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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 [effective date].

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 sections throughout the various chapters and sections of this Title are not intended as requirements, but rather are intended to provide a context whereby the required provisions of this Title are understood. No required provisions shall be included in the purpose sections of this Title. Such provisions must be incorporated into this Title or other provisions of municipal code. The purpose of this Title is to implement the goals, objectives and policies of 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 of underutilized land;

B. Promoting a balanced, diverse supply of affordable, quality housing located in safe and livable neighborhoods;

C. Promoting a balanced supply of nonresidential land uses that are compatible with adjacent land uses and have good access to transportation networks;

D. Promoting development that creates a sense of place and reflects the municipality's unique northern setting, natural resources, and majestic surroundings;

E. Promoting economic development in the municipality;

F. Conserving the value of buildings and land;

G. Protecting the wide diversity of fish and wildlife habitats by reducing the adverse impacts of land development on the natural environment;

H. To the degree reasonably practicable, protecting the citizens and their properties from flooding, wildfires, seismic risks, and other hazards;

I. Promoting a system of recreational facilities, parks, trails, and natural open space that meets year-round neighborhood and community-wide needs;

J. Promoting compact development in city centers and infill areas so as to create efficient travel patterns;

K. Encouraging the retention of mature vegetation;

L. Protecting and enhancing livable and distinctive neighborhoods;

M. Promoting transportation development patterns that insure safety and offer transportation choices.

21.01.040 APPLICABILITY AND JURISDICTION

A. General

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

B. Application to Governmental Units

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

C. Compliance Required

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

21.01.050 OFFICIAL ZONING MAP

A. Incorporation Into this Ordinance

The official zoning map designates the location and boundaries of the various zone districts established in this Title. It consists of a series of map pages adopted by ordinance and any subsequent amendments in accordance with this Title. The official zoning map is incorporated herein by reference and referred to as the "zoning map" in this Title. The zoning map shall be kept on file in the office of the department and is available for public inspection during normal business hours. The map shall be the final authority as to the current zoning status of lands.

B. Changes to Official Zoning Map

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

C. Interpretation of District Boundaries

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

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

easement, as indicated in a recorded legal 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*.

D. Users' Guide

The *Users' Guide* that is being prepared by staff, shall set forth the procedures and processes governing all applications provided for by this Title. The *Users' Guide* shall not contain any substantive land use provision. Such provisions must be incorporated into this Title or other provisions of municipal code.

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 Comprehensive Plan

This Title implements the goals, policies and objectives of the Comprehensive Plan with a comprehensive set of standards and requirements applicable to all land, buildings, structures, and uses located within the municipality. Thus, the more specific standards that are contained in Title 21 and are intended to apply to individual applications shall apply over the general goals and policies of the comprehensive plan in situations where there may be a potential conflict when dealing with development applications. Where conditions, standards, or requirements imposed by any provision of this Title are either more restrictive or less restrictive than any provision found in the comprehensive plan, the provision of this Title shall govern

C. **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. 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. If any court of competent jurisdiction invalidates the application of any provision of this Title, then that provision shall not be applied to any other building, structure, or use.

C. 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.

21.01.080 COMPREHENSIVE PLAN

A. **Purpose**

The purpose of the comprehensive plan is to set forth in general terms 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 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
	Spenard 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	
	The Ship Creek/Waterfront Land Use Plan (May 1991), including the Transportation Element	AO 1991-88; 6-3-1991	AIM 1991-178
	University-Medical District Plan	AO 2003-129; 10-21-2003	AO 2009-69; 6-23-1009
Turnagain Arm	Turnagain Arm Comprehensive Plan	AO 2009-126; 12-1-2009 [AO 1987-22; 4-7-1987]	

TABLE 21.01-1: COMPREHENSIVE PLAN ELEMENTS

Area/Topic	Plan	Adoption Date [1]	Amendments
	Girdwood Area Plan	AO 1994-238(S); 2-28-1995	AO 1998-176; 11-24-1998 AO 2006-47; 4-11-2006
	Crow Creek Neighborhood Land Use Plan	AO 2006-47; 4-11-2006	
	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
	Eagle River Greenbelt Plan	AR 1985-88; April 1985	
	Chugiak-Eagle River Long-Range Transportation Plan 2002 Update	AO 2003-128; 9-23-2003	
	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	
	2008 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
	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
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; 6-3-97 AO 2000-122; 8-15-2000 AO 2005-115; 10-25-2005
	Anchorage Long-Range Transportation Plan 2025	AO 2005-115; 10-25-2005	
Parks, Greenbelts, and Recreational Facilities	Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan	AO 2005-122; 4-18-2006	
	Updated Far North Bicentennial Park Plan	AR 1985-87; 5-14-1985	AO 2002-165; 12-10-2002
	Rabbit Creek Greenbelt Plan	AR 1987-16; 3-31-1987	
	Chester Creek Greenbelt	AR 11-1975; October 1975	

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

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

The goals, policies and objectives of the comprehensive plan are being implemented as provided in the remainder of this Title. Zoning map amendments, land use approvals, and subdivisions shall conform to this Title and, in the absence of any conflict with this Title, to the comprehensive plan elements listed in this section.

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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.

B. 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.

C. 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 conforming.

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*.

D. 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.

b. 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.

c. 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 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 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 [effective date] 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 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 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.

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.

B. **Investment-Backed**

[RESERVED]

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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 footnotes in the tables 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, rezones, site plans, 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[2]						R/D[2]
Certificates of Zoning Compliance	21.03.060					A		D
Comprehensive Plan Amendments	21.03.070C.	D-H[3]	R-H[3]					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[4]	A[4]		D
Master Plan, Institutional	21.03.110A.	D-H	R-H					R

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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
Minor Modifications	21.03.120		D[5]			A[6]	A[6]	D[5]
Neighborhood or District Plans	21.03.130	D-H	R-H					R
Public Facility Site Selection	21.03.140	D-H/A-H[7]	D-H[7]					R
Rezonings (Map Amendments)	21.03.160	D-H	R-H					R
Sign Permits	21.03. 170					A		D
Site Plan Review, Administrative	21.03. 180B.					A		D
Site Plan Review, Major	21.03. 180C.		D-H				A	R
Street Review	21.03.190		R[8]/D					R
Trail Review	21.03.190			R[8]/D				R
Preliminary Plat	21.03. 200C.5.		D-H[9]		D-H[9]		A	R
Abbreviated Plat	21.03. 200D.				A-H			D
Title 21, Text Amendments	21.03. 210	D-H	R-H		R-H[10]			R
Vacation of Public and Private Interest in Land	21.03.230				D or A[11]		A[11]	R or D[11]
Variances from the provisions of chapter 21.06, *Dimensional Standards and Measurements*	21.03. 240					D-H		R
Variances from the provisions of subsections 21.07.020C., *Steep Slope Development*; 21.07.060, *Transportation, Connectivity, and Pedestrian Facilities; and* chapter 21.08, *Subdivision Standards*	21.03. 240				D-H		A	R
Variances from the district-specific standards of chapter 21.04, *Zoning Districts*; the use-specific standards of chapter 21.05, *Use Regulations*; and the provisions of chapter 21.07, *Development and Design Standards* and chapter 21.11, *Signs*,	21.03.240					D-H	A	R

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

	Section	ASBLY	PZC	UDC	PB	ZBEA	BOA	MS
Variances from the provisions of subsections 21.07.050, *Utility Distribution Facilities*, and 21.05.040K., *Telecommunication Facilities*	21.03. 240 D.2.b.					D-H		R
Verification of Nonconforming Status	21.03. 250					A		D

NOTES:

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

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

[4] Appeals related to provisions in Title 23 are made to the building board of examiners and appeals.

[5] An applicant may request application of the minor modification process only once during the review process.

[6] See section 21.03.120C.5. for appropriate appeal body.

[7] Site selection for municipal facilities is approved by the assembly. See section 21.03.140.

[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 or major site plan that create a subdivision. The Urban Design Commission may act as the platting authority for major site plan reviews that create a subdivision.

[10] 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.

[11] See section 21.03.230, *Vacation of Public and Private Interest in Lands*.

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. Master plans (21.03.110);
3. Neighborhood or district plans (21.03.130);
4. Major site plan reviews (21.03.180C)
5. Public facility site selection for municipal facilities (21.03.140);

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6. Preliminary plats, when a major site plan review 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. Unified development plats, where the site plan includes a large commercial establishment;

8. Commercial tract plats, where the site plan includes a large commercial establishment (21.03.200E);

9. Appeals from administrative site plan reviews;

10. Rezones (zoning map amendments), to include overlay districts (21.03.160); and

11. Title 21 text amendments (21.03.210).

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 a master plan (21.03.110F.);

5. Variances from the provisions of subsection 21.05.040K., *Telecommunication Facilities*, and section 21.07.050, *Utility Distribution Facilities* (21.03.240);

6. Major site plan reviews (21.03.180C.);

7. Preliminary plats, when a major site plan review 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.);

8. Commercial tract plats, where the site plan includes a large commercial establishment (21.03.200E.);

9. Draft design study reports, landscaping and streetscape and pedestrian facilities including new construction and reconstruction of streets and collector class or greater in the *Official Streets and Highways Plan*;

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.

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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. Review of trails, as specified in 21.03.190

B. Other Powers and Duties

The Urban Design Commission shall:

1. Perform those duties stated in Title 7, relating to the art funding requirements for public buildings and facilities.

2. Designate historic signs pursuant to subsection 21.12.070F.

3. 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. Public hearing and review of preliminary plats

3. Commercial tract plats, when not included in a large commercial establishment site plan review (21.03.200E.);

4. Vacations of public and private interest in lands, where the platting board is the platting authority (21.03.230C.);

5. Variances from the provisions of chapter 21.08, *Subdivision Standards* (21.03.240);

6. 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*;

7. Modification or removal of plat note(s) (21.03.200G.);

8. Appeals of the following decisions:

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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 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*;

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

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

5. Variances from the district-specific standards of chapter 21.04, *Zoning Districts*; the use-specific standards of chapter 21.05, *Use Regulations*; and the provisions of chapter 21.07, *Development and Design Standards* and chapter 21.11, *Signs*;

6. Appeals of administrative site plan reviews (21.03.180B.); and

7. Appeals of the director's decision regarding subsection 21.12.060B., *Bringing Characteristics Into Compliance*.

B. Other Powers and Duties

The zoning board of examiners and appeals shall:

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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*.

2. Interpret or make specific the provisions of this Title, except provisions of chapter 21.08, *Subdivision Standards*.

3. 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

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

7. 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.

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);

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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. Rezonings (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.

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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

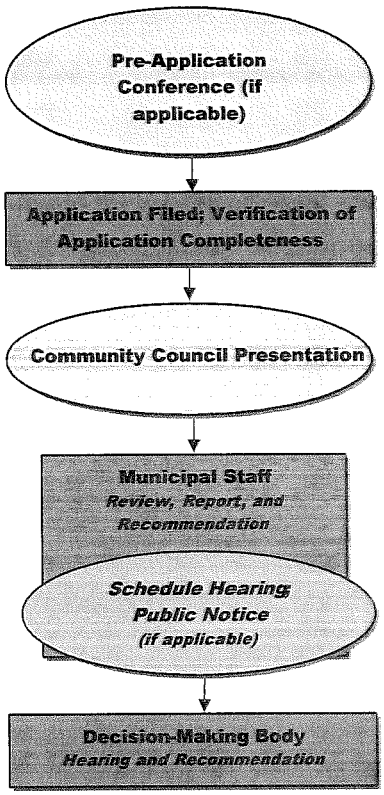
A. Applicability

The common procedures of this section 21.03.020 shall apply to all applications for development activity under this Title unless otherwise stated. The word "director" means the director of the planning department or his or her designee.

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.



Common Procedures

2. Applicability

a. *Required for New Applications*

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

i. Rezonings (Map Amendments) (section 21.03.160);

ii. Subdivisions, except for Abbreviated Plats (section 21.03.200);

iii. Conditional Uses (section 21.03.080);

iv. Major Site Plan Review (section 21.03.180C);

v. Public Facility Site Selection (section 21.03.140); and

vi. Projects including Class A or B wetlands within or adjacent to the application area.

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.

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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 Users' 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 in the manner prescribed in the Users' Guide. 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.

b. 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 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.

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

c. A checklist of discussion items indicating topics discussed at the pre-application conference shall be 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 Council Meetings

1. **Purpose**
Community Councils are recognized by the Charter of the Municipality of Anchorage. They are intended to afford citizens an opportunity for maximum community involvement and self-determination. Those applications identified in sub-section C. 2. A. below shall, prior to the public hearing on such application, present the application to the appropriate Community Council to allow an informal opportunity for the applicant to inform the residents and property owners of the details of a proposed application, how the applicant intends to meet the standards contained in this Title, and to receive public comment and encourage dialogue early in the review process.

2. **Applicability**

a. *Types of Applications*
The applicant shall attend and present the application at the community council meeting for any of the following types of applications:

i. *Rezonings (zoning map amendments)*

ii. *Subdivisions, except for abbreviated plats*

iii. *Conditional uses*

iv. *Master plans*

v. *Major site plan review*

vi. *Public facility site selection*

3. **Timing and Number of Community Council Meetings**
There shall be at least one presentation of the application to the appropriate Community Council(s) unless the Community Council fails to schedule a properly

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requested meeting made in a timely fashion by the applicant. The presentation may be scheduled at any time prior to the initial public hearing.

4. **Community Council Appearance**
The applicant shall request, in writing, an appearance before the appropriate community council(s) concurrent with the filing of the application.

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 Users' 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 Users' Guide, which shall describe the processes and procedures for all applications. The Users' Guide shall be readily available to the public. The director may amend and update the Users' Guide from time to time. Nothing contained in the Users' Guide shall be a substantive land use or development requirement.

2. **Form of Application**
Applications required under this chapter shall be submitted in a form and in such number as required in the Users' Guide.

3. **Processing Fees**
Applications shall be accompanied by the fee amount established by the assembly and listed in the Users' Guide. Fees are not subject to waivers.

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 in the written notification of all of the application's deficiencies. No further processing of an incomplete application shall occur until the noticed deficiencies are corrected. Any deficiencies which are not part of the initial notification shall be addressed during the application process without further delay of that process.

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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 Users' 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. If any false or misleading information is 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 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. Any board or commission scheduled to hear an application may postpone and reschedule a public hearing or approval deadline if such reports and studies are submitted less than thirty days prior to the 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 may cause the application to be postponed to the next regular meeting in order for the department to have time to review the new information,if the board or commission determines that further department review is not required.

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 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.

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TABLE 21.03-1: SUMMARY OF NOTICE REQUIREMENTS

Type of Application or Procedure	Section	Notice Required			
		Written	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.	✓	✓	✓	✓
Master Plan, Development	21.09.030F.	✓	✓	✓	✓
Master Plan	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	✓	✓	✓	✓
Rezonings (Zoning Map Amendments)	21.03.160	✓	✓	✓	✓
Site Plan Review, Major	21.03.180C	✓	✓	✓	✓
Street Review	21.03.190	-	✓	-	-
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	✓	✓	✓	✓

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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***
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 owners of the 50 parcels nearest to the outer boundary of the land subject to the application and which parcels are within one mile of the subject property, whichever is the greater number of parcels, at the mailing addresses of such persons in the records of the municipal assessor.

c. ***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 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 notice where the subject parcel is one of the following regional public lands or facilities: 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 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. All community councils within the area of a proposed neighborhood or district plans, served by the street or trail being reviewed, or substantive amendments to the comprehensive plan, and amendments to the text of Title 21 shall receive written notice of the proposed action.

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 at least ten (10) days before the initial public hearing on the application. The report shall include project background, public comments received, any comments received from the affected community council(s), and the department's recommendation for action. The written report shall be posted on the municipality's web site for public viewing.

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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.

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 board or commission. If the decision-making body grants the postponement request, the applicant shall pay the postponement fee 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 this Title. In such cases, any

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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.

N. Unless there is a time schedule stated as part of the condition, 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).

O. **Decision**

Recommendations and decisions of all boards and commissions shall be made in accordance with AMC Title 4.

P. **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).

Q. **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 the year in which it is issued, except that permits for bed and breakfasts shall be valid

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between the date of issuance and December 31 of the year after the permit was issued. 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

Subject to review and approval by the Assembly, 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 Users' 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.

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 tables 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 Users' 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

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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 within seven days 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 Users' 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 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 21.03.080C., *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 21.03.080C., *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 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. A copy of the conditions imposed by the assembly in connection with approval under this section shall be maintained on the premises involved at a location visible to the public.

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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.

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.

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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

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. An 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.

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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.

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.

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.

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.

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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 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.

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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.

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.

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 overlay district under subsection 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 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. Judicial Appeals

1. 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:

a. 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.

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

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

d. 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.

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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 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.

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 applicable provisions of this Title. For all development except for single- and two-family development, such finding shall follow an examination of the building, structure, landscaping, and/or other improvements or changes to the property. Single- and two-family development shall provide a certified as-built to the building official. Provisions of this Title that cannot be verified by a certified as-built may be subject to a physical examination of 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

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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

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

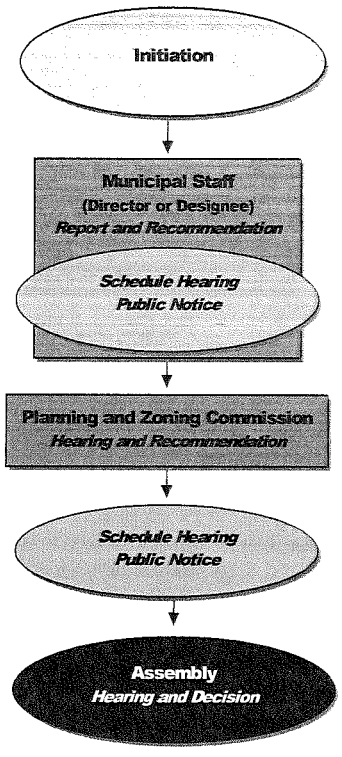
Notice shall be provided in accordance with section 21.03.020H.

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.



Comprehensive Plan Amendments (Substantive)

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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 further amendments as deemed necessary and appropriate by 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 appropriate in order to address one or more of the following:

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 unless such other changes are deemed appropriate by the assembly.

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.

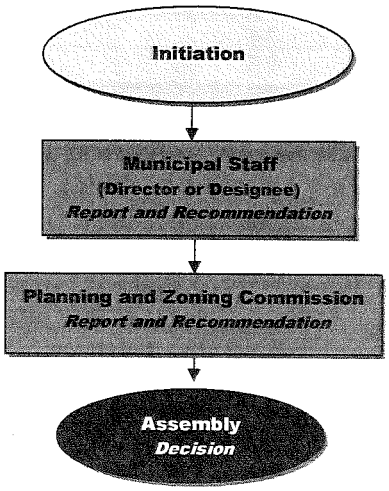
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3. **Concurrent Zoning Changes Allowed**

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



Comprehensive Plan Amendments (Cosmetic)

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.

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.

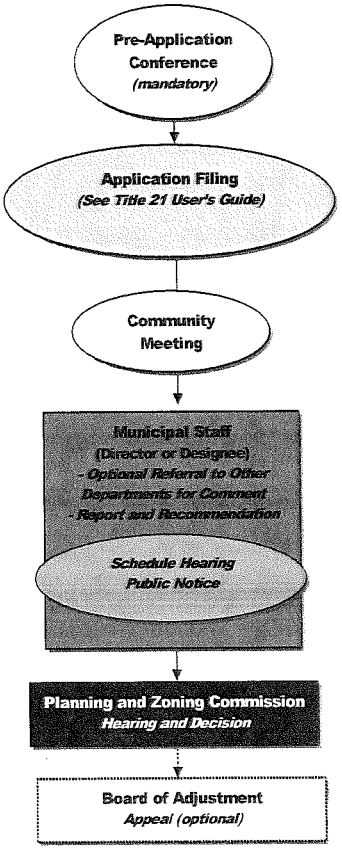
21.03.080 CONDITIONAL USES

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. 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 Council Meeting

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

4. Application Submittal

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 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.

Conditional Uses

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 C. below.

8. Appeal

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

C. 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;

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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 of 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;

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.

D. 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 D.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.

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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.

E. 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.

F. 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.

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21.03.090 FLOOD HAZARD PERMITS

A. Applicability

Any use, structure, or activity listed in the floodplain regulations (section 21.04.060D., *Flood Hazard 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

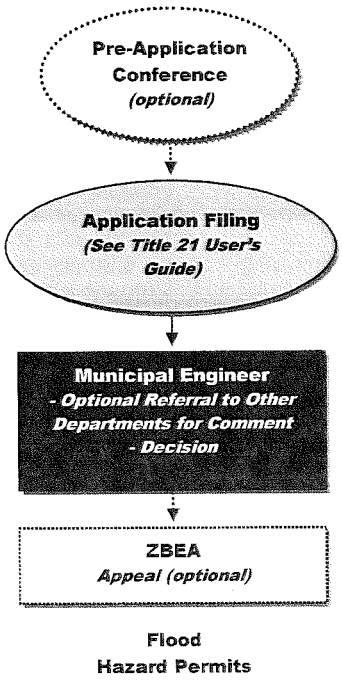
Any application for a flood hazard permit shall contain the following material:

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 21.04.060D.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.



Flood Hazard Permits

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;

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 district, a note shall be placed on the plat that reads as follows: "Portions of this subdivision are situated within the flood hazard district as it exists on the date hereof. The boundaries of the flood hazard district may be altered from time to time in accordance with the provisions of section 21.04.060D.3., *Creation of Flood Hazard Overlay District; Official Flood Hazard Reports and Maps*. All construction activities and any land use within the flood hazard district shall conform to the requirements of section 21.04.060D. *Flood Hazard 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. Applicability 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 or placement of a building or addition to an existing building whose floor area is 120 square feet or greater;

b. Installation of telecommunication towers;

c. Construction of a fence over eight feet in height;

d. Excavation of more than 50 cubic yards on any lot or tract;

e. Filling or grading more than 50 cubic yards on any lot or tract;

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f. Changing the principal use of a building, as defined by "change of use" in chapter 21.14; or

g. 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:

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

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.

21.03.110 MASTER PLANNING

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:

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

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standards of this Title for institutions seeking to develop large, complex sites with multiple buildings and uses following a contextually aesthetic design theme.

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 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 number of people being served by the institution on the site, the number of people employed on the site, and the 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.

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

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;

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

f. **Development and Design Standards**

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

i. ***Borders and Boundaries***

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

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

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

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

iv. *Open Space and Pedestrian Circulation*
Open space and pedestrian circulation guidelines and objectives, including a description of the circulation system to be provided through the planning area, plans for ensuring the accessibility of pedestrian areas and open spaces, and links to surrounding community open space, where appropriate.

v. *Site and Building Design Standards*
Institutional design standards and objectives, identified through written and graphic materials, that address the following issues:

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

(B) Site design and circulation

(C) Landscaping and site amenities

(D) Building orientation

(E) Building massing and articulation

(F) Building sustainability

(G) Northern climate design

vi. *Wayfinding and Signage*
A wayfinding and signage plan including building, vehicular, and pedestrian signage.

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. Residential Planned Unit Development

1. Intent and Approval

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 this provision Title. The Plannning and Zoning Commission shall evaluate the proposed planned unit development in accordance with the following additional criteria:

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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.

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. The Users' 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-2F, 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 20 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 drainage easements, ditches, swales, or other areas intended to collect and channel water; and

iii. 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. Level 3 buffer landscaping shall be planted along each boundary of the PUD adjacent to a residential 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. 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.

a. *Density*
The number of dwelling units per acre allowable on the gross area 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-2F and R-2M	22

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TABLE 21.03-2	
Zoning District	Dwelling Units per Acre (gross area)
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.

E. 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 C. above.

2. Zoning District

A BIP-PUD is allowed only in the B-3 district. Business-industrial parks existing on [effective date] in other zoning districts shall be considered conforming in those districts.

3. Allowed Uses

a. 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, Light; Warehouse; Wholesale Establishment.

b. 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 project management and engineering department, 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.

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. Abutting streets without any transit stops shall have at least one pedestrian walkway connection with the BIP-PUD.

d. L3 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. 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. At no time shall the aggregate of the required parking of all uses in the BIP-PUD exceed the total number of parking spaces provided.

i. 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.

j. The maximum floor area devoted to retail sales uses shall not exceed 35 percent of the total gross building area of the entire development.

k. Outdoor storage and display is prohibited.

F. 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 council 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 Users' 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

Notice shall be provided in accordance with section 21.03.020H.

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 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.

G. 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. Ensures 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.

H. 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 21.05-2.

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

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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.

I. **Modifications to Approved Institutional Master Plans**

1. **Minor Amendments**
   The director may administratively approve amendments to an approved institutional master plan upon written application, unless the assembly determines the amendment is a major amendment. 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.

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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 Platting Board. Minor modifications are to be used when the small size of the modification requested, and the unlikelihood 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, the Urban Design Commission or the Platting Board 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*;

c. A deviation from the district-specific standards set forth in chapter 21.04, *Zoning Districts*;

d. 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).

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 unless permitted in this Title;

b. A change in permitted uses or mix of uses;

c. the use-specific standards set forth in chapter 21.05, *Use Regulations*; 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 four 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.

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3. Minor Modifications Approved by Planning and Zoning Commission, the Urban Design Commission or the Platting Board
The Planning and Zoning Commission, the Urban Design Commission or Platting Board 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 not significantly inconsistent with this Title;

2. The requested modification substantially complies with 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

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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, 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.

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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.

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.

iii. 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

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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.

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 or state agencies may provide written comments to the department during the 120 day review period.

3. Department Review

When the department is not the sponsor of a plan, it 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

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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.

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.

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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;

   c. Public schools;

   d. Fire stations, unless such station is determined by the director not to have impacts on the surrounding neighborhood;

   e. Any sports, entertainment, or civic center designed for more than 1,500 spectators;

   f. Any public snow disposal or landfill site; and

   g. A facility that, in the judgment of the director, warrants a public process for site selection due to the potential for significant impacts on surrounding properties.

2. **This section shall not apply to the following:**

   a. Any site that is:

      i. Designated for the subject use on a municipal plan adopted by the assembly;

      ii. Part of an area, development, or institutional master plan;

      iii. Determined by a dedication to the municipality on a final plat approved and recorded in accordance with this Title; or

      iv. Subject to approval of a conditional use under this Title.

   b. Any facility site selection reviewed by the commission or approved by the assembly before [*effective date*];

   c. Any facility site selection for which over $500,000 has been expended for design or construction before [*effective date*].

C. **Community Council Meeting**

A community council meeting shall be held as set out in subsection 21.03.020C.

D. **Required Information**

The agency proposing a site selection shall submit to the commission all information identified in the user's guide. This information shall include, but need not be limited to, an evaluation of alternative sites, or an explanation why no alternative sites were considered.

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E. **Public Notice**

Notice shall be provided in accordance with subsection 21.03.020H.

F. **Departmental Review**

1. The department shall review each proposed site selection application in light of the approval criteria set forth in subsection I. below, and distribute the application to other reviewers as deemed necessary.

2. Based on the results of those reviews, the department shall provide a report to the Planning and Zoning Commission.

3. For school site sections, the department shall also provide the report to the Anchorage school board for its review and recommendation.

G. **Planning and Zoning Commission**

1. The commission shall review the RFP criteria (or similar guidelines) or the site alternatives for any applicable facility.

2. The commission shall hold a public hearing.

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 I. below.

H. **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.

I. **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

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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 adequate utility and transportation infrastructure is available to the site;

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

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

6. The environmental suitability of the site;

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

8. Major municipal, state, and federal administrative offices shall locate in the Central Business District. Satellite government offices and other civic functions are encouraged to locate in regional or town centers if practicable.

J. 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 (see definition of "party of interest" in Chapter 14 of this Title) 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

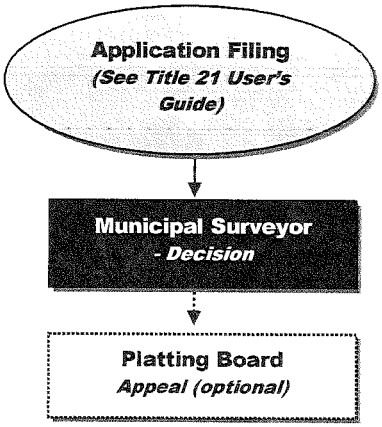
A. Purpose and Authorization

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.



Record of Survey Maps

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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**

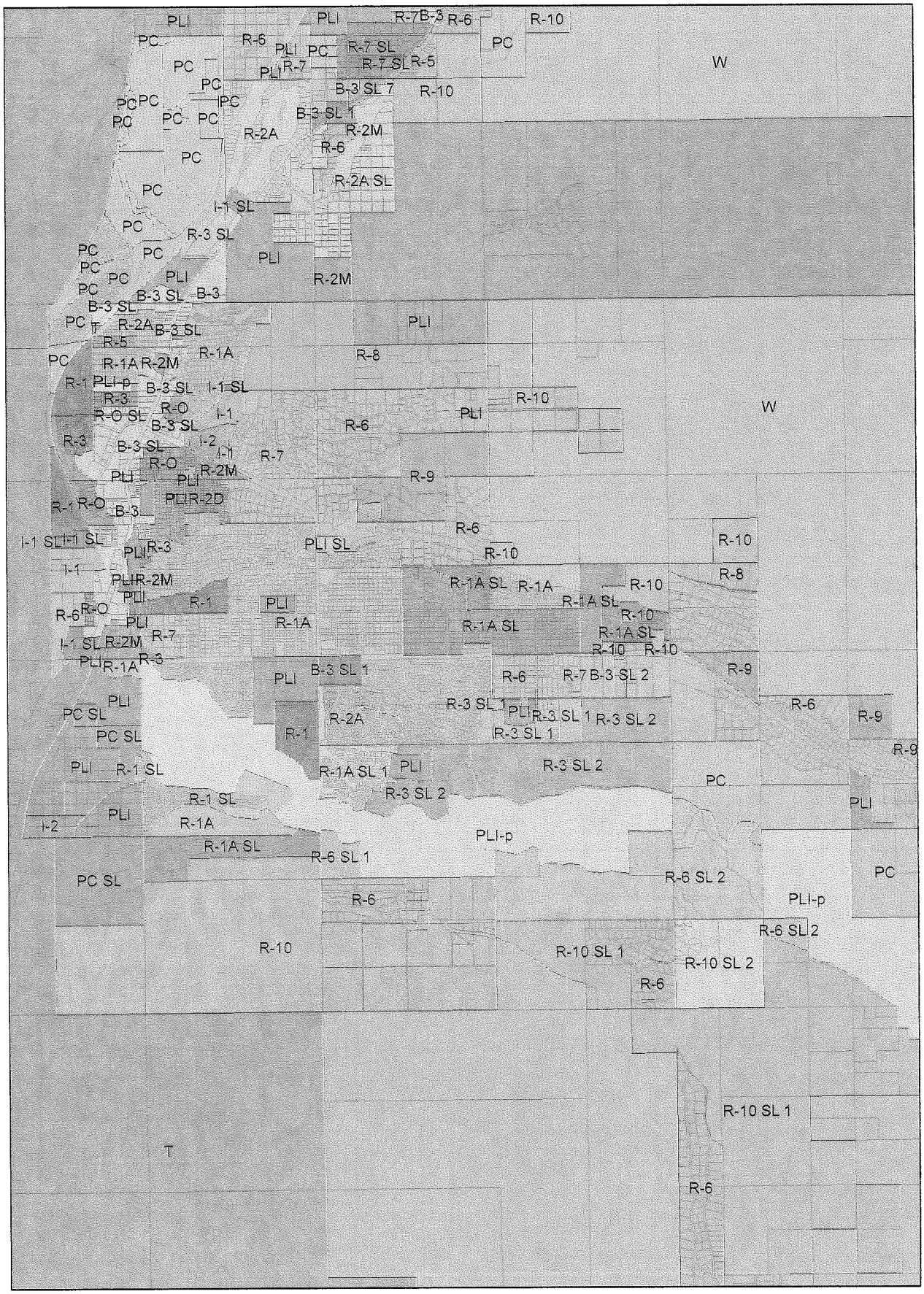
A record of survey map is subject to approval by the municipal surveyor, who shall approve a record of survey map if it conforms to this section.

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.

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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.

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 zoning 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 concurrently with the zoning map amendment. Both amendments may be processed concurrently, as provided in subsection 21.03.070C

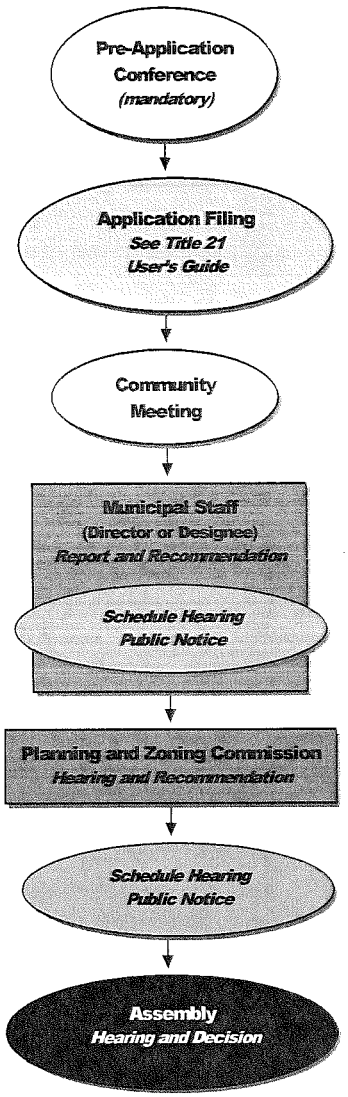
D. General Procedure

1. Initiation

a. A rezoning may be initiated by the assembly, or the Planning and Zoning Commission;

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.



Rezonings (Map Amendments)

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d. Rezonings may precede or be processed concurrently with corps of engineers wetland permit applications.

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

3. **Community Council Meeting**
A community council meeting is required in accordance with subsection 21.03.020C.

4. **Application Submittal**
Applications for a rezoning shall contain the information specified in the Title 21 Users' Guide, and shall be submitted to the director on a form provided by the department. Additional materials may be required for certain types of rezoning, such as rezoning with special limitations.

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

6. **Departmental Review**
The department shall review each proposed rezoning in light of the approval criteria in subsection E. 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**

a. The Planning and Zoning Commission shall hold a public hearing on the proposed rezoning and, at the close of the hearing, taking into account the recommendations of the department and public input, and based upon the approval criteria of subsection E. below, shall recommend approval, approval with special limitations or other modification or denial. The commission shall include written findings based on each of the approval criteria.

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

c. If the commission recommends denial, the amendment shall be deemed disapproved unless, within 30 days of the commission's written resolution recommending denial, the applicant files a written statement with the municipal clerk requesting that an ordinance amending the zoning map as set out in the application be submitted for action by the assembly. The draft ordinance shall be appended to an Assembly Informational Memorandum (AIM) for consideration by the assembly.

8. **Assembly Action**
The assembly shall hold a public hearing on the proposed rezoning and shall, at the close of the hearing, taking into account the recommendations of the department, Planning and Zoning Commission, and public input, and based upon the approval criteria of subsection E. below:

a. Approve the zoning map amendment as submitted in the application to the Planning and Zoning Commission;

b. Approve the zoning map amendment with special limitations (see subsection F.) or other modifications provided that an ordinance approving an amendment initiated under this section shall become effective only with the written consent of the property owner(s) to the special limitations or other modifications;

c. Deny the amendment; or

d. Remand the proposed amendment to the Planning and Zoning Commission or to a committee of the assembly for further consideration.

9. **Protests**

a. Any owner of property subject to a proposed rezoning may protest the rezoning by filing a written protest with the clerk pursuant to this subsection.

b. Any owner of property within 300 feet of the outer boundary of the land to which the amendment applies may protest the rezoning by filing a written protest with the clerk that is signed by the owners of at least one-third of the property, excluding rights-of-way, of:

i. The land to which the amendment applies; or

ii. The land within 300 feet of the outer boundary of the land to which the amendment applies; excluding land owned by the municipality, except where the municipality joins in the protest.

c. To be valid, the protest shall state the factual and/or legal basis for the protest, contain a legal description of the property on behalf of which the protest is made, be signed by the owner of that property, and be received by the municipal clerk after notice of a public hearing before the assembly on a zoning map amendment and at least three business days before the time set for the assembly public hearing on the amendment.

d. Assembly approval of a rezoning subject to a valid protest under this subsection shall require an affirmative vote of eight assembly members.

10. **Waiting Period for Reconsideration**

Following denial of a rezoning request, no new application for the same or substantially the same rezoning shall be accepted within two years of the date of denial, unless denial is made without prejudice.

11. **Form of Amending Ordinance**

An ordinance amending the zoning map shall contain the following:

a. The names of the current and the requested zoning districts;

b. The legal description of the subject property;

c. Any special limitations being applied to the subject property; and

d. An effective clause.

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E. **Approval Criteria**

The Planning and Zoning Commission may recommend approval, and the assembly may approve a rezoning, if the rezoning meets all of the following criteria:

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 purposes of this Title;

3. The rezoning is consistent with the stated purpose of the proposed zoning district;

4. 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;

5. 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;

6. The proposed rezoning is not likely to result in significant adverse impacts upon adjacent land uses, or such impacts shall be mitigated through conditions;

7. The applicant demonstrates to the satisfaction of the assembly that the supply of land in the desired zoning district is insufficient or inadequate for the stated purpose and that sufficient land of the existing zoning district remains in the area to meet the needs of the community;

8. The proposed rezoning maintains and preserves the compatibility of surrounding zoning and development, and protects areas designated for specific uses on the zoning map from incompatible land uses or development intensities; and

9. The rezoning does not result in a split-zoned lot.

F. **Rezonings 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.

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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.

G. **Rezonings 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;

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**
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.

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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 Overlay District also shall require preparation of an airport height map as set forth in section 21.04.060C.

H. 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, 21.07 and 21.080.

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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 21.07.020 *Natural Resource Protection*;

iv. Section 21.07.030, *Open Space*;

v. Section 21.07.060, *Transportation and Connectivity*;

vi. Section 21.07.070 *Neighborhood Protection Standards*

vii. Section 21.07.080, *Landscaping, Screening, and Fencing*;

viii. Section 21.07.090, *Off-Street Parking and Loading*;

ix. Section 21.07.100, *Exterior Lighting*;

x. Section 21.07.110, *Residential Design Standards*;

xi. Section 21.07.120, *Public/Institutional and Commercial Design Standards*;

xii. Section 21.07.130, *Large Commercial Establishments*; and

xiii. 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 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.

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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 Users' 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.

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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.

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21.03.170 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. 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. Administrative Site Plan Review

1. Applicability

Land uses requiring administrative site plan review are identified in section 21.05.010, *Tables of Allowed Uses*, section 21.05.070C., *Tables of Allowed Accessory Uses*, and subsection 21.09.050A., *Table of Allowed Uses* (Girdwood).

2. Procedure

a. *Application Submittal*

Applications for an administrative site plan review shall contain the information specified in the Title 21 Users' 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 E. 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*

Denial of an administrative site plan may be appealed to the Board of Adjustment, in which case it shall be treated as a major site plan review application under subsection C. below.

C. Major Site Plan Review

1. Applicability

Land uses requiring major site plan review are identified in section 21.05.010, *Tables of Allowed Uses* and subsection 21.09.050A. *Table of Allowed Uses* (Girdwood).

2. 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 Council Meeting*

A community council 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 Users' Guide, and shall be submitted to the director on a form provided by the department.

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d. *Public Notice*
Notice shall be provided in accordance with subsection 21.03.020H.

e. *Departmental Review*
The department shall review each proposed major site plan application in light of the approval criteria of subsection E. 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 Urban Design Commission.

f. *Planning and Zoning Commission Action*
The Planning and Zoning 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*
Denial of a major site plan may be appealed to the Board of Adjustment in accordance with subsection 21.03.050A.

D. 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.

E. 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,

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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.

F. 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*.

G. 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 G.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 mylar 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.

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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.

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

21.03.180 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.

Major Multi-Use Trails are a basic part of the infrastructure of the municipality. They are used for transportation, for recreation and leisure. Major Multi-Use Trials also have long-term impacts on nearby properties and the community at large. Trails in Major Parks are subject to Master Plans.

These important parts of the municipality's infrastructure benefit by oversight in the design decisions by citizen bodies that are represented by the Planning and Zoning Commission and the Urban Design Commission and the Anchorage Parks and Recreation Commission and the Chugiak/Eagle River Parks and Recreation Commission.

B. Applicability

1. Streets

a. All Municipal transportation projects are required to follow the *Strategy for Developing Context Sensitive Transportation Projects* policy.

b. New construction and major reconstruction of street and intersection projects involving streets of collector classification or greater in the *Official Streets and Highways Plan* and meeting the Anchorage Metro Area Transportation Solutions" (AMATS) definitions of "New Road Connection" or "Road Reconstruction", but not "Road Rehabilitation" or "Pavement Replacement Program" are required to follow a review process by the Planning and Zoning Commission as described below and in table 21.03-4.

2. Application to Specific Trails

a. This section applies to Major Multi-use Trials and to new construction and major reconstruction of those Trails, but not to resurfacing, repair or maintenance of any other new or existing trails.

i. Only Major multi-use trails such as the Chester Creek Trail, Campbell Creek Trail, Ship Creek Trail, the Coastal Trail shall be subject to review and approval by the Urban Design Commission;

ii. This section does not apply to those trials in parks that have an existing Master Plan such as Kincaid Park and Bicentennial Park; and other Parks classified by the *Anchorage Park, Greenbelt and RecreationaL Facility Plan, Volume 2* or the *Eagle River-Chugiak-Ekultna Plan* as Large Urban or Regional Parks. Any new construction or major maintenance of trails within these named parks or another park that is subject to a Master Plan

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shall be reviewed by either the Chugiak/Eagle River Parks and Recreation Board or the Anchorage Parks and Recreation Board to insure compliance with the existing Master Plan.

b. Notwithstanding the criteria of 2 a. above, the director may exempt new Major Multi-Use Trails or reconstruction projects for Major Multi-Use Trails 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 neighbors.

C. **Review Process**

1. **Street review Process**

a. The concept report or equivalent shall be distributed to the Planning and Zoning Commission as an information item and shall contain a clearly defined and substantiated purpose and need statement;

b. The Planning and Zoning Commission shall review and approve a draft design study report (35% design completion).

c. The Planning and Zoning Commission shall render its decision on the proposed plan when the design is 65% complete.

2. **Trail Review Process**

a. The concept report or equivalent shall be distributed to the Urban Design Commission as an information item and shall contain a clearly defined and substantiated purpose and need statement;

b. The Urban Design Commission shall review and comment on the draft design study report (35% design completion).

c. The Urban Design Commission shall render its decision on the proposed plan when the design is 65% complete.

3. **Concept Report**

The concept report shall be distributed to the appropriate commission by the staff as an information item. The staff shall address the issue of purpose and need in the concept report. The appropriate Commission shall determine that there is a clearly defined and substantiated purpose and need for the street or the trail. In the absence of such a determination, the project shall not be taken to the next stage.

4. **Procedure for Design Study Report and 65% Design Drawings**

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. ***Public Outreach***
Public outreach is an essential part of Context Sensitive Solutions. Applicants are expected to meet with the appropriate community council(s) after the 35% design study report has been submitted to the respective commission and before the 65% design drawings have been submitted to the respective commission

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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* (CSS).

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

5. **Draft Design Study Report and 65 Percent Design Completion Review and Decision by the Planning and Zoning Commission for Applicable Street Projects and by the Urban Design Commission for Applicable Trail Projects**

a. The Planning and Zoning Commission shall review, modify, approve or disapprove, the both draft design study report (35% completion) and subsequently the design drawings (65% completion) for all applicable street projects.

b. The Urban Design Commission shall review, modify, approve or disapprove, the both draft design study report (35% completion) and subsequently the design drawings (65% completion) for all applicable trail projects.

c. Both Commissions shall provide a public hearing after submission of the draft design drawings (35% completion) and prior to final action on the project.

d. As applicable, the review process of both Commissions shall include, but not limited to the following issues:

i. Existing conditions throughout the location of the new street or the new trail;

ii. The applicable design standards and criteria, including landscaping requirements, with specific attention to any requests for variances from the criteria;

iii. Compliance with this Title;

iv. Identification and evaluation of alternatives and recommendations arising out of the evaluation;

v. Project construction costs;

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vi. Both short and long term impacts on surrounding properties;

vii. Both short and long term impacts on property acquisition for rights-of-way;

viii. Impacts on utilities and other public infrastructure, including the requirement of undergrounding utilities;

ix. Maintenance costs and other maintenance considerations;

x. Pedestrian and other non-motorized access and use;

c. Decisions of the Planning and Zoning Commission or the Urban Design Commission may be appealed to the Board of Adjustment pursuant to subsection 21.03.050A.

21.03.190 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.

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:***

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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.**

d. **Subdivision of a cemetery into burial plots.**

e. **A plat required by section 21.03.080F. for approval of a conditional use, or section 21.03.180F. for approval of a site plan.**

f. **A plat depicting the creation of two attached single-family lots.**

3. **Subdivision Approval is Prerequisite to Other Approvals**

a. No building permit, land use permit, certificate of zoning compliance, or certificate of occupancy may be issued for any building, structure, or improvement located within a subdivision, and no plat for a subdivision may be recorded with the state of Alaska, until all required dedications of land have been made, and all required improvements have been installed in accordance with the procedures and requirements of this section, or an approved subdivision agreement is in place pursuant to section 21.08.060, *Subdivision Agreements*.

b. The municipality shall not accept or maintain any street, and shall not extend or connect any street lighting, water service, or sanitary sewer service to any subdivision of land, until and unless a plat for the subdivision has been approved and recorded in accordance with the requirements set forth in this section.

4. **Restriction on Sale or Transfer of Subdivided Land Without Approved Plat**

Any person who transfers or sells any land located within the municipality by reference to a plat that has not been approved by the municipality and recorded by the state of Alaska shall be guilty of a violation of this Title. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The municipality also may enjoin such transfer or sale by filing an action for an injunction.

5. **Existing Lots of Record**

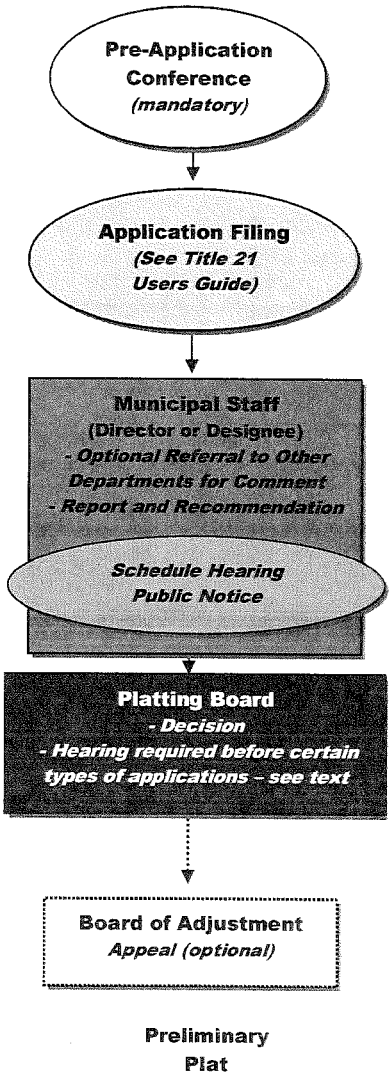
No provision of chapter 21.08, *Subdivision Standards,* applies to any lot of record in a subdivision legally created and filed before the effective date of this Title, unless the lot is further subdivided or resubdivided.

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C. Review and Approval of Subdivision Plans

1. Applicability

This section shall apply to all subdivisions not meeting the eligibility criteria for the abbreviated plat procedure



2. Pre-Application Conference

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 Council Meeting

A community council 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 Users' 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*

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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 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.

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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 director 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.

v. Preliminary plats being finalized in portions or phases shall not be construed to automatically extend the original approval period. Such an extension may only be granted by the platting authority in accordance with the procedures set out in this subsection.

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*.

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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.

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:

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(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.

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 Users' Guide.

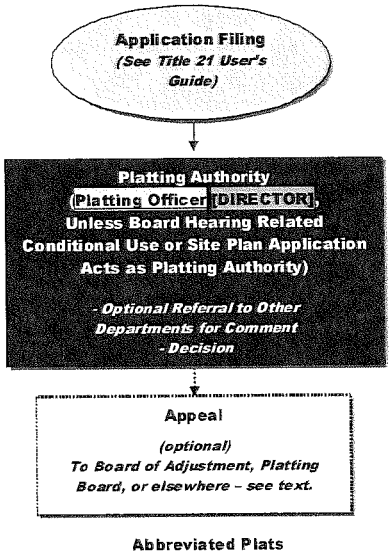
d. ***Subdivision Agreements and Cost Estimates***
All final plats requiring public improvements, except those requiring monumentation only, shall be accompanied by a subdivision agreement between the subdivider and the municipality and an engineer's estimate of the cost of all required public improvements. 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.

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9. **Approval Criteria**

The platting board may approve a preliminary or final plat only if it finds that the plat conforms to chapters 21.06, *Dimensional Standards and Measurements*, 21.07, *Development and Design Standards*, and 21.08, *Subdivision Standards*, and, to the maximum extent feasible:



Abbreviated Plats

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

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 Users' 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**

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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.

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.

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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 platting board shall be the platting authority for a commercial tract whose site plan includes a large commercial establishment. 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 Users' 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 21.03.170.

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 21.03.190C.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.

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.

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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.

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 Users' 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.

   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.

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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 Users' 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

c. Despite modification or removal of the plat note(s), the plat continues to meet the approval criteria of subsection 21.03.200C.9.

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21.03.200 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, including the Assembly itself.

2. Application Submittal

Proposals for text amendments shall be in ordinance form and shall be filed with the director.

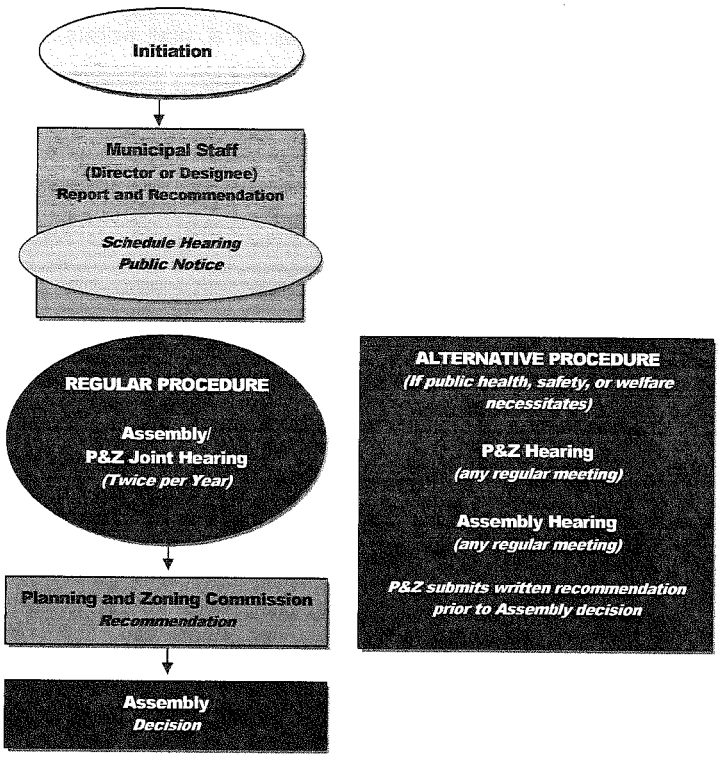
3. Departmental Review

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

5. Notice and Frequency of Amendments

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

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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 and the platting board if appropriate, 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.

Notwithstanding the processes or the approval criteria in Subsection C below, during the two year period immediately after the effective date of this Title, the Assembly may, at its discretion, consider amendments to this Title at any time without the necessity of review by the Planning and Zoning Commission or the Platting Board if the Assembly determines that the amendment is necessary or appropriate to effectuate the provisions of this Title or the comprehensive plan.

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;

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.

21.03.210 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.

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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.

4. Any dangerous, hazardous, toxic, or explosive materials used in the processing on the premises.

5. The type, size, height, and nature of buildings and structures.

6. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts.

7. 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.

8. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes.

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9. 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.

10. 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.

21.03.220 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 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 Users' 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 21.08.050M.

b. Zero lot line maintenance easements.

c. Public utility easements.

d. Private easements, but only upon the written concurrence of the beneficiaries.

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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

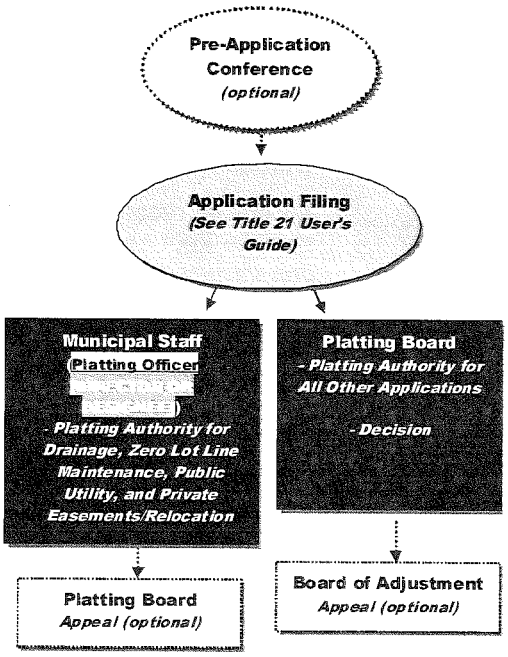
The platting officer or platting board shall take action on the vacation application within 60 days after the submittal date. The reasons for the approval of the vacation shall be stated upon the case record.

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.



Vacation of Public and Private Interest in Lands

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 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

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another public purpose does not vest as provided in paragraph G.1. but remains in the municipality.

21.03.230 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 Authorized to Consider Variance Requests

1. The platting authority shall be authorized to review and 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, Connectivity, and Pedestrian Facilities*; and

   c. Chapter 21.08, *Subdivision Standards*.

2. The Planning and Zoning Commission shall be authorized to review and consider all requests for variances of standards of the following sections:

   a. Subsection 21.05.040K., *Telecommunication Facilities*; and

   b. Section 21.07.050, *Utility Distribution Facilities*.

3. Requests for variances from the airport height zoning regulations set forth in section 21.04.060C. shall be referred to the Federal Aviation Administration.

4. The following shall be authorized to review and consider all requests for variances to standards of the following sections:

   a. Planning and Zoning Commission: District-specific standards of chapter 21.04, *Zoning Districts*;

   b. Planning and Zoning Commission: Use-specific standards of chapter 21.05, *Use Regulations*;

   c. Platting Board: Chapter 21.07, *Development and Design Standards*;

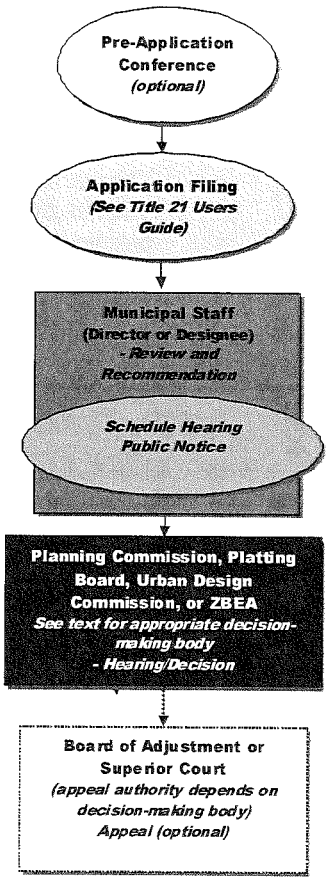
   d. Planning and Zoning Commission: The following sections of chapter 21.09, *Girdwood Land Use Regulations*: 21.09.040, *Zoning Districts*; 21.09.050, *Use Regulations*; 21.09.070, *Site Development and Design Standards*; 21.09.080, *Building Design Standards*;

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e. Urban Design Commission: 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.

5. The zoning board of examiners and appeals shall be authorized to review and consider variance requests from chapter 21.06, *Dimensional Standards and Measurements*, and from section 21.09.060, *Dimensional Standards* (Girdwood). The zoning board may only grant variances from dimensional standards.

6. No variance may be granted from the definitions set forth in chapter 21.14.



Variances

C. Application Submittal

Applications for a variance shall contain the information specified in the Title 21 Users' 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 section 21.03.020H.

E. Departmental Review

The department shall review each proposed variance in light of the approval criteria of subsection G. below and distribute to other reviewers as deemed necessary. Based on the results of those reviews, the department shall provide a report to the decision-making body.

F. Action by the Decision-Making Body

1. Once the application is complete, the director shall schedule the application for consideration at a public hearing, and shall transmit to the appropriate decision-making body all applications and other records pertaining to the variance prior to the hearing. Upon receiving the application materials from the director, the decision-making body shall hold a public hearing on the proposed variance.

2. In considering the application, the decision-making body shall review the application materials, the approval criteria of subsection G., and all testimony and evidence received at the public hearing.

3. After conducting the public hearing, the decision-making body may: deny the application; conduct an additional public hearing on the application; or grant the minimum required variance. Any approval or denial of the request shall be by

[1] All text in the paragraph beyond this footnote is moved from Chapter 21.11, *Signs*, and is from the current code section 21.47.110.

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resolution, accompanied by written findings of fact that the variance meets or does not meet each of the applicable criteria set forth in subsection G., stating the reasons for such findings. A concurring vote of a majority of the fully constituted membership of the entity, minus those excused by conflicts of interest, shall be required to grant a variance.

4. Under no circumstances shall the decision-making body grant a variance to allow a use not permitted in the zoning district containing the property for which the variance is sought.

5. Under no circumstances shall the decision-making body grant a variance from any written conditions attached by another decision-making body to the approval of a conditional use, subdivision plat, site plan, or rezone (special limitation).

G. Approval Criteria

The application must state with particularity the relief sought and must specify the facts or circumstances that are alleged to show that the application substantially meets the following standards:

1. **Variances from the District-Specific Standards of Chapter 21.04, Zoning Districts, the Use-Specific Standards of Chapter 21.05, Use Regulations, Chapter 21.07, Development and Design Standards, 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; and

   f. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the municipality.

2. **Variances from Chapter 21.06, *Dimensional Standards and Measurements* 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;

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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;

f. The variance, if granted, does not adversely affect the health, safety, and welfare of the people of the municipality; and

g. The variance granted is the minimum variance that will make possible a reasonable use of the land.

3. **Variances from Chapter 21.08, *Subdivision Standards***

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 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 21.03.050C.

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J. Administrative Variances from Occupancy Limits For Assisted Living Facilities

1. 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.

2. Application

Application for minor variance in dimensional and setback requirements to accommodate special needs of persons with disabilities and application for variance in occupancy limits of no more than three persons shall be made to the director on a form provided by the department, shall be executed by or on behalf of the person with disabilities seeking the reasonable accommodation, or the owner of the real property, or the lessee with proof of the owner's consent, and shall be complete in all respects prior to review under this section.

