or pedestrians; or

b. Due to the nature of existing development on adjacent properties it is unlikely that improvements would be extended in the foreseeable future and the improvements associated with the development under review do not, by themselves, provide a sufficient improvement to safety or capacity or a sufficient benefit to the property to be developed under the building or land use permit to warrant construction.

c. Any fee paid pursuant to this section shall be accounted for separately, and the fee paid shall be dedicated and used only for the purpose of constructing the public facilities which were identified by the building official and for which the fee was paid.

EXHIBIT A

9. Fee Amount

The amount of the fee in lieu shall be the full cost of the improvements as estimated by an engineer registered as a professional engineer in Alaska. In the event the applicant or successor in interest later elects or is required to install improvements for which the fee was paid, the fee shall be refunded (without interest), so long as the claim for refund is filed within two years from the date of acceptance of the improvement.

10. Appeals of Improvement Standards

a. *Administrative Appeal*

A permit applicant may request an administrative appeal of a decision of the building official concerning required improvements under this section. The appeal shall first be to the director, and at the discretion of the applicant, may advance to the municipal manager. Notice of appeal shall be filed with the director not later than 30 days after the date of service of the decision, on a form prescribed by the municipality, and shall contain detailed and specific allegations of error. Decisions shall be reported in writing, including findings, within 30 days after the filing of an appeal.

b. *Administrative Appeal Advanced to Municipal Manager*

An appeal rejected by the director may be resubmitted with additional information for reconsideration by the municipal manager. If this advance appeal is elected, the applicant shall submit notice of appeal to the director not later than 10 days after the date of service of the decision. Final decision of the municipality shall rest with the municipal manager. The final decision shall be reported in writing within 10 days after the filing of the advanced appeal. The decision shall include written findings and the reason for the decision, and shall clearly state it is a final decision and that the parties have 30 days from the date of service of the decision to file an appeal to the superior court.

c. *Appeals to the Platting Board*

A permit applicant may alternatively appeal a decision of the building official concerning required improvements under this section to the platting board, using the procedure of appeals to the zoning board of examiners and appeals established in section 21.03.050B., except as follows: the applicant shall file a written notice of appeal with the secretary of the platting board not later than 10 days after receipt of written notice of the decision. The appeal shall be placed on the agenda of the next regularly scheduled platting board meeting that occurs not less than 60 days after the filing of the appeal. The platting board shall hear the appeal.

d. *Judicial Review*

A final decision of the municipal manager or the platting board may be appealed to the superior court, provided the applicant shall file such appeal within 30 days from the date of mailing, or other distribution of the decision.

21.03.110 MASTER PLANNING, INSTITUTIONAL

A. Purpose

The institutional master plan review process provides a framework for development of large institutions, such as hospitals and universities, that control large land areas within the municipality, and are a source of substantial employment, and that may contain a greater density of development than surrounding areas. An institutional master plan is intended to permit flexibility for a large institution to have greater control over its own land use decisions, while providing a level of understanding to the surrounding community about the potential growth of the institution and the resultant impacts, and to the municipality about the public infrastructures and services that may be necessary to serve the planning area and adjacent neighborhoods. The process is specifically intended to:

EXHIBIT A

1. Provide flexibility to institutions to carry out long-range building programs in accord with the institutional mission and objectives;
2. Provide a growing and continuing source of employment for the municipality that is easily accessible and well-integrated with surrounding neighborhoods and the local transportation system;
3. Create attractive and efficient urban areas that incorporate quality design and urban amenities;
4. Protect sensitive portions of the natural environment that are potentially affected by institutional development; and
5. Consider the impacts of institutional development on adjacent neighborhoods.

B. Applicability

An institutional master plan may be submitted and approved, in accordance with the procedures of this section, for any multi-building development site of 25 contiguous acres or more in common ownership in any zoning district or combination of districts. The process provides an alternative to the procedures and development and design standards of this title for institutions seeking to develop large, complex sites with multiple buildings and uses following a contextually aesthetic design theme. For the purposes of this section, the term contiguous acres means an area of lots and/or tracts whose boundaries either touch or are separated only by a street or other right-of-way.

C. Institutional Master Plan Requirements

1. Planning Area

The planning area for the institutional master plan shall include all the areas that are under the ownership and control of the institution, and for which the institution wishes to establish independent design and development standards under this section.

2. Submittal Requirements

An institutional master plan shall, at a minimum, include the following information unless the director determines that such information is not necessary to evaluate the proposed institutional master plan and the institution's future impacts on surrounding neighborhoods. Specific requirements for the full institutional master plan shall be determined by the director following the pre-application conference.

a. *Boundaries*

At least one aerial photograph taken during the three-year period preceding submittal of the institutional master plan shall be submitted under this section. The aerial photo or some other map shall depict existing zoning districts and surrounding properties within 1,000 feet of the planning area boundaries.

b. *Mission and Objectives*

The institutional master plan shall include a statement that defines the organizational mission and objectives of the institution and description of how development contemplated or defined by the institutional master plan advances the goals and objectives of the institution. The statement should describe the approximate number of people being served by the institution on the site, the number of people employed on the site, and the estimated maximum number of people present on the site for any single event or activity. The statement should include any projected changes in the size of those populations, and how such projections were calculated. It should also specify any services to be provided to residents in adjacent neighborhoods and in other areas of the municipality.

EXHIBIT A

c. Existing Property and Uses

The institutional master plan shall include a description of land, buildings, and other structures owned or occupied by the institution within the planning area boundaries as of the date of submittal of the institutional master plan. The following information shall be required:

- i. Illustrative site plans showing the footprints of each building and structure, together with roads, sidewalks, parking, landscape features, and other significant site improvements;
- ii. Land and building uses;
- iii. Gross floor area in square feet of each individual building;
- iv. Building height in stories and feet of each individual building; and
- v. A description of parking and loading areas and facilities, including a statement of the approximate number of parking spaces in each area or facility.

d. Needs of the Institution

The institutional master plan shall include a summary and projection of the institution's current and future land use needs within the planning area boundaries, such as, but not limited to, the following types of facilities:

- i. Academic;
- ii. Support services;
- iii. Research;
- iv. Office;
- v. Housing;
- vi. Patient care;
- vii. Assembly for public events, worship, cultural events, and the like;
- viii. Recreation and athletics;
- ix. Transit;
- x. Parking; and
- xi. Commercial spaces, not including concessionaire space that is intended to serve the institutional community.

e. Ten-Year Development Envelope

The institutional master plan shall include a description of the development expected to occur within the planning area boundaries within a 10-year time frame. The 10-year development description shall be the maximum amount of development proposed by the institution based on anticipated changes in total population and programs. The 10-year development description shall include the following:

- i. General location of the institution's needs (as listed in 2.d. above) in potential development areas as depicted on a site functional use map; and

EXHIBIT A

- 1 ii. Estimated total square footage of anticipated development in each
2 development area.

3 f. ***Development and Design Standards***

4 The institutional master plan shall include the elements listed below. These
5 elements may set different standards than those found in title 21. The plan shall
6 list the specific sections of title 21 for which different standards are to be
7 established by the master plan, and provide rationale for any different standards
8 proposed. Where different standards are approved in the institutional master
9 plan, those standards shall be applied instead of the corresponding standards in
10 title 21.

11 i. ***Borders and Boundaries***

12 Treatment along public rights-of-way and boundaries with other
13 landowners, with regard to building setbacks and landscape buffers.

14 ii. ***Transportation and Parking Management***

15 A transportation and parking management plan including how additional
16 parking demand and transit will be accommodated within the planning
17 area.

18 iii. ***Natural Resource Protection***

19 Identification of sensitive natural resources, including but not limited to
20 wetlands and flood plain delineation maps, within the planning area, and
21 the institution's plans for maintaining or mitigating impacts on those
22 sensitive areas. The institutional master plan shall not reduce or
23 otherwise weaken the natural resource protection standards of section
24 21.07.020.

25 iv. ***Open Space and Pedestrian Circulation***

26 Open space and pedestrian circulation guidelines and objectives,
27 including a description of the circulation system to be provided through
28 the planning area, plans for ensuring the accessibility of pedestrian areas
29 and open spaces, and links to surrounding community open space,
30 where appropriate.

31 v. ***Site and Building Design Standards***

32 Institutional design standards and objectives, identified through written
33 and graphic materials, that address the following issues:

34 (A) Dimensional standards for building setbacks, height, and lot
35 coverage;

36 (B) Site design and circulation;

37 (C) Landscaping and site amenities;

38 (D) Building orientation;

39 (E) Building massing and articulation;

40 (F) Building sustainability; and

41 (G) Northern climate design.

42 vi. ***Wayfinding and Signage***

43 A wayfinding and signage plan including building, vehicular, and
44 pedestrian signage.

EXHIBIT A

vii. *Timing*

A conceptual development schedule and phasing plan.

g. ***Twenty Year Development Areas***

The institutional master plan shall include written and graphic materials identifying future development areas beyond those noted in the 10-year development description. This information shall include, at a minimum, the general location and approximate scale of anticipated development that may occur within a 20 year period.

D. Procedures for Master Plan Approval

1. Initiation

An application for approval of an institutional master plan shall be initiated by the owner or managing agent of the subject property.

2. Pre-Application Conference

Before filing an application, an applicant shall request a pre-application conference with the director. See section 21.03.020B.

3. Community Meeting

A community meeting is required in accordance with subsection 21.03.020C.

4. Application Submittal

Applications for institutional master plan approval shall contain all information and supporting materials specified in the title 21 user's guide and in subsection C.2. above, and shall be submitted to the director on a form provided by the department. The director may require the submittal of such other information as may be necessary to permit the informed exercise of judgment under the criteria for the review of the plan, as set out in subsection E. below.

5. Departmental Review

The department shall review the proposed institutional master plan in light of the approval criteria set forth in subsection E. below, and shall distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the planning and zoning commission.

6. Public Notice

a. Notice shall be provided in accordance with section 21.03.020H.

b. Draft institutional master plans shall be available for public review at least 21 days in advance of the planning and zoning commission's public hearing.

7. Planning and Zoning Commission Action

a. The planning and zoning commission shall hold a public hearing on the proposed institutional master plan and, at the close of the hearing, recommend that the assembly approve the plan as submitted, approve the plan subject to conditions or modifications, or deny the plan, based on the approval criteria of subsection E. below.

b. If the planning and zoning commission recommends that the assembly approve a plan as submitted or with conditions or modifications, within 60 days of the commission's action the director shall forward the recommendation to the assembly.

c. If the planning and zoning commission recommends denial of a plan, that action is final unless, within 20 days of the commission's action, the applicant files a

EXHIBIT A

written statement with the municipal clerk requesting that the proposed institutional master plan be submitted to the assembly.

8. Assembly Action

The assembly shall hold a public hearing on the proposed institutional master plan. At the close of the hearing, taking into account the recommendations of the director and the planning and zoning commission, any public comment, and based on the approval criteria of subsection E. below, the assembly shall, within 90 days, approve the plan, approve the plan with modifications or conditions, deny the plan, or refer the plan back to the planning and zoning commission.

9. Approval of Final Institutional Master Plan

a. The approval of an institutional master plan expires 12 months after the date of approval by the assembly unless, before the approval expires, the applicant files the final institutional master plan, including any modifications or conditions required by the assembly, with the director.

b. The director shall certify the final institutional master plan within 60 days of filing by the applicant, or if the plan is not in compliance with the assembly's approval, the director shall issue a detailed list of reasons and recommended amendments to the final institutional master plan to achieve compliance.

c. Until the approval of an institutional master plan by the assembly and the filing by the applicant of a final institutional master plan accepting the modifications or conditions required by the assembly, the affected institutional shall continue to be governed solely by the provisions of title 21 other than this section.

E. Approval Criteria

An institutional master plan may be approved if the assembly finds that it is consistent with the comprehensive plan and will achieve the following:

1. Provides flexibility to the institution to plan and implement long-range development programs to achieve its institutional mission and objectives;
2. Facilitates the continuation of the institution as a major source of service and employment that is easily accessible and well integrated with surrounding neighborhoods and the public transportation system;
3. Provides that institutional facilities, especially those that are publicly funded, are well designed and constructed, include urban amenities, and are efficient to operate over their life-cycles;
4. Protects and mitigates effects of development on sensitive portions of the natural environment; and
5. Recognizes and addresses potential significant adverse impacts of institutional development on adjacent built environments, neighborhoods, and the community at large.

F. Compliance with Institutional Master Plan

1. Projects developed under the auspices of an approved institutional master plan are exempt from the review and approval procedures required in table 21.05-1.
2. Before a building permit or land use permit is issued for any project within an area covered by an approved institutional master plan, the director shall certify that the proposed project is consistent with the approved institutional master plan. The applicant

EXHIBIT A

shall submit a request for certification of consistency on a form provided by the department.

3. Such a certification shall be found if the proposed project is consistent or substantially consistent with the approved institutional master plan, or if the project is found to be not consistent with the approved institutional master plan, but the director finds the proposed project creates minimal impact according to the following criteria:

a. Not more than 25 percent of the proposed project is located outside the development areas depicted on the site functional use map;

b. The proposed project does not result in the addition of more than 10 percent additional square footage on a cumulative basis to the estimated total square footage of the affected site functional use category;

c. The project does not result in the creation of or the need for additional parking beyond that covered in the approved transportation and parking management element; and

d. The project does not result in the coverage of more than 25,000 square feet of site area.

4. A certification of consistency, finding of inconsistency, or finding of consistency subject to conditions, shall be issued within 45 days of receipt of an application for such certification.

5. If the director finds that a project is not consistent with the approved institutional master plan, the director shall issue a detailed list of reasons and recommended actions to achieve compliance.

6. The director may issue a finding of inconsistency, or a finding of consistency subject to conditions, only where the director finds that the matters resulting in the inconsistency, or the conditions to which the certification is made subject, are required by specific terms of the approved institutional master plan or any applicable title 21 provisions.

7. The director's decision may be appealed to the planning and zoning commission.

G. Modifications to Approved Institutional Master Plans

1. Minor Amendments

The director may administratively approve minor amendments to an approved institutional master plan upon written application. Minor amendments are defined generally as modifications to approved plans that do not affect land use or density in ways that would have significant adverse impacts on public facilities, utilities, traffic circulation, or other major infrastructure systems; or on surrounding neighborhoods or development.

2. Major Amendments

Major amendments of an approved institutional master plan shall follow the same process required for the original approval of an institutional master plan.

21.03.120 MINOR MODIFICATIONS

A. Purpose and Scope

This section sets out the required review and approval procedures for "minor modifications," which are minor deviations from otherwise applicable standards that may be approved by the director, the planning and zoning commission, or the urban design commission. Minor modifications are to be used when the small size of the modification requested, and the

EXHIBIT A

unlikely of any adverse effects on nearby properties or the neighborhood, make it unnecessary to complete a formal variance process.

B. Applicability

1. Minor Modifications to General Development and Zoning District Standards

As part of the review and approval of any procedure set forth in this chapter, the director, the planning and zoning commission, or the urban design commission may approve minor modifications of up to a maximum of five percent from the following general development and zoning district standards provided that the approval criteria of subsection D. below are met.

- a. Minimum lot area or setback requirements set forth in chapter 21.06, *Dimensional Standards and Measurements*;
- b. General development standards set forth in chapter 21.07, *Development and Design Standards*, except for the natural resource protection standards in subsection 21.07.020B.;
- c. The dimensional standards, site development and design standards, and building design standards set forth in chapter 21.09, *Girdwood Land Use Regulations* (sections 21.09.060, 21.09.070, and 21.09.080) and in chapter 21.10, *Chugiak-Eagle River* (sections 21.10.060 and 21.10.070).

2. Exceptions to Authority to Grant Minor Modifications

In no circumstance shall any decision-making body approve a minor modification that results in:

- a. An increase in overall project density;
- b. A change in permitted uses or mix of uses;
- c. A deviation from the district-specific standards set forth in chapter 21.04, *Zoning Districts*, section 21.09.040, *Zoning Districts (Girdwood)*, and section 21.10.040, *Zoning Districts (Chugiak-Eagle River)*, or the use-specific standards set forth in chapter 21.05, *Use Regulations*, section 21.09.050, *Use Regulations (Girdwood)* and section 21.10.050, *Use Regulations (Chugiak-Eagle River)*; or
- d. A change in conditions attached to the approval of any subdivision plan (section 21.03.200), site plan (section 21.03.180), conditional use (section 21.03.080), or rezone (special limitation) (section 21.03.160).

C. Procedure

1. Limitation on Minor Modifications

- a. An applicant may request application of the minor modification process to his or her development only once during the review process.
- b. In no instance may an applicant use the minor modification process to obtain approval for adjustments to more than three standards applicable to the same development.

2. Minor Modifications Approved by Director

For uses allowed by-right or when he or she is the decision-maker, the director may approve a minor modification allowed under this section at any time prior to final decision.

EXHIBIT A

3. Minor Modifications Approved by Planning and Zoning Commission, or Urban Design Commission

The planning and zoning commission, or urban design commission may approve a minor modification allowed under this section at any time before taking action on a development application.

4. Written Findings Noted on Pending Application

Staff shall specify in writing any approved minor modifications and the finding supporting such modifications on the pending development application for which the modifications were sought, which shall be included as part of the case record.

5. Appeals

Denial of a minor modification may be appealed to the same body as an appeal of the underlying approval process. For instance, denial of a minor modification in a conditional use application may be appealed to the board of adjustment, as the board of adjustment hears appeals of conditional use approvals. Denial of a minor modification associated with a permitted use may be appealed to the zoning board of examiners and appeals.

D. Approval Criteria

The decision-making body may approve the minor modification only if it finds that the modification meets all of the criteria below:

1. The requested modification is consistent with the comprehensive plan and the stated purpose of this title;
2. The requested modification meets all other applicable building and safety codes;
3. The requested modification does not encroach into a recorded easement;
4. The requested modification will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public, or such impacts will be substantially mitigated; and
5. The requested modification is necessary to either: (a) compensate for some practical difficulty or some unusual aspect of the site of the proposed development not shared by landowners in general; or (b) accommodate an alternative or innovative design practice that achieves to the same or better degree the objective of the existing design standard to be modified. In determining if "practical difficulty" exists, the factors set forth in section 21.03.240G., *Approval Criteria (for Variances)* shall be considered.

21.03.130 NEIGHBORHOOD OR DISTRICT PLANS

A. Purpose and Authority

1. Purpose

a. The purpose of this section is to allow and facilitate the development of neighborhood or district plans by citizen groups that are approved by the assembly. Neighborhood and district plans that are developed by local government are not subject to this section, but rather follow the process of section 21.03.070C., *Comprehensive Plan Amendments, Substantive*.

b. Neighborhood or district plans shall be guided by the elements of the comprehensive plan, as defined in section 21.01.080. Neighborhood or district plans should give specificity to the goals, objectives, policies, and strategies of the comprehensive plan. These plans shall supplement and elaborate on the comprehensive plan. The goal of a neighborhood or district plan is to protect and promote the positive elements of neighborhood or district character and identity,

EXHIBIT A

while promoting the orderly growth, improvement, and future development of the neighborhood, community, or municipality.

2. Authority

a. These procedures and minimum standards are established for the creation and review of plans for the development, growth, and improvement of the municipality, and its neighborhoods and communities. The plans may be sponsored, upon express approval of the assembly by resolution, by any group or organization representing the broad public interest, upon express approval by assembly resolution (hereafter called the "sponsor").

b. In order to obtain the approval of the assembly as a sponsor, any community council, group of councils, or other groups or organizations shall request a resolution from the assembly authorizing them to proceed with the development of a neighborhood or district plan. The group shall demonstrate, to the reasonable satisfaction of a majority of the assembly, that

i. They represent the broad public interest necessary to successfully develop a plan;

ii. They have read and understand the requirements of this ordinance, and that their proposed plan will comply with the standards set forth in this ordinance; and

iii. They have sufficient financial resources and a sufficient level of knowledge and expertise to warrant the expenditure of public resources as provided herein.

3. Policy Guidance

An adopted plan shall be an element of the comprehensive plan and shall serve as a policy to guide subsequent actions by municipal agencies. The assembly and the planning and zoning commission shall consider adopted plans in review of land use, zoning actions, and capital improvement programs, where consideration is consistent with the charter, the comprehensive plan, and general law. Agencies shall consider adopted neighborhood or district plans as guidance for actions, whether or not actions are subject to commission review. The existence of an adopted neighborhood or district plan shall not preclude the assembly, any municipal department or agency, or any board or commission of the municipality from developing other plans or taking actions not contemplated in the neighborhood or district plan affecting the same geographic area or subject matter.

B. Plan Submittal

1. Initiation Meeting

The sponsor of a plan shall meet with the department at the initiation of the planning process to discuss and clarify content requirements, scheduling, and other relevant issues. Periodically, the department shall report to the commission, and to the assembly by an assembly information memorandum (AIM) requiring no further action, on the progress of neighborhood or district plans underway.

2. Work Program

Following the initiation meeting, the sponsor shall prepare a work program which shall be submitted to the department for approval. The work program shall include a project schedule, a proposed table of contents, a proposed public participation plan, and at least three milestones at which times the sponsor shall meet with the department.

3. Submittal

Twenty-two printed copies along with an electronic version of all proposed plans shall be submitted to the department. The submittal shall include the name(s) and address(es) of the person(s) designated by the sponsor to be its representative(s) in any discussions of the plan.

C. Threshold Review and Determination

1. Department Review and Determination

Within 90 days of the submittal of a plan, the department shall review the plan and determine whether the plan meets the standards for form, content, and for consistency with sound planning, as set forth in subsection D. below.

a. If the department determines that the plan does meet the threshold standards of subsection D., the department shall distribute the plan for public review and commission public hearing as described in subsection E.

b. If the department determines the plan does not meet the threshold standards of subsection D., the staff shall provide written notification to the sponsor of all deficiencies with respect to form, content, process, and any changes, additions, or deletions which, in the opinion of staff, may correct such deficiencies.

2. Coordination of Plan Review

The department may determine, despite a finding of appropriate form, content, and sound planning policy, a proposed plan should not immediately proceed, due to other municipal planning efforts underway which should be coordinated with the plan. In such a case, the department shall develop an appropriate timetable for distributing the plan for public review and commission public hearings.

D. Standards

1. Form and Content

The form and content of all proposed plans shall be consistent with the following:

a. The plan shall state its sponsoring entity or entities and the names of the individuals who participated in the development of the plan.

b. A plan shall enhance or implement goals, objectives, policies, and/or strategies of the comprehensive plan and provide further detail and specificity. A plan may take the form of a master plan or targeted plan.

i. A master plan for a neighborhood, district, or other geographic area of the municipality may combine elements related to housing, industrial and commercial uses, transportation, land use regulation, open space, recreation, cultural features, health, economic vitality, community facilities, and other infrastructure.

ii. A targeted plan may consider one or a small number of elements of neighborhood, district, or municipal-wide problems or needs, and shall focus on issues related to the use, development, and improvement of land within the plan study area.

c. A plan shall not be limited to a single zoning district or a specific parcel in private ownership. A plan shall cover an identifiable, cohesive geographic area or neighborhood.

d. Plans shall be presented in clear language and coherent form with elements, chapters, or sections organized in logical sequence.

EXHIBIT A

e. Plans shall state goals, objectives, or purposes clearly and succinctly. Policy statements or recommendations shall contain documentation and explanation of the data, analysis, or rationale underlying each. Plans shall analyze and propose policies to address identified problems.

f. A plan shall contain, as applicable:

i. Inventories or description and analysis of existing conditions, problems, or needs; projections of future conditions, problems, or needs; and recommended goals and strategies to address those conditions, problems, or needs.

ii. Alternatively, or concomitantly with the elements described above, a plan may also contain a vision for a future end state and a strategy(ies) for achieving it.

The level of detail and analysis shall be appropriate to the goals and recommendations presented in the plan. The information and analysis relied upon to support the recommendations shall be sufficiently identified to facilitate later plan review, including accuracy and validity of the information and analysis. Supporting information may be contained in the form of narrative, maps, charts, tables, technical appendices, or the like.

g. A plan shall contain a land use plan map for the geographic area encompassed by the plan. The land use plan map shall propose appropriate land use categories, which generally include: residential, commercial, industrial, institutional, transportation, community facilities, parks, and natural open space. The land use plan map may provide more specificity than the general categories.

h. Plans shall be accompanied by documentation showing public participation in the plan formulation and preparation. Public outreach, such as surveys, workshops, hearings, or technical advisory committees, is recommended as a tool for community support and consensus, in addition to department, commission, and assembly approval.

2. Sound Planning Policy

a. Every plan, regardless of form and content, shall include discussion of:

i. Its long-range consequences;

ii. Impact on economic and housing opportunity for all persons, particularly low- and moderate-income, and persons with disabilities;

iii. Provision of future growth and development opportunities;

iv. Ability to improve the physical environment; and

v. Effect on the geographic distribution of municipal facilities.

b. A plan shall set forth goals, objectives, purposes, policies, strategies, and/or recommendations within the legal authority of the municipality.

c. A plan considering issues under the jurisdiction of specific municipal or state agencies shall disclose all agency comments.

d. A plan shall analyze its relationship to applicable policy documents, including all adopted elements of the comprehensive plan, as well as its relationship to adjoining neighborhoods and other areas.

EXHIBIT A

- e. A plan shall solicit input from residents, local businesses, agencies, and non-profit organizations local to the neighborhood, and demonstrate it has considered these comments on their merits.

E. Plan Distribution and Review

1. Plan Distribution

When, pursuant to subsection C. above, a plan is ready for public review, the department shall, within 30 days of its determination, provide copies of the plan simultaneously to all municipal and state agencies with jurisdiction over elements of the plan, and to all community councils. The department shall also make copies available to the general public at city hall and the planning and development center, and post the plan on the department website.

2. Public, Agency, and Community Council Review

a. Each community council may conduct its own review of the plan. Within a period of 120 days following receipt of the plan, the community council may provide written recommendation(s) to the department and the sponsor.

b. Members of the public and other municipal, state, or federal agencies may provide written comments to the department during the 120 day review period.

3. Department Review

The department shall review the plan during the 120 day review period, and prepare a staff report and recommendation for the commission. The department shall consider the neighborhood, community, and municipal-wide impacts and the long-term effects of the actions or policies recommended by the plan. The department shall also consider the impact of the plan on economic and housing opportunity, future growth and development, and the physical environment, including consistency of the plan with other adopted plans.

F. Planning and Zoning Commission Review

1. Schedule for Review

The commission shall schedule a public hearing within 60 days following the final day of the public review period.

2. Public Notice

Notice shall be provided in accordance with section 21.03.020H.

3. Planning and Zoning Commission Action

The commission shall vote, within 60 days following the close of the public hearing to recommend approval, approval with modifications, remand to the sponsor, or disapproval of the plan. In reviewing the substance of the plan, the commission shall consider the neighborhood, community, and municipal-wide impacts and the potential long-term effects from the actions or policies recommended by the plan. The commission shall consider the impact of the plan on economic and housing opportunity, future growth and development, and the physical environment, including consistency of the plan with other adopted plans, and any other pertinent adopted neighborhood or district plans. Any modifications recommended by the commission shall be consistent with the standards for form, content, and sound planning policy, as set out in subsection D. above.

4. Commission Findings

The commission's recommendation shall include findings describing its considerations and providing explanation for its determination. The findings may include recommendations for the implementation of plan elements. The recommendation shall be transmitted to the assembly for final approval.

EXHIBIT A

G. Assembly Adoption

1. Transmission to Assembly

The commission's recommendation shall be transmitted to the assembly for introduction within 45 days of the commission recommendation. The assembly shall schedule a public hearing not more than 45 days after introduction.

2. Public Notice

Notice shall be provided in accordance with subsection 21.03.020H.

3. Assembly Action

Within 45 days of the close of the public hearing, the assembly shall either:

- a. Adopt the plan;
- b. Adopt the plan with modifications;
- c. Remand the plan to the commission; or
- d. Not adopt the plan.

If the assembly adopts the plan with modifications, the modifications shall be consistent with the standards for form, content, and sound planning policy, as set out in subsection D. above. If the plan is adopted, either as proposed or with modifications, it shall become an element of the comprehensive plan as described in section 21.01.080.

H. Review and Revision

A plan shall be reviewed by the department concurrent with the review of the comprehensive plans as otherwise provided in this title to determine if the plan is consistent with the comprehensive plan. If the sponsor shows a major change of circumstances in the neighborhood or district, the sponsor may request a review of the plan before the end of any 10 year period. Any revisions shall be presented for adoption as an amendment to the plan, in accordance with the procedures set forth herein.

21.03.140 PUBLIC FACILITY SITE SELECTION

A. Purpose

This section sets forth a process by which the municipality shall review and decide upon selection of sites before certain public facilities may be authorized, or publicly owned land is designated as the site for certain public facilities.

