

Submitted by: Assembly Members Hall,
Demboski
Prepared by: Dept. of Law
For reading: May 12, 2015

**ANCHORAGE, ALASKA
AO 2015-59**

**AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE TITLE 21,
LAND USE PLANNING (NEW CODE – EFFECTIVE JANUARY 1, 2014)
CHAPTER 21.04, ZONING DISTRICTS; CHAPTER 21.06, DIMENSIONAL
STANDARDS AND MEASUREMENTS; CHAPTER 21.07, DEVELOPMENT
AND DESIGN STANDARDS; AND OTHER CODE AS NECESSARY TO
IMPLEMENT CHANGES TO FLOOR AREA RATIO REQUIREMENTS.**

(Planning and Zoning Commission Case 2015-0056)

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Anchorage Municipal Code section 21.04.020, *Residential Districts*, is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

21.04.020 Residential districts.

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H. *R-4 Multifamily residential district.*

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2. *District-specific standards.*

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c. Floor area ratio (FAR). The maximum floor area ratio (FAR) in the R-4 district is 2.0. [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 are not subject to maximum height restrictions [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

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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.*

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2. *District-specific standards.*

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c. *Floor area ratio (FAR) incentives for the [R-4 AND] R-4A district[S].* The maximum floor area ratio (FAR) within the [R-4 AND] R-4A district[S] is 3.0 [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 SUBSECTION 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 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.]

[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 SUBSECTION 21.07.110H., AFFORDABLE HOUSING.]

[iv. *BONUS FOR SIDEWALK/WALKWAY WIDENING.* ONE SQUARE FOOT OF ADDITIONAL FLOOR AREA IS ALLOWED PER SQUARE

1 FOOT OF AREA PROVIDED AS PART OF A PRIMARY PEDESTRIAN
2 WALKWAY THAT MEETS THE REQUIREMENTS OF
3 SUBSECTION 21.07.060F.4.]
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5 [v. *BONUS FOR UPPER LEVEL SETBACKS/STEP BACKS FOR*
6 *SUNLIGHT ACCESS.* A FLOOR AREA BONUS IS ALLOWED EQUAL
7 TO ONE-THIRD OF THE SUM OF STEP BACK AREAS ON EACH
8 UPPER FLOOR WHERE THE STEP BACK IS AT LEAST 16 FEET
9 FROM THE FACE OF THE BUILDING AT THE FLOOR IMMEDIATELY
10 BELOW, SUCH THAT THE FLOOR'S EXISTENCE DOES NOT
11 INCREASE THE AMOUNT OF SHADOWING ON SURROUNDING
12 RESIDENCES, PRIVATE OPEN SPACES, SIDEWALKS, SCHOOLS,
13 OR PARKS ON MARCH/SEPTEMBER 21, FROM 9:00 A.M. TO 3:00
14 P.M. SOLAR TIME.]
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16 [vi. *BONUS FOR AMBIENT DAYLIGHT FOR RESIDENCES.* A FLOOR
17 AREA BONUS EQUAL TO TEN PERCENT OF THE LOT AREA (0.10
18 FAR) BUT NOT TO EXCEED 4,000 SQUARE FEET IS ALLOWED FOR
19 PRESERVATION OF DAYLIGHT FOR ALL DWELLINGS IN THE
20 DEVELOPMENT AND FACING THE DEVELOPMENT, USING THE
21 STANDARDS OF SUBSECTION 21.07.110C.9.G. TO RECEIVE
22 CREDIT, THE BUILDING SHALL NOT EXCEED A DAYLIGHT PLANE
23 RISING UP OVER THE BUILDING AT AN ANGLE OF FIVE FEET OF
24 RUN FOR EVERY THREE FEET OF RISE, AND STARTING FROM A
25 HEIGHT OF FIVE FEET ABOVE FINISHED GRADE AT THE
26 FOUNDATION OF SURROUNDING RESIDENTIAL BUILDINGS.]
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28 [vii. *BONUS FOR PEDESTRIAN-INTERACTIVE USE.* THREE SQUARE
29 FEET OF ADDITIONAL FLOOR AREA IS ALLOWED PER EACH
30 SQUARE FOOT OF GROUND-FLOOR SPACE WHICH IS TO BE
31 OCCUPIED BY A PEDESTRIAN-INTERACTIVE USE THAT MEETS
32 THE STANDARDS OF SUBSECTION 21.07.060F.16.]