3. Public Notice Of Application For Variance In Occupancy Limits

Notice shall be provided in accordance with section 21.03.020H.

4. Time for approval

The department shall make a determination on an application within 60 days of submittal. 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.

5. 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:

a. 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.

b. 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.

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c. 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.

d. 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.

e. For administrative variance applications to increase occupancy limits, whether the proposed size of the facility is necessary for the facility's financial viability.

f. 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.

g. Quantifiable risks to the health, safety, and quality of life of area residents and users.

h. Administrative and economic burden on the municipality, in either approval or denial of the variance.

i. Other factors deemed relevant to the applicant or the department in review of the application.

6. **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.

7. **Appeal**
All decisions of the department under this section shall be final unless an appeal is filed in a timely manner. Appeals of the decision to approve or deny a variance under this section shall be to the zoning board of examiners and appeals, pursuant to the provisions of subsection 21.03.050B., except an appeal may be brought by any person with standing to request reasonable accommodation under the Fair Housing Act, 42 U.S.C. § 3604(f).

K. Administrative Variances for Signs[2]

1. 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;

c. Any setback variance does not result in an encroachment into a public right-of-way; and

d. A fee has been received.

[2] This section is transferred from Chapter 21.11, *Signs*, and is current code section 21.47.105.

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2. The director shall make written findings and conclusions for each variance request.

3. If the request for an administrative variance is denied, the applicant may apply for a public hearing variance under this section 21.03.240.

L. Administrative Variances 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 and the department of development services.

21.03.240 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 status as incident to a valid pending application for a land use permit.

C. Appeals

Denial of the director's decision on nonconforming status may be appealed to the zoning board of examiners and appeals pursuant to subsection 21.03.050B.

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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 goals, objectives and purposes of the Comprehensive plan and this Title

2. Zoning Districts Established

The following zoning districts are established.

a. The NMU District will be either an overlay with B-1A and B-1B or a permitted use in this district; the RMU will be either an overlay in B-3 or a permitted use in this district.

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 2
	R-3	Multifamily Residential 1
	R-4	Multifamily Residential 2
	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)
	R-10	Low-Density Residential, Alpine/Slope
Commercial and Mixed-Use Districts	B-1A	Local and Neighborhood Business
	B-1B	Community Business District
	B-3	General Business
	DT-1	Downtown Core
	DT-2	Downtown Mixed-Use
	DT-3	Downtown Mixed-Use Residential
	RO	Residential Office
	MC	Marine Commercial
Industrial Districts	I-1	Light Industrial
	I-2	Heavy Industrial
	MI	Marine Industrial

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TABLE 21.04-1:
ZONING DISTRICTS ESTABLISHED

District Type	Abbreviation	District Name
Other Districts[1]	A	Airport DELETE
	AF	Antenna Farm
	DR	Development Reserve
	PCD	Planned Community Development
	PLI	Public Lands and Institutions
	PR	Parks and Recreation
	TA	Turnagain Arm
	WS	Watershed
Overlay Zoning Districts	AHO	Airport Height Overlay
	FHO	Flood Hazard Overlay
Girdwood Districts	Girdwood Districts are set forth in chapter 21.09, *Girdwood.*	

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, *Rezonings (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 21.04.070. In addition, some lands may be designated as one or more of the overlay districts set forth in section 21.04.080. 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 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 residential land to non-residential uses, and by encouraging residential development to occur at or near zoned densities.

[1] If the amendment to bring the T district forward is accepted, add T district to this table. See Amendment #17.

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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. Protect residents from the harmful effects of excessive noise, excessive glare and light pollution, traffic congestion, and other significant adverse effects;

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, which are needed to accommodate the densities provided for in this code while maintaining the residential character of the district;

10. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of residential development; and

11. 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 larger than the R-1 district. These areas are intended to have well-developed infrastructure, and municipal services 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 larger than the R-2D district. These areas are intended to have well-developed infrastructure, and municipal services 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 are intended to have well-developed infrastructure, and municipal services are intended to be provided.

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F. R-2M: Mixed Residential

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 eight 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. 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.

G. R-3: Multifamily Residential

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 and R-2DA, R-2D are also 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

1. Purpose

The R-4 district is a multifamily residential district that allows for a limited mix of commercial uses. It is intended primarily for multifamily dwellings characterized by multi story residential buildings. The maximum size of buildings and intensity of use is regulated by height limits and other site development standards. This district is intended to be applied in areas well served by transit and/or arterial streets, and by supportive commercial services near the major commercial/mixed-use and employment and to result in high density housing concentrations. Although commercial developments and mixed use developments are allowed within this district, the district is intended to be a primarily residential. Development is intended to be oriented to the sidewalk with windows, entrances, and walkways to provide pedestrian connections to nearby services commercial districts.

2. District-Specific Standards

a. ***Mixed Use Development Standards***
Mixed use developments in the R-4 district shall comply with the mixed-use district standards in subsection 21.04.050D.

b. ***Allowed Commercial Uses***
The commercial uses listed below are permitted, but shall only be developed in conjunction with multifamily or mixed use dwellings and are limited to the percentages of the gross floor area set out in subsection (C) below:

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i. Fitness and recreational centers which need not be located on the ground floor in all circumstances;

ii. Restaurants with alcohol service limited to that permitted under a restaurant/eating place license as defined in Alaska statutes, Title 4. All other alcohol sales are prohibited;

iii. Convenience stores without alcohol sales;

iv. Grocery or food stores;

v. Coffee shops serving limited food items;

vi. Beauty and personal care salons

vii. Child care centers

d. Non-residential uses allowed in the R-4 district shall be mixed with residential according to the provisions that follow. (The uses "parks and open space," "community gardens," "utility substations," "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) An administrative 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 major site plan review 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 shall meet the following criteria. This shall be in addition to the general site plan approval criteria (21.03.180E.) and conditional use approval criteria (21.03.080C.).

(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.

(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.

(E) 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.

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c. ***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, 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 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;

ii. The height increase shall adhere to the height transitions provisions of subsection 21.06.030D.8.; and

iii. Development requesting the height increase shall be subject to administrative site plan review, unless a higher level of review is already required.

d. ***Floor Area Ratio (FAR) Incentives for the R-4***

The maximum floor area ratio (FAR) within the R-4 district is 2.0 FAR, but may be increased up to a maximum total FAR of 4.0 FAR in the R-4 district through the following bonus provisions subject to section 21.06.030C. These incentives provide for an incremental increase in the floor area of a development in exchange for incremental increases in any of 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. 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 21.07.110I., *Affordable Housing*

iv. *Bonus for Sidewalk Widening.*

One square foot of additional floor 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*

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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.

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 dwellings in the development and facing the development, using the standards of 21.07.100C.8.g. To receive credit, the building shall not exceed a daylight plane rising up over the building at an angle of five feet of run for every three feet of rise, and starting from a height of 5 feet above finished grade at the foundation of surrounding residential buildings.

vii. *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-active use* that meets the standards of 21.07.060F.16.

I. 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.

J. R-6: Low-Density Residential 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.

K. R-7: Single-Family Residential 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.

L. R-8: Low-Density Residential 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

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this zone are wind hazards, marginal soils, landslide susceptibility, potential for groundwater pollution, and groundwater availability.

M. R-9: Low-Density Residential 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.

N. 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:

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

b. *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.

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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 that provide a full range of retail and service establishments and convenience and office serving the community, and protect such uses from the adverse effects of incompatible uses;

2. Provide adequate areas 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 into residential districts except for the residential mixed use districts;

4. Reduce vehicle miles traveled and promote alternative transportation choices through the concentration of commercial areas;

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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 through the use of the mixed use overlay districts;

9. Constrain 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. *Ground-Floor*

At least 75% percent of the street-facing building elevation at the ground level shall be a non-residential use.

b. *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.

iii. Nonresidential development that does not have access from a street of collector class or greater on the *Official Streets and Highways Plan* shall not be open to the public between 10:00 p.m. and 7:00 a.m.

c. *Gross Floor Area Limitations*

i. The gross floor area of each allowed non-residential use is limited to 5,000 square feet per use, without any review beyond that required by table 21.05-2.

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ii. Gross floor area of allowed non-residential uses between 5,001 and 10,000 square feet may be requested through an administrative site plan review.

iii. Notwithstanding c.i. and c.ii., the maximum gross floor area of grocery or food stores is 20,000 square feet without any review beyond that required by table 21.05-2.,

3. District Location Requirements

In addition to the general rezoning criteria, the following requirements shall apply in the creation or expansion of the B-1A district:

a. The minimum contiguous area for a B-1A district shall be 20,000 square feet.

b. The maximum contiguous area for a B-1A district shall be 100,000 square feet.

C. B-1B Community Business District

1. Purpose

The B-1B district is intended for consumer-oriented business uses which serve the needs of the surrounding community. The district is intended for small, compact sites at or near the intersection of streets designated for collector (industrial-commercial), arterial or greater capacity on the official streets and highways plan.

2. District-Specific Standards

a. *Ground-Floor*

At least 75% percent of the street-facing building elevation at the ground level shall be a non-residential use.

b. *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.

iii. Nonresidential development that does not have access from a street of collector class or greater on the *Official Streets and Highways Plan* shall not be open to the public between 10:00 p.m. and 7:00 a.m.

c. *Gross Floor Area Limitations*

i. The gross floor area of each allowed non-residential use is limited to 10,000 square feet per use, without any review beyond that required by table 21.05-2.

ii. Gross floor area of allowed non-residential uses between 5,001 and 20,000 square feet may be requested through an administrative site plan review.

iii. Notwithstanding c.i. and c.ii., the maximum gross floor area of grocery or food stores is 30,000 square feet without any review beyond that required by table 21.05-2.,

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:

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a. The minimum contiguous area for a B-1B district shall be 40,000 square feet.

b. The maximum contiguous area for a B-1B district shall be 200,000 square feet.

4. **Mixed-Use Development Standards**

Mixed use development in the B-1A and B-1B districts shall comply with the following standards

a. Maximum Building Size. The gross floor area of each mixed use building constructed after [effective date] in the shall be no greater than 45,000 square feet, except that buildings which contain a grocery or food store of at least 45,000 square feet, may have a gross floor area of up to 85,000 square feet. Buildings or structures existing before [effective date] shall not be enlarged to a gross floor area over these limits.

D. **B-3: General Business and Commercial District**

1. **Purpose**

The B-3 district is intended primarily for uses that provide all types of commercial goods and services to residents of the community in areas that are located on arterials and have 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.

2. **District Location Requirements**

a. Establishment of the B-3 district or changes to existing B-3 district boundaries shall meet the general rezoning criteria of this code and shall not be expanded along street corridors or into surrounding neighborhoods unless consistent with the comprehensive plan.

b. Future rezonings to B-3 shall take into consideration the desirability of B-3 being located on arterials and being served with adequate public services and facilities.

3. **Mixed-Use Development Standards**

a. **Applicability**

All mixed use development in the B-3 district shall comply with the appropriate development standards in chapter 21.07, and also the standards in this subsection 21.04.050G. When the standards of this subsection and sections 21.07.110and 21.07.120 are in conflict, the standards of this subsection shall control.

b. **Purpose**

The purpose of this section is to help integrate public/institutional, residential, and commercial activities around the same shared public streets and spaces. All uses should be located and convenient to each other by walking. People who work, shop, and live in the different buildings share the same public sidewalks and spaces.

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4. **Reduced Parking Ratios**

Mixed use developments in the B-3 district have reduced minimum parking requirements as provided in section 21.07.090, *Off-Street Parking and Loading*.

5. **Building Placement and Orientation**

a. ***Purpose***

Buildings should be built and oriented to the street, lining sidewalks and public spaces with frequent shops, entrances, windows with interior views, and articulated ground-level façades. Comfortable, human-scale transition spaces such as entrance areas, patios, or café seating may be placed between the building and public sidewalk, as long as the building remains close, accessible, and inviting from the sidewalk. Building entrances should be emphasized and clearly visible so that patrons can easily find them.

b. ***Building Placement and Street Setbacks***

In order to be closer to the sidewalk and to have a stronger interface with the street, buildings shall comply with the maximum setbacks established in 21.06.020, *Tables of Dimensional Standards*.

c. ***Building Entrances***

i. 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.

ii. 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 circulation aisle with adjoining walkway, or a primary pedestrian walkway.

d. **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.

E. RO: Residential Office District

1. **Purpose**

The RO district is intended to provide areas for professional, business, and medical service (outpatient) office uses, or areas with a compatible mix of office and residential uses. The district provides for small- to medium-sized office buildings, often in transition locations between residential areas and more intense commercial uses and road traffic, or in commercial locations inappropriate for auto-oriented retail uses or intense mixed-uses. The district allows multifamily residential, group living, and visitor accommodations.

2. **District-Specific Standards**

a. ***Limitations on Retail Uses***

Any uses allowed by table 21.05-2 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-

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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 21.05-2 shall comply with the multifamily residential design standards set forth in subsection 21.07.110C.

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 L3 landscaping shall be required on adjacent property lines.

F. MC: Marine Commercial District

1. Purpose

The MC district is intended primarily for commercial water-dependent and water-related uses. 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 21.05-2 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.

21.04.040 DOWNTOWN DISTRICTS

A. DT-1: Downtown Core

B. DT-2: Downtown Mixed-Use

C. DT-3: Downtown Mixed-Use Residential

(New downtown districts and regulations will be proposed separately through the Downtown Plan project.)

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 and commercial uses;

2. Provide adequate space to meet the needs of future industrial development, including off-street parking and loading;

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3. Strengthen and diversify the municipality's economic base and provide employment opportunities;

4. Minimize land use impacts of industrial and commercial development in these zones on abutting non-industrial and non-commercial districts; and

5. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of industrial and commercial development.

B. I-1: Light Industrial District

1. Purpose

The I-1 district is intended primarily for public and private light manufacturing, processing, fabrication service, storage facilities, wholesale, and distribution operations, utility installations as well as commercial uses that are permitted in the B-3 district including, but not limited to offices, business/industrial parks, large and small retail and wholesale sales, nurseries, commercial and industrial services, laboratories, motor vehicle display and storage lots, lumberyards, motor freight terminals, warehouses, storage facilities.

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. However, any legal business, commercial or industrial land use is permitted other than residential uses all of which are prohibited.

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 21.05-2 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. Airport District

[RESERVED]

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;

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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, and municipal and state tidelands and waters, and military lands.

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, where the Planning and Zoning Commission makes the specific finding that street connectivity is necessary to support traffic projections or necessary for emergency responders. 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.

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2. **District-Specific Standards**

Recreational areas developed for spectator sports, such as soccer and softball fields, shall have Level 3 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 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*.

vii. Only one principal; structure is allowed per lot, unless a conditional use approval is obtained for additional principal structures.

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*;

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ii. Protects the unique scenic and environmental features of the area; and

iii. Minimizes impacts to adjacent properties, particularly those adjacent properties in a different land use category.

H. 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. All uses of land within the watershed district permitted by table 21.05-2 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 districts are established: REDUNDANT (21.04.010B)

1. Airport height overlay district; and
2. Flood hazard overlay district.

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., *Rezonings to Create, Alter, or Eliminate Overlay Districts.*

C. AHO: Airport Height Overlay District

2. 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).

3. 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).

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d. The Airport Height Zoning Map prepared for the Merrill Field Airport in the municipality (most recently adopted version).

4. 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.

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).

5. 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

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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.

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:

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i. Considered as minimum requirements;

ii. Liberally construed in favor of the governing body; and

iii. Deemed neither to limit nor repeal any other powers granted under state statutes.

b. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of flood hazard or uses permitted within such area will be free from flooding or flood damages. This section shall not create liability on the part of the municipality, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

4. **Creation of Flood Hazard Overlay District; Official Flood Hazard Reports and Maps**

a. *Creation of District; Adoption of Reports and Maps*

There is hereby created a flood hazard overlay district. This district shall be defined in its territorial extent by the following reports and maps:

i. Flood insurance study for the municipality of Anchorage, prepared by the Federal Insurance Administration, Federal Emergency Management Agency (FEMA).

ii. Flood insurance rate map (FIRM) prepared by the Federal Insurance Administration, FEMA, including the current digital flood insurance rate map (DFIRM) prepared by the Federal Insurance Administration.

iii. Flood boundary and floodway map, prepared by the Federal Insurance Administration, FEMA, including the current digital flood boundary and floodway map prepared by the Federal Insurance Administration.

iv. Flood hazard boundary map (FHBM), prepared by the Federal Insurance Administration, FEMA, including the current digital flood hazard boundary map (DFHBM) prepared by the Federal Insurance Administration.

The current editions of each of the maps and reports listed in this subsection are made a part of this section. Subsequent maps and reports prepared by the Federal Insurance Administration or the municipality delineating the flood hazard overlay district, floodway and floodplain areas within the municipality shall become part of this chapter upon publication. A copy of the reports and maps cited in this subsection shall be on file in the department. Definitions of terms appearing on the maps and reports appear in 41 CFR 19.09.1.

b. *Flood Hazard Areas*

Within the flood hazard overlay district, areas at a hazard for flooding include:

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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 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

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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 floodwaters into the systems and discharges from the systems into floodwaters; and

(A) 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.

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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.

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.

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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 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.

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(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).

ii. New construction and substantial improvements of nonresidential structures within AO zones shall either:

(A) Have the lowest floor, including basement, 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); or

(B) Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.

iii. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

8. **Flood Hazard Permit**

a. ***Required***

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No person shall engage in development within the flood hazard overlay district unless a flood hazard permit is first issued, pursuant to section 21.03.090, *Flood Hazard Permits*.

b. ***Conditions***

Special conditions may be attached as a condition to the issuance of a flood hazard permit. Conditions shall include any floodproofing measures deemed necessary by the issuing official to further the purposes of this chapter. Floodproofing measures may include requirements that:

i. The finished surface of the first or main floor shall be at least one foot above the level of the regulatory flood protection elevation.

ii. Structures or uses below the level of the regulatory flood shall be restricted to those not involving habitual human habitation, such as working space, living space, sleeping space, etc.

iii. The anchorage shall be suitable to resist flotation and lateral movement.

iv. For all construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exits of floodwaters. Designs for meeting this requirement must either be certified by a registered professional 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:

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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 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***

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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:

(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 swept onto other lands to the injury of others;

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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;

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.

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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

(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.

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TABLE 21.05-1: TABLE OF ALLOWED USES

P=Permitted Use S= Administrative Site Plan Review C= Conditional Use M= Major Site Plan Review

Use Category	Use Type	R-1	R-1A	R-2A	R-2D	R2-M	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2	MI	AF	DR	PR	PLI	W	Definitions and Use Specific Standards
RESIDENTIAL USES																												
HOUSEHOLD LIVING	Dwelling, Mixed-use							P							P	P	P	P										21.05.030A.1
	Dwelling, Multifamily					P/S	P	P							P	P	P	P										21.05.030A.2
	Dwelling, Single-family Attached			P	P	P	P																					21.05.030A.3
	Dwelling, Single-family Detached	P	P	P	P	P			P	P	P	P	P	P										P				21.05.030A.4
	Dwelling, Townhouse					P	P	P									S	S										21.05.030A.5
	Dwelling, Two-family			P	P	P	P		P	P	P	P	P															21.05.030A.6
	Dwelling, Moblie Home								P																			21.05.030A.7
	Manufactured Home Community					C	C	C	C																			21.05.030A.8
GROUP LIVING	Assisted Living Facility (3-8 residents)	P	P	P	P	P	P	P	P	P	P	P	P	P				P										21.05.030B.1
	Assisted Living Facility (9 or more residents)	C	C	C	C	P	P	P	P	C	C						P	P								C		21.05.030B.1
	Correctional Community Residential Center																C			C						C		21.05.030B.2
	Habilitative Care Facility	C	C	C	C	C	C	C	C	C	C						C	C								C		21.05.030B.3
	Rooming House					C	P	P							P	P	P	P										21.05.030B.4
	Transitional Living Facility						C	C									P									C		21.05.030B.5
COMMUNITY USES																												
ADULT CARE	Adult Care Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P						P		21.05.040A.1
CHILD CARE	Child Care Center	C	C	C	C	S	S	S	S	S	S	S	S	S	P	P	P	P		P						P		21.05.040B.1
	Child Care Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								P		21.05.040B.2
COMMUNITY	Aquarium																M		M	M	M	M			M	M		21.05.040C.1
	Botanical Gardens																								S	S		21.05.040C.2
	Cemetery, Mausoleum																									P		21.05.040C.3
	Civic/Convention Center														P	P	P			P	P	P			M	P		21.05.040C.4 21.05.020A
	Community Center						S	S	S						S	S	S	S										21.05.040C.5
	Community Garden				P	P	P	P																	P	P		21.05.040C.6
	Crematorium																P			P	P					C		21.05.040C.7
	Homeless and Transient Shelters																									C		21.05.040C.8
	Library	P	P	P	P	P	P	P	P						S/M	S/M	S/M	S/M		S/M	S/M					S/M		21.05.040C.9
	Museum or Cultural Center														S/M	S/M	S/M	S/M		S/M	S/M					S/M		21.05.040C.10
	Neighborhood Recreation Center					S	S	S	S	S	S	S	S		P	P	P	P		S	S					S		21.05.040C.11
	Park and Open Space, public or private	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	21.05.040C.12
	Religious Assembly	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P		P	P				C	C		21.05.040C.13 21.05.040C.14
	Zoo																											
EDUCATION	Boarding School						M	M									P	P		P						M		21.05.040D.1
	College or University							M									P	P		P						M		21.05.040D.2
	Elementary, Middle, or High School	M	M	M	M	M	M	M		M	M						M	M								M		21.05.040D.3
HEALTH CARE	Hospital/Health Care Facility																M	M		M						M		21.05.040E.1
	Nursing Facility						C	C									P	P								P		21.05.040E.2
PUBLIC SAFETY	Community or Police Substation				P	P	P	P							P	P	P	P	P	P	P					P		21.05.040F.1
	Correctional Institution																									C		21.05.040F.2
	Fire Station	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M				M		21.05.040F.3
	Public Safety Facility																C			P						C		21.05.040F.4
TRANSPORTATION	Airport																									C		21.05.040G.1
	Airstrip, private	C	C	C	C	C			C	C	C																	

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		RESIDENTIAL													COMMERCIAL					INDUSTRIAL			OTHER					Definitions and Use Specific Standards
Use Category	Use Type	R-1	R-1A	R-2A	R-2D	R2-M	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2	MI	AF	DR	PR	PLI	W	
	Heliport																C			C	C						C		21.05.040G.2
	Railyard																			P	P	P						21.05.040G.3
	Railroad Freight Terminal																P		P	P	P	P						21.05.040G.4
	Railroad Passenger Terminal																P		P	P	P	P				M		21.05.040G.5
	Transit Center																S		S	S	S	S				S		21.05.040G.6
UTILITY	Utility Facility																			C	P	P						21.05.040H.1
	Utility Substation	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	S	S		S	S	21.05.040H.2
TELECOMMUNICATION	Type 1,2,3 or 4 Tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	S	P	21.05.040I.1
COMMERCIAL USES																												
AGRICULTURAL	Commercial Horticultural	C	C	C	C	C			C	C	C	C	C				P			P	P					C		21.05.050A.1
ANIMAL	Animal Shelter																P			P	P					S/M		21.05.050B.1
	Commercial Kennel											C	C				P			P	P				C	C		21.05.050B.2
	Large Domestic Animal Facility								C	C	C	C	C				C			P	P							21.05.050B.3
ENTERTAINMENT AND RECREATION	Club, Lodge, Meeting Hall						C	S							P	P	P	P		P	P					S		21.05.050C.1 21.05.020A
	Entertainment Facility, Major																P			P	P				P	P		21.05.050C.2 21.05.020A
	General Outdoor Commercial Recreation													C			P			P	P					C		21.05.050C.3
	Golf Course													C											C	C		21.05.050C.4
	Motorized Sports Facility																			C	C				C	C		21.05.050C.5 21.05.020A
	Movie Theater																P			P	P							21.05.050C.6 21.05.020A
	Shooting Range, Outdoor																								C	C		21.05.050C.7
	Skiing Facility, Alpine													C											C	C		21.05.050C.8
	Performing Arts																P			P	P							21.05.050C.9 21.05.020A
FOOD AND BERVERAGE SERVICE	Bar																C		C	C	C							21.05.050D.1 21.05.020A
	Food & Beverage kiosk							P							P	P	P	P	P	P	P	P							21.05.050D.2 21.05.020A
	Night Club																P			P									21.05.050D.3 21.05.020A
	Restaurant							P							P	P	P	P	P	P	P				P	P			21.05.050D.4 21.05.020A
OFFICE	General Office							P							P	P	P	P		P	P					P		21.05.050E.1
	Medical Office							P							P	P	P	P		P	P					P		21.05.050E.2
	Governmental Office							P							P	P	P	P		P	P					P		21.05.050E.3
	Research Laboratory							P									P	P	P	P	P	P				S		21.05.050E.4
RETAIL	General Retail							P							P	P	P		P	P	P					C		21.05.050F.1 21.05.020A
	Liquor Store														C	C	C			C	C							21.05.050F.2 21.05.020A
	Parking Lot						C	C	C						C	C	P	C	C	P	P					C		21.05.050F.3
	Parking Structure						C	C	C						C	C	P	C	C	P	P					C		21.05.050F.4
	Aircraft, Marine, Vehicles Sales/Rentals																P		P	P	P	P						21.05.050F.5
VISITOR ACCOMODATIONS	Camper Park							C	C								S			P	P							21.05.050G.1 21.05.050G.2
	Hotel/Motel/Extended Stay/Inn								S								P	S		P	P							21.05.020A 21.05.050G.3
	Hostel						C	S	S								P											

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TABLE 21.05-1: TABLE OF ALLOWED USES

P=Permitted Use S= Administrative Site Plan Review C= Conditional Use M= Major Site Plan Review

		RESIDENTIAL													COMMERCIAL					INDUSTRIAL			OTHER					Definitions and Use Specific Standards
Use Category	Use Type	R-1	R-1A	R-2A	R-2D	R2-M	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2	MI	AF	DR	PR	PLI	W	21.05.050G.4
	Recreational and Vacation Camp									C		C	C	C											C	C		
INDUSTRIAL USES																												
INDUSTRIAL SERVICE	General Industrial Service																			P	P	P						21.05.060A.1
	Heavy Equipment Sales and Rental																			P	P	P						21.05.060A.2
MANUFACTURING AND PRODUCTION	General Manufacturing and Production																			P	P	P						21.05.060B.1
	Manufacturing, Heavy																			C	P	P						21.05.060B.2
	Natural Resource Extraction, organic and inorganic	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		21.05.060B.3
MARINE INDUSTRIAL	Facility for Combined Marine and General Construction																		P	P	P	P						21.05.060C.1
	General Marine Industrial																		P	P	P	P						21.05.060C.2
WAREHOUSE AND STORAGE	Bulk Storage of Hazardous Materials																			C	C	C						21.05.060D.1
	General Outdoor Storage																			P	P	P						21.05.060D.2
	Motor Freight Terminal																			P	P	P						21.05.060D.3
	Self-Storage Facility															S	P			P	P							21.05.060D.4
	Warehouse																S		S	P	P	P						21.05.060D.5
	Wholesale Establishment																P		P	P	P	P						21.05.060D.6
	Light-Warehouse																P		P	P	P	P						21.05.060D.7
WASTE AND SALVAGE	Composting Facility																				P							21.05.060E.1
	Hazardous Waste Treatment Facility																				C							21.05.060E.2
	Incinerator or Thermal Desorption Unit																				C							21.05.060E.3
	Junkyard or Salvage Yard																				C							21.05.060E.4
	Land Reclamation	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	21.05.060E.5
	Landfill																				C					C		21.05.060E.6
	Recycling Drop-Off														P	P	P			P	P					P		21.05.060E.7
	Snow Disposal Site																M			S	S				C	C		21.05.060E.8
	Solid Waste Transfer Facility	C	C	C	C	C	C	C	C	C	C									C	P					C		21.05.060E.9

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TABLE 21.05-?? TABLE OF ACCESSORY USES

P = Permitted S = Administrative Site Plan Review

Accessory Uses	RESIDENTIAL											COMMERCIAL				INDUSTRIAL			OTHER				Definitions and Use Specific Standards
	R-1	R-1A	R-2A	R-2D	R2-M	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2	MI	AF	DR	PR	PLI	W	
Accessory Dwelling Unit (ADU)			P	P	P			P	P	P	P	P	P														21.05.070.D.1
Bed and Breakfast (up to 3 guestrooms)	P	P	P	P	P	P		P	P	P	P	P	P			P											21.05.070.D.2
Bed and Breakfast (4 or 5 guestrooms)	S	S	S	S	S	S		S	S	S	S	S	S			P								P	P		21.05.070.D.3
Beekeeping	P	P	P	P	P	P	P	P	P	P	P	P	P						P	P				P	P		21.05.070.D.4
Caretaker's Residence						S	S	S	S	S	S	S	S		P	P			P	P							21.05.070.D.5
Dormitory							S	S	S	S	S	S	S						P	P							21.05.070.D.6
Drive-through Service							P	P						P	P	P	P	P	P	P	P						21.05.070.D.7
Family Self-Sufficiency Service								P	P	P	P	P	P														21.05.070.D.8
Farm, Hobby																											
Garage or Carport, Private Residential	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				21.05.070.D.9
Home- and Garden-related Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				21.05.070.D.10
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.070.D.11
Intermodal Shipping Container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.070.D.12
Large Domestic Animal Facility							P	P	P	P	P	P	P														21.05.070.D.13
Outdoor Keeping of Animals	P	P	P	P	P	P		P	P	P	P	P	P									P	P	31	31		21.05.070.D.14
Outdoor Display Accessory to a Commercial Use														P	P	P	P	P	P	P	P						21.05.070.D.15
Outdoor Storage Accessory to a Commercial Use														P	P	P		P	P	P	P						21.05.070.D.16
Parking or Business Vehicles, Outdoors, Accessory to a Residential Use	P	P	P	P	P	P	P	P	P	P	P	P	P														21.05.070.D.17
Private Outdoor Storage or Non-commercial Accessory to a Residential Use	P	P	P	P	P	P	P	P	P	P	P	P	P										P				21.05.070.D.18
Vehicle Repair/rebuilding, outdoor, hobby	P	P	P	P	P		P	P	P	P	P	P	P										P				21.05.070.D.19

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21.05.010 TABLE OF ALLOWED USES

Table 21.05-1 below lists the uses allowed within all base zoning districts. Each of the listed uses is defined in sections 21.05.030 through 21.05.060.

A. Explanation of Table Abbreviations

The abbreviations in the tables indicate the type of review process required for a use within a zoning district. District-specific standards in chapter 21.04, use-specific standards in chapter 21.05, or design and development standards in chapter 21.07 may require a higher level of review than indicated in the tables under specific circumstances. For example, many commercial uses are allowed by right ("P" for permitted use) in various zoning districts as indicated in the tables, but are required to be approved by major site plan review if the gross floor area of the use is over the size threshold for a large commercial establishment. That threshold and requirement for a higher level of review are found in subsection 21.07.130A.

1. Permitted Uses

"P" in a cell indicates that the use is allowed by right in the respective zoning district. Permitted uses are subject to all applicable regulations of this Title, including the use-specific standards set forth in this chapter and the development and design standards set forth in chapter 21.07.

2. Administrative Site Plan Review

"S" in a cell indicates that the use requires administrative site plan review in the respective zoning district in accordance with the procedures of section 21.03.180B., *Administrative Site Plan Review.* The site plan review process is intended to determine compliance with the development standards of this Title, not to review the appropriateness of the use itself.

3. Major Site Plan Review

"M" in a cell indicates that the use requires major site plan review in the respective zoning district, in accordance with the procedures of section 21.03.180C., *Major Site Plan Review.* The site plan review process is intended to determine compliance with the development standards of this Title, not to review the appropriateness of the use itself.

4. Conditional Uses

"C" in a cell indicates that, in the respective zoning district, the use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.03.080, *Conditional Uses.* Throughout this Title, the term "conditionally allowed" means that approval through the conditional use process is required.

5. Multiple Abbreviations

Where table 21.05-1 indicates more than one abbreviation for a particular use, such as "P/M" or "S/M," then the applicable review procedure is determined by size, geographic location, or other characteristic of the use as specified in this code.

6. Prohibited Uses

A blank cell indicates that the use is prohibited in the respective zoning district.

7. Definitions and Use-Specific Standards

Each use listed in tables 21.05-1 is defined in this chapter. Regardless of whether a use is allowed by right, subject to major or administrative site plan review, or permitted as a conditional use, there may be additional standards that are applicable to the use. The cross-reference in the last column of the table identifies the code location of the definition and any use-specific standards. Any standards apply in all districts unless otherwise specified.

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B. Table Organization

In table 21.05-1, land uses and activities are classified into general "use categories" and specific "use types" based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within the categories, and specific uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended merely as an indexing tool and are not regulatory.

C. Unlisted Uses

When application is made for a use type that is not specifically listed in table 21.05-1, the procedure in section 21.03.220, *Use Classification Requests*, shall be followed.

D. Use for Other Purposes Prohibited

Approval of a use listed in table 21.05-1 and, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in the tables and approved under the appropriate process or approved through section C. above, is prohibited.

E. Table of Allowed Uses

TABLE 21.05-1: TABLE OF ALLOWED USES

P=Permitted Use S=Administrative Site Plan Review C=Conditional Use M=Major Site Plan Review

		RESIDENTIAL													COMMERCIAL					INDUSTRIAL			OTHER					
Use Category	Use Type	R-1	R-1A	R-2A	R-2D	R-2M	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2	MI	AF	DR	PR	PL1	W	Definitions and Use Specific Standards
RESIDENTIAL USES																												
HOUSEHOLD LIVING	Dwelling, Mixed-use							P							P	P	P	P										21.05.030A.1
	Dwelling, Multifamily					P/S	P	P							P	P	P	P										21.05.030A.2
	Dwelling, Single-family Attached			P	P	P	P																					21.05.030A.3
	Dwelling, Single-family Detached	P	P	P	P	P			P	P	P	P	P	P										P				21.05.030A.4
	Dwelling, Townhouse					P	P	P									S	S										21.05.030A.5
	Dwelling, Two-family			P	P	P	P		P	P	P	P	P															21.05.030A.6
	Dwelling, Moblie Home								P																			21.05.030A.7
	Manufactured Home Community					C	C	C	C																			21.05.030A.8
GROUP LIVING	Assisted Living Facility (3-8 residents)	P	P	P	P	P	P	P	P	P	P	P	P	P				P										21.05.030B.1
	Assisted Living Facility (9 or more residents)	C	C	C	C	P	P	P	P	C	C						P	P								C		21.05.030B.1
	Correctional Community Residential Center																C			C						C		21.05.030B.2
	Habilitative Care Facility	C	C	C	C	C	C	C	C	C	C						C	C								C		21.05.030B.3
	Rooming House					C	P	P							P	P	P	P										21.05.030B.4
	Transitional Living Facility						C	C									P									C		21.05.030B.5
COMMUNITY USES																												
ADULT CARE	Adult Care Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P						P		21.05.040A.1
CHILD CARE	Child Care Center	C	C	C	C	S	S	S	S	S	S	S	S	S	P	P	P	P		P						P		21.05.040B.1
	Child Care Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								P		21.05.040B.2
COMMUNITY	Aquarium																M		M	M	M	M			M	M		21.05.040C.1
	Botanical Gardens																								S	S		21.05.040C.2
	Cemetery, Mausoleum																									P		21.05.040C.3
	Civic/Convention Center														P	P	P			P	P	P			M	P		21.05.040C.4 21.05.020A

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	Community Center						S	S	S						S	S	S	S									P		21.05.040C.5
	Community Garden				P	P	P	P																			P	P		21.05.040C.6
	Crematorium																P			P	P						C		21.05.040C.7
	Homeless and Transient Shelters																										C		21.05.040C.8
	Library	P	P	P	P	P	P	P	P						S/M	S/M	S/M	S/M		S/M	S/M						S/M		21.05.040C.9
	Museum or Cultural Center														S/M	S/M	S/M	S/M		S/M	S/M						S/M		21.05.040C.10
	Neighborhood Recreation Center					S	S	S	S	S	S	S	S		P	P	P	P		S	S						S		21.05.040C.11
	Park and Open Space, public or private	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	21.05.040C.12
	Religious Assembly	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P		P	P						P		21.05.040C.13
	Zoo																									C	C		21.05.040C.14
EDUCATION	Boarding School						M	M									P	P		P							M		21.05.040D.1
	College or University							M									P	P		P							M		21.05.040D.2
	Elementary, Middle, or High School	M	M	M	M	M	M	M		M	M						M	M									M		21.05.040D.3
HEALTH CARE	Hospital/Health Care Facility																M	M		M							M		21.05.040E.1
	Nursing Facility						C	C									P	P									P		21.05.040E.2
PUBLIC SAFETY	Community or Police Substation				P	P	P	P							P	P	P	P	P	P	P						P		21.05.040F.1
	Correctional Institution																										C		21.05.040F.2
	Fire Station	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M	M					M		21.05.040F.3
	Public Safety Facility																C			P							M		21.05.040F.4
TRANSPORTATION	Airport																										C		21.05.040G.1
	Airstrip, private	C	C	C	C	C			C	C	C																		21.05.040G.2
	Heliport																C			C	C						C		21.05.040G.3
	Railyard																			P	P	P							21.05.040G.4
	Railroad Freight Terminal																P		P	P	P	P							21.05.040G.5
	Railroad Passenger Terminal																P		P	P	P	P					M		21.05.040G.6
	Transit Center																S		S	S	S	S					S		21.05.040G.7
UTILITY	Utility Facility																			C	P	P							21.05.040H.1
	Utility Substation	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	S	S			S	S	21.05.040H.2
TELECOMMUNICATION	Type 1,2,3 or 4 Tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S	S	S	P	21.05.040I.1

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COMMERCIAL USES																													
AGRICULTURAL	Commercial Horticultural	C	C	C	C	C			C	C	C	C	C				P			P	P					C		21.05.050A.1
ANIMAL	Animal Shelter																P			P	P					S/M		21.05.050B.1
	Commercial Kennel											C	C				P			P	P							21.05.050B.2
	Large Domestic Animal Facility								C	C	C	C	C				C			P	P				C	C		21.05.050B.3
ENTERTAINMENT AND RECREATION	Club, Lodge, Meeting Hall						C	S							P	P	P	P		P	P					S		21.05.050C.1 21.05.020A
	Entertainment Facility, Major																P			P	P				P	P		21.05.050C.2 21.05.020A
	General Outdoor Commercial Recreation													C			P			P	P					C		21.05.050C.3
	Golf Course													C											C	C		21.05.050C.4
	Motorized Sports Facility																			C	C				C	C		21.05.050C.5 21.05.020A
	Movie Theater																P			P	P							21.05.050C.6 21.05.020A
	Shooting Range, Outdoor																								C	C		21.05.050C.7
	Skiing Facility, Alpine													C											C	C		21.05.050C.8
	Performing Arts																P			P	P							21.05.050C.9 21.05.020A
FOOD AND BERVERAGE SERVICE	Bar																C		C	C	C							21.05.050D.1 21.05.020A
	Food & Beverage kiosk							P							P	P	P	P	P	P	P	P						21.05.050D.2 21.05.020A
	Night Club																P			P								21.05.050D.3 21.05.020A
	Restaurant							P							P	P	P	P	P	P	P				P	P		21.05.050D.4 21.05.020A
OFFICE	General Office							P							P	P	P	P	P	P	P					P		21.05.050E.1
	Medical Office							P							P	P	P	P		P	P					P		21.05.050E.2
	Governmental Office							P							P	P	P	P		P	P					P		21.05.050E.3
	Research Laboratory							P									P	P	P	P	P	P				S		21.05.050E.4
RETAIL	General Retail							P							P	P	P		P	P	P					C		21.05.050F.1 21.05.020A
	Liquor Store														C	C	C			C	C							21.05.050F.2 21.05.020A
	Parking Lot						C	C	C						C	C	P	C	C	P	P					C		21.05.050F.3
	Parking Structure						C	C	C						C	C	P	C	C	P	P					C		21.05.050F.4
	Aircraft, Marine, Vehicles Sales/Rentals																P		P	P	P	P						21.05.050F.5

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VISITOR ACCOMODATIONS	Camper Park						C	C									S			P	P							21.05.050G.1
	Hotel/Motel/Extended Stay/Inn							S									P	S		P	P							21.05.050G.2 21.05.020A
	Hostel					C	S	S									P											21.05.050G.3
	Recreational and Vacation Camp									C		C	C	C												C	C		21.05.050G.4
INDUSTRIAL USES																														
INDUSTRIAL SERVICE	General Industrial Service																			P	P	P							21.05.060A.1
	Heavy Equipment Sales and Rental																			P	P	P							21.05.060A.2
MANUFACTURING AND PRODUCTION	General Manufacturing and Production																			P	P	P							21.05.060B.1
	Manufacturing, Heavy																			C	P	P							21.05.060B.2
	Natural Resource Extraction, organic and inorganic	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			21.05.060B.3
MARINE FACILITY	Facility for Combined Marine and General Construction																		P	P	P	P							21.05.060C.1
	General Marine Facility																		P	P	P	P							21.05.060C.2
WAREHOUSE AND STORAGE	Bulk Storage of Hazardous Materials																			C	C	C							21.05.060D.1
	General Outdoor Storage																			P	P	P							21.05.060D.2
	Motor Freight Terminal																			P	P	P							21.05.060D.3
	Self-Storage Facility															S	P			P	P								21.05.060D.4
	Warehouse																S		S	P	P	P							21.05.060D.5
	Wholesale Establishment																P		P	P	P	P							21.05.060D.6
	Light-Warehouse																P		P	P	P	P							21.05.060D.7
WASTE AND SALVAGE	Composting Facility																				P								21.05.060E.1
	Hazardous Waste Treatment Facility																				C								21.05.060E.2
	Incinerator or Thermal Desorption Unit																				C								21.05.060E.3
	Junkyard or Salvage Yard																				C								21.05.060E.4
	Land Reclamation	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	S/C	21.05.060E.5
	Landfill																				C					C			21.05.060E.6
	Recycling Drop-Off														P	P	P			P	P					P			21.05.060E.7
	Snow Disposal Site	C	C	C	C	C	C	C	C	C	C						M			S	S				C	C			21.05.060E.8
	Solid Waste Transfer Facility																			C	P					C			21.05.060E.9

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21.05.020 GENERALLY APPLICABLE USE STANDARDS

A. Uses Involving the Retail Sale of Alcoholic Beverages

Any use that involves the retail sale of alcoholic beverages is subject to the special land use permit for alcohol review process in section 21.03.040, *Alcohol—Special Land Use Permit.* That process shall apply to any such use regardless of whether it is listed in table 21.05-1, or chapter 21.09 as being permitted as a matter of right or subject to site plan or conditional use review. The applicant shall be required to obtain approval through both the special land use permit for alcohol process and the separate process referenced in table 21.05-1, or chapter 21.09. A cross-reference to this section 21.05.020A. in table 21.05-1, or chapter 21.09 is not required for the operator of a use to request approval under section 21.03.040.

B. Premises Containing Uses Where Children are Not Allowed

Premises containing uses where children are not allowed are defined in AMC section 10.40.050. Any premises containing uses where children are not allowed, regardless of whether it is listed in table 21.05-1, or chapter 21.09 as being permitted as a matter of right or subject to site plan or conditional review, shall comply with the requirements of this subsection 21.05.020B. The applicant shall be required to obtain approval through the process referenced in table 21.05-1, or chapter 21.09 and also to comply with the standards of this subsection 21.05.020B.

1. Purpose

Certain types of enterprises are places where children unaccompanied by an adult guardian or parent are prohibited. These enterprises have been determined, by court-accepted independent studies, to produce secondary impacts on surrounding land uses. The impacts include a decline in property values; an increase in the level of criminal activity, including prostitution, rape, and assaults, in the vicinity of these types of enterprises; and the degradation of the community standard of morality by inducing a loss of sensitivity to the adverse effect of pornography upon children, upon established family relations, and upon respect for marital relationships. The purpose of this section is to segregate such enterprises from places frequented by minors in order to reduce the influence of these enterprises on minors.

2. Minimum Distance from Certain Uses

Except as provided in subsection B.3. below, permitted principal uses, accessory uses, or conditional uses that are prohibited by law from having minors or unaccompanied minors on the premises for reasons other than sale of liquor, shall be located so that all portions of the lot on which the use is located shall be 1,000 feet or more from the property line of:

a. A school or instructional service serving any combination of grades kindergarten through 12;

b. A public park;

c. A religious assembly;

d. Property zoned residential;

e. Property in the TA district designated as "residential" in the *Turnagain Arm Comprehensive Plan*;

f. A community center;

g. A neighborhood recreation center;

h. Child care centers; or

i. Public libraries.

3. Compliance with State Standards
Where the state has provided specific standards for determining an enterprise's permissible location, the state's means of measurement shall apply. Such enterprises shall also comply with subsection B.2. above if the enterprise engages in other activities not regulated by the state for which AMC Title 8 prohibits the presence of minors or unaccompanied minors on the premises.

4. Administrative Permit Required
An administrative permit is required and shall be on display in a prominent place. This permit shall certify that the enterprise is in compliance with subsection B.2. or B.3. of this section, as applicable. This permit shall be obtained from the director, pursuant to section 21.03.030, *Administrative Permits*. This permit shall remain valid so long as the enterprise remains in continuous operation at that location and does not physically expand. In addition, a permit granted under subsection B.3. shall remain valid so long as the enterprise does not engage in an activity for which a permit is required under subsection B.2.

5. Premises Without Permit
An enterprise not in possession of a permit must immediately cease all activities for which a permit pursuant to this section is required.

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21.05.030 RESIDENTIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS

This section defines the general residential use categories and specific residential use types listed in table 21.05-1. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, or subject to a site plan or conditional use review process.

A. Household Living

This category is characterized by residential occupancy of a dwelling unit by a "household," which is defined in chapter 21.14. Tenancy is arranged on a month-to-month or longer basis. Common accessory uses include recreational activities, raising of pets, gardens, personal storage buildings, hobbies, and parking of the occupants' vehicles. Specific use types include:

1. Dwelling, Mixed-Use

a. ***Definition***

A dwelling that is located on the same lot or in the same building as a non-residential use, in a single environment in which both residential and non-residential amenities are provided.

b. ***Use-Specific Standards***

The residential portion of a mixed-use building or development shall comply with section 21.07.110C., *Standards for Multifamily Residential.* The nonresidential portion of a mixed-use building or development shall comply with the public/institutional and commercial design standards in section 21.07.120 and/or the large commercial establishment standards of 21.07.130A. In case of overlap and/or conflict, the more stringent standard shall control.

2. Dwelling, Multifamily

a. ***Definition***

A residential building or multiple residential buildings comprising four or more dwelling units on one lot. The definition includes the terms "apartment" or "apartment building."

b. ***Use-Specific Standards***

i. Multifamily developments that consist of four or more units in one building shall comply with section 21.07.110C., *Standards for Multifamily Residential*, except as provided in subsection b.iii. below.

ii. Dwellings with single-family style and two-family style construction in multifamily developments shall comply with the residential design standards in subsections 21.07.110E. and F.

iii. Dwellings with townhouse style construction in multifamily developments shall comply with section 21.07.110D., *Standards for Townhouse Residential.*

3. Dwelling, Single-Family Attached

a. ***Definition***

One dwelling unit in a building on its own lot, with one or more walls abutting the wall or walls of one other single-family dwelling unit on an adjacent lot.

b. ***Use-Specific Standards***

i. *Residential design standards*

Single-family attached dwellings shall comply with the applicable residential design standards in section 21.07.110, *Residential Design Standards.*

ii. ***Common Party Wall Agreement***

A common party wall agreement shall be recorded. The agreement shall provide for maintenance of the structure and other improvements in good condition, and for maintenance of the uniformity and common appearance of the exterior of all structures and landscaping.

iii. ***Access; No Vertical Stacking***
Each unit shall have its own access to the outside, and no unit may be located over another unit in whole or in part.

iv. ***Side Setback Requirement***
Detached accessory structures shall comply with the side setback requirement of the underlying zoning district on the common lot line between attached residential units.

4. Dwelling, Single-Family Detached

a. ***Definition***
One detached building on its own lot, erected on a permanent foundation, designed for long-term human habitation exclusively by one household, having complete living facilities, and constituting one dwelling unit.

b. ***Use-Specific Standard***
Single-family detached dwellings shall comply with the applicable residential design standards in section 21.07.110, *Residential Design Standards*.

5. Dwelling, Townhouse

a. ***Definition***
A building containing four or more single-family dwelling units erected in a single row, with each unit on its own lot and having its own separate entrance.

b. ***Use-Specific Standards***

i. ***Residential Design Standards***
Townhouse dwellings shall comply with the applicable residential design standards in section 21.07.110, *Residential Design Standards*.

ii. ***Common Party Wall Agreement***
A common party wall agreement shall be recorded. The agreement shall provide for maintenance of the structure and other improvements in good condition, and for maintenance of the uniformity and common appearance of the exterior of all structures and landscaping.

iii. ***Access; No Vertical Stacking***
Each unit shall have its own access to the outside, and no unit may be located over another unit in whole or in part.

iv. ***Side Setback Requirement***
Detached accessory structures shall comply with the side setback requirement of the underlying zoning district on the common lot line between attached residential units.

6. Dwelling, Two-or Three Family

a. ***Definition***
One detached building on one lot designed for and constituting two or three dwelling units. The definition includes the terms "duplex" and the "triplex".

b. ***Use-Specific Standard***
Two and three family dwellings shall comply with the applicable residential design standards in section 21.07.110, *Residential Design Standards*.

7. Dwelling, Mobile Home

a. ***Definition***

A transportable, factory-built dwelling unit designed and intended to be used as a year-round dwelling, and built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1976.

b. ***Use-Specific Standard***

Only one mobile home is allowed per lot in the R-5 district, unless the lot is within a manufactured home community. A mobile home shall be placed on a permanent foundation unless it is located within a manufactured home community.

8. Manufactured Home Community (MHC)

a. ***Definition***

Any parcel or adjacent parcels of land in the same ownership that are utilized for occupancy by more than two mobile homes or manufactured homes. This term shall not be construed to mean tourist facilities for parking of travel trailers or campers, which are classified under "camper park."

b. ***Use-Specific Standards***

All MHCs within the municipality shall be constructed, operated, and maintained in accordance with the general standards listed below.

i. ***Compliance with Applicable Regulations***

MHCs shall be constructed, operated, and maintained in conformance with all applicable state statutes and regulations and local ordinances; provided, however, that the provisions of chapter 21.12, *Nonconformities*, of this Title shall not be applied to prohibit the removal and replacement of a mobile home or manufactured home on a space within a MHC subject to that chapter.

ii. ***Responsibility for Compliance***

Complete responsibility for standards established by this subsection and for construction within a MHC shall rest with the owner of such community.

iii. ***Minimum Site Size***

MHCs shall be on sites of at least two acres.

iv. ***Maximum Site Density***

Gross density for MHCs shall not exceed eight units per acre.

v. ***Impermanent Foundations***

No mobile homes and manufactured homes within an MHC shall be placed on a permanent foundation.

vi. ***Mobile Home or Manufactured Home Spaces***

(A) ***Occupancy***

No mobile home or manufactured home space shall contain more than one manufactured home, mobile home or duplex mobile home or manufactured home. No other dwelling unit shall occupy a mobile home or manufactured home space.

(B) ***Minimum Size***

In manufactured home communities created after [effective date], all single mobile home or manufactured home spaces shall have a minimum of 3,500 square feet of land area and all duplex

mobile home or manufactured home space shall have a minimum of 5,000 square feet of land area.

(C) ***Mobile Home or Manufactured Home Separation***

(1) No part of any mobile home, manufactured home, accessory building, or its addition shall be placed closer than 15 feet from any other mobile home, manufactured home, or its addition, or no closer than ten feet if that mobile home, manufactured home, accessory building, or its addition being placed meets NFPA 501A and HUD #24 CFR 328O standards.

(2) The requirements of sections 21.06.030C.2., *Projections into Required Setbacks* and 21.05.070, *Accessory Uses and Structures,* shall not apply to MHCs. All mobile homes, manufactured homes, and accessory structures shall be placed at least five feet from the front space line. Steps shall not be considered in determining the separations required by this subsection.

(D) ***Access***

Each mobile home or manufactured home space shall have direct access to an internal street. Direct access to exterior public streets is prohibited.

vii. ***Streets and Drainage Facilities***

All streets within an MHC shall comply with the following standards:

(A) ***Street Surface***

All streets shall be surfaced with all-weather materials, such as asphalt or concrete, to a minimum surface width of 33 feet.

(B) ***Right-of-Way Width***

Any street that services 100 spaces or more shall be classified as a major street. Major streets shall have a minimum right-of-way width of 50 feet. All other streets shall have a minimum right-of-way width of 40 feet. Streets are not required to be dedicated as public rights-of-way.

(C) ***Cul-De-Sac Streets***

No street shall dead end except for cul-de-sac streets that are no more than 650 feet in length and have a minimum turning radius of 50 feet at the termination point of the cul-de-sac.

(D) ***Intersections***

No street shall extend more than 650 feet in length between street intersections. Intersecting streets shall cross at 90-degree angles from an alignment point 100 feet from the point of intersection. No street intersection shall be closer than 130 feet to any other street intersection.

(E) ***Street Frontage***

Double-frontage spaces are prohibited, except that reverse-frontage spaces may back against streets bordering the MHC.

(F) ***Street Layout***

Streets shall be laid out so that their use by through traffic will be discouraged.

(G) *Street Grades*
Street grades shall not exceed six percent. Street grades within 100 feet of intersections shall not exceed four percent.

(H) *Street Curves and Visibility*
The radius of street curves (between intersections) shall exceed 100 feet. Streets shall be constructed to provide clear visibility as measured along a centerline of the street for a minimum distance of 150 feet.

(I) *Crosswalks*
Pedestrian crosswalks not less than ten feet in width may be required in blocks longer than 330 feet when deemed essential to provide reasonable circulation or access to schools, playgrounds, shopping centers, convenience establishments, service buildings or other community facilities. Signs approved by the traffic department shall be provided at crossing locations.

viii. *Water and Sewage Systems*
All mobile homes in MHCs shall be connected to water and sewage systems approved by the appropriate governmental body before they may be occupied.

ix. *Landscaping*
(A) L3 buffer landscaping shall be planted along each boundary of the MHC, except for vehicular and pedestrian ingress and egress points. Where two MHCs share a common lot line, the L3 buffer landscaping shall be split, with seven and one half feet (of the total 15 foot requirement) on each lot. Along MHC lot lines abutting a dedicated park, the landscaping requirement shall be halved.

(B) All areas not devoted to mobile home or manufactured home spaces, structures, drives, walks, off-street parking facilities, or other required landscaping shall be planted with site enhancement landscaping.

x. *Additions to Mobile Homes or Manufactured Homes; Accessory Buildings*
(A) *Generally*
All additions and accessory buildings shall be subject to the spacing and setback requirements for mobile homes and manufactured homes. Any addition or accessory building shall be constructed in accordance with building safety code regulations pertaining to temporary structures, provided that additions will not be required to have a permanent foundation.

(B) *Height*
The height of accessory buildings is limited to that of the underlying zoning district. In the case of districts where the height is unrestricted, the maximum height of accessory structures shall be 12 feet. The height of additions to mobile homes or manufactured homes is limited to that of the underlying zoning district. The use of any area created above the original roof line of the mobile home or manufactured home as living space is prohibited.

(C) *Exits*

The number of exterior exits from additions shall be equal to or greater than the number of exits leading from the mobile home or manufactured home to the addition. When two exterior exits are required from additions, they shall be placed a distance apart equal to one-fifth of the total perimeter of the addition.

xi. ***Refuse Collection***

A MHC operator shall provide adequate refuse collection facilities. Refuse collection facilities shall be constructed and maintained in accordance with all municipal health regulations and shall be designed to bar animals from access to refuse. Refuse shall be removed from refuse collection sites at least once a week. Refuse facilities shall be screened pursuant to section 21.07.080G., *Screening*.

xii. ***Fuel Tanks***

Fuel oil supply tanks shall be placed in compliance with applicable building and fire codes. Liquefied gas containers shall be securely anchored to a permanent and stable holding structure or adequately secured to a mobile home or manufactured home.

xiii. ***Campers and Travel Trailers***

Occupied campers and travel trailers are not subject to paragraphs 8.b.vi., *Mobile Home or Manufactured Home Spaces*, and 8.b.viii., *Water and Sewage Systems*, of this subsection. Any permitted spaces intended for occupied campers and travel trailers shall be placed in an area segregated from permanent mobile home or manufactured home spaces. Any area within a MHC that is occupied by campers and travel trailers shall be served by a service building containing public toilet facilities and water supply.

xiv. ***Animals in MHCs***

Outdoor keeping of animals other than dogs in MHCs shall be regulated by subsection 21.05.070D.14., except that "spaces" within MHCs shall be considered "lots" for the purposes of applying subsection 21.05.070D.14.

xv. ***Convenience Establishments in MHCs***

Convenience establishments of a commercial nature, including stores, coin-operated laundry, beauty shops and barbershops, may be permitted in MHCs subject to the following restrictions. Such establishments and the parking lot primarily related to their operations shall not occupy more than ten percent of the area of the community, shall be subordinate to the residential use and character of the park, shall be located, designed and intended to serve frequent trade or service needs of persons residing in the community, and shall present no visible evidence of their commercial character from any portion of any district outside the community. Such convenience areas shall be considered accessory uses to the principal use of mobile homes or manufactured homes, may be permitted without a zoning change, and shall be discontinued if the MHC is discontinued.

xvi. ***Sites in Flood Hazard Area***

The following requirements shall apply to all MHCs, any portion of which are within a flood hazard area:

(A) Over-the-top ties shall be provided at each of the four corners of the mobile home or manufactured home and two ties per side at

intermediate locations. Mobile homes more than 50 feet long shall require one additional tie per side.

(B) Frame ties shall be provided at each corner of the frame, and five ties per side at intermediate points. Mobile homes or manufactured homes more that 50 feet long shall require four additional ties per side.

(C) All components of the anchorage system shall be capable of carrying a force of 4,800 pounds.

(D) Any additions to the mobile home or manufactured home shall be similarly anchored.

(E) All applications for a conditional use for a MHC shall include an evacuation plan indicating alternate vehicular access and escape routes during times of flooding.

xvii. ***Sites in Floodplain***
No mobile homes or manufactured homes shall be placed within the regulatory floodplain, except that MHCs existing before September 25, 1979, shall be permitted to place mobile homes or manufactured homes within existing unit spaces.

xviii. ***Nonconforming MHCs***

(A) Those MHCs situated within the boundaries of the former City of Anchorage which existed prior to August 30, 1977, are not subject to paragraphs 8.b.vi., *Mobile Home or Manufactured Home Spaces*, and 8.b.vii., *Streets And Drainage Facilities*, of this subsection, provided that such communities meet the standards set forth in the former City of Anchorage Municipal Code sections 6.60.010 through 6.60.110.