B. Applicability

- 1. Unless exempted by subsection B.2. below, this section shall apply to the following government facilities that are not exempt by law from municipal land use regulation:
 - a. Any newly constructed building or buildings and any existing building acquired by purchase or lease, in which government operations or activities occupy more than a total of 50,000 square feet of gross floor area;
 - b. Any use of land over 20 acres in area (not including projects covered under section 21.03.190, *Street and Trail Review*);
 - c. Public schools;
 - d. Fire stations, unless such station is determined by the director not to have impacts on the surrounding neighborhood;

EXHIBIT A

-
- 1 e. Any sports, entertainment, or civic center designed for more than 1,500
2 spectators;
- 3 f. Any public snow disposal or landfill site; and
- 4 g. A facility that, in the judgment of the director, warrants a public process for site
5 selection due to the potential for significant impacts on surrounding properties.
- 6 2. This section shall not apply to the following:
- 7 a. Any site that is:
- 8 i. Designated for the subject use on a municipal plan adopted by the
9 assembly;
- 10 ii. Part of an area, development, or institutional master plan;
- 11 iii. Determined by a dedication to the municipality on a final plat approved
12 and recorded in accordance with this title; or
- 13 iv. Subject to approval of a conditional use under this title.
- 14 b. Any facility site selection reviewed by the commission or approved by the
15 assembly before January 1, 2014;
- 16 c. Any facility site selection for which over \$500,000 has been expended for design
17 or construction before January 1, 2014.
- 18 **B. Community Meeting**
- 19 A community meeting is required in accordance with subsection 21.03.020C.
- 20 **C. Required Information**
- 21 The agency proposing a site selection shall submit to the commission all information identified in
22 the user's guide. This information shall include, but need not be limited to, an evaluation of
23 alternative sites, or an explanation why no alternative sites were considered.
- 24 **D. Public Notice**
- 25 Notice shall be provided in accordance with subsection 21.03.020H.
- 26 **E. Departmental Review**
- 27 1. The department shall review each proposed site selection application in light of the
28 approval criteria set forth in subsection I. below, and distribute the application to other
29 reviewers as deemed necessary.
- 30 2. Based on the results of those reviews, the department shall provide a report to the
31 planning and zoning commission.
- 32 3. For school site sections, the department shall also provide the report to the Anchorage
33 school board for its review and recommendation.
- 34 **F. Planning and Zoning Commission**
- 35 1. The commission shall review the RFP criteria (or similar guidelines) or the site
36 alternatives for any applicable facility.
- 37 2. The commission shall hold a public hearing.

EXHIBIT A

3. For school site selections, the school board and the commission may meet in a joint public hearing; however, the school board and the commission shall separately consider and make recommendations to the assembly. Both recommendations shall then be forwarded as a package to the assembly for approval.

4. For site selections of municipal facilities, the commission shall make a recommendation to the assembly, based on the approval criteria of subsection I. below.

5. For all other site selections, the commission shall decide on the proposed site based on the approval criteria of subsection H. below.

G. Assembly Action

For municipal facilities, upon receipt of the recommendations from the commission (and the Anchorage school board if applicable), the assembly may, based on the criteria of subsection I. below and at its discretion, hold a public hearing and take one of the following actions:

1. Approve a specific recommended site;

2. Approve a specific evaluated site;

3. Reject some or all recommended sites; or

4. Remand the evaluated and recommended sites to the commission (and the school board if applicable) for further investigation, review, and evaluation.

H. Approval Criteria

The commission shall review the proposed site for consistency with the goals, policies, and land use designations of the comprehensive plan and other municipal plans adopted by the assembly, conformity to the requirements of this title, and the effects of the proposal on the area surrounding the site. The following specific criteria shall be considered:

1. Whether the site will allow development that is compatible with current and projected land uses;

2. Whether the site is large enough to accommodate the proposed use and future additions or another planned public facility;

3. Whether the proposed government use and its intensity is compatible with the surrounding district and adopted policies for future development in the district;

4. Whether adequate utility and transportation infrastructure is available to the site;

5. Whether the site is located near a transit route, if applicable;

6. Whether there are existing or planned walkways connecting the site to transit stops and surrounding residential areas, where applicable;

7. The environmental suitability of the site;

8. The financial feasibility of the site, including maintenance and operations; and

9. Whether the proposed site for major municipal, state, and federal administrative offices conforms with the adopted policy priority for locating in the Central Business District. Satellite government offices and other civic functions are encouraged to locate in regional or town centers if practicable.

EXHIBIT A

I. Request for Assembly Hearing

1. Decisions by the planning and zoning commission are final unless, within 20 days of the date of service, any party of interest requests an assembly hearing in a letter sent to the director.
2. The assembly may hold a public hearing on the case at its discretion.

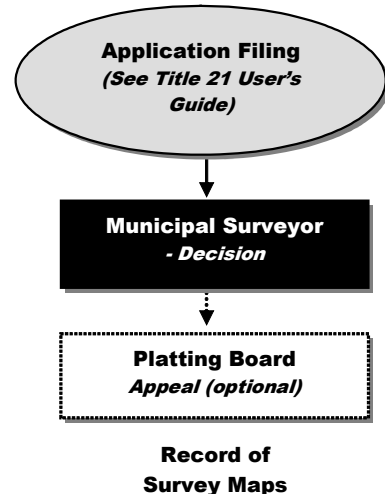
21.03.150 RECORD OF SURVEY MAPS

A. Purpose and Authorization

The purpose of this section is to provide for the approval of record of survey maps to be filed with the district recorder for the state. Record of survey maps shall be reviewed and approved in accordance with this section.

B. Use of Record of Survey Maps

1. A record of survey map is a map depicting the exterior boundaries of a legally created lot, parcel, or tract, and includes a correction to a record of survey map.
2. A record of survey map shall not be used to depict the boundaries of a lot, parcel, or tract, which lot, parcel, or tract was created or subdivided contrary to law. A record of survey map shall not subdivide property or recombine lots into acreage, and any record of survey map purporting to do so shall be null and void.



C. Application Submittal

Applications for approval of a record of survey map shall contain the information specified in the title 21 user's guide, and shall be submitted to the platting officer on a form provided by the department.

D. Monuments

Monuments set for the survey shall conform to the standards of the public works department.

E. Approval

A record of survey map is subject to approval by the municipal surveyor, who shall approve a record of survey map if it conforms to this section.

F. Appeals

All decisions of the municipal surveyor under this section shall be final unless appealed to the platting board within 15 days of the date of approval.

21.03.160 REZONINGS (ZONING MAP AMENDMENTS)

A. Purpose and Scope

The boundaries of any zone district in the municipality may be changed or the zone classification of any parcel of land may be changed pursuant to this section. This section states the procedures and approval criteria necessary to process an amendment to the official zoning map. Zoning is not effective if it is too easily or frequently changed. Zoning is intended to provide a degree of certainty that is important for long-term investment and neighborhood cohesion and stability. The purpose of rezoning is not to relieve particular hardships, nor to confer special privileges or rights on any person, but to make adjustments to the official zoning map that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the municipality. Rezoning shall not be used as a way to

EXHIBIT A

legitimize nonconforming uses or structures, and should not be used when a conditional use, variance, or minor modification could be used to achieve the same result.

B. Minimum Area Requirements

A rezoning shall only be considered for properties totaling 1.75 acres (76,230 square feet) or more (excluding rights-of-way), except for:

1. A rezoning extending the boundaries of an existing zoning district; or
2. A rezoning initiated by the municipal administration to place municipally owned land in a PLI, PR, DR, GIP, [OR] GOS, **CE-PLI, CE-PR, or CE-DR** zoning district.
3. A rezoning into the B-1A district.

C. When a Comprehensive Plan Map Amendment is Required

Zoning map amendments may also require an amendment to the comprehensive plan map. Determination of whether the comprehensive plan map must also be amended is based upon whether the proposed zoning map amendment is to a zone consistent with the comprehensive plan map. If an amendment to the comprehensive plan map is required, the zoning map amendment can only be made if the amendment to the comprehensive plan map is approved first. Both amendments may be processed concurrently, as provided in subsection 21.03.070C.3.

D. General Procedure

1. Initiation

- a. A rezoning may be initiated by the assembly, the planning and zoning commission, or by the administration.
- b. In addition, any person may initiate a rezoning by submitting a petition favoring the rezoning signed by the owners of at least 51 percent of the area within the property to be rezoned. For the purposes of this subsection, an owner of property subject to the Horizontal Property Regimes Act (A.S. 34.07) owns a percentage of the appurtenant common areas equal to the percentage for that property stated in the recorded declaration committing the property to the Horizontal Property Regimes Act.
- c. A rezoning application shall expire one year after submittal unless a public hearing on the application has been held by the assembly on or before that date; provided, however, that the director may extend the application for six months if the reason for the delay was due to circumstances beyond the control of the applicant.
- d. Rezoning shall precede corps of engineers wetland permit applications.

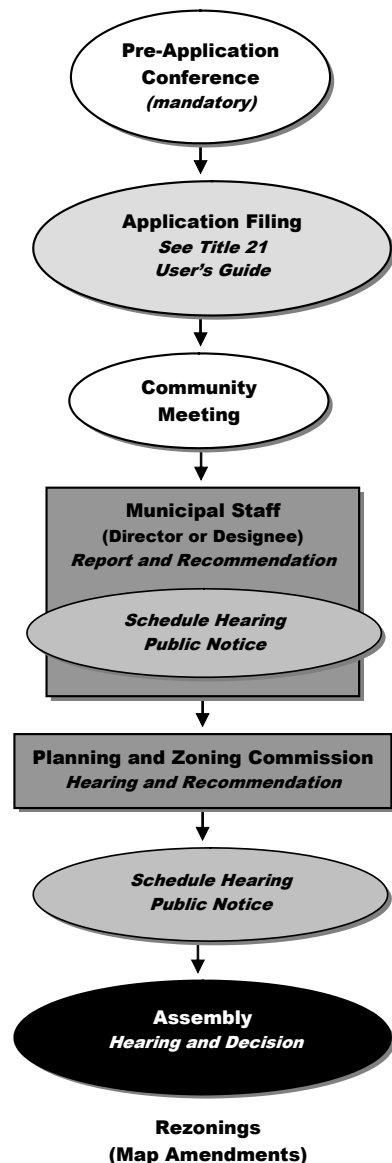


EXHIBIT A

1 **2. Pre-Application Conference**

2 Before filing an application, a private-party applicant shall request a pre-application
3 conference with the director, in accordance with subsection 21.03.020B.

4 **3. Community Meeting**

5 A community meeting is required in accordance with subsection 21.03.020C.

6 **4. Application Submittal**

7 Applications for a rezoning shall contain the information specified in the title 21 user's
8 guide, and shall be submitted to the director on a form provided by the department.
9 Additional materials may be required for certain types of rezoning, such as rezoning with
10 special limitations.

11 **5. Public Notice**

12 Notice shall be provided in accordance with section 21.03.020H. In addition, the
13 published and written (mailed) notice for the public hearing before the assembly shall list
14 the protest provisions set forth in subsection D.9. below.

15 **6. Departmental Review**

16 The department shall review each proposed rezoning in light of the approval criteria in
17 subsection E. below and distribute the application to other reviewers as deemed
18 necessary. Based on the results of those reviews, the department shall provide a report
19 to the planning and zoning commission.

20 **7. Planning and Zoning Commission Action**

21 a. The planning and zoning commission shall hold a public hearing on the proposed
22 rezoning and, at the close of the hearing, taking into account the
23 recommendations of the department and public input, and based upon the
24 approval criteria of subsection E. below, shall recommend approval, approval
25 with special limitations or other modifications (at least as restrictive as submitted
26 in the application), or denial. The commission shall include written findings
27 based on each of the approval criteria. The planning and zoning commission
28 shall supplement any denial recommendation with a summary of critical issues
29 related to the application, based upon public input and the commission's
30 deliberations. This information will be available to assist the assembly if an
31 ordinance is submitted under subsection 7.c. below.

32 b. If the commission recommends approval or approval with special limitations or
33 other modifications, within 60 days of the commission's written resolution, the
34 director shall forward the recommendation to the assembly with an ordinance to
35 amend the official zoning map in accordance with the recommendation.

36 c. If the commission recommends denial, the amendment shall be deemed
37 disapproved unless, within 15 days of the commission's written resolution
38 recommending denial, the applicant files a written statement with the municipal
39 clerk requesting that an ordinance amending the zoning map as set out in the
40 application be submitted for action by the assembly. The draft ordinance shall be
41 appended to an Assembly Informational Memorandum (AIM) for consideration by
42 the assembly.

43 **8. Assembly Action**

44 The assembly shall hold a public hearing on the proposed rezoning and shall, at the
45 close of the hearing, taking into account the recommendations of the department,
46 planning and zoning commission, and public input, and based upon the approval criteria
47 of subsection E. below:

48 a. Approve the zoning map amendment as submitted in the application to the
49 planning and zoning commission;

Chapter 21.03: Review and Approval Procedures
Sec.21.03.160 Rezoning (Zoning Map Amendments)

- Amendments – Fall 2013**
Page 3-59

EXHIBIT A

1. The rezoning shall be in the best interest of the citizens of Anchorage and shall promote the public health, safety, and general welfare;
2. The rezoning complies with and conforms to the comprehensive plan, including the comprehensive plan map(s);
3. The rezoning is generally consistent with the zoning district purpose in the requested zone, and the purpose of this title;
4. The rezoning is compatible with surrounding zoning and development, and protects areas designated for specific uses on the zoning map from incompatible land uses or development intensities;
5. Facilities and services (including roads and transportation, water, gas, electricity, police and fire protection, and sewage and waste disposal, as applicable) are capable of supporting the uses allowed by the zone or will be capable by the time development is complete, while maintaining adequate levels of service to existing development;
6. The rezoning is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts shall be substantially mitigated;
7. The proposed rezoning is not likely to result in significant adverse impacts upon adjacent land uses, or such impacts shall be mitigated through stipulations;
8. The rezone does not extend or exacerbate a land use pattern that is inconsistent with the comprehensive plan; and
9. The rezoning shall not result in a split-zoned lot.

F. Flexibility of Interpretation

The comprehensive plan map and the approval criteria of subsection E. above may be interpreted with flexibility within the following parameters:

1. A proposed rezoning that is to a district that does not correspond to the comprehensive plan map may be considered if processed concurrently with a related amendment to the comprehensive plan map following the procedures of subsection 21.03.070, *Comprehensive Plan Amendments*.
2. Where the location of comprehensive plan map designation boundaries appear generalized or uncertain, proposed zoning amendments on or near the boundaries shall be treated as follows:
 - a. Areas clearly within a particular comprehensive plan map designation shall follow the standards of that designation.
 - b. The designation of areas at or near boundaries on the comprehensive plan map shall be interpreted in accordance with the goals, objectives, policies, and guidelines of the comprehensive plan, including locational criteria for designations on the comprehensive plan map.
3. Interpretation shall not be a basis for cumulative encroachment by incompatible land uses.

EXHIBIT A

G. Rezoning with Special Limitations

Pursuant to this subsection, a rezoning may include special limitations that restrict some aspects of development, to a greater degree than otherwise provided for a zoning district applied by the rezoning.

1. Purposes

A rezoning may include special limitations for one or more of the following purposes:

- a. To prohibit structures, or uses of land or structures, that would adversely affect the surrounding neighborhood or conflict with the comprehensive plan.
- b. To conform the zoning map amendment to the comprehensive plan, or to further the goals and policies of the comprehensive plan.
- c. To conform development under the zoning map amendment to existing patterns of development in the surrounding neighborhood.
- d. To mitigate the adverse effects of development under the zoning map amendment on the natural environment, the surrounding neighborhood, and on public facilities and services.

2. Types of Limitations

A special limitation shall do one or more of the following:

- a. Limit residential density; or prohibit structures, or uses of land or structures, otherwise permitted in a zoning district.
- b. Require compliance with design standards for structures and other site features.
- c. Require compliance with a site plan approved under this title.
- d. Require the construction and installation of improvements, including public improvements.
- e. Impose time limits for taking subsequent development actions.

3. Effect of Approval

- a. A zoning district subject to special limitations shall be identified on the zoning map by the suffix "SL," and the number of the ordinance applying the special limitations shall be printed on the zoning map.
- b. Where a special limitation in a zoning map amendment conflicts with any less restrictive provision of this title, the special limitation governs.

H. Rezoning to Create, Alter, or Eliminate Overlay Districts

1. Purpose and Applicability

The assembly may, through the rezoning process, establish overlay districts that supplement the requirements of the underlying base zoning districts, in order to address special land use needs, to meet an objective of the comprehensive plan or neighborhood plan, or other specific planning objective. A rezoning for an overlay district may be applied to the zoning map in order to:

- a. Permit, require, prohibit, or restrict structures or the use of land or structures;
- b. Alter the provisions of the use-specific requirements as applied to property within the overlay district;

EXHIBIT A

- c. Require new development or attributes of new development to conform to a specific architectural or design theme;
- d. Require a design review approval process; and/or
- e. Alter the development standards of the underlying district by decreasing or increasing the requirements with regard to building height, setbacks, lot area, lot width, lot coverage, and lot densities of the underlying district.

2. Minimum Area Requirements

- a. No overlay district zoning map amendment shall be considered or approved that applies an overlay district to an area less than 1.75 acres, excluding rights-of-way, except for an amendment extending the boundaries of an existing overlay district.
- b. Overlay districts shall not be created to apply to property owned by a single person, unless the property is at least 30 acres.

3. General Procedure for Creating, Altering, or Eliminating Overlay Districts

Overlay districts shall be established, altered, or eliminated using the general rezoning procedure set forth in subsection D. above, *General Procedure*, except as modified by the following provisions:

a. Contents of Adopting Ordinance

An ordinance amending the zoning map for an overlay district shall contain the following:

- i. The name of the overlay district that the ordinance applies;
- ii. The legal description of the land within the overlay district applied by the ordinance; and
- iii. All standards of development to be governed by the overlay district.

b. Effect of Approval

- i. Where a specification in an overlay zoning map amendment conflicts with any provision of this title, the overlay zoning map amendment shall govern.
- ii. An overlay district adopted in the same manner as the original ordinance remains effective until repealed or amended. The assembly may set a time for the overlay district to expire if it finds the planning objectives will be met or completed within a specific time period.

c. Map of Overlay Districts

- i. Each overlay district shall be annotated on the zoning map with a symbol unique to the overlay district and shall be identified on the zoning map by the suffix "OV" and the number of the ordinance applying the overlay district shall be printed on the zoning map within the boundaries of the overlay district.
- ii. The department shall maintain, for inspection by the public, maps showing the location of the overlay districts and records of the assembly's purpose and intent in establishing each district.

4. [ESTABLISHMENT OR MODIFICATION OF AIRPORT HEIGHT OVERLAY DISTRICTS IN ADDITION TO THE STANDARD SUBMITTALS REQUIRED TO INITIATE AN OVERLAY MAP AMENDMENT, ESTABLISHMENT OF AN AIRPORT HEIGHT

EXHIBIT A

OVERLAY DISTRICT ALSO SHALL REQUIRE PREPARATION OF AN AIRPORT
HEIGHT MAP AS SET FORTH IN SECTION 21.04.060C.]

I. Rezoning to Planned Community Development District (PCD)

1. Purpose

The assembly may, through the rezoning process, adopt a regulatory zoning strategy that is customized for a specific property or group of properties. The zoning strategy may substitute, alter, or adopt the specific requirements of chapters 21.05, 21.06, and 21.07 (see subsection I.4. below) in order to allow the development to achieve the goals of the comprehensive plan and title 21 in a unique way. The assembly must find that the proposed strategy will result in development that is compatible with that which would occur with conventional application of the requirements of chapters 21.05, 21.06, and 21.07.

2. Procedure

Rezoning to PCD districts shall follow the general rezoning procedure set forth in section D. above, except as modified by this section.

3. Minimum Area Requirements

No PCD district zoning map amendment shall be considered or approved that is equal to an area of less than 30 acres. These limits exclude rights-of-way and do not apply to amendments that extend the boundaries of an existing PCD district.

4. In-Lieu Standards Allowed

a. The use of standards that are different from standards stated in title 21 is intended to allow a developer some flexibility and creativity in meeting the intents and purposes of the code.

b. In-lieu standards for the following sections may be proposed for the PCD district:

- i. Chapter 21.05, *Use Regulations*;
- ii. Chapter 21.06, *Dimensional Standards*;
- iii. Subsection 21.07.020C., *Steep Slope Development*;
- iv. Section 21.07.030, *Open Space*;
- v. Section 21.07.060, *Transportation and Connectivity*;
- vi. Section 21.07.080, *Landscaping, Screening, and Fencing*;
- vii. Section 21.07.090, *Off-Street Parking and Loading*;
- viii. Section 21.07.100, *Exterior Lighting*;
- ix. Section 21.07.110, *Residential Design Standards*;
- x. Section 21.07.120, *Large Establishments*; and
- xi. Subsection 21.08.050D., *Interior Streets*.

c. Along with the application and documentation information required in I.5. below, the applicant must also submit the following information with regard to any proposed in-lieu standards.

- i. Clear specification of the proposed in-lieu standards, and the title 21 standards for which the proposed in-lieu standards are a substitute. Any

EXHIBIT A

title 21 standards that are not replaced with approved in-lieu standards shall apply in the PCD district.

ii. A statement of why compliance with title 21 standards would interfere with the goals, purposes, or functions of development in the proposed PCD district.

iii. A demonstration of how the proposed in-lieu standards would be at least as effective as the title 21 standards in fulfilling the intents and purposes of title 21, and furthering the goals and policies of the comprehensive plan, including any applicable neighborhood or district plans.

iv. A statement of the expected benefits of the proposed in-lieu standards.

d. The planning and zoning commission may recommend approval, and the assembly may approve a rezone to the PCD district with in-lieu standards if they find that the in-lieu standards will result in development that is compatible with the intents and purposes of title 21 and the goals and policies of the comprehensive plan, and do not compromise public health, safety, or welfare.

5. Application and Documentation

Applications for rezoning to a PCD district shall contain the information specified in the title 21 user's guide, and the following:

a. If proposing in-lieu standards for subsection 21.07.020C., *Steep Slope Development*, the information required in subsection 21.07.020C.

b. Development Areas: a PCD district that proposes to segregate differing land uses and/or different project phases shall provide and maintain a map that clearly distinguishes the boundaries of each development area. The development areas shall be identified with an alpha, numeric, or alphanumeric coding system to allow for easy identification of each area. Different in-lieu standards may be proposed for each development area.

c. Table of allowed uses and use definitions:

i. The PCD district shall establish a table of allowed uses and a table of accessory uses. The table shall be formatted in the same manner as the tables depicted in chapter 21.05 listing the land use, and if development areas are proposed, noting each with its designated land uses. The table abbreviations set forth at 21.05.010A. shall be used.

ii. The land uses listed in the table of allowed uses or the table of accessory uses shall be defined in chapter 21.05, or the PCD district shall provide a use definition for those uses not listed in sections 21.05.020 through 21.05.080.

d. Dimensional standards and measurements:

i. The PCD district shall establish a table of dimensional standards. The table shall be formatted in the same manner as the tables depicted in chapter 21.06 listing the dimensional standards, and if development areas are proposed, noting each with its designated dimensional standards.

ii. Unless specifically provided otherwise (see subsection I.4. above), the measurements and exceptions section 21.06.030 shall apply.

EXHIBIT A

6. Relationship to Other Requirements

When there is a conflict between the PCD district requirements and other requirements of this title, the PCD district requirements control. The specific requirements of this title apply unless the PCD district provides other requirements for the same specific topic.

7. Changes to an Approved PCD District

a. *Approval by Assembly*

Approval of a zoning map amendment in accordance with section 21.03.160 is required for the following amendments to the PCD district:

- i. Any increase in the total number of authorized dwelling units;
- ii. Any decrease in the total open space acreage;
- iii. Any increase in the total gross building area of commercial or industrial structures;
- iv. Any addition or deletion of any permitted principal use, conditional use, or accessory use;
- v. Any changes in the development standards;
- vi. Any density transfer between development areas that will result in a 25 percent or greater cumulative increase or decrease in the number of dwelling units in any development area; or
- vii. Any change in the acreage of a development area equal to or more than 25 percent of the total acreage of the development area.

b. *Approval by the Planning and Zoning Commission*

Approval by the planning and zoning commission is required for the following amendments to the PCD district:

- i. Any density transfer between development areas that will result in a cumulative increase or decrease of more than 10 percent but less than 25 percent in the number of dwelling units in any development area; or
- ii. Any change in the acreage of a development area of more than 10 percent but less than 25 percent of the total acreage of the development area.

c. *Approval by the Director*

Approval by the director is required for the following amendments to the PCD district:

- i. Any density transfer between development areas that will result in a cumulative increase or decrease of 10 percent or less in the number of dwelling units in any development area; or
- ii. Any change in the acreage of a development area of 10 percent or less of the total acreage of the development area.

21.03.170 SIGN PERMITS

A. Applicability

No person shall erect, locate, move, alter, or replace any sign or cause a sign to be located or maintained, unless all applicable provisions of this section and chapter 21.11, *Signs*, have been met.

EXHIBIT A

B. Approval Requirements for Signs

Proposed signs shall be required to receive a permit from the building official as set forth in the table below.

TABLE 21.03-3: SIGN PERMIT REQUIREMENTS		
	Permit required by Title 21	No permit required by Title 21; permit may be required by Title 23
Sign Plate		X
Permanent Building Sign	X	
Permanent Freestanding Sign	X	
Entrance/Exit		X
Instructional		X
Temporary – on a parcel		X
Temporary – for a business		X
Construction signs		X
Temporary for any Residential Unit		X

C. Application Submittal

An application for a sign permit shall be made to the building official on the form provided. When any person other than the owner of the property submits a sign application, the owner of the property or a designated agent for the owner shall also sign such application.

D. Review and Approval

Sign permit applications shall be reviewed and approved pursuant to the procedure outlined in 21.03.100C.2, *Approval Procedure (for Land Use Permits)*.

E. Appeals

1. Denial of a sign permit relating to title 21 compliance may be appealed to the zoning board of examiners and appeals in accordance with subsection 21.03.050B.
2. Denial of a sign permit relating to title 23 compliance may be appealed to the building board of examiners and appeals.

21.03.180 SITE PLAN REVIEW

A. Purpose

The purpose of the site plan review process is to ensure compliance with the development and design standards and provisions of this title, and to encourage quality development in the municipality reflective of the goals, policies, and objectives of the comprehensive plan. For land uses requiring a site plan review, such uses may be established in the municipality, and building or land use permits may be issued, only after a site plan showing the proposed development has been approved in accordance with the procedures and requirements of this title.

B. General Applicability

This section shall not apply to remodeling, renovation, or repair to interior portions of structures that are subject to site plan review under this title, except those interior areas that affect conformity to the approval criteria for site plan review or the development and design requirements of this title.

EXHIBIT A

C. Administrative Site Plan Review

1. Applicability

Land uses requiring administrative site plan review are identified in table 21.05-1, *Table of Allowed Uses*, table 21.05-3, *Table of Allowed Accessory Uses*, [AND] table 21.09-1, *Table of Allowed Uses* (Girdwood), table 21.09-2, *Table of Accessory Uses* (Girdwood), table 21.10-4, *Table of Allowed Uses* (Chugiak-Eagle River), and table 21.10-5, *Table of Accessory Uses* (Chugiak-Eagle River).

2. Procedure

a. Application Submittal

Applications for an administrative site plan review shall contain the information specified in the title 21 user's guide, and shall be submitted to the director on a form provided by the department.

b. Departmental Review and Director's Action

The department shall review each proposed administrative site plan application in light of the approval criteria of subsection F. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the director shall take final action on the site plan application and approve, approve with conditions, or deny the application. The department's review and the director's action, including referral to other agencies and bodies, shall be completed within 60 days of verification of a complete application.

c. Appeals

Decisions on [DENIAL OF AN] administrative site plans may be appealed to the urban design commission, in which case it shall be treated as a major site plan review application under subsection D. below.

D. Major Site Plan Review

1. Applicability

Land uses requiring major site plan review are identified in table 21.05-1, *Table of Allowed Uses*, [AND] table 21.09-1, *Table of Allowed Uses* (Girdwood), and table 21.10-4, *Table of Allowed Uses* (Chugiak-Eagle River).

2. Decision-Making Authority

For non-residential development with a gross floor area of 100,000 square feet or greater, and for residential development of 140 units or more, the decision-making body shall be the planning and zoning commission. For all other major site plan reviews, the decision-making body shall be the urban design commission.