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34 e. *Building height*[*INCREASE*]. Buildings in the R-4A
35 district are not subject to maximum height
36 restrictions [MAY EXCEED THE MAXIMUM HEIGHT
37 ESTABLISHED IN TABLE 21.06-1, UP TO A
38 MAXIMUM TOTAL HEIGHT OF 90 FEET], except
39 that all floor area above 90 feet in height shall be for
40 residential uses. [SUBJECT TO ALL OF THE
41 FOLLOWING CONDITIONS. THESE CONDITIONS
42 ENCOURAGE SLENDER TOWERS WITH
43 CONDENSED FLOOR PLATES, LIGHT AND AIR

AT THE PEDESTRIAN LEVEL, AND ACTIVE USES ON THE GROUND FLOOR FACING THE STREET:]

[i. THE DEVELOPMENT SHALL PARTICIPATE IN THE FAR INCENTIVES PROVIDED FOR THE R-4A DISTRICT IN SUBSECTION 21.04.020I.2.C. ABOVE;]

[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 BUILDING, EXCEPT FOR VEHICLE ENTRANCES AND EXITS. WHERE THE SITE HAS TWO OR MORE FRONTAGES, THE STANDARD SHALL BE MET ON TWO FRONTAGES;]

[iii. ALL FLOOR AREA PROVIDED BY THE HEIGHT INCREASE SHALL BE FOR RESIDENTIAL USES;]

[iv. THE HEIGHT INCREASE SHALL ADHERE TO THE HEIGHT TRANSITIONS OF SUBSECTION 21.06.030D.8.;

[v. THE HEIGHT INCREASE SHALL ADHERE TO THE APPLICABLE DESIGN STANDARDS FOR TALL BUILDINGS IN SUBSECTION 21.07.120C; AND]

[vi. UNLESS A MAJOR SITE PLAN REVIEW OR A CONDITIONAL USE IS REQUIRED BY OTHER PARTS OF THIS SECTION, ALL DEVELOPMENTS REQUESTING THE HEIGHT INCREASE SHALL BE SUBJECT TO ADMINISTRATIVE SITE PLAN REVIEW.]

Section 2. Anchorage Municipal Code section 21.04.030, *Commercial Districts*, is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

21.04.030 Commercial districts.

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D. B-3: General business district.

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

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BUILDING HEIGHT INCREASE OF SUBSECTION 21.04.020 H.2.D. IS AVAILABLE TO RESIDENTIAL HOUSEHOLD LIVING USES IN THE B-3 DISTRICT.]

b. *Height.* [INCREASE PERMITTED.] Buildings in the B-3 district are not subject to maximum height restrictions [MAY EXCEED THE MAXIMUM HEIGHT ESTABLISHED FOR AREAS OUTSIDE OF MIDTOWN IN TABLE 21.06-2, UP TO A MAXIMUM HEIGHT OF 60 FEET], except that all buildings exceeding 60 feet in height shall be 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.

ii. The building height, massing, and intensity of use is consistent with any applicable area-specific element of the comprehensive plan.

iii. The development shall be subject to administrative site plan review and section 21.07.070, *Neighborhood Protection*.

[C. *CONDITIONAL HEIGHT INCREASE.* BUILDINGS IN THE B-3 DISTRICT MAY EXCEED THE HEIGHT INCREASE PERMITTED IN SUBSECTION 2.b. ABOVE, UP TO A MAXIMUM HEIGHT OF 75 FEET, SUBJECT TO A CONDITIONAL USE REVIEW AND THE FOLLOWING ADDITIONAL APPROVAL CRITERIA:]

[i. THE DEVELOPMENT IS WITHIN AN AREA DESIGNATED BY THE COMPREHENSIVE PLAN AS A COMMERCIAL CENTER, TOWN CENTER, OR OTHER TYPE OF URBAN CENTER ABOVE THE NEIGHBORHOOD SCALE.]