(B) Those MHCs situated in any area of the municipality other than that described in paragraph i. above, which existed prior to 1966, are not subject to the requirements of paragraphs 8.b.vi., *Mobile Home or Manufactured Home Spaces*, 8.b.vii., *Streets and Drainage Facilities*, and 8.b.x., *Additions to Mobile Homes or Manufactured Homes; Accessory Buildings*, of this subsection, within the area and to the extent that it was constructed, operated or maintained prior to that date.

(C) Any MHC exempt from certain requirements of this subsection 21.05.030A.8., *Manufactured Home Community*, as provided in paragraphs xviii.(A) and (B) above, shall conform to all provisions of this subsection 21.05.030A.8. within any area first constructed, operated, or maintained after the specified date or within any area that is substantially altered, remodeled, reconstructed, or rebuilt after that date.

B. Group Living

This category is characterized by residential occupancy of a structure by a group of people who do not meet the definition of "Household Living." Generally, structures have a common eating area for residents. The residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. Specific use types include:

1. Assisted Living Facility

a. ***Definition***

A facility that provides housing and ancillary care services on a residential basis to three or more adults, and adolescents in appropriate cases as allowed by exception. A small assisted living facility is defined as a group of three to eight residents. A large assisted living facility is defined as a group of nine or more residents.

b. ***Use-Specific Standards for Small Assisted Living Facilities***

i. ***Housekeeping Unit***

A small assisted living facility serving eight or fewer residents shall be considered a single housekeeping unit.

ii. ***Administrative Variance Needed***

In all zones, a small assisted living facility serving eight or fewer residents is permitted by right. An administrative variance pursuant to section 21.03.240J. is required to serve six to eight residents.

c. ***Use-Specific Standards for Large Assisted Living Facilities***

Large assisted living facilities shall comply with the use-specific standards set forth for "adult care facilities with nine or more persons" below.

2. Correctional Community Residential Center

a. ***Definition***

A community residential facility, other than a correctional institution, for the short-term or temporary detention of people in transition from a correctional institution, performing restitution, or undergoing rehabilitation and/or recovery from a legal infirmity. This does not include people who pose a threat or danger to the public for violent or sexual misconduct or who are imprisoned or physically confined under guard or 24-hour physical supervision.

b. ***Use-Specific Standards***

i. ***Standards for Centers Established After January 1, 1995***

The following standards apply to all correctional community residential centers established after January 1, 1995:

(A) No new correctional community residential center may be located within 1,250 feet of an existing center, a public park, or a school or instruction service serving any combination of grades kindergarten through 12, unless the Planning and Zoning Commission determines that a reduction in separation distance is warranted based upon the program proposed and any other circumstances the commission deems appropriate. If the commission reduces the separation distance, it shall adopt findings of the facts upon which such reduction is based.

(B) Program occupancy limits shall be as determined by the state department of corrections.

(C) Maximum resident occupancy at a center shall be determined by requiring a minimum of 150 square feet of building area per resident. This measurement shall be calculated by including all bedroom, kitchen, bathroom, living, recreation, and other areas within the facility intended for common use by the residents.

(D) Each center shall have a minimum of 50 square feet of outdoor recreation area per maximum resident occupancy.

(E) Centers that house felons are only permitted by conditional use in the I-1 and PLI districts. Centers allowed in other districts may only house residents convicted of misdemeanors.

(F) No additional correctional community residential centers may be located in the DT zoning districts or in a B-3 zoning district in the area bounded on the north by Ship Creek, on the south by Chester Creek, on the east by Orca Street extended, and on the west by Cook Inlet.

(G) CCRCs shall not house sex offenders.

ii. ***Existing Centers Established Under Quasi-Institutional House Provisions***

The three correctional community residential centers that were established under the quasi-institutional house provisions of Title 16 and Title 21 of this code and that existed as of January 1, 1995, may continue to operate under the terms of their existing conditional use permits and at the occupancy level permitted as of that date. No other beds may be added to these centers.

3. Habilitative Care Facility

a. ***Definition***

A residential facility, other than a correctional center or transitional living facility, the principal use or goal of which is to serve as a place for persons seeking rehabilitation or recovery from any physical, mental, or emotional infirmity, or any combination thereof, in a family setting as part of a group rehabilitation and/or recovery program utilizing counseling, self-help, or other treatment or assistance, including, but not limited to, substance abuse rehabilitation. Such care for persons age 18 and under, who are under the jurisdiction of the state division of juvenile justice, shall be considered habilitative care, and not a correctional community residential center.

4. Roominghouse

a. ***Definition***

Any dwelling or establishment in which four or more guestrooms are available for compensation that is paid on a daily, weekly, or monthly basis. A roominghouse may offer dining services only to its tenants and their guests. This definition does not include bed-and-breakfast establishments, which are classified in this Title as an accessory use under section 21.05.070, or a hostel, which is classified as a "visitor accommodation" under section 21.05.050.

b. ***Use-Specific Standards***

i. ***Administrative Permit***

Roominghouses shall require an administrative permit issued in accordance with section 21.03.030. An application for a roominghouse shall not be complete unless it is accompanied by proof of a current business license, health inspection for 25 occupants or more, a certificate of on-site systems approval (for on-site systems only), and a site plan and building floor plans meeting the requirements of this Title.

ii. ***General Standards***

(A) In residential zones, the design standards for multi-family residential buildings shall apply.

(B) L2 visual enhancement landscaping is required when abutting residential lots in a residential zone.

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(C) In the R-2M, R-5, R-6, R-7, R-8, and R-9 zoning districts, the number of guestrooms shall be limited to eight guestrooms or 12 pillows.

(D) Cooking facilities are prohibited in guestrooms.

(E) The roominghouse shall be limited to a single structure, and only one roominghouse shall be allowed per lot.

(F) Public ingress and egress to the roominghouse shall be limited to one primary entrance; guestroom entrances shall be from a shared interior hall rather than individual exterior doors.

(G) In residential zones, the owner or operator of the roominghouse shall reside on site.

5. Transitional Living Facility

a. ***Definition***

A facility providing temporary housing with services to assist homeless persons and families and persons with special needs to prepare for and obtain permanent housing within twenty-four months. The facility provides 24-hour a day, seven days a week programmatic assistance or services for self-sufficiency skills to its tenants, and may provide services such as, but not limited to, on-site assistance in learning independent living skills (shopping, cooking, financial budgeting, preparing for job interviews, preparing resumes, and similar skills), and referral to off-site education and employment resources (GED completion, job training, computer training, employment services, and the like) to assist the tenants in becoming financially self-sustaining.

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21.05.040 COMMUNITY USES: DEFINITIONS AND USE SPECIFIC STANDARDS

This section defines the general public/institutional use categories and specific public/institutional use types listed in table 21.05-1. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to an administrative or major site plan review process, or subject to the conditional use process.

A. Adult Care

1. Definition

a. A non-residential facility providing assistance with activities of daily living as described in AS 47.33.990(1) for three or more adults or a combination of three or more adults and adolescents.

2. Use-Specific Standards for Adult Care Facilities with One through Eight Persons

a. These facilities are intended to be minor commercial activities, shall not detract from the principal use allowed in the district, and shall not place an undue burden on any private or public infrastructure greater than anticipated from a permitted development.

b. In all residential districts these facilities shall be located only in a single family detached structure, excluding detached condominium units. These facilities shall be prohibited if the only direct street access is from a private street.

c. ***Usable Outdoor Space***
Adult care centers shall provide usable outdoor space as required in AMC 16.55.450

d. ***Continuing Conditional Uses***
These standards shall not apply to any use continuing as a lawful conditional use on April 18, 2006.

3. Use-Specific Standards for Adult Care Facilities with Nine or More Persons (also apply to "Large Assisted Living Facilities" and "Nursing Facility")

a. ***Access***
The site shall provide for direct access from a street constructed to class A improvement area standards.

Comment [DC1]: Have we developed the class A and class B standards? If not, this should be either deleted or clarified by a descriptive statement of what is required.

b. ***Minimum Lot Size***

i. Unless otherwise authorized by the planning and zoning commission, the minimum lot size for a nursing facilities/facility shall be:

(A) *Six to 10 beds: 15,000 square feet.*

(B) *Eleven or more beds: 20,000 square feet.*

ii. *The minimum lot size for adult care facilities with nine or more persons, and for large assisted living facilities shall be:*

(A) *Nine to 16 beds: the minimum lot size of the underlying district.*

(B) *Seventeen or more beds: 20,000 square feet.*

c. ***Usable Outdoor Space***
Adult care centers shall provide usable outdoor space as required in AMC 16.55.450

d. ***Parking and Setbacks***

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In residential zoning districts, no parking or loading areas shall be placed in any setback, except in approved driveways.

e. *Adjacent Residential*
A facility in a non-residential district that is adjacent to a residential use or district shall provide L3 buffer landscaping along the lot line dividing the two.

f. *Ambulance and Delivery Areas*
Ambulance and delivery areas shall be screened from adjacent residential areas by L3 buffer landscaping or a fence no less than six feet high.

g. *Continuing Conditional Uses*
These standards shall not apply to any use continuing as a lawful conditional use on April 18, 2006

4. **Additional Standards for Conditional Uses (also apply to "Nursing Facility" and "Large Assisted Living Facility")**

a. *Use-Specific Standards Apply*
These uses shall meet the use-specific standards above in addition to any requirements imposed by a conditional use approval.

b. *Usable Outdoor Space*
Adult care centers shall provide usable outdoor space as required in AMC 16.55.450

c. *Factors for Consideration*
When a conditional use permit is required for these uses, the following factors shall be considered, as well as the approval criteria for conditional uses in subsection 21.03.080C.

Comment [DC2]: There is already a provision for vegetated open space in subsection 3 above. We don't need a second additional standard

i. The extent to which the facility and the applicant 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 provider to mitigate environmental disturbance associated with ingress and egress of facility staff at shift change, and any other measures taken by the provider to ensure commercial aspects of the facility do not detract from its residential purpose (if applicable) and the primarily residential character of the district.

ii. Economic hardship on the intended occupants of the facility if the conditional use is denied. Cost and availability of other housing alternatives, including whether a shortage of other facilities exists, may be addressed in preparation and review of the application.

iii. Whether the requested facility and the applicant 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 conditional use advances housing opportunities for disabled individuals in a residential community without jeopardizing residential aspects of the neighborhood with commercial aspects of operation.

v. Whether the proposed size of the facility is necessary for the financial viability of the facility.

vi. External characteristics and impacts of the proposed facility, including without limitation appearance, projected contribution to traffic volumes

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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 conditional use.

ix. Other factors deemed relevant to the applicant or the planning and zoning commission in review of the application

B. **Child Care**

1. **Child Care Center**

a. ***Definition***

Child care center has the same meaning as set forth in AMC chapter 16.55 for child care and educational center, and may care for nine or more children. Operation of a child care center is not a home occupation pursuant to subsection 21.05.070D.11. This use includes pre-schools that are not associated or co-located with an elementary, middle, or high-school.

b. ***Use-Specific Standards***

i. **Minor Commercial Activity**

Licensed child care centers are intended to be minor commercial activities, shall not detract from the principal use allowed in the district, and shall not place an undue burden on any private or public infrastructure greater than anticipated from a permitted development.

ii. ***Usable Outdoor Space***

Licensed child care centers shall provide usable outdoor space as required by AMC section 16.55.450.

iii. ***Continuing Conditional Uses***

This section shall not apply to any use continuing as a lawful conditional use on February 28, 2006.

2. **Child Care Home**

a. ***Definition***

Child care home has the same meaning as set forth in AMC chapter 16.55 and may care for up to eight children. Operation of a child care home is not a home occupation pursuant to subsection 21.05.070D.11. This use includes pre-schools that are not associated or co-located with an elementary, middle, or high-school.

b. ***Use-Specific Standards***

i. ***Minor Commercial Activity***

Licensed child care homes are intended to be minor commercial activities, shall not detract from the principal use allowed in the district, and shall not place an undue burden on any private or public infrastructure greater than anticipated from a permitted development.

ii. ***Usable Outdoor Space***

Licensed child care homes shall provide usable outdoor space as required by section AMC 16.55.450.

iii. ***Continuing Conditional Uses***

This section shall not apply to any use continuing as a lawful conditional use on February 28, 2006.

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C. **Community Service**

This category includes uses of a public, non-profit, or charitable nature providing local services to people of the community. Accessory uses may include but are not limited to offices, meeting, food preparation, parking, therapy areas, athletic facilities, clubhouses, playgrounds, maintenance facilities, and caretaker's quarters. Specific use types include:

1. **Aquarium**
   a. ***Definition***
   An establishment where collections of living aquatic organisms are kept and exhibited.

2. **Botanical Gardens**
   a. ***Definition***
   A facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, native, and/or ornamental plants.

3. **Cemetery or Mausoleum**
   a. ***Definition***
   A graveyard, burial ground, mausoleum, or other place of interment, entombment, or sepulture of one of more human bodies or remains. Crematoria are not permitted unless specifically allowed under this Title as a separate principal use.

   b. ***Use-Specific Standards***
      i. ***Burial of Human Remains in Other Areas Prohibited***
      Human remains, other than cremated remains, may not be buried, entombed, or interred, above or below ground, except in an approved cemetery.

      ii. ***Platting of Burial Plots***
      Burial plots shall be platted in accordance with section 21.03.200D., *Abbreviated Plat Procedure*.

      iii. ***Density of Burial Plots***
      Notwithstanding the minimum lot area for any zoning district, there shall be no more than 1,500 burial plots per gross acre.

      iv. ***Interment Below Groundwater Table Prohibited***
      No burial plots shall be established where interment would occur below the groundwater table.

      v. ***Traffic Access***
      A cemetery or mausoleum shall have direct access to a street designated as a collector or greater capacity.

      vi. ***Dimensional Standards***
      Notwithstanding the general dimensional standards in chapter 21.06, the following standards shall apply to all cemeteries and mausoleums.

         (A) ***Minimum Site Area***
         Five acres.

         (B) ***Minimum Setbacks***
            (1) Front setback: 10 feet.

            (2) Side setback: 10 feet.

            (3) Rear setback: 10 feet.

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(C) *Maximum Height of Structures*
35 feet.

vii. *Setbacks*
Graves and burial plots shall not be allowed within setback areas.

viii. *Parking, Driveways, and Streets*
Parking shall be provided according to section 21.07.090, *Off-Street Parking and Loading*, except that the traffic engineer may authorize a pavement surface of gravel for drives and streets that provide direct access to graves and burial plots. Internal driveways and streets providing direct access to a public right-of-way or connecting to principal structures shall be paved with asphalt or concrete.

4. Civic/Convention Center

a. *Definition*
An establishment owned or operated by a corporation, association, or persons for social, educational, or recreational purpose, to which membership may be required for participation.

b. *Use Specific Standards*
Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

5. Community Center

a. *Definition*
A facility that is intended primarily to serve the meeting, cultural, social services, administrative, athletic, or entertainment needs of the community as a whole, operated by the government or as a non-profit facility, and generally open to the public.

b. *Use-Specific Standards (also apply to "Religious Assembly")*

i. *Applicability*
The standards of this subsection shall apply to all community centers and religious assemblies within a residential zoning district.

ii. *Minimum Lot Area and Width*
Notwithstanding any smaller minimum lot area required by tables 21.06-1 and 21.06-2, community centers and religious assemblies subject to this subsection shall have a minimum lot area of 14,000 square feet and a minimum lot width of 100 feet.

iii. *Traffic Access*
Community centers and religious assemblies shall have at least one property line of the site that is at least 50 feet in length, and it shall abut a street designated as a residential collector or greater on the *Official Streets and Highways Plan*. All ingress and egress traffic shall be directly onto such street.

6. Crematorium

a. *Definition*
A furnace or establishment for the cremation of corpses, human and animal. A crematorium is never an accessory use.

b. *Use-Specific Standards*

i. All facilities shall be maintained within a completely enclosed building, and shall be sufficiently insulated so that, to the maximum extent feasible, no noise or odor can be detected off-premises.

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ii. Crematoria shall be located at least 200 feet from any residential use or zoning district.

7. **Homeless and Transient Shelter**

a. *Definition*

A facility designed to provide minimum necessities of life, including overnight accommodation, on a limited, short-term basis for individuals and families during periods of dislocation or emergency pending formulation of longer-term planning. Facility elements may include providing the physical care required, including shelter, food, and necessary medical and clothing needs, directly or by referral to appropriate agency; and planning for more permanent housing and employment, including contact with community resources.

8. **Library**

a. *Definition*

A facility for the use of literary, musical, artistic, and/or reference materials.

9. **Museum or Cultural Center**

a. *Definition*

A building or place serving as a repository for a collection of natural, scientific, cultural, historic, or literary curiosities or objects of interest, or works of art, or sites and buildings, and arranged, intended, and designed to be used by members of the public for viewing, and which may include demonstrations and teaching. This use includes planetariums.

10. **Neighborhood Recreation Center**

a. *Definition*

A facility providing recreation/pool facilities and/or meeting rooms, and typically oriented to the recreational needs of the residents of a particular neighborhood.

11. **Park and Open Space, Public or Private**

a. *Definition*

An area that is predominately open space, reserved for and designed to be used principally for active and/or passive recreation, and/or to serve ecological and aesthetic functions; any area designated as park by the assembly.

b. *Use-Specific Standards in the Anchorage Bowl*

i. ***Any master plan created for a municipal park shall be reviewed and approved as follows:***

(A) For all park master plan proposals, the parks and recreation commission shall hold a public meeting, which shall include the opportunity for oral public comments.

(B) Master plans for parks classified by the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* as natural resource use area (over 30 acres), special use area, or community use area shall be approved by the Planning and Zoning Commission.

(C) Master plans for parks classified by the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* as natural resource use area (30 acres or fewer) or neighborhood use area shall be approved administratively by the director.

ii. ***All development projects in municipal parks shall be reviewed and approved as follows:***

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(A) For all development projects in municipal parks, the parks and recreation commission shall hold a public meeting, which shall include the opportunity for oral public comments.

(B) All development projects costing more than $250,000 and in parks classified by the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* as natural resource use area (over 30 acres), special use area, or community use area shall be approved by major site plan review in accordance with 21.03.180C.

(C) All development projects costing $250,000 or less, and all development projects in parks classified by the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* as natural resource use area (30 acres or fewer) or neighborhood use area shall be approved by administrative site plan review in accordance with 21.03.180B. Trails that are reviewed under section 21.03.190, *Street and Trail Review*, are exempt from this administrative site plan review.

iii. All development projects in parks with approved master plans shall be consistent with the approved master plan.

c. ***Use-Specific Standards in Chugiak-Eagle River-Eklutna***

i. ***Any master plan created for a municipal park shall be reviewed and approved as follows***:

(A) For all park master plan proposals, the Eagle River-Chugiak parks and recreation board of supervisors shall hold a public meeting, which shall include the opportunity for oral public comments.

(B) Master plans for parks classified by the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-Chugiak-Eklutna"* as Community, Large Urban, or Regional Parks shall be approved by the Planning and Zoning Commission.

(C) Master plans for parks classified by the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-Chugiak-Eklutna"* as playlots, mini parks, vest pocket parks, or neighborhood parks shall be approved administratively by the director.

ii. ***All development projects in municipal parks shall be reviewed and approved as follows:***

(A) For all development projects in municipal parks, the Eagle River-Chugiak parks and recreation board of supervisors shall hold a public meeting, which shall include the opportunity for oral public comments.

(B) All development projects costing more than $250,000 and 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 shall be

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approved by major site plan review in accordance with 21.03.180C.

(C) All development projects costing $250,000 or less, and all development projects in parks classified by the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-Chugiak-Eklutna"* as playlots, mini parks, vest pocket parks, or neighborhood parks shall be approved by administrative site plan review in accordance with 21.03.180B. Trails that are reviewed under 21.03.190, *Street and Trail Review*, are exempt from this administrative site plan review.

iii. ***All development projects in parks with approved master plans shall be consistent with the approved master plan.***

d. *Use-Specific Standards in Turnagain Arm*

i. All master plans, and any development projects costing more than $250,000 in municipal parks identified in the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 3: "Turnagain Arm"* shall be approved by major site plan review in accordance with 21.03.180C.

ii. All development projects costing $250,000 or less in municipal parks identified in the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 3: "Turnagain Arm"* shall be approved by administrative site plan review in accordance with subsection 21.03.180B.

e. *Director's Discretion*

i. Notwithstanding the various requirements above, the director may require a park master plan or development project that would normally be approved administratively, to be approved by the appropriate commission if, in his or her judgment:

(A) The plan or project is likely to generate significant public interest;

(B) The project is a significant deviation from an approved master plan;

(C) The project will have a significant impact on neighboring uses; or

(D) The plan or project significantly increases the intensity of development of the park.

ii. Notwithstanding the various requirements above, the director may require a park master plan or development project that would normally be approved by a commission, to be approved administratively, if, in his or her judgment the project has minimal impacts on the existing situation, despite reaching the monetary threshold.

f. *General Provisions*

i. For the purposes of this subsection only, the term "development project" does not include the following unless the total project cost is over $250,000:

(A) Vegetation removal for public safety, natural resource protection and enhancement (such as invasive species removal and reforestation), ecosystem health, and/or general routine maintenance;

(B) Stream maintenance;

(C) Structure/equipment maintenance;

(D) Replacement of existing facilities;

(E) Upgrading equipment/facilities in such a manner that doesn't change the nature or intended use of the equipment/facility and doesn't increase its footprint.

ii. All park master plans and all development projects in parks in the municipality, regardless of the required approval process of this section, shall be posted on the municipal website.

12. **Religious Assembly**

a. ***Definition***

A building or structure, or group of buildings or structures, intended primarily for the conducting of organized religious services. Accessory uses may include, but are not limited to, parsonages, meeting rooms, and child care provided for persons while they are attending religious functions. Schools associated with religious assemblies are not an accessory use.

b. ***Use-Specific Standards***

i. ***Standards***

Religious assembly uses shall comply with the use-specific standards set forth above under "community center."

ii. ***Columbaria***

Columbaria, which are structures having recesses in the walls to receive urns containing ashes of the dead, or columbarium walls, are permitted accessory uses with religious assemblies.

iii. ***Maximum Height***

Except for those elements excepted in subsection 21.06.030D.6., a religious assembly may not exceed the height permitted in the zoning district in which it is located. However, in districts where the maximum height is less than 40 feet, the maximum height for a religious assembly may increase to 40 feet, so long as the building is set back from any point on the property line at least twice the maximum actual height.

13. **Zoo**

a. ***Definition***

An area, building, or structures that contain wild animals on exhibition for viewing by the public.

D. **Educational Facility**

This category includes any public and private school at the elementary, middle, junior high, or high school level. This category also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. This category also includes vocational or trade schools. Accessory uses at schools may include play areas, meeting areas, cafeterias, recreational and sport facilities, auditoriums, parking, and before- or after-school day care. Accessory uses at colleges may include offices, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and ancillary supporting commercial activities. Specific use types include:

1. **Boarding School**

a. ***Definition***

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A school where students are provided with on-site meals and lodging.

b. *Use-Specific Standard*
Boarding schools shall comply with the use-specific standards set forth below for "elementary school." Any associated dormitories shall comply with the use-specific standards for "dormitory" in section 21.05.070, *Accessory Uses and Structures.*

2. College or University
a. *Definition*
A degree-granting institution, other than a vocational or trade school, that provides education beyond the high school level. The use includes, but is not limited to, classroom buildings, offices, laboratories, lecture halls, athletic facilities, and dormitories. Colleges tend to be in campus-like settings or on multiple blocks.

b. *Use-Specific Standard*
In accordance with section 21.03.110, colleges or universities with an approved institutional master plan are exempt from the review and approval procedures required by table 21.05-1 for projects developed under the auspices of the approved institutional master plan.

3. Elementary or Middle School
a. *Definition*
A public, private, parochial, or charter school offering academic instruction during the majority of the days of the week for students typically between the kindergarten and eighth grade levels, but not higher than the ninth grade. This classification includes the terms "junior high school" and "intermediate school." Pre-schools that are associated and co-located with elementary, middle, or high schools are considered to be part of the elementary, middle, or high school. Pre-schools without such association and co-location are categorized in this Title as "child care facility."

b. *Use-Specific Standards (also apply to "Boarding School" and "High School")*
i. *Purpose*
The standards of this subsection are intended to ensure the compatibility of schools with surrounding neighborhoods and to minimize the impacts of school uses on adjacent properties.

ii. *Site Size*
Except where established site size criteria are approved by local or state governmental authority, minimum lot size in residential districts for schools with capacity of 100 or more students shall be one acre per 100 students.

iii. *Setbacks*
(A) In residential districts, setbacks for schools with capacity for 25 or more students shall be as follows:

(1) The front setback of the underlying district shall apply.

(2) Any structure or portion of structure equal to or less than 15 feet high and equal to or less than 50 feet in length shall be set back at least 15 feet from any side or rear lot line. Any portion of such structure longer than 50 feet in length shall be set back at least 20 feet from any side or rear lot line.

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(3) Any structure or portion of structure that is greater than 15 feet in height shall be set back at least 25 feet from any side or rear lot line.

(B) In nonresidential districts, the setbacks of the underlying district shall apply.

iv. *Outdoor Play Space for Elementary and Middle Schools*

(A) Elementary and middle schools with capacity for 50 or more students, where students remain for more than four consecutive hours, shall provide two square feet of outdoor open space play area for every one square foot of total combined classroom space.

(B) The minimum dimension of any required outdoor open space play area is 20 feet.

(C) If the school is in close proximity to a park with usable open space, the park may count as the required outdoor open space play area. The decision-making body shall determine whether the nearby park is appropriate in terms of play space and access, using the following conditions as a guide:

(1) The park is between an eighth and a quarter mile from the school.

(2) The school and park are not separated by a street of arterial classification or greater on the *Official Streets and Highways Plan*.

v. *Vehicle and Pedestrian Access*

(A) In all residential districts, all middle and high schools, and schools without an Anchorage school district attendance boundary shall have at least 100 feet of frontage on a collector or greater classification street, if such schools have capacity of 100 or more students.

(B) In all districts, all schools with capacity for 100 or more students shall provide adequate on-site student pick-up and drop-off area to the satisfaction of the decision-making body.

(C) Paved pedestrian walkways and trails, exclusive of driveways, shall be provided between the principal buildings and each abutting public right-of-way or trail.

vi. *Temporary Structures for School Expansion Space (Relocatables)*

Temporary structures serving as expansion space for schools are allowed in all districts in which schools are allowed, subject to the following standards:

(A) Temporary structures shall not be placed in traffic circulation routes, in required parking, or in required landscaping areas.

(B) The temporary structures are exempt from the general requirements for all temporary uses contained in section 21.05.080, *Temporary Uses and Structures*.

(C) The decision-making body may grant relief from these standards on a case-by-case basis

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vii. *Landscaping*
L2 visual enhancement landscaping is required along all property lines where the school site abuts a residential use in a residential zone

4. **High School**
   a. *Definition*
   A public, private, parochial, or charter school offering academic instruction for students typically in the ninth through twelfth grades, but may include lower grades.

   b. *Use-Specific Standards*
   High schools shall comply with the applicable use-specific standards set forth for "elementary or middle school" above.

5. **Instructional Services**
   a. *Definition*
   A specialized instructional establishment that provides on-site training of business, artistic, or commercial skills. Examples include, but are not limited to, driving schools for personal vehicles, fine arts schools, dance, music, and computer instructional services. This use does not include establishments that teach skills that prepare students for jobs in a trade (e.g., carpentry), which are classified under "vocational or trade schools."

6. **Vocational or Trade School**
   a. *Definition*
   A secondary or higher education facility teaching skills that prepare students for jobs in a trade to be pursued as an occupation, such as carpentry, welding, heavy equipment operation, piloting boats or aircraft, repair and service of appliances, motor vehicles, boats, aircraft, light or heavy equipment, and computer repair. Incidental instructional services in conjunction with another primary use shall not be considered a vocational or trade school.

   b. *Use-Specific Standard*
   This use excludes establishments providing training in an activity that is not otherwise permitted in the zoning district.

E. **Health Care Facilities**

This category includes uses that provide medical or surgical care to patients. Accessory uses may include offices, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, and housing for staff or trainees. Specific uses types include:

1. **Health Services**
   a. *Definition*
   Establishments primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, surgical, or other services to individuals, including the offices of chiropractors, physicians, dentists, and other licensed medical practitioners, medical and dental laboratories, outpatient care and outpatient care facilities, dispensaries, home health care agencies, and blood banks.

   b. *Use-Specific Standard*
   Applicable health service establishments shall comply with the medical facility accessible parking requirements; see subsection 21.07.090J.4.

2. **Hospital/Health Care Facility**
   a. *Definition*
   A facility or institution, whether public or private, principally engaged in providing inpatient services for medical, surgical, or psychiatric care, and the treatment and housing of persons under the care of doctors and nurses. Examples include general or specialty hospitals, but exclude habilitative care facilities, assisted

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living facilities, and nursing facilities. Training, rehabilitation services, and health services may be permitted as accessory uses, if integral to the facility's function. Other accessory uses may include pharmacies and central services facilities, such as kitchens and laboratories which serve the health care facility.

b. *Use-Specific Standards*

i. *Minimum Lot Size*

Unless otherwise authorized by the Planning and Zoning Commission, the minimum lot size for a hospital/health care facility shall be as follows:

(A) Six to 10 beds: 21,780 square feet.

(B) Eleven to 20 beds: 43,560 square feet.

(C) Every 10 beds (or fraction thereof) over 20 beds: 21,780 square feet.

ii. *Vegetated Open Space*

A minimum of 5 percent of the lot shall remain as a planted open area, landscaped area, natural vegetation area, or usable yard, to exclude buildings, driveways, parking lots, sidewalks, etc., unless the director determines that retention of less than 5 percent of the lot as open area, etc., allows for sufficient buffering of adjacent uses.

iii. *Landscaping Buffer*

L2 site enhancement landscaping shall be provided along all lot lines adjacent to a residential district.

iv. *Institutional Master Plan*

In accordance with section 21.03.110, hospitals with an approved institutional master plan are exempt from the review and approval procedures required by table 21.05-2 for projects developed under the auspices of the approved institutional master plan.

v. *Accessible Parking*

Hospital/health care facilities shall comply with the medical facility accessible parking requirements of subsection 21.07.090J.4.

3. Nursing Facility

a. *Definition*

A facility providing housing and nursing care for aged or chronically or incurably ill persons who are unable to function independently or with only limited assistance.

b. *Use-Specific Standards*

i. Nursing facilities allowed by right or by site plan review shall comply with the use-specific standards set forth for "adult care facilities with nine or more persons" above.

ii. Nursing facilities shall comply with the medical facility accessible parking requirements of subsection 21.07.090J.4.

F. Public Safety Facility

This category includes buildings, storage areas, and other facilities for the public safety operations of local, state, or federal government. Accessory uses may include maintenance, storage, fueling facilities, satellite offices, holding cells, and parking lots. Specific use types include:

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1. **Community or Police Substation**
   a. *Definition*
   A subsidiary community services or police station providing public services primarily intended for the immediate geographic area in which the station is located.

   b. *Use-Specific Standard*
   In residential districts, community or police substations shall be no larger than 3,500 square feet in gross floor area, and shall be architecturally compatible with the surrounding residential neighborhood in terms of building and roofing design and materials and lot placement.

2. **Correctional Institution**
   a. *Definition*
   A facility, other than a correctional community residential center, providing for the imprisonment or physical confinement of prisoners under guard or 24-hour physical supervision, such as prisons, prison farms, jails, reformatories, penitentiaries, houses of detention, detention centers, honor camps, and similar facilities.

   b. *Use-Specific Standards*
      i. *Traffic Access*
      A site more than one-half acre in size shall provide for direct access from a street of collector or greater capacity.

      ii. *Screening or Buffering*
      The Planning and Zoning Commission may require fencing and landscaping.

3. **Fire Station**
   a. *Definition*
   A station housing fire and rescue personnel including indoor and outdoor space for administrative offices, storage of equipment, and associated vehicles and servicing facilities.

4. **Public Safety Facility**
   a. *Definition*
   A facility operated by a government agency for the purpose of providing public safety and emergency services, training for public safety and emergency personnel, and related administrative and support services. Examples include, but are not limited to, a police station, an emergency operations center, or a fire or police training center.

G. **Transportation Facility**

This category includes facilities that receive and discharge passengers and freight. Accessory uses may include freight handling areas, concessions, offices, parking and maintenance, and fueling facilities. Specific use types include:

1. **Airport**
   a. *Definition*
   A publicly owned area of land or water that is used or intended for use for the landing and take-off of aircraft, and includes its buildings and facilities, if any.

2. **Airstrip, Private**
   a. *Definition*
   Privately owned land or water maintained as a runway for fixed-wing aircraft.

   b. *Use-Specific Standard*

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Private airstrips are allowed conditionally in residential districts only if approach and noise buffer areas are provided.

3. **Heliport**

a. *Definition*

An area designed to be used for the landing or takeoff of helicopters, which may include all necessary passenger and cargo facilities, fueling, and emergency service facilities.

b. *Use Specific Standards*

i. Heliports are not accessory uses unless they are accessory to an airport or hospital. A heliport associated with a principal use other than an airport shall be considered an additional principal use on the property and shall meet these use-specific standards.

ii. Applications for heliports shall be accompanied by a determination letter from the Federal Aviation Administration.

iii. In addition to the conditional use approval criteria at subsection 21.03.080C., the Planning and Zoning Commission shall consider the following issues when reviewing a conditional use application for a heliport, in order to minimize impacts of a heliport on nearby uses:

(A) Proximity to residential zoning districts, schools, and parks

(B) Arrival and departure, as established by the FAA.

(C) Hours of operation and projected number of takeoffs and landings.

4. **Rail Yard**

a. *Definition*

Lands reserved for typical railroad activities including, but not limited to, repair, maintenance, and servicing of rolling stock and railroad support equipment; fueling; inventory of equipment, tools, parts, and supplies in support of railroad activities; loading/unloading and transfer of freight; switching and classifying rail cars in support of train operations and intermodal activities; storage of rail cars and equipment supporting railroad activities; and crew operations, training, and other administrative support functions in support of railroad activities.

5. **Railroad Freight Terminal**

a. *Definition*

A rail facility for the loading and unloading of goods, merchandise, substances, materials, and commodities.

6. **Railroad Passenger Terminal**

a. *Definition*

A railroad facility for the boarding of passengers, but not including freight terminal operations. Accessory uses may include ticketing sales and offices, restaurants, and stores.

7. **Transit Center**

a. *Definition*

Any premises, located at the confluence of multiple established routes (of the same or different types of transit), for the loading and unloading of passengers on public transit. Accessory uses may include ticket purchase facilities, food and beverage kiosks, and convenience stores.

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H. **Utility Facility**

This category includes major utilities, which are infrastructure services providing regional or community-wide service, and minor utilities, which are infrastructure services that need to be located in or near the neighborhood where the service is provided. Services may be publicly or privately provided. Accessory uses may include parking and control, monitoring, or data transmission equipment. Specific uses types include:

1. **Utility Facility**
   a. ***Definition***
   A service of a regional nature that normally entails the construction of new buildings or structures, and that typically has employees at the site. Examples include water works, water or sewage treatment plants, power or heating plants, or steam generating plants.

2. **Utility Substation**
   a. ***Definition***
   A service that is necessary to support development within the immediate vicinity, and is typically not staffed. Examples include, but are not limited to, electric transformer stations; gas regulator stations; water reservoirs; telephone exchange facilities; and water and sewage collection or pumping stations.

   b. ***Use-Specific Standard***
   The facility shall be designed and constructed to ensure visual and aesthetic compatibility with the surrounding neighborhood. Compatibility may be achieved either by using similar architectural design and materials as building(s) in the surrounding neighborhood, or by screening the facility with L3 buffer landscaping.

I. **Telecommunication Facilities**

Telecommunication facilities transmit signals between or among points using electromagnetic waves. The facilities may include towers, antennas, buildings, transformers, transmitters, receivers, equipment cabinets, and parking lots.

1. **Definitions**
   a. ***Type 1 Tower***
   A freestanding vertical support structure of cylindrical, conical, or rectangular cross section constructed of composite, wood, concrete, or metal employed primarily for the purpose of supporting an antenna array and commonly called a monopole.

   b. ***Type 2 Tower***
   A freestanding vertical support structure of open frame skeletal design employed primarily for the purpose of supporting an antenna array and commonly called a lattice tower. This tower type includes lateral arrays.

   c. ***Type 3 Tower***
   A guyed vertical support structure of open frame, skeletal design, or solid pole design employed primarily for the purpose of supporting an antenna array and commonly called a guyed tower.

   d. ***Type 4 Tower***
   A support structure, such as an existing building, steeple, spire, or utility pole that is not a type 1, 2, or 3 and is used for supporting a disguised, camouflaged, or hidden antenna array so that its principal or secondary function as an antenna and antenna support structure is imperceptible to an uneducated eye. The antennas are mounted on the support structure so that they are located and designed to minimize visual and aesthetic impacts to surrounding land uses and structures and shall, to the greatest extent practical, blend into the existing

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environment. This definition shall include any antenna or antenna array complying with the objective of definition whether it is mounted on tower structure or not.

2. **Use-Specific Standards**

a. ***Setbacks***

i. The minimum distance from any lot line to the vertical axis of the tower structure shall be as follows:

(A) Types 1: equal to or greater than the setbacks of the underlying zoning district.

(B) Type 2: equal to or greater than the distance measured from grade to the first taper transition.

(C) Type 3: equal to or greater than the distance measured from the tower structure axis to the outermost guy wire anchor. The guy wire levels and anchor radius must match manufacturer's criteria for the proposed application.

(D) Type 4: none.

ii. That portion of guy wire anchor structure that is above grade shall be set back from any property line in accordance with the following:

(A) Guy wire with a nominal diameter of 0.25 inches or less--25 feet, provided the setback may be reduced to 0 feet if the anchor structure is enclosed within a sight obscuring fence.

(B) Guy wire with a nominal diameter greater than 0.25 inches but less than 0.625 inches--25 feet, provided the setback may be reduced to five feet if the anchor structure is enclosed within a sight obscuring fence.

(C) Guy wire with a nominal diameter equal to or greater than 0.625 inches--25 feet.

b. ***Minimum Separation Distance From Protected Land Uses***

i. The minimum separation distance between the base of the tower and any principal structure on PLI or residentially-zoned land, or any school or licensed child care center, shall be two times the allowable tower height.

ii. After giving due consideration to the comments of the applicant, the property owner, and the local community council, the director may reduce or eliminate the minimum separation distance set forth in the paragraph b.i. above.

c. ***Tower Structure Height***

i. Height for a tower structure directly fixed to the ground shall be determined by measurement from grade to the highest point on the tower structure, including any installed antennas and lighting and supporting structures.

ii. Height for a tower structure not directly affixed to the ground shall be determined by measurement from the grade of the building to the highest point on the tower structure, including any installed antennas and lighting and supporting structures. At no time shall the height of a tower installed on a building as measured from grade to the highest point on the tower

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structure as set forth above exceed the height of the building multiplied by two or the base height, whichever is greater. Tower structures shall not exceed the height limits set forth in subsection 21.04.060C. of this Title nor interfere with Federal Aviation Administration Regulations on airport approaches.

iii. Base height shall be as set forth below:

(A) Residential districts--65 feet

(B) Commercial and Mixed-Use districts--130 feet

(C) Industrial districts--150 feet

(D) AF district--200 feet

(E) All other districts--100 feet

iv. Co-location shall grant an additional 15 feet above the base height for each qualifying antenna to a maximum of 30 feet of additional height. Increases in tower structure height by operation of this paragraph shall not reclassify a tower structure from a local interest tower to a community interest tower.

d. ***Residential Zoning Districts, RO District, and AF District***

i. In all residential districts and in the RO district, *type 1 and 3 towers*, antennas without tower structures, and type 4 tower structures and antennas are permitted as a secondary and subordinate use with a permitted nonresidential use.

ii. In the R-3, R-4, R-4A, R-5, and RO districts, type 1 and 3 towers, antennas without tower structures, and type 4 tower structures are also permitted as a secondary and subordinate use with a residential use of six dwelling units or more.

iii. In the AF district, three towers per lot are permitted. More than three towers per lot require conditional use approval.

e. ***Notice of Site Selection and Site Plan Review***

i. ***B-1A and Watershed Zoning Districts***

(A) Prior to issuance of a building or land use permit for a type 1, 2, and 3 tower structures within B-1A and W zoning districts, property owners of residential-zoned land within 500 feet of the selected tower site and the local community council shall be notified in writing of the issuance of a building or land use permit. The effective date of the permit shall be no earlier than 30 days after the date of mailing of the notification.

(B) A decision to issue a building or land use permit is final unless appealed within the 30 day notice period to the Planning and Zoning Commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the outer boundary of the tower site. In the event of appeal, the Planning and Zoning Commission shall hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the Planning and Zoning Commission may be brought in accordance with section 21.03.050A.

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ii. *PLI and Residential Districts*
All type 1, 2, and 3 tower structures within a residential district, as allowed by table 21.05-1, or PLI district shall be subject to a site plan review as set forth in this section, except when a conditional use permit is required.

iii. *Other Zoning Districts*
All zoning districts not referenced in e.i. or e.ii. above are exempt from the notification requirements, the minimum separation distances from protected land uses, and the site plan review requirements set forth in this chapter.

f. *Co-location*

i. The co-location tower structure, pole, monopole or any other similar facility, must be designed to accommodate no less than the following communications equipment: 12 antennas with a flat plate wind loading of not less than four square feet per antenna; a standard mounting structure, stand off arms, platform or other similar structure that is sufficient to hold the antennas; cable ports at the base and antenna levels of the tower structure; and, sufficient room within or on the tower structure for 12 runs of 7/8" coaxial cable from the base of the tower structure to the antennas.

ii. Applicants for co-location shall provide proof in a form found acceptable to the municipal attorney that more than one service provider *is using* the co-location facility.

iii. All community and local interest towers shall, for a reasonable compensation, be made available for use by as many other licensed carriers as can be technically co-located thereon when the use will not result in substantial injury to the owner, or in substantial detriment to the service to the customers of the owners. All licensed carriers shall cooperate with each other in co-locating additional facilities upon such towers. All licensed carriers shall exercise good faith in co-locating with other licensed carriers and in the sharing of towers, including the sharing of technical information to evaluate the feasibility of co-location.

g. *General Standards*

i. *Installation*
All transmitting antennas shall be installed in a manner as set forth by the manufacturer and by the Federal Communications Commission *(FCC)* as meeting the current American National Standards Institute (ANSI) standard for non-ionizing electromagnetic radiation (NIER).

ii. *Tower Lighting*
Tower structures shall not be lighted unless the Federal Aviation Administration requires or recommends that obstruction lighting be installed. To prevent direct light reflection on other property, tower structure lighting shall be shielded to the extent permitted by the Federal Aviation Administration.

iii. *Tower Color*
The tower structure and any other structure(s) directly related to the operation of any antenna mounted on the tower structure shall be neutral in color and, to the extent possible, shall be compatible with the appearance and character of the neighborhood or location unless obstruction marking is required by the Federal Aviation Administration.

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iv. *Notice and Interference*
An operator proposing to install or modify an antenna shall provide notice to all property owners within 500 feet of the date of activation of the new or modified antenna. Within 90 days of activation the antenna, the operator shall resolve all reported occurrences of interference.

v. *Identification Placard*
An identification placard shall be attached to the tower structure or the security fencing in a location clearly visible at eye level. The placard shall provide the following information:

(A) The name and address of the tower structure owner;

(B) The name and address of the tower structure manager, if different from the owner;

(C) The date of erection of the tower structure; and

(D) The owner's name and address of each antenna on the tower structure.

h. *Administrative Permit Required*
An administrative permit shall be obtained from the director. The application shall identify the antenna(s) on the tower, the legal description of the site, its zoning and its street address, if any. This permit shall certify that, when granted, the antenna, or tower structure was in compliance with this section. This permit shall remain valid so long as that antenna or tower structure remains in continuous operation or is revoked according to this Title.

i. *Administrative Permit Revocation*

i. Unless cured, an administrative tower permit shall be revoked after notice and the opportunity to cure, for any of the following:

(A) Construction, maintenance, and/or operation of a tower at an unauthorized location;

(B) Construction or operation of a tower in violation of any of the terms and conditions of this chapter or the conditions attached to the permit;

(C) Material misrepresentation by or on behalf of an applicant or permittee in any application or written statement upon which the administrative official substantially relies in making the decision to grant, review, or amend any permit pursuant to this section and which materially changes the application of the standards of approval of the permit;

(D) Abandonment of a tower as set forth in this section; or

(E) Failure to relocate or remove facilities as required in this section.

ii. After having a tower permit revoked, no tower shall be re-permitted for that property or by that tower owner on any property within the municipality for a period of one year except through a conditional use permit. This subsection shall apply only with respect to community and local interest tower revocations pursuant to this Title after the effective date of this ordinance.

j. *Annual Inventory*

By January 31 of each year, each tower owner who is regulated by this section shall provide the municipality with an inventory of all additions and deletions of said provider's existing towers or approved sites for such facilities that are within the municipality or within one mile of the border thereof as of December 31 of the previous year. The first inventory from each provider shall be a comprehensive current list of their existing towers and approved sites.

k. *Time Period for Construction*
Construction of a tower shall commence within one year from the date of the permit's approval, with opportunity for a six-month extension. If not used within one year, or within the extension period, the permit shall become null and void.

l. *Administrative Site Plan Review*

i. *Applicability*
When an administrative site plan is required by tables 21.05-1 or 21.05-2, this subsection shall apply. A site plan review is required of all such towers since they have aesthetic and visual impacts on their neighbors, and the public interest is best served by allowing these neighbors and the public at large a chance to comment on and provide input concerning the location and design of these towers. All such towers shall conform to the requirements of this section and to the requirements of the zoning district in which the tower is located.

ii. *General*

(A) In approving a site plan, the director may impose conditions to the extent that he or she concludes are necessary to minimize any adverse effect of the proposed tower structure, including all associated structures and landscaping, on adjoining properties.

(B) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

iii. *Submittal Information*
Applicants for an administrative site plan review for a tower structure shall submit the information required in the Users' Guide.

iv. *Public Participation Process*
Notwithstanding table 21.03-1, at least 35 days before acting on a tower site plan application under this section, the director shall publish notice of the application in a newspaper of general circulation in the municipality. The notice shall state the name(s) of the applicant(s), a clear and concise description of the project, the street address, if any, and the legal description of the land subject to the application. The notice, including a map of the vicinity, shall also be provided to any officially recognized community council whose boundary encompasses the tower site and to owners of property within 500 feet of the proposed site. The applicant shall reimburse the municipality for the expense of advertising and mailing such notice. The applicant shall also post the property with a notice pursuant to subsection 21.03.020H.5. Following notice of the site plan, the community council has 35 days from the date of the letter to respond.

v. *Approval Period*
The director shall take action on the site plan within 50 days of the site plan application submittal. Upon action, the applicant will mail to all addressees on the original notice list, the written action of the director. The applicant shall document their public process including a list of who

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was notified, with what, and when as part of their permit application process.

vi. *Factors Considered In Granting Site Plan Approval For Tower Structures*
In addition to the general standards for site plan approval at subsection 21.03. 180E., the director shall also consider the factors for conditional uses for tower structures in subsection p.iii. below.

vii. *Appeals*
Notwithstanding section 21.03.050, a decision of the director under the authority set forth in this subsection is final unless appealed within 15 days to the Planning and Zoning Commission. An appeal may be filed by the applicant or by a petition of at least one-third of the owners (excluding rights-of-way) of the privately owned land within 500 feet of the tower site. In the event of appeal, the Planning and Zoning Commission shall hold a public hearing at its next available meeting and apply the standards of this section. An appeal from a decision of the Planning and Zoning Commission may be brought in Superior Court.

m. *Qualification of Type 4 Tower Structure and Antenna*
Each type 4 tower structure and antenna shall be qualified as meeting the design standard by the Planning and Zoning Commission. A proponent of a type 4 tower structure and antenna design shall provide the commission with evidence in the form of construction drawings, photographs, renderings, or other data sufficient for the commission to find the design standard is satisfied. At completion of the construction of the first tower structure and antenna under a newly qualified design, it shall be reviewed by the commission to confirm the installation complies with the design standards. If the installation fails to comply, subsequent tower structure and antenna design and installation shall be amended or redesigned as directed by the commission.

n. *Community Interest and Local Interest Towers*
Community interest and local interest towers as a permitted principal use shall be subject to the following:

i. *Parking*
Off-street parking space is not required, however if it is provided, parking spaces may be shared with other principal uses on the site. The parking spaces shall be paved with concrete or asphalt compound or shall be covered with a layer of crushed rock of no more than one inch in diameter to a minimum depth of three inches. Parking space illumination shall be provided only to extent that the area is illuminated when the parking space is in use. The illumination shall be the lowest possible intensity level to provide parking space lighting for safe working conditions.

ii. *Security*
The tower structure and support structures shall be secured to prevent unauthorized access.

iii. *Separation Distance*
If any community interest tower on a site exceeds 200 feet in height, the tower site shall be separated from any other principal or conditional use community interest or local interest tower site with tower(s) exceeding 200 feet in height by at least 5,280 feet (one mile)

o. *Abandonment*

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Any antenna or tower structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower structure shall remove the same within 180 days of receipt of notice from the director notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower structure within said 180 days shall be grounds for the municipality to remove the tower structure or antenna at the owner's expense. If there are two or more users of a single tower structure, then this provision shall not become effective until all users cease using the tower structure.

p. *Conditional Use Standards*

i. *General and Applicability of Conditional Use Requirement*

The following provisions shall govern the issuance of conditional use permits for tower structures or antennas by the Planning and Zoning Commission:

(A) If the community interest or local interest tower or antenna fails to meet the conditions of subsections 2.a. through 2.c and/or 2.e. through 2.o. above, then a conditional use permit shall be required for the construction of a tower structure or the placement of an antenna.

(B) Applications for conditional use permits under this section shall be subject to the conditional use procedures and general standards, except as modified in this section.

(C) In granting a conditional use permit, the Planning and Zoning Commission may impose conditions to the extent the commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower structure or antenna on adjoining properties.

(D) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

ii. *Submittal Information*

Applicants for conditional use for a tower structure shall submit the information required in the Users' Guide and a non-refundable fee to reimburse the municipality for the costs of reviewing the application.

iii. *Factors Considered in Granting Conditional Use Permits for Antennas and Tower Structures:*

In addition to the general standards for a conditional use in subsection 21.03.080C., the Planning and Zoning Commission shall consider the following factors in determining whether to issue a conditional use permit, although the commission may waive or reduce the burden on the applicant of one or more of these criteria if the commission concludes that the goals of this ordinance are better served thereby:

(A) Height of the proposed tower structure;

(B) Proximity of the tower structure to residential structures and residential district boundaries;

(C) Nature of uses on adjacent and nearby properties;

(D) Surrounding topography;

(E) Surrounding tree coverage and foliage;

(F) Design of the tower structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(G) Proposed ingress and egress; and

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(H) Availability of suitable existing tower structures, other structures, or alternative technologies not requiring the use of tower structures or structures.

iv. ***Availability of Suitable Existing Tower Structures, Other Structures, or Alternative Technology***

No new tower structure shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning and Zoning Commission that no existing tower structure, structure, or alternative technology that does not require the use of tower structures, or alternative technology can accommodate or replace the applicant's proposed antenna. An applicant shall submit any additional information requested by the Planning and Zoning Commission related to the availability of suitable existing tower structures, other structures, or alternative technology. Evidence submitted to demonstrate that no existing tower structure, structure, or alternative technology can accommodate the applicant's proposed antenna will consist of the following:

(A) No existing tower structures or structures are located within the geographic area which meet applicant's engineering requirements.

(B) Existing tower structures or structures are not of sufficient height to meet applicant's engineering requirements.

(C) Existing tower structures or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(D) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing tower structures or structures, or the antenna on the existing tower structures or structures would cause interference with the applicant's proposed antenna.

(E) The fees, costs, or contractual provisions required by the owner in order to share an existing tower structure or structure or to adapt an existing tower structure or structure for sharing are unreasonable. Costs exceeding new tower structure development are presumed to be unreasonable.

(F) The applicant demonstrates that there are other limiting factors that render existing tower structures and structures unsuitable.

(G) The applicant demonstrates that an alternative technology that does not require the use of tower structures or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower structure or antenna development shall not be presumed to render the technology unsuitable.

q. ***Standards for modifications to community interest and local interest towers allowed as a conditional use are as follows:***

i. ***Repairs Modifications***

(H) and maintenance to the tower structure may be performed consistent with subsection 21.12.040F.

(I) The replacement, repair or addition of antennas, dishes and other transmitting or receiving devices to a tower shall not be considered a modification of final approval as set forth in

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subsection 21.03.080D. and shall be considered a use contemplated within the original approved or de facto conditional use where the replacement, repair, or addition of antennas, dishes, and other transmitting or receiving devices:

(1) Will serve the same user or successor entity under the original conditional use;

(2) Will serve the same general purpose as was served under the original conditional use;

(3) Is consistent with the original conditional use.

r. *Amateur Radio Stations And Receive Only Antennas*

i. **Amateur radio stations are exempt from the location, tower type, and height limitations contained in this Title provided:**

(J) The antenna and tower structure are part of a federally-licensed amateur radio station; and

(K) In residential zoning districts there is no use of the tower structure by a third party commercial antenna operator.

v. **The following are exempt from this Title:**

(A) Installation and use of antenna(s) for use by a dwelling unit occupant for personal, home occupation, or utility telemetry purposes, or by an electric or gas utility on an existing power pole or cabinet to monitor or control equipment thereon; and

(B) Noncommercial receive only antennas.

vi. Notwithstanding the above, any antenna or tower structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower structure shall remove the same within 180 days of receipt of notice from the director notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower structure within said 180 days shall be grounds for the municipality to remove the tower structure or antenna at the owner's expense.

vii. Any antenna or tower structure erected under this subsection 2.n. shall not exceed the height limits set forth in subsection 21.04.080C. nor interfere with Federal Aviation Administration Regulations on airport approaches.

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21.05.050 COMMERCIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS

This section defines the general commercial use categories and specific commercial use types listed in Table 21.05-1. The uses may either be commercial or have impacts common to commercial uses. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to a site plan review process, or subject to the conditional use process.

A. Agricultural

This category includes activities that primarily involve producing or keeping plants on a commercial basis. Accessory uses may include dwellings for proprietors and employees, barns, storage, and sales of products produced on-site. Specific use types include:

1. Commercial Horticulture

a. *Definition*

An establishment engaged in the growth and sale of vegetables, produce, fruit crops, vines, shrubs, trees (including Christmas trees), sod, and nursery plants, conducted within or outside an enclosed building. This use includes, but is not limited to, crop farms, orchards, groves, tree plantations, commercial greenhouses, nurseries, and a temporary stand for the sale of products grown on the premises.

B. Animal Uses

This category includes uses that involve the selling, boarding, training, or care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas. Specific use types include:

1. Animal Shelter

a. *Definition*

A facility used to house or contain stray, homeless, abandoned, or unwanted animals and that is owned, operated, or maintained by a public or nonprofit organization devoted to the welfare, protection, and humane treatment of animals. This term shall not include residences where animals are fostered while awaiting adoption.

b. Use-Specific Standards (also apply to "Retail and Pet Services", "Kennel, Commercial", and "Veterinary Clinic")

i. General Standards when Use is within 100 Feet of a Residential District

All facilities, including all treatment rooms, cages, pens, kennels, and training rooms, shall be maintained within a completely enclosed building. Areas for the care of large animals that are associated with veterinary clinics are exempt from this requirement, but shall meet the setback standards of subsection 21.05.050B.3.b.iv.

ii. Standards When Use is Not within 100 Feet of a Residential District

Outdoor runs shall be located on site and shall be screened from the view of all adjacent streets and properties by fencing or vegetation.

iii. ***Waste Management***

Waste shall be managed in accordance with AMC section 15.20.020.

2. Kennel, Commercial

a. *Definition*

A commercial establishment where small domestic animals, such as dogs and cats, are boarded. This use includes animal daycare.

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b. *Use-Specific Standard*

Commercial kennels shall comply with the use-specific standards above for "animal shelter."

3. **Large Domestic Animal Facility, Principal Use**

a. *Definition*

An establishment for keeping, harboring, riding, boarding, stabling, training, exercising, breeding, or related use of four or more large domestic animals, and the associated structure(s) such as a paddock or stable. Includes riding stable facilities for the care and exercise of horses and related equestrian activities. Such establishment may be a commercial establishment or may be in conjunction with a residence but exceed the incidental and subordinate nature of an accessory use.

b. *Use-Specific Standards*

i. *Access*

Traffic access shall be from a street constructed to standards found by the traffic engineer to be appropriate to the intensity of the use proposed.

ii. *Lot Coverage*

Lot coverage shall be that of the underlying zoning district except that the Planning and Zoning Commission may allow up to 10 percent additional lot coverage above the maximum allowed in the district.

iii. *Adjacent Lots*

Adjacent lots may be used in square footage calculations for site size only. If the adjacent lots are not under single ownership, the lot owners shall submit a recorded joint usage agreement for review and approval by the director. In such cases, setback requirements shall not apply to the common interior lot lines and a primary use need not be located on the adjacent lot.

iv. *Setbacks*

Notwithstanding the setbacks of the underlying zoning district, covered structures associated with a large domestic animal facility, such as a stable or barn, shall be set back at least 25 feet from any abutting lot line, not including interior lot lines between lots in common ownership. Uncovered enclosures shall meet one of the following setback options:

(A) Seventy-five feet from residences existing on February 28, 2006, not including any residence in common ownership with the large domestic animal facility; or

(B) Ten feet from any abutting lot line, not including interior lot lines between lots in common ownership, if the separation area is vegetated with L3 buffer landscaping.

v. *Fences*

Barbed wire shall not be used for fencing of any large domestic animal facilities.

vi. *Other Requirements*

Large domestic animal facilities shall:

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(A) Meet the requirements of AMC chapter 15.20 regarding animal waste, AMC subsection 15.55.060B. concerning separation requirements from water supply wells, and section 21.07.020 concerning stream protection setbacks;

(B) Obtain an animal control facility license;

(C) Obtain certification of compliance with a state of Alaska, Anchorage soil and water conservation district conservation plan, or obtain a letter from the district showing demonstrated intent to come into compliance with a conservation plan within one year; and

(D) Comply with licensing and other laws concerning the keeping of animals as set forth in AMC Titles 15, 17, and 21.

vii. ***Additional Conditions***
The Planning and Zoning Commission may impose additional conditions upon a conditional use permit that are found necessary to protect any person or neighboring use from unsanitary conditions or unreasonable noise or odors, or to protect the public health and safety.