3. Procedure

a. Pre-Application Conference

Before filing an application, the applicant shall request a pre-application conference with the director, in accordance with subsection 21.03.020B.

b. Community Meeting

A community meeting is required in accordance with subsection 21.03.020C.

c. Application Submittal

Applications for a major site plan review shall contain the information specified in the title 21 user's guide, and shall be submitted to the director on a form provided by the department.

d. Public Notice

Notice shall be provided in accordance with subsection 21.03.020H.

EXHIBIT A

e. **Departmental Review**

The department shall review each proposed major site plan application in light of the approval criteria of subsection F. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the applicable commission.

f. **Commission Action**

The applicable commission shall hold a public hearing on the proposed application and, taking into account the recommendations of the department and public input, shall act to approve, approve with conditions, or deny the proposed major site plan, based on the approval criteria of subsection E. below.

g. **Appeals**

Decisions on [DENIAL OF A] major site plans may be appealed to the board of adjustment in accordance with subsection 21.03.050A.

E. **Expiration**

1. **General**

A site plan approval shall automatically expire at the end of 24 months after the effective date unless a building or land use permit for at least one building in the development proposed in the site plan is approved and construction has begun (see the definition of "start of construction" in chapter 21.14). A change in ownership of the property does not affect this time frame.

2. **Extension**

a. **First Extension**

Upon written application submitted by the applicant at least 30 days prior to the expiration of the permit period and upon a showing of good cause, the director may grant one extension not to exceed 12 months. The approval shall be deemed extended until the director has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this section shall render the site plan approval void.

b. **Further Extensions**

Upon written application submitted at least 30 days prior to the expiration of the previous extensions and upon a showing of good cause, the urban design commission, without a public hearing, may grant additional extensions, each one not to exceed 12 months. The approval shall be deemed extended until the commission has acted upon the request for extension.

F. **Approval Criteria**

An application for administrative or major site plan review shall be approved upon a finding that the site plan meets all of the following criteria:

1. The site plan is consistent with any previously approved subdivision plat, planned development master plan, or any other precedent plan or land use approval;
2. The site plan complies with all applicable development and design standards set forth in this title, including but not limited to the provisions in chapter 21.04, *Zoning Districts*, chapter 21.05, *Use Regulations*, chapter 21.06, *Dimensional Standards and Measurements*, and chapter 21.07, *Development and Design Standards*;
3. The site plan addresses any significant adverse impacts that can reasonably be anticipated to result from the use, by mitigating or offsetting those impacts to the maximum extent feasible; and

EXHIBIT A

4. The development proposed in the site plan is consistent with the goals, objectives, and policies of the comprehensive plan.

G. Platting for Site Plans

1. If development under an approval under this section will create a subdivision or requires the vacation of a dedicated public area, the approval is not effective until a final plat for the subdivision or vacation is approved and recorded in accordance with this title. A preliminary plat required under this section is subject to approval as required by section 21.03.200, *Subdivisions*.
2. Unless the authority granting approval directs in the approval that it shall act as the platting authority, the director is the platting authority for subdivisions under this subsection.

H. Amendments to Approved Site Plans

1. Original Procedure Applies for Most Amendments

Amendment of a site plan shall follow the same process required for the original approval of a site plan, unless the amendment is determined to be a minor amendment as described in subsection H.2. below.

2. Administrative Approval of Minor Amendments

The director may approve administratively minor amendments to any approved site plan upon written application and documentation by the applicant, and upon the director's determination that the amendment is a minor amendment.

a. Procedure

- i. Upon receiving a written request from the applicant for a site plan amendment, the director shall determine if the proposed amendment will be processed as a minor amendment or major amendment. The applicant may appeal the director's decision, in writing to the zoning board of examiners and appeals within 10 days of the decision.
- ii. Immediately following the director's determination that a proposed amendment is minor, the director shall:
- (A) Issue a minor amendment affidavit, which shall be transmitted to the urban design commission for their information; and
- (B) Attach a form stating the nature of the modification, date of approval, and bearing the signature of the director to the site plan on file in the department.
- iii. If the original approval had been recorded, the amended plan shall be recorded by the municipality at the applicant's expense.

b. Types of Minor Amendments

The following are amendments which the director may reasonably determine to be "minor":

- i. Insubstantial changes to the text to add clarity or correct conflicting provisions.
- ii. Changes in street alignment if such changes further the intent of the plan and this code, and are acceptable to the municipal engineer.
- iii. Changes of 10 percent or less in building envelope, setback, and similar provisions.

EXHIBIT A

- iv. Incidental changes in landscaping, sign placement, lighting fixtures, etc. to further the intent of the plan and this code.

21.03.190 STREET AND TRAIL REVIEW

A. Purpose

Streets are a significant investment in the municipality's infrastructure and establish long-term land use impacts on nearby properties and the community at large. Streets and trails are not only utilitarian, but also add lasting value to the community and convey the image of the municipality to all users. These important parts of the municipality's fabric benefit by oversight and concurrence in the design decisions by citizen bodies that are represented by the planning and zoning commission and the urban design commission. All transportation projects are required to identify functional and design issues early in the process and include public input at various stages of the project. In addition, projects meeting certain thresholds are required to include the planning and zoning commission and urban design commission in the review and approval process.

B. Street Review

1. Applicability and Overview

All MOA transportation projects are required to follow *A Strategy for Developing Context Sensitive Transportation Projects*. New construction and reconstruction of street and intersection projects involving streets of collector classification or greater in the *Official Streets and Highways Plan* are required to follow a review process by the planning and zoning commission, as indicated below and in table 21.03-4. The stages are:

- The concept report or equivalent, distributed to the planning and zoning commission as an information item;
- The draft design study report, reviewed by the planning and zoning commission; and
- The plans in hand design drawings, reviewed by the urban design commission.

TABLE 21.03-4: STREET AND INTERSECTION PROJECT REVIEW

REVIEW	REVIEW BODY	PRIMARY DECISION
Concept Report	Project Management Team	Issue identification, "go, no-go" decision
Draft Design Study Report	Planning and Zoning Commission	Alternatives development, evaluation and screening criteria, alternative decision
Plans in Hand Design Drawings	Urban Design Commission	Approval of plans at 65 percent stage, including landscaping "theme"

2. Procedure for Design Study Report and Plans in Hand Review

a. Pre-Application Conference

The project management team shall request a pre-application conference with the director, in accordance with subsection 21.03.020B.

b. Community Meeting

Public outreach is an essential part of context-sensitive solutions (CSS), and is expected to have been conducted prior to submitting an application. Depending on the project, a community meeting may also be held at the application stage; if so, it shall be in accordance with subsection 21.03.020C.

EXHIBIT A

c. Application Submittal

Applications shall contain the information specified in the title 21 user's guide and in *A Strategy for Developing Context Sensitive Transportation Projects*.

d. Public Notice

Notice of all public hearings shall be provided in accordance with section 21.03.020H.

e. Department Review

The department shall review each proposed application and distribute the application to other reviewers as deemed necessary. Reviewers shall address those aspects of the design that are germane to the commissions' deliberations; detailed lists of technical comments shall be separately coordinated with the design team leader. Based on the results of those reviews, the department shall provide a report to the planning and zoning commission or urban design commission, as applicable.

f. Commission Review

A public hearing at the draft design study report and plans in hand design drawings phases will be held at the discretion of the planning and zoning commission. The planning and zoning commission will review and act to approve, approve with conditions, or return the application to the project management team for additional work. Concerns and conditions raised by the commission shall be specifically addressed in subsequent submittals.

3. Concept Report

The concept report shall be distributed to the planning and zoning commission as an information item. The commission shall take no formal action on the report.

4. Draft Design Study Report Review

a. The planning and zoning commission shall review the draft design study report or equivalent document, for all applicable street projects, and shall issue a decision. A public hearing is not required but may be held at the commission's discretion.

b. As applicable, the commission's review of the project draft design study report shall include but not be limited to:

- i.** Existing conditions, including but not limited to traffic volumes;
- ii.** Design standards and criteria, with specific attention to any requests for variances from the criteria;
- iii.** Alternatives identification, evaluation, and recommended alternative;
- iv.** Compliance with this title;
- v.** Long-term impact on existing and projected land uses in the vicinity;
- vi.** Short-term and long-term impact of property acquisition for right-of-way;
- vii.** Impacts on utilities and other public infrastructure, including undergrounding of overhead utilities;
- viii.** Street illumination;
- ix.** Maintenance considerations;
- x.** Environmental constraints;

EXHIBIT A

- 1 xi. Pedestrian and other non-motorized access;
- 2 xii. Public involvement summary; and
- 3 xiii. Cost estimate.
- 4 c. Decisions may be appealed to the board of adjustment pursuant to subsection
- 5 21.03.050A.
- 6 **5. Plans in Hand Design Drawings Review**
- 7 a. The urban design commission shall review and approve all landscaping and
- 8 streetscape and pedestrian facilities for streets of collector classification or
- 9 greater in the Official Streets and Highways Plan.
- 10 b. The urban design commission shall approve, approve with conditions, or reject
- 11 the landscaping, streetscape, and pedestrian design plans at a stage no greater
- 12 than 65 percent designed, for all applicable street projects. A public hearing is
- 13 not required but may be held at the commission's discretion.
- 14 c. As applicable, the commission's review of the plans in hand design drawings
- 15 shall include but not be limited to:
- 16 i. Compliance with this title;
- 17 ii. Context of the area and the long-term impact on existing and projected
- 18 adjacent land uses;
- 19 iii. Initial cost of materials including installation;
- 20 iv. Long-term costs associated with operation and maintenance;
- 21 v. Adherence to a design theme established through local area plans or
- 22 prior public improvements;
- 23 vi. Effectiveness in meeting community design goals; and
- 24 vii. Accommodation of pedestrians and non-motorized users.
- 25 **6. Conformance with Recommendations**
- 26 No agency may proceed with a project that does not conform to the applicable
- 27 commission's decisions under this section, unless the agency furnishes the commission
- 28 and the assembly a written statement of the reasons for its decision to proceed, at least
- 29 30 days before implementing the decision.
- 30 **C. Trail Review**
- 31 **1. Purpose**
- 32 Trails are a basic part of the infrastructure of the municipality. They are used for
- 33 transportation, for recreation and leisure, and also provide aesthetic and psychological
- 34 benefits. Significant additions or revisions to the municipality's trail network benefit by
- 35 oversight and concurrence in design decisions by the urban design commission.
- 36 **2. Applicability**
- 37 a. This section applies to new construction and reconstruction of the following types
- 38 of trails:
- 39 i. Major multi-use trails that extend between multiple neighborhoods, such
- 40 as the Chester and Campbell Creek Trails, the Ship Creek Trail, and the
- 41 Coastal Trail.

EXHIBIT A

ii. Trails over one-half mile in length 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; or in parks classified by the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-Chugiak-Eklutna"* as community, large urban, or regional parks.

iii. Trails over one-half mile in length along streams, or connecting subdivisions or other developments.

iv. Trails internal to parks and schools shall **also** be reviewed by the appropriate park board and/or the school district.

b. Notwithstanding the criteria of 2.a. above, the director may exempt new trails or trail reconstruction projects from this section if the director finds, in writing, that the project is minor in scope and not likely to cause impacts on surrounding properties and neighborhoods. The director may also require new trails or trail reconstruction projects that do not meet the criteria of 2.a. above to be reviewed in accordance with this section, if the trail project is likely to create significant public interest, or cause impacts on surrounding properties and neighborhoods.

3. Review and Action

a. *Pre-Application Conference*

The project management team shall request a pre-application conference with the direction, in accordance with subsection 21.03.020B.

b. *Application Submittal*

Applications shall contain the information specified in the title 21 user's guide.

c. *Public Notice*

Notice [OF ALL PUBLIC HEARINGS] shall be provided in accordance with section 21.03.020H.

d. *Department Review*

The department shall review each proposed application and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the planning and zoning commission.

e. *Urban Design Commission Action*

The urban design commission shall **hold a public hearing on the proposed application and act to** approve, approve with conditions, or reject the application. [A PUBLIC HEARING IS NOT REQUIRED BUT MAY BE HELD AT THE COMMISSION'S DISCRETION.]

4. Appeals

Decisions may be appealed to the planning and zoning commission[, WHICH SHALL BE REQUIRED TO HOLD A PUBLIC HEARING ONLY IF THE URBAN DESIGN COMMISSION DID NOT HOLD A PUBLIC HEARING].

5. Trails As Part of Subdivision Development or Conditional Use

Only when a trail is to be constructed concurrently with a subdivision development or conditional use shall the trail review requirement of this section be the responsibility of the planning and zoning commission.

EXHIBIT A

21.03.200 SUBDIVISIONS

A. Purpose

The purpose of the subdivision review process is to ensure compliance with the subdivision standards and requirements set forth in chapter 21.08, *Subdivision Standards*, which are designed to ensure quality development in the municipality consistent with the comprehensive plan.

B. Applicability

1. General

The procedures of this section, and the standards and requirements set forth in chapter 21.08, *Subdivision Standards*, shall apply to all subdivisions or resubdivisions that result in the portioning, dividing, combining, or altering of any lot, parcel, or tract of land, including subdivisions or resubdivisions created by an exercise of the power of eminent domain by an agency of the state or municipality. All subdivisions applications shall be reviewed according to the process set forth in subsection C. below, unless they qualify for the abbreviated plat procedure.

2. Abbreviated Plat

Certain subdivisions may follow the streamlined procedure set forth in subsection D. below. Eligible preliminary plats are those plats where the applicant is not an agency of the municipal, state, or federal governments, and are:

a. A movement or elimination of lot lines that does not:

- i. Result in an increase in the permitted density of residential units within the area being subdivided or resubdivided, unless the platting over issues a written determination that a public hearing is not warranted.
- ii. Allow a change in the permitted use to which the lot or tract may be devoted under existing zoning.
- iii. Deny adequate access to and from all lots or tracts created by the subdivision or those adjacent to it.

b. The subdivision of a single tract, parcel, or lot into no more than three tracts or eight lots, provided that the subdivision does not:

- i. Allow a change in the permitted use to which the lot or tract may be devoted under existing zoning.
- ii. Deny adequate access to and from all lots or tracts created by the subdivision or those adjacent to it.
- iii. Divide a tract, parcel or lot:
 - (A) Created within the previous 48 months pursuant to the approval of a preliminary plat under this section;
 - (B) Contiguous to or having an owner either in an individual capacity or as an owner of a corporation, partnership, or other legal entity of a preliminary plat approved within the previous 48 months; or
 - (C) That is 10 acres or more in the R-6, R-7, R-8, R-9, and R-10 zoning districts or that is governed by AO 84-21 (G-5 areawide rezoning).

c. Vacations and relocations under section 21.03.230C.1.

EXHIBIT A

- 1 d. Subdivision of a cemetery into burial plots.
- 2 e. A plat required by section 21.03.080F. for approval of a conditional use, or
- 3 section 21.03.180F. for approval of a site plan.
- 4 f. A plat depicting the creation of two attached
- 5 single-family lots.
- 6 **3. Subdivision Approval is Prerequisite to Other**
- 7 **Approvals**
- 8 a. No building permit, land use permit, certificate of
- 9 zoning compliance, or certificate of occupancy
- 10 may be issued for any building, structure, or
- 11 improvement located within a subdivision, and no
- 12 plat for a subdivision may be recorded with the
- 13 state of Alaska, until all required dedications of
- 14 land have been made, and all required
- 15 improvements have been installed in accordance
- 16 with the procedures and requirements of this
- 17 section, or an approved subdivision agreement is
- 18 in place pursuant to section 21.08.060,
- 19 *Subdivision Agreements*.
- 20 b. The municipality shall not accept or maintain any
- 21 street, and shall not extend or connect any street
- 22 lighting, water service, or sanitary sewer service
- 23 to any subdivision of land, until and unless a plat
- 24 for the subdivision has been approved and
- 25 recorded in accordance with the requirements
- 26 set forth in this section.
- 27 **4. Restriction on Sale or Transfer of Subdivided Land**
- 28 **Without Approved Plat**
- 29 Any person who transfers or sells any land located within
- 30 the municipality by reference to a plat that has not been
- 31 approved by the municipality and recorded by the state of
- 32 Alaska shall be guilty of a violation of this title. The
- 33 description by metes and bounds in the instrument of
- 34 transfer or other document used in the process of selling
- 35 or transferring shall not exempt the transaction from such
- 36 penalties. The municipality also may enjoin such transfer
- 37 or sale by filing an action for an injunction.
- 38 **5. Existing Lots of Record**
- 39 No provision of chapter 21.08, *Subdivision Standards*,
- 40 applies to any lot of record in a subdivision legally
- 41 created and filed before the effective date of this title,
- 42 unless the lot is further subdivided or resubdivided.
- 43 **C. Review and Approval of Subdivision Plans**
- 44 **1. Applicability**
- 45 This section shall apply to all subdivisions not meeting the eligibility criteria for the
- 46 abbreviated plat procedure.
- 47 **2. Pre-Application Conference**

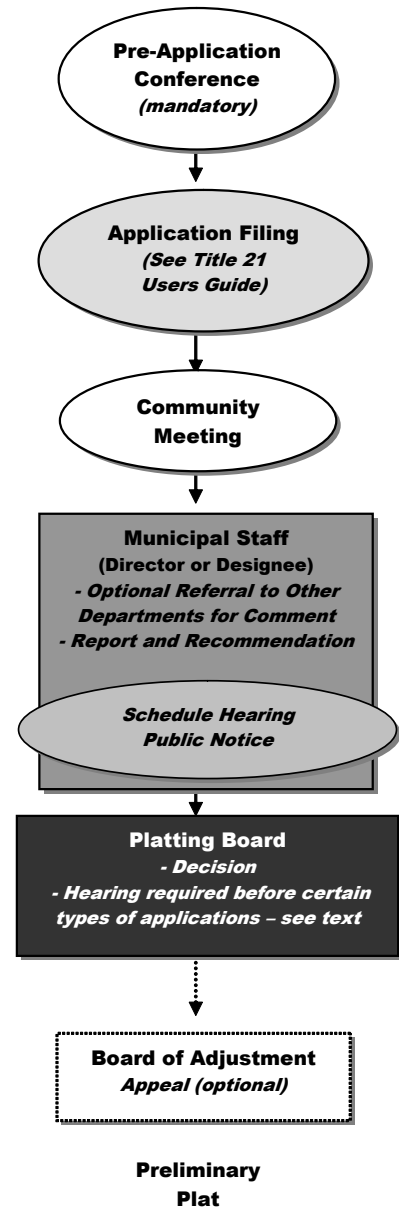


EXHIBIT A

Before filing an application for a new subdivision or a modification of an already-approved subdivision, the applicant shall request a pre-application conference with the platting officer, in accordance with subsection 21.03.020B.

3. Community Meeting

A community meeting is required in accordance with subsection 21.03.020C.

4. Application Submittal

a. Unless waived by the platting officer, a preliminary plat shall include all land under contiguous ownership, unless separate legal descriptions exist as a matter of record. If only a portion of the land is intended for immediate development, the remaining portion shall be given a tract number and shall be part of the preliminary and final plat. Requirements for surveying this remaining tract may be waived at the discretion of the municipal surveyor. By plat note, development shall not be allowed on the remaining tract until approved under this section.

b. Applications for a preliminary plat shall contain the information specified in the title 21 user's guide, and shall be submitted to the platting officer on a form provided by the department.

c. For subdivision plats that have A or B wetlands, the applicant shall have initiated corps of engineers wetland permitting prior to submitting the preliminary plat.

5. Public Notice

Notice shall be provided in accordance with subsection 21.03.020H.

6. Departmental Review

The department shall review each proposed preliminary plat in light of the approval criteria of subsection C.9. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the platting board.

7. Action on Preliminary Plat

a. **Platting Authority**

The platting board is the platting authority for preliminary plats, except as provided in subsection 21.03.080F. for conditional uses, and subsection 21.03.180F. for site plans.

b. **Action by Platting Authority**

Subject to paragraph 7.c. below, the platting authority shall, based on the approval criteria of subsection C.9. below, take action on the preliminary plat within 90 days after the submittal date, or shall return the plat to the applicant for modification or correction. The reasons for denial of a plat shall be stated in the records of the platting authority.

c. **Referral to Other Agency**

If the platting authority finds that:

i. It cannot determine whether a preliminary plat conforms to the approval criteria of subsection C.9. below, because a specific controlling land use, public facility, or other public policy issue has not been resolved; and

ii. An official board, commission or legislative body of the municipality or another government has been identified as being responsible for resolving that issue;

then, upon a majority vote, the platting authority may refer the issue to the responsible official, board, commission, or legislative body and postpone action

EXHIBIT A

on the plat for a period not exceeding 90 days or to its next regular meeting after the responsible official, board, commission, or legislative body responds to the referral, whichever occurs first.

d. Public Hearing

The platting authority shall hold a public hearing before action on the following types of subdivision applications:

- i. Approval of a preliminary plat, except applications allowed to use the abbreviated plat procedure;
- ii. Approval of a final plat that differs from the preliminary plat (see section 21.03.200C.8.b.);
- iii. Modification or deletion of a condition of plat approval;
- iv. Granting of a variance from the provisions of chapter 21.08, *Subdivision Standards*; and
- v. Vacation of dedicated right-of-way; BLM and section line easements; or platted landscape, drainage, slope, or protective well radii easements.

e. Approval Period; Time Extensions

- i. Notwithstanding any subsequent change in the subdivision regulations, zoning regulations, and zoning districts, the approval of the preliminary plat shall be effective:
 - (A) For at least 24 months and up to 60 months from the date of approval, when it pertains to a development of no less than 10 acres and includes a phasing plan. The length of the approval period shall be based upon the platting board's evaluation of the size, complexity, and phasing elements of the development.
 - (B) For 24 months from the date of approval when it pertains to a development of less than 10 acres or does not include a phasing plan.
- ii. The preliminary plat shall become null and void after the approval period unless an extension of time is granted by the platting authority. A request for a time extension must be made in writing by the subdivider. The extension request must be received by the platting officer prior to the expiration of the preliminary plat to be eligible for consideration by the platting authority.
- iii. Such a time extension shall be granted only if the authority finds that current conditions are substantially the same as those that existed when the preliminary plat was originally approved. The platting officer shall conduct the reevaluation for every extension request that does not raise the total time of extension for a particular plat beyond 24 months and present his or her findings to the authority. Every extension request that raises the total time of extension for a particular plat beyond 24 months shall be evaluated in the same manner as an original plat application, including payment of the applicable fee.
- iv. Only two time extensions may be approved for a preliminary plat approved by the platting authority. Approval of the second extension shall require a noticed public hearing.

EXHIBIT A

v. Preliminary plats being finalized in portions or phases shall not be construed to automatically extend the original approval period. Notwithstanding subsection e.iii. above, preliminary plats that include a phasing plan and a full layout plan may be approved for up to 60 months, with the option of one 60 month extension by the platting board (on the consent agenda) and an additional 60 month extension by the platting board (with a public hearing in accordance with subsection e.iv. above). Such extensions shall be granted only if the authority finds that current conditions are substantially the same as those that existed when the preliminary plat was originally approved.

f. ***Appeals***

All decisions as to approval or denial of a preliminary plat by the platting authority shall be final unless appealed to the board of adjustment.

g. ***Resubmittal Following Denial***

No new application for the same or substantially the same preliminary plat shall be accepted by the platting authority within one year of denial of the original application. The waiting period required by this section may be waived in an individual case, based upon new evidence or changed circumstances, by the affirmative vote of a majority of the platting authority.

8. **Final Plat**

a. ***Procedure When Final Plat Corresponds to Preliminary Plat as Approved***

i. A hearing on the final plat shall not be required when such plat essentially conforms to the preliminary plat approved by the platting board. The final plat shall, in addition, meet all conditions imposed by the board in approving the preliminary plat.

ii. The final plat map shall constitute only that portion of the approved preliminary plat that is proposed to be recorded and developed at the time. If only a portion of the approved preliminary plat is proposed for final plat approval, such portions shall conform to all requirements of this section and chapter 21.08, *Subdivision Standards*.

iii. The following procedure shall be followed for the final plat:

(A) The final plat shall be submitted to the platting officer for examination as to compliance with all terms of the preliminary plat as approved by the platting authority. If all conditions have been met, a statement to that effect, appearing on the final plat, shall be signed by the platting authority. The final plat shall not be signed until the documents described in paragraph a.iv. and a.v. below have been received.

(B) Upon acceptance of the final plat, the department shall forward the final plat to the public works department for final checking and inspection before final approval is given. If requested, a subdivision survey shall be submitted to the public works department with a complete set of field and computation notes showing the original or reestablished corners of the plat and of lots within the plat. Traverse sheets and work sheets showing the closure within the allowable limits of error of the exterior boundaries of each irregular block and lot of the subdivision may also be required. Final approval by the public works department shall be indicated by a statement appearing on the plat.

EXHIBIT A

iv. Final approval by the platting board shall be dependent upon receipt of the following material:

(A) A statement from the development services department stating that all conditions imposed by the department on the preliminary plat and approved by the platting board have been met. This approval by the development services department shall not affect any subsequent requirements relating to sewage disposal and water supply as they apply to any lots within the plat.

(B) A certificate from the tax collecting official or a note on the face of the plat stating that all municipal real property taxes levied against the property are paid in full, or, if approval is sought between January 1 and the tax due date, that there is on deposit with the chief fiscal officer an amount sufficient to pay estimated real property tax for the current year.

(C) A certificate to plat showing the legal and equitable owners, including mortgagees, contract purchasers and fee owners, of the land to be platted, plus all grants, reservations, covenants, deed restrictions, and easements of record which may condition the use of the property.

v. If the subdivision is to be served by a community water or sewer system, the development services department may require the subdivider to provide the following before the platting board finally approves the plat:

(A) Any approvals or certificates required by the state departments of environmental conservation and natural resources.

(B) An agreement under the standards and procedures set out in section 21.08.060, *Subdivision Agreements*, to ensure that the system installed will be compatible with existing public water and sewer systems.

(C) Approval of the plans, specifications, and installation and operating procedures for the system by the municipal water and wastewater utility pursuant to chapter 21.08, *Subdivision Standards*, and regulations promulgated thereunder.

vi. Final plats affecting land neither supplied, nor under subdivision agreement to be supplied, both with public water and public sewer, shall be submitted to the development services department for a determination that all lots and proposed water and wastewater facilities conform to AMC chapter 15.65 at the time of determination.

b. ***Procedure When Final Plat Differs from Preliminary Plat***

When the final plat differs from the preliminary plat, the plat shall be considered a new application for preliminary plat approval under this subsection C., except that all decisions as to approval or denial of this plat by the platting board as submitted under this section shall be final unless appealed to superior court.

EXHIBIT A

c. Requirements for Final Plat

The final plat shall be prepared to the technical specifications, and shall be accompanied by appropriate supporting materials, as specified in the title 21 user's guide.

d. Subdivision Agreements and Cost Estimates

All final plats requiring public improvements, except those requiring monumentation only, shall be accompanied by a subdivision agreement between the subdivider and the municipality and an engineer's estimate of the cost of all required public improvements. Requirements for such an agreement are further described in section 21.08.060, *Subdivision Agreements*.

e. Notes, Restrictions, and Covenants

The platting board may place such conditions upon granting of final plat approval as are necessary to preserve the public welfare in accordance with the subdivision regulations. (See section 21.03.020M.) When such a condition of approval entails a restriction upon the use of all or part of the property being subdivided, a note specifying such restrictions shall be placed on the face of the plat. Such note shall constitute a restrictive covenant in favor of the municipality and the public and shall run with the land, enforceable against all subsequent owners. Any such restrictive covenant may be enforced against the subdivider or any subsequent owner by the municipality or by any specifically affected member of the public.

9. Approval Criteria

The platting board may approve a preliminary or final plat only if it finds that the plat conforms to the applicable dimensional standards and measurements, chapters [21.06, *DIMENSIONAL STANDARDS AND MEASUREMENTS*,] 21.07, *Development and Design Standards*[,] and 21.08, *Subdivision Standards*, and, to the maximum extent feasible:

- a. Promotes the public health, safety, and welfare;
- b. Mitigates the effects of incompatibilities between the land uses or residential densities in the subdivision and the land uses and residential densities in the surrounding neighborhood, including but not limited to visual, noise, traffic, and environmental effects;
- c. Provides for the proper arrangement of streets in relation to existing or proposed streets;
- d. Provides for adequate and convenient open space;
- e. Provides for the efficient movement of vehicular and pedestrian traffic;
- f. Ensures adequate and properly placed utilities;
- g. Provides access for firefighting apparatus;
- h. Provides opportunities for recreation, light, and air, and avoids congestion;
- i. Facilitates the orderly and efficient layout and use of the land;
- j. Does not create a split-zoned lot; and
- k. Furthers the goals and policies of the comprehensive plan and conforms to the comprehensive plan in the manner required by section 21.01.080, *Comprehensive Plan*.