[iii. THE BUILDING HEIGHT, MASSING, AND INTENSITY OF USE IS CONSISTENT WITH ANY APPLICABLE AREA-SPECIFIC ELEMENT OF THE COMPREHENSIVE PLAN.]

[iii. THE BUILDING COMPLIES WITH SUBSECTIONS 21.04.030G.3. AND 7., AND ANY ADDITIONAL PLACEMENT AND ORIENTATION CONDITIONS DETERMINED BY THE CONDITIONAL USE REVIEW.]

c[D]. Mixed-use development in this district shall follow the standards of subsection H. below.

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E. RO: Residential office district.

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2. District-specific standards.

a. *Limitations on retail uses.* Any uses allowed by Table 21.05-1 and categorized by this code as "entertainment and recreation," "personal services, repair, and rental," or "food and beverage service" may be located in the RO district only within a building that also contains office, health services, and/or residential uses, except that "food and beverage kiosk" may be located in a stand-alone building on those lots with frontage on a street of collector classification or higher. Such commercial uses shall be limited to 25 percent of the gross floor area of the building. No outdoor storage or merchandise display is allowed.

b. *Limitations on visitor accommodations.* Any uses categorized by this code as "visitor accommodations" and allowed by Table 21.05-1 shall comply with the multifamily residential design standards set forth in subsection 21.07.110C.

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] Building height. Buildings [WITH NONRESIDENTIAL OR GROUP LIVING USES] in the RO district are not

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1 subject to maximum height restrictions [MAY
 2 EXCEED THE MAXIMUM HEIGHT ESTABLISHED
 3 IN TABLE 21.06-2, UP TO A MAXIMUM TOTAL
 4 HEIGHT OF 65 FEET], except that all buildings
 5 exceeding 65 feet in height shall be subject to a
 6 conditional use review and the following additional
 7 approval criteria:
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- 9 i. The property is located in a major
 10 employment center designated in the
 11 comprehensive plan for Downtown, Midtown,
 12 or the U-Med District;
- 13 ii. The proposed building height, massing, and
 14 intensity of use is consistent with the
 15 neighborhood- or district-specific
 16 comprehensive plan element applicable to the
 17 area;
- 18 iii. The property is not adjacent to any residential
 19 district other than the R-2A, R-2M, R-3, R-4 or
 20 R-4A districts; and
- 21 iv. The property is not adjacent to any property
 22 designated for [MEDIUM DENSITY OR] lower
 23 density residential uses in the comprehensive
 24 plan.
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29 *H. Standards for Mixed-Use Development in the B-3 District.*

- 30 1. *Applicability.* This section applies to developments that
 31 create a mix of residential with commercial or
 32 public/institutional primary uses in the B-3 district.
- 33 [2. *FLOOR AREA RATIO (FAR) INCENTIVES.*]
- 34 [a. THE FLOOR AREA RATIO (FAR) AND BONUS
 35 PROVISIONS SET OUT IN SUBSECTION G.3.
 36 ABOVE APPLY.]
- 37 [b. IN ADDITION TO THE BONUS FEATURES
 38 AVAILABLE IN SUBSECTION G.3. ABOVE, A
 39 FLOOR AREA BONUS EQUAL TO TEN PERCENT
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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 21.07.120 C. ARE INCORPORATED INTO THE DESIGN OF A MULTISTORY BUILDING DEVELOPMENT TO IMPROVE MICROCLIMATIC CONDITIONS.]

(Code Reviser: Re-number remaining sections)

Section 3. Anchorage Municipal Code subsection 21.06.020B.A, *Dimensional Standards Tables*, is hereby amended to provide as follows (the remainder of the section is not affected and therefore not set out):

21.06.020 Dimensional standards tables.

*** **

B. These general standards may be further limited or modified by other applicable sections of this title. In particular, some uses have use-specific standards in Chapter 21.05 that impose stricter requirements than set forth in these tables.