C. Entertainment and Recreation

This category includes uses that provide continuous recreation or entertainment activities, outdoors or indoors. Accessory uses may include concessions, snack bars, parking, and maintenance facilities. Specific use types include:

1. Club/Lodge/Meeting Hall

a. ***Definition***
An establishment owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose, to which membership may be required for participation.

b. ***Use-Specific Standard***
Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

2. Entertainment Facility, Major

a. ***Definition***
Major entertainment facilities uses are designed to accommodate activities that generally draw 501 persons or more to specific events or shows. Activities are generally of a spectator nature. Examples include amphitheaters, performing arts centers, stadiums, sports arenas, coliseums, auditoriums, and fairgrounds. Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.

b. ***Use-Specific Standard***
Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

3. General Outdoor Recreation, Commercial

a. ***Definition***
Developed recreational uses such as amusement parks, miniature golf courses, dog mushing tracks, golf driving ranges, batting cages, skateboard or skate parks or courses, bicycle motocross courses, water parks or slides, drive-in movie theaters, courses for paramilitary games, and archery facilities.

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b. *Use-Specific Standard*
L3 buffer landscaping shall be provided wherever this use is adjacent to a residential district.

4. Golf Course

a. *Definition*
A tract of land laid out with a course having nine or more holes for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restrooms, or similar accessory uses or structures. This term shall not include housing or miniature golf courses as a principal or accessory use, nor shall it include driving ranges that are not accessory to a golf course.

5. Motorized Sports Facility

a. *Definition*
A facility for the racing of motorcycles, snow machines, race cars, or other motorized vehicles.

b. *Use-Specific Standards*

i. **Special Land Use Permit for Alcohol**
Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

ii. *Hours of Operation*
The maximum hours of operation shall be from 8:00 a.m. to 10:00 p.m. Monday through Saturday, and from 12:00 p.m. to 10:00 p.m. on Sunday.

iii. *Additional Site Plan Requirements*
In all districts, as part of the site plan application, the applicant shall comply with the following requirements:

(A) If the projected or actual noise level exceeds the standards set at AMC section 15.70.080A., a noise analysis shall be prepared identifying noise mitigation measures.

(B) The applicant shall prepare an operation plan to monitor and enforce:

(1) Prohibition on consumption of alcoholic beverage on the premises; and

(2) Mandatory transportation of racing machines to the site.

(C) The applicant shall submit a dust and litter control plan and describe the methods to be used to collect trash on the site.

(D) The applicant shall identify one or more individuals who shall be responsible for enforcement of the noise, operation, and dust and litter control plans developed pursuant to this subsection.

iv. *Dimensional Standards*
Notwithstanding the general dimensional standards of chapter 21.06.

(A) The Planning and Zoning Commission may designate minimum setback areas around the perimeter of the site as it deems necessary to minimize glare and noise impact on adjacent uses,

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to separate incompatible uses, and to restrict casual access to the site.

(B) The maximum height of structures shall be 35 feet.

v. *Site Location, Development, and Operation*

(A) No motorized facility shall be located within 500 feet of any residential or mixed-use district.

(B) Public sanitation facilities (restrooms) shall be provided on-site and operated in a manner consistent with AMC section 15.20.020.

vi. *I-1 District Standard*

Motorized sports facilities are conditionally allowed in the I-1 district on parcels with a minimum of 5 acres.

6. Movie Theater

a. *Definition*

An indoor theater for showing motion pictures.

7. Shooting Range, Outdoor

a. *Definition*

An establishment engaged in the use of land for discharging of firearms for target practice, skeet, and trap shooting.

b. *Use-Specific Standards*

i. *Intent*

The intent of the following standards for shooting ranges is primarily safety and buffering for adjacent neighborhoods.

ii. *Setbacks*

All shooting areas shall be set back a minimum distance of 100 feet from any public right-of-way. Buildings located behind the firing line are allowed to be located to the normal zone setback.

iii. *Site Size*

The minimum site size shall be 20 acres.

iv. *Shooting Area*

The backstop must be an earth mound or dugout of sufficient dimension to stop projectiles. Casual access into the line of fire shall be prevented through fencing or some equally effective equivalent.

v. *On-Site Uses*

An accessory retail store, snack shop, ammunition storage, and short-term rental of firearms and equipment for use only on the premises are permitted. Sale of alcoholic beverages is prohibited.

vi. *Noise Impact Analysis*

A noise impact analysis with a noise map based on the types of firing and layout of the range shall be submitted as part of the conditional use application.

8. Skiing Facility, Alpine

a. *Definition*

A facility and related terrain utilized for alpine skiing, and uses and facilities typically associated with the use and operation of such facility, including but not

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limited to: ski and snowboard runs and trails; ski lifts and tows, including towers and structures, related to skiing and snowboarding patrons; snow-making equipment/facilities; ski patrol facilities; ski area administrative and ticketing offices; special events directly associated with ski areas such as ski races, snowboard races, snow machine races, bicycle races, and concerts; alpine slide; nordic ski trails and facilities; tubing hills; ski and equipment rental facilities and ski instruction facilities; ice skating rinks; ski bridges; and supporting accessory structures.

b. **Ski Facility, Alpine** shall not mean such uses as lodges, hotels, dwelling units, restaurants, retail shops, outdoor carts and vending areas, clinics, day care centers, offices, and high impact recreational uses such as go carts, golf courses and driving ranges, paint ball games, rifle ranges, waterslides, and stables.

9. **Performing Arts**

a. *Definition*

An establishment for the performing arts, open to the public, without membership requirements. These establishments may also provide food and beverages for consumption on the premises.

b. *Use-Specific Standard*

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

D. Food and Beverage Services

This category includes businesses that serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Specific use types include:

1. **Nightclub**

a. *Definition*

An enterprise, that, for consideration, provides entertainment to its patrons in the form of floorshows; dance revues; live, recorded, or electronically enhanced music; patron dancing; or performances by live or recorded professional or amateur entertainers. Discotheques, nightclubs, bars, lounges, dance halls, bistros, teen clubs, and any facility that meets the terms of this definition are often, but not exclusively, open during one or more of the hours between 11:00 p.m. and 3:00 a.m. This definition excludes theaters or auditoriums with fixed seating, religious assemblies, adult-oriented establishments as defined by AMC section 10.40.050, publicly owned and operated recreation centers or parks, and public and private schools. Nightclubs may be licensed or unlicensed. Unlicensed nightclubs do not offer or sell to patrons either alcoholic beverages, as defined by AS 04.21.080, or adult entertainment, as defined by AMC section 10.40.050.

b. *Use-Specific Standards for Licensed Nightclubs*

i. All facilities adjacent to a residential district shall be maintained within a completely enclosed building, and shall meet *the standards of AMC section 15.70.080A.*

ii. Licensed nightclubs are subject to the *special* land use permit for alcohol process to allow the retail sale of alcohol; see section 21.05.020A.

c. *Use-Specific Standards for Unlicensed Nightclubs*

i. *Purpose*

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Certain types of enterprises have been determined to produce secondary impacts on surrounding land uses. The impacts include a perceived decline in property values, and an increase in the level of criminal activity, including unlawful sales and use of drugs and consumption of alcoholic beverages, in the vicinity of these types of enterprises. The purpose of this subsection is to segregate such enterprises from land uses that are likely to be negatively impacted.

ii. ***Minimum Distance from Certain Uses***

Except for teen nightclubs and underage dances permitted under AMC chapter 10.55, an unlicensed nightclub shall be located so that all portions of the lot on which the unlicensed nightclub is located shall be 300 feet or more from the lot line of property on which is located:

(A) A school or instructional service serving any combination of grades kindergarten through 12;

(B) Property zoned residential; or

(C) TA-zoned property designated as residential in the *Turnagain Arm Comprehensive Plan.*

iii. ***Administrative Permit Required***

An administrative permit for each unlicensed nightclub shall be obtained from the department and be displayed in a prominent place inside the unlicensed nightclub. This permit shall certify that, when granted, the enterprise was in compliance with paragraph ii. of this subsection. This permit shall be obtained from the director, pursuant to section 21.03.030, *Administrative Permits.* This permit shall remain valid so long as that enterprise remains in continuous operation at that location, and does not physically expand.

2. Bar

a. ***Definition***

An establishment that prepares and retails alcoholic beverages for consumption on the premises. These establishments may also manufacture malt beverages and provide limited food services.

b. ***Use-Specific Standard***

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

3. Food and Beverage Kiosk

a. ***Definition***

An establishment in a freestanding building, trailer, or vehicle on an impermanent foundation that sells coffee or other beverages and food from a window to customers who are either pedestrians or seated in their automobiles, for consumption off the premises, and that provides no indoor seating.

b. ***Use-Specific Standards***

Kiosks in all districts shall comply with the following standards:

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

ii. Kiosks may be located on the same lot as another principal use.

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iii. All signs shall comply with chapter 21.11, *Signs*.

4. **Restaurant**

a. ***Definition***

An establishment primarily engaged in the preparation and sale of food and beverages, normally for consumption on the premises, but including those establishments that provide only take-out or delivery service.

b. ***Use-Specific Standards***

i. Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

ii. Any restaurant with drive-through service shall comply with the "drive-through service" accessory use standards in section 21.05.070D.6.

E. Office

This category includes activities that generally focus on providing business or professional services. Accessory uses may include cafeterias, parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include:

1. **General Office**

a. ***Definition***

An establishment that provides business or professional services. Examples include but are not limited to: general office; broadcasting facility; financial institutions; veterinary clinic; data processing facility; instructional services (i.e. establishments that provide on-site training of business, artistic, or commercial skills); vocational or trade school (i.e. a secondary of higher education facility teaching skills that prepare students for jobs in a trade to be pursued as an occupation).

b. ***Use-Specific Standards***

i. Veterinary clinics shall comply with the use-specific standards above for "animal shelter".

2. **Medical Office**

a. ***Definition***

Establishments primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, surgical, or other services to individuals, including the offices of chiropractors, physicians, dentists, and other licensed medical practitioners, medical and dental laboratories, outpatient care and outpatient care facilities, dispensaries, home health care agencies, and blood banks.

b. ***Use-Specific Standard***

Applicable health service establishments shall comply with the medical facility accessible parking requirements; see subsection 21.07.090J.4.

3. **Governmental Office**

a. ***Definition***

An office or building of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to, employment offices, public assistance office, or motor vehicle licensing and registration services.

b. ***Use-Specific Standards***

i. Unless otherwise indicated in table 21.05-1, government administration and civic buildings or additions to existing government administration and civic buildings shall have the following review process:

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(A) Construction of governmental building of less than 15,000 square feet is permitted without a review process.

(B) Construction of a governmental building greater than 15,000 but less than 25,000 square feet is subject to an administrative site plan review.

(C) Construction of a governmental building over 25,000 square feet is subject to a major site plan review.

(D) Lease of existing space by governmental agency is permitted.

ii. The priority location for federal, state, and municipal buildings and offices that are open to and serve the public is in the Central Business District.

iii. The Central Business District is identified in the Comprehensive Plan as a major employment area. There are two other major employment areas identified in the Comprehensive Plan as Midtown and the U-Med District. These districts are also appropriate locations for federal, state and municipal buildings or offices, particularly where substantial parking is required. The offices are intended to serve other governmental agencies rather than being open to and providing services for the public and/or the functions are more appropriate to Midtown or U-Med District locations than to the Central Business District.

iv. Leases by governmental agencies with a primary term of ten (10) years or less, may also be located in the Midtown District without the necessity of compliance with the conditions set on in the subsection iii above.

v. Government offices can also be leased in town centers designated in the comprehensive plan provided that such locations comply with the conditions set out in subsections iii and iv above.

vi. When a government administrative and civic building is proposed for construction at a location other than the Central Business District and the building is subject to a major sit plan review as provided above, approval under the site plan review is contingent on a finding by the Planning and Zoning Commission, using the approval criteria of a public facility sit selection process (21.03.140), that locating the building outside of the central business district would not be detrimental to the public interest.

4. Research Laboratory

a. ***Definition***

A facility that is designed or equipped for basic or applied research or experimental study, testing, or analysis in the natural sciences or engineering, including any educational activities associated with and accessory to such research.

F. Retail

This category includes retail establishments: involved in the sale of new or used products to the general public; engaged in the provision of information, instruction, personal improvement, personal care, repair, lease, or rent of new or used products, or similar services; and involved in the sale, rental, and/or repair and maintenance of motor vehicles and related equipment, including large parking lots and outdoor storage areas included with these areas Accessory uses may include offices, parking, storage of goods, assembly, manufacture, or repackaging, and

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repair of goods for on-site sale, incidental repair and storage, and sales of parts/or tires. Specific use types include:

1. General Retail

a. ***Definition***

An establishment engaged primarily in the retail sale of goods or merchandise, and rendering services incidental to the sale of such goods. Examples may include, but are not limited to: general merchandise retailers; warehouse and club retailers; superstores; discount stores; catalog showrooms; pharmacies; and specialty retail stores specializing in such goods as clothing, home furnishings, sporting goods, books, stationary, music, video rentals, or flowers; business, professional and personal services; amusement establishment (i.e. arcades, bowling alleys, billiard parlors, bingo parlors, laser tag parlors, water parks, miniature golf courses, and indoor shooting ranges); pet retail and services; fitness/recreational sports centers (i.e. equipment for exercise and other active physical fitness conditioning or recreational sports activies,); funeral services (does not include cremation services); general personal services (establishments that provide care, advice, aid, maintenance, repair, treatment, or similar semi-technical, technical, or experienced assistance); small equipment rental; auction house; building material store; convenience store; farmers market; fueling station; grocery or food store; pawn shop; vehicle, aircraft, marine parts and supplies; vehicle service and repair; dry cleaning establishment; cottage crafts (i.e. small-scale assembly and arts-and-crafts production by hand manufacturing involving the use of hand tools and small-scale equipment).

b. ***Use-Specific Standards***

i. Any general retail use with drive-through service shall comply with the "drive-through service" accessory use standards in subsection 21.05.070D.6.

ii. Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

iii. Pet Retail and Services shall comply with the use-specific standards above for "animal shelter".

iv. For Vehicle Parts and Supplies, no dismantling or wrecking of vehicles or machinery may occur on site. Uses that include dismantling and wreckage are classified by this Title as "junkyards".

v. For Cottage Crafts, the outdoor storage of materials related to the production and sale of cottage crafts is prohibited in non-industrially-zoned districts.

2. Cottage Crafts

a. ***Definition***

An establishment engaged in small-scale assembly and arts-and-crafts production by hand manufacturing involving the use of hand tools and small-scale equipment. Examples include, but are not limited to: candle making, artisan woodworking, art studio/gallery, artisan pottery, jewelry production, and the like. Cottage crafts are less intensive than, and do not have the off-site impacts often associated with, general industrial uses.

b. ***Use-Specific Standards***

i. ***Production and Sale of Cottage Crafts***

Cottage crafts may only be produced within a wholly-enclosed permanent structure. Cottage crafts production may occupy up to 1,500 square feet of gross building area, and may include up to an additional

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300 square feet gross building area on the same lot devoted to the display and retail sale of the crafts produced. The retail/display area shall be located on the ground floor and in the front part of the building facing the primary street on which the lot is located.

ii. *Prohibitions*

(A) The outdoor storage of materials related to the production and sale of cottage crafts is prohibited in non-industrially-zoned districts.

(B) The use of equipment, materials, or processes that create hazards, noise, vibration, glare, fumes, or odors detectable to the normal senses off-site is prohibited in non-industrially zoned districts.

3. Liquor Store

a. *Definition*

An establishment that is primarily engaged in selling alcoholic beverages for consumption off the premises.

b. *Use-Specific Standard*

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

4. Parking Lot, Principal Use

a. *Definition*

An off-street, surface parking lot where motor vehicles are parked for not more than 72 consecutive hours, and the lot is not required parking for another use.

b. *Use-Specific Standard*

Principal use parking lots shall be designed in accordance with subsection 21.07.090H., *Parking and Loading Facility Design Standards*, and landscaped in accordance with subsection 21.07.080E.6., *Parking Lot Landscaping*.

5. Parking Structure, Principal Use

a. *Definition*

A parking structure with two or more levels or stories where motor vehicles are parked for not more than 72 consecutive hours, and the spaces are not required parking for another use. The parking structure may be above and/or below grade, and the levels may be partially or fully enclosed. A parking structure may occupy a portion of a building which also includes commercial space, such as offices or retail on the ground floor.

b. *Use-Specific Standard*

Parking structures shall comply with the requirements of subsection 21.07.090K.

6. Vehicle, Aircraft and Marine Sales and Rental

a. *Definition*

An establishment engaged in the display, sale, leasing, or rental of new or used motor vehicles, aircraft and/or marine vessels as well as associated parts and supplies. Vehicles include, but are not limited to, automobiles, light trucks, vans, trailers, recreational vehicles, mobile homes, motorcycles, personal watercraft, utility trailers, snowmobiles, and all-terrain vehicles (ATVs).

b. *Use-Specific Standards*

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i. At any given time, no more than five percent of the vehicle inventory on the lot, not including Class A and C recreational vehicles, shall have a gross vehicular weight rating (GVWR) of more than 12,000 lbs.

G. Visitor Accommodations

This category includes visitor-serving facilities that provide temporary lodging in guest rooms or guest units, for compensation, and with an average length of stay of less than 30 days. Accessory uses may include pools and other recreational facilities for the exclusive use of guests, limited storage, restaurants, bars, meeting facilities, and offices. Specific use types include:

1. Camper Park

a. ***Definition***

A lot or parcel of land, or portion thereof, temporarily occupied or intended for temporary occupancy by recreational vehicles or tents for travel, recreational, or vacation usage for short periods of stay, and containing a potable water source and washroom facilities. These establishments may provide laundry rooms, recreation halls, and playgrounds. These uses are not intended for vehicle storage.

b. ***Use-Specific Standards***

i. ***Location and Access***

No entrance to, or exit from, a camper park shall be through a residential district.

ii. ***Occupancy and Length of Stay***

Spaces in camper parks may be used by campers, recreational vehicles, equivalent facilities constructed on automobiles, tents, or short-term housing or shelter arrangements or devices. The occupants of such space shall remain in that space for a period not to exceed 90 days.

2. Hotel/Motel/Extended-Stay Lodgings/Inn

a. ***Definition***

A visitor lodging establishment, rented for compensation by the day or week, and offered for use by the general public which may be in conjunction with subordinate services and facilities, such as restaurants and meeting rooms. Examples may include, but are not limited to: Hotel; Motel; Extended-Stary Lodging; Inn; and Recreational and Vacation Camp (i.e. overnight recreational camp, children's camp, family vacation camp, or outdoor retreat). Meeting facilities designed to accommodate 1,500 or more persons shall constitute a separate principal use and be classified as "civic/convention center" under this Title. This does not include bed-and-breakfasts, which are classified as an accessory use under section 21.05.070. Use-Specific Standards

b. ***Use Specific Standards***

i. Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see section 21.05.020A.

ii. In the R-4 district, hotels and extended stay lodgings shall have a minimum lot size of 14,000 square feet and shall have principal access from a street of collector class or greater.

3. Hostel

a. ***Definition***

An overnight lodging facility in which beds (pillows), rather than rooms, are rented. Sleeping accommodations are primarily dormitory-style and shared kitchen facilities may be available to the guests.

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b. *Use-Specific Standards*

i. Hostels in the R-2F and R-2M shall contain no more than 20 pillows. Hostels in the R-3, R-4, and R-4A shall contain no more than 40 pillows.

ii. Hostels in residential zones require an administrative permit pursuant to subsection 21.03.030.

4. Recreation and Vacation Camp

a. *Definition*

An overnight recreational camp, such as a children's camp, family vacation camp, or outdoor retreat. These establishments provide accommodation facilities, such as cabins and fixed camp sites, and incidental recreation and educational facilities.

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21.05.060 INDUSTRIAL USES: DEFINITIONS AND USE-SPECIFIC STANDARDS

This section defines the general industrial use categories and specific industrial use types listed in table 21.05-1. This section also contains use-specific standards that apply to specific use types. The use-specific standards apply regardless of whether the use type is permitted as a matter of right, subject to a site plan review process, or subject to the conditional use process.

A. Industrial Service

This category includes establishments engaged in the repair or servicing of agricultural, industrial, business, or consumer machinery, equipment, products, or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. Accessory activities may include retail sales, offices, parking, and storage. Specific use types include:

1. General Industrial Service

a. ***Definition***

Establishments engaged in the repair or servicing of agricultural, industrial, or business machinery, equipment, products, or by-products. Examples include but are not limited to: welding shops; machine shops; repair of heavy machinery; heavy truck servicing and repair; aircraft servicing and repair; tire retreading or recapping; and exterminators. Accessory activities may include retail sales, offices, parking, and storage. This category does not include tool and electric motor repair and vending machine sales and service, which are covered by "General Retail" above.

b. ***Use-Specific Standard***

L4 screening landscaping is required where adjacent to residential zones.

2. Heavy Equipment Sales and Rental

a. ***Definition***

An establishment engaged in the display, sale, leasing, or rental of construction equipment and other heavy equipment, including all heavy equipment of 12,000 or more pounds gross vehicular weight (GVW). This category does not include recreational vehicles or larger trucks that typically are sold at automobile dealerships; such vehicles are covered by "Vehicle, Aircraft, and Marine, Sales and Rental" above.

B. Manufacturing and Production

This category includes industrial establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, synthetic, raw, secondary, or partially completed materials may be used in the manufacturing process. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Such uses may include industries furnishing labor in the case of the refinishing of manufactured articles. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of total sales. Accessory activities may include limited retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, repair facilities, truck fleets, and caretaker's quarters. Specific uses types include:

1. General Manufacturing and Production

a. ***Definition***

An establishment engaged in the general manufacture of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing. Examples include, but are not limited to airplane, automobile, or truck assembly; repair of railroad equipment; beverage manufacture and brewery; boatbuilding; cabinet shops; machine or

blacksmith shops; metalworking or welding shops; paint shops; processing and/or dressing of skins; steel fabrication shops or yards; printing, publishing, and lithography; airline food services, cafeterias, and catering companies.

2. Manufacturing, Heavy

a. ***Definition***

An establishment engaged in the manufacture or compounding process of raw materials. Such activities may involve the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Examples include, but are not limited to: refining or initial processing of raw materials; rolling, drawing, or extruding of metals; asphalt batching plants, hot-mix plants, and RAP storage and processing; sawmills; manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine, varnish, charcoal, or distilled products, or similar industrial uses; and manufacture, service, or repair of railroad equipment.

b. ***Use-Specific Standard***

L4 screening landscaping is required where adjacent to residential zones.

3. Natural Resource Extraction, Organic and Inorganic

a. ***Definition***

The development or extraction of organic and/or inorganic material from its natural occurrences on affected land. This use includes placer mining operations in which rock byproduct is removed from the premises. This use also includes commercial or industrial operations involving removal of timber, native vegetation, peat, muck, topsoil, fill, sand, gravel, rock, or any other mineral, and other operations having similar characteristics. This use includes only operations of a scale involving 100,000 cubic yards or more of material. Site preparation as part of the development of a subdivision under a subdivision agreement is not included.

b. ***Use-Specific Standards (also apply to "Natural Resource Extraction, Placer Mining")***

i. ***General Standards***

The following general standards apply in all districts:

(A) *Limit on Site Size*

Except for placer mining, general natural resource extraction is allowed only on sites of five acres or more.

(B) *Water Discharge Permit*

Placer mining operations are subject to a wastewater discharge permit issued by the state department of environmental conservation.

(C) *Use and Handling of Explosives*

In addition to the requirements of the fire code, the following shall govern the storage, handling, and use of explosive materials:

(1) In addition to the submittal requirements for a conditional use approval, a blasting plan and a safety plan shall be submitted.

(2) Blasting shall be conducted during daylight hours within the operating hours established by the Planning and Zoning Commission.

(3) The handling and firing of explosives shall be performed only by the individual possessing a valid explosives certificate issued by the fire marshal.

(4) Whenever a new storage or magazine site is established the Anchorage police department, Anchorage fire department and the emergency operations center shall be notified.

(5) Quantities of explosives shall be determined by the fire code at AMC Title 23.

(6) Blasting operations shall be performed in accordance with the instructions of the manufacturer of the explosive materials being used.

(7) Rock fall mitigation methods may be required. When blasting is done in close proximity to a structure, railway, highway, or any other installation, precautions shall be taken to minimize earth vibrations and air blast effects. Blasting mats or other protective means shall be used to prevent fragments from being thrown.

(8) Property owners within 1,000 feet of the site shall be notified at least 24 hours in advance of blasting. Verbal notices shall be confirmed with written notice.

(9) All areas subject to blasting operations shall be fenced in a manner to secure the site and to prevent unauthorized access to the site.

(10) Notice of blasting operations shall be posted at all entrances to the site and on security fencing in areas subject to blasting operations. Posting shall occur at least 24 hours in advance of blasting.

(11) When blasting is being conducted in the vicinity of utilities (gas, water, electric, fire alarm, or telephone), the blaster shall notify the appropriate representatives of the agencies at least 24 hours in advance of blasting. Verbal notices shall be confirmed with written notice.

(12) Before a blast is fired, the individual in charge shall make certain that all surplus explosives are in a safe place, all persons and vehicles are at a safe distance or under sufficient cover and a loud warning signal has been sounded.

(13) The operator of the site shall be responsible for all damages to persons or property which arise from, or are caused by the blasting operations.

(D) ***Required Submittals***

In addition to the general submittal requirements applicable to all site plans specified in the Title 21 Users' Guide, additional submittal requirements are specified in that guide for natural resource extraction. The site plan shall be subject to review and approval of the department of public works for drainage, erosion,

and sedimentation control; for conformance with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit and other applicable EPA guidelines; and for compliance with generally accepted sound engineering principles.

(E) *Standards for Approval*

In addition to the conditional use standards of approval at 21.03.080C., the Planning and Zoning Commission may approve a natural resource extraction conditional use only if the commission finds that the use also meets the following standards:

(1) Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner to make them dust free. Where access roads intersect collectors or arterials, suitable traffic controls shall be established.

(2) The extraction operations will not pose a hazard to the public health and safety.

(3) The extraction operations will not generate noise, dust, surface water runoff or traffic that will unduly interfere with surrounding land uses.

(4) The restoration plan for the site ensures that, after extraction operations cease, the site will be left in a safe, stable, and aesthetically acceptable condition. The site shall either be restored generally to its pre-excavation contours, or as appropriate for the future use of the land.

(5) The proposed use meets such additional standards for natural resource extraction conditional uses as the director may establish by regulation pursuant to AMC chapter 3.40.

4. Natural Resource Extraction, Placer Mining

a. *Definition*

Natural resource extraction by means of the placer mining method that does not involve the removal of any natural resources other than small quantities of precious metals, such as gold, silver, and platinum, from the premises. Rock byproduct is not removed from the premises.

b. *Use-Specific Standard*

Placer mining shall comply with the use-specific standards set forth above for "natural resource extraction, organic and inorganic."

C. Marine Facility

This category includes a mix of commercial and light industrial manufacturing, processing, storage, wholesale, and distribution operations that are water-dependent or water-related. Water-dependent uses are generally permitted, while water-related uses are generally conditional uses. Specific use types include:

1. Facility for Combined Marine and General Construction

a. *Definition*

An establishment engaged in the manufacture, construction, and repair of marine and non-marine related products.

2. **General Marine Facility**
An establishment engaged in aquaculture (hatching, raising, and breeding of fish or other aquatic plants or animals for sale), marine operations (light industrial manufacturing, processing, or storage operations, that are water-dependents and/or water-related), or marine wholesaling (wholesale and distribution operations of marine-related products).

D. **Warehouse and Storage**

This category includes uses involved in the storage or movement of goods for themselves or other firms. Specific use types include:

1. **Bulk Storage of Hazardous Materials**
   a. *Definition*
   An establishment primarily engaged in the bulk storage and/or distribution of hazardous materials, including liquefied fuel such as petroleum gas, for wholesale sale. "Hazardous materials" is defined at AMC 16.110.020.

   b. *Use-Specific Standard*
   Any new facilities for the storage and/or dispersion of hazardous materials, or expansion of existing facilities for the storage and/or dispersing of hazardous materials, shall occur at least 1,000 feet from a residential or mixed-use district, school, hospital, or park.

2. **General Outdoor Storage**
   a. *Definition*
   An area used for the outdoor storage of operable motor vehicles; construction equipment; construction materials; sand, gravel, topsoil, or the like. Examples include but are not limited to: impound yards, and storage yards.

   b. *Use-Specific Standards (also apply to "Impound Yard" and "Junkyard")*
      i. *Location of Site*

         (A) L4 screening landscaping shall be planted along all lot lines where a storage yard abuts any academic school, hospital, residential district, or government administration and civic building.

         (B) A junkyard shall not be located within 500 feet of any academic school, hospital, residential district, or government administration and civic building.

      ii. *Minimum Lot Size and Width for Junkyard*
      Notwithstanding the general dimensional standards set forth in chapter 21.06, the minimum lot size for a junkyard shall be two acres. The minimum lot width shall be 150 feet.

      iii. *Screening*
      L4 screening landscaping is required where adjacent to residential districts.

      iv. *Drainage; Protection of Water Supply*
      Provisions shall be made to prevent any contamination of the domestic water supply or excessive surface runoff from the property into adjoining lands or streams.

v. *Existing Vehicle Storage Yards*
Storage yards in existence on October 26, 2004 and that fall under the definition of "vehicle storage yard", which means "the outdoor storage of vehicles (under 12,000 lbs. gross vehicle weight rating), boats, and recreational vehicles", may continue to exist pursuant to the requirements of subsection D.4.b.xii. above

3. **Motor Freight Terminal**

a. *Definition*
A facility for freight pick-up, distribution, and storage. This may include intermodal distribution facilities for truck or shipping transport.

b. *Use-Specific Standards*

i. Loading, parking, and maneuvering space shall be entirely on private property, *which includes private leasehold of public property*.

ii. There shall be a 200 foot buffer zone between the motor freight terminal operations and property zoned residential. No motor freight trucks, trailers (including those with refrigeration or heating units), or other motorized equipment such as forklifts may be maneuvered, parked, or operated, nor any associated warehouses be located within 200 feet of residentially zoned property. The buffer zone may be used for employee parking, for landscaping, including the required L4 landscape buffer, and similar uses that do not create noise. The buffer zone shall be posted or marked in such a manner so as to clearly delineate the areas where operations are permitted.

iii. A motor freight terminal which abuts or is directly across a street or alley from residentially zoned property shall have L4 landscaping on the boundary of the abutting property, street, or alley.

iv. A motor freight terminal that is separated from property zoned residential by the Alaska Railroad main line corridor, or a freeway or expressway as classified on the *Official Streets and Highways Plan* is not subject to the provisions of subsections b.ii. and b.iii. above.

4. **Self-Storage Facility**

a. *Definition*
A completely enclosed structure(s) containing three or more areas or rooms available for lease or rent for the purpose of the general storage of household goods and business or personal property, where the lessee of the unit is provided direct access to deposit or store items. Also known as a "ministorage facility." A self-storage facility may have associated outdoor vehicle storage, but a stand-alone vehicle storage establishment is classified under "storage yard".

b. *Use-Specific Standards*
The standards below are applicable to self-storage facilities in all districts.

i. *Size of Site*
The self-storage site shall contain no less than one-half acre and no more than ten acres.

ii. *Traffic Access* **and Curb Cuts**
The site shall have direct driveway access from a street constructed to appropriate municipal standards as described in chapter 21.08. Location, number, and width of curb cuts shall be subject to the approval of the traffic engineer or the state department of transportation and public facilities.

iii. *Dimensional Standards*
Notwithstanding the general dimensional standards in chapter 21.06, the following specific standards apply:

(A) *Maximum Lot Coverage By All Buildings*
75 percent in industrial districts; 50 percent in all other districts.

(B) *Maximum Height of Structures*
35 feet. Structures over 35 feet in height shall require administrative approval.

iv. *Paving and Drainage*
(A) All parking lots and driveways, interior aisles, and walkways shall be paved to municipal standards. In class B areas, the areas may be graveled with D-1.

(B) Provisions shall be made to prevent any contamination of the domestic water supply or to prevent excessive or contaminated surface runoff from the site onto adjacent lands or streams. Drainage flow patterns shall be shown on the site plan or a separate approved map. Drainage shall comply with section 21.07.040.

v. *Permitted Accessory Uses*
The facility may provide two on-site dwelling units for use by an on-site caretaker, manager, or owner of the site.

vi. *Storage of Hazardous Substances*
The storage of explosives, radioactive materials, or any other hazardous chemicals, or flammable materials as defined by municipal code, is prohibited.

vii. *Prohibited Uses Within Storage Units*
Except for work performed ancillary to the operation of the self-storage facility, the following uses are prohibited from occurring within a self-storage facility or vehicle storage rental unit or space:

(A) The servicing, repair, or fabrication of vehicles, boats, trailers, lawn mowers, appliances, or any other equipment with the exception of battery or tire removal and replacement. These must be conducted in accordance with all federal, state, and local laws. All hazardous materials must be disposed of properly by the owner of the vehicle.

(B) The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.

(C) Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

viii. *Fencing and Landscaping (only required in commercial zoning districts)*

(A) Except as noted below, all site boundaries shall be fenced with a sight-obscuring fence structure at least eight feet high. No fencing shall be required on the portion of site boundaries where

a structure, excluding containerized storage units, abuts either side of the lot line.

(B) The fence shall be constructed of concrete, solid wood, or chain link with a neutral color fabric screening or vinyl covering, and shall be approved by the department for compatibility with surrounding properties. The structure shall be maintained in a safe, sound, and orderly condition, and shall be kept free of any advertising matter other than signs permitted by this Title. Only one foot of security wire, such as concertina, razor, or barbed wire, is permitted to be exposed and visible outside the fence.

(C) Where a self storage or vehicle storage facility abuts a commercially zoned district or a street of collector classification or greater on the Official Streets and Highways Plan, L2 visual enhancement landscaping shall be required external to the sight-obscuring fence. Where lot lines for these facilities abut a residential district, L3 buffer landscaping shall be required. No landscaping shall be required where a lot line abuts an industrial district, or on the portion of site boundaries where a structure, excluding containerized storage units, abuts either side of the lot line, unless otherwise required by this Title.

ix. *Vehicle Storage Yards*
The yard may not be used to display or advertise any merchandise for sale, including vehicles. No salvaging, dismantling, or disassembly of vehicles is permitted in a vehicle storage yard.

x. *Existing Self Storage and Vehicle Storage Operations*
Self-storage and vehicle storage operations existing on or before October 26, 2004 shall be deemed to have approved site plans and not be nonconforming uses or structures. Notwithstanding the provisions of chapter 21.12, *Nonconformities*, where self-storage and vehicle storage operations exist and have been in continuous existence since October 26, 2004, that use may continue provided the owner thereof complies with the following:

(A) *Site Enhancement Plan Required*
Any self-storage or vehicle storage operation existing prior to October 26, 2004 that does not comply with the requirements of this section related to sight-obscuring fencing, required landscaping external to said fencing, and elimination of security razor or concertina security wire at the top of a fence shall obtain approval by the director of, and agree to implement, a site enhancement plan for the property. This site enhancement plan shall be submitted to the director before April 26, 2014. The plan shall be fully implemented by October 26, 2014. The intent of this site enhancement plan is to bring the property as closely as reasonably possible into compliance with the above noted subsection without impeding existing operations.

(B) *Contents of Site Enhancement Plan*
The site enhancement plan shall include:

(1) A graphic and legal description of the plan area.

(2) Existing fencing and fencing types on the site.

(3) Current vegetation external to perimeter fencing, if any.

(4) Vehicular access points, including ingress and egress points, and queuing lanes.

(5) Proposed modifications to bring the property into compliance with the intent of the standards of this section, but only for the following items: sight-obscuring fencing; required landscaping external to said fencing on any side of the property abutting a residential zoning district or an arterial, if the side is not otherwise obscured from view by other landscaping, naturally-vegetated areas, natural features, or buildings located on adjoining properties; and in all instances elimination of barbed, razor, concertina, or other security wire, unless the security wire is placed in accordance with other sections of this Title.

(6) It is the intent of this section that owners of existing facilities not be required to move existing fences or change existing operations.

(C) *Narrative Statement Required*
A narrative statement shall also be submitted with the site enhancement plan. The narrative shall be based on existing conditions and shall detail the following information:

(1) The method of securing the area to prevent casual access.

(2) A proposed schedule that specifies the date and methods by which the owner shall come into compliance with the intent of this section.

(3) A description of current operations and uses that take place on the site.

(D) *Implementation of Approved Site Enhancement Plan*
The director shall set a reasonable period of time for implementation of the approved site enhancement plan, but in all cases the implementation shall be complete by October 26, 2014. Adequacy of the site enhancement plan shall be based on evidence presented by the owner, which may include the following:

(1) The location and size of the property and the self-storage and/or vehicle storage use, including topography and related physical constraints of the site.

(2) History of the use of the property as a self-storage and/or vehicle storage use, including information about the length of time it has existed as that use and any relevant permits or other official regulatory documents related to the use of the property as a self- storage and/or vehicle storage use.

(3) A map of the subject property indicating the location of all parcels of real property within a distance of 300 feet

from the exterior boundary of the subject property, showing the zoning district boundaries.

(4) The compatibility of the operation with surrounding neighborhoods, and with prevention of noise, dust, safety hazards, traffic congestion, aesthetic deterioration, and other adverse environmental effects.

(5) Any other information the property owner may wish to submit in order to make his or her case.

(E) ***Decision by Director***
Upon receipt of a site enhancement plan pursuant to subsection xii.(A). above, the director shall make a determination within 60 days of submittal of the site enhancement plan. The decision of the director shall be in writing and sent by certified mail to the address listed in the owner's application.

(F) ***Appeals***
A decision of the director is final unless appealed within 30 days of its receipt by the owner of the property. Appeal is to the zoning board of examiners and appeals. Only the applicant may appeal the decision of the director. An appeal from a decision of the zoning board of examiners and appeals may be brought in superior court.

5. Warehouse

a. ***Definition***
A structure containing an area available for the purpose of storing raw materials, goods, or property.

b. ***Use-Specific Standard***
L3 buffer landscaping is required where adjacent to residential districts.

6. Wholesale Establishment

a. ***Definition***
An establishment primarily engaged in the sale or distribution of goods and materials in large quantity to retailers or other businesses for resale to individual or business customers. This shall not include heavy manufacturing, resource extraction, scrap operations, bulk storage of hazardous materials, or salvage operations.

7. Light-Warehouse

a. ***Definition***
An establishment providing combined commercial-warehouse uses.

b. ***Use-Specific Standard (applicable only in the B-3, MC and MI zoning districts)***

i. In addition to uses allowed in the B-3 district, Warehouse shall be a permitted use if it is used in conjunction with a commercial use.

ii. Outdoor storage and display is prohibited

E. Waste and Salvage

This category includes uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location; uses that collect sanitary wastes; or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste

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material. Waste and salvage uses also include uses that receive hazardous wastes from others. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products. Specific use types include:

1. Composting Facility

a. ***Definition***

A facility where organic matter, including leaves, grass, manures, and non-meat, non-biosolids waste, amassed primarily from off-site, is processed by composting and/or processing for commercial purposes. Activities may include management, collection, transportation, staging, composting, curing, storage, marketing, or use of collected compost.

b. ***Use-Specific Standards***

i. Any composting storage area of a composting facility shall be set back at least *200* feet from any lot line abutting a residential *district,* mixed-use district, *or* any residential use (except a residential use occupied by the owner, operator, or any employee of such composting facility) that exists at the time of the establishment of the composting facility.

ii. Composting facilities shall contain and treat on-site, all water run-off that comes into contact with the feedstocks or compost, in such manner that the run-off will not contaminate surface or ground water.

iii. Composting facilities shall not be located in any floodway.

iv. No composting facility shall commence operation until a nuisance condition control plan, specifying all measures to be taken to control nuisance conditions (such as odor, noise, scattered solid waste, dust) has been approved by the director.

2. Hazardous Waste Treatment Facility

a. ***Definition***

The processing of hazardous waste by means other than incineration, for the purposes of rendering the waste non-dangerous or less dangerous, safer for transport, amenable for storage, and/or able to be reused for energy production.

b. ***Use-Specific Standard***

Hazardous waste treatment facilities shall be located at least 1,000 feet from any residential or mixed-use district.

3. Incinerator or Thermal Desorption Unit

a. ***Definition***

i. ***Incinerator***

An establishment that uses thermal combustion processes to destroy or alter the character or composition of medical waste, hazardous waste, sludge, soil, or municipal solid waste (not including animal or human remains). This definition does not include "rag burners" or oil heaters.

ii. ***Thermal Desorption Unit***

A facility that removes volatile and semi-volatile contaminants from soils, sediments, slurries, and filter cakes using direct or indirect heat exchange. This definition does not include short-term (less than six months) on-site remediation operations.

iii. ***Not Accessory Uses***

Incinerators and thermal desorption units that are accessory to other principal uses shall meet these use-specific standards.

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b. *Use-Specific Standards*

i. *Separation Requirements from Residential Zoning Districts and Academic Schools*

No incinerator facility or thermal desorption unit shall be located less than 1315 feet from a residentially zoned district, a dedicated park, or an elementary, middle, or high school.

ii. **Standards for Incinerators**

(A) *Hazardous Waste Prohibited*

Incinerators covered under this section shall not accept any materials that meet the definition of hazardous waste as defined by the U.S. Environmental Protection Agency (EPA) of the state department of environmental conservation (ADEC).

(B) *Separation Distances between Incinerator Facilities*

Separation distances between incinerator facilities shall be as follows:

TABLE 21.05-2: MINIMUM SEPARATION DISTANCES BETWEEN INCINERATOR FACILITIES

	Distance from Nearest Emission Source (feet)			
Rated Capacity (lbs./hour)	1315	2300	3280	3940
Under 500	X			
500--1,000		X		
1,001--1,500			X	
1,501--2,000				X

Facilities with unequal capacity: the largest capacity shall determine the minimum distance.
Facilities with a rated capacity greater than 2,000 pounds per hour shall perform an analysis of the health risk pursuant to subsection iv.(B). below, and shall meet the standards of subsection iv.(A).(2). below.

iii. **Standards for Thermal Desorption Units (TDUs)**

TDUs with a rated capacity of under 100 tons per hour shall be 1315 feet from the nearest emission source of another TDU. TDUs with a rated capacity of 100 tons per hour or more shall perform an analysis of the health risk pursuant to subsection iv.(B). below, and meet the standards of subsection iv.(A).(2). below.

iv. *Standards for Both Incinerators and Thermal Desorption Units*

(A) *Distance Requirements*

All new incinerator facilities shall be located at least 1315 feet from an existing TDU, and vice versa, unless one of the following two standards is met:

(1) It can be demonstrated that the combined percentage rated capacity of all incinerator facilities and thermal desorption units, existing and proposed, does not exceed 100. The combined percentage rated capacity shall be calculated as follows:

$$((I_1 + I_2 + \ldots I_N)/500) + (T_1 + T_2 + \ldots T_N)/100) \times 100 = C$$

Where $I_1 + I_2 + \ldots I_N$ is the sum of the rated capacities of all incinerator facilities, in pounds per hour, within 1315 feet of the proposed facility, and $T_1 + T_2 + \ldots T_N$

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is the sum of the rated capacities of all thermal desorption units, in tons per hour, within 1315 feet of the proposed facility. The proposed incinerator facility or thermal desorption unit shall be included in the calculation of the combined percentage rated capacity; or

(2) It can be demonstrated, through an analysis of the health risk described in subsection iv.(B). below, that the combined risk of all incinerators and thermal desorption units operating within 1315 feet of the proposed facility will not pose a lifetime health risk greater than one excess cancer case per 100,000 for individuals living within adjacent residentially zoned areas or attending elementary, middle, or high schools.

(B) *Analysis of Health Risk*

The intent of the analysis is to provide information regarding the health risks of persons living close to the proposed site. The municipality shall select a contractor to conduct the analysis and the cost will be billed to the petitioner. The analysis shall meet the following requirements:

(1) The analysis shall utilize an EPA-approved dispersion model appropriate for the type of facility, and the given terrain, to estimate the ambient annual average concentration of contaminants from the facility. The model shall be run according to EPA modeling guidelines;

(2) Models shall utilize a full year of local meteorological data (e.g., National Weather Service observations taken at the Anchorage International Airport). If several years worth of meteorological data are obtained, the year providing the highest ambient concentrations shall be used;

(3) All emission factors used in conjunction with the model shall be documented. Acceptable emission factors may be obtained from either a source test conducted by the manufacturer of the same or similar model as the one proposed to be used or must reference a published report (e.g., an article in a peer review scientific journal or EPA publication);

(4) The report shall describe the modeling results in terms of the annual concentration of each identified toxic compound at the boundary of the adjacent residential zoning districts as well as the location and magnitude of the maximum annual average concentrations found within each adjacent residential district; and

(5) The report shall also describe the health risks attributable to these concentration levels based on the latest cancer risk values from the EPA's Integrated Risk Information System (IRIS) database. Cancer risks shall

be based on the risk of one additional cancer above the background cancer rate per 100,000 individuals.

(C) *Standards for Facilities Not Meeting Separation Requirements*

The Planning and Zoning Commission may approve a conditional use for an incinerator facility or thermal desorption unit that is less than 1315 feet from an existing facility, but meets the standards of either (A).(1). or (A).(2). above, only if the commission finds that the storage plan for the material to be burned and the waste generated by the incineration activity is adequate to prevent any runoff, groundwater contamination, airborne dust, or other means for contaminants to migrate off the site.

(D) *Additional Submittal Requirements for a Conditional use Permit*

In addition to standard materials required for all conditional use applications, all applicants for a conditional use for an incinerator facility or TDU shall submit the following information pertaining to the burning process:

(1) A description of the operation, including equipment to be used.

(2) The type and quantity of material that will be processed.

(3) Operating hours and conditions.

(4) Plans for storing the material to be burned.

(5) A disposal plan for waste generated from the process.

(6) The location of points of vehicular access to the site and projected traffic counts for each.

(7) A description of the federal or state permitting process required for operation of the incinerator or TDU.

(8) Such other materials as the director may require by regulation pursuant to AMC chapter 3.40.

(E) *Additional Conditions of Approval*

(1) The Planning and Zoning Commission shall attach such conditions to the approval of a conditional use for an incinerator or TDU as it finds are necessary to conform the use to the standards set forth above.

(2) All conditional uses granted under this subsection are subject to revocation if the Planning and Zoning Commission determines, based on a recommendation by the municipal department of health and human services, that the operator of the incinerator or TDU failed to operate according to the specifications shown in the plans approved by the Planning and Zoning Commission, or operate in conformance with the state department of environmental conservation or municipal air quality regulations. In order to determine whether or

not this condition is met, the director of the municipal department of health and human services shall have authority to require monitoring for compliance with the conditional use permit and to annually obtain copies of the operator's monitoring or testing records.

(3) The petitioner shall obtain all applicable permits from the U.S. Environmental Protection Agency, state department of environmental conservation, and municipal department of health and human services.

4. Junkyard or Salvage Yard

a. ***Definition***

Any lot, or portion of a lot, that is used for the purpose of the outdoor storage, handling, dismantling, salvage, wrecking, keeping, or sale of used, discarded, wrecked, or abandoned airplanes, appliances, vehicles, boats, building and building materials, machinery or equipment, or parts thereof, including but not limited to scrap metals, wood, lumber, plastic, fiber, or other tangible materials defined under "junk" (see general definitions in chapter 21.14). Auto wrecking yards and salvage or scrap yards are included in this use. This does not include a composting facility or "vehicle repair/rebuilding, outdoor, hobby".

b. ***Use-Specific Standard***

Junkyards and salvage yards shall comply with the use-specific standards applicable to "storage yard" set forth above.

5. Land Reclamation

a. ***Definition***

An operation engaged primarily in increasing land-use capability by changing the land's character or environment through fill or regrading. Land reclamation shall include only operations at a scale involving 5,000 cubic yards or more of fill material. Site preparation as part of the development of a subdivision under a subdivision agreement is not included.

b. ***Use-Specific Standards***

i. If the land reclamation operation will be completed within one year, the review and approval procedure shall be an administrative site plan review. If the operation will continue for more than one year, the review and approval procedure shall be the conditional use process. If an operation was approved under the administrative site plan review process but is not completed within one year, the operator must then apply for a conditional use permit.

ii. In addition to the submittal requirements in the Users' Guide, an applicant for a land reclamation use shall submit the following:

(A) A site plan showing:

(1) Drainage.

(2) Existing and proposed topographical contours (ten-foot contour).

(3) Water table information.

(4) Points of vehicular access to the site.

(B) An erosion and sediment control plan.

(C) A description of the soil types encountered on the site.

(D) A landscaping plan for the period of land reclamation operations and for final restoration of the site.

(E) A security plan to prevent casual trespass.

(F) Proposed hours of operation.

(G) A description of land reclamation and processing operations proposed for the site.

(H) Projected traffic counts for each point of vehicular access to the site.

(I) An estimate of the quantity of materials to be imported to the site and timetable, with supporting calculations conforming to generally accepted engineering principles.

(J) A statement of the types of materials that will be accepted at the site.

(K) Such other materials as the director may require by regulation pursuant to AMC chapter 3.40.

iii. The site plan and erosion and sediment control plan required in subsection ii. above shall be subject to review and approval for drainage, erosion and sedimentation control; for conformance with the *208 Areawide Water Quality Management Plan*; and for compliance with generally accepted sound engineering principles.

iv. A building or land use permit is required for land reclamation.

v. In addition to the conditional use standards of approval at 21.03.080C., the Planning and Zoning Commission may approve a land reclamation use only if the commission finds that the use also meets the following standards:

(A) Principal access to the site shall minimize the use of residential streets, and access roads shall be treated in a manner so as to make them dust free. Where access roads intersect arterials, suitable traffic controls shall be established.

(B) The site will not accept materials that are hazardous or flammable.

(C) The site will not accept junk as defined in Chapter 21.14.

(D) The site will not accept soils contaminated with petroleum products or byproducts.

(E) The reclamation operations will not pose a hazard to the public health and safety.

(F) The reclamation operations will not generate noise, dust, surface water runoff, groundwater pollution, or traffic that will unduly impact surrounding land uses.

(G) The restoration plan for the site ensures that, after reclamation operations cease, the site will be left in a safe, stable, and aesthetically acceptable condition.

(H) The proposed use meets such additional standards for land reclamation conditional uses as the director may establish by regulation pursuant to AMC chapter 3.40.

vi. The Planning and Zoning Commission may attach such conditions to the approval of a land reclamation conditional use as it finds are necessary to mitigate potential negative impacts on adjacent uses.

6. Landfill

a. *Definition*

The burial of hazardous or non-hazardous agricultural, residential, institutional, commercial, or industrial waste, including areas for the disposal of building and organic material and solid waste processing. This use does not include land reclamation.

b. *Use-Specific Standards*

i. Landfills shall be set back at least 660 feet from any non-industrial use, and that required setback shall be planted with L4 screening landscaping.

ii. Landfills shall contain and treat on-site all run-off that comes into contact with the waste material, in such manner that the run-off will not contaminate surface or ground water.

iii. Landfills shall not be located in any floodway.

iv. No landfill shall commence operation until a nuisance control plan, specifying all measures to be taken to control nuisance conditions (such as odor, noise, scattered solid waste, wildlife) has been approved by the director.

7. Recycling Drop-Off

a. *Definition*

A lot or portion of a lot where containers are located to collect various materials for recycling. This use includes drop-off and collection of materials for recycling, but not processing of such materials.

b. *Use-Specific Standards*

i. No recycling drop-off area shall be located in required parking for any other uses on the same lot, required landscaping, or pedestrian facilities.

ii. Containers shall be screened in accordance with the standards of subsection 21.07.080H.2.

iii. Recycling drop-off areas that are on a lot with another principal use such as a school or retail store shall, to the extent reasonably feasible, be placed to the side of the principal structure and/or site, and not abutting the street that provides primary access to the site

iv. If a recycling drop-off area is within 200 feet of a residential district, no collection/pick-up of the accumulated materials shall occur between the hours of 10:00 p.m. and 6:00 a.m. on weekdays or between 6:00 p.m. and 10:00 a.m. on weekends.

v. If a recycling drop-off area is within 200 feet of a residential district, and the drop-off includes containers for collecting glass, the area shall be closed between the hours of 10:00 p.m. and 6:00 a.m.

8. Snow Disposal Site

a. *Definition*

An area used for the concentrated storage and disposal of snow transported to that site from other locations. For the purposes of this section, an entire Airport Management District is considered a single location.

b. *Use-Specific Standards*

i. *Location*

Snow disposal sites shall be located at least 25 feet from a class A or class B wetland, and at least 100 feet from a stream or water body.

ii. *Dimensional Standards*

Notwithstanding the general dimensional requirements of chapter 21.06, the following specific standards shall apply to this use.

(A) *Minimum Lot Size*

The minimum lot size shall be 36,000 square feet, unless otherwise established by the Planning and Zoning Commission.

(B) *Maximum Height of Snow Piles*

The maximum height of snow piles shall be 35 feet.

(C) *Minimum Setback Requirement*

The minimum setback of snow piles shall be 25 feet if adjacent to a public right-of-way or to an industrial zoning district, and 50 feet if adjacent to a non-industrial zoning district.

iii. *Snow Storage Area*

The snow storage area shall be well defined on-site in order to prevent storage of snow on adjacent properties or landscaped areas. This may be accomplished through location, landscaping, fencing, and/or signs.

iv. *Screening Fence or Berm*

An earthen berm or a screening structure, either at least six feet high, shall be constructed within every setback adjacent to a public right-of-way or to a non-industrial zoning district. Site enhancement landscaping, or another ground cover acceptable to the Planning and Zoning Commission, shall be planted on the berm and within the area between the berm and the lot line for the site. The Planning and Zoning Commission may require construction of a berm or fence within other setback areas in order to restrict casual access, to confine the operations within the site, to reduce noise and glare, and to ensure compatibility of the operation with adjacent uses.

v. *Drainage and Water Quality Facilities*

The on-site and off-site drainage network shall handle water runoff and snow melt without impacting adjacent properties. Drainage and meltwater disposal shall comply with the municipal *Design Criteria Manual* sections regarding snow disposal sites and drainage.

vi. *Noise, Dust, and Litter*

(A) *Noise*

If the level of noise from the activity at the snow disposal site, measured at the property line of any residential zoning district or noise-sensitive use such as a public building, academic school, or hospital within one half mile of the snow disposal site, shall exceed the standards stated in AMC subsection 15.70.080A., then the site plan shall identify mitigation measures.

(B) *Dust and Litter Control*

A dust control and litter plan shall be established and implemented. Trash collection/removal shall be done in a manner so that there are no dust or litter impacts to adjacent properties or public rights-of-way.

9. Solid Waste and/or Recycling Transfer Facility

a. ***Definition***

An establishment for the processing, transfer, and/or disposal of hazardous or non-hazardous solid waste and/or materials for recycling.

b. ***Use-Specific Standards***

i. A solid waste transfer facility (structures, operations, outdoor storage) shall not be located within 500 feet of any academic school, hospital, religious assembly, or residential district zoning district.

ii. Notwithstanding the general dimensional standards set forth in Chapter 21.06, the minimum lot size for a solid waste and/or recycling transfer facility shall be two acres and the minimum lot width shall be 150 feet, unless otherwise established by the Planning and Zoning Commission.

iii. Outdoor storage shall not exceed 35 feet in height. No outdoor storage, operations, or donations shall occur within the required front or side setback as set forth in chapter 21.06.

iv. In addition to any landscaping required under section 21.07.080, *Landscaping, Screening, and Fences*, the facility shall be surrounded by a fence that is at least eight feet high, except that public drop-off areas need not be fenced unless they are adjacent to residential or mixed-use districts. Such fencing that is adjacent to residential or mixed-use districts shall be screening fencing; such fencing that is adjacent to other non-industrial districts or to streets shall be sight-obscuring fencing.

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21.05.070 ACCESSORY USES AND STRUCTURES

A. Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. An accessory use is "incidental and customarily subordinate" to a principal use if it complies with the standards set forth in this section.

B. General Standards

All accessory uses shall comply with the general standards in this subsection B.

1. Approval of Accessory Uses and Structures

a. All principal uses allowed in a zoning district shall be deemed to include the accessory uses, structures, and activities set forth in this section, unless specifically prohibited.

b. See also sections 21.05.030 through 21.05.060 above, in which incidental or accessory uses are sometimes included in the description of a specific principal use category or use type. When a definition does include permitted accessory or incidental uses, such accessory or incidental uses shall be subject to the general standards set forth in this subsection B., the zoning district limitations in subsection C. below, as well as any use-specific standards set forth in subsections D. and E. below.

2. Compliance with Ordinance Requirements

a. All accessory uses and structures shall be subject to the standards set forth in this section and the dimensional standards of chapter 21.06. In the case of any conflict between the standards of this section and any other requirement of this Title, the standards of this section shall control.

b. Any use listed in subsections 21.05.030 through 21.05.060 is allowed as an accessory use to a residential use if the accessory use meets the standards of a "home occupation" at subsection 21.05.070D.11. If the use exceeds the standards of a "home occupation", then the use is no longer considered accessory and shall meet any applicable standards of subsections 21.05.010 through 21.05.060, which dictate in which districts the use is allowed, and any use-specific standards.

c. Accessory uses shall comply with all standards of this Title applicable to the principal use with which they are associated. Parking requirements shall be met for both the principal use, as specified in section 21.07.090, and any additional requirements for the accessory use, if applicable and specified in this section.

3. Dimensional Standards for Accessory Buildings and Structures

a. *Same Lot*
The accessory use or structure shall be conducted and/or located on the same lot as the principal use.

b. *Location of Accessory Structures*
No accessory structure shall be erected or maintained in any required setback, except that:

i. Buildings accessory to a residential use and allowed by this section 21.05.070 may be erected in a required side or rear setback that is adjacent to an alley;

ii. Two sheds or greenhouses, each 150 square feet or less, a maximum of 12 feet in height, and not attached to a foundation, may be erected in a required side or rear setback; and

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iii. Dog runs and dog houses not attached to a foundation may be erected in a required side or rear setback.

4. Same Ownership Required

The principal use and the accessory use shall be under the same ownership.

5. Temporary Accessory Uses and Structures

Temporary accessory uses and structures shall be governed by the temporary use standards set forth in section 21.05.080 of this Title.

C. Table of Allowed Accessory Uses

Table 21.05-3 below lists the accessory uses allowed within all base zoning districts. Each of the listed uses is defined in subsection D. below.