EXHIBIT A

D. Abbreviated Plat Procedure

1. Authorization

Except for preliminary plats where the applicant is an agency of the municipal, state, or federal governments, the preliminary plats described in subsection B.2.b. above are subject to approval under the abbreviated procedure in this subsection instead of the procedure in subsection C. above. Preliminary plats described in B.2.b., where the applicant is an agency of the municipal, state, or federal governments, are subject to approval under the procedure in subsection C. above.

2. Application Submittal

Applications for abbreviated plats shall contain all of the submittal requirements that are listed in the title 21 user's guide. Applications shall be submitted to the platting officer on a form provided by the department.

3. Public Notice

Before acting on an abbreviated plat application under this section, the platting officer shall provide notice in accordance with section 21.03.020H.

4. Action on Plat

a. *Platting Authority*

The platting officer is the platting authority for abbreviated plats, except as provided in section 21.03.230 for vacation or relocation of certain dedicated public areas. The platting officer may refer any application to the platting board that he or she deems may need further or more extensive analysis and public comment concerning access into adjacent property.

b. *Review and Decision*

The platting authority shall review each proposed subdivision in light of the approval criteria of subsection C.9. above and shall consult other municipal offices or agencies as necessary. Based on the results of that review, the platting authority shall act to approve, approve with conditions, or deny the plat.

c. *Variances*

i. When acting as the platting authority under this section, the platting officer may not grant variances from the provisions of chapter 21.08, *Subdivision Standards*.

ii. When acting as the platting authority under section 21.03.080F., *Platting for Conditional Uses*, or 21.03.180F., *Platting for Site Plans*, the board or commission hearing an application for conditional use or site plan approval may grant variances from the provisions of chapter 21.08, *Subdivision Standards*, in accordance with section 21.03.240, *Variances*.

d. *Duration of Preliminary Approval*

Abbreviated plat approval expires after 24 months; provided that the board hearing an application for conditional use or site plan approval may extend the expiration of abbreviated plat approval in conjunction with extending the time for implementing the conditional use or site plan.

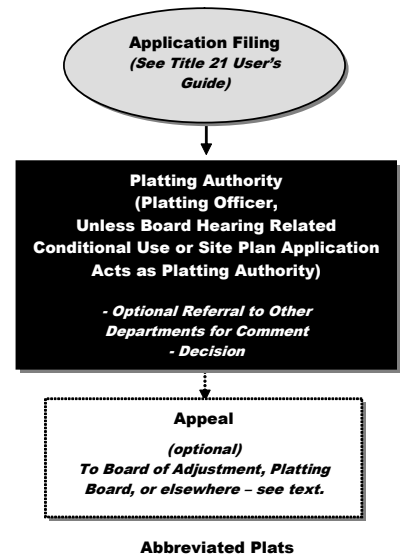


EXHIBIT A

e. **Time Extensions**

The abbreviated plat shall become null and void after the preliminary approval period unless an extension of time is granted by the platting officer. A request for a time extension must be made in writing by the subdivider. Such a time extension shall be granted only if the platting officer finds that current conditions are substantially the same as those that existed when the preliminary plat was approved. Only one extension of no more than 24 months may be approved.

f. **Appeals**

Decisions of the platting officer under this section are final unless appealed within 15 days to the platting board, in which case the appeal shall be treated as an application for preliminary plat approval pursuant to subsection 21.03.200C.

g. **Approval of Final Plat**

A final plat submitted pursuant to the approval of an abbreviated plat under this section is subject to approval in accordance with subsection C.8. above, provided that the municipal surveyor may waive a field survey for a final plat that merely eliminates interior lot lines.

E. **Commercial Tract Plats**

1. **Applicability**

A commercial tract may be created and divided into fragment lots in order to facilitate construction of commercial developments requiring multiple phases of construction. Designation of commercial tracts shall be allowed only in the B-3, RO, I-1, I-2, PCD, MC, MI, GC-1 through GC-10, GI-1, GI-2, GRST-1, and GRST-2 zoning districts.

2. **Platting Authority**

The planning and zoning commission or the urban design commission shall be the platting authority for a commercial tract whose site plan includes a large commercial establishment (see section 21.03.180C. for applicable commission). The planning and zoning commission shall be the platting authority for a commercial tract whose site plan includes a mixed-use development. The platting board shall be the platting authority for all other commercial tracts.

3. **Review, Approval, and Modification of Commercial Tract Plats**

a. **Application Submittal**

Applications for a commercial tract plat shall contain the information specified in the title 21 user's guide, and shall be submitted to the platting officer on a form provided by the department. An application for approval of a commercial tract shall be signed by the owners of the property involved.

b. **Action by Platting Authority**

i. The platting authority shall act upon the application for approval of a commercial tract whose site plan includes a large commercial establishment as part of the major site plan review for the large commercial establishment under subsection 21.03.180C.

ii. Except as provided in E.3.b.i. above, the platting authority shall act upon the application for commercial tract approval following the review and approval procedures of a preliminary plat in accordance with subsection 21.03.200C.7.

c. **Recording of Site Plan**

Upon approval of a commercial tract under subsection E.3.b. above, the platting officer shall, after notice to the petitioner, record the commercial tract site plan as approved, together with any declarations, covenants, and restrictions, with the district recorder's office.

EXHIBIT A

d. **Conformance with Site Plan**

It shall be unlawful for any person to construct, erect, or maintain any structure, building, fence, or improvement, including landscaping, parking, and other facilities, on property designated as a commercial tract, unless such improvements are constructed or reconstructed in a manner consistent with the approved commercial tract site plan.

e. **Alteration of Boundaries**

The process for amending or altering the boundaries of an approved commercial tract shall be the same process as that of the original approval of the commercial tract plat.

f. **Amendment of Site Plan**

Any amendment or alteration of an approved commercial tract site plan shall be made only upon approval of the platting authority as provided in this section.

4. **Division of Tract**

The owner of a commercial tract may divide the tract into fragment lots provided that such division is consistent with the approved commercial tract site plan and recorded declarations, covenants, and restrictions applicable to the commercial tract. Any property description used to divide an area of the commercial tract into a fragment lot shall not be considered a lot or tract under the terms of this title or title 23, but shall be otherwise a lawful lot or tract. Any fragment lot created under this section shall contain the minimum area, width, and depth otherwise required for lots in the zoning district in which the fragment lot is located before it can be removed from the commercial tract. Otherwise a fragment lot is exempt from the minimum dimensional requirements of the zoning district.

F. **Right-of-Way Acquisition Plat**

1. **Generally**

A plat for a subdivision created by a government agency's acquisition of a street or trail right-of-way is subject to approval under this section and is not subject to any other approval procedure for plats under this title.

2. **Application Submittal**

Applications for a right-of-way acquisition plat shall contain the information specified in the title 21 user's guide, and shall be submitted to the platting officer on a form provided by the department.

3. **Applicability of Requirements**

- a. A right-of-way acquisition plat is not subject to section 21.08.050, *Improvements*.
- b. Survey requirements for a right-of-way acquisition plat shall be established by agreement between the municipal surveyor and the government agency applying for plat approval, or, if there is no such agreement, by the provisions of this title.

4. **Action**

a. **Platting Authority**

The platting officer shall act as the platting authority unless the government agency applying for plat approval requests a public hearing before the platting board.

b. **Duration of Approval**

The preliminary approval of the right-of-way acquisition plat shall be for a period of 60 months; provided, however, that the platting officer may grant an extension of time for filing the final plat upon a finding that it is in the public interest to do so.

EXHIBIT A

c. Appeals

All decisions of the platting officer under this section shall be final unless appealed to the platting board within 15 days. An appeal under this subsection shall be treated as an application for preliminary plat approval pursuant to section 21.03.200C.

5. Requirements for Final Plat

Requirements for final right-of-way acquisition plats shall be established by agreement between the director and the government agency applying for plat approval, or, if there is no such agreement, by the provisions of this title.

G. Modification or Removal of Plat Notes

1. Purpose

This section sets forth a process by which the platting board may modify or remove plat notes from recorded plats.

2. Initiation

Applications for modifying or removing a plat note(s) may be initiated by the owner(s) of land encumbered by the plat note. If the applicable plat note encumbers more than one lot, the owners of all encumbered lots shall be a party to the application.

3. Application

Applications for modifying or removing a plat note(s) shall contain the information specified in the title 21 user's guide, and shall be submitted to the platting officer on a form provided by the department.

4. Public Notice

Notice shall be provided in accordance with section 21.03.020H.

5. Departmental Review

The department shall review the proposed modification or removal of a plat note(s) in light of the approval criteria of subsection G.9. below and distribute to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the platting board.

6. Action by the Platting Board

The platting board shall hold a public hearing on the proposed application and act to approve, approve with alterations, or deny the proposed modification or removal of a plat note(s), based on the approval criteria of subsection G.9. below.

7. Recordation

Once approved by the platting board, a plat with modified or deleted plat notes shall be re-recorded in accordance with the procedures of the district recorder's office.

8. Appeal

Decisions on modifying or removing a plat note(s) may be appealed to the board of adjustment in accordance with subsection 21.03.050A.

9. Approval Criteria

Plat note modifications or deletions may be approved if the platting board finds that all of the following approval criteria have been met:

a. Conditions that required the plat note(s) on the original plat have changed and the need for the plat note has been negated;

b. Modification or removal of the plat note(s) will not have a negative impact on adjacent or nearby properties; and

EXHIBIT A

- c. Despite modification or removal of the plat note(s), the plat continues to meet the approval criteria of subsection 21.03.200C.9.

21.03.210 TITLE 21 – TEXT AMENDMENTS

A. Purpose and Scope

The assembly may amend the text of this title in accordance with the procedures set forth in this section. The purpose of text amendments is not to relieve particular hardships, nor to confer special privileges or rights on any person, but rather to make adjustments to text that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the municipality.

B. Procedure

1. Initiation

A petition for amendment to the text of this title may be initiated by any review or decision-making body.

2. Application Submittal

Proposals for text amendments shall be in ordinance form and shall be filed with the director.

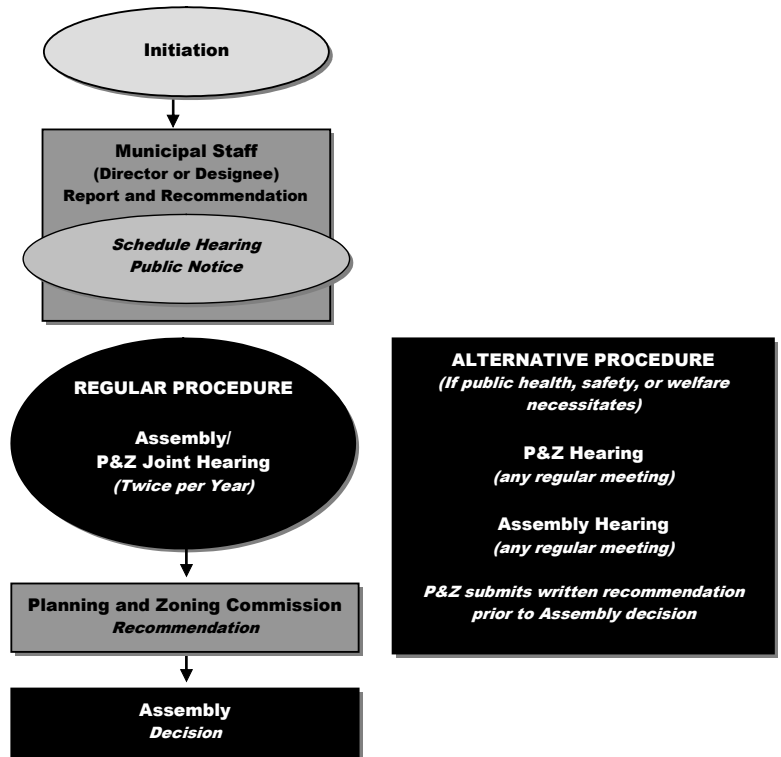
3. Departmental Review

The department shall review each proposed text amendment in light of the approval criteria of subsection C. below and distribute the application to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the planning and zoning commission. A positive recommendation shall be accompanied by a draft ordinance reflecting the recommendation.

4. Review by Other Boards or Commissions

a. Any text amendments proposed that amend the powers and duties of any board or commission shall be reviewed by that board or commission, which shall forward a recommendation to the assembly.

b. In addition, if any text amendments are proposed in chapter 21.08, *Subdivision Standards*, the platting board shall review such proposed amendments and forward a recommendation to the planning and zoning commission and the assembly.



Amendments to Text of Title 21

EXHIBIT A

5. Notice and Frequency of Amendments

- a. Notice shall be provided in accordance with section 21.03.020H.
- b. Title 21 text amendments to be considered by the planning and zoning commission shall be available for public review at least 21 days in advance of the public hearing.
- c. Starting on January 1, 2017, text amendments shall be considered no more than two times per year. However, where the assembly determines by a majority vote that the public health, safety, or welfare necessitates, text amendments may be considered at any regularly scheduled meeting of the assembly, provided that the assembly holds a public hearing on the proposed amendment and the planning and zoning commission holds a public hearing and provides a written report and recommendation on the proposed amendment prior to the assembly's decision.
- d. If, during the first three years after January 1, 2014, the director determines that a technical amendment to title 21 is needed to address conflicting provisions, inconsistencies, or unintended consequences associated with the Title 21 Rewrite Project (2002-2012), the director may forward a corrective amendment to the assembly, which may adopt the amendment without planning and zoning commission review; provided, however, that the director shall notify the commission at the time the proposed amendment is submitted to the assembly, so that the commission can forward its opinion on the proposed change to the assembly for consideration. All other amendments shall be processed through the planning and zoning commission for review and recommendation to the assembly.

6. Planning and Zoning Commission Action

- a. As soon as possible after the public hearing, but no later than 60 days, the planning and zoning commission shall make a recommendation to the assembly to approve or deny the text amendment based on the approval criteria of subsection C. below.
- b. If the commission recommends approval of the amendment, the director shall submit the draft ordinance to the assembly.
- c. If no recommendation is made within 60 days, then the planning and zoning commission may request an extension of time from the assembly. If no recommendation is made and no extension is granted, then the assembly may act on the proposed amendment without a recommendation from the planning and zoning commission.

7. Assembly Action

After a public hearing and reviewing the reports and recommendations of the director and the planning and zoning commission, the assembly shall vote to approve, approve with amendments, or deny the proposed amendment, based on the approval criteria of subsection C. below. The assembly also may refer the proposed amendment back to the planning and zoning commission or to a committee of the assembly for further consideration. Text amendments shall be approved in the form of ordinances.

C. Approval Criteria

Text amendments may be approved if the assembly finds that all of the following approval criteria have been met:

1. The proposed amendment will promote the public health, safety, and general welfare;

EXHIBIT A

2. The proposed amendment is consistent with the comprehensive plan and the stated purposes of this title; and
3. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

21.03.220 USE CLASSIFICATION REQUESTS

A. Purpose and Applicability

1. The use classifications set forth and defined in chapter 21.05, *Use Regulations*, and in section 21.09.050, *Use Regulations* (Girdwood), describe one or more uses having similar characteristics, but do not list every use or activity that may fall within the classification. This section shall be used to determine all questions or disputes whether a specific use is deemed to be within a use classification permitted in a zoning district.
2. The provisions of this section shall not apply to permit any specific use that is expressly prohibited in a zoning district.

B. Procedures for Use Classification Request

The procedure for an application to determine a use classification shall be as follows:

1. Application Submittal and Action

An application for a use classification shall be submitted to the director on a form provided by the department. Within 30 days from the date a complete application is submitted, the director shall review the application according to the standards set forth in this section; consult with the municipal attorney and other staff, as necessary; and make a final determination as to whether the subject use shall be deemed to be within a use classification set forth in this title and whether such use shall be allowed in the applicable zoning district.

2. Appeals

Appeals from the director's determination on a use classification request shall be made to the zoning board of examiners and appeals, pursuant to section 21.03.050B.

3. Form of Determination

All final determinations by the director shall be provided to the applicant in writing and shall be filed in the official record of use classification determinations.

C. Standards for Review

In evaluating a use classification request, the director shall consider whether the proposed use has an impact that is similar in nature, function, and duration to the other uses allowed in a specific zoning district. The director shall give due consideration to the intent of this title concerning the district(s) involved, the character of the uses specifically identified, and the character of the use(s) in question. The director shall assess all relevant characteristics of the proposed use, including but not limited to the following:

1. The primary activity of the establishment and its relationship to existing use categories and use types. The primary activity may be the principal product or group of products produced or distributed, or services rendered. It may be the share of production costs, capital investment, revenue, shipments, or employment, if evaluating the relative significance of multiple activities.
2. The volume and type of sales (retail or wholesale) on the premises, and the size and type of items sold and nature of inventory on the premises.
3. Any processing done on the premises, including assembly, manufacturing, final production, warehousing, shipping, and distribution.

EXHIBIT A

4. Any dangerous, hazardous, toxic, or explosive materials used in the processing on the premises.
5. The nature and location of storage and outdoor display of merchandise (enclosed, open, inside or outside the principal building); and predominant types of items stored (such as business vehicles, work-in-process, inventory and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders).
6. The type, size, height, and nature of buildings and structures.
7. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts.
8. Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site, trip purposes, and whether trip purposes can be shared by other uses on the site.
9. Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity, and the potential for shared parking with other uses.
10. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes.
11. Any special public utility requirements for serving the proposed use, including but not limited to water supply, waste water output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities.
12. The impact on adjacent properties created by the proposed use will not be greater than that of other uses in the zoning district.

D. Effects of Findings by the Director

1. Typical Uses: Amendment to this Title

If the director finds that the particular use or category of use(s) that was the subject of the use classification request is likely to be common or to recur frequently, or that omission from this title is likely to lead to public uncertainty and confusion, the director shall initiate an amendment to this title under section 21.03.210, *Title 21-Text Amendments*. The determination of the director shall be binding on all officers and departments of the municipality.

2. Atypical Uses: Determination Binding

If the director finds that the particular use or category of use(s) that was the subject of the use classification request is of an unusual or transitory nature, or is unlikely to recur frequently, the director may approve the use without initiating an amendment to this title. However, the director's determination shall thereafter be binding on all officers and departments of the municipality.

E. Official Record of Use Classification Determinations

An official record of use classification determinations and related zoning board actions shall be kept on file in the department and shall be available for public inspection in the department during normal business hours.

21.03.230 VACATION OF PUBLIC AND PRIVATE INTEREST IN LANDS

A. Authority

The platting authority shall consider the merits of each vacation request, and in all cases the platting authority shall deem the area being vacated to be of value to the municipality unless

EXHIBIT A

proven otherwise. The burden of proof shall lie entirely with the petitioner. The presumption contained herein does not apply to vacations of private easements where the beneficiaries have provided written concurrence.

B. Application Submittal

Applications for vacation requests shall contain the information specified in the title 21 user's guide, and shall be submitted to the platting officer on a form provided by the department.

C. Decision-Making Responsibilities for Vacations

1. The platting officer is the platting authority for applications to vacate the following platted interests:

- a. Drainage easements granted under section 21.08.050L.
- b. Zero lot line maintenance easements.
- c. Public utility easements.
- d. Private easements, but only upon the written concurrence of the beneficiaries.
- e. Relocation of any of the above-described interests.

2. The platting board is the platting authority for all other applications to vacate a dedicated public area.

D. Action

The platting officer or platting board shall take action on the vacation application within 60 days after the submittal date. The reasons for the approval of the vacation shall be stated upon the case record.

E. Approval Period

The approval of a vacation expires 24 months after the date of approval unless, before its approval expires, a conveyance of the vacated interest is approved in accordance with law and a final plat depicting the vacation is approved and filed in accordance with this title. A street right-of-way or easement whose vacation is finally approved under this section is a right-of-way or easement without substantial value to the municipality and is conveyed upon the filing of a final plat depicting the vacation.

F. Appeals

Appeals of the platting officer's decision on a vacation under his or her jurisdiction shall be treated as an application for preliminary plat approval pursuant to section 21.03.200C. Appeals of the platting board's decision on a vacation under its jurisdiction shall be to the board of adjustment.

G. Title to Vacated Area

1. The title to the street or other public right-of-way vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that, if the area was originally

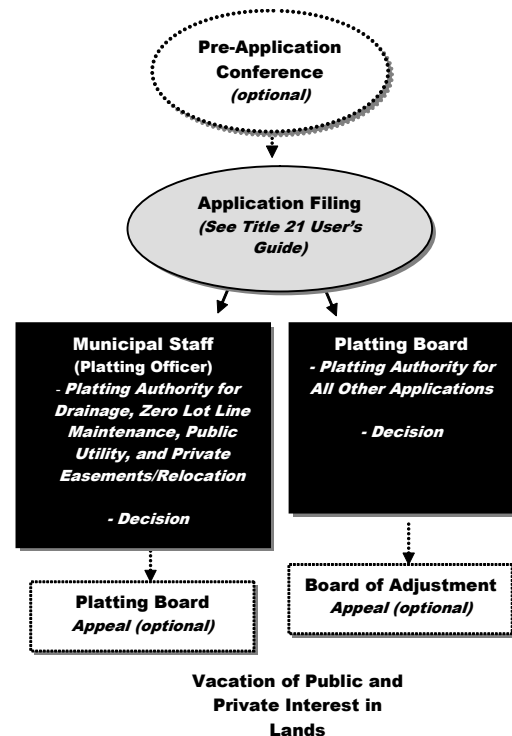


EXHIBIT A

dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street that lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the municipality.

2. If the municipality acquired the street or other public area vacated for legal consideration before the final act of vacation, the fair market value of the street or public area shall be deposited with the municipality. Title transferred under this subsection shall be warranted by the municipality in the same manner as it was received.

3. The provisions of paragraph G.1. of this section notwithstanding, the platting board may determine that all or a portion of the area vacated should be devoted to another public purpose and, if so, title to the area vacated and held for another public purpose does not vest as provided in paragraph G.1. but remains in the municipality.

21.03.240 VARIANCES

A. Purpose and Scope

The variance process is intended to provide limited relief from the requirements of this title in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the reasonable use of land in a manner otherwise allowed under this title. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this title may impose on property owners in general. Rather, it is intended to provide relief where the requirements of this title render the land difficult or impossible to use because of some unique physical attribute of the property itself. State and/or federal laws or requirements may not be varied by the municipality. Variances are not intended to allow things that are otherwise prohibited in this title.

B. Decision-Making Bodies **for [AUTHORIZED TO CONSIDER] Variance Requests**

1. The platting authority shall be authorized to review and **decide [CONSIDER]** all requests for variances to standards of the following sections:

a. Subsection 21.07.020C., *Steep Slope Development*;

b. Section 21.07.060, *Transportation and[,] Connectivity[, AND PEDESTRIAN FACILITIES]; [AND]*

c. Chapter 21.08, *Subdivision Standards*;

d. The following subsections of chapter 21.09, *Girdwood Land Use Regulations*: 21.09.070C., *Hazard Areas*, 21.09.070D., *Grading and Drainage*, 21.09.070F., *Transportation and Connectivity*, 21.09.070G.1., *Street and Trail Lighting Standards*, 21.09.070H., *Pedestrian Circulation*, 21.09.070N., *Driveway Standards*; and

e. Subsection 21.10.070B., *Transportation and Connectivity (Chugiak-Eagle River)*.

2. Requests for variances from the airport height **[ZONING]** regulations set forth in section **21.06.030D.9. [21.04.060C.]** shall be referred to the Federal Aviation Administration.

3. The urban design commission shall be authorized to review and **decide [CONSIDER]** all requests for variances to standards of the following sections:

a. District-specific standards of chapter 21.04, *Zoning Districts*, section 21.09.040, *Zoning Districts (Girdwood)*, and section 21.10.040, *Zoning Districts (Chugiak-Eagle River)*;

EXHIBIT A

- b. Use-specific standards of chapter 21.05, *Use Regulations*, section 21.09.050, *Use Regulations* (Girdwood), and section 21.10.050, *Use Regulations* (Chugiak-Eagle River);
 - c. Chapter 21.07, *Development and Design Standards* (with the exception of subsections 21.07.020C., *Steep Slope Development*, 21.07.050, *Utility Distribution Facilities*, and 21.07.060, *Transportation and Connectivity*);
 - d. The following subsections of chapter 21.09, *Girdwood Land Use Regulations*: 21.09.070E., *Landscaping, Vegetation, and Tree Retention*, 21.09.070G.2., *Exterior Site Lighting*, 21.09.070I., *Fences and Walls*, 21.09.070K., *Snow Management*, 21.09.070L., *Off-Street Parking Standards*, 21.09.070M., *Signage*, 21.09.070O., *Trash Management in Multifamily, Commercial, Industrial, and Resort Districts*, and [21.09.040, *ZONING DISTRICTS*; 21.09.050, *USE REGULATIONS*; 21.09.070, *SITE DEVELOPMENT AND DESIGN STANDARDS*;] 21.09.080, *Building Design Standards*;
 - e. The following subsections of section 21.10.070, *Design and Development Standards* (Chugiak-Eagle River): 21.10.070C., *Landscaping, Screening, and Fences*, 21.10.070D., *Off-Street Parking and Loading*, 21.10.070E., *Exterior Lighting*, and 21.10.070F., *Large Establishments*; and
 - f. Chapter 21.11, *Signs*, including the maximum sign area, the maximum sign height, the location of the sign, and the number of signs on the parcel. In evaluation the request for a variance to the maximum sign height, the urban design commission may consider whether there are special topographic circumstances that would result in a material impairment of visibility of the sign from the adjacent roadway which significantly diminishes the owner's or user's ability to continue to communicate adequately and effectively with the public through the use of the sign.
4. The zoning board of examiners and appeals shall be authorized to review and decide [CONSIDER] variance requests from:
- a. Subsection 21.05.040K., *Telecommunication Facilities*;
 - b. Chapter 21.06, *Dimensional Standards and Measurements* (with the exception of subsection 21.06.030D.9., *Airport Height Regulations*);
 - c. Subsection 21.07.050, *Utility Distribution Facilities*; [AND]
 - d. Section 21.09.060, *Dimensional Standards* (Girdwood);
 - e. Subsection 21.09.070J., Utilities and Utility Equipment Standards (Girdwood); and
 - f. Section 21.10.060, *Dimensional Standards* (Chugiak-Eagle River).