A. *Table of Dimensional Standards: Residential Districts*

TABLE 21.06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS

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Code reviser shall make the following changes to the table:

R-3: Mixed Residential District. The minimum side setback requirement for multi-family dwellings with three or four units shall be reduced from [10] feet to 5 feet.

R-3: Mixed Residential District. The minimum rear setback for multi-family dwellings with three or four units shall be reduced from [20] feet to 10 feet when the lot has alley access.

R-3: Mixed Residential District. The minimum front setback for multi-family dwellings with three or four units shall be

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reduced from [20] feet to 10 feet when the lot has alley access.

R-4: Multifamily Residential District. The maximum height of structures for multi-family dwellings shall be changed from [45] feet to unlimited.

R-4A: Multifamily Residential Mixed-Use District. The maximum height of structures for multi-family dwellings shall be changed from [45] feet to unlimited.

B. *Table of Dimensional Standards: Commercial and Industrial Districts*

TABLE 21.06-2: TABLE OF DIMENSIONAL STANDARDS - COMMERCIAL AND INDUSTRIAL DISTRICTS
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Code reviser shall make the following changes to the table:

B-3: General Business. Change maximum height column for all categories to unlimited.

R-O: Residential Office District. Change maximum height column for all categories to unlimited.

Section 4. Anchorage Municipal Code section 21.06.030, *Measurements and Exceptions*, is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

21.06.030 Measurements and exceptions.

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D. *Height.*

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8. *Height transitions for neighborhood compatibility.*

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b. *Applicability.* This standard shall apply to structures located in any non-residential district (except for the DT districts, B-3, and R-O), THE R-4 DISTRICT, OR THE R-4A DISTRICT,] that is within 200 feet of any lot zoned R-1, R-1A, R-2A, R-2D, R-2M, R-3, R-5, R-6, R-7, R-8, R-9, or R-10.

Section 5. Anchorage Municipal Code section 21.07.030, *Private Open Space*, is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

21.07.030 Private open space.
*** **

B. *Applicability and open space requirement.* Development shall be required to set aside private open space according to the following minimum requirements.

- 2. R-3 district: 250 [400] square feet of private open space per dwelling unit. At least half of the private open space shall be shared in common among the units. Group living uses and nonresidential development shall provide an area equal to five percent of the gross floor area for open space.
- 3. R-4 and R-4A districts: 100 [120] square feet of private open space per dwelling unit, and at least half of the private open space shall be shared in common among the units. Group living uses and nonresidential development shall provide an area equal to five percent of the gross floor area for open space.

Section 6. Anchorage Municipal Code section 21.07.090, *Off-Street Parking and Loading*, is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

21.07.090 Off-street parking and loading.
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H. *Off-street parking and loading.*

- 8. *Vehicular access and circulation.* Parking lots and structures shall be designed for a safe and orderly flow of traffic throughout the site, as provided in the subsections that follow.
 - e. *Parking and maneuvering.* All circulation aisles, driveways, and vehicle maneuvering areas required by this section shall be located entirely off-street and on the property unless specifically provided otherwise by this section.

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- iii. *Some dwellings exempted.* Single-family, two-family, townhouse, and mobile home dwellings on individual lots shall be exempted from this subsection. Multi-family dwellings having up to 4 units shall be exempted from on-site maneuvering requirements in appropriate circumstances if the municipal Traffic Engineer concurs with proposed exemptions. Appropriate circumstances include lots with alley access, lots located on low-volume streets, and lots located on dead-end streets.

Section 7. Anchorage Municipal Code section 21.07.110, *Residential Design Standards*, is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):

- A. *Effective Date.* This Section 21.07.110 shall be effective beginning January 1, 2017, pending an evaluation of the consistency of this Section 21.07.110 with the Comprehensive Plan and the Assembly’s acceptance of such evaluation.
*** *** ***

Code reviser to re-letter remaining sections)

Section 7. This ordinance shall be effective immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this _____ day of _____, 2015.

ATTEST:

Chair of the Assembly

Municipal Clerk