1. Explanation of Table Abbreviations

a. ***Permitted Uses***

"P" in a cell indicates that the accessory use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this Title, including the use-specific standards in subsection D. below and the development and design standards set forth in chapter 21.07.

b. ***Administrative Site Plan Review***

"S" in a cell indicates that the accessory use requires administrative site plan review in the respective zoning district in accordance with the procedures of section 21.03.180B, *Administrative Site Plan Review.*

c. ***Conditional Uses***

"C" in a cell indicates that, in the respective zoning district, the accessory use is allowed only if reviewed and approved as a conditional use in accordance with the procedures of section 21.03.080, *Conditional Uses.*

d. ***Prohibited Uses***

A blank cell indicates that the accessory use is prohibited in the respective zoning district.

e. ***Definitions and Use-Specific Standards***

Each use listed in table 21.05-3 is defined in this section. _Regardless of whether an accessory use is allowed by right or subject to administrative site plan review or conditional use, there may be additional standards that are applicable to the use. The cross-reference in the last column of the table identifies the code location of the definition and any use-specific standards. Any standards apply in all districts unless otherwise specified.

f. ***Unlisted Accessory Uses or Structures***

An accessory use or structure that is not listed in table 21.05-3 shall comply with all standards set forth in subsection B. above.

g. ***Table of Permitted Accessory Uses and Structures***

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TABLE 21.05-3: TABLE OF ACCESSORY USES – RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND OTHER DISTRICTS

P = Permitted S = Administrative Site Plan Review C = Conditional Use Review

	RESIDENTIAL													COMMERCIAL					INDUSTRIAL			OTHER					
ACCESSORY USES	R-1	R-1A	R-2A	R-2D	R-2M	R-3	R-4	R-5	R-6	R-7	R-8	R-9	R-10	B-1A	B-1B	B-3	RO	MC	I-1	I-2	MI	AF	DR	PR	PLI	W	DEFINITIONS OF USE SPECIFIC STANDARDS
Accessory Dwelling Unit (ADU)			P	P	P			P	P	P	P	P	P														21.05.070.D.1
Bed and Breakfast (up to 3 guestrooms)	P	P	P	P	P	P		P	P	P	P	P	P			P											21.05.070.D.2
Bed and Breakfast (4 or 5 guestrooms)	S	S	S	S	S	S		S	S	S	S	S	S			P											21.05.070.D.2
Beekeeping	P	P	P	P	P	P	P	P	P	P	P	P	P											P	P		21.05.070.D.3
Caretaker's Residence															P	P			P	P				P	P		21.05.070.D.4
Dormitory						S	S	S	S	S	S	S	S			P			P	P							21.05.070.D.5
Drive-through Service														P	P	P	P	P	P	P	P						21.05.070.D.6
Family Self-Sufficiency Service						P	P																				21.05.070.D.7
Farm, Hobby								P	P	P	P	P	P														21.05.070.D.8
Garage or Carport, Private Residential	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P		21.05.070.D.9
Home- and Garden-related Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P		21.05.070.D.10
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		P		21.05.070.D.11
Intermodal Shipping Container	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	21.05.070.D.12
Large Domestic Animal Facility								P	P	P	P	P	P														21.05.070.D.13
Outdoor Keeping of Animals	P	P	P	P	P	P		P	P	P	P	P	P										P	3 1	3 1		21.05.070.D.14
Outdoor Display Accessory to a Commercial Use														P	P	P	P	P	P	P	P						21.05.070.D.15

Outdoor Storage Accessory to a Commercial Use																P		P	P	P	P						21.05.070.D.16
Parking of Business Vehicles, Outdoors, Accessory to a Residential Use	P	P	P	P	P	P	P	P	P	P	P	P	P														21.05.070.D.17
Private Outdoor Storage of Non-commercial Accessory to a Residential Use	P	P	P	P	P	P	P	P	P	P	P	P	P										P				21.05.070.D.18
Vehicle Repair/rebuilding, outdoor, hobby	P	P	P	P	P			P	P	P	P	P	P										P				21.05.070.D.19
Accessory Dwelling Unit (ADU)			P	P	P			P	P	P	P	P	P														21.05.070.D.1
Bed and Breakfast (up to 3 guestrooms)	P	P	P	P	P	P		P	P	P	P	P	P			P											21.05.070.D.2
Bed and Breakfast (4 or 5 guestrooms)	S	S	S	S	S	S		S	S	S	S	S	S			P											21.05.070.D.2
Beekeeping	P	P	P	P	P	P	P	P	P	P	P	P	P											P	P		21.05.070.D.3
Caretaker's Residence															P	P			P	P				P	P		21.05.070.D.4
Dormitory						S	S	S	S	S	S	S	S			P			P	P							21.05.070.D.5
Drive-through Service														P	P	P	P	P	P	P	P						21.05.070.D.6
Family Self-Sufficiency Service						P	P																				21.05.070.D.7
Farm, Hobby								P	P	P	P	P	P														21.05.070.D.8

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D. Definitions and Use-Specific Standards for Allowed Accessory Uses and Structures

This section defines the accessory uses listed in tables 21.05-4 and 21.05-5 and also contains use-specific standards that apply to those uses. Accessory uses shall comply with the applicable use-specific standards in this subsection, in addition to complying with the general standards in subsection B.

1. Accessory Dwelling Unit (ADU)

a. *Definition*

A subordinate dwelling unit added to, created within, or detached from a detached single-family residence, which provides basic requirements for living, sleeping, cooking, and sanitation.

b. *Use-Specific Standards*

i. *Purpose and Intent*

The purpose and intent of this section is to:

(A) Fulfill housing policy #15 of *Anchorage 2020: Anchorage Bowl Comprehensive Plan*, which provides that accessory housing units shall be allowed in certain residential zones;

(B) Provide a means for homeowners, particularly the elderly, single parents, and families with grown children, to remain in their homes and neighborhoods, and obtain extra income, security, companionship, and services;

(C) Allow more efficient and flexible use of existing housing stock and infrastructure;

(D) Respond to changing family needs and smaller households by providing a mix of housing;

(E) Stabilize homeownership and enhance property values;

(F) Provide a broader range of accessible and more affordable housing within the municipality; and

(G) Protect neighborhood stability, property values, and single-family residential appearance of the neighborhood by ensuring that ADUs are installed under the provisions of this Title.

ii. *Application, Review, and Approval Procedures*

(A) Any landowner operating or seeking to establish an ADU shall obtain a building or land use permit from the building official. The permit shall constitute an ADU permit.

(B) With the permit application, the landowner shall submit an affidavit on a form provided by the municipality, affirming that at least one landowner will occupy the principal dwelling or the accessory unit, and that the ADU will conform to the requirements of the permit and the requirements of this section.

(C) The permit and the affidavit shall be filed as a deed restriction with the Anchorage recording district to indicate the presence of the ADU, the requirement of owner-occupancy, and conformity with the requirements of the permit and the requirements of this chapter.

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(D) The department shall receive a fee from the applicant pursuant to the Title 21 Users' Guide.

(E) For purposes of securing financing, potential landowners may request and receive a letter of pre-approval from the municipality indicating the property is eligible for an ADU permit if the potential landowner completes the application process and construction in accordance with this section.

iii. ***Requirements***

All ADUs shall meet the following requirements:

(A) ***Purpose***

Requirements for accessory dwelling units address the following purposes:

(1) Ensure that accessory dwelling units maintain and are compatible with the single-family appearance and character of the principal residence, lot, and neighborhood;

(2) Ensure that accessory dwelling units are smaller in size than the principal dwelling on the lot, and preserve yards and open space;

(3) Provide adequate parking while maintaining the single-family residential character of the neighborhood, avoiding negative impacts to on-street parking, and minimizing the amount of paved surface on a site; and

(4) Provide clear and flexible standards that make it practical and economical to develop accessory dwelling units that are in compliance with this code, and offer an accessible, affordable housing option to the community.

(B) ***Requirements for Developing an ADU***

ADUs shall be allowed in all residential zoning districts except R-1, R-1A, R-3, R-4, and R-4A.

(1) ***One Principal Structure***

One ADU may be added to or created within a detached single family dwelling on a lot, tract, or parcel, but only if the detached single-family dwelling is the sole principal structure on that lot, tract, or parcel.

(2) ***Detached ADU***

One ADU detached from a single-family dwelling is permitted on a lot, tract, or parcel, but only if:

- The lot, tract, or parcel is 20,000 square feet or greater and the ADU is attached to or above a garage and the detached single-family dwelling is the only principal structure; or
- The lot, tract, or parcel abuts an alley; the ADU is above a detached garage, the ADU/garage abuts the alley, and the detached single-family dwelling is the only principal structure.

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(3) *Lot Coverage*
The lot coverage of the principal dwelling unit and all accessory structures combined, including but not limited to the ADU, shall be less than or equal to the maximum lot coverage allowed by the zoning district.

(4) *Uses*

- An ADU shall not be permitted on any lot with a child care center.
- The landowner shall reside in either the principal dwelling unit or the ADU as his or her primary residence for more than six months of each year.
- No more than two persons may reside in an ADU.

(5) *Building Code Requirements*
To ensure that the dwellings meet appropriate health and fire safety standards, the ADU shall be built to the adopted municipal building code standards for two-family dwellings.

(6) *Size*

- The gross floor area of the ADU, not including any related garage, shall be no more than 700 square feet, nor less than 300 square feet, nor have more than two bedrooms;
- In no case shall the total gross floor area of an ADU be more than 35 percent of the total gross floor area of the principal dwelling unit, excluding the ADU and garages.

(7) *Setbacks*
An ADU shall not encroach into any required setback, except that an ADU may encroach into the rear setback abutting an alley.

(8) *Parking*
One off-street parking space in addition to the parking spaces required for the principal dwelling unit is required for the accessory dwelling unit; but in no event shall there be fewer than three parking spaces per lot. Notwithstanding the provisions of chapter 21.12, *Nonconformities*, all off-street parking deficiencies shall be corrected.

(9) *Design and Appearance*

- All ADUs shall be designed to maintain the appearance of the primary unit as a single family dwelling. The accessory dwelling unit shall maintain the architectural style and character of the single-family residence. Exterior siding, roofing, and trim shall match the appearance of the materials on the principal dwelling unit. Roof

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style shall match the predominant style of the principal dwelling unit. Exterior window trim, window proportions (width to height), patterns, and orientation (horizontal to vertical) shall match those of the principal dwelling unit.

- The construction of an additional entry door on the side of a principal structure facing a street for entrance into an accessory dwelling unit is prohibited, unless no other entry door already exists on that side. Entrances are permitted on non-street-facing sides of the principal structure.

(10) *Utilities*
To the extent allowed by law and utility tariff, the ADU shall be connected to the water, sewer, gas, and electric utilities of the single family dwelling unit. However, lots with on-site water or septic systems may have a separate water and/or septic system for the ADU.

(C) ***Additional Requirements for Detached ADUs***

(1) The ADU shall be at least 60 feet from the primary front lot line, or at least 10 feet behind the primary façade of the principal dwelling unit.

(2) The maximum height of a detached ADU shall be 25 feet.

(D) ***Density***
ADUs are not included in the density calculations for a site.

(E) ***Expiration of Approval of an ADU***
Approval of an ADU expires when:

(1) The ADU is altered and is no longer in conformance with this code;

(2) The property ceases to maintain all required off-street parking spaces;

(3) A landowner of the property does not reside in either the principal or the accessory dwelling unit;

(4) The ADU is abandoned by the landowner through written notification to the municipality on a form provided by the municipality; or,

(5) The property with an ADU changes ownership.

(F) ***Transfer***
An ADU permit is not transferable to any other property or any other person. When a property with an ADU is sold or otherwise transferred, the new landowner shall file an affidavit of owner-occupancy with the department within 30 days of the transfer, and pay a processing fee. Failure to file an affidavit by the due date constitutes failure to have a permit, in violation of this section. Transfers from one landowner to another landowner do

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not require a new affidavit so long as the recipient landowner signed the original affidavit.

(G) *Prior Illegal Use*

(1) All structures which meet the definition of accessory dwelling unit which are not recognized as legal nonconforming structures or uses of structures under chapter 21.12 shall comply with this subsection. Such structures may continue in existence provided the following requirements are met:

- A permit application for an ADU is submitted to the building safety division within six months of [effective date].
- The unit complies with the requirements of this section.

(2) If the unit does not comply with the requirements of this section at the time the permit application is filed, the building official may grant six months to bring the unit into conformance.

(3) In addition to any other remedies provided in this code, failure to legalize an existing unit under this subsection shall result in civil penalties as provided at AMC section 14.60.030. All landowners of illegal units shall also be required to either legalize the unit or remove it.

(4) This subsection does not apply to existing legal nonconforming uses of structures established pursuant to chapter 21.12.

(H) *Variances*

Nothing in this section guarantees any property landowner the right to create an ADU unless it conforms to all provisions in this section. Limitations due to natural features, lot size, lot dimensions, building layout, or other physical or environmental factors shall not be reasons for granting a variance from the standards and provisions of this section. No variances shall be granted from the standards and provisions of this section.

2. **Bed and Breakfast**

a. *Definition*

A bed and breakfast is a private residence that offers overnight accommodations and limited food service to overnight guests, for which compensation is paid on a daily or weekly basis.

b. *Use-Specific Standards*

i. *General Standards*

(A) Bed and breakfast establishments are allowed only in attached or detached single-family and two-family dwellings, not including mobile homes.

(B) The host-operator of the bed and breakfast enterprise shall establish and maintain the single-family or the bed and breakfast

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unit of a two-family structure as his or her primary domicile at all times while it is operated as a bed and breakfast.

(C) A bed and breakfast may have up to five guestrooms, as allowed by tables 21.05-4 and 21.05-5. If an ADU also exists on the premises, the ADU shall count as one of the allowed guestrooms. No more than the permitted number of guestrooms shall be offered for use at any one time.

(D) Only one daily meal shall be offered to guests at any bed and breakfast establishment.

(E) Individual guests are prohibited from staying at a particular bed and breakfast establishment for more than 30 consecutive days.

(F) A bed and breakfast shall not be permitted concurrently on any lot with a child or adult care facility, or assisted living facility.

(G) The accessory use shall protect and maintain the integrity of the residential neighborhood. A bed and breakfast shall not detract from the principal use in the district and shall not place a burden on any private or public infrastructure (i.e., streets or utilities) greater than anticipated from permitted development.

(H) Every bed and breakfast shall meet the off-street parking requirements stated in its administrative permit.

(I) Every bed and breakfast supported by on-site well and wastewater disposal systems shall conform to the requirements of AMC chapter 15.65, pertaining to wastewater disposal regulations, and shall obtain a one-time only health authority certificate.

ii. ***Administrative Permit***

A bed and breakfast shall require an administrative permit pursuant to section 21.03.030. An application for a bed and breakfast permit shall not be complete unless it is accompanied by proof of a current business license, a certificate of on-site systems approval (for on-site systems only), and a site plan and building floor plans meeting the requirements of this Title.

3. Beekeeping

a. ***Definition***

Keeping honey bees, *Apis mellifera*, for the purpose of education and/or producing honey or other products related to bees.

b. ***Use-Specific Standards***

i. Colonies of *Apis mellifera* shall be managed in such a manner that their flight path to and from the hive will not bring them into contact with people on adjacent property. To accomplish this, colonies shall be:

(A) At least 25 feet from any lot line not in common ownership; or

(B) Oriented with entrances facing away from adjacent property; or

(C) Placed behind a fence at least six feet in height and extending at least ten feet beyond the hive in all directions.

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ii. No more than four hives shall be placed on lots smaller than 10,000 square feet.

4. **Caretaker's Residence**

a. *Definition*

A dwelling unit on the site of a non-residential use and occupied only by a guard or the person who oversees the operation of the non-residential facility (and his/her family).

5. **Dormitory**

a. *Definition*

A facility intended or used as group living quarters for students, religious orders, employees, and the like, directly affiliated with a permitted principal use such as a school, college, convent, or similar institutional use.

b. *Use-Specific Standards*

i. Dormitories in residential and mixed-use districts shall comply with the multifamily residential design standards in subsection 21.07.110C.

ii. L2 visual enhancement landscaping is required when dormitories abut residential lots in a residential district.

6. **Drive-Through Service**

a. *Definition*

The physical facilities of an establishment that encourage or permit customers to receive services or obtain goods while remaining in their motor vehicles. A drive-through facility consists of two parts—the queuing lane and a service station where the service occurs. The queuing and service facilities of motor vehicle-related uses such as fueling stations, car washes, and vehicle service and repair are not included in the definition "drive-through service" as an accessory use, and are addressed elsewhere in this Title.

b. *Use-Specific Standards*

The purpose of these standards is to allow for drive-through facilities by reducing the impacts they may create, such as noise, glare, and fumes from idling cars, noise from voice amplification equipment, or traffic interferences with vehicle and pedestrian circulation. Drive-through services are allowed as accessory uses to the following primary uses: restaurant, pharmacy, financial institution, general personal services and food and beverage kiosk. The following standards apply to all drive-through services:

c. **Queuing *Spaces***

i. **Vehicle queuing spaces shall be provided pursuant to section 21.07.090L.**

ii. *Impact on Adjacent Uses*

(A) A drive-through that abuts a residential zoned property shall be located, sized, and designed to minimize traffic, noise, air emissions, and glare impacts on surrounding properties, based on the findings of an administrative site plan review.

(B) To the maximum extent feasible, talk boxes shall be located so that the principal structure on the site is between the talk box and any abutting residential zoning district, and shall meet the noise control standards in AMC section 15.70.

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7. Family Self-Sufficiency Service

a. *Definition*

A governmentally operated or sponsored social service agency that provides aide to economically disadvantaged families in finding training, employment, and housing and/or access to personal computer equipment for use in self-instruction. The use is accessory to housing facilities run by public or non-profit agencies.

b. *Use-Specific Standards*

i. *General Standards*

The following general standards apply to these uses in all districts:

(A) *Building*

The structure used to house the facility shall maintain at least twenty residential units and devote at least 85 percent of the building's maximum gross floor area to residential use.

(B) *Ownership*

The operating agency shall have ownership of the structure. No other entity may rent, lease, buy, or otherwise obtain space in the building for the purposes of operating facilities regulated under this subsection.

(C) *Staff*

During the hours of operation, there shall be at least one instructor/monitor on-site and responsible to the operating agency.

(D) *Clients*

Facility users are not required to be residents of the building housing the facility. The facility users shall be restricted to the tenants of the operating agency or beneficiaries of assisted housing from the operating agency.

8. Farm, Hobby

a. *Definition*

The production of crops for sale. This may include a temporary stand for sales on the premises.

9. Garage or Carport, Private Residential

a. *Definition*

A detached accessory or portion of a principal structure that is used for the parking and storage of vehicles owned and operated by the residents thereof.

b. *Use-Specific Standards*

i. Garages may encroach into the rear or side setback when that setback abuts an alley.

ii. Such accessory uses shall serve only the residents of the property and shall not be used for commercial purposes except as part of a home occupation approved under subsection D.11. below.

iii. In class A improvement areas and in the R-7 district, all garages or carports accessory to a single residential use, whether attached to or detached from the principal structure, shall cumulatively be no larger than 50 percent of the total gross floor area of the principal structure.

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iv. In class B improvement areas, except for the R-7 district, all garages or carports accessory to a single residential use, whether attached to or detached from the principal structure, shall cumulatively be no larger than five percent of the lot area, up to a maximum of 5,000 square feet.

10. Home- and Garden-Related Use

a. ***Definition***

Accessory uses subordinate to the use of a residential dwelling. Examples include, but are not limited to, greenhouses, gardens, storage sheds, garden sheds, tool sheds, workshops, private barbeque pits, spas, and hot tubs.

b. ***Use-Specific Standards***

i. All spas and hot tubs shall be set back a minimum of 10 feet from all property lines, and shall not be counted in calculating lot coverage.

ii. In class A improvement areas and in the R-7 district, all detached accessory structures under this use shall cumulatively be no larger than 50 percent of the total gross floor area of the principal structure.

iii. In class B improvement areas, except for the R-7 district, all detached accessory structures under this use shall cumulatively be no larger than five percent of the lot area, up to a maximum of 5,000 square feet.

11. Home Occupation

a. ***Definition***

An activity that results in a product or service, carried out for consideration or not, and conducted as a customary, incidental, and accessory use in a dwelling unit. This use expressly does not include bed and breakfasts, hobby farms, large domestic animal facilities, small and large assisted living facilities, or adult or child care homes.

b. ***Use-Specific Standards***

A home occupation may be conducted in a dwelling unit or in a building accessory to a dwelling unit provided that:

i. A permanent resident of the dwelling unit is engaged in the home occupation on the premises;

ii. Only one nonresident may be engaged in the home occupation on the premises;

iii. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its residential use. This standard is met by and limited to one of the following *in class A areas*:

(A) No more than the lesser of 25 percent or 500 square feet of the floor area of the principal dwelling is devoted to any home occupation; or

(B) No more than 300 square feet of an accessory building is devoted to any home occupation; or

(C) No more than 250 square feet of the principal dwelling and 250 square feet of the accessory building are devoted to any home occupation.

iv. The use of a dwelling unit for a home occupation shall be clearly incidental and subordinate to its residential use. This standard is met by and limited to one of the following in class B areas:

(A) No more than the lesser of 40 percent or 650 square feet of the gross floor area of the primary structure is devoted to the home occupation use; or

(B) No more than 600 square feet of an accessory structure is devoted to the home occupation; or

(C) No more than 325 square feet of the principal dwelling and 350 square feet of the accessory building are devoted to any home occupation.

v. Except for as provided in chapter 21.11, *Signs*, there shall be no change to the outside of the building or premises, nor shall there be other visible evidence of the conduct of such home occupation;

vi. Vehicles making deliveries shall not be parked at the site for a period exceeding one hour;

vii. No traffic or deliveries shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood;

viii. All vehicles used in connection with the home occupation shall, except for delivery vehicles allowed above, be of the type commonly used for personal non-commercial transportation. Home occupations shall comply with the requirements of subsection D.17. below;

ix. The peace and quiet of the neighborhood shall not be disturbed. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, or odors detectable to the normal senses at the property line. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes a fluctuation in line voltage off the premises. No hazardous or toxic materials shall be stored on the property as part of the home occupation;

x. The hours of operation during which an employee or co-worker, clients, or customers are allowed to come to the home in connection with the business activity are limited to between 7:00 a.m. and 10:00 p.m. Monday through Saturday. Care and feeding of animals is exempted from this provision;

xi. A home occupation shall not be permitted on any lot with an adult or child care facility, or assisted living facility; and

xii. Any storage of wholesale or retail stock in trade in conjunction with the home occupation shall not exceed 10 percent of the area devoted to the home occupation, except on lots 40,000 sf or larger in class B districts as defined in 21.08.050B. On lots meeting this exception, storage of stock in trade may equal the area devoted to the home occupation, if the storage is screened from neighboring lots and separated from the neighboring lot line by at least the established district setback.

c. *Uses Prohibited as Home Occupations*

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A home occupation shall not include, but is not limited to excluding, the following: veterinary or animal hospital; restaurant; and vehicle repair, unless allowed below under "vehicle repair/rebuilding, outdoor, hobby."

12. Intermodal Shipping Container (Connex Unit)

a. *Definition*

A pre-fabricated, standardized, reusable, metal container designed and intended for transporting cargo on ocean-going ships, trains, or tractor trailers, also commonly called cargo containers, transport containers, or marine cargo containers. This use includes similar structures, such as railroad cars.

b. *Use-Specific Standards*

The use of a connex unit is allowed in all zoning districts subject to the following:

i. Except in the industrial, commercial, and airport districts, connex units shall be screened on all sides by structures, landscaping, and/or fences at least as high as the unit, or alternately, shall be sided and roofed with materials substantially similar to the siding of the primary structure.

ii. In residential districts, connex units are only permitted on lots equal to or greater than 40,000 square feet. Except as restricted in b.vii. below, connex units existing as of [effective date] on any size lot may continue as long as the screening requirements of b.i. above and the number limitations of b.iv. below are met within one year of [effective date], in which case such connex unit(s) shall be deemed conforming. Failure to comply with this provision shall not result in a legal nonconformity, but rather shall result in an illegal structure.

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

iv. Self-storage establishments in compliance with the development standards of 21.05.060D.4., *Self-Storage Facility*, are exempt from this section.

v. Loading or unloading a connex unit, or the use of a connex during construction is exempt from this section.

vi. In residential districts on lots of less than 40,000 square feet, connex units existing on [effective date] that are located between the front plane of the principal structure and the front property line shall be removed or relocated within one year of [effective date].

13. Large Domestic Animal Facility (4 or more animals)

a. *Definition*

The keeping, harboring, riding, boarding, stabling, training, exercising, breeding, or related use of four or more large domestic animals regardless of animal ownership, and the associated structure(s) such as a paddock, stable, or barn. Operation of a large domestic animal facility is not a home occupation.

b. *Use-Specific Standards*

i. *Lot Size*

The minimum lot size for a large domestic animal facility of four animals is 40,000 square feet. An additional 10,000 square feet is required for

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each animal over four. Application for an administrative variance from the minimum lot size may be made to the planning department pursuant to subsection 21.03.240L.

ii. *Adjacent Lots*
Adjacent lots may be used in square footage calculations for site size only. If the adjacent lots are not under single ownership, the lot owners shall submit a recorded joint usage agreement for review and approval by the director. In such cases, setback requirements shall not apply to the interior lot lines between the applicable lots, and a primary use need not be located on the adjacent lot.

iii. *Setbacks*
Notwithstanding the setbacks of the underlying zoning district, covered structures associated with a large domestic animal facility, such as a stable or barn, shall be set back at least 25 feet from any abutting lot line, not including interior lot lines between lots in common ownership. Uncovered enclosures shall meet one of the following setback options:

(A) Seventy-five feet from residences existing on February 28, 2006, not including any residence in common ownership with the large domestic animal facility; or

(B) Ten feet from any abutting lot line, not including interior lot lines of lots in common ownership, if the separation area is vegetated with L3 buffer landscaping.

iv. *Structures*
The square footage of any single large domestic animal facility structure shall not exceed 10 percent of the lot size, up to a maximum of 8,000 square feet.

v. *Fences*
Barbed wire shall not be used for fencing of any large domestic animal facility.

vi. *Commercial Activity*
Commercial activity associated with large domestic animal facilities, such as boarding or riding lessons, is permitted.

vii. *Other Requirements*
Large domestic animal facilities shall:

(A) Meet the requirements of AMC chapter 15.20 regarding animal waste, AMC subsection 15.55.060B. concerning separation requirements from water supply wells, and section 21.07.020 concerning stream protection setbacks;

(B) Obtain an animal control facility license;

(C) Obtain certification of compliance with a state of Alaska, Anchorage soil and water conservation district conservation plan, or obtain a letter from the district showing demonstrated intent to come into compliance with a conservation plan within one year; and

(D) Comply with licensing and other laws concerning the keeping of animals as set forth in AMC Titles 15, 17, and 21.

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c. *Large Domestic Animal Facilities That Do Not Meet These Standards*
Large domestic animal facilities that exceed the use-specific standards listed above for site area, structure size, or number of animals, may be allowed by conditional use, pursuant to subsection 21.03.080. In such case, the facility shall be considered a second principal use on the lot and shall comply with subsection 21.05.050B.3.

14. **Outdoor Keeping of Animals**

a. *Definition*
Restraining or restricting the movement of animals outside of a principal structure, by any means not involving the continued presence and/or participation of a human being.

b. *Use-Specific Standards*

i. One to three large domestic animals may be kept outdoors on lots of 20,000 square feet or greater, but any structures or enclosures for keeping such animals shall meet the setback standards of subsection 21.05.070D.13.b.iii.

ii. The following standards apply to the outdoor keeping of all animals except for dogs, domestic cats, and large domestic animals:

(A) On lots of 40,000 square feet or greater, structures for the outdoor keeping of animals shall not encroach into the setbacks of the zoning district and shall be at least 10 feet from any lot line.

(B) On lots smaller than 40,000 square feet, the following shall apply:

(1) The outdoor keeping of roosters, turkeys, guinea fowl, peacocks, or geese is prohibited.

(2) Up to five animals may be kept on lots of 6,000 square feet or less, with an additional one animal per additional 1,000 square feet of lot area. A facility license may be required pursuant to Title 17.

(3) Structures for the outdoor keeping of animals shall not encroach into the setbacks of the zoning district and shall be at least 10 feet from any lot line.

(4) It shall be unlawful for any owner or custodian of an animal under this section to permit it to make chronic animal noise, as defined in AMC section 17.05.010.

15. **Outdoor Display Accessory to a Commercial Use**

a. *Definition*
Outdoor display of goods and/or materials for sale, accessory to a commercial principal use. Merchandise may be directly available to the consumer for purchase.

b. *Use-Specific Standards*
No materials may be displayed in areas intended for vehicular circulation, required parking, required open space, required unobstructed clear width of pedestrian walkways, or required landscaping.

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16. Outdoor Storage Accessory to a Commercial Use

a. ***Definition***

Outdoor storage, but not display for sale, of goods, equipment, and/or materials accessory to a commercial principal use. Merchandise in outdoor storage shall not be directly available to the consumer without the assistance of an employee.

b. ***Use-Specific Standards***

Except in industrial districts and except for outdoor storage associated with a large commercial establishment which is governed by subsection 21.07.130A.5.m., outdoor storage of goods, equipment, and/or materials accessory to a commercial principal use shall be allowed subject to the following standards:

i. Each outdoor storage area shall not be located closer to the front property line than the front façade of the principal building.

ii. Goods stored in an approved outdoor storage area shall be limited to those sold or used on the premises as part of an associated primary use.

iii. Equipment stored in an approved outdoor storage area shall be limited to equipment used for property maintenance, such as snow removal equipment. The number of pieces of equipment shall not exceed three. Such equipment storage is only allowed on lots of three acres or greater.

iv. Each outdoor storage area shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence or wall between six and eight feet in height that incorporates at least one of the predominant materials used in the principal structure. The fence or wall may exceed eight feet in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller fence or wall necessary to effectively screen the area. Materials may not be stored higher than the height of the principal structure. The outer perimeter of the fence or wall shall be landscaped with L2 visual enhancement landscaping. A landscaped earth berm may be used instead of or in combination with a required fence or wall, provided it meets the same height requirements.

v. If the outdoor storage area is covered, then the covering shall include at least one of the predominant roofing materials and exposed roofing colors on the principal structure.

vi. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.

vii. No goods, equipment, and/or materials may be stored in areas required for vehicular or pedestrian circulation or parking.

17. Parking of Business Vehicles, Outdoors, Accessory to a Residential Use

a. ***Definition***

The outdoor storage or parking of a vehicle used for and/or bearing visible evidence of a commercial/business purpose, but not regulated by subsection 21.05.070E.7.

b. ***Use-Specific Standard***

Only <u>two</u> vehicle<u>s</u> bearing visible evidence of a business/commercial purpose <u>are</u> permitted per residence.

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18. Private Outdoor Storage of Noncommercial Equipment Accessory to a Residential Use

a. *Definition*

The private outdoor storage of noncommercial equipment, including noncommercial trucks, boats, aircraft, off-road vehicles, recreational vehicles (RVs), or travel trailers.

b. *Use-Specific Standard*

The private outdoor storage of noncommercial equipment is permitted in the front setback only in the driveway, but not within five feet of any property line, and is prohibited in any side or rear setback, except in a side or rear setback abutting an alley. In class B districts, the setback shall be 25 feet from any property line where the adjacent property is not in common ownership.

19. Vehicle Repair/Rebuilding, Outdoor, Hobby

a. *Definition*

The repair or rebuilding of an inoperative motor vehicle as an accessory use, not for commercial purposes.

b. *Use-Specific Standards*

i. Only one inoperative vehicle may stored outdoors on the site at any given time.

ii. Any vehicle being rebuilt or repaired shall be the property of the resident of the principal structure.

iii. Repair or rebuilding work shall take place to the rear or side of the principal structure and shall be screened from view from all property lines and adjacent rights-of-way by an opaque fence between six and eight feet in height, or by opaque landscaping of an equivalent height.

E. Prohibited Accessory Uses and Structures

1. Operation of Particle Accelerators, including Cyclotrons

Operation of particle accelerator systems, including cyclotrons, is prohibited in all residential districts, whether or not such system is associated with a home occupation.

2. Outdoor Storage of Inoperative Vehicles

In all zoning districts, the outdoor storage of any vehicle that meets the definition of "junk vehicle" at AMC section 15.20.010 is prohibited except as provided in section 21.05.070D.19, *Vehicle Repair/Rebuilding, Outdoor, Hobby*; section 21.05.060E.4., *Junkyard or Salvage Yard*; and section 21.05.050I.7. or I.8., *Vehicle Repair, Major* and *Minor.*

3. Use of Mobile Home, Recreational Vehicle, or Travel Trailer as Residence

Except as allowed by 21.05.080B.3.e., in all zoning districts, mobile homes, recreational vehicles, and travel trailers may not be used as an accessory use for a permanent or temporary residence. However, an RV or travel trailer may be used as visitor accommodation for not more than 90 days in any calendar year.

4. Use of Motor Vehicle for Sales

In all zoning districts, the use of any motor vehicle or trailer as a structure in which, out of which, or from which any goods are sold or stored, any services performed, or other businesses conducted is prohibited. However, the following shall not be prohibited by this subsection:

a. The sale of food products at a municipal-approved or -sponsored event;

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b. Use of a motor vehicle in connection with an approved recycling operation;

c. Approved food and beverage kiosks that comply with the use-specific standards in section 21.05.050E.2., *Food and Beverage Kiosk*; and

d. Use of a trailer in connection with an approved vehicle sales use.

5. Commercial Motor Vehicle Repair
Commercial motor vehicle repair, including engine, body, or other repair or repainting of more than one vehicle at any one time or owned by a person not residing at that address, is prohibited in all residential districts.

6. Parking of Commercial Vehicles, Outdoor
The outdoor storage or parking of a vehicle or trailer is prohibited in all residential districts, for a period of one or more nights, if the vehicle or trailer is licensed or regularly used for business purposes, and is either:

a. A vehicle for which a commercial driver's license is required by state law;

b. A vehicle or trailer having more than two axles;

c. Any trailer bearing commercial signage, logo, or carrying commercial or industrial equipment or materials;

d. A vehicle or trailer having a height in excess of 90 inches; or

e. A vehicle with a gross vehicle weight rating (GVWR) of more than 12,000 lbs.

21.05.080 TEMPORARY USES AND STRUCTURES

A. Purpose

This section allows for the establishment of certain temporary uses of limited duration, provided that such uses do not negatively affect adjacent properties or municipal facilities, and provided that such uses are discontinued upon the expiration of a set time period. The construction or alteration of any permanent building or structure is not considered a temporary use.

B. General Temporary Use Standards

1. Required Permits
All temporary uses shall obtain any permits required by other municipal departments, such as the clerk's office, the health department, the building safety department, or the police department.

2. Uses Allowed
Except as specified below, any use allowed in a district, pursuant to tables 21.05-1 and 21.05-2, is allowed on a temporary basis in that district. Such temporary uses shall comply with the requirements of subsection D. below. Any such temporary use that is established for more than the allowed time limit as determined in subsection 21.05.080D.3. shall be considered a permanent use and shall make all improvements required by this Title.

3. Other Uses and Structures Allowed
The following temporary uses and structures shall be allowed in any zoning district or as specified below, in accordance with the standards of this section.

a. Licensed Commercial Uses

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Temporary licensed commercial uses and associated temporary structures are allowed in any non-residential zoning district, for not more than 90 days total (consecutive or intermittent) within a 12 month period.

b. *Real Estate Sales Offices*
Sales offices are allowed on residential development sites in any zoning district until all lots or houses are sold. Use of the sales office to market sites outside of the project is prohibited.

c. *Special Events*
Amusement, athletic, charitable, cultural, entertainment, and/or political events or similar temporary and transitory gatherings are allowed in all zoning districts, subject to the standards of this section.

d. *Temporary Parking of Construction Equipment During Construction*
Temporary use of non-loading areas for tractor trailers, office trailers, construction equipment or materials, construction worker parking, or intermodal shipping container (connex) trailers, during construction or renovation is allowed in all zoning districts, subject to the standards of this section.

e. *Temporary Living in a Mobile Home, Motor Home, or Other Recreational Vehicle*
Notwithstanding Title 23, one mobile home, motor home, or other recreational vehicle with a fully operable self-contained sanitation system may be used on a lot in the R-5, R-6, R-7, R-8, R-9, R-10, and TA districts as temporary living quarters for not more than 18 months while a permanent dwelling is being constructed or repaired, if the following requirements are met:

i. The property owner or person intending to occupy the temporary living quarters during construction or repair of the permanent dwelling shall secure a permit from the building official before a motor home or other recreational vehicle is used on site as temporary living quarters. A permit issued under this subsection shall not be renewed and only one permit shall be issued for the same parcel within any 10 year period. The permit may be granted only upon the applicant's written certification, with attachments, that:

(A) The self-contained sanitation system is fully operable and shall be used with zero on-site discharge, including no on-site gray water discharge, except through an approved septic system;

(B) Site access is sufficient and shall be used to transport refuse and excess waste year-round for proper off-site disposal;

(C) Electrical utility service is on-site for use during the permit period and no generators shall be used;

(D) The applicant has a current building or land use permit, a copy of which shall be attached to the certification; and

(E) If temporary connection to an on-site septic system is to be used, proof is attached that an approved septic system is in place.

ii. Only one motor home or other recreational vehicle shall be permitted for use as temporary living quarters on any parcel of land during the construction or repair of a permanent dwelling.

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iii. The motor home or recreational vehicle placement on the lot shall comply with the setbacks of the underlying zoning district.

f. *Other Allowed Temporary Uses*

i. Up to nine one-day garage/yard sales per year per dwelling unit.

ii. Gatherings of less than 100 people, such as block parties, nonprofit bazaars, and fundraisers; and

iii. Temporary uses that occur wholly within an enclosed permanent building.

iv. Frame-supported, arch-supported, or inflated tension fabric or membrane structures, fabricated off-site and assembled on-site, and typically used for garages, sheds, warehouses, or temporary or permanent shelters for automobiles, boats, or other items, shall be allowed for 30 days within a 12 month period in all residential districts.

C. Prohibited Temporary Uses and Structures

The following temporary uses and structures are prohibited:[RESERVED]

D. General Requirements for All Temporary Uses and Structures

All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this Title:

1. The temporary use or structure shall not have substantial adverse or noise impacts on nearby residential neighborhoods.

2. The temporary use shall comply with all applicable general and specific regulations of this section unless otherwise expressly stated.

3. Unless otherwise stated in this Title, temporary uses in residential districts shall last no longer than 90 days. Temporary uses in nonresidential districts shall last no longer than 180 days, with a possible 180 day extension, in accordance with AMC 23.10.104.

4. All temporary signs associated with the temporary use or structure shall be removed when the activity ends.

5. The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.

6. The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as health department permits.

7. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic movement that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, 100-year floodplains, stream protection setbacks, wetlands, areas of slope greater than 20 percent, and required landscaping.

8. If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movement, pedestrian circulation, or parking space availability.

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9. Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property.

10. Off-street parking shall be adequate to accommodate the proposed temporary use.

11. Applications for temporary structures to be located in or near the 100-year floodplain shall be required to submit a plan to the director for the removal of such structure(s) in the event of a flood notification. The plan shall include the following information:

a. The name, address, and phone number of the individual responsible for the removal of the temporary structures;

b. The time frame prior to the event at which a structure will be removed;

c. A copy of the contract or other suitable instrument with a trucking company to insure availability of removal equipment when needed; and

d. Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.

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CHAPTER 21.06: DIMENSIONAL STANDARDS AND MEASUREMENTS

21.04.010 PURPOSE

A. **Purpose**

Specific purposes of this chapter include:

1. Preserving light and air, and avoiding congestion in residential zoning districts;
2. Promoting fire protection through appropriate separation of structures;
3. Ensuring setbacks which promote a reasonable relationship between residences and a consistent residential streetscape;
4. Promoting streetscapes that are consistent with the intended character of different commercial zones;
5. Promoting buildings close to the sidewalk in districts when mixed use development occurs, to reinforce a pedestrian oriented streetscape;
6. Controlling the overall building bulk and lot coverage to help define the character of different zones;
7. Promoting a reasonable building scale that is consistent with the function of local commercial areas and the character of surrounding neighborhoods; and
8. Promoting the efficient use of service capacity in areas with the highest levels of public services and intended development.

B. **Applicability**

This chapter applies to all development within the municipality.

21.06.020 DIMENSIONAL STANDARDS TABLES

A. This section contains tables that list the requirements for lot dimensions, building bulk, density, location, and height for various developments. All primary and accessory structures are subject to the dimensional standards set forth in the following tables. Superscript numbers refer to notes at the bottom of each table. General rules for measurement and exceptions are set forth in section 21.06.030.

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 or different requirements than set forth in these tables.

A. Table of Dimensional Standards: Residential Districts

TABLE 21:06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS
(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)

Use	Minimum lot dimensions[1]		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract [2]	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
R-1: Single-Family Residential District								
Residential uses	6,000	50	30	20	5	10	1	Principal: 30 Accessory garages/carports: 20 Other accessory: 12
All other uses	6,000	50	30	20	5	10	N/A	
R-1A: Single-Family Residential District (larger lot)								
Residential uses	8,400	70	30	20	5	10	1	Principal: 30 Accessory garages/carports: 20 Other accessory: 12
All other uses	8,400	70	30	20	5	10	N/A	
R-2A: Two-Family Residential District (larger lot)								
Dwelling, single-family detached	7,200	60	40	20	5	10	1	Principal: 30, not to exceed two and one-half stories Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	8,400	70	40	20	5	10	1	
Dwelling, single-family attached	3,500	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	
All other uses	7,200	60	40	20	5	10	N/A	
R-2D: Two-Family Residential District								
Dwelling, single-family detached	6,000	50	40	20	5	10	1	Principal: 30, not to exceed two and one-half stories Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	6,000	50	40	20	5	10	1	
Dwelling, single-family attached	3,500	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	
All other uses	6,000	50	40	20	5	10	N/A	

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TABLE 21:06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS
(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)

Use	Minimum lot dimensions[1]		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract [2]	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
R-2M: Mixed Residential District 2								
Dwelling, single-family detached	6,000 min.	50	40	20	5	10	1	Principal: 30 Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	6,000	50	40	20	5	10	1	
Dwelling, single-family attached	3,000	35 (40 on corner lots)	40	20	N/A on common lot line; otherwise 5	10	1	
Dwelling, townhouse	2,400	24 (30 on corner lots)	60	20		10	1	
Dwelling, multiple-family (up to 8 units permitted per building)	8,500 + 2,300 for every unit over 3	50	40	20	5	10	More than one principal structure may be allowed on any lot or tract by administrative site plan review; no portion of any structure may be closer than 10 feet to any portion of any other structure	
Dwelling, multiple-family, with single- or two-family style construction of multiple buildings on a lot	3,000 per unit	50	40	20	5	10		
All other uses	6,000	50	40	20	5	10		

TABLE 21:06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS
(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)

Use	Minimum lot dimensions[1]		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract [2]	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
R-3: Multifamily Residential District								
Dwelling, townhouse	2,000	20 (30 on corner lots)	60	20	N/A on common lot line; otherwise 5	10	1	35
Dwelling, single family	6,000	50	30	20	5	10	1	
Dwelling, two-family	6,000	50	40	20	5	10	1	
Dwelling, multi-family	6,000 +1,000 for every unit over 4 units	50	40	20	10	20	More than one principal structure may be allowed on any lot or tract; no portion of any structure may be closer than 10 feet to any portion of any other structure.	
All other uses	6,000	50	40	20	10	20		
R-4: Multifamily Residential District 2								
Dwelling, townhouse	2,000	20 (30 on corner lots)	60	10	N/A on common lot line; otherwise 5	10	More than one principal structure may be allowed on any lot or tract; no portion of any structure may be closer than 10 feet to any portion of any other structure.	35
Dwelling, multi-family	6,000	50	50		5 plus one foot for each five feet in height exceeding 35 feet	10		45 [3]
All other uses	6,000	50	50			10		N/A

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TABLE 21:06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS
(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)

Use	Minimum lot dimensions[1]		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract [2]	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
R-5: Low-Density Residential District								
Dwelling, single-family, or one mobile home	7,000	50	30	20	5	10	1	Principal: 30 Accessory garages/carports: 25 Other accessory: 12
Dwelling, two-family	13,000	100	30	20	5	10	1	
All other uses	7,000	50	30	20	5	10	N/A	
R-6: Low-Density Residential District (1 acre)								
Dwelling, single-family	43,560	150	30	50	25	50	1	Principal: 35 Accessory garages/carports: 30 Other accessory: 25
Dwelling, two-family	87,120	200	30	50	25	50	1	
All other uses	43,560	150	30	50	25	50	N/A	
R-7: Single-Family Residential District (20K)								
Dwelling, single-family	20,000	120	30	25	10	20	1	Principal: 35 Accessory garages/carports: 30 Other accessory: 25
Dwelling, two-family	40,000	120	30	25	10	20	1	
All other uses	20,000	120	30	25	10	20	N/A	
R-8: Low-Density Residential District (4 acres)								
Dwelling, single-family	174,240	300	5	25	15	25	1	Principal: 35 Accessory garages/carports: 30 Other accessory: 25
Dwelling, two-family	261,360	300	5	25	15	25	1	
All other uses	174,240	300	5	25	15	25	N/A	

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TABLE 21:06-1: TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL DISTRICTS
(Additional standards may apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)

Use	Minimum lot dimensions[1]		Max lot coverage (%)	Minimum Setback Requirements (ft)			Max number of principal structures per lot or tract [2]	Maximum height of structures (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear		
R-9: Low-Density Residential District (2 acres)								
Dwelling, single-family	87,120	180	5	25	15	25	1	Principal: 35 Accessory garages/carports: 30 Other accessory: 25
Dwelling, two-family	130,680	180	5	25	15	25	1	
All other uses	87,120	180	5	25	15	25	N/A	
R-10: Low-Density Residential Alpine/Slope District								
All uses	(See section 21.04.020P.2.)			10	25 feet; 50 feet if average slope exceeds 30 percent	10	1	Principal: 30 Accessory garages/carports: 25 Other accessory: 18

[1] For other lot dimensional standards, see section 21.08.030K.

[2] For those residential uses where only one principal structure is allowed on a lot, no additional nonresidential principal structures are allowed.

[3] See subsection 21.04.020I.2.d. for information regarding possible height increases.

[4] See subsection 21.04.020J.2.d. for information regarding possible height increases.

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B. Table of Dimensional Standards: Commercial and Industrial Districts

TABLE 21:06-2: TABLE OF DIMENSIONAL STANDARDS - COMMERCIAL AND INDUSTRIAL DISTRICTS
(Additional Standards May Apply. See district specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)

Use	Minimum lot dimensions[5]			Minimum setback requirement (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear	
B-1A: Local and Neighborhood Business							
All uses	6,000	50	50	10	10 if adjacent to a residential district; otherwise 0 or at least 5	15 if abutting a residential district; otherwise 10	30
Mixed Uses	6,000	50	75	Min. 0 ft. Max. 20 ft. A minimum of 30% of the street-facing building elevation shall be within the maximum front setback	15 adjacent to a residential district; otherwise 0 or at least 5	15 adjacent to a residential district; otherwise 0 or at least 5	45
B-1B: Community Business District							
Commercial uses	8,000	80	70	20	20 if adjacent to a residential district, otherwise 0 or at least 5	25 if abutting a residential district; otherwise 5	35
Residential	8,000	80	40	20	10	20	35
Mixed Uses	6,000	50	75	Min. 0 ft. Max. 20 ft. A minimum of 30% of the street-facing building elevation shall be within the maximum front setback	15 adjacent to a residential district; otherwise 0 or at least 5	15 adjacent to a residential district; otherwise 0 or at least 5	45
B-3: General Business							
All uses	6,000	50	Unrestricted	10	15 if adjacent to a residential district; otherwise 0 or at least 10	15 if adjacent to a residential district; otherwise 0 or at least 5	N/A
Mixed Uses	6,000	50	75	Min. 0 ft. Max. 20 ft. A minimum of 50% of the street-facing building elevation shall be within the maximum front setback	15 if adjacent to a residential district; otherwise 0 or at least 5	15 if adjacent to a residential district; otherwise 0 or at least 5	75

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TABLE 21.06-2: TABLE OF DIMENSIONAL STANDARDS - COMMERCIAL AND INDUSTRIAL DISTRICTS
(Additional Standards May Apply. See district specific standards in chapter 21.04 and use-specific standards in chapter 21.05.)

Use	Minimum lot dimensions[5]			Minimum setback requirement (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)	Max lot coverage (%)	Front	Side	Rear	
DT-1, DT-2, and DT-3: Downtown Districts (to be determined through Downtown Plan process)							
RO: Residential Office District							
All other uses	6,000	50	50	10	10 if adjacent to a residential district; otherwise 5	15 if adjacent to a residential district, otherwise 10	N/A
Mixed Uses	6,000	50	75	Min. 0 ft. Max. 20 ft. A minimum of 50% of the street-facing building elevation shall be within the maximum front setback	15 if adjacent to a residential district; otherwise 0 or at least 5	15 if adjacent to a residential district; otherwise 0 or at least 5	75
MC: Marine Commercial District							
All uses	6,000	50	N/A	10	0 or at least 5	0 or at least 5	90 feet above mean sea level
I-1: Light Industrial District							
All uses	6,000	50	N/A	10	20 if adjacent to a residential district; otherwise 0 or at least 5		Within 50 feet of a residential district, no portion of any structure shall exceed the height limit of that district; otherwise none
I-2: Heavy Industrial District							
All uses	6,000	50	N/A	10	40 if adjacent to a residential district; otherwise 0 or at least 5		None
MI: Marine Industrial							
All uses	6,000	50	N/A	10	0 or at least 5		Within 50 feet of a residential district, no portion of any structure shall exceed the height limit of that district; otherwise none

[5] For other lot dimensional standards, see section 21.08.030K.

[6] Non-building industrial structures and industrial appurtenances are exempt from the maximum allowed height.

Comment [DC1]: Add the following row:
Mixed uses. Same as B-3 above. This is in lieu of amendment 36

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C. Table of Dimensional Standards: Other Districts

TABLE 21:06-3: TABLE OF DIMENSIONAL STANDARDS - OTHER DISTRICTS
(Additional Standards May Apply. See district-specific standards in chapter 21.04 and use-specific standards in chapter 21.05. See section 21.04.070 for AM district standards.)

Uses	Minimum lot dimensions[10]		Max lot coverage (%)	Minimum setback requirements (ft)			Maximum height (ft)
	Area (sq ft)	Width (ft)		Front	Side	Rear	
AF: Antenna Farm District							
All	87,120	120	50	50	25	25	Unlimited, except that structures shall not interfere with FAA regulations on airport approaches
DR: Development Reserve District							
All	5 acres	100	20	Front, side, and rear setbacks shall be 25 feet when the abutting district is PR, PLI, or residential; otherwise, the setbacks shall be equal to the analogous minimum setback in the abutting district.			35
PR and PLI: Parks and Recreation, and Public Lands and Institutions Districts							
All	6,000	50	45	Front, side, and rear setbacks shall be 25 feet when the abutting district is DR, PR, PLI or residential; otherwise, the setbacks shall be equal to the analogous minimum setback in the abutting district.			75 feet unless greater heights is approved by conditional use of master plan
TA: Turnagain Arm District							
Residential (with sewers)	10,400	70	30	20	5	10	35, unless a conditional use permit is obtained for greater height
Residential (without sewers) (Bird Creek, Indian Valley, Portage inholdings)	108,150	100	20	25	15	25	
Residential (without sewers) (Rainbow Valley inholdings)	216, 300	100	20	25	15	25	
Commercial (with sewers)	8,400	50	70	10	10 if adjacent to a residential district, otherwise 5	15 if adjacent to a residential district, otherwise 10	
Commercial (without sewers)	50,000	100	25	25	15	25	
Industrial (with sewers)	8,400	50	100	10	If abutting to a residential use, the setback shall be equal to that required by the residential use; otherwise None		
Industrial (without sewers)	50,000	100	25	25	15	25	
Institutional (with sewers)	8,400	50	30	25	10	15	
Institutional (without sewers)	50,000	100	25	25	15	25	
W: Watershed District							
All	N/A	N/A	5	N/A	N/A	N/A	50

[10] For other lot dimensional standards, see section 21.08.030K.

Comment [DC2]: This is amendment 38

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21.06.030 MEASUREMENTS AND EXCEPTIONS

A. Lot Area, Width, and Depth

1. Minimum lot area shall be provided as indicated in section 21.06.020, unless otherwise stated in this Title.

2. Lot width and depth shall be measured as shown in the lot width and lot depth illustrations at the end of the chapter.

B. Lot Coverage

1. **Lot Coverage Requirement Generally**
No building, structure, or lot shall be developed, used, or occupied unless it meets the lot coverage requirements set forth in this chapter or in chapter 21.04, for the zoning district in which it is located.

2. **Structures Not Considered in Measuring Lot Coverage**
Unless otherwise provided in this Title, all structures shall be considered in determining lot coverage except for the following:

   a. Structures less than 30 inches above the finished grade level (such as paved terraces or ground-level decks);

   b. Windowsills, bay windows, fireplace chases, belt courses, cornices, eaves, and similar incidental architectural features;

   c. Accessibility ramps;

   d. Fences, trellises, poles, posts, ornaments, lawn furniture, and similar and customary yard accessories; and

   e. Covered stairways and walkways as described in subsection C.2.j. below.

C. Setbacks

1. **Required Setbacks**
   a. Setbacks shall be located as shown in the illustrations at the end of the chapter.

   b. A building, structure, or lot shall not be developed, used, or occupied unless it meets the setback requirements set forth in section 21.06.020 for the zoning district in which it is located, except as otherwise established in this Title for particular uses, or unless a variance or minor modification has been granted.

   c. Setbacks shall be unoccupied and unobstructed by any structure, except as provided in subsection C.2. below, and except that fences, walls, trellises, poles, posts, ornaments, furniture, and other customary yard accessories may be permitted in any setback subject to height limitations and requirements limiting obstruction of visibility.

   d. A setback required by this Title shall not be included as part of a setback required by this Title for another building or structure or lot.

   e. The entire "pole" portion of a flag lot shall be considered a front setback.

2. **Projections into Required Setbacks**
The following structures or features may project into required front, side, or rear setbacks as specified in this subsection:
   a. ***Paved Terraces***
   Paved terraces may project into any required setback, provided that no structures placed there shall violate other requirements of this Title.

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b. *Unroofed Landings, Decks, and Stairs*
Except as provided in subsection 2.c. below, unroofed landings, decks, and stairs may project into required front and rear setbacks only, provided that no portion other than a handrail shall extend higher than 30 inches above the finished grade level.

c. *Roofs Over Porches and Other Exterior Approaches*
Roofs over porches, stairways, landings, terraces, or other exterior approaches to pedestrian doorways may encroach up to five feet into a front setback, provided that, where such roof projections encroach within the setback, the roof projections shall comprise no more than 50 percent of the total length of a building's front elevation. The covered porch or entrance area encroaching into the setback shall remain exterior to the building, and unenclosed or only partly enclosed, as by a handrail.

d. *Incidental Architectural Features*
Windowsills, fireplace chases, belt courses, cornices, eaves, and similar incidental architectural features may project up to two feet into any required setback.

e. *Bay Windows*
Bay windows, measuring no more than eight feet in width where the projection breaks the plane of the wall, may project up to two feet into any required setback, so long as there is a minimum of eight feet between the bay window and any opposing encroachment on an adjacent lot.

f. *Private Garage or Carport*
A private garage or carport may project into a required side or rear setback abutting an alley.

g. *Accessory Structures*
Accessory structures may encroach into a required setback as allowed in subsection 21.05.070B.3.b. Refuse collection receptacles and their enclosures that are less than 150 square feet may encroach in any side or rear setback.

h. *Accessibility Ramps*
The director may allow the installation of accessibility ramps with handrails in any required setback if they meet the following criteria:

i. The ramp is neither roofed nor enclosed;

ii. There are no switchbacks over 30 inches in height; and

iii. The width of the ramp does not exceed 48 inches.

i. *Fire Exits*
For buildings existing on [effective date], open fire exits may project not more than four feet six inches into any required setback.

j. *Covered Stairways and Walkways*
Stairways and walkways that are roofed but not fully enclosed, and are installed to provide public access between grade-separated areas, but are not intended to provide access to the entrance of any particular structure, may encroach into required setbacks.

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3. **Construction on Adjoining Lots**
In determining minimum setback requirements, each lot shall be determined individually and minimum setback requirements may not be calculated on the basis of two or more combined lots. In all instances where a building may be constructed immediately adjacent to a lot line, the building may be constructed upon or over such lot line, provided that the portion of the building on each individual lot is otherwise permitted on each lot.

4. **Corner Lots with Two or More Frontages and Double-Frontage Lots**

a. In the case of corner lots with two or more frontages and double-frontage lots, the director shall determine the setback requirements (except as provided in 4.b. below) subject to the following limitations:

i. At least one front setback shall be provided having the full depth required generally in the district.

ii. No other front setback on such lot shall have less than half the depth required generally for front setbacks in the district.

iii. For residential lots of less than one acre in area and for non-residential lots, setbacks shall be consistent with surrounding properties, with more weight given to abutting properties oriented in the same pattern.

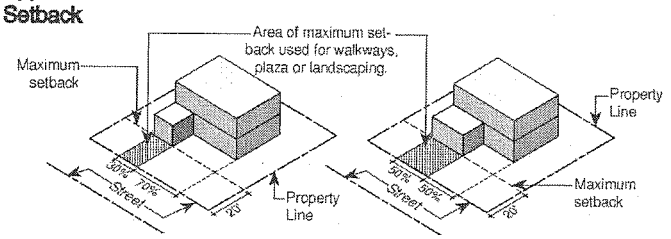
b. For residential lots of one acre or greater in area, the property owner, with the concurrence of the traffic engineer, has discretion over which frontage shall be the primary front setback.

5. **Maximum Setbacks**
Maximum setbacks shall only be applied in the residential and commercial districts only when a mixed-use structure is being developed. If any development is either solely residential or solely commercial the maximum setback requirements are not applicable. Maximum setbacks promote buildings closer to the sidewalk and a stronger interface between buildings and adjoining streets, improving connectivity and making walking more convenient. The requirements of this subsection provide for flexibility and creativity, and allow improvements to existing developments that do not meet the standard.

a. ***Measurement and Applicability***

i. The maximum setback applies to the ground-floor, street-facing elevation of the building, as depicted below.

Application of Maximum Setback



Example of Application of Maximum Setback for 30% of the front building elevation

Example of Application of Maximum Setback for 50% of the front building elevation

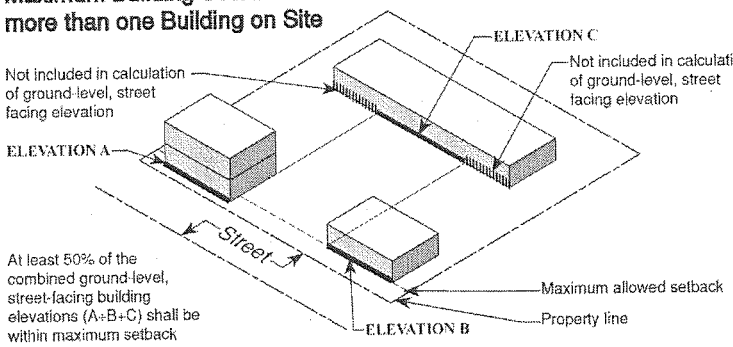
ii. On lots with two or more street frontages, the maximum setback shall apply only on the primary front setback. When the site abuts a street designated in the comprehensive plan as a "main street", a "transit street", a "mixed-use street", or a derivation of these street typologies,

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the location of the maximum setback may be changed to such street with the concurrence of the director.