EXHIBIT A

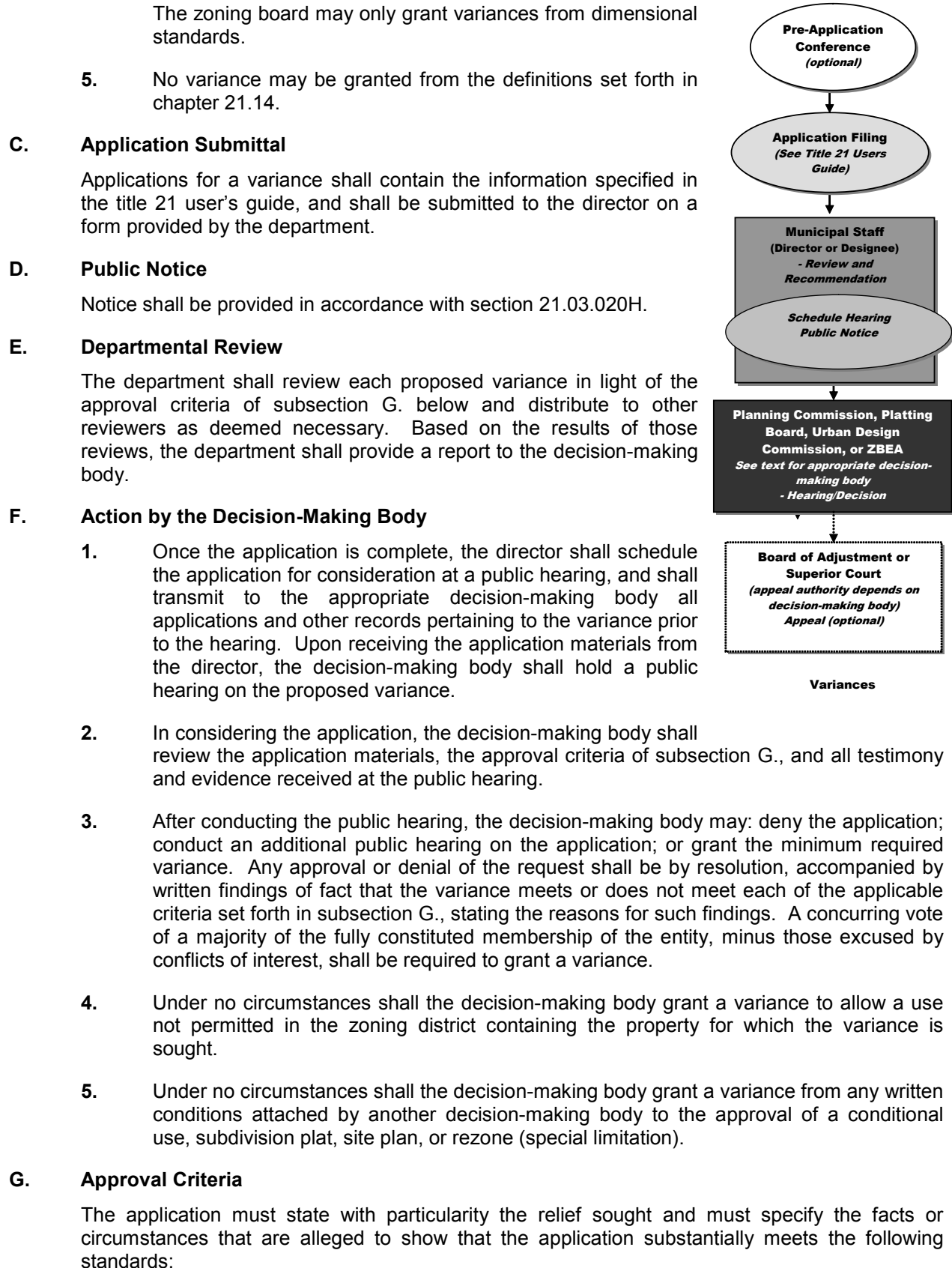


EXHIBIT A

1. Variances from the District-Specific Standards of Chapter 21.04, *Zoning Districts*, Section 21.09.040, *Zoning Districts (Girdwood)*, and Section 21.10.040, *Zoning Districts (Chugiak-Eagle River)*; the Use-Specific Standards of Chapter 21.05, *Use Regulations*, Section 21.09.050, *Use Regulations (Girdwood)*, and Section 21.10.050, *Use Regulations (Chugiak-Eagle River)*; Chapter 21.07, *Development And Design Standards* (except for subsections 21.07.020C., *Steep Slope Development*; subsection 21.07.050, *Utility Distribution Facilities*; and subsection 21.07.060, *Transportation and Connectivity*); Subsections 21.09.070E., G.2., I, K, L, M, O, and 21.09.080 (Girdwood); Subsections 21.10.070C., D., E., and F. (Chugiak-Eagle River); [SECTION 21.09.040, SECTION 21.09.050, SECTION 21.09.070, SECTION 21.09.080,] and Chapter 21.11, *Signs*
 - a. The proposed alternative achieves the intent of the subject design standard to the same or better degree than the subject standard;
 - b. The proposed alternative achieves the goals and policies of the comprehensive plan to the same or better degree than the subject standard;
 - c. The proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject standard;
 - d. The variance, if granted, will not adversely affect the use of adjacent property as permitted under this code;
 - e. The variance, if granted, does not change the character of the zoning district where the property is located, is in keeping with the intent of the code, and does not permit a use not otherwise permitted in the district in which the property lies;
 - f. Persons with disabilities are provided with access as required by the Americans with Disabilities Act (ADA) and reasonable accommodation; and
 - g. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the municipality.
2. Variances from Subsection 21.05.040K., *Telecommunication Facilities*; Chapter 21.06, *Dimensional Standards and Measurements*; Section 21.07.050, *Utility Distribution Facilities*; Section 21.09.060, *Dimensional Standards (Girdwood)*; Subsection 21.09.070J., *Utilities and Utility Equipment Standards (Girdwood)*; and Section 21.10.060, *Dimensional Standards (Chugiak-Eagle River)* [AND FROM SECTION 21.09.060 (GIRDWOOD)]
 - a. There exist exceptional or extraordinary physical circumstances of the subject property including, but not limited to, streams, wetlands, or slope, and those circumstances are not applicable to other land in the same zoning district;
 - b. Because of these physical circumstances, the strict application of the code creates an exceptional or undue hardship upon the property owner, and would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the zoning ordinance;
 - c. The hardship is not self-imposed, special conditions and circumstances do not result from the actions of the applicant, and such conditions and circumstances do not merely constitute inconvenience;
 - d. The variance, if granted, will not adversely affect the use of adjacent property as permitted under this code;
 - e. The variance, if granted, does not change the character of the zoning district where the property is located, is in keeping with the intent of the code, and does not permit a use not otherwise permitted in the district in which the property lies;

EXHIBIT A

- f. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the municipality;
- g. Persons with disabilities are provided with access as required by the Americans with Disabilities Act (ADA) and reasonable accommodation; and
- h. The variance granted is the minimum variance that will make possible a reasonable use of the land.

3. Variances from **Subsection 21.07.020C., Steep Slope Development; Section 21.07.060, Transportation and Connectivity; Chapter 21.08, Subdivision Standards; Subsections 21.09.070C., D., F., G.1., H., and N. (Girdwood); and Subsection 21.10.070B., Transportation and Connectivity (Chugiak-Eagle River)**

- a. There are special circumstances or conditions affecting the property such that the strict application of the provisions of the subdivision regulations would clearly be impractical, unreasonable, or undesirable to the general public;
- b. The granting of the specific variance will not be detrimental to the public welfare or injurious to other property in the area in which such property is situated;
- c. Such variance will not have the effect of nullifying the intent and purpose of the subdivision regulations or the comprehensive plan of the municipality; and
- d. Undue hardship would result from strict compliance with specific provisions or requirements of the subdivision regulations. The applicant may supplement the form with supporting documents.

4. Variances from Airport Height **[ZONING]** Regulations

The Federal Aviation Administration shall complete an airspace determination that concludes that the proposed variance would not create a hazard.

H. **Lapse of Approval**

Any variance granted shall become null and void if:

1. The variance is not exercised within one year of the date it is granted or as otherwise conditioned, or
2. Any building, structure, or characteristic of use permitted by variance is moved or altered so as to enlarge the variance or discontinue it.

I. **Appeals**

1. An appeal from a decision of the platting **authority [BOARD]** or the urban design commission shall be brought to the board of adjustment in accordance with sections 21.03.050A.
2. An appeal from a decision of **[THE PLANNING AND ZONING COMMISSION OR]** the zoning board of examiners and appeals shall be brought in accordance with section 21.03.050D.

J. **Administrative Variances**

1. **Process**

a. ***Application Submittal***

Applications for an administrative variance shall contain the information specified in the title 21 user's guide, and shall be submitted to the director on a form provided by the department.

b. ***Notice***

EXHIBIT A

Notice shall be provided in accordance with section 21.03.020H.

c. Time For Approval

The director shall make a determination on an application within 45 days of submittal, and shall provide written findings of the decision. Notification of approval or denial shall be posted electronically on the department's municipal web site and furnished in writing to the applicant by mail or delivered by electronic means.

d. Appeals

If the request for an administrative variance is denied, the applicant may apply for a public hearing variance before the urban design commission under this section 21.03.240. Additionally, denial of requests for administrative variance from occupancy limits for assisted living facilities may be appealed by any person with standing to request reasonable accommodation under the Fair Housing Act, 42 U.S.C. § 3604(f).

2. From Occupancy Limits For Assisted Living Facilities

a. Intent

The intent of this section is to provide a procedure to allow persons with disabilities and assisted living providers to request reasonable accommodation from the department when access to decent safe, accessible and affordable housing with assisted living would not be available absent a reasonable accommodation. This administrative variance procedure is available to address application for minor variance in dimensional and setback requirements to accommodate special needs of persons with disabilities and to address application for variance in occupancy limits of no more than three persons.

b. Standards

In deciding to approve or deny an application, the department shall review the application and written comments addressing factors relevant to the request for reasonable accommodation, including but not limited to, the extent to which the application demonstrates the following, as related to the particular request of the applicant:

i. For administrative variance applications to increase occupancy limits in R-1, R-1A, R-2A and R-2D districts, the extent to which the accommodation and the assisted living provider 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 assisted living provider to mitigate environmental disturbance associated with ingress and egress of facility staff workers at shift change, and any other measures taken by the assisted living provider to ensure the commercial aspects of the facility do not detract from its residential purpose and the primarily residential character of the district. An example of a commercial aspect is if residential trash containers were standard in the neighborhood and the assisted living provider used one or more dumpsters due to volume. An example of a mitigation measure for this aspect the assisted living provider might take is to screen the dumpster.

ii. For administrative variance applications to increase occupancy limits, economic hardship on the intended occupants if the variance is denied. Cost and availability of other housing alternatives may be addressed in preparation and review of the application.

EXHIBIT A

- iii. Whether the requested accommodation and the assisted living provider 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 accommodation requested is advancing housing opportunities for disabled individuals in a residential community without jeopardizing residential aspects of the neighborhood with commercial aspects of operation.
- v. For administrative variance applications to increase occupancy limits, whether the proposed size of the facility is necessary for the facility's financial viability.
- 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 variance.
- ix. Other factors deemed relevant to the applicant or the department in review of the application.

c. Conditions

In approving a variance, the department may impose reasonable conditions designed to address the standards in subsection J.5. or mitigate impacts created by the variance.

3. For Signs

The director may grant an administrative variance from the height restrictions and/or setback requirements for freestanding signs, provided:

- a. Special topographic circumstances exist that would result in a material impairment of visibility of a conforming sign from the adjacent roadway;
- b. There is no reasonable conforming alternative to the variance; **and**
- c. Any setback variance does not result in an encroachment into a public right-of-way.; **AND**
- d. **A FEE HAS BEEN RECEIVED.]**

4. For Large Domestic Animal Facility

Application for administrative approval of deviation in minimum lot size of 40,000 square feet may be made to the department. The director may approve deviation of site area square footage, not to exceed 10 percent, upon consultation with the department of health and human services.

5. For Refuse Receptacle Location and Screening

- a. The director shall seek and document comments from the applicable refuse service providers.

EXHIBIT A

- b. Approval criteria for this administrative variance is listed in subsection 21.07.080G.2.h.

21.03.250 VERIFICATION OF NONCONFORMING STATUS

A. Process

Owners of lots, uses, or structures that may not conform to the requirements of this title may request a verification of nonconforming status by filing an application with the director in accordance with this section. Owners of signs that do not conform to the requirements of this title shall comply with section 21.12.070, *Nonconforming Signs*.

1. The application shall be accompanied by documentation that establishes the approximate date that the lot, use, or structure was established; proof that the lot, use, or structure was lawfully established at the time it became nonconforming; and proof that the use has not been discontinued or abandoned, except as provided in subsection B. below. The director shall require additional information if deemed necessary to permit an accurate determination.
2. Such verifications shall run with the land, and their status shall not be affected by changes of tenancy, ownership, or management.
3. A verification of nonconforming status shall not be required for continued daily operation or maintenance of a nonconforming lot, use, or structure.

B. Exceptions

Notwithstanding subsection A. above:

1. Where the contention for nonconforming use is raised in a court in any action brought to enforce this title before an application for determination has been filed under this section, this section shall not be applicable and the court shall have jurisdiction to determine the issue.
2. Nothing in this section shall be construed to deprive the director the right to make a decision regarding a claimed nonconforming use or nonconforming status as incident to a valid pending application for a land use permit.

C. Appeals

[DENIAL OF T]The director's decision on nonconforming status may be appealed to the zoning board of examiners and appeals pursuant to subsection 21.03.050B.

EXHIBIT A

CHAPTER 21.04: ZONING DISTRICTS

21.04.010 GENERAL PROVISIONS

This chapter establishes the zoning districts and contains basic information pertaining to zoning districts, including statements of purpose and district-specific regulations. The following chapters 21.05 and 21.06 set forth the uses allowed within the districts and the dimensional standards applying to development in the districts, respectively.

A. Districts Established; Zoning Map

1. Purpose

The municipality is divided into zoning districts in order to achieve the purposes of this title established in chapter 21.01, which include implementation of the comprehensive plan, and its land use plan map.

2. Zoning Districts Established

The following zoning districts are established:

TABLE 21.04-1: ZONING DISTRICTS ESTABLISHED		
District Type	Abbreviation	District Name
Residential Districts	R-1	Single-Family Residential
	R-1A	Single-Family Residential (larger lot)
	R-2A	Two-Family Residential (larger lot)
	R-2D	Two-Family Residential
	R-2M	Mixed Residential
	R-3	Mixed Residential
	R-4	Multifamily Residential
	R-4A	Multifamily Residential Mixed-Use
	R-5	Low-Density Residential
	R-6	Low-Density Residential (1 acre)
	R-7	Single-Family Residential (20K)
	R-8	Low-Density Residential (4 acres)
	R-9	Low-Density Residential (2 acres)
Commercial Districts	R-10	Low-Density Residential, Alpine/Slope
	B-1A	Local and Neighborhood Business
	B-1B	Community Business
	B-3	General Business
	DT-1	Downtown Core
	DT-2	Downtown Mixed-Use
	DT-3	Downtown Mixed-Use Residential
	RO	Residential Office
Industrial Districts	MC	Marine Commercial
	I-1	Light Industrial
	I-2	Heavy Industrial
	MI	Marine Industrial

EXHIBIT A

TABLE 21.04-1: ZONING DISTRICTS ESTABLISHED		
District Type	Abbreviation	District Name
Other Districts	A	Airport
	AF	Antenna Farm
	DR	Development Reserve
	PCD	Planned Community Development
	PLI	Public Lands and Institutions
	PR	Parks and Recreation
	TA	Turnagain Arm
	TR	Transition
	WS	Watershed
Overlay Zoning Districts	[AHO]	AIRPORT HEIGHT OVERLAY]
	CCO	Commercial Center Overlay
	[FHO]	FLOOD HAZARD OVERLAY]
Girdwood Districts	Girdwood districts are set forth in chapter 21.09, <i>Girdwood</i> .	
Chugiak-Eagle River Districts	Chugiak-Eagle River districts are set forth in chapter 21.10, Chugiak-Eagle River.	

3. Zoning Map

The zoning districts are shown on the official zoning map (see section 21.01.050). Procedures for amending the zoning map are in section 21.03.160, *Rezoning (Zoning Map Amendments)*.

B. Relationship to Overlay Districts

All lands within the municipality shall be designated as one of the base zoning districts set forth in sections 21.04.020 through 21.04.060. In addition, some lands may be designated as one or more of the overlay districts set forth in section 21.04.070. Where the property is designated as an overlay district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base district. In the event of an express conflict between the two sets of standards, the standards for the overlay district shall control.

21.04.020 RESIDENTIAL DISTRICTS

A. General Purpose/Intent

The residential zoning districts established in this section generally are intended to:

1. Provide appropriately located areas for residential development that are consistent with the comprehensive plan and with standards established by this code;
2. Designate areas for residential living that offer a broad range of lot sizes, dwelling types, densities, and housing choices, and that offer a range of living environments;
3. Conserve residential lands for housing by limiting conversion of the residential land base to non-residential uses;

EXHIBIT A

4. Allow for a variety of housing types that meet the diverse economic and social needs of residents;
5. Where appropriate protect the scale and character and unique appeal of existing residential neighborhoods and of community areas generally;
6. Promote new development that is compatible with surrounding development, and protect residential property from excessive noise, glare, and light pollution; traffic congestion; and other significant adverse effects of incompatible uses;
7. Protect residential areas from commercial and industrial hazards such as fires, explosions, and toxic fumes and substances;
8. Where appropriate, minimize the location of residences in high natural hazard areas, and mitigate the risk in those areas where development may be allowed;
9. Allow for appropriate public and institutional services and facilities, such as schools, parks and recreation uses, religious assembly, utility substations, and telecommunications and transportation infrastructure, while maintaining the residential character of the district; and
10. Designate areas for residential living that support neighborhood identity and economic vitality and thus give predictability to residential settings and encourage investments and enhancements.

B. R-1: Single-Family Residential District

1. **Purpose**
The R-1 district is intended primarily for detached single-family residential areas with gross densities up to five dwelling units per acre. These areas generally are intended to have well-developed infrastructure, and municipal services generally are intended to be provided.

C. R-1A: Single-Family Residential District (larger lot)

1. **Purpose**
The R-1A district is intended primarily for detached single-family residential areas with gross densities up to four dwelling units per acre. The minimum lot size is slightly larger than the R-1 district. These areas generally are intended to have well-developed infrastructure, and municipal services generally are intended to be provided.

D. R-2A: Two-Family Residential District (larger lot)

1. **Purpose**
The R-2A district is intended primarily for single- and two-family residential areas with gross densities between five and seven dwelling units per acre. The minimum lot size is slightly larger than the R-2D district. These areas generally are intended to have well-developed infrastructure, and municipal services generally are intended to be provided.

E. R-2D: Two-Family Residential District

1. **Purpose**
The R-2D district is intended primarily for single- and two-family residential areas with gross densities between five and eight dwelling units per acre. These areas generally are intended to have well-developed infrastructure, and municipal services generally are intended to be provided.

F. R-2M: Mixed Residential District**1. Purpose**

The R-2M district is intended primarily for residential areas that allow for a variety of single-family, two-family, and multifamily dwellings, with gross densities between five and 15 dwelling units per acre. The R-2M district provides residential neighborhoods with a greater diversity of housing by allowing a mix of both detached and a variety of attached dwelling types in close proximity to each other, rather than separated into different zoning districts. The R-2M district is to be located in established or redeveloping residential neighborhoods or is to create a transition between single-family, two-family, and higher density multifamily and mixed-use areas. The design of new development, such as building scale and setbacks, parking facility size and location, and yard landscaping, should be complementary to the existing neighborhood and mix of dwelling types.

2. District-Specific Standards

- a. Multifamily buildings shall contain no more than eight dwelling units.
- b. On lots where more than one principal structure is allowed (see table 21.06-1), the development of more than one principal structure on a lot requires an administrative site plan review.
- c. Multifamily buildings with four or fewer units may comply with the single-family primary entrance requirements of 21.07.110E.3. in lieu of meeting the multifamily primary entrance treatment requirements of 21.07.110C.8.

G. R-3: Mixed Residential District**1. Purpose**

The R-3 district is a multifamily residential district with gross densities between 15 and 40 dwelling units per acre, provided, however, that housing allowed in the R-1, R-1A, R-2A, and R-2D are a permitted use. It is intended primarily for multifamily and townhouse dwellings characterized by low-rise multistory buildings. It allows a higher percentage of lot coverage than the R-2M zone, while also maintaining the residential living environment with landscaping, private/common open spaces, and other amenities for residents. This district provides greater housing opportunities and efficient use of residential land near commercial, community activity centers, town centers, and areas well served by transit.

H. R-4: Multifamily Residential District**1. Purpose**

The R-4 district is a multifamily medium to high density residential district. It is intended primarily for multifamily and multi-story residential buildings, but also allows single-family, duplex, and townhouse residential development. For multi-story buildings, the maximum size of buildings and intensity of use is regulated by floor area ratio (FAR) and other site development standards. Multi-story development is intended to be applied in areas well served by transit and/or arterial streets, and by supportive commercial services near the major commercial and employment centers in downtown and midtown. Although some commercial development is allowed within a residential development, the district is intended to be primarily residential. For multi-story buildings, development is intended to be oriented to the sidewalk with windows, entrances, and walkways to provide strong pedestrian connections to nearby services.

2. District-Specific Standards**a. *Allowed Commercial Uses***

The commercial uses listed below are allowed through the approval process shown in table 21.05-1, shall only be developed in conjunction with multifamily or mixed use dwellings, and are limited to five percent of the gross floor area of the development on a site, or 1,500 square feet, whichever is less.

- i. Fitness and recreational sports center;
- ii. Restaurant;
- iii. Convenience store;
- iv. Grocery or food store.

b. *Alcohol Sales Prohibited*

Special land use permits for alcohol shall not be authorized for uses in the R-4 district.

c. *Floor Area Ratio (FAR)*

The maximum floor area ratio (FAR) in the R-4 district is 1.0, but may be increased through the bonus provisions in subsection 21.04.020I.2.c. below.

d. *Building Height Increase*

Buildings in the R-4 district may exceed the maximum height established in table 21.06-1, up to a maximum total height of 60 feet (or slightly more—see subsection d.iv. below), subject to all of the following requirements to encourage the provision of light and air at the ground level, and active uses on the ground floor facing the street:

- i. The development shall participate in the FAR incentives provided in subsection 21.04.020I.2.c. below;
- ii. The ground floor of the building shall be residential or other permitted non-parking use, for at least 25 feet of depth facing the street for the full length of the street facing building elevation, except for vehicle entrances and exits. Where the site has two or more frontages, the standard shall be met on two frontages;
- iii. The height increase shall adhere to the height transitions provisions of subsection 21.06.030D.8.; and
- iv. A pitched roof form may extend above the 60-foot height limit, provided that all parts of the roof (including any dormer features) above the height limit have a slope of at least 1:2, it is not a shed or butterfly roof, and the finished ceiling of the highest habitable floor area does not exceed 60 feet in height; and
- v. Development requesting the height increase shall be subject to administrative site plan review, unless a higher level of review is already required.

I. R-4A: Multifamily Residential Mixed-Use District

1. Purpose

The R-4A district is a primarily residential district intended for high-density multifamily dwellings, with gross densities intended to be greater than 35 dwelling units per acre. Commercial retail, services, and office uses are also allowed in combination with housing to create a truly mixed-use neighborhood environment, although a majority of the gross floor area of the development shall be a residential use. This district is to be applied in areas near downtown and midtown, in order to provide housing densities which support these city centers, efficient use of residential land, and residential living opportunities near employment and services. By providing the flexibility for integrated mixed-use site development, the R-4A district facilitates reinvestment and revitalization within areas in transition. New mixed-use development should facilitate strong pedestrian and bicycle connections with nearby neighborhoods and city centers.

2. **District-Specific Standards**

a. ***Mixed-Use Development Standards***

Development in the R-4A district shall comply with the mixed-use development standards in subsection 21.04.030G.6. and G.7. regarding enhanced sidewalk option and building placement and orientation.

b. ***Maintaining Residential Character***

Development shall be primarily residential. The following standards and exceptions apply:

i. Non-residential uses allowed in the R-4A district shall be mixed with residential according to the provisions that follow. (The uses “park, public or private,” “community garden,” “utility substation,” telecommunications towers, “parking lot, principal use,” and “parking structure, principal use” are exempt from the mixed-use requirement.)

(A) If residential uses occupy at least 90 percent of the gross floor area depicted on a site plan, no review beyond that required by table 21.05-1 is required.

(B) A major site plan review is required for non-residential uses proposed to occupy greater than 10 and less than or equal to 20 percent of the gross floor area of the development as depicted on a site plan.

(C) A conditional use permit is required for non-residential uses proposed to occupy greater than 20 and less than or equal to 49 percent of the gross floor area of the development as depicted on a site plan.

(D) Major site plan reviews or conditional use reviews under b.i.(B). and b.i.(C). shall meet the following criteria. This shall be in addition to the general site plan approval criteria (21.03.180F.) and conditional use approval criteria (21.03.080D.).

(1) The development shall result in a net increase in dwelling units over pre-development density, or shall be at least 20 dwelling units per acre, whichever is greater. The total gross floor area of household living uses shall be equal to or greater than any prior residential development.

(2) Stipulations may be imposed relating to building design, traffic, privacy, floor area restrictions, restrictions against commercial above the ground floor, and other conditions necessary to maintain a residential character and compatibility with adjacent residential districts.

ii. The non-residential portion of the development shall not be given a certificate of zoning compliance or a conditional certificate of zoning compliance until all of the residential portion of the development is given a certificate of zoning compliance.

iii. Ground floor building facades facing and within 100 feet of public streets, primary circulation drives, or primary pedestrian walkways shall meet the following window standards on those facades:

EXHIBIT A

(A) Non-residential uses: At least 50 percent of the length and 25 percent of the area of ground-level walls shall be windows providing visual access to the interior of the building.

(B) Residential uses: At least 25 percent of the length and 12 percent of the area of ground-level walls shall be windows.

(C) All uses: Blank walls shall not exceed 30 feet in length.

iv. All commercial uses shall be conducted entirely within a completely enclosed building except for parking and loading facilities and outdoor restaurant seating. Outdoor storage of goods accessory to a commercial use is prohibited.

c. ***Floor Area Ratio (FAR) Incentives for the R-4 and R-4A Districts***

The maximum floor area ratio (FAR) within the R-4 and R-4A districts is 1.0 FAR, but may be increased up to a maximum total FAR of 2.0 in the R-4 district and 3.0 in the R-4A district through the following bonus provisions, subject to section 21.06.030E. These incentives provide for an incremental increase in the floor area of a development in exchange for incremental increases in any of the following special features deemed of benefit to the community. Increases in the FAR may be achieved through the use of one or more of the following:

i. ***Bonus for Open Space***

One square foot of additional floor area is allowed per square foot of additional open space area. This space shall meet the standards of 21.07.030D. and be in addition to any open space required by section 21.07.030. The floor area bonus increases to two square feet for open space that meets the standards for high quality spaces in 21.07.030D.6.

ii. ***Bonus for Below Grade Parking***

Two square feet of additional floor area is allowed per gross square foot of covered below grade parking floor area, up to a maximum increase of 1.0 FAR. The floor area bonus increases to three square feet on the second parking level below grade.

iii. ***Bonus for Affordable Housing***

Three square feet of additional floor area is allowed per square foot of affordable housing unit floor area, up to a maximum increase of 0.5 FAR. The affordable housing units shall be consistent with the standards of 21.07.110H., *Affordable Housing*.

iv. ***Bonus for Sidewalk/Walkway Widening***

One square foot of additional floor area is allowed per square foot of area provided as part of a primary pedestrian walkway that meets the requirements of 21.07.060F.4.

v. ***Bonus for Upper Level Setbacks/Step Backs for Sunlight Access***

A floor area bonus is allowed equal to one-third of the sum of step back areas on each upper floor where the step back is at least 16 feet from the face of the building at the floor immediately below, such that the floor's existence does not increase the amount of shadowing on surrounding residences, private open spaces, sidewalks, schools, or parks on March/September 21, from 9:00 a.m. to 3:00 p.m. solar time.

vi. ***Bonus for Ambient Daylight for Residences***

A floor area bonus equal to 10 percent of the lot area (0.10 FAR) but not to exceed 4,000 square feet is allowed for preservation of daylight for all

1 dwellings in the development and facing the development, using the
2 standards of 21.07.110C.9.g. To receive credit, the building shall not
3 exceed a daylight plane rising up over the building at an angle of five feet
4 of run for every three feet of rise, and starting from a height of five feet
5 above finished grade at the foundation of surrounding residential
6 buildings.

7 **vii. *Bonus for Pedestrian-Interactive Use***

8 Three square feet of additional floor area is allowed per each square foot
9 of ground-floor space which is to be occupied by a pedestrian-interactive
10 use that meets the standards of 21.07.060F.16.

11 **d. *Reduced Parking Ratios***

12 Development in the R-4A district shall be eligible for a reduction of the minimum
13 number of parking spaces, as provided in 21.07.090F.6.

14 **e. *Building Height Increase***

15 Buildings in the R-4A district may exceed the maximum height established in
16 table 21.06-1, up to a maximum total height of 90 feet, subject to all of the
17 following conditions. These conditions encourage slender towers with
18 condensed floor plates, light and air at the pedestrian level, and active uses on
19 the ground floor facing the street:

20 **i.** The development shall participate in the FAR incentives provided for the
21 R-4A district in subsection 21.04.020I.2.c. above;

22 **ii.** The ground floor of the building shall be residential or other permitted
23 non-parking use for at least 25 feet of depth facing the street for the full
24 length of the building, except for vehicle entrances and exits. Where the
25 site has two or more frontages, the standard shall be met on two
26 frontages;

27 **iii.** All floor area provided by the height increase shall be for residential
28 uses;

29 **iv.** The height increase shall adhere to the height transitions of subsection
30 21.06.030D.8.;

31 **v.** The height increase shall adhere to the applicable design standards for
32 tall buildings in subsection 21.07.120C.; and

33 **vi.** Unless a major site plan review or a conditional use is required by other
34 parts of this section, all developments requesting the height increase
35 shall be subject to administrative site plan review.

36 **3. *District Location Requirement***

37 It is essential that this district be limited in extent to particular strategic locations. The
38 subject property shall be:

39 **a.** In an area designated in the comprehensive plan for residential city center
40 intensity or redevelopment/mixed-use, or similar designation in a neighborhood
41 or district plan; and

42 **b.** Adjacent to or within a designated major employment center or major city center,
43 or on a designated transit supportive development corridor or transit route with
44 15-minute bus service headways; and

EXHIBIT A

- c. Concentrated as a node near the intersection of an arterial street and another street of collector classification or greater, in a compact form limited in extent to no more than a quarter mile between any two points on the district boundary, unless specifically designated otherwise in an adopted neighborhood or district plan.

J. R-5: Low Density Residential District

1. Purpose

The R-5 district is intended primarily for single- and two-family residential areas with gross densities up to five dwelling units per acre. Mobile homes on individual lots are allowed in this district.

K. R-6: Low-Density Residential (1 acre) District

1. Purpose

The R-6 district is intended primarily for single- and two-family large-lot residential areas, with gross densities of up to one dwelling unit per acre. The R-6 is designed to encourage low-density residential development. This district is intended to protect and enhance those physical and environmental features that add to the desirability of large-lot residential living. The availability of infrastructure and municipal services is varied.

L. R-7: Single-Family Residential (20K) District

1. Purpose

The R-7 district is intended primarily for single- and two-family residential areas with gross densities between one and two dwelling units per acre. This district may also be applied to areas between larger lot districts and higher density districts.

M. R-8: Low-Density Residential (4 acres) District

1. Purpose

The R-8 district is intended primarily for single- and two-family large-lot residential areas with gross densities less than one dwelling unit per four acres, where topographic or other natural conditions are such that higher-density development would be unfeasible. In addition to topography, some of the natural conditions which could exist to render land desirable for the densities proposed in this zone are wind hazards, marginal soils, landslide susceptibility, potential for groundwater pollution, and groundwater availability.

N. R-9: Low-Density Residential (2 acres) District

1. Purpose

The R-9 district is intended primarily for single- and two-family large lot residential areas with gross densities less than one dwelling unit per two acres, where public sewer and water are unlikely to be provided or where topographic or other natural conditions are such that higher-density development would be unfeasible. Where public facilities may be provided in the distant future, the regulations are intended to ensure that development during the interim period does not exceed geological and hydrological capacities for safe and healthful maintenance of human habitation.

O. R-10: Low-Density Residential, Alpine/Slope District

1. Purpose

The R-10 district is intended for use in those areas where natural physical features and environmental factors such as slopes, alpine and forest vegetation, soils, slope stability, and geologic hazards require unique and creative design for development. Creative site design and site engineering are essential to ensure that the development of these lands will:

EXHIBIT A

- a. Protect natural features such as ponds, streams, wetlands, and springs, and incorporate such features into the development of the site design;
- b. Ensure the use of site design techniques that take into consideration topographic constraints and other physical features;
- c. Avoid natural hazards including snow avalanche and mass wasting areas;
- d. Retain the natural flow and storage capacity of any watercourse and wetland, to minimize the possibility of flooding or alteration of water boundaries;
- e. Assure that soil and subsoil conditions are suitable for excavations, site preparation, and on-site waste water disposal;
- f. Provide adequate site drainage to avoid erosion and to control the surface runoff in compliance with the federal clean water act;
- g. Assure an adequate supply of potable water for the site development; and
- h. Minimize the grading operations, including cut and fill, consistent with the retention of the natural character of the site.

2. District-Specific Standards

a. *Lot and Site Requirements*

Table 21.04-2 provides the lot and site requirements for the R-10 district. This table applies in addition to the dimensional standards stated in table 21.06-1.

TABLE 21.04-2: LOT AND SITE REQUIREMENTS FOR R-10 DISTRICT				
Average Slope of Lot (percent)	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum Lot Coverage of All Buildings (percent)	Coverage Impervious Surfaces (percent)
More than 30.00	7.50	300	3	8
25.01--30.00	5.00	300	5	10
20.01--25.00	2.50	180	8	14
20.00 or less	1.25	100	10	20
Average slope is calculated by the following formula: $S = \frac{I * L}{A} * 0.0023$ Where; S = Average slope of lot or tract in percent I = Contour interval (20 feet or less) L = Sum of length of all contours on lot or tract in feet A = Area of the lot or tract in acres				

b. *Bedrock*

When one-third or more of required soils borings reveal bedrock at a depth of less than 16 feet on the lot or tract, lot and site requirements shall be determined as if the average slope were in the next steeper percentage range shown on the table in this subsection. Any required soil boring that does not extend to a depth of at least 16 feet shall be deemed for the purposes of this subsection to have encountered bedrock.

21.04.030 COMMERCIAL DISTRICTS**A. General Purpose/Intent of Commercial Districts**

The commercial and office zoning districts established in this section generally are intended to:

1. Provide appropriately located areas consistent with the comprehensive plan that provide a full range of retail and service establishments and convenience and office uses needed by the municipality, and protect such uses from the adverse effects of incompatible uses;
2. Provide adequate area to meet the needs of future commercial development;
3. Encourage the redevelopment, conversion, and reuse of underused commercial areas, and discourage further geographic expansion of commercial areas not designated in the comprehensive plan;
4. Minimize vehicle miles traveled and promote alternative transportation choices through the concentration of commercial areas as designated in the comprehensive plan;
5. Promote the location of higher intensity commercial uses and traffic into those areas of the municipality that are best developed for traffic and access;
6. Strengthen the municipality's economic base and provide employment opportunities;
7. Provide for commercial land uses that meet the needs of and attract regional and statewide populations, in addition to local residents;
8. Allow and encourage residential development in conjunction with commercial development in order to provide more housing choices and more efficient use of land;
9. Minimize land use impacts of commercial development on adjacent residential districts;
10. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of commercial development; and
11. Provide sites for public and semi-public uses such as utilities and telecommunications infrastructure needed to complement commercial development.

B. B-1A: Local and Neighborhood Business District**1. Purpose**

The B-1A district is intended for small, compact commercial sites or areas within or surrounded by residential areas. The district is applied to encourage the provision of small-scale retail, office, and service uses compatible in scale and character with adjacent residential uses, and providing services to the surrounding neighborhood. B-1A centers are between one-half and two acres in size. Continuous retail frontages, largely uninterrupted by driveways and parking, are encouraged. Uses are to be limited in intensity to promote their local orientation, promote pedestrian access, reduce vehicle trips, and limit adverse impacts on the surrounding area. Upper story residential uses are also allowed.

2. District-Specific Standards**a. Prohibitions**

- i. Drive-throughs are allowed only on those lots with frontage on and access to an arterial street.
- ii. Outdoor storage is prohibited in the B-1A district.

EXHIBIT A

-
- 1 iii. Nonresidential development that does not have access from a street of
2 collector class or greater on the *Official Streets and Highways Plan* shall
3 not be open to the public between 10:00 p.m. and 7:00 a.m.
- 4 b. **Gross Floor Area Limitations**
5 i. The gross floor area of each allowed non-residential use is limited to
6 5,000 square feet per use, without any review beyond that required by
7 table 21.05-1.
- 8 ii. Gross floor area of allowed non-residential uses between 5,001 and
9 10,000 square feet may be requested through a major site plan review.
- 10 iii. Notwithstanding c.i. and c.ii., the maximum gross floor area of grocery or
11 food stores is 20,000 square feet without any review beyond that
12 required by table 21.05-1, provided that the overall site has a floor area
13 ratio of at least 0.35.
- 14 c. **Mixed-Use Development**
15 Mixed-use development in this district shall comply with the standards of
16 subsection G. below.
- 17 3. **District Location Requirements**
18 In addition to the general rezoning criteria, the following requirements shall apply in the
19 creation or expansion of the B-1A district:
- 20 a. The minimum contiguous area for a B-1A district shall be 11,500 square feet.
- 21 b. The maximum contiguous area for a B-1A district shall be 2.0 acres.
- 22 c. The subject property shall be in an established neighborhood commercial area or
23 an area designated in the comprehensive plan for neighborhood-scale
24 commercial.
- 25 C. **B-1B: Community Business District**
- 26 1. **Purpose**
27 The B-1B district is intended for consumer-oriented business uses which serve the needs
28 of the surrounding community. The district is intended for small, compact sites at or near
29 the intersection of streets designated for collector (industrial-commercial), arterial, or
30 greater capacity on the *Official Streets and Highways Plan*.
- 31 2. **District-Specific Standards**
32 a. **Prohibitions**
33 i. Drive-throughs are allowed only on those lots with frontage on and
34 access to an arterial street.
- 35 ii. Outdoor storage is prohibited in the B-1B district.
- 36 iii. Nonresidential development that does not have access from a street of
37 collector class or greater on the *Official Streets and Highways Plan* shall
38 not be open to the public between 10:00 p.m. and 7:00 a.m.
- 39 b. **Gross Floor Area Limitations**
40 i. The gross floor area of each allowed nonresidential use is limited to
41 10,000 square feet per use, without any review beyond that required by
42 table 21.05-1.

EXHIBIT A

ii. Gross floor area of allowed nonresidential uses between 5,001 and 20,000 square feet may be requested through an administrative site plan review.

iii. Notwithstanding b.i. and b.ii., the maximum gross floor area of grocery or food stores is 40,000 square feet without any review beyond that required by table 21.05-1.

c. ***Mixed-Use Development***

Mixed-use development in this district shall comply with the standards of subsection G. below.

d. ***Nursing Facilities***

Nursing facilities with up to 16 residents are a permitted use in the B-1B district. Nursing facilities with more than 16 residents are allowed by conditional use approval in the B-1B district.

3. **District Location Requirements**

In addition to the general rezoning criteria, the following requirements shall apply in the creation or expansion of the B-1B district:

a. The minimum contiguous area for a B-1B district shall be two acres.

b. The maximum contiguous area for a B-1B district shall be 20 acres.

D. **B-3: General Business District**

1. **Purpose**

The B-3 district is intended primarily for general commercial uses in commercial centers and areas exposed to heavy traffic. These commercial uses are intended to be located on arterials, or within commercial centers of town, and to be provided with adequate public services and facilities. They are subject to the public view and should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. Environmental impacts should be minimized. Abutting residential areas should be protected from potentially negative impacts associated with commercial activity. While B-3 district areas shall continue to meet the need for auto-related and other auto-oriented uses, it is the municipality's intent that the B-3 district also shall provide for safe and convenient personal mobility in other forms. Planning and design shall accommodate pedestrians and bicyclists. In addition to a wide range of commercial office, retail and commercial services, other use categories such as residential and community uses, and mixed-use projects, are allowed.

2. **District-Specific Standards**

a. ***Residential in B-3***

Residential household living uses in the B-3 district shall be subject to the R-4 related FAR provisions in subsection 21.04.020I.2.c. The building height increase of subsection 21.04.020H.2.d. is available to residential household living uses in the B-3 district.

b. ***Height Increase Permitted***

Buildings in the B-3 district may exceed the maximum height established for areas outside of Midtown in table 21.06-2, up to a maximum height of 60 feet, subject to the following:

i. The development shall be within an area designated by the comprehensive plan as a commercial center or other type of urban center above the neighborhood scale.

Chapter 21.04: Zoning Districts
Sec.21.04.030 Commercial Districts

- Amendments – Fall 2013**
Page 4-14

c. Residential in RO

Residential household living uses in the RO district shall be subject to the R-4 related FAR provisions in subsection 21.04.020I.2.c. The building height increase of subsection 21.04.020H.2.d. is available to residential household living uses in the RO district.

d. Conditional Building Height Increase

Buildings with nonresidential or group living uses in the RO district may exceed the maximum height established in table 21.06-2, up to a maximum total height of 65 feet, subject to a conditional use review and the following additional approval criteria:

- i. The property is located in a major employment center designated in the comprehensive plan for Downtown, Midtown, or the U-Med District;
- ii. The proposed building height, massing, and intensity of use is consistent with the neighborhood- or district-specific comprehensive plan element applicable to the area;
- iii. The property is not adjacent to any residential district other than the R-4 or R-4A districts; and
- iv. The property is not adjacent to any property designated for medium density or lower density residential uses in the comprehensive plan.

3. District Location Requirements

In addition to the general rezoning approval criteria, the following requirements shall apply to the creation or expansion of the RO district:

- a. New RO zones shall be located in areas intended principally for low-intensity office uses, or in locations where the development buffers residential neighborhoods from heavy volumes of traffic or more intense commercial retail activity.
- b. Where a new or enlarged RO district is adjacent to existing residentially zoned areas, adequate area shall be provided for buffering or other site design requirements necessary to achieve compatibility.
- c. The RO district shall not be located in or expand into areas that are designated residential in the comprehensive plan.

F. MC: Marine Commercial District**1. Purpose**

The MC district is intended primarily for commercial water-dependent uses and is located as designated in the comprehensive plan. Water-related uses may be allowed as conditional uses. Emphasis is on development flexibility of water-dependent and water-related commercial uses and on public access to the waterfront and Ship Creek.

2. District-Specific Standards

Applicants for allowed uses as listed in table 21.05-1 shall demonstrate, to the satisfaction of the director, that they are water-dependent and/or water-related, before applying for any required permits or entitlements.

G. Standards for Mixed-Use Development in the B-1A and B-1B Districts**1. Applicability**

This section applies to developments that create a mix of residential with commercial or public/institutional primary uses in the B-1A and B-1B districts.

2. Maximum Residential Use

An administrative site plan review is required if residential uses occupy greater than 50 percent of the gross floor area of the development as depicted on a site plan. In no event shall the residential use occupy more than 65 percent in the B-1A district.

3. Floor Area Ratio (FAR) Incentives

Floor area ratio (FAR) incentives are offered to encourage residential development and other features of benefit to the public in mixed-use development. Mixed-use developments may have a floor area ratio of up to 0.5 in the B-1A and B-1B districts and up to 1.0 in the B-3 district by-right. This may be increased by up to two times through the following provisions, subject to section 21.06.030C. These incentives provide for an incremental increase in the floor area of a development in exchange for increases in one or more of the following special features:

a. Bonus for Housing

Two square feet of additional floor area is allowed per gross square foot of housing unit floor area, up to a maximum increase of 0.5 far.

b. Bonus for Open Space

One square foot of additional floor area is allowed per square foot of additional open space. This space shall meet the standards of subsection 21.07.030D. and be in addition to any open space required by section 21.07.030. The floor area bonus increases to two square feet for open space that meets the standards for high quality spaces in subsection 21.07.030D.6.

c. Bonus for Below Grade Parking

Two square feet of additional floor area is allowed per gross square foot of below grade parking floor area, up to a maximum increase of 0.5 FAR. The floor area bonus increases to three square feet on the second parking level below grade.

d. Bonus for Affordable Housing

Three square feet of additional floor area is allowed per square foot of affordable housing unit floor area, up to a maximum increase of 0.5 FAR. The affordable housing units shall be consistent with the standards of 21.07.110H., *Affordable Housing*. A housing unit receives this affordable housing bonus instead of the housing bonus in subsection 3.a. above.

e. Bonus for Sidewalk/Walkway Widening

One square foot of additional floor area is allowed per square foot of area provided as part of a primary pedestrian walkway that meets the requirements of 21.07.060F.4.

f. Bonus for Pedestrian-Interactive Use

Three square feet of additional floor area is allowed per each square foot of ground-floor space which is to be occupied by a pedestrian-interactive use that meets the standards of subsection 21.07.060F.16.

g. Bonus for Upper Level Setbacks/Step Backs for Sunlight Access

A floor area bonus equal to one-third of the sum of step back areas on each upper floor where the step back is at least 16 feet from the face of the building at the floor immediately below, such that the floor's existence does not increase the amount of shadowing on surrounding residences, private open spaces, sidewalks, schools, or parks on March/September 21, from 9:00 a.m. to 3:00 p.m. solar time.

1 **4. Building Height Increase**

2 Buildings may exceed the district height limits established in table 21.06-2, up to a
3 maximum total height of 35 feet in the B-1A district and 45 feet in the B-1B district,
4 subject to the following:

- 5 a. The development shall participate in at least one of the FAR incentives provided
6 in subsection G.3. above;
- 7 b. The full length of the street facing building elevation shall be a residential or
8 commercial use with habitable floor area, except for vehicle and pedestrian
9 entrances and exits. If a site has more than two street frontages, this
10 requirement shall apply to building elevations on only two frontages;
- 11 c. The development shall be subject to administrative site plan review, unless a
12 higher level of review is already required;
- 13 d. All floor area provided by the height increase shall be for residential uses or for
14 uses that only serve the residents of the building; and
- 15 e. This height increase shall not be used in conjunction with section 21.06.030D.,
16 *Height Adjustments*, to achieve more than 35 feet of building height in the B-1A
17 district.

18 **5. Reduced Parking Ratios**

19 The development is eligible for a reduction of up to five percent of the minimum number
20 of parking spaces, as provided in section 21.07.090F.6.

21 **6. Enhanced Sidewalk Option**

22 An enhanced sidewalk environment may be provided in lieu of required sidewalks and
23 site perimeter landscaping, as provided in 21.07.060F.17.

24 **7. Building Placement and Orientation**

25 Buildings should be placed and oriented to the street, lining sidewalks and public spaces
26 with frequent shops, entrances, windows with interior views, and articulated ground-level
27 facades. The following standards apply:

- 28 a. Buildings shall have visual access windows and/or primary entrances on street-
29 facing building elevations (up to a maximum of two elevations) for at least 35
30 percent of the length and 50 percent of the ground floor wall area. Qualifying
31 windows shall be no more than four feet above finished grade. If there is more
32 than one story, on the upper floors provide windows or spandrel glass (fake
33 windows) on each building elevation facing an abutting street or having a primary
34 entrance for customers or visitors. Windows shall comprise an average of 35
35 percent or more of the length and 34 percent of the area of each upper floor
36 building elevation. Exterior wall areas of building mechanical rooms are exempt.
37 An elevation that is more than 150 feet away from the facing street shall be
38 exempt, unless it is the only applicable elevation. [BUILDINGS SHALL COMPLY
39 WITH THE ADDITIONAL WINDOW AREA BUILDING ORIENTATION MENU
40 CHOICE IN SECTION 21.07.120E.4.B.VII.;]
- 41 b. Either:
- 42 i. Provide at least on primary entrance within 60 feet of a street sidewalk,
43 or 90 feet for buildings over 25,000 square feet of gross floor area, and
44 connected to the street by a clear and direct walkway; or

EXHIBIT A

ii. Provide a prominent and inviting primary entrance that is visible from the street, connected by a direct walkway to the street, and highlighted by two of the following:

(A) Portico, overhang, canopy, or similar permanent feature projecting from the wall;

(B) Recessed and/or projected entrance that covers at least 80 square feet;

(C) Arches, peaked roof forms, terracing parapets, or other change of building roofline;

(D) Changes in siding material, or detail features such as tilework, to signify the entrance; or

(E) Entrance plaza, patio, or similar common private open space.
[BUILDING PRIMARY ENTRANCES SHALL BE VISIBLE FROM THE STREET, OR COMPLY WITH THE STREET ORIENTED ENTRANCES OR PROMINENT ENTRANCE FEATURE BUILDING ORIENTATION MENU CHOICES OF SECTION 21.07.120E.4.B.; AND]

c. Buildings shall comply with the maximum setbacks established in 21.06.020, *Tables of Dimensional Standards*, and 21.06.030C.5.

H. Standards for Mixed-Use Development in the B-3 District

1. Applicability

This section applies to developments that create a mix of residential with commercial or public/institutional primary uses in the B-3 district.

2. Floor Area Ratio (FAR) Incentives

a. The floor area ratio (FAR) and bonus provisions set out in subsection G.3. above apply.

b. In addition to the bonus features available in subsection G.3. above, a floor area bonus equal to ten percent of the lot area (0.10 FAR), but in no case to exceed 10,000 square feet, is allowed if a wind tunnel test is performed and the wind speed criteria meeting the specifications of subsection 21.07.120C. are incorporated into the design of a multistory building development to improve microclimatic conditions.

3. Building Placement and Orientation

Buildings are subject to the building placement and orientation standards for mixed-use development in the B-1A/B-1B districts in section 21.04.030G.7. above.

4. Reduced Parking Ratios

The development is eligible for a reduction of up to five percent of the minimum number of parking spaces, as provided in section 21.07.090F.6.

5. Enhanced Sidewalk Option

An enhanced sidewalk environment may be provided in lieu of required sidewalks and site perimeter landscaping, as provided in 21.07.060F.17.

21.04.040 DOWNTOWN DISTRICTS

New downtown districts will be adopted separately through the preparation of updated land use regulations specific to downtown, as indicated in the *Anchorage Downtown Comprehensive Plan*. Until

the new downtown districts are implemented, all areas located in the B-2A, B-2B, and B-2C districts shall remain subject to the title 21 land use regulations that existed prior to the implementation of the Title 21 Rewrite Project (2002-2012) and were current as of December 31, 2013.

A. DT-1: Downtown Core

[RESERVED]

B. DT-2: Downtown Mixed-Use

[RESERVED]

C. DT-3: Downtown Mixed-Use Residential

[RESERVED]

21.04.050 INDUSTRIAL DISTRICTS

A. General Purpose/Intent

The industrial zoning districts established in this section generally are intended to:

1. Create suitable environments for various types of industrial uses;
2. Reserve appropriately located areas for industrial purposes, and limit non-industrial uses that may erode the supply of industrial lands;
3. Provide adequate space to meet the needs of future industrial development, including off-street parking and loading;
4. Strengthen and diversify the municipality's economic industrial base and provide employment opportunities;
5. Minimize land use impacts of industrial development on abutting non-industrial districts; and
6. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of industrial development.

B. I-1: Light Industrial District

1. Purpose

The I-1 district is intended primarily for public and private light **and general** manufacturing, processing, service, storage, wholesale, and distribution operations along with other uses that support and/or are compatible with industrial uses. Business-industrial parks and single-commodity bulk retail sales and building supply stores and services are allowed. Many commercial uses are also permitted and/or conditionally allowed, with some limitations on the more intensive customer retail, community service, and commercial employment establishments, to reduce land use and traffic conflicts, promote efficient use of industrial lands, and encourage the location of intensive commercial activities in commercial centers. This district is applied in areas designated as industrial/commercial by the comprehensive plan.

C. I-2: Heavy Industrial District

1. Purpose

The I-2 district is intended primarily as an industrial activity area and reserve for public and private heavy manufacturing, warehousing and distribution, equipment and materials storage, vehicle and equipment repair, major freight terminals, waste and salvage, resource extraction and processing, and other related uses. Some commercial uses, that support or are compatible with industrial uses, are also permitted or conditionally allowed.

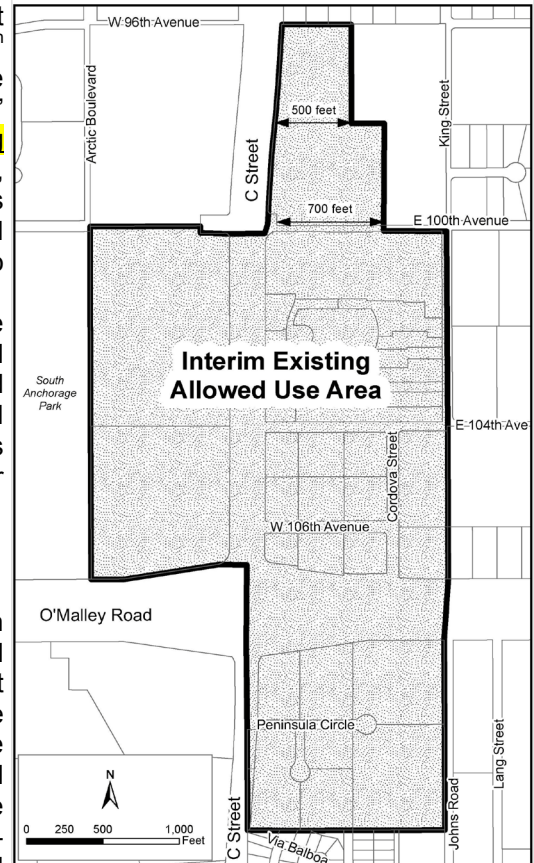
Non-industrial uses are more limited than in other districts, to prevent land use and traffic conflicts, retain a preserve of activities that is supportive of industrial establishments, and to maintain and protect the supply of industrial lands within the municipality. This district is applied to areas designated as industrial/industrial reserve by the comprehensive plan.

2. District-Specific Standards

- a. I-2 zoned lands along the C Street corridor right-of-way south of 96th Avenue, which are located in the "interim existing allowed use area" depicted in the "interim existing allowed use area" map [FIGURE 1], shall remain, with regard to what uses are allowed, subject to the title 21 land use regulations that existed prior to the implementation of the Title 21 Rewrite Project (2002-2012) and were current as of December 31, 2013, until the updated Anchorage Bowl Land Use Plan Map or an area-specific land use plan is adopted which reclassifies areas which are appropriate for rezoning to a commercial district.

[FIGURE 21.04-1]

- b. Notwithstanding the allowed uses in the I-2 district in table 21.05-1, all commercial and community uses that are permitted in the I-1 district in table 21.05-1 shall also be permitted in the I-2 district, by the same approval method, until the updated Anchorage Bowl Land Use Plan Map or an area-specific land use plan is adopted which examines industrial land use designations.



D. MI: Marine Industrial District

1. Purpose

The MI district is intended primarily for a mix of marine commercial and industrial manufacturing, processing, storage, wholesale, and distribution operations that are water-dependent and/or water-related.

2. District-Specific Standards

Applicants for allowed uses as listed in table 21.05-1 shall demonstrate, to the satisfaction of the director, that they are water-dependent and/or water-related, before applying for any required permits or entitlements.

21.04.060 OTHER DISTRICTS

A. A: Airport District

An airport zoning district will be adopted separately through the preparation of updated land use regulations specific to airport lands and development, as indicated in the *West Anchorage District Plan*. Until an airport district is implemented and airport lands rezoned, all areas within the property boundaries of the Ted Stevens Anchorage International Airport shall remain subject to the title 21 land use regulations that existed prior to the implementation of the Title 21 Rewrite Project (2002-2012) and were current as of December 31, 2013.

B. AF: Antenna Farm District**1. Purpose**

The AF district is intended to create areas dedicated to the erection and maintenance of communication equipment at reasonable cost and to encourage the concentration of such equipment in a few sites throughout the municipality.

2. District-Specific Standards

The planning and zoning commission and the assembly shall consider the following factors when deciding on a request to rezone to the AF district:

- a. Compatibility with surrounding land uses;
- b. Potential adverse impacts on environmentally sensitive areas and wildlife corridors;
- c. Visual impacts on views, particularly with regard to ridgelines;
- d. Availability of alternative sites and alternative towers (collocation); and
- e. Potential noise impacts on neighboring uses.

C. DR: Development Reserve District**1. Purpose**

The DR district may be applied to lands intended for future development, undesignated municipally owned lands, municipal and state tidelands and waters, and military lands. Large-lot single-family residential is allowed by-right, along with limited public and institutional uses; see the use tables in chapter 21.05 for specific allowed uses. Joint Base Elmendorf-Richardson uses, activities, and developments are not subject to the municipal land use regulations including the DR district use limitations.

D. PCD: Planned Community Development District**1. Purpose**

The planned community development district (PCD) is intended to accommodate large-scale acreage for residential, commercial, industrial, or other land use developments and activities, including combinations of uses. It allows for flexibility under controlled conditions not possible with the other defined districts. The flexibility permitted must demonstrate that the final development will be compatible with the intents and purposes of this title and the goals and policies of the comprehensive plan, and do not compromise public health, safety, and welfare. A PCD should include design features to ensure that the PCD is integrated with the surrounding neighborhood through features such as transition densities, external boundary buffering, and pedestrian and street connectivity. The PCD district is limited to unified, comprehensive planned developments which are of substantial public benefit, consistent with the holding capacity of the land, and conform with and enhance the policies of the comprehensive plan.

2. Application

The PCD district may be applied as described in subsection 21.03.160I.

3. Record-Keeping

The regulatory zoning provisions for each PCD district shall be kept on file in the department.

E. PLI: Public Lands and Institutions District**1. Purpose**

The PLI district is intended to include major public and quasi-public civic, administrative, and institutional uses and activities.

F. PR: Parks and Recreation District

1. Purpose

The PR district is intended to include municipal lands dedicated by the assembly as parks in accordance with AMC 25.10.080.

2. District-Specific Standards

Recreational areas developed for spectator sports, such as soccer and softball fields, shall have L2 buffer landscaping between such areas and abutting residential uses.

G. TA: Turnagain Arm District

1. Purpose

The TA district is intended to govern the land uses for the area known as Turnagain Arm south of Potter Marsh, including but not limited to Rainbow, Indian, Bird Creek, and Portage/Twenty Mile River. Areas within Girdwood are not included in the TA district and are covered by chapter 21.09, *Girdwood*. The permitted uses and densities within the TA district are to conform to the land use plan map, policies, land use definitions, and residential densities of the adopted *Turnagain Arm Comprehensive Plan*. The TA district regulations employ the conditional use process to provide review for major development activities. By providing a public review process and by requiring submission of detailed site plans, greater compatibility between the proposed uses and adjacent existing uses can be obtained.