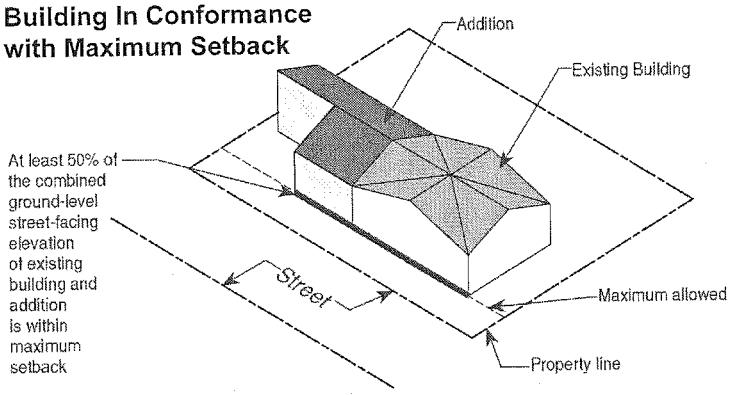
iii. Where there is more than one building on the site, the maximum setback standard applies to the combined ground-floor, street-facing elevations of all the buildings, as depicted below.

Maximum Building Setback with more than one Building on Site



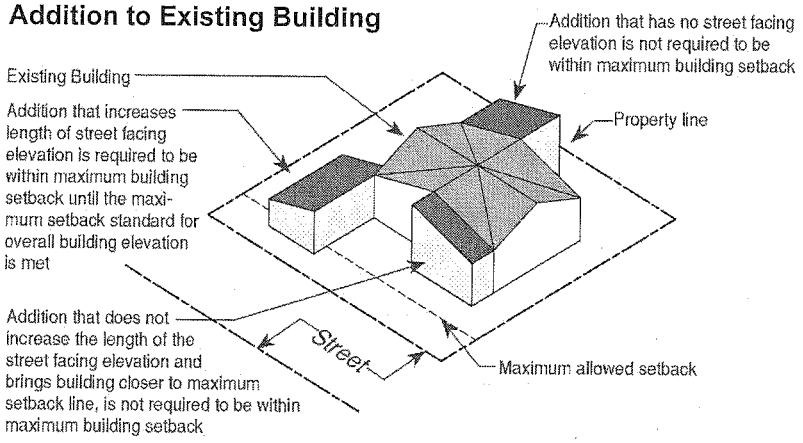
iv. The maximum setbacks shall apply only to new buildings and any building addition that increases the length of the building elevation facing the applicable street, as depicted below.

Addition to Existing Building In Conformance with Maximum Setback



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Addition to Existing Building



v. For all multi-building sites except those which fall under the large commercial establishment regulations in subsection 21.07.130A., the order of construction shall ensure that this standard is met at all times.

vi. Where the required setback from a projected right-of-way is equal to or greater than the maximum setback, the maximum setback shall be measured from the projected right-of-way setback line.

b. *Use of Maximum Setback Area*

i. Motor vehicle parking and circulation is not permitted in between the street and the portion of the building that is used to comply with this subsection.

ii. The area between the street lot line and the portion of the building that is used to comply with this subsection shall be designed to be sidewalk or walkway, building entrance plaza, pedestrian plaza, open space, landscaping, and/or courtyard areas. Where landscaping is provided, the area shall meet the specifications for site enhancement landscaping. One pedestrian feature as defined by this Title is required for every 300 square feet of maximum setback area.

c. *Exceptions to Maximum Setback*

i. The maximum front setback may be exceeded by up to 20 additional feet (or more through administrative site plan review) if the additional area between the building and the property line is used to provide common open space that conforms to the standards of section 21.07.030, contains site enhancement landscaping, and/or contains pedestrian amenities as described in subsection 21.07.060F. The additional area shall not be developed for motor vehicle parking or driveways, loading or refuse collection, or ground-mounted utilities.

ii. For buildings where all the floor area is in residential use, the street-facing façade of a covered porch qualifies for meeting this standard. The porch shall have at least one entrance accessible from the street.

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6. **Setback from Planned Utility Transmission Facilities**

a. No new structural or land development activity requiring a building or land use permit shall be permitted within the minimum area stated in the *Utility Corridor Plan* for planned electrical or telecommunication transmission facilities for which there is a projected easement or right-of-way, except as allowed under 6.b., below.

b. ***The following uses and activities are permitted, with written acknowledgement of coordination with the affected utilities, within the setbacks described in 6.a., above:***

i. Sidewalks, walkways, pathways, and trails;

ii. Bus shelters and bus turnouts;

iii. Kiosks and seating units;

iv. Utilities, utility easements and utility-related structures;

v. Landscaping required by section 21.07.080, *Landscaping, Screening, and Fences*, and consisting of ground cover, shrubs and understory trees whose maximum height does not exceed 30 feet;

vi. Surface parking required by section 21.07.090, *Off-Street Parking and Loading*;

vii. Temporary parking as described in section 21.05.080;

viii. Additional parking to that required by this Title;

ix. Open space;

x. Fences and signs;

xi. Retaining walls;

xii. Remodeling of or addition to structures existing as of February 27, 1990, so long as it does not further intrude within the setback area after that date; and

xiii. Driveways and vehicular access points.

c. **Applicable setback requirements stated elsewhere in this Title may include the area of setback for electrical transmission facilities.**

7. **Setbacks from Projected Rights-of-Way**

a. ***Minimum Setback***

Except as allowed under subsection 7.b. below, no new structural or land development activity requiring a building or land use permit shall be permitted within the minimum setback set forth in the table below from the existing or projected centerline of a street designated on the *Official Streets and Highways Plan* (OSHP), or within 30 feet from the centerline of a road reservation or public use easement not so designated on the OSHP.

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TABLE 21.06-4: SETBACKS FROM PROJECTED RIGHTS-OF-WAY CENTERLINE		
Street Class in *Official Streets and Highways Plan*		Setback from Centerline (feet)
IC	Neighborhood Collector	30
IIA	Minor Arterial	
IIIC	Undivided Major Arterial	
IB	Neighborhood Collector	35
I	Residential Collector	40
IA	Industrial Commercial Collector	
II	Minor Arterial	
III	Divided Major Arterial	50
IIIB	Undivided Major Arterial	
IIIA	Divided Major Arterial	65
IV	Expressway	
V	Freeway	75

b. *Permitted Uses Within Setback*
The following uses and activities are permitted within the setbacks described in paragraph 7.a., above:

i. Sidewalks, walkways, pathways, and trails;

ii. Bus shelters and bus turnouts;

iii. Kiosks, seating units, and skywalks;

iv. Canopies, awnings, incidental architectural features, and public art;

v. Utilities and utility easements;

vi. Temporary parking, temporary fences and signs, or temporary retaining walls, as described in paragraph 7.d., below;

vii. Additional parking to that required by this Title;

viii. Landscaping is permitted, including required landscaping,

ix. Approved grading activities;

x. Remodeling of or addition to structures existing as of May 19, 1987, so long as such remodeling or addition does not further intrude within the setback area or increase the floor area of the structure within the setback area; and

xi. Driveways and vehicular access.

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8. **Sight Distance Triangles**
Sight distance triangles shall be unobstructed as required by the traffic engineer.

D. **Height**

1. **Allowable Height**
The maximum allowable height for buildings and structures in each district shall be as provided in section 21.06.020, *Dimensional Standards Tables*, except where specifically modified by this subsection D. and/or other provisions of this Title.

2. **Airport Height Overlay District**
Nothing in this section allows a building, structure, or appurtenance to exceed the height limitations of the airport height overlay district (21.04.080C.).

3. **Rules for Measuring Height**

Comment [DC3]: How is it done today under current law?

a. Building height for most building types shall be measured as the vertical distance from grade plane to the midpoint (median height) of the highest roof surface, as shown in the illustration at the end of the chapter, subject to D.4. and D.5. below. Exceptions for curved roof surfaces are illustrated at the end of the chapter.

b. Structures that are not buildings shall be measured as the vertical distance from grade plane to the highest point of the structure. Fences on top of retaining walls shall be measured from grade plane on the highest side of the retaining wall.

Comment [DC4]: Same question

c. Where tables 21.06-1 and 21.06-2 measure maximum height in terms of stories, any story below grade plane shall be excluded from calculation of the number of stories for determining building height.

4. **Grade Plane**
The grade plane for determination of structure height shall be the average of existing or finished grade, whichever is lower, abutting the structure at exterior walls. Where the grade slopes away from the exterior walls, the grade plane shall be established by the lowest points within the area between the building and the lot line, or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

Comment [DC5]: Where is the "grade plane" in current code? Is it the same as this?

5. **Establishment of Grade**
The grade plane shall be calculated using the more restrictive of either the existing grade or the finished grade.

a. ***Existing Grade***
In no case shall the existing grade be altered by grading, such as an artificial embankment or where the ground has been built up to increase the grade around the building, to obtain a higher structure than is otherwise permitted in the district.

b. ***Adjustments to Establishment of Grade***
In a case where existing grade or finished grade is, in the judgment of the director, inappropriate or unworkable for the purpose of measuring height, the director shall establish grade in such a way as to be consistent with this section. The proposed grade being requested by the applicant shall be, in the judgment of the director, reasonable and comparable with the grades of surrounding properties and streets; not detrimental to the general health, safety, and welfare; not result in the loss of any public views; consistent with the existing character of the neighborhood; and necessary for the preservation and enjoyment of substantial property rights of the applicant.

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6. **Height Exceptions**

a. Free-standing flag poles shall conform to the height restrictions of the principal structure, rather than an accessory structure.

b. Window wells, light wells, cellar or basement access walkways serving a dwelling unit, and similar appurtenances installed below grade with an inside dimension of 120 square feet or less (including stairs) and that do not exceed in length 25 percent of the building elevation wall shall be excluded from calculation of grade plane for determining building height.

c. Except as specifically provided elsewhere in this Title, the height limitations contained in this chapter do not apply to appurtenances on buildings, such as spires and similar religious appurtenances, belfries, cupolas, flagpoles, chimneys, antennas, rooftop mechanical equipment and its screening, stairwell towers, elevator penthouses, parapets, firewalls, open or transparent railings, solar reflectors, photovoltaic panels, skylights, or similar appurtenances; provided, however, the following:

i. The appurtenance does not interfere with Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace;

ii. The appurtenances cumulatively cover no more than one-third of the roof area of the building, except that when it has been demonstrated to the director and the building official that building HVAC requirements necessitate a larger mechanical penthouse, the appurtenances may cumulatively cover up to one-half of the roof area;

iii. The appurtenance is not constructed for the purpose of providing additional floor area, usable space, or storage room for the building, except that a storage room of 60 square feet or less, combined with a stairwell tower or elevator housing, and directly related to a rooftop use (such as tool storage for a rooftop garden), is allowed; and

iv. The appurtenance does not exceed the height limit of the district by more than 15 feet, with the following exceptions:

(A) The allowed height of antennas and other telecommunications infrastructure is addressed in subsection 21.05.040K.;

(B) Flagpoles and spires and similar religious appurtenances may exceed up to 30 feet in residential districts and up to 50 feet in nonresidential districts;

(C) Elevator penthouses may exceed up to 25 feet;

(D) Parapets, firewalls, and skylights may exceed up to four feet.

7. **Height Adjustments**

Commercial buildings sometimes feature a greater ceiling height on the first floor to enhance the building's aesthetic appeal and openness of ground-floor retail spaces. Building height shall be allowed to be increased by up to five feet above the height limit for the district, provided that the increase is only to allow a greater first story height for ground level commercial use, and the increase in height does not result in a greater number of stories than would otherwise be constructed.

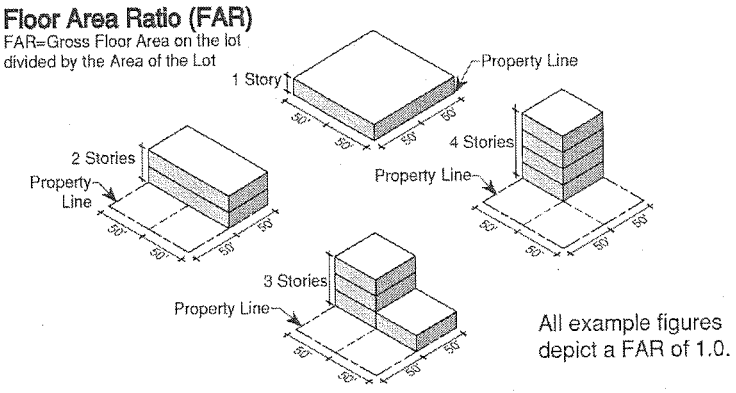
Comment [DC6]: Is this enough?

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B. Floor Area Ratio (FAR)

1. Purpose

Floor area ratio (FAR) establishes the amount of use (the intensity) on a site. FAR provides a means to match the potential amount of uses with the intended functions and character of the area and the provision of public infrastructure and services. FARs also work with the height, setback, and lot coverage standards to ensure the overall bulk of development is compatible with the area. It is also the purpose of this Title to provide floor area ratio bonuses to encourage development characteristics that advance community objectives, such as affordable housing, below grade parking, and open space.



2. Application of FAR

FAR shall apply only to mixed use developments in the R-4 zone, provided, however, that if a mixed use development in the commercial zones complies with the FAR provisions, then the bonus provisions set out below shall be available to that development.

3. Areas Not Considered in Measuring Floor Area Ratio

Unless otherwise provided in this Title, all gross floor area shall be considered in determining FAR except for the following:

a. Uninhabitable attics;

b. Residential space in an attic under a roof slope of between 8:12 and 12:12, provided the residential space is limited to one story;

c. Crawl spaces less than 6 feet from floor to ceiling;

d. Floor area in stories below grade plane that is devoted to parking or loading;

e. Detached accessory structures; and

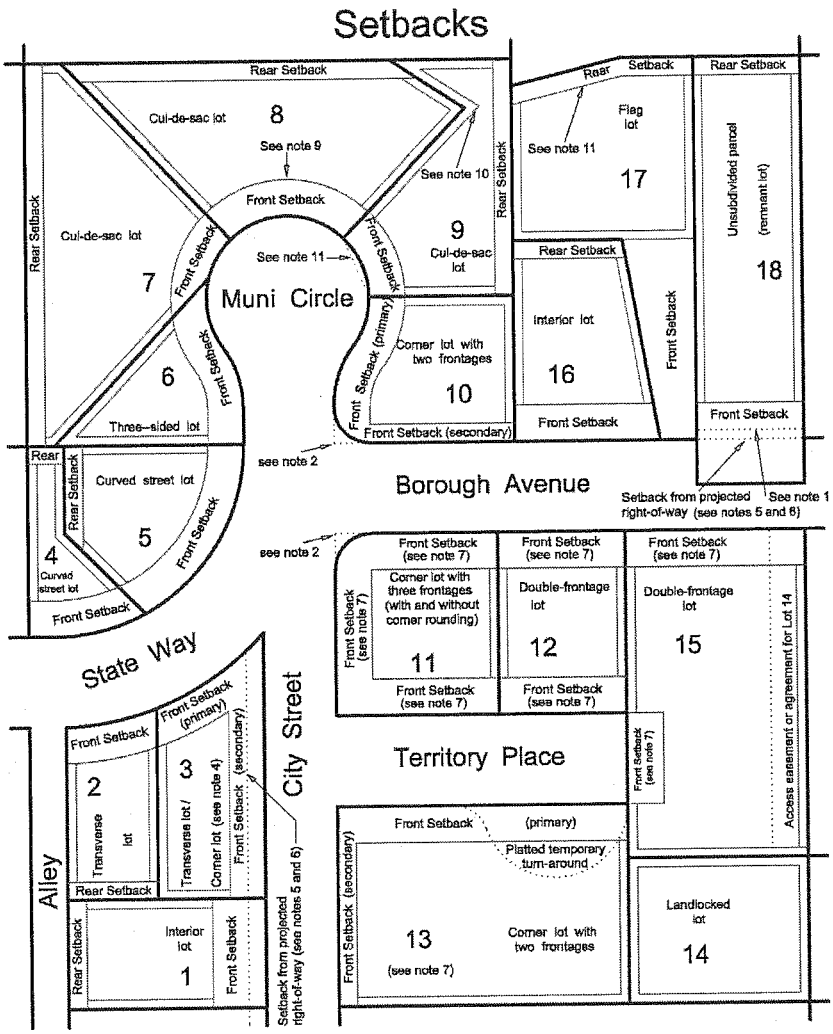
f. Private open space that meets the standards of 21.07.030FAR Bonus Review
An administrative site plan review shall be conducted on all developments proposed for a floor area ratio bonus, unless exempted in writing by the director.

4. FAR Bonus Agreement

Where a special feature is to be provided in order to receive an FAR bonus, the owner shall enter into a written agreement with the municipality ensuring the continued provision of the special feature for as long as the development uses the FAR bonus. The

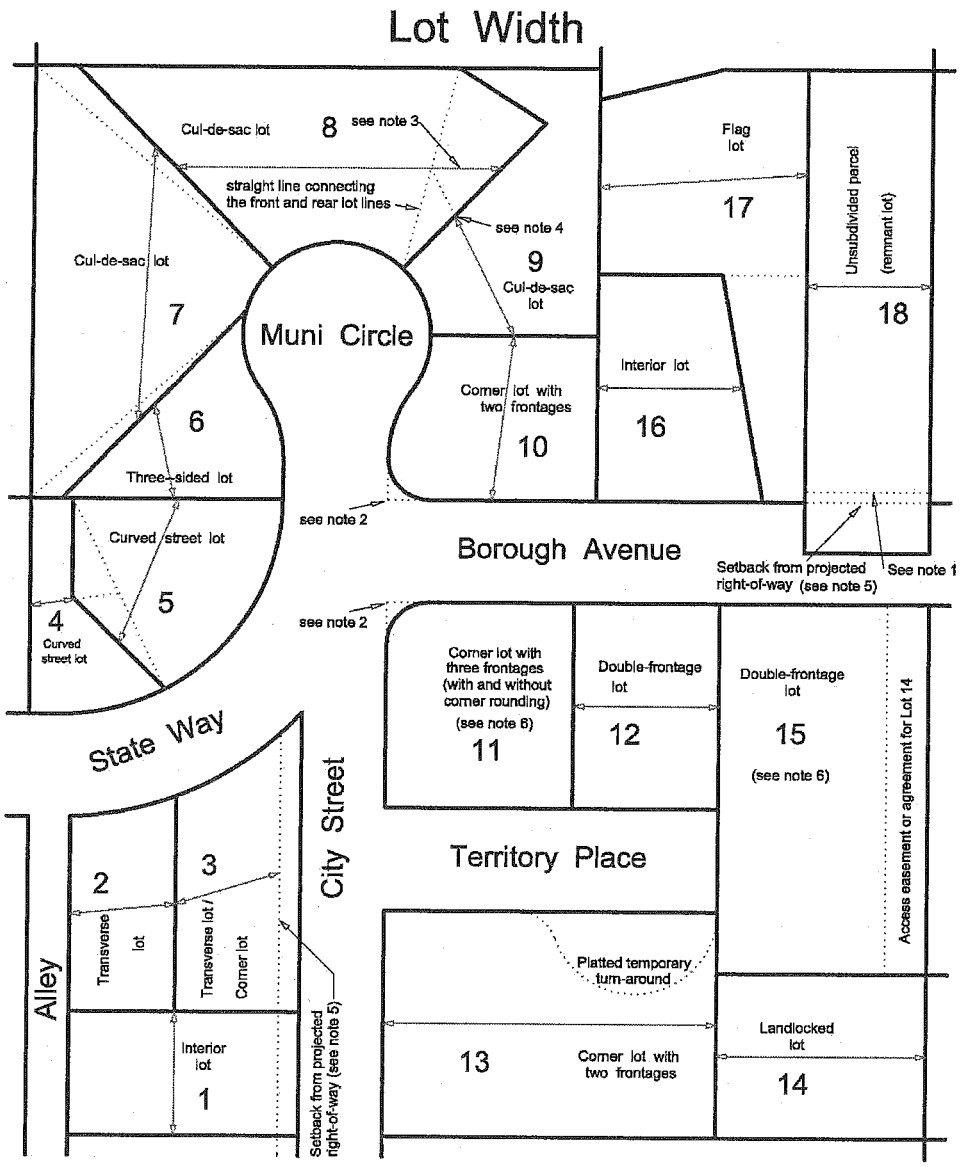
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municipality shall record the agreement at the district recorder's office as a covenant running with the land, binding upon the owner and all successors and assigns, and enforceable by the municipality. Recordation of the agreement shall take place prior to the issuance of any entitlement for the development.

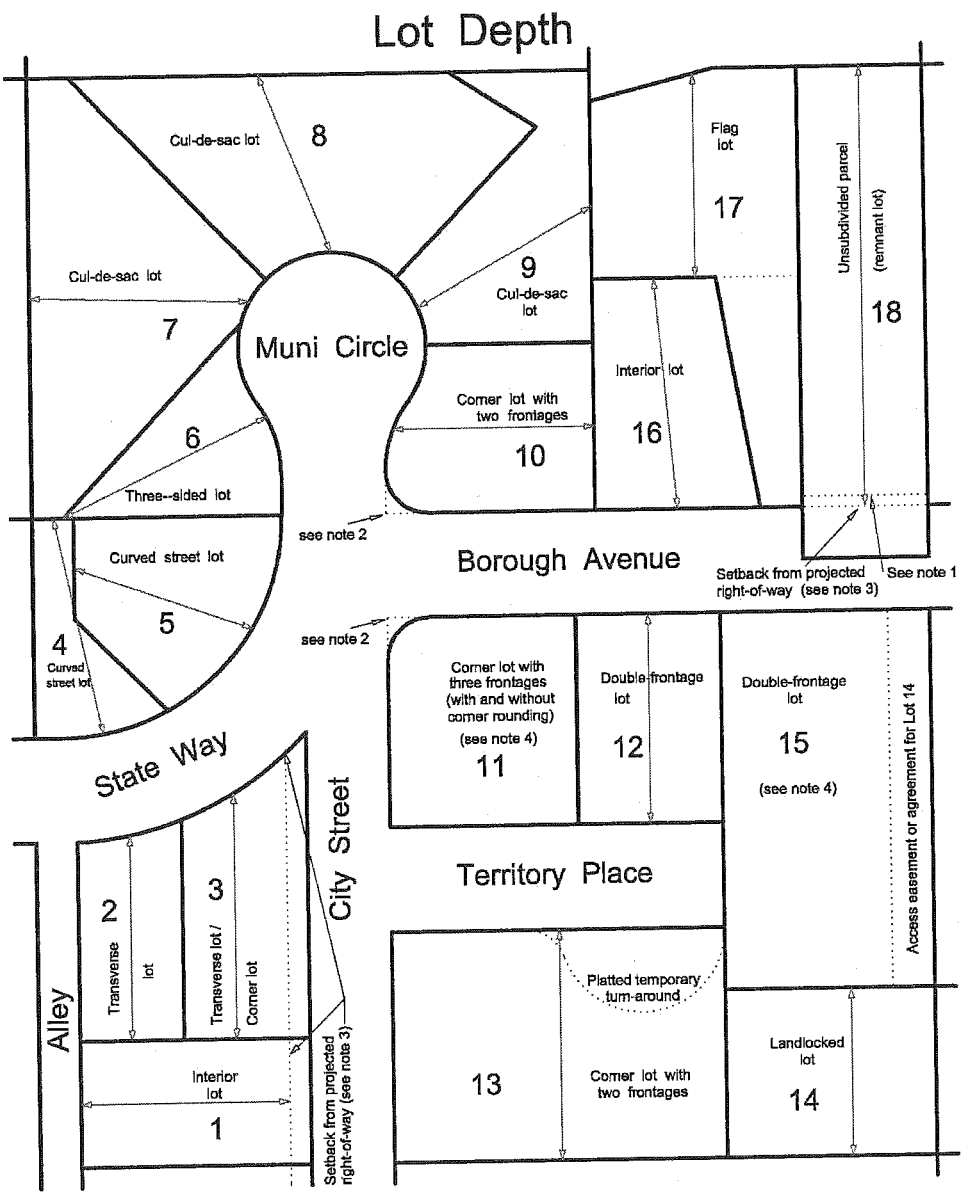


Notes:
All setbacks not called out in the illustration are side setbacks.

1. Section line easement, BLM road reservation, road or public use easement.
2. Front property lines intersect by extrapolation.
4. On corner, double-frontage, and three-sided lots, there are no rear setbacks, but only front and side setbacks.
5. The area between the property line and the setback from projected right-of-way is subject to the same regulations as a front setback.
6. The front setback is measured from the setback from projected right-of-way. See subsection 21.06.030C.7.c.
7. Front setbacks shall be determined pursuant to subsection 21.06.030C.4. Until such determination, full-depth setbacks apply on all frontages.
9. The setback follows the curve of the lot line.
10. Side setbacks are extended to intersect.
11. The rear property line is the line (or lines intersecting at an interior angle of not less than 135 degrees) most parallel to the chord of the front property line.

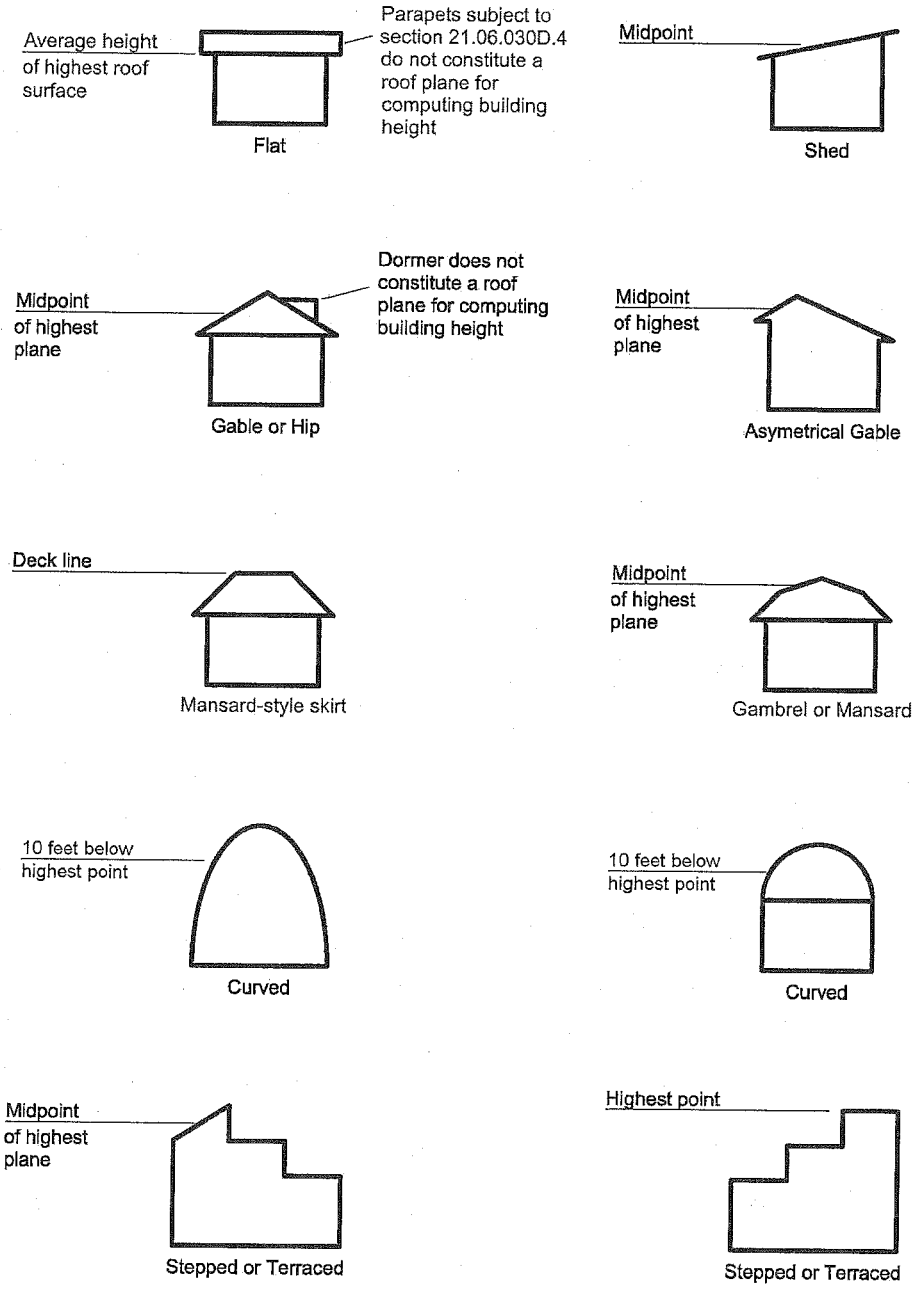


Notes:
1. Section line easement, BLM road reservation, road or public use easement.
2. Front property lines intersect by extrapolation.
3. The measurement extends to the side property line.
4. The measurement does not extend beyond the property lines.
5. The setback from projected right-of-way is considered the front property line for computing lot width.
6. When the definitions do not unambiguously identify the lot width, the director shall determine the lot width.



Notes:
1. Section line easement, BLM road reservation, road or public use easement.
2. Front property lines intersect by extrapolation.
3. The setback from projected right-of-way is considered a property line for computing lot depth.
4. When the definitions do not unambiguously identify the lot depth, the director shall determine the lot depth.

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CHAPTER 21.07: DEVELOPMENT AND DESIGN STANDARDS

21.07.010 GENERAL PROVISIONS

A. Purpose

The development and design standards set forth in this chapter shall apply to the physical layout and design of development in the municipality. These provisions address the physical relationship between development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the comprehensive plan vision for a more attractive, efficient, and livable community. The specific purposes of this chapter include:

1. To provide for the use of the land by promoting balance between the built environment and the open space and natural environment;
2. To adopt reasonable and appropriate regulation and provide standards that balance community goals, economic growth, quality of life, and development costs;
3. To protect public and private investment;
4. To promote management of water quality and quantity;
5. To provide a sustainable living and working environment;
6. To provide development and design standards that address and are tailored to the municipality's northern climate and winter city character;
7. To strengthen and protect the image, identity, and unique character of the municipality and enhance its business economy;
8. To protect and enhance residential neighborhoods and districts: residential, commercial, industrial and recreational, by encouraging high quality of development that is compatible with the surrounding area in character, scale and function;
9. To provide for the safe and efficient movement of people, goods, and services.
10. To promote developments that relate to adjacent neighborhoods, streets, open spaces and pedestrian and non-motorized facilities such as trails and walkways

B. Buildings to Have Access

Every building shall be on a lot abutting on a public right of way with principal access to such right of way or with access to an approved private street. This standard may be waived by approval of the director.

C. Addresses

It is the responsibility of the property owner to affix street address numbers assigned by the municipality to the affected building(s) or on another structure (natural or otherwise) nearer to the street, to be plainly visible and legible from the street named in the address. Sub-addresses shall also be visible when approaching the building and on each applicable entrance.

D. Alternative Equivalent Compliance

1. **Purpose**
Alternative equivalent compliance is a procedure that allows development to meet the intent of the design-related provisions of this chapter through an alternative design. It is not a general waiver or weakening of regulations. Rather, the procedure permits a site-

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specific plan that is equal to or better than the strict application of a design standard specified in this title. This procedure is not intended as a substitute for a variance or administrative modification or as a vehicle for relief from standards in this chapter.

2. **Applicability**
The alternative equivalent compliance procedure shall be available only for 21.07.110, 120, and 130 of this chapter and for subsection 21.09.080 Building Design Standards (Girdwood).

3. **Pre-Application Conference Required**
An applicant proposing to use alternative equivalent compliance under this section shall request and attend a pre-application conference prior to submitting the site plan for the development, to determine the preliminary response from the director. Based on that response, the site plan application shall include sufficient explanation and justification, in both written and graphic form, for the alternative compliance requested.

4. **Decision-Making Responsibility**
Final approval of alternative equivalent compliance under this section shall be the responsibility of the decision-making body responsible for deciding upon the application. By-right projects that would not ordinarily require review under this title, yet which are proposing alternative equivalent compliance, shall receive written approval of the alternative equivalent compliance from the director.

5. **Timing of Decision**
If the director is the decision-making body, the director shall render a written decision within 30 days of receipt of an application for alternative compliance. Should a decision not be rendered within 30 days, the application shall stand as approved.

6. **Criteria**
To grant a request for alternative equivalent compliance, the decision-making body shall find that all of the following criteria are met:

   a. The proposed alternative design achieves the intent of the subject design standard to the same or better degree than the subject standard.

   b. The proposed alternative design achieves the goals and policies of the comprehensive plan as set out in Title 21 to the same or better degree than the subject standard.

   c. The proposed alternative design results in benefits to the community that are equivalent to or better than compliance with the subject design standard.

7. **Effect of Approval**
Alternative compliance shall apply only to the specific site for which it is requested and does not establish a precedent for assured approval of other requests.

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21.07.020 NATURAL RESOURCE PROTECTION

A. Purpose

The municipality contains many natural amenities, including streams, natural drainages, wildlife habitat areas, water bodies, scenic features such as mountains and coastal areas, wetlands, and hillsides, as well as significant amounts of native forest, tree cover, and open space, all of which contribute to the municipality's character, public health, quality of life, and property values. The requirements of this section are intended to ensure that the natural character of the municipality is reflected in patterns of development and redevelopment, and significant natural features are incorporated into open space areas, but takes into consideration that some of these features are relatively insignificant and that development can accommodate changes to these features without material harm to public health, quality of life or property values.

B. Stream, Water Body, and Wetland Protection

1. Purpose

The following requirements are intended to promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions provided by streams, associated riparian areas, water bodies, and wetlands, particularly by minimizing, to the extent feasible, impervious surface and by reducing erosion and the contamination of streams, wetlands, and water bodies by pollutants or invasive plants.

2. Applicability

This subsection 21.07.020B. shall apply to new development, except for the following development or activities:

a. Maintenance and repair of existing public and private approved roads, utilities, and other public facilities within an existing right-of-way or easement, or otherwise within a setback;

b. Flood prevention or rehabilitation work carried out by a government agency or approved by a government agency or emergency work to protect life and property;

c. Maintenance and repair of flood control structures and activities in response to a flood emergency; and

d. Wetland, stream channel, and wildlife habitat restoration, construction, and/or enhancement that improves or restores the wetland or stream functions, provided that the proposed activity is approved by the appropriate agency such as the U.S. Corps of Engineers or the Alaska department of fish and game.

3. Relationship to Other Regulations

a. This subsection 21.07.020B. does not repeal or supersede any existing federal, state, or local laws, easements, covenants, or deed restrictions. When this subsection imposes a higher or more restrictive standard than found in another applicable ordinance, statute, or regulation, this subsection shall apply but only to those activities subject to this subsection.

b. No person shall engage in any activity that will disturb, remove, drain, fill, dredge, clear, destroy, or alter any area, including vegetation, within a wetland that falls in the jurisdiction of the federal government and its agencies, except as may be expressly allowed under a permit issued by the appropriate federal agency.

c. The decision-making body shall not grant final approval to any development or activity, including subdivisions, in a wetland that falls within the federal

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government's jurisdiction until all necessary federal approvals and permits have been obtained, provided, however, that both the local and the federal processes can proceed concurrently at the option of the person make application relative to any wetlands.

4. Buffer/Setback Requirements

a. ***Water Courses***

i. In all zoning districts, buildings, accessory structures, and parking lots shall be set back at least 25 feet horizontally from the ordinary high-water mark on each side of streams or, if not readily discernible, from each side of the defined bank of the stream. Except as provided in B.6. below, no disturbance is permitted in the 25-foot setback area.

ii. In all zoning districts, buildings, accessory structures, and parking lots shall be set back at least 10 feet horizontally from the edge of each side of drainageways and ephemeral channels defined or verified by the public works department. Except as provided in B.6. below, no disturbance is permitted in the 10-foot setback area. The public works department may require a greater setback, if in their professional judgment, the additional setback is necessary to provide for groundwater discharge zones or infiltration areas, the disturbance of which would alter natural flow characteristics, but in no event can additional setback be required beyond a total setback requirement of 25 feet.

iii. Segments of streams or tributaries that are contained underground in pipes or culverts have no setback.

iv. For parcels where there are wetlands contiguous with a stream, setback requirements are listed in table 2 of the *Anchorage Wetlands Management Plan*.

b. ***Alternate Setback Option for Stream Corridor***

i. A stream channel alteration project may develop a "stream corridor" containing appropriate meander widths distributed based on topographic design. Where established, the "stream corridor" shall be the stream setback for the purposes of municipal code.

ii. The stream corridor width shall be subject to public works department approval.

iii. Stream corridor widths shall be based on appropriate reference stream reaches, considering slope, soils, discharge, elevation, and channel pattern and function and shall not be less than 75 feet wide.

iv. The design of the stream channel alteration may meander within this corridor. Channel alteration design shall comply with subsections 6.c. and 6.d. below. The ordinary high water mark of the designed channel shall not come within 10 feet of the edge of the corridor, and not more than 25 percent of its length shall be within 25 feet of the edge of the corridor.

v. Before site work begins, the stream corridor shall be established by a recorded survey or an approved plat.

c. ***Wetlands***

i. To the maximum extent feasible, class A and those class B wetlands which, as a result of a U.S. Corps of Engineers decision or permit

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condition, are not authorized for development, shall be platted into separate tracts and not included as part of a development lot. Wetland classes are defined and delineated in the Anchorage Wetlands Management Plan.

ii. Except as provided in B.6. below, all buildings, accessory structures, fills and other storage of materials, and parking lots shall be set back at least 15 feet horizontally from the delineated edge of all class A wetlands, and all portions of class B and C wetlands not authorized for development; no disturbance is permitted in the 15-foot setback area.

d. *Water Bodies*

In all districts, buildings, accessory structures, and parking lots shall be set back at least 25 feet horizontally from the edge of water bodies. The setback shall be vegetated, except for areas to allow for access to those uses such as docks, boathouses, and floatplane storage and other uses that require direct access to a water body by their very nature or function.

e. *Credit for Other Requirements of this Title*

Stream, water body, and wetland setback areas shall be credited toward any applicable private open space requirements or landscaping requirements unless the decision making body or the director makes a specific finding that such setback areas fail to serve the purposes of those requirements as set forth in this title.

5. Boundary Delineation

a. *Official Definitions and Standards*

i. In cases where water courses or water bodies are not mapped and recorded in official plans or other documents, delineation of such features shall be made according to public works department procedures, and shall be subject to formal verification by the public works department.

ii. In cases where wetlands are not mapped and recorded in official plans or other documents, including the *Anchorage Wetlands Management Plan*, delineation of such features shall be performed using procedures as described by the U.S. Corps of Engineers. Delineations shall be subject to formal verification by the department and/or the U.S. Corps of Engineers.

iii. In the event that wetlands are misclassified or incorrectly delineated, the Municipality shall promptly present the evidence of the misclassification and/or correct delineation to the U.S. Corps of Engineers for correction and actively cooperate in a reclassification process.

b. *Water Course Boundaries*

Water course boundaries shall be delineated at the ordinary high-water mark or, if not readily discernible, the defined bank of the stream, as those terms are defined in chapter 21.14. In those instances where the defined bank of the water course is not readily discernable, the public works department shall establish the effective ordinary high-water mark. The public works department shall maintain the official record of all water course boundaries.

c. *Wetland Boundaries*

i. *Mapped Wetlands*

Boundary delineation of wetlands shall be established by reference to the *Anchorage Wetlands Management Plan*, which is available for reference in the department.

ii. ***Unmapped Wetlands***

The review of a development proposal may discover a potential wetland that has not been mapped or for which the boundaries have not been clearly established. In such instances, the boundaries of the wetland shall be delineated according to subsection 5.a.ii. above. Any new wetland boundaries delineated herein shall be submitted to the U.S. corps of engineers for approval.

6. Development Standards

a. ***Activities, Uses, and Structures Allowed in a Required Water Course or Wetland Setback With Prior Approval, As Noted***

i. With the appropriate approvals and/or permits and in accordance with the conditions of subsection 6.c. below, maintenance and erosion control may be performed within the water course and/or the setbacks described in B.4. above. Appropriate approvals and/or permits may include a U.S. Corps of Engineers permit, a municipal flood hazard permit, or a storm water treatment plan approval.

ii. Channel alteration, including restoration and relocation projects, with appropriate state and federal permits and in accordance with the conditions of 6.c. below, are allowed.

iii. Culvertization of water courses, with any appropriate permits, is allowed.

iv. Redevelopment or repair and maintenance of structures or uses existing on [effective date] is allowed in the setback where:

(A) The redevelopment does not increase the encroachment over the existing situation.

v. On undeveloped platted lots existing before [effective date] where the director determines the setback precludes practical or feasible development of the lot, the director shall approve a site plan that allows developments that minimize encroachments into the setback.

b. ***Activities, Uses, and Structures Allowed in a Required Water Course or Wetland Setback Without Prior Approval, Unless Specifically Noted***

i. The following structures and uses of land or structures are permitted generally perpendicular to the setback or stream edge within the stream, drainageway, ephemeral channel, wetland, and water body setback, where it is necessary in order to cross or enter the feature:

(A) Roads, driveways, trails, and other transportation and public recreation facilities;

(B) Utility facilities pursuant to 6.d. below;

(C) Drainage facilities, in accordance with subsection 21.07.040 and approved by the public works department.

ii. The following structures and uses of land or structures are permitted parallel to the stream within the outer 15 feet of the setback:

(A) Public recreation facilities other than trails;

(B) Utility facilities pursuant to 6.d. below;

(C) Drainage facilities, in accordance with subsection 21.07.040 and approved by the public works department; and

(D) Lawns, landscaping, play equipment, fences, pervious decks, unpaved patios, and other similar features that are based on a pervious surface.

iii. Trails are permitted parallel to the stream within the outer 15 feet of the setback. Through the design and permitting process, trails may be located closer to the stream for a justified reason, such as overcoming a physical, topographical, or land ownership constraint, or taking advantage of a viewpoint.

[Illustration to be added]

iv. All disturbed areas associated with permitted activities shall be revegetated. Revegetation shall occur during the same growing season as the permitted activity, unless otherwise permitted by the director.

c. *Conditions*

All work within a water course or water course setback, whether permitted by-right or allowed through a specific approval process, shall meet the following conditions, along with any other required permits:

i. Materials used or the removal of ground cover shall not create turbidity or other water quality problems;

ii. There shall be no increase in flooding or erosion problems upstream or downstream;

iii. If applicable, flow lines of the altered section of the water course shall match those in the existing water course at the endpoints of the alteration;

iv. If applicable, the gradient/meander balance, grade control, and bed stability shall be adequate to maintain the natural stream function of water conveyance and sediment transport, in accordance with the judgment of the public works department; and

v. If applicable, the alteration shall have no negative effect on fish habitat.

d. *Prohibited Activities*

i. No person shall engage in any activity that will disturb, remove, fill, drain, dredge, clear, destroy, or alter an area, including vegetation, within water courses, water body edges, wetlands, or their associated setback areas, except as may be expressly allowed in this section or title.

ii. Except as allowed in 6.a., 6.b., and 6.c. above, channel alteration is prohibited unless required in emergency situations. In emergency situations, the municipal engineer shall be notified on the next business day after channel alteration has begun. After inspection, the municipal engineer shall prescribe any measures necessary to meet the conditions of 6.c. above. For the purposes of this standard, an "emergency" is a situation which would result in an unacceptable hazard to life, a

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significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken immediately.

iii. No storage or processing of hazardous materials or other substances that would constitute a violation of AMC chapter 15.40 is permitted.

e. *Utilities*
Utilities and potable water wells, may be allowed in a setback area. Any disturbance of the setback area shall be reclaimed by regrading to original contours and revegetation. Provisions for reclamation of the disturbed area shall be included in any development or improvements agreement for the project. Utility corridors in setback areas shall be located at the outside edge of the area or if crossing the setback laterally shall disturb only the minimum area necessary to install the utility. Access roads for maintenance of utilities shall be located outside the setback area to the maximum extent feasible. Access for maintenance of utilities in setback areas shall be at specific points rather than parallel to the utility corridor whenever possible.

f. *Recreation, Education, or Scientific Activities*
Structures and improvements for recreational, educational, or scientific activities such as trails, swimming beaches, docks, fishing access, and wildlife management and viewing may be permitted in a setback area by the appropriate government agency.

7. Preservation and Restoration of Vegetation

a. All existing vegetation within the stream or wetland setback area shall be preserved and, where necessary to repair damaged riparian areas, supplemented with additional native planting and landscaping.

b. The removal of trees or vegetation that are a threat to the public health, safety, or welfare; the removal of species identified as invasive by the state of Alaska; or the removal of dead or naturally fallen trees or vegetation, shall be exempt from this requirement.

8. Implementation of Anchorage Wetlands Management Plan

a. *Zoning and Platting Actions*
Zoning and platting actions taken under this title shall be consistent with the *Anchorage Wetlands Management Plan* and the applicable standards described below.

i. *"A" Wetlands*
Wetlands designated "A" in the *Anchorage Wetlands Management Plan* and in table 2 of that plan shall be protected as indicated in that table and in chapter 4 of the *Anchorage Wetlands Management Plan.*

ii. *"B" Wetlands*
New development plans in "B" wetlands shall obtain a U.S. Corps of Engineers permit, concurrent with or prior to necessary approval by the platting board and/or the planning and zoning commission. In order to maximize protection of wetlands designated "B," in addition to the criteria normally considered in subdivision, site plan, and conditional use applications, the platting authority or the planning and zoning commission shall, prior to approval, make explicit findings that, or the applicant shall certify with their U.S. Corps of Engineers permit that:

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(A) The proposed design and placement of roadways, utility lines, and structures will not interfere with the natural drainage function indicated in the required hydrologic studies or that such interference can be adequately mitigated to maintain the natural drainage function;

(B) The soils in the area proposed for development shall adequately support roadways and structures, or that properly designed roads and foundations will be provided; and

(C) Habitat areas identified in federal, state, or municipal documents shall be adequately protected.

Maintenance of open space in its natural state shall be required where the platting authority or the planning and zoning commission determines that such open space is necessary to protect the hydrologic and habitat values of wetlands on the property being developed or on adjacent property. Areas where open space is to be preserved in its natural state shall be indicated on the plat or approved site plan. The platting authority and planning and zoning commission may require such land development techniques and such additional conditions as may be appropriate to carry out the intent of the *Anchorage Wetlands Management Plan* and such other wetlands studies as may be relevant.

iii. ***"C" Wetlands***
When approving plats or conditional use permits in wetlands designated "C" under the plan, the platting authority or the planning and zoning commission shall, whenever applicable, include the recommended construction mitigation techniques and conditions and enforceable policies in table 2 of the *Anchorage Wetlands Management Plan*.

b. ***Application of Plan to Approved Projects***
Conditional uses and preliminary plats approved prior to March 12, 1996, the date of adoption of the revised *Anchorage Wetlands Management Plan*, shall not have additional conditions imposed upon them as a result of requirements of the plan except as follows:

i. The "A" designation shall apply regardless of prior approvals.

ii. Approved plats or conditional uses in wetlands that are returned to the platting authority or planning and zoning commission for major amendment may be examined for conformity with goals and enforceable policies of the *Anchorage Wetlands Management Plan*.

iii. A new U.S. Corps of Engineers permit is required.

C. **Steep Slope Development**

1. **Purpose**
The purpose of this subsection 21.07.020C. is to establish standards that help achieve the following objectives for development on steep slopes, provided, however, this section shall apply only to naturally occurring steep slopes and not to those that result from such activities as gravel extraction, as such these provisions will generally be applied in the Hillside area in south and east Anchorage and in naturally occurring steep slope areas of Chugiak and Eagle River:

a. Prevent soil erosion and landslides;

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b. Provide safe circulation of vehicular and pedestrian traffic to and within hillside areas and to provide access for emergency vehicles necessary to serve the hillside areas;

c. Encourage only minimal grading that relates to the natural contour of the land and discourage mass grading of large pads and excessive terracing;

d. Encourage building types, grading design, lot sizes, site design, density, arrangement, and spacing of buildings in developments in sloped areas that integrate into the natural terrain with minimal re-contouring, in accordance with adopted goals and policies;

e. Encourage innovative architectural, landscaping, circulation, and site design;

f. Encourage the protection of visually significant and/or prominent natural features, such as ridgelines and rock outcroppings;

g. Incorporate drainage design that does not adversely impact neighboring or nearby properties, downstream properties, receiving waters, and public infrastructure; and

h. Encourage the retention of natural, indigenous vegetation that provides wildlife habitat, helps retain runoff, and maintains the area's visual character.

2. **Applicability**

Any lot with an average slope of 20 percent or greater, or where adverse conditions associated with slope stability, erosion, or sedimentation are present as determined by the municipal engineer, shall comply with the standards of this subsection 21.07.020C. Lots being subdivided shall comply with chapter 21.08, including subsection 21.08.030H., *Subdivisions on Slopes*, if applicable.

3. **Standards**

Except as allowed in subsection C.4. below, all proposed development subject to this section shall comply with the following standards.

a. ***Determination of Original/Natural Grade***

Original/natural grade shall be as defined in chapter 21.14. If there has been previous development on the lot (e.g., gravel extraction), the director shall determine original/natural grade, taking into account the previous development, the existing grade of surrounding lots, the availability of information on pre-development grade, and the feasibility of using pre-development grade.

b. ***Slopes Greater than 30 Percent***

That contiguous portion of any lot which is 5,000 square feet or larger with slopes steeper than 30 percent shall remain undisturbed, except as allowed in subsection C.4. below.

c. ***Site Disturbance Envelope***

i. There shall be a site disturbance envelope on each applicable lot. Earth disturbance and vegetation clearing shall be limited to the site disturbance envelope. Clearing, grubbing, or grading outside the site disturbance envelope is prohibited except to modify fuels in order to reduce fire risk, or to accommodate utility service connections.

ii. The size of the site disturbance envelope shall be as follows:

(A) Lots less than 40,000 square feet: 60 percent of the lot area maximum.

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(B) Lots 40,000 square feet to two acres in area: 20,000 square feet maximum.

(C) Lots over two acres but less than five acres: 30,000 square feet maximum.

(D) Lots five acres or greater: 40,000 square feet maximum.

iii. Areas outside the site disturbance envelope shall not be used for stockpiling materials or excess fill, construction vehicle access, storage of vehicles during construction, or similar uses. Temporary construction fencing shall be installed around the perimeter of the site disturbance envelope, to be removed after the final certificate of zoning compliance is issued.

iv. The front setback of the lot may be reduced to 10 feet.

v. If the average slope of the site disturbance envelope is less than 20 percent, the development is exempt from subsections 3.e., 3.f., 3.g., 3.h., and 3.i.

d. ***Cutting, Grading, and Filling***

i. Cutting and grading to create benches or pads for buildings or structures shall be limited to within the site disturbance envelope.

ii. Cut and fill slopes shall be entirely contained within the site disturbance envelope. The toe of any fill slope not utilizing an engineered retaining structure, and any engineered retaining structure shall be a minimum of 15 feet from any property line, except for the property line abutting the street from which driveway access is taken.

iii. Cut and fill slopes shall be designed to provide a natural transition into the existing terrain by feathering and rounding.

e. ***Raising or Lowering of Natural Grade***

The original, natural grade of a lot shall not be raised or lowered more than four feet at any point for construction of any structure or improvement, except:

i. The site's original grade may be raised or lowered a maximum of six feet if retaining walls are used to reduce the steepness of constructed slopes, provided that the retaining walls comply with the requirements set forth in this subsection.

ii. As necessary to construct a driveway from the street to a garage or parking lot, grade changes or retaining walls up to six feet may be allowed.

iii. For the purposes of this subsection 21.07.020C.3.e., basements and buildings set into a slope are not considered to lower the natural grade within their footprint.

f. ***Retaining Walls***

Retaining walls may be used to maximize the usable area on a lot within the site disturbance envelope. Generally, a retaining wall shall be no higher than six feet, except that a wall varied in height to accommodate a variable slope shall have an average height no greater than six feet and a maximum height no greater than eight feet in any 100-foot length. Parallel retaining walls may be used to overcome steep slopes, provided the following standards are met:

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i. The minimum distance between walls shall be six feet;

ii. The maximum allowable slope between walls shall be 3H:1V;

iii. The area between the walls shall be landscaped with trees, shrubs, or both at a rate of 0.5 landscape units per linear foot measured along the length of the lower retaining wall.

iv. A higher wall is permitted:

(A) Where used internally at the split between one- and two-story portions of a building; and

(B) Where substantially hidden from public view at the rear of a building, where it may not exceed the eave height of the building.

g. *Natural Drainage Patterns*

i. Site design shall not change natural drainage patterns, except as provided below.

ii. All grading and drainage shall comply with section 21.07.040, title 23, the Design Criteria Manual (current approved edition), and the municipality's Storm Water Treatment Plan Review Guidance Manual.

iii. Except where otherwise provided in this section, development shall preserve the natural surface drainage pattern unique to each site as a result of topography and vegetation. Grading shall ensure that drainage flows away from all structures. Natural on-site drainage patterns may be modified on site only if the applicant shows that there will be no significant adverse environmental impacts on site or on adjacent properties. If natural drainage patterns are modified, appropriate stabilization techniques shall be employed.

iv. Development shall not adversely impact adjacent and surrounding drainage patterns.

h. *Ground Cover and Revegetation*

Ground cover and vegetation shall be maintained to control erosion and sedimentation. All areas that are denuded for any purpose shall be revegetated or the soils stabilized to prevent erosion and sedimentation prior to November 1 of the year of construction. No excavation shall be permitted after November 1 or before May 1 except under emergency conditions, as determined by the building official.

i. *Building Design Standards*

The purpose of the building design standards is to minimize site disturbance, avoid extreme grading required by large building pads on steep slopes, and reduce the risk of damage from natural hazards.

i. All buildings and structures shall have a foundation which has been designed by a professional engineer, architect, or other qualified professional.

ii. At any given point, the height of the structure shall not exceed 25 feet above the original (natural) grade.

4. **Slopes Greater Than 30 Percent**

a. *Purpose*

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The requirements of this section are intended to allow consideration of development on slopes up to 50 percent. In order to assure the safety and stability of such development and to reduce offsite impacts, additional submittals are required as described in this subsection. Nothing in this subsection guarantees approval to disturb slopes greater than 30 percent.

b. *Applicability*
If the site disturbance envelope as defined in C.3.c. above contains slopes over 30 percent, the standards of this section shall apply.

c. *Slopes Greater Than 50 Percent*
All slopes greater than 50 percent shall remain undisturbed.

d. *Existing Lots*
Notwithstanding other standards of this section, lots existing on [effective date] that, due to the prevalence and/or distribution of slopes over 50 percent, are not able to meet these standards, are allowed a site disturbance envelope of 20,000 square feet. Within this site disturbance envelope, slopes over 50 percent are allowed to be disturbed.

e. *Administrative Site Plan Review Required*
Development on slopes greater than 30 percent but not exceeding 50 percent requires an administrative site plan review. In addition to the site plan approval criteria set forth in subsection 21.03.180E., the approval criteria in subsection 4.g. below shall apply.

f. *Additional Submittal Requirements*
In addition to the submittal requirements for an administrative site plan review, the following information is required:

i. **A geotechnical engineering report, stamped by an engineer licensed in the state of Alaska, to include the following:**

(A) Nature, distribution, strength, and stability of soils; conclusions and recommendations for grading procedures; recommendations for frequency of soil compaction testing, design criteria for corrective measures; and opinions and recommendations covering the adequacy of the site to be developed.

(B) Slope stability analysis: conclusions and recommendations concerning the effects on slope stability of excavation and fill, introduction of water (both on and offsite), seismic activity, and erosion.

(C) Foundation investigation: conclusions and recommendations concerning the effects of soil conditions on foundation and structural stability, including permeability, bearing capacity, and shear strength of soils.

(D) Specific recommendations for cut and fill slope stability, seepage and drainage control, or other design criteria to mitigate geologic hazards, slope failure, and soil erosion.

(E) Depth to groundwater in the wettest seasonal conditions, and to bedrock, if less than 15 feet.

(F) Complete description of the geology of the site, a complete description of bedrock and subsurface conditions and materials,

including artificial fill, soil depth, avalanche and mass wasting hazard areas, fractures, or other significant features.

(G) A summary of field exploration methods and tests on which the report is based, such as probings, core drillings, borehole photography, or test pits. The public works department shall confirm that the analysis methods and age of data are a reliable gauge of the site conditions and the potential impacts.

ii. **A site development plan showing the following**:

(A) Site disturbance envelope as set forth in C.3.c. above.

(B) Location of all driveways, and utility lines and installations.

(C) Location of all structures.

(D) Elevation drawings of all structures.

iii. **Grading and drainage plans that provide the following:**

(A) Topographic survey of existing conditions depicting at a minimum two foot contour intervals on a legible site map of one inch equaling 50 feet, or better.

(B) Proposed grading plan indicating limits of disturbed area, finished grade at minimum two foot contour intervals, proposed elevations of improvements, driveway grading at minimum 10 foot intervals measured on centerline, delineation of cut and fill areas, constructed slopes, proposed drainage features, and related construction.

(C) Drainage plans showing approximate locations for all surface and subsurface drainage devices, retaining walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as part of, the proposed work, together with a map showing drainage area, how roof and other impervious surface drainage will be disposed, the complete drainage network, including outfall lines and natural drainage ways which may be affected by the proposed development, and the estimated volume and rate of runoff of the area served by the drains.

(D) A plan for erosion control and other specific control practices to be employed on the disturbed area where necessary.

iv. **A revegetation plan that shows:**

(A) The type, size, location, and grade of vegetation that will be used to complete the development plan and restore areas disturbed during construction, on a scaled plan of one inch equaling 30 feet, or better.

(B) Slope stabilization measures to be installed.

b. *Standards*

The following subsections apply to development under this subsection C.4.:

i. *21.07.020C.3.c., Site Disturbance Envelope;*

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ii. 21.07.020C.3.d., *Cutting, Grading, and Filling*;

iii. 21.07.020C.3.g., *Natural Drainage Patterns*;

iv. 21.07.020C.3.h., *Ground Cover and Revegetation*; and

v. 21.07.020C.3.i., *Building Design Standards*.

c. *Approval Criteria*

i. The proposed development minimizes disruption of the natural topography and protects natural features on the site in their natural state to the greatest degree possible.

ii. The principal and accessory structures have been sited in such a manner as to protect natural features of the site, minimize grading, preserve the appearance of scenic vistas, and minimize the risk of property damage and personal injury from natural hazards.

iii. The design of the structures includes massing, roof lines, exterior materials and colors, and decking that complements the terrain and complies with the building design standards set forth in paragraph C.3.i. above.

iv. Proposed landscaping preserves the natural character of the area while minimizing erosion and fire hazard risks to persons and property.

v. The drainage design of the development will have no adverse impact on neighboring or nearby properties.

vi. Areas not well suited for development due to soil stability characteristics, geology, hydrology limitations, or wastewater disposal, have been avoided.