2. District-Specific Standards

a. Permitted Uses

- i. Residential and accessory uses and structures that conform to the *Turnagain Arm Comprehensive Plan*.
- ii. Commercial structures under 4,000 square feet in gross building area in areas designated "Turnagain mixed use" in the *Turnagain Arm Comprehensive Plan*.
- iii. Non-structural commercial uses occupying an area of 14,400 square feet or less in areas designated "Turnagain mixed use" in the *Turnagain Arm Comprehensive Area Plan*.
- iv. Industrial uses and structures in areas designated "industrial" in the *Turnagain Arm Comprehensive Plan*.
- v. Institutional uses and structures under 4,000 square feet in gross building area in areas designated "community facility" in the *Turnagain Arm Comprehensive Plan*.
- vi. Traditional homestead uses and activities in areas designated "rural homestead" in the *Turnagain Arm Comprehensive Plan*.

b. Conditional Uses

Any use or structure that does not meet the requirements for a permitted use above, may be allowed through the issuance of a conditional use approval subject to the requirements of section 21.03.080, *Conditional Uses*, and the following additional approval criteria:

- i. Conforms to the goals and policies of the *Turnagain Arm Comprehensive Plan*;
- ii. Protects the unique scenic and environmental features of the area; and

EXHIBIT A

iii. Minimizes impacts to adjacent properties, particularly those adjacent properties in a different land use category.

c. **Number of Structures Allowed**

Only one principal structure is allowed per lot, unless a conditional use approval is obtained for additional principal structures.

H. **TR: Transition District**

The transition district, developed in the 1960s as the unrestricted district (U), was originally intended for areas that were not expected to develop in the immediate future, and as development patterns occurred, were intended to be rezoned to more restrictive zoning classifications.

Parcels zoned transition (T) as of January 1, 2014 shall continue under the transition zoning provisions of the title 21 land use regulations that existed prior to the implementation of the Title 21 Rewrite Project (2002-2012) and were current as of December 31, 2013, until such time as they are rezoned to a more appropriate classification.

Where the transition-zoned areas are identified in the comprehensive plan as "Development Reserve" or some similar holding classification, the intent of this code is that such areas be rezoned into the development reserve district (DR).

I. **WS: Watershed District**

1. **Purpose**

The WS district is intended to preserve and protect the potable water reserves available to the municipality in the Chugach range. The major responsibility in the management of watershed areas is the control of factors that may contaminate or pollute the water. Agricultural, residential, commercial, industrial, or other urban land uses are incompatible with the concept of watershed conservation.

2. **District-Specific Standard**

All uses of land within the watershed district permitted by table 21.05-1 shall be subject to the provisions of section 21.07.040, *Drainage, Storm Water Treatment, Erosion Control, and Prohibited Discharges*.

21.04.070 OVERLAY ZONING DISTRICTS

A. **General Purpose/Intent**

As noted in subsection 21.04.010B., the overlay zoning districts of this section apply in combination with the underlying base zoning districts and impose regulations and standards for specific areas in addition to what is required by the base districts. The requirements of an overlay district shall apply whenever they are in conflict with those in the base district. The following overlay district[S ARE] is established:

1. [AIRPORT HEIGHT OVERLAY DISTRICT;]

2. Commercial center overlay district[; AND

3. FLOOD HAZARD OVERLAY DISTRICT].

EXHIBIT A

B. Creation, Alteration, or Elimination of Overlay Districts

The creation, alteration, or elimination of an overlay district is a rezoning and is governed by the provisions of section 21.03.160H., *Rezoning to Create, Alter, or Eliminate Overlay Districts*.

[AHO: AIRPORT HEIGHT OVERLAY DISTRICT]

1. PURPOSE

THE PURPOSE OF THE AIRPORT HEIGHT OVERLAY DISTRICT IS TO REGULATE THE HEIGHT OF BUILDINGS AND STRUCTURES TO PREVENT INTERFERENCE BETWEEN LAND USES AND AIR TRAFFIC. IT IS INTENDED TO BE IN ACCORDANCE WITH THE FEDERAL AVIATION REGULATIONS (FAR).

2. SPECIFIC AIRPORT HEIGHT MAPS ADOPTED

THE FOLLOWING AIRPORT HEIGHT ZONE MAPS ARE ADOPTED AND THUS THE REFERENCED AREAS ARE LOCATED WITHIN THE AIRPORT HEIGHT OVERLAY DISTRICT:

a. THE AIRPORT HEIGHT ZONING MAP PREPARED FOR THE BIRCHWOOD AIRPORT IN THE MUNICIPALITY (MOST RECENTLY ADOPTED VERSION).

b. THE AIRPORT HEIGHT ZONING MAP PREPARED FOR THE GIRDWOOD AIRPORT IN THE MUNICIPALITY (MOST RECENTLY ADOPTED VERSION).

c. THE AIRPORT HEIGHT ZONING MAP PREPARED FOR THE TED STEVENS ANCHORAGE INTERNATIONAL AIRPORT IN THE MUNICIPALITY (MOST RECENTLY ADOPTED VERSION).

d. THE AIRPORT HEIGHT ZONING MAP PREPARED FOR THE MERRILL FIELD AIRPORT IN THE MUNICIPALITY (MOST RECENTLY ADOPTED VERSION).

3. ESTABLISHMENT OR MODIFICATION

IN ADDITION TO THE STANDARD SUBMITTALS REQUIRED TO INITIATE AN OVERLAY MAP AMENDMENT PURSUANT TO SECTION 21.03.160H., ESTABLISHMENT OF AN AIRPORT HEIGHT OVERLAY DISTRICT ALSO SHALL REQUIRE PREPARATION OF AN AIRPORT HEIGHT MAP AS SET FORTH IN THIS SECTION:

a. THE OWNER OR MANAGER OF ANY AIRPORT MAY PREPARE AN AIRPORT HEIGHT MAP IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION AND THE STIPULATIONS OF FAR PART 77, SUBPART C, PARAGRAPH 77.23(A)(2), 77.23(A)(3) OR 77.25. THE OWNER OR MANAGER OF A GOVERNMENTALLY OPERATED AIRPORT SHALL PREPARE AND MAINTAIN AN AIRPORT HEIGHT MAP IN ACCORDANCE WITH FAR PART 77, SUBPART C, PARAGRAPH 77.25. THE MAP SHALL BE FILED WITH THE DEPARTMENT.

b. THE MAP SHALL BE TO SCALE AND SHALL ACCURATELY REFERENCE THE FOLLOWING:

i. EXISTING SUBDIVISIONS.

ii. CURRENT ZONING DISTRICTS.

iii. MAJOR REFERENCE POINTS IN THE VICINITY OF THE AIRSTRIP OR AIRPORT.

iv. EXISTING TOPOGRAPHY, IF AVAILABLE.

EXHIBIT A

v. THE AIRPORT ELEVATION THAT SHALL BE THE OFFICIAL ELEVATION OF THE AIRPORT OR AIRSTRIP UPON APPROVAL OF THE MAP.

c. THE MAP REQUIRED BY PARAGRAPH A. ABOVE, SHALL ACCURATELY DEPICT AIRSPACE ZONES AS PROVIDED IN FAR PART 77, SUBPART C, PARAGRAPH 77.25, IN TEN-FOOT CONICAL INCREMENTS. BEFORE SUBMISSION TO THE DEPARTMENT THE MAP SHALL BE CERTIFIED BY THE FEDERAL AVIATION ADMINISTRATION THAT IT DEPICTS THE REQUIREMENTS OF FAR PART 77, SUBPART C, PARAGRAPH 77.25. IF, FOR SAFETY REASONS, ZONE SURFACES DEVIATE IN ANY WAY FROM THE REQUIREMENTS OF THE FAR, EACH SUCH DEVIATION SHALL BE INDICATED IN WRITING ON THE MAP AND SHALL BE ACCOMPANIED BY A LETTER OF NONOBJECTION BY THE FEDERAL AVIATION ADMINISTRATION. ANY SUCH DEVIATION IS SUBJECT TO APPROVAL OF THE DEPARTMENT.

d. BEFORE SUBMISSION TO THE DEPARTMENT ANY OPTIONAL MAP DEPICTING AIRSPACE ZONES PROVIDED IN FAR PART 77, SUBPART C, PARAGRAPH 77.23(A)(2) OR 77.23(A)(3), MUST BE CERTIFIED BY THE FEDERAL AVIATION ADMINISTRATION INDICATING THAT IT ACCURATELY DEPICTS THE REQUIREMENTS OF FAR PART 77, SUBPART C, SUBSECTION 77.23(A)(2) OR 77.23(A)(3).

4. ADDITIONAL HEIGHT LIMITATIONS IN AIRPORT HEIGHT OVERLAY DISTRICT
NOTWITHSTANDING THE HEIGHT LIMITATIONS IN SECTION 21.06.020, *DIMENSIONAL STANDARDS TABLES*, AND IN SECTION 21.09.060B., *DIMENSIONAL STANDARDS TABLES* (GIRDWOOD), ALL DEVELOPMENT WITHIN THE AIRPORT HEIGHT OVERLAY DISTRICT SHALL COMPLY WITH THE FOLLOWING HEIGHT LIMITATIONS:

a. NO STRUCTURE SHALL BE CONSTRUCTED OR MAINTAINED SO THAT IT EXCEEDS THE GREATER OF:

i. THIRTY-FIVE FEET ABOVE GROUND ELEVATION; OR

ii. THE MAXIMUM HEIGHT PERMITTED UNDER FAR PART 77, SUBPART C, AS DEPICTED ON ANY AIRPORT HEIGHT ZONE MAP ADOPTED UNDER SECTION 21.04.080.C., *AIRPORT HEIGHT OVERLAY DISTRICT*.

b. ANY STRUCTURE WITHIN THREE NAUTICAL MILES OF AN AIRPORT REFERENCE POINT ESTABLISHED BY FEDERAL REGULATION, THE HEIGHT OF WHICH EXCEEDS THE LEVEL OF THAT REFERENCE POINT BY MORE THAN 200 FEET, SHALL PRESENT TO THE BUILDING OFFICIAL THE RESULTS OF AN AIRSPACE DETERMINATION CONDUCTED BY THE FEDERAL AVIATION ADMINISTRATION PURSUANT TO ITS REGULATIONS.

c. THE HEIGHT RESTRICTIONS OF THIS DISTRICT DO NOT APPLY TO BUILDINGS FOR WHICH BUILDING OR LAND USE PERMITS WERE ISSUED PRIOR TO JUNE 17, 1986.

d. VEGETATION SHALL NOT BE AFFECTED BY THE HEIGHT LIMITATION OF THIS SECTION.]

C. Commercial Center Overlay

1. Purpose

This is a zoning tool to make the provisions and incentives of sections 21.04.030G. and H. available to all uses and establishments within a participating commercial area in the B-1A, B-1B, and B-3 districts. This tool increases the variety of development opportunities by enabling different uses, functions, and scales of development to interact together, through a shared set of standards that encourage improvements towards a more vibrant, cohesive center.

This overlay is to be applied only in commercial centers identified in the comprehensive plan, such as in a neighborhood or district plan identifying a neighborhood center or larger center. An organization or group of property owners **may** choose to take advantage of these provisions.

Making these incentives available to all uses within a defined area strengthens the city's economic base by encouraging more commercial growth and efficient use of existing infrastructure and land supply, in specified urban centers. It provides employment opportunities and services closer to home and reduces vehicle miles travelled in the surrounding area; and encourages enhanced connections and access among different uses and to adjacent neighborhoods.

2. Applicability

a. This section applies to all uses in a B-1A, B-1B, or B-3 district that are within boundaries of the commercial center overlay.

b. Uses in the I-1 or I-2 district located in commercial centers identified in the comprehensive plan may also be a part of a commercial center overlay, under the conditions that apply to the B-3 district. I-1 and I-2 properties in the commercial center overlay are subject to the land use regulations applicable to the B-3 district, including for example allowed uses and dimensional and development standards, except where in conflict with the provisions of this overlay.

3. Provisions of Sections 21.04.030G. and H. Apply Generally

The commercial center overlay district does not require developments to be mixed-use or include residences. The provisions of sections 21.04.030G. and H. apply generally to all uses in their respective B-1A, B-1B, or B-3 districts, except as provided otherwise below.

4. Reduced Parking Ratios

Instead of the five percent reduction provided in sections 21.04.030G. and H., any use is eligible for a reduction of up to 10 percent of the minimum number of parking spaces, as provided in section 21.07.090F.6.

5. Uses Prohibited

Notwithstanding table 21.05-1, the following uses are prohibited: self-storage facilities, vehicle sales and rentals, major vehicle service and repair, data processing facilities; commercial food production, and snow disposal sites.

6. Dimensional Standards

a. The minimum front setback is reduced to five feet for building elevations that comply with 21.04.030G.7., *Building Placement and Orientation*.

b. Uses in the B-1B district are exempt from the gross floor area limitations of section 21.04.030C.2.b., provided that an individual use occupies no more than 60,000 square feet of gross floor area.

EXHIBIT A

7. Building Entrances

- a. Buildings located at or within the maximum setback line shall have at least one primary entrance located within 20 feet of the maximum setback line.
- b. Buildings not located at the maximum setback line shall have at least one primary entrance located within 20 feet of a public right-of-way, a primary circulation drive, or a primary pedestrian walkway.

8. Sidewalks and Walkways

Sidewalks and walkways extending along public streets, primary circulation drives, or commercial building storefronts shall have an unobstructed clear width of at least six feet.

D. [FHO: FLOOD HAZARD OVERLAY DISTRICT]

1. PURPOSE AND INTENT

THE PURPOSE OF THE FLOOD HAZARD OVERLAY DISTRICT IS TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE, AND TO MINIMIZE LOSS DUE TO FLOOD. THE PROVISIONS OF THIS SECTION ARE INTENDED TO BE AN ADDITION TO ALL OTHER LAND USE REGULATIONS AND TO:

- a. RESTRICT OR PROHIBIT USES AND STRUCTURES THAT ARE DANGEROUS TO HEALTH, SAFETY, OR PROPERTY IN TIME OF FLOOD, OR THAT CAUSE INCREASED FLOOD HEIGHTS OR VELOCITIES;
- b. REQUIRE THAT USES VULNERABLE TO FLOODS, INCLUDING PUBLIC FACILITIES THAT SERVE SUCH USES, BE PROVIDED WITH FLOOD PROTECTION OR FLOOD PROOFING AT THE TIME OF INITIAL CONSTRUCTION;
- c. MINIMIZE THE NEED FOR RESCUE AND RELIEF EFFORTS ASSOCIATED WITH FLOODING AND GENERALLY UNDERTAKEN AT THE EXPENSE OF THE GENERAL PUBLIC;
- d. MINIMIZE PROLONGED BUSINESS INTERRUPTIONS;
- e. MINIMIZE DAMAGES TO PUBLIC FACILITIES AND UTILITIES SUCH AS WATER AND GAS MAINS, ELECTRIC, TELEPHONE AND SEWER LINES, STREETS AND BRIDGES LOCATED IN AREAS OF FLOOD HAZARD;
- f. HELP MAINTAIN A STABLE TAX BASE BY PROVIDING FOR THE SOUND USE AND DEVELOPMENT OF AREAS OF FLOOD HAZARD SO AS TO MINIMIZE FUTURE FLOOD BLIGHT AREAS;
- g. ENSURE THAT POTENTIAL BUYERS ARE NOTIFIED THAT PROPERTY IS IN AN AREA OF FLOOD HAZARD; AND
- h. ENSURE THAT THOSE WHO OCCUPY THE AREAS OF FLOOD HAZARD ASSUME RESPONSIBILITY FOR THEIR ACTIONS.

2. NOTICE

PROPERTY OWNERS AFFECTED BY CHANGES TO THE BOUNDARIES OF THE FLOOD HAZARD AREA OR BY CHANGES IN THE BASE FLOOD ELEVATIONS SHALL BE NOTICED BY MAIL.

3. INTERPRETATION OF SECTION; DISCLAIMER OF LIABILITY

- a. IN THE INTERPRETATION AND APPLICATION OF THIS SECTION, ALL PROVISIONS SHALL BE:
 - i. CONSIDERED AS MINIMUM REQUIREMENTS;

EXHIBIT A

1 ii. LIBERALLY CONSTRUED IN FAVOR OF THE GOVERNING BODY;
2 AND

3 iii. DEEMED NEITHER TO LIMIT NOR REPEAL ANY OTHER POWERS
4 GRANTED UNDER STATE STATUTES.

5 b. THE DEGREE OF FLOOD PROTECTION REQUIRED BY THIS SECTION IS
6 CONSIDERED REASONABLE FOR REGULATORY PURPOSES AND IS
7 BASED ON SCIENTIFIC AND ENGINEERING CONSIDERATIONS. LARGER
8 FLOODS CAN AND WILL OCCUR ON RARE OCCASIONS. FLOOD HEIGHTS
9 MAY BE INCREASED BY MANMADE OR NATURAL CAUSES. THIS SECTION
10 DOES NOT IMPLY THAT LAND OUTSIDE THE AREAS OF FLOOD HAZARD
11 OR USES PERMITTED WITHIN SUCH AREA WILL BE FREE FROM
12 FLOODING OR FLOOD DAMAGES. THIS SECTION SHALL NOT CREATE
13 LIABILITY ON THE PART OF THE MUNICIPALITY, ANY OFFICER OR
14 EMPLOYEE THEREOF, OR THE FEDERAL INSURANCE ADMINISTRATION
15 FOR ANY FLOOD DAMAGES THAT RESULT FROM RELIANCE ON THIS
16 SECTION OR ANY ADMINISTRATIVE DECISION LAWFULLY MADE
17 THEREUNDER.

18 **4. CREATION OF FLOOD HAZARD OVERLAY DISTRICT; OFFICIAL FLOOD HAZARD**
19 **REPORTS AND MAPS**

20 a. **CREATION OF DISTRICT; ADOPTION OF REPORTS AND MAPS**

21 THERE IS HEREBY CREATED A FLOOD HAZARD OVERLAY DISTRICT.
22 THIS DISTRICT SHALL BE DEFINED IN ITS TERRITORIAL EXTENT BY THE
23 FOLLOWING REPORTS AND MAPS:

24 i. FLOOD INSURANCE STUDY FOR THE MUNICIPALITY OF
25 ANCHORAGE, PREPARED BY THE FEDERAL INSURANCE
26 ADMINISTRATION, FEDERAL EMERGENCY MANAGEMENT AGENCY
27 (FEMA).

28 ii. FLOOD INSURANCE RATE MAP (FIRM) PREPARED BY THE
29 FEDERAL INSURANCE ADMINISTRATION, FEMA, INCLUDING THE
30 CURRENT DIGITAL FLOOD INSURANCE RATE MAP (DFIRM)
31 PREPARED BY THE FEDERAL INSURANCE ADMINISTRATION.

32 iii. FLOOD BOUNDARY AND FLOODWAY MAP, PREPARED BY THE
33 FEDERAL INSURANCE ADMINISTRATION, FEMA, INCLUDING THE
34 CURRENT DIGITAL FLOOD BOUNDARY AND FLOODWAY MAP
35 PREPARED BY THE FEDERAL INSURANCE ADMINISTRATION.

36 iv. FLOOD HAZARD BOUNDARY MAP (FHBM), PREPARED BY THE
37 FEDERAL INSURANCE ADMINISTRATION, FEMA, INCLUDING THE
38 CURRENT DIGITAL FLOOD HAZARD BOUNDARY MAP (DFHBM)
39 PREPARED BY THE FEDERAL INSURANCE ADMINISTRATION.

40 THE CURRENT EDITIONS OF EACH OF THE MAPS AND REPORTS LISTED
41 IN THIS SUBSECTION ARE MADE A PART OF THIS SECTION.
42 SUBSEQUENT MAPS AND REPORTS PREPARED BY THE FEDERAL
43 INSURANCE ADMINISTRATION OR THE MUNICIPALITY DELINEATING THE
44 FLOOD HAZARD OVERLAY DISTRICT, FLOODWAY AND FLOODPLAIN
45 AREAS WITHIN THE MUNICIPALITY SHALL BECOME PART OF THIS
46 CHAPTER UPON PUBLICATION. A COPY OF THE REPORTS AND MAPS
47 CITED IN THIS SUBSECTION SHALL BE ON FILE IN THE DEPARTMENT.
48 DEFINITIONS OF TERMS APPEARING ON THE MAPS AND REPORTS
49 APPEAR IN 41 CFR 19.09.1.

EXHIBIT A

b. FLOOD HAZARD AREAS

WITHIN THE FLOOD HAZARD OVERLAY DISTRICT, AREAS AT A HAZARD FOR FLOODING INCLUDE:

i. AREAS WITHIN THE LIMIT OF THE BOUNDARY OF THE BASE FLOOD;

ii. AREAS WITHIN THE HIGHEST EXTREME TIDE;

iii. AREAS COVERED IN FLOOD HAZARD STUDIES PREPARED FOR THE PUBLIC WORKS DEPARTMENT THAT SUPPLEMENT THE INFORMATION PREPARED BY FEMA; AND

iv. THE STREAM SETBACK AREA DEFINED IN SUBSECTION 21.07.020B.4.

c. REVIEW OF MAPS

AS NECESSITATED BY FEMA OR THE MUNICIPAL ENGINEER, THE FLOOD HAZARD DISTRICT MAPS WILL BE REVIEWED. THE REVIEW MAY BE CONDUCTED BY THE MUNICIPALITY, THE U.S. CORPS OF ENGINEERS, OR THE FEDERAL INSURANCE ADMINISTRATION, AND ANY NEW MAP PANELS OR RESTUDIES AFFECTING THE BOUNDARIES OF THE FLOOD HAZARD DISTRICT, FLOODWAY, OR FLOODWAY FRINGE AREA SHALL THEN BE SUBMITTED TO THE PLANNING AND ZONING COMMISSION FOR A RECOMMENDATION AND ASSEMBLY FOR FINAL ADOPTION AS PART OF THIS CHAPTER.

d. RULES FOR INTERPRETATION OF FLOOD HAZARD AREA BOUNDARIES

THE BOUNDARIES OF THE FLOOD HAZARD AREAS ESTABLISHED BY THIS CHAPTER SHALL BE DETERMINED FROM THE CITED MAPS AND REPORTS. WHERE INTERPRETATION IS NEEDED AS TO THE EXACT LOCATION OF THE BOUNDARIES, THE PUBLIC WORKS DEPARTMENT, UPON ADVICE FROM THE U.S. CORPS OF ENGINEERS OR FEMA, SHALL MAKE THE NECESSARY INTERPRETATION.

5. REGULATIONS APPLICABLE TO FLOOD HAZARD OVERLAY DISTRICT

a. APPLICABILITY

THE REGULATIONS WITHIN THIS SECTION SHALL APPLY TO ALL AREAS OF THE FLOOD HAZARD OVERLAY DISTRICT.

b. PROHIBITED DEVELOPMENT

i. ANY ENCROACHMENTS, NEW CONSTRUCTION, FILL, OBSTRUCTIONS, SUBSTANTIAL IMPROVEMENTS AND OTHER DEVELOPMENT OR ACTION WITHIN THE REGULATORY FLOODWAY THAT WOULD RESULT IN ANY INCREASE IN FLOOD LEVELS DURING THE OCCURRENCE OF A BASE FLOOD ARE PROHIBITED.

ii. CRITICAL FACILITIES SHALL NOT BE LOCATED IN THE FLOOD HAZARD AREA. FOR THE PURPOSES OF THIS SUBSECTION ONLY, CRITICAL FACILITIES ARE DEFINED AS FIRE STATIONS, POLICE STATIONS, HOSPITALS, EMERGENCY SHELTERS, SCHOOLS, AND EMERGENCY OPERATIONS CENTERS.

c. STANDARDS FOR ISSUANCE OF BUILDING OR LAND USE PERMIT

NO BUILDING PERMITS, ENCROACHMENT PERMITS, MANUFACTURED HOME PERMITS, OR OTHER LAND USE PERMITS SHALL BE ISSUED FOR ANY DEVELOPMENT ACTIVITY WITHIN THE FLOOD HAZARD OVERLAY

EXHIBIT A

DISTRICT UNLESS THE PLANS SHOW THAT, IN ADDITION TO COMPLIANCE WITH ALL OTHER ORDINANCES, REGULATIONS AND PERMIT REQUIREMENTS, THE DEVELOPMENT SHALL MEET THE FOLLOWING REQUIREMENTS:

i. PRIOR TO FINAL APPROVAL OF A PERMIT IT MUST BE DEMONSTRATED THAT ALL NECESSARY PERMITS HAVE BEEN RECEIVED FROM THOSE GOVERNMENTAL AGENCIES FROM WHICH APPROVAL IS REQUIRED BY FEDERAL OR STATE LAW, INCLUDING SECTION 404 OF THE FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972.

ii. IT MUST BE DEMONSTRATED THAT STRUCTURES WILL BE REASONABLY SAFE FROM FLOODING. IF A PROPOSED BUILDING SITE IS IN A FLOODPLAIN, ALL NEW CONSTRUCTION AND IMPROVEMENTS SHALL BE DESIGNED AND ADEQUATELY ANCHORED TO PREVENT FLOTATION, COLLAPSE OR LATERAL MOVEMENT OF THE STRUCTURE, BE CONSTRUCTED WITH MATERIALS AND UTILITY EQUIPMENT RESISTANT TO FLOOD DAMAGE, AND BE CONSTRUCTED BY METHODS AND PRACTICES THAT MINIMIZE FLOOD DAMAGE.

iii. THE APPROVAL OF A SUBDIVISION APPLICATION OR MULTI-UNIT DEVELOPMENT SHALL REQUIRE PROOF THAT:

(A) THE PROPOSED CONSTRUCTION IS CONSISTENT WITH THE NEED TO MINIMIZE FLOOD DAMAGE WITHIN THE FLOODPLAIN;

(B) ALL PUBLIC UTILITIES AND FACILITIES SUCH AS SEWER, GAS, ELECTRICAL AND WATER SYSTEMS ARE TO BE LOCATED AND CONSTRUCTED TO MINIMIZE OR ELIMINATE FLOOD DAMAGE;

(C) ADEQUATE DRAINAGE, AS REQUIRED BY THE *DESIGN CRITERIA MANUAL* (CURRENT APPROVED EDITION), IS PROVIDED TO REDUCE EXPOSURE TO FLOOD HAZARDS. THE ACTIONS OF ONE PROJECT SHALL NOT ADVERSELY IMPACT THE RECEIVING WATERS AND THE RIGHTS OF OTHER PROPERTY OWNERS, AS MEASURED BY INCREASED FLOOD PEAKS, FLOOD STAGE, FLOOD EROSION, AND SEDIMENTATION THROUGH STORM WATERS OR DRAINAGE SYSTEMS; AND

(D) BASE FLOOD ELEVATION DATA HAS BEEN PROVIDED FOR SUBDIVISION PROPOSALS AND OTHER PROPOSED DEVELOPMENT THAT CONTAINS AT LEAST 50 LOTS OR FIVE ACRES, WHICHEVER IS FEWER.

iv. CONSTRUCTION WITHIN FLOODPLAINS SHALL REQUIRE THAT NEW AND REPLACEMENT WATER SUPPLY SYSTEMS BE DESIGNED TO MINIMIZE OR ELIMINATE INFILTRATION OF FLOODWATERS INTO THE SYSTEMS.

v. CONSTRUCTION WITHIN FLOODPLAINS SHALL REQUIRE THAT:

(A) NEW AND REPLACEMENT SEWAGE SYSTEMS SHALL BE DESIGNED TO MINIMIZE OR ELIMINATE INFILTRATION OF

EXHIBIT A

FLOODWATERS INTO THE SYSTEMS AND DISCHARGES
FROM THE SYSTEMS INTO FLOODWATERS; AND

(B) ON-SITE WASTE DISPOSAL SYSTEMS TO BE LOCATED TO
AVOID IMPAIRMENT TO THEM OR CONTAMINATION FROM
THEM DURING FLOODING.

d. STORAGE OF MATERIALS OR EQUIPMENT IN THE FLOODPLAIN

THE STORAGE OR PROCESSING OF EQUIPMENT OR MATERIALS THAT
ARE BUOYANT, FLAMMABLE, EXPLOSIVE OR INJURIOUS TO SAFETY, OR
WHICH WOULD CAUSE A VIOLATION OF STATE WATER QUALITY
STANDARDS UPON CONTACT WITH WATER, ARE PROHIBITED IN THE
FLOODPLAIN.