D. Wildlife Management Corridors

1. Intent

The purpose of this section is to reduce wildlife-human conflicts by managing certain linear stream corridors to minimize adverse human-wildlife interactions and to facilitate more safely the movement of wildlife in those corridors identified in this section. It is not the intent of this section to reduce density that is otherwise allowed.

2. Applicability

This subsection shall apply within 200 feet on either side of the ordinary high water mark of the following streams: Peters Creek and its tributaries upstream of the Old Glenn Highway, Eagle River, South Fork of Eagle River (below the falls), Ship Creek (upstream from Reeve Blvd.), Campbell Creek (upstream from Lake Otis Parkway), North Fork of Little Campbell Creek (upstream from Elmore Road), Rabbit Creek, Little Rabbit Creek, Indian Creek, Bird Creek, Penguin Creek, California Creek, Glacier Creek, Virgin Creek and Portage Creek.

3. Standards

Within the area identified in subsection D.2. above, the following mandatory standards shall apply:

a. No new landfills, transfer stations, schools, or campgrounds are allowed.

b. All outdoor trash receptacles shall be bear-resistant, and food shall not be stored outside.

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c. Roads, driveways, or trails, including bridges, shall be subject to the setback requirements of this title and shall be designed to facilitate wildlife passage along streams and to minimize wildlife-human conflicts.

d. Trails shall be sited with direct consultation with the state department of fish and game

4. **Discretionary Approvals**

a. Within the area identified in subsection D.2. above, the following shall be considered by decision-making bodies during any discretionary approval:

i. Location of new buildings, trails, and fences.

ii. Long-term retention of natural vegetation and terrain in a landscape pattern that provides cover for wildlife movement and directs that movement through the area, away from centers of human activity.

5. All applicable discretionary approvals under this section shall be referred to the Alaska department of fish and game, wildlife division, for their review, comments, and recommendations, which shall be considered by the decision-making body

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21.07.030 USABLE OPEN SPACE

A. Purpose

1. In residential development, usable open space is intended to provide residents with opportunities for active and passive outdoor recreation, relaxation, and enjoyment. No usable open space is required in commercial or industrial developments other than mixed use developments in the R-4, B-1A, B-1B and B-3 districts.

2. Usable open space is defined as common open space or private open space in any combination that meets the requirements of this section. All lands associated with the development shall be included in the calculation of usable open space except as provided in 21.07.030 D.

B. Applicability and Open Space Requirement

New residential developments shall be required to set aside a combination of private and common usable open space according to the following minimum requirements, except where specifically provided otherwise.

1. R-3 district: For multi-family residential developments, at least 300 square feet of usable open space per dwelling unit shall be provided. At least one-third of the usable open space shall be shared in common among the units.

2. R-4 district: For a multifamily uses, at least 200 square feet of usable open space per dwelling unit shall be provided. At least one third of the usable open space shall be shared in common among the units.

3. RO and nonresidential development in residential districts:

   a. Usable open space equal to five percent of the gross floor area of the nonresidential portion of the development shall be provided.

   b. Where dwelling units are part of the development, an additional 120 square feet of private usable open space per dwelling unit shall be provided.

C. Exemptions

The following are exempt from the usable open space requirement:

1. Single-family, two-family, triplex, mobile home and townhouse residential uses.

2. Non-residential uses;

3. Any building floor area devoted to parking and/or loading; and

4. Any building with less than 1,000 square feet of gross floor area.

D. Standards

1. **Areas Not Credited**
   Lands within the following areas shall not be counted towards required private open space areas:

   a. Setbacks with average slopes over 10 percent;

   b. Drainage ditches, swales, and other areas constructed to collect and channel water;

   c. Required site perimeter and required parking lot landscaping;

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d. Public or usable streets or street rights of way;

e. Parking facilities, driveways, other motor vehicle circulation areas, loading areas, and refuse collection areas; and

f. Land covered by structures not intended solely for recreational uses.

2. Usable Open Space Areas

Required usable open space may consist of usable yard, garden, patio, deck, balcony, or other open space reserved for the exclusive use of a single dwelling unit. It shall be designed for the occupants of a specific dwelling, and provided immediately adjacent to, and with direct access from the dwelling. The minimum inside dimension for such an area used to meet the usable open space requirement shall be no less than 10 feet for ground level spaces such as yards, or six feet for above ground level spaces such as balconies. Individual usable open space for the exclusive use of each dwelling unit shall have an average slope of less than five percent.

3. Physical Delineation

A fence, hedge, earth berm, railings on decks, and/or other continuous linear landscaping features shall define and separate ground-level usable open space from abutting street rights-of-way. Such features may be incorporated as part of required perimeter landscaping.

4. Common Usable Open Space

Usable open space areas to be used in common by residents and/or associated with mixed uses are intended to be usable spaces that incorporate user amenities facilitating passive or active recreation and relaxation. These areas shall meet the following standards:

a. At least half of the common usable open space shall be contiguous.

b. Common usable open space shall be conveniently accessible to residents or users of the development.

c. The minimum inside dimension for an area used to meet the requirement shall be 10 feet for residential uses and 15 feet for nonresidential uses.

d. Common usable open space may include lawn areas; picnic areas; gardens; natural vegetation; equipped recreation areas; sports courts; hard surfaced pedestrian spaces such as patios, decks, courtyards, housing courtyards, or plazas; indoor usable open space pursuant to D.5. below; and/or roof tops or terraces.

e. Up to 25 percent of the total required open space area may be developed for active recreation, such as with play equipment or delineated sports field.

5. Indoor Usable Open Space Option

Up to 50 percent of the total required usable open space for residential uses, may be indoors. Such space:

a. Shall be climate controlled and furnished with features and amenities that encourage its use;

b. Shall be accessible to all residents and

c. Shall not be combined with some other function, such as laundry or storage, but such other functions may be immediately adjacent to the common usable open space.

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6. **Incentive for High Quality Spaces**
The total open space area requirement may be reduced by 25 percent if the largest common open space area meets all the other requirements of this section and the following standards:

   a. Has less than an average five percent slope;

   b. Is well-drained and not wetlands;

   c. Has a minimum inside dimension of 25 feet; and

   d. Receives sunlight access on the majority of the open space for at least four hours per day between the spring and fall equinox.

7. **Ownership**
All usable open space areas not reserved for the exclusive use of a single dwelling unit shall be owned jointly or in common by the owners of the development or permanently preserved through some other mechanism satisfactory to the director. While usable open space may be platted into separate tracts, those tracts which provide required usable open space shall not be sold separately from the development.

8. **Fee In Lieu Prohibited**
The payment of fees in lieu of the set-aside of land for private common open space is prohibited.

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21.07.040 DRAINAGE, STORM WATER TREATMENT, EROSION CONTROL, AND PROHIBITED DISCHARGES

A. Purpose

1. Drainage plans and the requirements of this section and the *Design Criteria Manual* are intended to implement the following principles of drainage planning:

a. The design of a drainage system shall not transfer a problem from one location to another.

b. Adequate space shall be provided for drainage conveyance and storage.

c. Good drainage design incorporates the effectiveness of the natural systems, rather than negating, replacing, redirecting, or ignoring them. The features, capacity, and function of the existing natural system shall be considered and utilized.

d. Drainage and storm water management facilities shall be designed with ease of maintenance, long-term function, sub-arctic climate function, protection of public safety, and accessibility as primary considerations.

2. Other purposes of this section include:

a. Regulating development preparation and land-disturbing activity in order to control erosion and sedimentation and accordingly to prevent water pollution from sedimentation, to prevent accelerated erosion and sedimentation of lakes and natural watercourses; and to prevent damage to public and private property by erosion and/or sedimentation during and after construction;

b. Regulating storm water discharge to improve the quality of the environment for residents of the municipality, administer the Municipal Separate Storm Sewer permit, and manage impacts to the watersheds in the municipality; and

c. Minimizing point and non-point source pollution into the water bodies of the municipality.

B. Guidance Documents

The municipal engineer shall develop, implement, and maintain various guidance manuals which shall provide standards and guidelines for this section 21.07.040. The *Design Criteria Manual* and the *Storm Water Treatment Plan Review Guidance Manual* are examples of such manuals.

C. Emergencies

Where site work deviates from approved plans due to an emergency, the municipal engineer shall be notified on the next business day. Changes to an approved plan shall be submitted within 14 days to the public works department. For the purposes of this section, an "emergency" is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken immediately.

D. Drainage

1. Intent
A drainage plan shall show the post-development drainage patterns of the site.

2. Applicability
This section applies to all development within the municipality.

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3. **Drainage Plan Required**

a. Applications for the following entitlements shall include a drainage plan:

i. A permit from the development services department, for projects that include land disturbance;

ii. Subdivision plat (both preliminary and abbreviated plats);

iii. Site plan review (administrative and major); and

iv. Conditional use.

v. The drainage plan submittal requirement may be waived by the director and the municipal engineer if both agree that such a plan is not necessary.

b. The drainage plan shall show the area affected by the application, as well as watercourses, drainage and water quality easements, appropriate drainage outfall for surface water, roof drainage, and other impervious surfaces, and any other pertinent information, and shall address surface and subsurface drainage. The drainage plan shall also indicate impacts, if any, on adjacent, up-gradient, and down-gradient properties.

c. An approved drainage plan is required before any site work commences.

4. **Standards**

Drainage plans shall comply with the requirements of municipal code and the guidance of the *Design Criteria Manual*. Post-development drainage plans shall be designed in a manner such that there will be no adverse off-site impacts. Any net increase of water volumes shall be mitigated and/or directed to an adjacent drainage system or receiving water that has the demonstrated capability to handle the new flows. The municipality may require a dedicated drainage easement(s) to ensure the drainage is consistent and compatible with surrounding drainage patterns.

5. **When No Permit is Required**

a. In situations where a building or land use permit is not required, all design and construction activities shall comply with municipal code.

b. If the municipal engineer reasonably believes that a project is significant in nature or that it will have negative impacts on surrounding property, water quality, drainage, or the roadways, the municipal engineer may require submittal of a drainage plan and a full review of the project. The applicant shall pay the appropriate review fees for the review. If the project is under construction, the municipal engineer may issue a stop work order until the project has been reviewed and approved.

c. If a project has been completed and there are negative impacts on surrounding property, water quality, drainage, or the roadways, the municipal engineer may pursue enforcement actions under chapter 21.13.

6. **Exposure of Subsurface Flows**

If, during site work, unexpected subsurface flows are exposed, the municipality shall be informed immediately. If the subsurface flow cannot be contained within the site and has a significant off-site impact, work shall cease immediately and shall not be resumed until a temporary flow management plan has been submitted to and accepted by the municipality. In addition, the developer shall amend the drainage plan to address the

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exposed flows and potential for glaciation and shall submit it to the municipality and receive approval before resuming site work other than temporary flow management.

E. Storm Water Treatment and Erosion and Sediment Control

1. Intent

A storm water treatment plan shall show both the controls put in place during construction and any needed post-development controls to prevent erosion and protect water quality.

2. Applicability

Storm water treatment plan approval is required prior to commencement of land clearing or ground disturbing activities; the discharge of surface water (including from snow disposal sites); the construction, alteration, installation, modification, or operation of a storm water treatment or disposal system; demolition or utility work; connection to the municipal separate storm sewer system; work in water bodies, wetlands, or watercourses; or dewatering activities, except as listed in E.3. below. All construction, development, and maintenance activities shall be in accordance with the approved storm water treatment plan.

3. Nonconformities

No nonconforming rights are granted for this section 21.07.040E.

4. Exceptions

A storm water treatment plan shall not be required for the following. An erosion control plan may still be required if the discharge is so concentrated as to cause soil disturbance. The municipal engineer may waive the requirement for a storm water treatment plan for other activities that, in his or her judgment, will not create erosion or impair water quality.

a. Building improvements where no earth is disturbed;

b. Any earth disturbance that is less than 500 square feet in area;

c. Agricultural activities (including site landscaping). Discharges from agricultural activities are still subject to water quality standards and potential enforcement for illicit discharges to watercourses or the storm sewer system;

d. Discharges of the following into the municipal separate storm sewer system:

i. Uncontaminated water line flushing;

ii. Residential irrigation water;

iii. Rising ground waters;

iv. Uncontaminated ground water infiltration;

v. Uncontaminated discharges from potable water sources;

vi. Foundation drains;

vii. Air conditioning condensate;

viii. Springs;

ix. Uncontaminated water;

x. Individual residential car washing;

xi. Flows from riparian habitats and wetlands;

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xii. De-chlorinated swimming pool discharges;

xiii. Street wash waters; or

xiv. Flows from emergency fire fighting activity.

5. Submittal Requirements and Review Procedure

Storm water treatment plans shall be submitted to the public works department on the form provided. The submittal shall include plans for both temporary (during construction) and permanent storm water treatment and erosion control, and any supplementary information required in the user's guide or the *Design Criteria Manual*.

a. ***Storm Water Treatment Plan Review Guidance Manual***

The *Storm Water Treatment Plan Review Guidance Manual* shall be used to develop, review, and approve storm water treatment plans. Applicants submitting plans under this subsection shall comply with the manual regarding plan requirements and reviews, and if necessary shall gather data to confirm storm water conditions.

b. ***Changes to an Approved Storm Water Treatment Plan***

Any changes to permanent storm water controls from an approved storm water treatment plan require approval by the municipal engineer. Changes in temporary or construction storm water treatment controls or best management practices necessary to maintain effective storm water treatment do not require municipal approval but shall be documented.

c. ***New Application Required***

If dewatering, land clearing, construction, alteration, installation, modification, or operation has not begun within one year after issuance of a storm water treatment plan approval, the approval is void, and a new application shall be submitted to the public works department for review and approval.

d. ***Project-Wide Approval***

The municipal engineer may issue a project-wide approval to an applicant who plans to conduct an operation with the same runoff characteristics at various discharge locations. He or she may require the submittal of site-specific plans, including a schedule and description of all planned discharge activities, for approval, and may restrict that approval to certain proposed discharge activities.

6. Land Clearing

Mechanized land clearing requires an approved storm water treatment plan. Until a subsequent use is approved, a temporary native vegetation buffer shall be retained on the perimeter of the property being cleared, equal to or greater than the specified minimum setback required in the zoning district. This buffer shall be at least 15 feet wide on the perimeter of lots in commercial and industrial zoning districts. Those areas of native vegetation in commercial and industrial zoning districts not essential to the parcel's development and situated on the perimeter of the site shall be retained and protected from disturbance as specified in subsection 21.07.080G.3.

7. Erosion and Sediment Control Administrator

A qualified erosion and sediment control administrator, who shall be responsible for the erosion, sedimentation, and best management practices during construction, shall be identified in each storm water treatment plan submitted for approval, except for storm water treatment plans for owner-built single- and two-family dwellings. Evidence of contractual liability shall be provided when requested.

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a. In order to be identified as a qualified administrator, a person shall successfully complete a training course and associated test for certification from a training program approved by the public works department.

b. The qualified administrator shall maintain their certification in active status throughout the length of the project. In the case where the qualified administrator's certification becomes expired or revoked, a new qualified person shall be selected to be the erosion and sediment control administrator and shall be identified on the storm water treatment plan.

8. **Alternate Materials, Design, and Method of Construction**

a. The provisions of this section are not intended to prevent the use of any alternate material, design, or method of construction not specifically prohibited by this code, provided any alternate has been approved and its use authorized by the municipal engineer.

b. The municipal engineer may approve any such alternate, provided that he or she finds that the proposed design complies with the intent and purpose of this code, and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that required in this code in suitability, effectiveness, durability, safety, sanitation, and degree of structural integrity. The details of any action granting modifications or the acceptance of a compliance alternative shall be recorded and entered in the public works department's files.

c. Whenever there is insufficient evidence of compliance with any of the provisions of this code or evidence that any material or construction does not conform to the requirements of this code, the municipal engineer may require tests as proof of compliance to be made at no expense to the municipality. Test methods shall be as specified by this code or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternative, the municipal engineer shall determine test procedures. All tests shall be made by an approved agency. Reports of such tests shall be retained by the municipal engineer for the period required for the retention of public records.

9. **Inspections**

a. *Required Inspections*

Prior to the commencement of or during land clearing or ground disturbing activities, the discharge of surface water, or dewatering activities subject to this section, an inspection of approved best management practices associated with the storm water treatment plan shall be conducted. Prior to the issuance of a certificate of zoning compliance, permanent site controls shall be verified by inspection or other means, as determined by the municipal engineer. The owner or contractor of record is responsible for requesting the required inspections at the appropriate times.

b. *Other Inspections Authorized*

i. A municipal official, upon presentation of proper identification, may enter the premises at reasonable times to inspect or perform duties imposed by this code, for the purpose of determining whether the owner or operator thereof is in compliance with the specific requirements of this section. If such premises are unoccupied, the official shall first make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused, any approvals issued under this section may be immediately suspended until an inspection is conducted, and the official shall have recourse to the remedies provided by law to secure entry. Permittees, owners, or

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operators shall immediately stop all work upon the site being posted with a stop work order for failure to allow inspection.

ii. A municipal official may inspect any property or facility suspected as the source of illicit discharges in violation of 33 USC 1342 (1987) as amended.

iii. No inspection for which a warrant would be required under the constitution of this state or the United States may be conducted under this section without the proper warrant.

c. ***Availability and Production of Plans and Records***
Approved plans and specifications shall be available on site for review by municipal inspectors at the time of requested inspections. At the request of municipal officials and during normal working hours, owners or operators of facilities, construction sites, premises, or areas shall produce and make available for inspection or copying all records or information required to be maintained or reported under the provisions of this section.

F. Prohibited Discharges

1. Applicability
This section applies throughout the municipality.

2. Prohibited Discharges or Acts
No person shall cause or permit illicit discharges:

a. Into any waters of the state, or waters of the United States, unless such is first treated in a manner approved by the federal, state, or other agencies having jurisdiction; or

b. Into a storm sewer of the municipality, other than pursuant to a dewatering permit, an approved storm water treatment plan, a national pollutant discharge elimination system permit, or a permit issued by a local, state, or other agency having jurisdiction. Examples of discharges that are prohibited include:

i. Grease, fatty materials, offal, or garbage;

ii. Sand, sand dust, dirt, gravel, sawdust, metal filings, broken glass, or any material which may cause or create an obstruction in the sewer;

iii. Gasoline, benzene, fuel oil, or a petroleum product or volatile liquid;

iv. Milk or any liquid milk waste product in quantities in excess of ten gallons during any 24-hour period;

v. Wax, cyanide, phenols, or other chemical or substance that may cause damage to materials of which the sewer system is constructed; or

vi. Wastewater, as defined in AMC section 15.20.010.

For the purposes of this section, "illicit discharges" means pollutants or any materials other than storm water.

3. Dumping in Watercourses and Water Bodies
No person shall deposit, dump, abandon, throw, scatter, or transport solid waste, garbage, rubbish, junk, fill, soil, dirt, snow, ice, vegetation, or other material in such a manner as to obstruct, impound, or cause siltation of any river, stream, creek,

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watercourse, water body, stream or water body or wetland setback, water quality easement, storm sewer, ditch, drain, or gutter except as otherwise allowed by valid federal, state, and other permits or licenses relative to water pollution, water impoundment, or water quality control.

G. Hazardous Sites

1. For the purposes of this section, any site meeting any or all of the conditions and defects described below shall be deemed to be hazardous, provided that such conditions or defects exist to the extent that the health of the watershed, the requirements of the Municipal Separate Storm Sewer System permit, or the safety of the public are endangered, as determined by the municipal engineer.

a. Any site that causes sediment to be discharged in such a way that it may be delivered directly or indirectly to the storm sewer or receiving waters;

b. Any site that causes pollution to be discharged in such a way that they may be delivered to the watershed;

c. Any property for which the owner, manager, or tenant fails to install and/or maintain properly permitted BMPs; or

d. Any site where actions are causing soil masses to be in danger of sloughing, destabilizing, failing, or collapsing as a mass wasting event.

2. All sites which are determined after inspection by the municipal engineer to be a hazardous shall be abated as determined by the municipal engineer.

H. Violations and Penalties

1. Violations

a. Any person who violates any provisions of this section shall report such violation to the project management and engineering department and shall make available any information or records related to the contents of the substance discharged.

b. In addition to any other remedy or penalty provided by this title, any person who violates any provision of this title or regulations adopted there under shall be subject to the civil penalties or injunctive relief, or both, as provided by AMC section 1.45.010B.

c. In any action under this section, the municipality, if not a party, may intervene as a matter of right.

2. Penalties

a. All sites operating without approval under this section may be immediately posted with a stop work order and shall pay double fees for all required permits or inspections under this section, as well as any fines which may be assessed. In addition to any other remedy permitted by law, fines may be assessed for failure to have a permit or approved plan, failure to allow inspections, or failure to obey a properly issued stop work order. Violators of this section may also be charged $1,000 per day until the violation(s) is corrected.

b. Any person who negligently or intentionally permits or causes a discharge in violation of this section shall, upon conviction, be subject to a civil fine penalty of $5,000 to $10,000 per day, or injunctive relief to cease the violation, or both. In addition to any fine assessed under this section, any person who violates any provision of this section or any rule or regulation adopted pursuant to this section

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shall be subject to a further civil penalty of up to double the cleanup and remediation costs incurred as a result of the violation.

c. Any person who permits or causes a discharge in violation of this section shall be strictly liable, regardless of intent, for the full amount of any fines or other liquidated penalties incurred by the municipality for any violations of federal law which are caused by the discharge.

d. No certificate of zoning compliance shall be issued until all fines levied under this section have been paid.

I. Appeals

1. Appeals of orders, decisions, or determinations made by the municipal engineer shall be heard by the zoning board of examiners and appeals, pursuant to subsection 21.03.050B.

2. The zoning board of examiners and appeals shall have no authority over the interpretation of the administrative provisions of this section, nor shall the board be empowered to waive requirements of this section.

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21.07.050 UTILITY DISTRIBUTION FACILITIES

A. Underground Placement Required for New or Relocated Lines

1. Except as provided in subsection B. below, all newly installed or relocated utility distribution lines shall be placed underground.

2. Utility distribution lines owned or operated by utilities that are parties to a joint trench agreement shall be placed underground in a joint trench.

3. Nothing in this section restricts the maintenance, repair, or reinforcement of existing overhead utility distribution lines.

B. Exceptions

1. Except where an assessment district has been formed to convert overhead utility distribution lines as provided in Title 19.60, utility distribution lines need not be placed underground in the class B improvement area defined in subsection 21.08.050B., or in the I-2 zoning district. However, in the following areas newly installed or relocated utility distribution lines shall be placed underground: Lower Hillside, between and including Abbott Road, Rabbit Creek Road, Hillside Drive and the New Seward Highway.

2. Except where an assessment district has been formed to convert overhead utility distribution lines as provided in AMC chapter 19.60, CATV utility distribution lines need not be placed underground where there are other overhead utility distribution lines; provided that, when all of the other overhead distribution lines are placed underground, the CATV utility distribution line shall also be placed underground.

3. A new utility distribution line may be placed overhead when necessary immediately to restore service interrupted by accident or damage by flood, fire, earthquake or weather; provided that the utility distribution line shall be replaced by a utility distribution line conforming to this chapter within 12 months of its placement.

4. A utility distribution line or service connection may be placed on the surface of frozen ground, provided that it is placed underground within 12 months thereafter.

5. New facilities may be added to existing overhead utility distribution facilities located outside target areas.

6. A temporary utility distribution line may be placed overhead in connection with new construction if the utility's tariff approved by the state public utilities commission expressly provides for removal of that line by a date certain, not to exceed 12 months thereafter.

C. Variances

1. **The director may grant a variance from subsection A. above when any of the following is found:**

   a. Placing a utility distribution line underground would cause an excessive adverse environmental impact;

   b. Placing a utility distribution line underground would threaten public health and safety, because the placement cannot be shown to meet acceptable technical standards for safety; or

   c. Placing a utility distribution line underground in an environmentally sound and safe manner would cost more than three times the cost of placing the line overhead, where the applicant demonstrates the relative cost to the satisfaction of the director.

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2. **The director may grant a variance from subsection A. above when he or she finds that the utility distribution line is being placed overhead temporarily for one of the reasons listed in this subsection:**

   a. The line is being placed to provide service when weather conditions do not allow excavation for underground placement;

   b. A permanent location for underground placement is not available because of construction in progress; or

   c. The line is being placed to provide service to a temporary use or structure.

   d. A variance issued under this subsection C.2. shall expire within two years of its issuance.

D. Relationship to Chapter 21.12, *Nonconformities*

Existing overhead utility distribution lines located where this Title requires new or relocated utility distribution lines to be placed underground are nonconforming utility distribution lines and are subject to the provisions of this subsection. A utility distribution line is not a nonconforming structure or use under chapter 21.12, *Nonconformities,* solely because it is a nonconforming overhead line under this section.

E. Designation of Target Areas

1. An electric utility that owns poles that support nonconforming utility distribution lines shall prepare or otherwise include as part of its annual capital improvement plan, a five-year undergrounding program consistent with subsection F. below. This five-year program shall be updated on an annual basis. Priorities shall be based on undergrounding in conjunction with the electric utility's essential system improvements and then by target area as set forth below in no particular order of priority. The director shall review and provide comment for consideration by the electric utilities on these five-year programs. When reviewing and commenting on these programs, the director shall consider the following factors in no particular order of priority:

   a. Whether undergrounding will avoid or eliminate an unusually heavy concentration of overhead distribution facilities.

   b. Whether the street or general area is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic.

   c. Whether the appearance of grounds and structures adjacent to the roadway is such that the removal of the overhead facilities will substantially improve the general appearance of the area.

   d. Whether the street or area affects a public recreation area or an area of scenic interest.

   e. Whether there is a significant opportunity to achieve economies due to the anticipated relocation or replacement of overhead lines or the widening or realignment of streets within a given area.

   f. Whether the five-year program sufficiently addresses the objectives of subsection F. below.

   g. Whether the area under consideration is within a zone where new and relocated distribution lines are required to be placed underground.

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h. Whether the installation of underground distribution lines is economically, technically and environmentally feasible, including the effect on the attached utility.

3. The director shall confirm annually that the electric utilities have developed project undergrounding implementation plans. The director shall consult with the utilities and public agencies affected by any implementation plan. In reviewing implementation plans, the director shall consider the factors stated in subsection E.1. above.

4. The following shall be target areas:

a. Central Business District: between and including Third Avenue and Tenth Avenue and L Street and Ingra Street.

b. Midtown area: between and including New Seward Highway and Minnesota Drive and International Airport Road and Fireweed Lane.

c. All municipal and state street improvement projects except for those which do not require relocation of utility distribution facilities.

d. The following major traffic corridors:

i. Old Seward Highway.

ii. Ingra and Gambell Streets between and including Ninth Avenue and Fireweed Lane.

iii. Northern Lights Boulevard and Benson Boulevard between and including Glenwood Street and Arlington Drive.

iv. Muldoon Road between and including New Glenn Highway and Patterson Street.

v. Tudor Road between and including Patterson Street and Arctic Boulevard.

vi. Boniface Parkway between and including 30th Avenue and New Glenn Highway.

vii. Spenard Road between and including Hillcrest Drive and International Airport Road.

viii. Arctic Boulevard between 17th Avenue and Tudor Road.

ix. Lake Otis Parkway between Tudor Road and Abbott Loop

e. All park, recreational use, and scenic interest areas.

f. Eagle River Central Business District between and including the New Glenn Highway, North Eagle River Access Road, Aurora Street as extended to the Old Glenn Highway, and the Old Glenn Highway.

g. Any area where utility distribution facilities are provided by more than one utility as a result of mergers and boundary changes approved by the state public utilities commission.

h. School and university areas.

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F. Nonconforming Overhead Lines

1. An electric utility that owns poles that support nonconforming utility distribution lines shall remove the poles and place those lines underground. Any other utility that attaches to such poles shall place its lines underground at the same time that the pole owner places lines underground.

   a. The electric utility that owns poles shall, in each fiscal year, expend at least two percent of a three-year average of its annual gross retail revenues derived from utility service connections within the municipality, excluding toll revenues, revenues from sales of natural gas to third parties, and revenues from sales of electric power for resale for purposes of undergrounding nonconforming lines. An electric utility's expenditures, pursuant to AS 42.05.381(h), within the municipality, shall be counted toward satisfaction of the two percent expenditure required by this subsection.

   b. A utility with lines attached to a pole that is to be removed under this subsection shall place its lines underground at the same time that the pole owner places its lines underground. To underground nonconforming utility lines, an attached utility shall not be required to expend more than two percent of its annual gross retail revenues derived from utility service connections within the municipality, excluding toll revenues. For the purpose of satisfying subsection 21.07.050F., the utility's expenditures pursuant to AS 42.05.381(h) within the municipality are counted toward this two percent expenditure limit.

   c. The electric utility that owns poles may choose which existing lines to underground in order to fulfill the two percent expenditure requirement, in consultation with appropriate public agencies and any other utilities.

   d. An electric utility that owns poles that does not expend the amount required in subsection F.1. of this section, or that expends more than that amount, may carry over the under expenditure or over expenditure as an adjustment to the following year's obligation.

5. The electric utility that owns poles shall notify the director, and utilities or entities with lines attached to such poles, of the approximate date that the owner plans to remove the poles. Such notice, where possible, shall be given at least four months in advance of the undergrounding except where an emergency or other unforeseen circumstances preclude such notice, in which case such advance notice as is reasonable under the circumstances shall be provided.

6. A utility shall annually submit a report of its undergrounding projects and expenditures for non-conforming lines to the director within 120 days of the end of the preceding calendar year.

7. All new service connections shall be placed underground in the same manner as required for utility distribution lines under subsections A. and B. above. New service lines may be temporarily installed above ground from October through May, if placed underground prior to the next October.

G. Lines in Municipal Right-of-Way

1. The department of public works shall furnish to a utility owning or operating utility distribution lines all planning documents for municipal road construction that will require the relocation of those utility distribution lines.

2. Once a utility installing a utility distribution line underground in material compliance with a right-of-way permit issued by the department of public works and in accordance with this

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chapter, the municipality shall reimburse the cost of any subsequent relocation of the utility distribution line required by municipal road construction.

3. If municipal road construction requires the relocation of a nonconforming utility distribution line, the municipality, as part of the road construction project cost, shall reimburse the cost of the relocation. Reimbursable costs under this subsection include engineering and design, inspection, construction, and general overhead costs, but exclude utility plant betterment costs. Plant betterment costs are the costs of providing utility distribution line capacity or quality beyond what current industry standards require for the capacity or level of service existing before the relocation.

H. Conversion of Service Connections

1. A utility that places a nonconforming utility distribution line underground as required by subsection F. above shall bear the cost of placing underground any related service connections or other utility facilities on a customer's premises, in accordance with the utility's applicable tariff or rules or regulations of operation.

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21.07.060 TRANSPORTATION AND CONNECTIVITY

A. Purpose

The purpose of this section 21.07.060 is to support the creation of a safe and highly connected transportation system within the municipality in order to provide choices for drivers, bicyclists, and pedestrians; increase effectiveness of municipal service delivery; promote walking and bicycling; connect neighborhoods to each other and to local destinations such as employment, schools, parks, and shopping centers; reduce vehicle miles of travel and travel times; improve air quality; reduce emergency response times; support the pattern of designated land uses; mitigate the traffic impacts of new development; create road and trail connectivity to free up arterial capacity while protecting neighborhood identity and safety; and, in high-volume traffic corridors, maintain an adequate degree of crossings for local circulation and minimize road and traffic impacts on adjacent uses.

B. Applicability

The standards of this section 21.07.060 shall apply to all new development in the municipality.

C. Traffic Impact

1. Traffic Impact Analysis Required

The transportation system for new development shall be capable of supporting the proposed development in addition to the existing uses in the area. Evaluation of system capacity shall be undertaken through a traffic impact analysis (TIA), which should consider the following factors without limitation: street capacity and level of service; vehicle access and loading; on-street parking impacts; the availability of transit service and connections to transit; impacts on adjacent neighborhoods; and traffic safety including pedestrian safety. Unless the traffic engineer issues a substantiated written finding, based on location of the project and professional judgment, that there is no need for a TIA, a traffic impact analysis (TIA) shall be required with applications for development review and approval when:

a. Thresholds established in the traffic department's *Policy on Traffic Impact Analyses* are met;

b. A TIA is required by the planning and zoning commission, the platting board or assembly as a condition of any land use application approved pursuant to the requirements of this Title;

c. Any case where the traffic engineer determines that the previous TIA for the property is out of date and no longer accurate—in such case the TIA shall not be less than two years old;

d. Any case where increased land use intensity will result in substantially increased traffic generation or can be shown to cause a reduction of the existing level of service on affected streets by at least one service level; .

2. TIA and Development Review Process

a. Prior to the development of a required TIA, there shall be a scoping meeting that includes the traffic department, the applicant, and all other relevant departments.

b. The development and review of a TIA shall be according to the traffic department's *Policy on Traffic Impact Analyses.*

c. When state-owned roads are involved, the applicant shall coordinate with the state department of transportation and public facilities, and the development of a TIA shall follow state regulations as defined in 17 AAC 10.095.

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3. **Traffic Mitigation Measures**
The applicant shall, as part of the traffic impact analysis, recommend measures to minimize and/or mitigate the anticipated impacts and determine the adequacy of the development's planned access points. Mitigation measures shall be acceptable to the traffic engineer and may include, without limitation: an access management plan; transportation demand management measures; a reduction in the intensity or size of the proposed development; street improvements on or off the site; phasing of the proposed development to coincide with, and not outpace, the necessary upgrades to off-site infrastructure; placement of pedestrian, bicycle, or transit facilities on or off the site; or other capital improvement projects such as traffic calming infrastructure or capacity improvements.

D. **Streets and On-Site Vehicular Circulation**

1. **Street Standards**
All streets shall meet the standards and requirements set forth in subsections 21.08.030F.2., *Street Grades*, 21.08.030F.3., *Street Alignment,* and 21.08.030F.4. *Street Intersections.*

2. **Parking Lots**
In addition to complying with the standards in this subsection 21.07.060D., parking lots shall comply with the standards set forth in section 21.07.090, *Off-Street Parking and Loading.*

3. **Street Connectivity**

a. *Purpose*
Street and block patterns should include a clear hierarchy of well-connected streets that distribute local traffic over multiple streets, providing multiple direct connections for neighborhood residents to and between local destinations, and avoid traffic congestion on principal routes. Within each residential development, the access and circulation system should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, and pedestrians through the development; provide ample opportunities for linking adjacent neighborhoods, properties, and land uses; and be designed in such a way as to limit and discourage cut-through traffic and protect the new development and adjacent development from adverse impacts. This section is not intended to increase speed limits in neighborhoods, create opportunities for cut-through traffic, or encourage freight movement through residential areas.

b. *External Street Connectivity*

i. The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjacent lands in those cases in which the adjacent lands are undeveloped and intended for future development or in which the adjacent lands are developed and include opportunities for such connections. Vehicular and/or pedestrian connections to adjacent municipal parks shall be required unless waived by the director of the parks and recreation department.

ii. Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development at least every 1,500 feet for each direction (north, south, east, and west) in which development abuts vacant lands. The director may waive this requirement where the configuration of existing adjacent development, topography, or the presence of sensitive natural areas makes compliance impractical.

c. *Vehicular Access to Public Streets*
Any development of more than 100 residential units or additions to existing developments such that the total number of units exceeds 100 shall be required to provide vehicular access to at least four public streets to the extent reasonably feasible as determined by the director and the traffic engineer, due to topography, natural features, or the configuration of existing adjacent developments.

d. *Connections to Vacant Land*
Where new development is adjacent to land likely to be developed or redeveloped in the future, all streets, sidewalks, pathways, trails, walkways, and access ways in the development's proposed street system shall continue through to the boundary lines of the site of new development, as determined by the director and the traffic engineer, to provide for the orderly subdivision of such adjacent land or the transportation and access needs of the community. In addition, all redevelopment and street improvement projects shall take advantage of opportunities for retrofitting existing streets to provide increased vehicular and pedestrian connectivity.

e. *Neighborhood Protection from Cut-through Traffic*
Street connections shall connect neighborhoods to each other and to local destinations such as schools, parks, greenbelt trail systems, and shopping areas, while at the same time and to the same degree of importance, minimizing neighborhood cut-through vehicle traffic movements that are non-local in nature. Configuration and connection of local and internal streets and traffic calming measures shall be used to discourage use of the local street system for cut-through collector or arterial vehicle traffic.

E. Standards for Pedestrian Facilities

1. Purpose
The purpose of this section is to require in all new developments convenient, safe, and appropriate pedestrian facilities along streets and within and between developments. Such facilities create a healthful built environment in which individuals have opportunities to incorporate physical activity, such as walking or bicycling, into their daily routine. Injuries and fatalities are reduced when interactions between pedestrians and vehicles are minimized. Adequate pedestrian facilities meet community goals for mobility and access, as well as for providing transportation choices. Safe pedestrian access for students to their schools is also an essential purpose of these standards.

2. Sidewalks
a. All sidewalks shall be designed to comply with the standards of the Design Criteria Manual (DCM) and Municipality of Anchorage Standard Specifications (MASS).

b. In all class A zoning districts, in new residential and commercial developments, sidewalks shall be installed on both sides of all new streets (local, collector, arterial, public or private, including loop streets but shall not be required in cul-de-sacs) except as otherwise permitted by the decision making body. Where indicated in the comprehensive plan, a pathway may replace a sidewalk on one side.

c. In class B zoning districts, in new residential and commercial developments, [RESERVED SUBSECTION TO ESTABLISH THAT WHERE CLASS A AND CLASS B DISTRICTS ARE INTERSPERSED, IF THE CLASS B DISTRICTS ARE PREDOMINANT IN THE AREA THEN CLASS B DISTRICT PROVISIONS SHALL APPLY] pedestrian facilities shall be provided on at least one side of

Comment [DC1]: Note that in chapter 8 there is substantial reference to class A and class B districts. What is the purpose of the reservation?

collector and arterial streets unless an internal pedestrian facility is required by the decision making body.

d. The requirements of 2.b. and 2.c. shall not apply in steep-slope areas where sidewalks on one side of the street may be approved by the director to reduce excessive slope disturbance, adverse impacts on natural resources, and potential soil erosion and drainage problems.

e. Development on lots along existing streets in class A zoning districts shall install sidewalks in the following situations:

i. In R-4, commercial districts.

ii. Along streets identified in Appendix A of the *Anchorage Pedestrian Plan* as "missing sidewalk" or "inadequate sidewalk", with a total point rating of five or higher.

iii. A single residential or commercial development on a single lot shall not require installation of a sidewalk beyond the street frontage of the lot being developed unless there is an existing sidewalk on properties abutting the side of the lot being developed in which event the sidewalk fronting the lot being developed shall connect to the existing sidewalk and shall be built to the same standards

3. **Through-Block Connections**
Within new developments, pedestrian walkways, crosswalks, or multi-purpose trails no less than five feet in width shall be constructed near the center and entirely through any block that is 1,300 feet or more in length. This standard may be waived during a site plan review, if justified by the decision-making body.

4. **On-Site Pedestrian Walkways**

a. ***Applications***
This subsection E.4. does not apply to single- and two-family developments. **(Illustrate)**

b. ***Continuous Pedestrian Access***
Pedestrian walkways are intended to form a convenient on-site circulation system that minimizes conflict between pedestrians and traffic at all points of pedestrian access to on-site parking and building entrances.

c. ***On-Site Pedestrian Connections***
The following walkways shall be provided. Where one walkway fulfills more than one requirement, only one walkway need be provided. If they can provide a relatively direct route, public pedestrian facilities such as public sidewalks shall satisfy any or all of the requirements below.

i. A walkway shall connect the primary entrance to the abutting primary street frontage. No walkway need be provided if that frontage is a restricted access street or a frontage road, unless there is a pathway or other pedestrian facility to which access can be provided along the restricted access street or frontage road, in which case a walkway shall connect to that pedestrian facility. The walkway shall be the shortest practical distance between the entrance and the street, and generally no more than 133 percent of the straight line distance.

ii. All primary building entrances on a site shall be connected by a walkway. This includes multiple primary entrances into one building, and primary entrances in separate buildings on a site. This can be accomplished by a

perimeter walkway adjacent to the building with one walkway to any separate building on the same site or to a bus stop.

iii. A walkway shall connect all primary entrances to all bus stops adjacent to the site.

iv. Where abutting property has developed or is likely to develop with a compatible use, the decision-making body may require a walkway from all primary entrances to the lot line nearest the abutting lot, in a location most likely to provide convenient pedestrian access to the (existing or anticipated future) development on the adjacent lot.

d. Walkway Clear Width
The minimum width of a required pedestrian walkway shall be five feet of unobstructed clear width, excluding vehicular overhang, except where otherwise stated in this Title. A walkway that provides access to no more than four residential dwelling units may provide an unobstructed clear width of three feet.

e. ***Walkways and Parking***

i. Where an on-site pedestrian walkway system or required pedestrian area abuts a parking lot or internal street or driveway, the pedestrian facility shall be clearly marked through the use of a change of paving materials distinguished by color, texture, textured edge, or other edge, or striping and shall meet the requirements of the Americans with Disabilities Act.

ii. The vehicle overhang established in table 21.07-9, Parking Angle, Stall And Aisle Dimensions, shall not encroach into the minimum required walkway width or area.

iii. Where an on-site pedestrian walkway crosses an internal street or driveway, the crosswalk shall be clearly marked and delineated through a change in paving materials distinguished by color, texture, textured edge, other edge, or striping, and shall meet the requirements of the Americans with Disabilities Act.

5. **Trails**
All trails shall meet the following requirements in addition to the standards contained in the *Areawide Trails Plan*, *Design Criteria Manual* (DCM), and *Municipality of Anchorage Standard Specifications* (MASS):

a. All trail connections shall be well-signed with destination and directional signing as approved by the traffic engineer or the parks director as appropriate.

b. Trails shall be designed in such a manner that motor vehicle crossings can be eliminated or significantly minimized.

c. Trails that connect to the street system shall do so in a safe and convenient manner as determined by the traffic engineer.

6. **Use and Maintenance of Sidewalks, Walkways, Pathways, and Trails**

a. ***Restrictions on Use***
Sidewalks, walkways, pathways, and trails are intended to provide pedestrian access. Vehicle parking, snow storage, garbage containers, merchandise storage or display, utility boxes and poles, signs, trees, and other obstructions shall not encroach into the required minimum clear width of any required sidewalk, walkway, pathway, trail, or other pedestrian way. Pedestrian amenities including bollards are exempt from this requirement.

b. *Maintenance and Snow Removal*
Walkways required by this Title shall be maintained in usable condition throughout the year, including snow and ice removal as appropriate. Sidewalks shall be maintained in a usable condition in accordance with AMC Title 24.

F. Pedestrian Amenities

1. Purpose
The standards contained in this section are not required unless otherwise specifically stated. Rather, the purpose of this section is to define and provide standards for pedestrian amenities that may be required by other sections of this Title or may be included in a menu of choices to meet a requirement of another section of this Title, or may be listed as a special feature that can count toward a bonus incentive elsewhere in this Title. These standards are intended to give predictability for applicants, decision-makers, and the community for the minimum acceptable standards for pedestrian amenities. For example, another section of this Title may list a pedestrian amenity as a special feature for which bonus floor area may be granted. It also ensures the amenities will improve and enhance the community to the benefit of all, and respond to the northern latitude climate. This Title provides flexibility to encourage and allow for creativity and unique situations through the alternative equivalent compliance and minor modifications process.

2. Applicability
Pedestrian amenities shall meet the minimum standards of this section in order to be credited toward a requirement, menu choice, or as a special feature bonus incentive of this Title.

3. Walkway
A walkway is a surface, either improved or not, for the purpose of pedestrian and other non-motorized use, which connects two points and is not aligned along a vehicular public right-of-way. A walkway may be in a publicly dedicated pedestrian easement. Examples include pedestrian connections within one development site, mid-block, between subdivisions, or leading from streets to public amenities, such as schools or parks.

a. A walkway shall have a minimum unobstructed clear width of five feet, except where otherwise stated in this Title. A walkway that provides access to no more than four residential dwelling units may have an unobstructed clear width of three feet.

b. Walkways shall be improved in accordance with subsection 21.08.050H.

4. Primary Pedestrian Walkway
A primary pedestrian walkway is intended to provide an unobstructed clear width of at least eight feet for pedestrian movement with additional space incorporating features along the walkway such as storefront sidewalk space, room for residential stoops or building foundation plantings, and peripheral space that accommodates landscaping, furniture, and utilities. As established generally in subsection F.1 and F. 2 above, the standards of this subsection apply only where the specific term "primary pedestrian walkway" is listed as a requirement, menu choice, or special feature that counts toward a bonus. Thus subsection is not a generally applicable requirement for other large walkways.

a. A primary pedestrian walkway shall be developed as a continuous pedestrian route extending for at least 50 feet.

b. A primary pedestrian walkway shall have an unobstructed clear width of at least eight feet. Where adjacent to a ground-floor building elevation it shall also have a sidewalk storefront or building interface zone a minimum of two feet in width for

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foundation landscaping or three feet in width of sidewalk space for opening doors or seating and transition pedestrian spaces. In addition, a buffer space of at least four feet in width shall be incorporated as part of the walkway when abutting any street or vehicle area, to accommodate street trees, landscaping beds, light poles, utilities, benches, and other objects to be kept clear of the walkway.

c. At least one pedestrian feature as defined by this Title shall be provided for every 50 feet of length along a primary pedestrian walkway.

d. A primary pedestrian walkway shall be illuminated with pedestrian scale lighting.

e. A primary pedestrian walkway shall directly connect to surrounding public streets and sidewalks, and be publicly accessible at all times.

5. **Ice-Free (Snow Melting) Walkway**
An ice-free (snow melting) walkway has a heated surface for the full extent of the walkway clear width. The walkway shall be maintained as ice-free at all times in areas required to be publicly accessible, and otherwise during all hours of operation of an establishment.

6. **Plaza or Courtyard**
A plaza is an open space which is designed to be used for relaxation, conversation, eating, or other outdoor activities.

a. A plaza shall contain at least one pedestrian feature as defined by this Title for each 200 square feet of plaza or courtyard area. A plaza shall be visible and directly accessible from the public sidewalk and at no point be more than five feet above nor more than 12 feet below the curb level of the nearest street.

b. A plaza shall be unobstructed to the sky except for certain permitted obstructions such as canopies or awnings, landscaping, or ornamental features such as fountains and flag poles.

c. A plaza shall be positioned so that at least two-thirds of its area receives at least four hours of direct or reflected sunlight on March 21 and September 21. A plaza or courtyard may be credited towards a requirement, menu choice, or bonus as long as it meets this standard. The director may reduce this requirement in cases where topography or vegetation shadow the site. Reductions shall be the minimal action that would address these factors.

d. Plazas shall not be paved with asphalt.

7. **Housing Courtyard**
A housing courtyard may be created when a multifamily building or buildings are arranged or configured to enclose and frame a common private open space. To receive credit as a housing courtyard, the space shall achieve the following:

a. The residential building(s) shall enclose a clearly defined courtyard open space. The structure(s) surrounding the housing courtyard may, for example, form an O, L, or U shaped enclosure.

b. A courtyard shall incorporate at least 50 percent of the common private open space required for the development by section 21.07.030, up to a maximum requirement of 2,000 square feet.

c. The minimum inside dimension of a housing courtyard shall be 15 feet on lots up to 60 feet wide, and 20 feet on all other lots, exclusive of balconies, porches, or private open spaces exclusively serving individual dwelling units.

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d. A courtyard shall comply with the plaza requirement for pedestrian features, and with the common private open space standards of section 21.07.030.

e. All individual dwelling units around the perimeter of a courtyard shall have windows, entrances, and/or transitional spaces such as porches or balconies that face the courtyard.

f. For purposes of sunlight access and wind protection, the height of the enclosing or surrounding building(s) shall not exceed 45 feet. A perimeter structure may be taller if stepped back at a ratio of at least five feet of run for every three feet of rise above 45 feet, on at least 65 percent of the courtyard perimeter.

g. A courtyard shall have a solar orientation as defined by this Title in terms of openings in the courtyard and the lower height of surrounding buildings.

h. To attain wind protection benefits of enclosed space, the width and length dimensions of a courtyard shall be no greater than four times the height of the surrounding building(s).

8. **Transit Stop or Transit Shelter**
A transit stop or transit shelter shall meet or exceed the minimum design standards established by the transit facilities design guidelines in the *Design Criteria Manual.*

9. **Pedestrian Shelter such as a Canopy, Awning, or Marquee**
A pedestrian shelter is a roof-like structure extending out from the building face that provides year round overhead protection from precipitation and wind, and that can provide visual interest and wayfinding orientation to primary entrances, passenger loading areas, or waiting areas. Pedestrian shelter may be composed of awnings, canopies, marquees, cantilevered overhangs, colonnades, or similar overhangs along the pedestrian route.

a. A pedestrian shelter shall have a minimum dimension of six feet measured horizontally from the building wall, or shall extend to a line two feet from the curb line of the street or nearest motor vehicle area, whichever is less.

b. A pedestrian shelter shall have a minimum vertical clearance of eight feet and a maximum vertical clearance of 12 feet, except that a pedestrian shelter that projects out more than eight feet measured horizontally from the building wall shall have a maximum vertical clearance of 16 feet.

c. A pedestrian shelter may be indented as necessary to accommodate street trees, landscaping beds, street lights, bay windows, or similar building accessories. A pedestrian shelter shall not extend out to within three feet of the center of the main trunk of a street tree.

d. A pedestrian shelter shall incorporate architectural design features of the building from which it is supported.

10. **Arcade (or Building Recess)**
An arcade is a covered passageway created by the overhanging upper portion of the building along a sidewalk or walkway to provide a sheltered area at grade level. An arcade is usually separated from the adjacent street, sidewalk/walkway, or pedestrian space by a line of supporting columns or arches. A ground level building recess without supporting columns may also receive credit if it achieves the following standards:

a. An arcade shall be developed as a continuous covered space extending along a street, plaza, or courtyard or other pedestrian open space. An arcade shall be

open for its entire length to the street or pedestrian open space, except for building columns.

b. An arcade shall have a minimum vertical clearance of no less than 12 feet, and on average no greater than 18 feet.

c. An arcade shall have a minimum horizontal walkway clear width of eight feet between the building and any supporting columns, and a maximum covered width of 20 feet.

d. An arcade shall not at any point be above the level of the adjacent sidewalk, walkway, or pedestrian open space (whichever is higher). The width and spacing of the supporting columns shall be such that maximum visibility is maintained.

e. The spacing and rhythm of the supporting columns shall relate to the structural or architectural pattern of the building and shall be consistent along the length of the arcade.

f. No off-street parking spaces, passenger loading zones, driveways, or off-street loading berths are permitted anywhere within an arcade or within 10 feet of any portion thereof, unless the decision-making body determines that such activity will not adversely affect the air quality or functioning of the arcade. In no event shall such vehicular areas be eligible for credit as part of the arcade.

g. An arcade shall be publicly accessible at all times.

11. **Atrium, Galleria, or Winter Garden**
An atrium, galleria, or winter garden is a publicly accessible sunlit interior space suited for year-round public use, and which takes advantage of windows and sunlight access to provide brightness, orientation, and visual connections to the outdoors.

a. An atrium, galleria, or winter garden shall be developed and maintained as a temperature controlled, publicly accessible space furnished with features and amenities that encourage its use.

b. An atrium, galleria, or winter garden shall contain at least one pedestrian feature as defined by this Title for each 200 square feet of floor area. An atrium, galleria, or winter garden shall be co-located with primary entrances and pedestrian activity areas, and either adjoin or directly connect to a publicly accessible sidewalk or open space.

c. The publicly accessible portion of the atrium, galleria, or winter garden shall be at least 400 square feet, with a minimum dimension of 16 feet.

d. At least half of an atrium, galleria, or winter garden's ceiling area and at least a portion of its wall area shall consist of transparent glazing.

e. An atrium, galleria, or winter garden shall be exposed to direct an/or reflected sun for at least four hours daily for eight months of the year.

12. **Sun Pocket (or Sun Trap)**
A sun pocket or sun trap is a pedestrian space that captures direct and reflected sunlight. A sun pocket shall be a clearly defined open space partly sheltered by building walls, fences, or landscape features, such as a C, L, or U shaped semi-enclosure. The protected space shall contain at least 250 square feet of pedestrian area that is exposed to direct and reflected sunlight access for at least six hours on March 21 and September 21.

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13. **Reflected Sunlight**
Reflected sunlight as a pedestrian amenity is created by a light-colored, partially reflective, upper-story façade surface that redirects sunlight radiation to pedestrian spaces and walkways to brighten or increase the comfort level in those spaces.

a. The reflective façade surface shall have a solar orientation.

b. The reflective façade surface shall have a reflectance of at least 50 percent and no greater than 75 percent in order to avoid excessive glare.

c. The reflective façade surface shall be an upper floor above ground-level.

d. Reflected sunlight shall fall on at least 400 square feet of a publicly accessible walkway, open space, and/or abutting ground-level wall area for at least four hours on March 21 and September 21.

14. **Sheltered Transition Space**
A sheltered transition space is an outdoor or glass covered space such as café seating along a building façade that provides a comfortable transition between indoor areas and unsheltered outdoor spaces.

a. A sheltered transition space shall be a minimum of 400 square feet.

b. A sheltered transition space shall comply with the dimensional standards for pedestrian shelter or arcade.

c. A sheltered transition space shall contain a minimum of one pedestrian feature as defined by this Title.

d. A sheltered transition space shall not obstruct the minimum clear width of the adjoining walkway or sidewalk.

15. **Bicycle Parking Facilities**

a. Required bicycle parking or a sign leading thereto shall be located in an area visible from a primary entrance area and no farther from a primary entrance than the closest motor vehicle parking space, not including designated accessible parking, carpool, or vanpool spaces. It may also be located inside the building served, in a location that is easily accessible for bicycles.

b. A required bicycle parking space shall include a securely fixed structure that allows the bicycle wheel and frame to be locked to the facility, and that supports the bicycle frame in a stable position without damage to the bicycle, or shall be in a bicycle locker, lockable bicycle enclosure, or lockable room.

c. A required bicycle parking space shall be a minimum of six feet long and two feet wide.

d. The surfacing of bicycle parking facilities shall be designed and maintained to be clear of mud and snow.

e. Bicycle parking shall not obstruct pedestrian walkways, building access or use areas.

16. **Pedestrian Interactive Use**
A pedestrian-interactive use is intended to provide ground-floor spaces that strongly engage the sidewalk with street-facing windows and entrances, feature activities and services that support neighborhood residents, and generally contribute to the pedestrian-oriented environment in mixed-use districts. The standards that follow apply where the

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term "pedestrian-interactive use" is listed in this title as a requirement, special feature for a bonus, or a menu choice.

a. A pedestrian-interactive use shall be any of the following uses that are permitted in the district: a retail sales use; retail and pet services use; financial institution providing banking services open to the public with at least one employee on site; food or beverage service; personal service; cultural facility; or the frontage of entry ways or stairways through which such uses are principally accessed; provided, however, that the following types of retail sales shall not be considered pedestrian-interactive uses: fueling station; building materials store. The following permitted uses supporting residential neighborhood and housing development are also considered pedestrian-interactive uses: residential dwellings with individual front entries along the street; elementary school, middle or high school; health services; and child care center.

b. A pedestrian-interactive use shall provide a primary entrance facing the street. Entrances at building corners facing a street may be used to satisfy this requirement.

c. A pedestrian-interactive use shall occupy a habitable space at least 24 feet deep extending along the full length of the ground-floor, street-facing building elevation, allowing for pedestrian and vehicle entrances, entry lobbies or atriums, and stairwells.

d. A pedestrian-interactive use shall comply with 21.060.030C.5., *Maximum Setbacks.*

e. Street-facing ground-floor wall areas of a pedestrian-interactive use shall be 67 percent visual access windows, except that such wall areas for dwellings shall be at least 20 percent visual access windows.

f. Where a building has three or more street frontages, these criteria apply along only two of the frontages.

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21.07.070 NEIGHBORHOOD PROTECTION STANDARDS

A. Purpose and Relationship to Other Requirements

This section provides for transitions between nonresidential and residential uses, through discretionary approval criteria that may be applied in combination with other development standards in this chapter 21.07, in order to provide significantly more protection for neighborhoods from the impacts of adjacent development and to conform to the goals and policies of the comprehensive plan. This section makes available a menu of additional tools to use in discretionary approvals to protect residential neighborhoods from potential adverse impacts of adjacent nonresidential uses, including limitations on hours of operation, noise, and lighting.

B. Discretionary Conditions

A decision-making body through application of this section shall:

1. Make findings regarding the potential adverse impact that is anticipated by the proposed development;
2. Propose conditions that are specifically related and commensurate to the anticipated impacts identified in the findings; and
3. Propose conditions that are the minimum necessary to avoid or mitigate the anticipated impacts identified in the findings.

C. Nonresidential Development Adjacent to Existing Residential Use

This section applies to a nonresidential use adjacent to a residential use. As a condition of the approval of any conditional use permit, site plan review, subdivision, or variance for any nonresidential use located adjacent to a residential district, the decision-making body shall be authorized to impose conditions that are necessary to reduce or minimize any potential adverse impacts on residential property. Such conditions shall be based on findings which support the imposed condition as required by subsection 21.07.070B., and may include but are not limited to the following:

1. Hours of operation and deliveries;
2. Location on a site of activities that generate potential adverse impacts on adjacent uses, such as noise and glare;
3. Placement and/or screening of trash and recycling receptacles or compactors;
4. Location and screening of loading and delivery areas, garages, vehicle fleet parking, or vehicle maintenance areas;
5. Lighting location, intensity, and hours of illumination;
6. Placement and illumination of outdoor vending machines, telephones, or similar outdoor services and activities;
7. Additional landscaping and screening to mitigate adverse impacts;
8. Control of odors and fumes;
9. Control of dust; and
10. Location and orientation of changeable type or illuminated signs, to protect residential character and privacy and views from residential units.

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D. Residential Development Adjacent To Existing Nonresidential Use

When a residential development is proposed adjacent to an existing commercial or industrial use, the decision-making body may impose neighborhood protection standards, including but not limited to increased landscaping, increased setback, traffic calming measures, and requiring the residential development to be configured and dwelling units located to minimize potential conflicts with or adverse impacts arising from the location of the new residential development adjacent to an existing nonresidential development. Any required mitigation measures shall be installed and maintained by the residential development, not the existing commercial or industrial use.

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21.07.080 LANDSCAPING, SCREENING, AND FENCES

A. Purpose

This section is intended to ensure that new landscaping and the retention of existing vegetation is an integral part of all development. It is also the intent of this section to provide flexible requirements that encourage and allow for creativity in landscape design. More specifically, these provisions are intended to:

1. Visually enhance industrial, commercial and residential development through retention of existing native or ornamental vegetation or through new landscape improvements.

2. Separate, screen and buffer adjacent incompatible land uses through the use of landscape plantings, fencing and/or space.