6. REGULATIONS APPLICABLE TO SUBDISTRICTS

a. FLOODWAY AREA

SINCE THE FLOODWAY IS AN EXTREMELY HAZARDOUS AREA DUE TO
THE VELOCITY OF FLOODWATERS, WHICH CARRY DEBRIS AND
POTENTIAL PROJECTILES AND HAVE EROSION POTENTIAL, THE
FOLLOWING PROVISIONS APPLY:

i. PERMITTED USES AND STRUCTURES ARE PARKS, PARKWAYS,
GREENBELTS, LAND RESERVES, GOLF COURSES,
PLAYGROUNDS, PLAYFIELDS, AND RELATED FACILITIES.

ii. PERMITTED ACCESSORY USES AND STRUCTURES ARE PICNIC
TABLES, PLAYGROUND EQUIPMENT, OUTDOOR COOKING
FACILITIES AND LIKE STRUCTURES.

iii. THE FOLLOWING STRUCTURES AND ACTIVITIES ARE PERMITTED
ONLY BY FLOOD HAZARD PERMIT INCLUDING CERTIFICATION BY
A REGISTERED PROFESSIONAL ENGINEER DEMONSTRATING
THAT SUCH ENCROACHMENTS SHALL NOT RESULT IN ANY
INCREASE IN FLOOD LEVELS DURING THE OCCURRENCE OF THE
BASE FLOOD DISCHARGE OR RESULT IN VIOLATION OF THE
STATE WATER QUALITY STANDARDS: EXCAVATION OF SAND,
GRAVEL AND OTHER NATURAL RESOURCES, RAILROAD AND
TRAMWAY TRACKS, STREETS, BRIDGES, UTILITY INSTALLATIONS
AND PIPELINES, STORAGE YARDS FOR EQUIPMENT AND
MATERIALS, COMMERCIAL FARMING, AND LAND RECLAMATION.

iv. THE FOLLOWING USES ARE PROHIBITED: LANDFILLS, STORAGE
YARDS CONTAINING HAZARDOUS MATERIALS (AS DEFINED BY
THE EPA), ENCROACHMENTS NOT OTHERWISE EXCEPTED IN
THIS SECTION, INCLUDING FILL, NEW CONSTRUCTION,
SUBSTANTIAL IMPROVEMENTS AND OTHER DEVELOPMENT.

b. FLOODWAY FRINGE AREA

THE REGULATIONS LISTED IN THIS SUBSECTION ARE APPLICABLE TO
THE FLOODWAY FRINGE AREA:

i. PERMITTED USES AND STRUCTURES ARE PARKS, PARKWAYS,
GREENBELTS, LAND RESERVES, GOLF COURSES,
PLAYGROUNDS, PLAYFIELDS AND RELATED FACILITIES.

ii. PERMITTED ACCESSORY USES AND STRUCTURES ARE PICNIC
TABLES, PLAYGROUND EQUIPMENT, OUTDOOR COOKING
FACILITIES AND LIKE STRUCTURES.

EXHIBIT A

iii. THE FOLLOWING USES, STRUCTURES AND ACTIVITIES ARE PERMITTED ONLY BY FLOOD HAZARD PERMIT: ANY USE PERMITTED BY FLOOD HAZARD PERMIT AS SET FORTH IN SUBSECTION A. OF THIS SECTION, AND ALL OTHER USES, STRUCTURES AND ACTIVITIES WHICH ARE IN ACCORDANCE WITH ALL OTHER LAND USE REGULATIONS PROVIDED THEY ARE ADEQUATELY FLOODPROOFED AS SET FORTH IN SUBSECTION D.8. BELOW, *FLOOD HAZARD PERMIT*.

iv. THE FOLLOWING USES ARE PROHIBITED: USES, STRUCTURES AND ACTIVITIES WHICH ARE NOT PERMITTED UNDER SUBSECTIONS 6.B.I. THROUGH III. OF THIS SECTION OR WHICH WOULD CAUSE VIOLATIONS OF STATE WATER QUALITY STANDARDS.

7. CONSTRUCTION REQUIREMENTS

a. GENERALLY

ALL NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS IN AREAS DESIGNATED ON THE FLOOD INSURANCE RATE MAP AS ZONES A, A1-30, AE, AND AH SHALL MEET THE FOLLOWING CONDITIONS:

i. THE LOWEST FLOOR, INCLUDING BASEMENT OR CRAWL SPACE, OF RESIDENTIAL STRUCTURES SHALL BE ELEVATED TO AT LEAST ONE FOOT ABOVE THE BASE FLOOD LEVEL. WITHIN THE STRUCTURE, ATTENDANT UTILITY AND SANITARY FACILITIES SHALL BE ELEVATED TO AT LEAST ONE FOOT ABOVE THE BASE FLOOD OR COMPLETELY FLOODPROOFED.

ii. THE LOWEST FLOOR, INCLUDING BASEMENT, OF NONRESIDENTIAL STRUCTURES SHALL BE ELEVATED TO AT LEAST ONE FOOT ABOVE THE BASE FLOOD LEVEL, UNLESS THE STRUCTURE, WITH ALL UTILITY AND SANITARY FACILITIES, IS DESIGNED SO THAT BELOW BASE FLOOD LEVEL THE STRUCTURE IS WATERTIGHT WITH WALLS SUBSTANTIALLY IMPERMEABLE TO THE PASSAGE OF WATER AND SO THAT IT IS CAPABLE OF RESISTING HYDROSTATIC AND HYDRODYNAMIC LOADS AND EFFECTS OF BUOYANCY.

iii. ALL FULLY ENCLOSED AREAS BELOW THE LOWEST FLOOR THAT ARE USABLE SOLELY FOR PARKING, BUILDING ACCESS, OR STORAGE IN AN AREA OTHER THAN A BASEMENT OR CRAWLSPACE SHALL HAVE A MINIMUM OF TWO OPENINGS HAVING A TOTAL NET AREA OF NOT LESS THAN ONE SQUARE INCH FOR EVERY SQUARE FOOT OF ENCLOSED AREA ACCORDING TO FEMA SPECIFICATIONS. THE BOTTOM OF ALL OPENINGS SHALL BE NO HIGHER THAN ONE FOOT ABOVE GRADE. OPENINGS MAY BE EQUIPPED WITH SCREENS, LOUVERS OR OTHER COVERINGS OR DEVICES PROVIDED THAT THEY PERMIT THE AUTOMATIC ENTRY AND EXIT OF FLOODWATERS.

iv. WHERE FLOODPROOFING IS UTILIZED A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT SHALL CERTIFY THAT THE FLOODPROOFING METHODS ARE ADEQUATE.

v. FOR NEW MANUFACTURED HOME PARKS AND MANUFACTURED HOME SUBDIVISIONS; FOR EXPANSIONS TO EXISTING

EXHIBIT A

MANUFACTURED HOME PARKS AND MANUFACTURED HOME SUBDIVISIONS; FOR EXISTING MANUFACTURED HOME PARKS AND MANUFACTURED HOME SUBDIVISIONS WHERE THE REPAIR, RECONSTRUCTION OR IMPROVEMENT OF THE STREETS, UTILITIES AND PADS EQUALS OR EXCEEDS 50 PERCENT OF VALUE OF THE STREETS, UTILITIES AND PADS BEFORE THE REPAIR, RECONSTRUCTION OR IMPROVEMENT HAS COMMENCED; AND FOR MANUFACTURED HOMES NOT PLACED IN A MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION, REQUIRE THAT THE REPAIR, AND ON ALL PROPERTY NOT WITHIN A MANUFACTURED HOME PARK OR SUBDIVISION STANDS OR LOTS ARE ELEVATED ON COMPACTED FILL OR ON PILINGS SO THAT:

(A) THE LOWEST FLOOR OF EACH MANUFACTURED HOME MUST BE AT LEAST ONE FOOT ABOVE THE BASE FLOOD LEVEL.

(B) ADEQUATE SURFACE DRAINAGE AND ACCESS FOR A HAULER MUST BE PROVIDED.

(C) FOR MANUFACTURED HOMES PLACED ON PILINGS, PILINGS MUST BE STABLE AND NO MORE THAN TEN FEET APART AND REINFORCED IF MORE THAN SIX FEET ABOVE THE GROUND LEVEL.

(D) LOTS MUST BE LARGE ENOUGH TO PERMIT STEPS.

vi. ALL MANUFACTURED HOMES TO BE PLACED OR SUBSTANTIALLY IMPROVED SHALL BE ELEVATED ON A PERMANENT FOUNDATION SUCH THAT THE LOWEST FLOOR OF THE MANUFACTURED HOME IS AT LEAST ONE FOOT ABOVE THE BASE FLOOD ELEVATION, AND BE SECURELY ANCHORED TO AN ADEQUATELY ANCHORED FOUNDATION SYSTEM.

vii. ALL MANUFACTURED HOMES MUST LIKEWISE BE ANCHORED TO PREVENT FLOTATION, COLLAPSE OR LATERAL MOVEMENT, AND SHALL BE INSTALLED USING METHODS AND PRACTICES THAT MINIMIZE FLOOD DAMAGE. ANCHORING METHODS MAY INCLUDE BUT ARE NOT LIMITED TO USE OF OVER-THE-TOP OR FRAME TIES TO GROUND ANCHORS.

b. STANDARDS FOR SHALLOW FLOOD AREAS (AO ZONES)

SHALLOW FLOODING AREAS APPEAR ON THE FLOOD INSURANCE RATE MAPS AS AO ZONES WITH DEPTH DESIGNATIONS. THE BASE FLOOD DEPTHS IN THESE ZONES RANGE FROM ONE TO THREE FEET WHERE A CLEARLY DEFINED CHANNEL DOES NOT EXIST, OR WHERE THE PATH OF FLOODING IS UNPREDICTABLE AND WHERE VELOCITY FLOW MAY BE EVIDENT. SUCH FLOODING IS USUALLY CHARACTERIZED AS SHEET FLOW. IN THESE AREAS, THE FOLLOWING PROVISIONS APPLY:

i. NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS OF RESIDENTIAL STRUCTURES WITHIN AO ZONES SHALL HAVE THE LOWEST FLOOR, INCLUDING BASEMENT OR CRAWL SPACE, ELEVATED ABOVE THE HIGHEST ADJACENT GRADE OF THE BUILDING SITE, TO AT LEAST ONE FOOT ABOVE THE DEPTH NUMBER SPECIFIED ON THE FLOOD INSURANCE RATE MAP (AT LEAST TWO FEET IF NO DEPTH NUMBER IS SPECIFIED).

EXHIBIT A

1 ii. NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS OF
2 NONRESIDENTIAL STRUCTURES WITHIN AO ZONES SHALL
3 EITHER:

4 (A) HAVE THE LOWEST FLOOR, INCLUDING BASEMENT,
5 ELEVATED ABOVE THE HIGHEST ADJACENT GRADE OF
6 THE BUILDING SITE, TO AT LEAST ONE FOOT ABOVE THE
7 DEPTH NUMBER SPECIFIED ON THE FLOOD INSURANCE
8 RATE MAP (AT LEAST TWO FEET IF NO DEPTH NUMBER IS
9 SPECIFIED); OR

10 (B) TOGETHER WITH ATTENDANT UTILITY AND SANITARY
11 FACILITIES, BE COMPLETELY FLOODPROOFED TO OR
12 ABOVE THAT LEVEL SO THAT ANY SPACE BELOW THAT
13 LEVEL IS WATERTIGHT WITH WALLS SUBSTANTIALLY
14 IMPERMEABLE TO THE PASSAGE OF WATER AND WITH
15 STRUCTURAL COMPONENTS HAVING THE CAPABILITY OF
16 RESISTING HYDROSTATIC AND HYDRODYNAMIC LOADS
17 AND EFFECTS OF BUOYANCY. IF THIS METHOD IS USED,
18 COMPLIANCE SHALL BE CERTIFIED BY A REGISTERED
19 PROFESSIONAL ENGINEER OR ARCHITECT.

20 iii. ADEQUATE DRAINAGE PATHS ARE REQUIRED AROUND
21 STRUCTURES ON SLOPES TO GUIDE FLOODWATERS AROUND
22 AND AWAY FROM PROPOSED STRUCTURES.

23 8. FLOOD HAZARD PERMIT

24 a. REQUIRED

25 NO PERSON SHALL ENGAGE IN DEVELOPMENT WITHIN THE FLOOD
26 HAZARD OVERLAY DISTRICT UNLESS A FLOOD HAZARD PERMIT IS FIRST
27 ISSUED, PURSUANT TO SECTION 21.03.090, *FLOOD HAZARD PERMITS*.

28 b. CONDITIONS

29 SPECIAL CONDITIONS MAY BE ATTACHED AS A CONDITION TO THE
30 ISSUANCE OF A FLOOD HAZARD PERMIT. CONDITIONS SHALL INCLUDE
31 ANY FLOODPROOFING MEASURES DEEMED NECESSARY BY THE
32 ISSUING OFFICIAL TO FURTHER THE PURPOSES OF THIS CHAPTER.
33 FLOODPROOFING MEASURES MAY INCLUDE REQUIREMENTS THAT:

34 i. THE FINISHED SURFACE OF THE FIRST OR MAIN FLOOR SHALL
35 BE AT LEAST ONE FOOT ABOVE THE LEVEL OF THE REGULATORY
36 FLOOD PROTECTION ELEVATION.

37 ii. STRUCTURES OR USES BELOW THE LEVEL OF THE REGULATORY
38 FLOOD SHALL BE RESTRICTED TO THOSE NOT INVOLVING
39 HABITUAL HUMAN HABITATION, SUCH AS WORKING SPACE,
40 LIVING SPACE, SLEEPING SPACE, ETC.

41 iii. THE ANCHORAGE SHALL BE SUITABLE TO RESIST FLOTATION
42 AND LATERAL MOVEMENT.

43 iv. FOR ALL CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS,
44 FULLY ENCLOSED AREAS BELOW THE LOWEST FLOOR THAT ARE
45 SUBJECT TO FLOODING SHALL BE DESIGNED TO
46 AUTOMATICALLY EQUALIZE HYDROSTATIC FLOOD FORCES ON
47 EXTERIOR WALLS BY ALLOWING FOR THE ENTRY AND EXITS OF
48 FLOODWATERS. DESIGNS FOR MEETING THIS REQUIREMENT
49 MUST EITHER BE CERTIFIED BY A REGISTERED PROFESSIONAL

EXHIBIT A

ENGINEER OR ARCHITECT OR MUST MEET OR EXCEED THE FOLLOWING MINIMUM CRITERIA: A MINIMUM OF TWO OPENINGS HAVING A TOTAL NET AREA OF NOT LESS THAN ONE SQUARE INCH FOR EVERY SQUARE FOOT OF ENCLOSED AREA SUBJECT TO FLOODING SHALL BE PROVIDED TO FEMA SPECIFICATIONS. THE BOTTOM OF ALL OPENINGS SHALL BE NO HIGHER THAN ONE FOOT ABOVE GRADE. OPENINGS MAY BE EQUIPPED WITH SCREENS, LOUVERS OR OTHER COVERINGS OR DEVICES PROVIDED THAT THEY PERMIT THE AUTOMATIC ENTRY AND EXITS OF FLOODWATERS.

v. ALL AREAS BELOW THE LEVEL OF THE REGULATORY FLOOD PROTECTION LEVELS SHALL BE COATED WITH PAINT, MEMBRANES, OR MORTARS SUBSTANTIALLY IMPERMEABLE TO THE PASSAGE OF WATER.

vi. WATER SUPPLY AND WASTE TREATMENT SYSTEMS MUST PREVENT INFILTRATION OF WATER.

vii. ALL INTERIOR DRAINS MUST BE CONNECTED TO THE SANITARY SEWER SYSTEM.

9. NONCONFORMING USES

A STRUCTURE OR THE USE OF A STRUCTURE OR PREMISES LOCATED WITHIN THE FLOOD HAZARD OVERLAY DISTRICT THAT WAS LAWFUL BEFORE THE ORIGINAL PASSAGE OF APPLICABLE REGULATIONS, BUT THAT IS NOT IN CONFORMITY OF THE PROVISIONS OF SUCH REGULATIONS, MAY BE CONTINUED SUBJECT TO THE FOLLOWING CONDITIONS:

a. NO SUCH USE SHALL BE EXPANDED, CHANGED, ENLARGED, OR ALTERED IN ANY WAY WHICH INCREASES ITS NONCONFORMITY WITH RESPECT TO THE PROVISIONS OF THIS CHAPTER.

b. IF SUCH USE IS DISCONTINUED FOR 12 CONSECUTIVE MONTHS, ANY FUTURE USE OF THE STRUCTURE OR PREMISES SHALL CONFORM TO THIS CHAPTER.

c. USES OR ADJUNCTS THEREOF WHICH ARE OR HAVE BECOME NUISANCES SHALL NOT BE ENTITLED TO CONTINUANCE AS NONCONFORMING USES.

d. ANY PERMITTED ALTERATION, ADDITION, OR REPAIR TO ANY NONCONFORMING STRUCTURE THE COST OF WHICH EQUALS OR EXCEEDS 50 PERCENT OF THE FAIR MARKET VALUE OF THE STRUCTURE WHICH WOULD RESULT IN SUBSTANTIALLY INCREASING THE FLOOD DAMAGE POTENTIAL SHALL BE ADEQUATELY FLOODPROOFED IN ACCORDANCE WITH SUBSECTION 8.B.

10. DUTIES OF THE DIRECTOR OF THE PUBLIC WORKS

a. THE DIRECTOR OF THE PUBLIC WORKS DEPARTMENT SHALL GRANT OR DENY DEVELOPMENT PERMIT APPLICATIONS IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER, EXCEPT THAT THE PLATTING BOARD IS DIRECTED AND AUTHORIZED TO CONSIDER THIS CHAPTER IN RELATION TO ANY MATTER BROUGHT BEFORE THAT BOARD.

b. THE DIRECTOR OF THE PUBLIC WORKS DEPARTMENT SHALL MAINTAIN ALL RECORDS REQUIRED BY THE FEDERAL INSURANCE

EXHIBIT A

ADMINISTRATION AND SHALL FILE AN ANNUAL REPORT WITH THE
FEDERAL INSURANCE ADMINISTRATOR.

**c. ADDITIONAL DUTIES AND RESPONSIBILITIES OF THE DIRECTOR OF THE
PUBLIC WORKS DEPARTMENT ARE AS FOLLOWS:**

i. PERMIT REVIEW

THE DIRECTOR OF THE PUBLIC WORKS DEPARTMENT SHALL:

(A) REVIEW ALL FLOOD HAZARD PERMITS TO DETERMINE
THAT THE PERMIT REQUIREMENTS OF THIS CHAPTER
HAVE BEEN SATISFIED.

(B) REVIEW ALL FLOOD HAZARD PERMITS TO DETERMINE
THAT ALL NECESSARY PERMITS HAVE BEEN OBTAINED
FROM THOSE FEDERAL, STATE, OR LOCAL
GOVERNMENTAL AGENCIES FROM WHICH PRIOR
APPROVAL IS REQUIRED.

(C) REVIEW ALL FLOOD HAZARD PERMITS TO DETERMINE IF
THE PROPOSED DEVELOPMENT IS LOCATED IN THE
FLOODWAY, AND, IF LOCATED IN THE FLOODWAY,
ENSURE THAT THE ENCROACHMENT PROVISIONS OF
SUBSECTION 6.A. ABOVE ARE MET.

ii. USE OF OTHER BASE FLOOD DATA

WHEN BASE FLOOD ELEVATION DATA HAVE NOT BEEN
PROVIDED IN ACCORDANCE WITH SUBSECTION D.3. ABOVE, THE
DIRECTOR OF THE PUBLIC WORKS DEPARTMENT SHALL OBTAIN,
REVIEW AND REASONABLY UTILIZE ANY BASE FLOOD ELEVATION
DATA AVAILABLE FROM A FEDERAL, STATE OR OTHER SOURCE
IN ORDER TO ADMINISTER SUBSECTIONS D.6. THROUGH D.9.
ABOVE.

iii. INFORMATION TO BE OBTAINED AND MAINTAINED

THE DIRECTOR OF THE PUBLIC WORKS DEPARTMENT SHALL:

(A) OBTAIN AND RECORD THE ACTUAL ELEVATION, IN
RELATION TO MEAN SEA LEVEL, OF THE LOWEST
HABITABLE FLOOR, INCLUDING BASEMENT, OF ALL NEW
OR SUBSTANTIALLY IMPROVED STRUCTURES, AND
WHETHER OR NOT THE STRUCTURE CONTAINS A
BASEMENT.

(B) FOR ALL NEW OR SUBSTANTIALLY IMPROVED
FLOODPROOFED STRUCTURES:

(1) VERIFY AND RECORD THE ACTUAL ELEVATION, IN
RELATION TO MEAN SEA LEVEL; AND

(2) MAINTAIN THE FLOODPROOFING CERTIFICATIONS
REQUIRED IN SUBSECTION 7.A.IV. ABOVE.

(C) MAINTAIN FOR PUBLIC INSPECTION ALL RECORDS
PERTAINING TO THE PROVISIONS OF THIS SECTION.

iv. DUTIES REGARDING ALTERATION OF WATERCOURSES

THE DIRECTOR OF THE PUBLIC WORKS DEPARTMENT SHALL:

EXHIBIT A

(A) NOTIFY ADJACENT COMMUNITIES AND THE STATE COORDINATING AGENCY PRIOR TO ANY ALTERATION OR RELOCATION OF A WATERCOURSE AND SUBMIT EVIDENCE OF SUCH NOTIFICATION TO THE FEDERAL INSURANCE ADMINISTRATION.

(B) REQUIRE THAT MAINTENANCE IS PROVIDED WITHIN THE ALTERED OR RELOCATED PORTION OF THE WATERCOURSE SO THAT THE FLOOD-CARRYING CAPACITY IS NOT DIMINISHED.

v. INTERPRETATION OF FIRM BOUNDARIES

THE DIRECTOR OF THE PUBLIC WORKS DEPARTMENT SHALL MAKE INTERPRETATIONS, WHERE NEEDED, AS TO EXACT LOCATION OF THE BOUNDARIES OF THE AREAS OF FLOOD HAZARD, FOR EXAMPLE, WHERE THERE APPEARS TO BE A CONFLICT BETWEEN A MAPPED BOUNDARY AND ACTUAL FIELD CONDITIONS. THE PERSON CONTESTING THE LOCATION OF THE BOUNDARY SHALL BE GIVEN A REASONABLE OPPORTUNITY TO APPEAL THE INTERPRETATION AS PROVIDED IN SUBSECTION D.11. BELOW.

11. APPEAL PROCEDURE

APPEALS ALLEGING ERROR BY THE DIRECTOR OF THE PUBLIC WORKS DEPARTMENT CHARGED WITH THE ENFORCEMENT OR INTERPRETATION OF THIS CHAPTER MAY BE TAKEN TO THE ZONING BOARD OF EXAMINERS AND APPEALS IN ACCORDANCE WITH THE PROVISIONS OF SECTION 21.03.050, APPEALS.

12. STANDARDS AND CONDITIONS FOR VARIANCES AND APPEALS

a. IN PASSING UPON VARIANCES OR APPEALS, THE ZONING BOARD OF EXAMINERS AND APPEALS SHALL CONSIDER ALL TECHNICAL EVALUATIONS, ALL RELEVANT FACTORS, STANDARDS SPECIFIED IN OTHER SECTIONS OF THIS SECTION AND:

i. THE DANGER THAT MATERIALS MAY BE SWEEPED ONTO OTHER LANDS TO THE INJURY OF OTHERS;

ii. THE DANGER TO LIFE AND PROPERTY DUE TO FLOODING OR EROSION DAMAGE;

iii. THE SUSCEPTIBILITY OF THE PROPOSED FACILITY AND ITS CONTENTS TO FLOOD DAMAGE AND THE EFFECT OF SUCH DAMAGE ON THE INDIVIDUAL OWNER;

iv. THE IMPORTANCE OF THE SERVICES PROVIDED BY THE PROPOSED FACILITY TO THE COMMUNITY;

v. THE NECESSITY OF THE FACILITY OF A WATERFRONT LOCATION, WHERE APPLICABLE;

vi. THE AVAILABILITY OF ALTERNATIVE LOCATIONS FOR THE PROPOSED USE WHICH ARE NOT SUBJECT TO FLOODING OR EROSION DAMAGE;

vii. THE COMPATIBILITY OF THE PROPOSED USE WITH EXISTING AND ANTICIPATED DEVELOPMENT;

EXHIBIT A

- viii. THE RELATIONSHIP OF THE PROPOSED USE TO THE COMPREHENSIVE PLAN AND FLOODPLAIN MANAGEMENT PROGRAM FOR THAT AREA;
- ix. THE SAFETY OF ACCESS TO THE PROPERTY IN TIME OF FLOOD FOR ORDINARY AND EMERGENCY VEHICLES;
- x. THE EXPECTED HEIGHTS, VELOCITY, DURATION, RATE OF RISE AND SEDIMENT TRANSPORT OF THE FLOODWATERS AND THE EFFECTS OF WAVE ACTION, IF APPLICABLE, EXPECTED AT THE SITE; AND
- xi. THE COSTS OF PROVIDING GOVERNMENTAL SERVICES DURING AND AFTER FLOOD CONDITIONS, INCLUDING MAINTENANCE AND REPAIR OF PUBLIC UTILITIES AND FACILITIES SUCH AS SEWER, GAS, ELECTRICAL AND WATER SYSTEMS AND STREETS AND BRIDGES.
- b. GENERALLY, VARIANCES MAY BE ISSUED FOR NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS TO BE ERECTED ON A LOT OF ONE-HALF ACRE OR LESS IN SIZE CONTIGUOUS TO AND SURROUNDED BY LOTS WITH EXISTING STRUCTURES CONSTRUCTED BELOW THE BASE FLOOD LEVEL, PROVIDING THE ITEMS IN SUBSECTIONS 12.A.I. THROUGH XI. OF THIS SECTION HAVE BEEN FULLY CONSIDERED. AS THE LOT SIZE INCREASES BEYOND ONE-HALF ACRE, THE TECHNICAL JUSTIFICATION REQUIRED FOR ISSUING THE VARIANCE INCREASES.
- c. THE ZONING BOARD OF EXAMINERS AND APPEALS MAY ATTACH SUCH CONDITIONS TO THE GRANTING OF VARIANCES OR APPEALS AS IT DEEMS NECESSARY TO FURTHER THE PURPOSES OF THIS CHAPTER.
- d. THE DIRECTOR OF THE PUBLIC WORKS DEPARTMENT SHALL MAINTAIN THE RECORDS OF ALL VARIANCE AND APPEAL ACTIONS AND REPORT ANY VARIANCES TO THE FEDERAL INSURANCE ADMINISTRATION UPON REQUEST.
- e. CONDITIONS FOR VARIANCES ARE AS FOLLOWS:
- i. VARIANCES MAY BE ISSUED FOR THE RECONSTRUCTION, REHABILITATION, OR RESTORATION OF STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES OR THE STATE INVENTORY OF HISTORIC PLACES, WITHOUT REGARD TO THE PROCEDURES SET FORTH IN THE REMAINDER OF THIS SECTION.
- ii. VARIANCES SHALL NOT BE ISSUED WITHIN ANY DESIGNATED FLOODWAY IF ANY INCREASE IN FLOOD LEVELS DURING THE BASIC FLOOD DISCHARGE WOULD RESULT.
- iii. VARIANCES SHALL ONLY BE ISSUED UPON A DETERMINATION THAT THE VARIANCE IS THE MINIMUM NECESSARY, CONSIDERING THE FLOOD HAZARD, TO AFFORD RELIEF.
- iv. VARIANCES SHALL ONLY BE ISSUED UPON:
- (A) A SHOWING OF GOOD AND SUFFICIENT CAUSE;
- (B) A DETERMINATION THAT FAILURE TO GRANT THE VARIANCE WOULD RESULT IN EXCEPTIONAL HARDSHIP TO THE APPLICANT; AND

EXHIBIT A

Chapter 21.04: Zoning Districts
Sec.21.04.070 Overlay Zoning Districts

(C) A DETERMINATION THAT THE GRANTING OF A VARIANCE WILL NOT RESULT IN INCREASED FLOOD HEIGHTS, ADDITIONAL THREATS TO PUBLIC SAFETY, OR EXTRAORDINARY PUBLIC EXPENSE, CREATE NUISANCES, CAUSE FRAUD ON OR VICTIMIZATION OF THE PUBLIC, OR CONFLICT WITH EXISTING LOCAL LAWS OR ORDINANCES.

v. ANY APPLICANT TO WHOM A VARIANCE IS GRANTED SHALL BE GIVEN WRITTEN NOTICE THAT THE STRUCTURE WILL BE PERMITTED TO BE BUILT WITH A LOWEST FLOOR ELEVATION BELOW THE BASE FLOOD ELEVATION AND THAT THE COST OF FLOOD INSURANCE WILL BE COMMENSURATE WITH THE INCREASED RISK RESULTING FROM THE REDUCED LOWEST FLOOR ELEVATION.]