3. Reduce and treat runoff of storm water to preserve the quality of local streams and water bodies.

B. Exemption for Temporary Uses

Unless required under section 21.05.080, temporary uses in accordance with section 21.05.080 are exempt from the requirements of this section.

C. Landscape Plan

All landscaping and screening required under this Section 21.07.080 shall be reflected on a set of landscape documents that include scale plans and planting schedules, as required. All development, except for single and two-family homes on individual lots shall submit a landscape plan. Said landscape plan shall be reviewed and approved administratively by Municipal staff or higher decision-making bodies as required by other sections of this Title. A landscape plan prepared by a landscape architect, registered in the State of Alaska and certified by the landscape architect to meet the requirements of this Title shall be exempt from administrative review. Such a certification does not exempt the plan from review by higher bodies, where required by other sections of this Title. Minimum requirements for the landscape plan are:

1. Plan scale shall be easily readable and not greater than 1-inch equals 40-feet.

2. Plans and/or schedules shall call out common and scientific name for each plant type or ground cover to be used;

3. Plan shall identify plant locations and sizes in accordance with the sizing standards of the American Standard for Nursery Stock (ANSI Z60.1-2004) as published by the American Nursery and Landscape Association.

4. Plan shall identify locations and areas where existing native vegetation is being used to fulfill the requirements of this section.

5. Location of buildings, walkways, vehicular circulation (to include adjacent streets), retaining walls, and fences.

6. Topography, expressed in contours or spot elevations and location of utility easements. A separate plan, detailing site grading, that includes contours and or/spot elevations is acceptable.

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D. Types of Landscaping

The landscape requirements of this Title are required for the perimeters of sites, for the interiors of sites and for the perimeters and interiors of parking areas. There are two basic types of landscaping: visual enhancement landscape and buffering landscape. Visual Enhancement Landscape is intended to enhance the appearance and integrate new or renovated development into the surrounding context of the community. Buffering landscape is intended to buffer one land use from an adjacent land use that may be visually or audibly intrusive. The determination of where buffering landscape is required is based on adjacency of specific land uses. Space and landscape requirements for landscape types are identified in the landscape requirement matrix, Figure 21.07.080-1Figure XX-X.

1. Site Perimeter Landscape Requirements

a. *Visual Enhancement Landscape*

Visual enhancement landscape treatment is intended to integrate new or renovated development into the surrounding community. Visual Enhancement landscape is required along property perimeters which face on public right-of-way. Perimeter landscape is not required at alleys. Total landscape requirement is determined by length of property line adjacent to right-of-way. Landscape improvements within perimeter landscape areas may be organized to the best advantage of property development. It is not intended that landscape improvements be evenly distributed along the length of the property. Landscape improvements must be placed within the area identified as the perimeter landscape.

b. Buffer Landscape

Buffer landscape is intended to help separate one land use from another that may be visually or audibly intrusive. Buffering is required wherever one of the identified uses abuts another requiring buffering. In those locations where buffer landscape is required in the same area that requires parking lot perimeter landscape, buffer landscape is required. Buffering is required between the following uses:

i. Multi-Family housing with 5 or more units abutting lots zoned for single family or duplex units Between all Residential and NMU, CMU land uses, and B-1A land use

ii. All B-1A, B-1B, RO, B-3, RO, I-1, and I-2 abutting Residential Zones

c. Arterial Landscape

Arterial landscape is a visual enhancement landscape primarily for commercial enterprises situated along major arterials in our community which rely on visibility into the site. The intent is to provide attractive frontage that does not restrict site visibility. For properties located on collectors and arterials, as determined by the *Official Streets and Highways Plan* within B-1A, B-1B, and B-3 districts, the arterial landscape requirements may be substituted for the requirements of perimeter landscape. Note that these requirements represent the minimum requirements and property owners may provide trees and other landscape enhancements as desired.

d. Freeway Landscape

Freeway landscape is intended as a visual enhancement landscape and is not intended to screen or block adjacent uses; however adjacent uses may wish to screen the roadway from their property. This landscape type is limited to specific areas along major highways in Anchorage as identified on Figure 21.07.080-1.

2. Site Interior Landscape

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Site interior landscape includes the entire site not covered by paving, structures, or other landscape provisions. Site interior landscape may be covered with hardscape paving, living ground cover, turf, planting beds, and/or mulch, or any combination of the above at the owner's discretion.

3. **Parking Lot Perimeter Landscape**

a. It is intended that landscape improvements required for parking lot perimeter landscape be distributed around a parking lot within the area designated as Parking Lot Perimeter Landscape. Trees and shrubs may be grouped to best serve the design intentions for the site and promote safe use. Sight-lines for entry and egress of parking lots shall be considered for placement of landscape improvements.

b. Parking lot perimeter landscape may require visual enhancement landscape treatment or buffer landscape treatment depending upon location. Parking lot perimeter landscape is required for all parking lots with 10 cars or more. Parking lot perimeter landscape is required for all sides of parking lots adjoining a lot line, except:

i. At vehicular and pedestrian ingress and egress points; and

ii. Adjacent to lots being developed under a common development plan, where the director of community planning and development waives the requirement.

c. **Walkways**

The parking area shall be separated from any building on the same lot by a sidewalk or landscaped area, or both, at least four feet wide

d. **Vehicular Overhangs**

Parked vehicles may overhang perimeter landscape areas by up to two feet, provided that the overhang is limited by curbs or wheel stops and the adjacent planting area, clear of the vehicle overhang, is at least six feet in width.

e. ***Parking Lot Interior Landscape***

Parking lot interior landscape is a visual enhancement landscape treatment intended to visually break up the area of larger parking lots. Parking lot interior landscape is required for any parking lot striped for 20 or more vehicles. Area of the parking lot shall be determined by the total paved area including parking and internal circulation. Adjacent pedestrian walkways may be deducted from the total. Parking lot interior landscape requirements are as follows:

i. 20-100 vehicles: 5%

ii. More than 100 vehicles 8%

iii. For parking lots of more than 200 spaces, provide a linear landscape break with a minimum width of 8-feet parallel to every third drive aisle. This area may count toward the total interior parking lot landscape requirement.

iv. Biofiltration swales in the interior of a parking lot shall count toward the area required for parking lot interior landscape. Biofiltration swales are not required to have the complement of trees and shrubs identified in the Figure 21.07.080, Landscape Requirements.

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E. General Landscaping Requirements and Standards

1. Plant Materials

Anchorage lies generally within the USDA climactic zone 3. This categorization is intended to help identify plants with suitable hardiness to survive in our climate. There are known microclimates within Anchorage that are less severe in some areas and more severe in others. It is not the intent of this Title to dictate the use of individual species; however owners are encouraged to understand the local climate and to use plant species known to be hardy. It is the owner's responsibility to replace plant materials which are provided in response to the requirements of this Title, but perish due to poor maintenance, lack of hardiness or mechanical damage. In all cases the plant materials shall be living and free of defects and of normal health, height, and spread as defined by the American Standard for Nursery Stock, ANSI Z60.1, latest available edition, American Nursery and Landscaping Association. Plants may be nursery grown or native transplants, provided they meet the requirements of ANSI Z60.1.

a. Size of Materials

i. Trees

(A) Minimum size for deciduous trees: 2-inch caliper

(B) Minimum size for coniferous trees: 6-inch height

ii. Shrubs

(A) Minimum size for deciduous shrubs: 18-inches

(B) Minimum size for evergreen shrubs: 18-inches

b. Existing Native Plant Materials

A mass of existing native plant material preserved on site may be utilized to fulfill the landscape requirements identified in this Title. To fulfill this requirement, existing plant materials shall include trees, shrubs, and groundcovers. The quantity of trees within the stand of native plant materials shall be at least equal to the quantity of trees required for the types of landscaping identified above. Cottonwood trees (Populus balsamifera) may be kept, but shall not be included in the count of trees to meet these requirements. Provided that the stand(s) of existing vegetation meet the requirement for the quantity of trees, the area of the stand of existing vegetation shall be equal to at least 50% of the total square foot area for which the existing vegetation is fulfilling the landscape requirement. (Note: this will probably require a diagram to help clarify) Use of existing vegetation may be mixed with planted landscape improvements to fulfill these requirements.

2. Planting Location

a. Utility Easements

Required landscaping areas may overlap with utility easements.

b. Visibility Clearance Areas

All landscaping and screening materials shall comply with the visitility clearance requirements of ASMC Title 9

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3. Planting Bed and Vegetation Areas

a. Protection of Landscaping

All required landscaped areas, shall be protected from potential damage by adjacent uses, such as parking and storage areas. Concrete barrier curbs or an alternative barrier capable of maintaining separation between vehicles and plantings and at least 6-inches in height shall be provided between vehicular use areas and landscaped areas. Landscape areas shall be protected from impacts resulting from snow removal operations.

b. Existing Plant Materials

Where existing plant materials are used to meet the requirements of this section 21.07.080, plant materials shall be protected from construction activities in accordance with the following:

i. ***Construction Fence***

A construction fence shall be placed around each tree or group of trees and shrubs to be retained at or beyond the edge of the drip line for the trees (approximate outer limit of tree branching). Construction fencing may be temporary for the duration of construction only, but shall consist of a durable material, such as chain-link or wood fencing. Plastic tape is not an acceptable alternate.

ii. ***Plant Material Replacement***

In the event that existing plant materials die as a result of construction activity or for any other reason, the owner is responsible for replacement with other landscaping materials in accordance with the requirements of this Section.

4. Installation of Landscaping

a. Timing

All required landscaping and screening shall be installed by the developers. All landscaping shall be installed before a certificate of zoning compliance is issued. If a certificate of zoning compliance is requested between September and May, then the certificate shall be conditioned upon the landscaping being installed before the following August 31.

b. Surety

A letter of credit, escrow, performance bond , or other surety approved by the municipal attorney for proper installation of the landscaping and equal in value to 50 percent of the value of the installed landscaping, as determined by a bonded, licensed landscape contractor, shall be provided to the director prior to the installation of the landscaping. This bond shall remain in place with the director for at least 24 months after installation to ensure survival and proper maintenance of the landscaping in accordance with this section. After the landscaping has been installed for 24 months, and an inspection has found that the required landscaping is in good health, the surety shall be released. If the landscape or some portion thereof is found to be dead or in poor condition, the owner shall replace those plant materials that are not acceptable with new plant materials in accordance with the size and species identified on the approved plan. Upon acceptable completion of landscape installation, the surety shall be released. Following release of the surety, it remains the responsibility of the owner to maintain landscape elements in accordance with subparagraph E.6.a below. Subsection may be waived for a landscaping area that meets the irrigation standards of subsection E.6.b, below.

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5. Use of Landscaped Areas

Except as specifically allowed elsewhere in this Title, structures and storage of motor vehicles are prohibited in areas required for landscape.

6. Maintenance and Replacement

a. ***Maintenance***

Trees, shrubs, other vegetation, irrigation systems, fences, and other landscaping screening and fencing elements shall be considered as elements of a development in the same manner as other requirements of this Title. The property owner shall be responsible for regularly maintaining all landscaping elements in good condition. All landscaping shall, to the extent reasonably feasible, be maintained free from disease, weeds, and litter. Any landscape element that dies, is removed, or is seriously damaged shall be replaced with the same type and size landscape element that is shown on the approved landscape plan for the site. All landscaping, screening, and fencing materials and structures shall be repaired and replaced as necessary to maintain them in a structurally sound condition.

b. ***Irrigation***

To ensure that plants will survive, particularly during the critical two-year establishment period when they are most vulnerable to lack of watering, the bonding requirement established in subsection 21.07.080.E.4, above, may be waived by the director for any landscaping area that will be irrigated by one of the following:

i. A below-ground irrigation system with automatic controller that has been installed in compliance with an approved permit or by an irrigation contractor with a minimum of 5 years of continuous experience.

ii. An irrigation system designed and approved by a licensed landscape architect as part of the landscape plan, which provides sufficient water to ensure that the plants will be become established.

7. Screening

a. ***Purpose***

Screening consists of landscaping, the retention of natural vegetation, or the use of physical structures to block views of specific activities or specific parts of a property or structure.

b. ***Refuse Collection***

Applicability: In order to improve the image of the municipality's streets and neighborhoods, refuse collection receptacles for all new developments of all types shall be subject to the following requirements:

c. ***Residential Dwellings in Class A Districts***

Except as allowed below, single-family, two-family townhouses, and three-unit multi-family dwellings on lots less than 40,000 square feet shall not have dumpsters unless the dumpster is serviced from an alley.

ii. ***Residential Dwellings in Class B Districts***

(A) A group of three or more dwellings may share a dumpster if the following criteria are met:

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(1) The dumpster is bear proof

(2) The Alaska Department of Fish and Game determines that a bear-proof dumpster would reduce the potential for problem bears in the neighborhood; and

(3) The dumpster is located and screened in accordance with the standards below.

ii. Screening: to the maximum extent feasible, in all new developments, refuse collection receptacles shall be screened from view from abutting streets by buildings, fences, landscaping or a screening enclosure consisting of a durable three sided screen structure. This screening requirement does not mandate that the collection receptacle to completely screen from any street, but rather that the receptacle be obscured from view by any of the methods listed above.

(A) Notwithstanding all other requirements of this section, garbage cans and recycling bins that are 96 cubic feet or smaller are considered screened if they are not visible (except on garbage pickup days) from the abutting street from which vehicular access to the residence is taken.

(B) Site plans for all new developments shall include the proposed location and type of refuse receptacle and the receptacle screening that will be used and the access provisions for service trucks

iii. Residential Dwellings in the Chugiak-Eagle River area shall meet the requirements in 21.10.

iv. Location: In all new developments, outdoor refuse collection receptacles shall not be located in any required front setback and shall, to the extent reasonably feasible and depending on the size, location, and configuration of the site, and need for access by refuse collection vehicles, be set back from the front plane of the principal structure. Refuse collection receptacles shall not be located within any area used to meet the minimum landscaping or parking requirements and loading berth requirements of this chapter, or be located in a manner that obstructs or interferes with any designated vehicular or pedestrian circulation routes onsite.

v. Maintenance of Refuse Collection Receptacle: The lids of dumpsters in screening enclosures without roof structures shall remain closed except when being accessed by users or refuse service trucks, and shall be maintained in working order.

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8. Service and Off Street Loading Areas

a. *Applicability*

This standard is intended to mitigate visual and noise impacts of service and off-street loading areas on abutting residential uses and neighborhoods, and streets. The standards shall apply to all service and off-street loading areas serving nonresidential uses that are visible from a street or a nonindustrial zoning district.

b. *Standard*

Applicable non-enclosed service and off-street loading areas shall be screened as follows:

i. A wall or fence at least eight feet high shall be located along at least one exposed edge of the service or loading area that is parallel to vehicles/trailers parked in the service or loading area. The wall or fence shall extend the length of the longest vehicle/trailer anticipated to be parked in the service or loading area.

ii. Additional landscaping shall be provided along the site perimeter at the location of the service or loading area to visually obscure the area from the abutting street or property.

iii. An alternate screening plan may be approved by the director if the proposed plan effectively screens the service or loading area from abutting streets and nonindustrial districts.

9. Fencing

a. **Applicability**

The provisions of this subsection 21.07.080H. shall apply to all construction, substantial reconstruction, or replacement of fences, retaining walls not required for support of a principal or accessory structure, or any other linear barrier intended to delineate different portions of a lot or to separate lots from each other. The provisions of this subsection do not apply to temporary fencing for construction, emergencies, or special public events or performance areas.

b. **Location**

A fence may be constructed within property boundaries, or at the lot line, subject to the limitations in this section. No fence shall be installed so as to block or divert a natural drainage flow onto or off of any other property.

c. **Maximum Height**

Unless specifically required elsewhere in this Title for screening fences, fences shall not exceed the maximum heights set forth below. Such maximum heights shall be measured from the top of any retaining wall, or if no retaining wall has been constructed, then from natural grade. Unless specifically allowed by this Title, no fence shall exceed eight feet in height.

i. In the R-1, R-1A, R-2A, R-2D, R-2M, R-3, R-4, R-4A, R-5, and R-7 districts, fences in front setbacks shall not exceed four feet in height. Fences in secondary front setbacks that abut a street of arterial or greater classification may be up to eight feet in height. Fences in side or rear setbacks shall not exceed six feet in height.

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ii. In the R-6, R-8, R-9, and R-10 districts, fences in front setbacks shall not exceed six feet in height if the fence is a screening or sight-obscuring fence.

iii. In the B-1A, B-1B, R-O, districts, fences in front setbacks shall not exceed four feet in height.

iv. In the B-3 and MC districts, fences in front setbacks shall not exceed six feet in height.

v. Fences in front setbacks in nonresidential districts shall be located interior to any required landscaping.

vi. Enclosures provided as a part of a permitted tennis court, ball field, or other recreational facility shall be exempt from the height restrictions of this section.

d. **Finished Appearance Outward**
Whenever any fence will be visible from adjacent streets, and whenever a fence is installed as part of required site perimeter or parking lot perimeter landscaping and is visible from adjacent properties, it shall be installed so that the more finished side (i.e., the side with fewer or no visible structural framing or bracing elements) faces outward from the lot on which it is installed.

e. **Prohibited Materials**
Fences made of debris, junk, or waste materials are prohibited, unless such materials have been recycled and reprocessed into building materials marketed to the general public and resembling new building materials, unless approved by the director

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21.07.110 RESIDENTIAL DESIGN STANDARDS

A. Purpose

The standards of this section 21.07.110 are intended to promote high-quality residential development and construction; protect property values; encourage visual variety and architectural compatibility; and promote an integrated character for the municipality's neighborhoods. Specifically, the standards:

1. Promote new residential developments that are distinctive and relate and connect to established neighborhoods;

2. Provide for variety in the exterior design of residential buildings;

3. Locate active living spaces, entrances, and windows to improve the physical and visual connection from residences to the street to allow for opportunities for casual surveillance of the street; and

4. Improve the compatibility of residential development with surrounding neighborhoods and protect property values of both the subject property and surrounding development.

B. Alternatives and Flexibility

1. Alternative Equivalent Compliance

The alternative equivalent compliance procedure set forth in subsection 21.07.010D. may be used to propose alternative means of complying with the intent of this section. Structures over eight units may apply directly to the Planning and Zoning Commission for alternative compliance with plans at least 30 percent complete, that include exterior elevations and dimensions, floor plans, landscaping, and parking plans.

2. Minor Modifications

Minor modifications may be applied, pursuant to section 21.03.120, *Minor Modifications;*

3. Design Innovations

For all residential developments, The decision-making body may approve design innovations that are not provide for by the menu choices for design features in the various menus of this section. The applicant shall demonstrate that the innovate design feature achieves the intent of the subsection, and that:

a. Achieves an equal or better design solution for the development than would result from application of the basic menu choices; and

b. Does not adversely affect adjacent properties or streets

4. Driveways

The municipal driveway standards established by the traffic engineer, including parameters for driveway characteristics such as angles, profile, landing grades, number and distances between \ shall apply to all residential development

C. Standards for Multifamily Residential

1. Purpose

The purpose of these standards is to improve the appearance of multifamily development, recognizing the importance of design in the economic success of neighborhood areas and the need for more efficient land use. Specific objectives include:

a. Provide visual interest and architectural variety in multifamily residential developments; avoid featureless design, and reduce the apparent bulk of large building masses;

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b. Promote design and planning of multifamily housing units that preserves or improves the characteristics of surrounding developments;

c. Promote building design, placement, and orientation that contributes to public safety, attractive street frontages, pedestrian access, and a sense of neighborhood and community;

d. Promote building design, placement, and orientation that considers Alaska's northern climate in terms of weather protection and access to sunlight;

e. Protect property values of the subject property and surrounding developments and promote economic investment in neighborhoods;

f. Improve the quality of life of residents of multifamily residential dwellings; and

g. Provide flexible standards that allow for creativity and innovation.

2. Applicability

These standards apply to any multifamily structure (three or more units) or the residential portion of a mixed-use structure. This section does not apply in Girdwood.

3. Daylighting, Views, and Building Spacing

a. ***Windows***

Windows or primary entrance doors shall be provided on any building elevation facing an abutting street, required private common open space, or that has primary entrances to dwellings. Where windows are required by this subsection, at least 7 percent of the wall area on each story shall be windows or primary entrance doors. An overall reduction in required window area may be approved if demonstrated by calculation by an energy rater certified by the state of Alaska that the reduction is necessary to achieve an upgraded Energy Star rating of Five Star or Five Star Plus. Windows in a garage door count towards the minimum area in this section.

b. ***Exceptions***

Up to one-third of the required window and entrance wall area and/or required building space between buildings may be transferred to another story or side of the structure, subject to an administrative site plan review. It shall be demonstrated to the director's satisfaction that the transfer responds to a site specific attribute such as solar orientation, a noisy arterial street or objectionable view, or other factors that demonstrate the need for the transfer.

4. Building and Site Orientation

Buildings shall be oriented to surrounding streets, sidewalks, common private open spaces, and the public realm through at least three (3) of the following menu choices:

a. ***Courtyard Housing***

Arrange or configure the building(s) to enclose and frame a housing courtyard as described in subsection 21.07.060F.7.

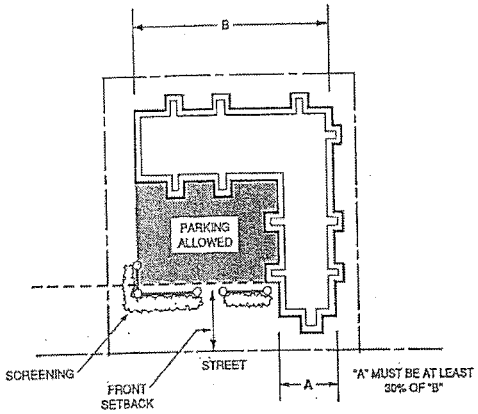
b. ***Orientation of Living Spaces and Windows***

Provide windows and/or pedestrian entrances comprising at least 10 percent of the ground-floor wall area of any elevation fronting on a street or private common open space or having a primary entrance serving multiple dwellings.

c. ***Street Frontage – Parking Beside or Behind the Building***

No more than 70 percent of a street-facing building elevation shall have parking facilities (including garages) between it and the street.

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d. ***Street Frontage – Limited Parking Width***
As an alternative to 5.c. above, limit driveways and parking facilities to no more than 50 percent of the total site area between the building and the street, and garages to no more than 50 percent of the street facing building elevation.

e. ***Street Corner Building***
On a corner lot, provide choices 5.b. and 5.c. on both street frontages, such that the building (including its habitable floor area with windows) is placed nearest the corner, and any parking facilities are located beside or behind the building away from the street corner. [Illustrate]

f. ***Entrance with Separated Walkway to the Street***
Provide a primary entrance on each street-facing building elevation or a private common open space connected to the street by a clear and direct walkway separated from and not routed through a parking facility.

g. ***Site Entry Feature***
If menu item "g" is selected to highlight and define a pedestrian and vehicle entrance to a development site, two or more of the following elements are required:

i. Landscape treatment which clearly distinguishes and highlights the site entry.

ii. Plaza or courtyard as described in subsection 21.07.060F6. or 7.

iii. Identifying building primary entrance form including a covered entry.

iv. Special paving, pedestrian scale lighting, and/or bollards.

v. Ornamental gate and/or fence.

vi. The pedestrian and vehicle entrances shall not be required to be adjacent to each other.

5. Building Articulation and Visual Variety
Any building elevation facing a street, required common private open space, or common parking facility shall provide features from the menu below. If the building has one or two applicable elevations where this section is required, then at least four features shall be provided on each elevation. If a third elevation is applicable, at least two features shall be provided on that elevation. If the building has at least four dwelling units and the applicable building elevation is 40 feet or longer, then, wall modulation in 6a. or 6b. shall

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be required as one of the features. Any applicable elevation with the primary entrance shall have four features provided.

a. ***Wall Modulation***
Provide wall plane projections, recesses, or reveals at least six feet wide, with a change in plane of at least four feet, spaced at intervals of no more than 32 feet, except:

i. The maximum interval may be increased by two feet for each foot of additional change in wall plane of the projection or recess—up to a maximum interval of 42 feet;

ii. The depth of the modulation may be reduced by two feet where the wall modulation is tied to a change in siding material, balcony, bay window, or roofline modulation, as defined below;

iii. The standard applies on a minimum of two-thirds of the height of the building wall.

b. ***Wall Modulation – Overall Building Massing***
Provide wall plane projections or recesses having a depth of at least 10 percent of the length of the building elevation or 10 feet (whichever is less), extending at least 25 percent of the length of the building elevation, for at least 60 percent of the building height, with no uninterrupted façade exceeding 56 horizontal feet.

c. ***Upper Story Cantilever or Step-Back***
Provide an upper story cantilever or step-back with a change of wall plane of at least four feet, or two feet if accentuated by a change in siding or the façade is only two stories in height. At least two-thirds of the building elevation length shall have such cantilever or step-back.

d. ***Change in Siding Material***
Use two or more primary wall siding materials, or a change of color, not including concrete or block foundation.

e. ***Ornamental Features and Detail Elements***
Use two or more ornamental detail features at intervals, such as medallions, shutters, columns, pilasters, wall modulations that don't meet 6.a. or 6.b. above, balconies that don't meet 6.f. below, three and one half inch wide trim, or other similar features approved by the director.

f. ***Balconies***
Incorporate balconies at least 24 square feet in area and six feet wide, provided at intervals to distinguish between the individual dwellings.

g. ***Bay Windows***
Incorporate bay windows at least six feet wide and high extending at least 18 inches from the wall plane.

h. ***Additional Window Area***
Provide windows and/or primary entrance doors comprising at least 20 percent of the wall area of the building elevation. Windows in a garage door count towards the minimum area in this section.

i. ***Foundation Landscaping***
Provide a foundation planting bed along the foundation wall (breaks allowed for garage doors and pedestrian entrances) an average of six feet in depth

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(minimum four feet at any point), and planted with at site enhancement landscaping.

j. *Roofline Modulation*
Provide variations in roof form, orientation, or height using features at least six feet wide such as a terracing parapet, multiple peaks, jogged ridge lines, projecting roof forms and dormers, with a maximum of 32 feet of uninterrupted roofline between roof modulation elements. The vertical dimension of the roofline variation shall be the greater of two feet or 10 percent of the wall height.

k. *Roof Forms and Attic Living Spaces*
Provide a sloped roof with dormers at intervals and a pitch no greater than 12:12 that incorporates living spaces within the roof form. Such living spaces shall not be considered in determining maximum FAR, pursuant to section 21.06.030E.2.

l. *Variation in Building Type or Scale*
Combine a minimum of two building types within each development phase and/or two building scales (which include varying the number of stories) within the same building. Larger and smaller buildings or buildings that vary in the number of stories shall be mixed. A minimum of two out of every eight dwellings shall be a distinct or separate building type or scale. In larger developments of 30 dwellings or more, provide at least three or more different changes in building type or scale. Changes in building type should include substantial variations in architectural form and design such as a different pattern or arrangement of modulation, articulation features, or window patterns.

6. **Primary Entrance Treatment**
Each building shall incorporate at least two of the following massing, façade, or detail elements to define and emphasize a primary entrance:

a. Entrance on a porch or landing with a minimum of at least 36 square feet and sheltered by a roof, canopy, portico, marquee, or similar weather protection roof feature;

b. Double doors;

c. Massing features such as architectural bays that define or emphasize entry locations;

d. Side-lights (glazed openings to the side of the door), and/or transom-lights (glazed opening above the door) in the entry design;

e. Outdoor entrance patio, plaza, or courtyard; or

f. Integrated planters or wing walls that incorporate landscaped areas and/or seating areas.

7. **Weather Protection and Sunlight**
Building and site design shall respond to Alaska's northern climate, including the effects of snow, ice, low temperatures, wind exposure, and low and seasonal sunlight conditions, by providing at least three features from the following menu:

a. *Weather Protected Entrance*
Provide outdoor shelter that covers at least 32 square feet for any primary entrance that serves one dwelling, 48 square feet for any primary entrance that serves up to four dwellings, and 64 square feet for any primary entrance that serves more than four dwellings.

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b. ***Sheltered Passenger Loading Zone, Bicycle Parking, or Transit Stop***
Provide pedestrian shelter over a passenger loading zone, accessible parking aisle or route, bicycle parking, or a transit shelter.

c. ***Ice-Free Walkway***
Provide an ice-free (snow melting) walkway for a required walkway connection to a primary entrance.

d. ***Orientation for Sunlight Access***
Provide windows and/or primary entrances for at least 15 percent of the wall area with a solar orientation. Natural features existing at the time of development, such as trees, shall not be considered as blocking sunlight access, but newly installed landscaping material shall be planted so as to minimize blocking of sunlight access.

e. ***Year-round Access to Sunlight***
Ensure that one or more windows of every dwelling in the development will receive sunlight access for at least one hour on December 21. Natural features existing at the time of development, such as trees, shall not be considered as blocking sunlight access, but newly installed landscaping material shall be planted so as to minimize blocking of sunlight access.

f. ***Daylighting***
Provide for apartment daylighting and building spacing as follows: Locate at least one window in the main living area of each dwelling such that an imaginary daylight plane extending from the window and formed by an angle of 60 degrees that is unobstructed for a horizontal distance of 60 feet. The plane angle shall be measured horizontally from the center of the bottom of the window. As an alternative, two angles with a sum of 60 degrees may be used. [Illustrate]

g. ***Sun Trap***
Incorporate a sun trap or "pocket" meeting the requirements of subsection 21.07.060F.12, *Sun Pocket* that captures direct and reflected sunlight as part of a common private open space.

h. ***Atrium***
Provide an atrium interior sunlit common private open space or primary entrance area, meeting the requirements of subsection 21.07.060F.11., which takes advantage of direct and/or reflected sunlight.

i. ***Stepped or Terraced Building Forms***
Provide a stepped or terraced building form above the second story that adheres to a daylight plane with a step-back angle no steeper than one foot of rise per one foot of run, to reduce the potential shadowing and wind turbulence effects of a tall building.

j. ***Sunlit and Wind Protected Courtyards***
Provide a housing courtyard as described in subsection 21.07.060F.7.

8. **Accessory Elements**

a. ***Storage***
A multifamily project shall provide at least 32 square feet of covered, enclosed, and secure bulk storage area per dwelling unit for bicycles, winter tires, and other belongings that typically cannot be accommodated within individual dwelling units. Storage areas shall not include closets accessed from within the dwelling, but may include garage floor area not required for vehicle maneuvering or

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parking. Storage and other accessory buildings shall be designed with materials and/or architectural elements that are related to the principal building(s).

b. ***Trash Receptacles/Dumpsters***
This provision applies only to new multifamily developments

i. Outdoor refuse collection receptacles shall not be located in any required front setback and shall, to the extent reasonably feasible and depending on the size, location, and configuration of the site, and need for access by refuse collection vehicles, be set back from the front plane of the principal structure. Refuse collection receptacles shall not be located within any area used to meet the minimum landscaping or parking requirements and loading berth requirements of this chapter, or be located in a manner that obstructs or interferes with any designated vehicular or pedestrian circulation routes onsite.

ii. Where dumpsters are not provided, multifamily developments shall provide covered storage for trash receptacles. Such storage shall not be located between any building and the primary adjacent street frontage.

c. ***Garages***

i. Attached or Detached Garages
This provision applies only to new multifamily developments. To the extent feasible, garage entries and carports shall not belocated between a principal multifamily building and a required street frontage, but shall instead be internalized in building groups.

ii. Size
Street-facing detached garages and carports shall be limited to six spaces per structure to avoid a continuous row of garages or carports. No more than six garage doors may appear on any multifamily building elevation facing a street, and the plane of each garage door shall be offset at least two feet from the plane of the garage door adjacent to it.

iii. Design
Detached garages and carports shall be integrated in design with the principal building architecture, and shall incorporate similar and compatible building and roof forms, scale, materials, color, and details.

d. Mechanical and Electrical Equipment
Mechanical and electrical equipment serving a single building shall be screened from view as provided below. This requirement applies to heating, ventilation, and cooling equipment; pumps; generators; and groups of four or more utility meters. The screening requirement does not apply to telecommunications equipment, chimneys, minor vent pipes, wall vents that are flush/near-flush with the building wall, or solar collectors and reflectors. Screening shall comply with AMC Title 23 and the access and safety requirements of utilities.

i. ***Rooftop Mechanical and Electrical Equipment***
Rooftop mechanical and electrical equipment shall be screened from view of abutting streets and the ground level of residentially zoned lots using the menu choices provided in subsection d.ii. below. If menu choice ii.(C). is the only choice selected, then the roof mounted equipment shall also be set back from the roof edge (where the roof meets the façade wall) at least three feet for each foot of height of the equipment.

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ii. *Mechanical and Electrical Equipment – Other*
All other mechanical and electrical equipment shall be screened from view from the primary abutting streets, except where located more than 25 feet from the primary street, using one of the following choices:

(A) Sight-obscuring landscaping consisting of shrubs, trees, berms, and/or hardscape materials. Other landscaping required by this Title, such as perimeter landscaping, may be used if it meets this standard.

(B) A sight-obscuring fence, wall, or structure that is adequate in height to screen the equipment.

(C) Wall-mounted utility meter bases finished in a color that is consistent with other areas of the building façade, unless an alternative color or design is approved by the director.

(D) Equipment that is disguised, camouflaged, or hidden so that its function as mechanical or electrical equipment is imperceptible to an uneducated eye.

D. Standards for Townhouse Residential

1. Purpose
The purpose of these standards is to:

a. Provide architectural variety to attached dwellings;

b. Reduce the visual impacts of rows of garages and driveways on the pedestrian environment and street;

c. Reduce the apparent bulk and scale of townhouse buildings, and avoid long unbroken facades;

d. Provide for pedestrian access to be convenient, visible and safe, and inviting; and

e. Provide daylighting and views, front yard landscaping, front entries, and windows facing the street.

2. Applicability
These standards shall apply to any townhouse development and any townhouse-style structure of four or more units. This section does not apply in Girdwood.

3. Design Innovation Credit
The decision-making body may approve designs innovations as provided in 21.07.110 B. 3.

4. Building Size
The maximum number of dwellings attached in a single row or building shall be:

a. Four dwellings in the R-2A and R-2D districts.

b. Six dwellings in the R-2M district.

c. Ten dwellings in all other districts in which the use is allowed.

5. Daylighting, Views, and Building Spacing
a. *Windows*

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Windows and/or primary entrance doors shall be a minimum of seven (7) percent of the wall area of any building elevation facing a street, or that has primary entrances to dwellings. Windows in a garage door count towards the minimum area in this section.

b. ***Building Spacing***
The average distance between any front and/or rear building walls of two townhouse structures (with four or more units) on the same site shall be a minimum of 20 feet.

c. ***Exceptions***

i. Up to one-half of required window/door area and/or required building space between buildings may be transferred to another wall elevation or side of the residential structure, subject to an administrative site plan review. It shall be demonstrated to the director's satisfaction that the transfer responds to a site-specific attribute such as solar orientation, a noisy arterial street, or objectionable view, and that mitigating features will be provided for the affected wall or area.

ii. An overall reduction in required window area may be approved if demonstrated by calculation by an energy rater certified by the state of Alaska that the reduction is necessary to achieve an upgraded Energy Star rating of Five Star or Five Star Plus.

6. Entryway Treatment
Primary entrances shall be given emphasis and physical access by two of the four of the following menu items:

a. Placement on a street-facing building elevation, or where visible from an the primary abutting street, or facing a common private open space such as an entry courtyard;

b. A porch, landing, or other outdoor transition space with a minimum dimension of four feet, and distinguished from abutting parking surfaces by changes in material or elevation;

c. A sheltering roof structure such as an overhang, recess, portico, or other permanent architectural feature of at least 16 square feet; and

d. Connection to the street by walkways and/or the unit's individual driveway.

7. Building Articulation
Any townhouse building elevation abutting a primary street, required common private open space, or having at least one primary entrance shall provide features from the menu below. If the building has one or two applicable elevations, then at least four features shall be provided on each elevation. If a third elevation is applicable, at least two features shall be provided on that elevation. If the building has four or more dwellings and the applicable building elevations is 40 feet or longer, then feature 6.a. shall be required as one of the features on each applicable elevation. Any applicable elevation with the primary entrance shall have four features provided.

a. Projections, recesses, or reveals at least four feet wide, with a change in wall plane of at least two feet, provided at intervals of no more than 24 feet apart or at the common wall between units, except:

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i. The maximum interval may be increased by two feet for each foot of additional width and change in wall plane of the projection or recess—up to a maximum interval of 48 feet.

ii. The standard applies on a minimum of two stories of a three story elevation.

b. Upper story cantilever or step-back with a change of wall plane of at least four feet or two feet if accentuated by a change in siding or the façade is only two stories in height. At least two-thirds of the building elevation length shall have such cantilever or step-back.

c. Use of two or more wall siding materials, or a change of color only if the color change is delineated with trim.

d. Use of two or more façade detail features such as medallions, shutters, columns, pilasters, wall modulations that don't meet 6.a. above, three and one half inch wide trim, balconies that don't meet 6.e. below, or other similar features approved by the director.

e. Balconies at least 24 square feet in area and six feet wide, provided at intervals to distinguish individual dwellings.

f. Covered entry porches or landings at least 24 square feet in area and six feet wide, provided at intervals to distinguish individual dwellings.

g. Bay window at least six feet wide and six feet high extending at least 18 inches from the wall plane, or another type of large window of at least the same size, provided at intervals to distinguish individual dwellings.

h. Variations in roof form, orientation, or height at least six feet wide such as dormers, projecting roof forms, multiple roof peaks, or terracing parapet, with a vertical change in roof plane of at least two feet, or jogged ridge lines, with a maximum of 32 feet of uninterrupted roofline between roof variation features.

i. Variations in architectural form or scale between individual dwellings, such as reversed elevations, a different pattern or arrangement of articulation elements or windows in the end units, or a different dwelling unit design, or change in dwelling unit scale (width or height).

j. Provide the building elevation without garage bays (i.e., free of garage doors).

k. Provide windows and/or primary entrances comprising at least 20 percent of the wall area of the building elevation.

8. **Front-Facing Garages**

a. Where the garage or driveway abuts the primary street or is on the same building elevation as the primary entry to the dwelling, the garage door width may not exceed 67 percent of the width of each dwelling

9. **Utility Meters, Electrical Conduit, and Other Service Utility Apparatus**

Utility meters and rooftop mechanical equipment shall comply with the multifamily utility screening requirements in subsection C.9.d. above.

10. **Landscaping**

A landscaping plan which complies with 21.07.080 for multifamily development shall be prepared and submitted for all new townhouse developments.

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E. Standards for All Single-Family Residential Structures

1. Applicability

The standards of this subsection E. apply to all single-family and two-family detached residential structures.

2. Permanent Foundation

All dwellings shall be on a permanent foundation.

3. Aspect Ratio or Roof Design

a. The dimensions of a rectangle, drawn to encompass the whole structure measured at 30 inches above the ground, shall be as follows: the shorter dimension of the rectangle shall be more than 30 percent of the longer dimension of the rectangle; or

b. If all of the dwelling is single-storied, it shall have a pitched roof of at least three to 12 (rise to run).

c. The director may provide a waiver in writing at a design concept phase, that exempts a structure from meeting either of these requirements.

4. Appeals

The Board of Adjustment shall hear appeals from the director's decision in this subsection.

F. Standards for Some Single-Family and Two-Family Residential Structures

1. Applicability

The standards of this subsection F. apply to any single-family use except for single-family residential uses on lots of 20,000 square feet or greater, any two-family use that is not constructed in townhouse-style and is on a lot less than 20,000 square feet, and any multifamily use with single-family style construction on a single lot. This section does not apply in Girdwood.

2. Mix of Housing Models

Any subdivision or development of five or more units shall have a mix of housing models, as determined during the building permit process, according to the following table:

TABLE 21.07-9 MIX OF HOUSING MODELS

Number of units	Number of different models required
5-15	2
16-30	3
31-45	4
46 or more	5

Each housing model shall be noticeably different through at least three of the following variations:

a. Noticeably different window placement and entrance location.

b. Noticeably different façade detail elements, siding material, or siding colors.

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c. Noticeably different placement of the building footprint on the lot. A four foot setback differential to the closest front corner of the adjacent façade shall be acceptable.

d. Noticeably different garage placement.

e. Noticeably different roof design/feature. This includes the main ridgeline being oriented differently, two or more additional roof planes, addition of at least one dormer, or a different roof style.

f. Noticeably different exterior elevations.

g. Noticeably different building massing.

h. The development (of five or more units) shall be arranged to avoid placing identical housing types, including mirror image floor plans, on lots that share side lot lines.

3. Primary Entrance

a. A porch or landing with a minimum inside dimension of at least sixteen square feet shall be provided at the primary entrance. The porch or landing shall be covered by a roof of at least sixteen square feet.

b. The location of the primary entrance to each residence and the walkway to that entrance shall be clearly visible from the street. The roofed porch/landing of primary entrances on side elevations shall extend at least three feet from the elevation. Primary entrances shall not be located on the rear of the structure.

c. A hard-surfaced pedestrian walkway shall be provided from the street, sidewalk, or driveway to the primary entrance. Roof drainage shall not fall upon the walkway.

4. Garages

a. Where a garage (with no habitable floor area above) extends from the rest of the structure towards the street, the width of the non-garage portion of the front building elevation shall be no less than the length that the garage extends from the rest of the structure.

b. Garage doors facing the street shall comprise no more than 67 percent of the total width of a dwelling's building elevation. Single-story homes are exempted from the garage door width limitation.

c. Dwelling units with a street-facing building elevation that is 40 feet wide or narrower and with garage doors that face the street shall feature at least one design element from each of the three lists below.

i. ***List A:***

(A) At least one dormer that is oriented toward the street;

(B) The front building elevation has two or more facades that are offset by at least 16 inches. Each façade or a combination of offset facades shall be at least one third of the area of the building elevation;

(C) Front-facing balcony, accessible from a habitable room, at least six feet wide, that projects from a façade at least two feet and is enclosed by an open railing.

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ii. *List B:*

(A) A primary entrance area with a covered porch or landing at least eight feet wide, incorporating visual enhancements such as gabled roof forms, roof brackets, fascia boards, side lights, and/or ornamental columns divided visually into top, middle, and bottom.

(B) A bay window on the front elevation at least six feet wide that extends a minimum of 12 inches outward from a façade, forming a bay or alcove in the room within.

(C) If the garage is more than one car wide, multiple garage doors are used.

iii. *List C:*

(A) Windows and primary entrance door(s) that occupy a minimum of 25 percent of the wall area of the front elevation. Windows in the garage door count towards the 25 percent.

(B) Trim (minimum three and one half inches wide) of a different color from the primary siding color, shall outline all windows, doors, and roof edges on the front building elevation, and may outline corners and projections/recesses on the front building elevation.

(C) A minimum of two different siding materials and/or patterns are used on the front building elevation. Doors and trim do not qualify as a type of siding material.

d. The house may encroach into the minimum front setback by up to five feet when there is no garage, or where there is a garage (attached or detached) where the front wall of the garage is located at least 8 feet behind the front façade of the house.

5. Windows

a. Windows and primary entrance door(s) shall occupy a minimum of 7 percent of the wall area of a building elevation facing a street. Windows in the garage door count towards the 7 percent requirement.

b. Any building elevation with solar orientation shall have at least one window that is a minimum of six square feet.

c. An overall reduction in required window area may be approved if demonstrated by calculation by an energy rater certified by the state of Alaska that the reduction is necessary to achieve an upgraded Energy Star rating of Five Star or Five Star Plus.

G. Prohibited Structures

[RESERVED]

Quonset hut is defined as a self-supporting structure that is shaped like a longitudinal half of a cylinder resting on its flat surface, with or without straight sides of six feet or less on the cylinder (non-gable) sides, that is more than 10 feet wide across the gable end, or 15 feet along the non-gable side, or 10 feet high, and has two of the four following characteristics:

1. Prefabrication.
2. Fabric or plastic material or corrugated metal roofing.
3. Ribbed appearance in the roofing material

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4. A roof system that is in height as tall as or taller than the wall systems on the non-gable sides.

H. Site Design

1. Subdivisions

Subdivisions of land shall comply with the standards of chapter 21.08, *Subdivisions.*

2. Multiple Structures on One Lot

a. Intent

This section regulates the development of multiple residential structures on a single lot. The section is intended to allow flexibility from the subdivision regulations while still achieving neighborhoods that are healthy, safe, and convenient, and meet the goals of the comprehensive plan. The approval processes and standards are intended to result in a development with a cohesive neighborhood identity, an attractive and functional streetscape, a hierarchy of streets and driveways, convenient and safe pedestrian circulation, sufficient parking near each dwelling unit, usable and well-located open space, a positive image of higher density residential development, and well designed and visually pleasing structures and neighborhoods.

b. Applicability and Review Process

i. This section applies to the development of two or more principal residential structures on a single lot. It does not apply to the development of an accessory dwelling unit or a caretaker's unit.

ii. Multiple residential structures on a single lot are permitted in the R-2M, R-3, R-4, R-4A, B-3, RO, NMU, CMU, and RMU districts.

iii. Applicable developments with between two and 15 dwelling units shall be approved by administrative site plan review pursuant to subsection 21.03.180B. Applicable developments with 16 or more dwelling units shall be approved by the Planning and Zoning Commission using the major site plan review process (subsection 21.03.180C.).

iv. All approvals under this section shall use the approval criteria of subsection C. below, in addition to the general site plan review approval criteria. The decision-making body may place conditions on the development as it may deem necessary to meet the approval criteria.

c. Approval Criteria

i. The proposal shall clearly distinguish between streets and driveways. Streets shall allow vehicles to travel into and within the development, and shall be the means for assigning an address to dwelling units. Driveways shall access garages and parking areas. Some small developments may not need a street network.

ii. The area between the front of a unit facing a street and the street shall include landscaping or lawn, so that the streetscape features green space rather than just paved parking areas. Adequate snow storage area shall be provided. On-street parking shall be accommodated (if provided).

iii. In addition to sidewalks required by section 21.07.060, pedestrian pathways shall be provided to large open space areas and in the middle

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of long blocks. Pedestrian circulation should be convenient both within the development and to appropriate neighboring areas outside the development.

iv. The development is designed to take advantage of any significant natural features on site, and to provide usable open space and recreation areas.

d. **Development Agreement**
The developer shall enter into a subdivision agreement with the department, using the provisions established in subsection 21.08.060A., *Improvements Associated with Land Use Permits*.

e. **Minimum Standards**
All development with multiple residential structures on a single lot shall meet the following minimum standards, in addition to the applicable standards of this Title.

i. **Open Space**
A minimum of 30 percent of the site shall be reserved as open space which shall meet the standards of section 21.07.030, Private Open Space. Any requirement in section 21.07.030 for open space for the individual use of a dwelling shall count toward the total 30 percent requirement. The open space shall not be simply the lot setbacks and leftover fragments such as corner bits that are unusable for other purposes.

ii. **Buffers for Neighboring Uses**
Common open space with L4 screening landscaping shall be provided along any lot line abutting a residential neighborhood where the density is less than half the density of the development with multiple residential structures on a single lot.

iii. **Building Spacing**
Within a development, no portion of any single-, two-, or three-story building shall be closer than 10 feet from any other single-, two-, or three-story building

iv. **Vehicle Plug-In**
Each unit with no garage shall be provided with at least one electrical outlet that is convenient to the required parking space(s).

3. **Driveway Width**

a. This section limits the width of a driveway at the property line and at the curb. The intent of these limitations is to provide adequate space for snow storage within the right-of-way, to have space for on-street parking where appropriate, and to discourage the majority of the front area of a lot from being paved and/or used for vehicle parking. The municipal driveway standards established by the traffic engineer, including parameters for driveway characteristics such as angles, profile, landing grades, number, and distances between shall, where not in conflict with this section, apply to all residential development.

b. Unless otherwise provided in this title, the total width of driveway entrances to a residential lot from a street shall not exceed 40 percent of the frontage of the lot on the street at the property line and 30 percent at the curb.

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c. Notwithstanding the above, a driveway for residential uses may always have a driveway throat width of 14 feet wide at the curb and shall not have a driveway throat width wider than 20 feet at the curb, except as provided below.

d. Notwithstanding the above, the width of a two-way driveway providing common access to at least eight dwellings may be up to a maximum of 24 feet wide.

e. Notwithstanding the above, the total width of driveway entrances for townhouse uses shall not exceed 50 percent of the frontage of the lot on the street at the property line and at the curb, provided that driveways of abutting dwelling units are attached in pairs to the maximum extent feasible in order to maximize spacing between driveways along the street frontage.

f. Flag lots are exempt from the percentage limitations, but shall have a maximum driveway throat width at the curb of 20 feet.

g. When a driveway serves both residential and nonresidential principal uses, such as in mixed-use development, the driveway dimensions shall be as required for the nonresidential use.

4. Alleys

a. Access to parking for residential uses for all new subdivisions and new residential construction shall be from the alley when the site abuts an alley, except that street access is permitted in any of the following situations:

i. Access to a townhouse dwelling on a corner lot may be from the street frontage having the secondary front setback or the alley.

ii. Due to the relationship of the alley to the street system and/or the proposed housing density of the development, the traffic engineer determines that use of the alley for parking access would be a significant traffic impact or safety hazard.

iii. The traffic engineer determines that topography or other natural feature or physical barrier makes alley access infeasible.

iv. The alley is not improved and traffic engineer determines that improvement is not feasible.

v. A single-family dwelling, two-family dwelling, or townhouse dwelling with two units, with alley access may have a garage or driveway that faces the street if the garage door is no wider than 10 feet and the driveway no wider than 12 feet at any point.

b. In situations where a group of lots front an entire block on one side of a street between two intersections, abut a mid-block alley, and are being developed together, then parking access to the structures shall be from the alley. The buildings may encroach into the front setback by a maximum of 5 feet.

c. If a new development includes alleys, the lot depth requirement is reduced by half the width of the alley and the lot area requirement is reduced by 12 percent for those lots that abut an alley. Vehicular access to all dwelling units on lots abutting alleys shall be from the alley, and vehicular access to such units from the street is prohibited.

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I. Affordable Housing

1. Purpose

This subsection provides the minimum acceptable standards for affordable housing units that are intended to be counted towards a bonus incentive or any other requirement of this Title, to ensure that affordable housing will provide a benefit to future residents and the community overall.

2. Standards

Affordable housing units shall meet the following standards in order to be credited towards a requirement, menu choice, or as a special feature bonus incentive of this Title.

a. The affordable housing units shall meet the definition of affordable housing in chapter 21.14.

b. At least 50 percent of the habitable floor area of affordable housing units shall be located in a story above grade plane, as defined in chapter 21.14, except that the finished surface of the floor above the affordable housing unit shall be a minimum of four feet above grade;

c. The affordable housing units shall be intermingled with all other dwelling units in the development; and

d. The exterior appearance of the affordable housing units shall be indistinguishable from the other dwelling units in the development, except where the director determines that the exterior is compatible in appearance and consistent in quality with the other dwelling units.

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21.07.120 PUBLIC/ INSTITUTIONAL AND COMMERCIAL DESIGN STANDARDS

A. Purpose

This section is intended to promote high-quality building design that actively considers the surrounding context in nonresidential and mixed-use areas, encourages visual variety in such areas, promotes building layout and design suitable for the municipality's northern climate, fosters a human scale, promotes accessible and attractive street fronts, projects a positive image to encourage economic development in the municipality, and protects property values of both the subject property and surrounding development. It is also the intent of this section to provide flexible standards that allow for creativity and innovation, and to differentiate between different commercial areas.

B. Applicability

Development of any use categorized in table 21.05-1, *Table of Allowed Uses*, as a community or commercial use shall comply with the standards of this section 21.07.120, except as follows:

1. Special-purpose public facilities such as schools, airports, and fire stations with highly unique design and functionality requirements shall be granted specific exemptions from this section, if the director finds substantial public benefit and adequate mitigation of impacts to the immediate neighborhood.

2. Developments that meet the applicability threshold of section 21.07.130A. are exempt from this section.

3. In the case of a mixed-use residential building, these standards shall apply to the nonresidential portion of the structure and the standards of section 21.07.110, *Residential Design Standards*, shall apply to the residential portion of the structure. In case of overlap and/or conflict, the more stringent standard shall apply.

C. Alternative Equivalent Compliance

The alternative equivalent compliance procedure in subsection 21.07.010D. may be used to propose alternative means of complying with the intent of this section. Applicants for alternative equivalent compliance shall demonstrate design strategies that address each of the core subject areas set forth below in subsection E.

D. Prohibitions and Requirements

1. **Fabric Structures**
Frame-supported, arch-supported, or inflated tension fabric or membrane structures are prohibited in all commercial districts, except that a portion of a structure's roof or wall membrane may consist of non-inflated tension fabric based on a site-specific architectural design, subject to an administrative site plan review.

2. **Mechanical and Electrical Equipment**
Mechanical and electrical equipment serving a single building shall be screened from view as provided below. This requirement applies to heating, ventilation, and cooling equipment; pumps; generators; and groups of four or more utility meters. The screening requirement does not apply to telecommunications equipment, chimneys, minor vent pipes, wall vents that are flush/near-flush with the building wall, or solar collectors and reflectors. Screening shall comply with AMC Title 23 and the access and safety requirements of utilities.

   a. ***Rooftop Mechanical and Electrical Equipment***
   Rooftop mechanical and electrical equipment shall be screened from view of abutting streets and the ground level of residentially zoned lots using the menu choices provided in subsection 2.b. below. If menu choice b.iii. is the only choice selected, then the roof mounted equipment shall also be set back from the roof

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edge (where the roof meets the façade wall) at least three feet for each foot of height of the equipment.

b. ***Mechanical and Electrical Equipment – Other***
All other mechanical and electrical equipment shall be screened from view from abutting streets, except where located more than 40 feet from the street or right-of-way, using one of the following choices:

i. Sight-obscuring landscaping consisting of shrubs, trees, berms, and/or hardscape materials. Other landscaping required by this Title, such as perimeter landscaping, may be used if it meets this standard.

ii. A sight-obscuring fence, wall, or structure that is adequate in height to screen the equipment.

iii. Wall-mounted utility meter bases and CT cabinets finished in a color that is consistent with other areas of the building façade, unless an alternative color or design is approved by the director.

iv. Equipment that is disguised, camouflaged, or hidden so that its function as mechanical or electrical equipment is imperceptible to an uneducated eye.

E. Menu of Design Choices

To provide for flexibility, the standards of this section 21.07.120 are arranged into menus of design feature choices. The applicant shall select a minimum number of design features from each menu. The menus are organized into two subject areas that affect the community/public realm: (a) building orientation and (b) wind protection and sunlight.

1. Minimum Number of Design Features

The minimum number of design feature choices required from each menu is provided in Table 21.07-13.

2. Shared Credit Among Menu Choices

Unless otherwise indicated, achievement of a design feature choice in a menu may count toward other design features in the same menu or other menus if the feature also achieves the requirements of the other design feature choice(s).

3. Design Innovation Credit

The decision-making body may approve a design innovation that is not covered by the menu choices to be used as credit for up to one design feature in this section. The applicant shall demonstrate a specific design quality that realizes the intent of the subsection, and

a. Achieves an equal or better design solution for the development than would result from application of a basic menu choice; and

b. Does not adversely affect adjacent properties or streets.

TABLE 21.07-10: BUILDING SIZE AND MINIMUM NUMBER OF DESIGN FEATURES

Design Feature Menus	Less than or equal to 12,000 square feet of gross floor area	Greater than 12,000 square feet of gross floor area
Building Orientation Choices	2	3
Wind Protection And Sunlight Choices	2	2

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4. **Building Orientation**

a. *Purpose*

The design choices for building orientation address the building's relationship to surrounding streets, walkways, and parking. Building orientation features are to encourage pedestrian accessibility and views to indoor activity, enhance public street safety and natural surveillance opportunities, and promote active uses at or near the ground-level.

b. *Orientation Design Choices*

i. *Windows and Entrances*

Provide visual access windows and/or primary entrances on street-facing building elevations (up to a maximum of two elevations) for at least 35 percent of the length and 15 percent of the ground floor wall area. An elevation that is more than 150 feet away from the facing street shall be exempt, unless it is the only applicable elevation. Qualifying windows shall be no more than four feet above finished grade.

ii. *Building Placement Closer to the Street*

A building that achieves item b.i. above may receive credit for an additional orientation feature if at least 40 percent of the length of at least one ground floor street-facing building elevation complies with the maximum setback standards of subsection 21.06.030C.5. In mixed-use districts, the percentage is increased to at least 60 percent of the building elevation length.

iii. *Corner Building*

At a street corner provide items b.i. and b.ii. above on both street-facing building elevations of a corner building.

iv. *Street Oriented Entrances*

Provide at least one primary entrance within 60 feet of a street sidewalk, or 90 feet for buildings over 25,000 square feet of gross floor area, and connected to the street by a clear and direct walkway.

v. *Primary Pedestrian Walkway*

Provide a primary pedestrian walkway that meets the requirements of 21.07.060F.4., *Primary Pedestrian Walkway* (except that when the building is within 50 feet of the street, the walkway may be shorter than 50 feet), between a primary entrance an the abutting street. This choice, while offered in both menus, shall only count as a choice for one menu.

vi. *Upper Floor Windows*

Provide windows or spandrel glass (fake windows) on each building elevation facing an abutting street or having a primary entrance for customers or visitors. Windows shall comprise an average of 35 percent or more of the length and 15 percent of the area of each upper floor building elevation. Exterior wall areas of building mechanical rooms are exempt.

vii. *Additional Window Area*

Achieve menu choice b.i., *Windows and Entrances*, and increase the coverage to 67 percent of the ground floor wall area. If there is more than one story, also achieve b.vi., *Upper Level Windows*, and increase the coverage to 34 percent of the upper floor wall area.

viii. *Screening Vegetation*

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In areas not zoned for mixed-use, L4 screening landscaping along abutting streets may count as an orientation feature.

ix. ***Prominent Entrance Feature***
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;

(E) Entrance plaza, patio, or similar common private open space.

5. Wind Protection and Sunlight

a. ***Purpose***
The design choices for wind protection and sunlight address the combined effects of Alaska's northern climate, including snow, ice, rain, temperature, wind exposure, long and dark winters, and the low and seasonal sunlight conditions. Building design should maximize the use, comfort, convenience, and accessibility of public spaces and walkways; optimize relationships to sunlight and wind; and give consideration to microclimatic impacts on the site and surrounding community.

b. ***Weather Protection Design Choices***

i. ***Weather Protected Entrance***
Provide either an outdoor pedestrian shelter (entry canopy) or a recessed protected area that covers at least 80 square feet for primary entrances (up to a maximum of two entrances) that serve a building less than or equal to 12,000 gross square feet, and at least 120 square feet for primary entrances (up to a maximum of two) that serve a building greater than 12,000 gross square feet.

ii. ***Weather Protected Passenger Loading Zone, Bicycle Parking, or Transit Shelter***
Provide a pedestrian shelter over a taxi stand, valet or passenger loading zone, bicycle parking, or transit stop.

iii. ***Sheltered Façade Walkway***
Provide pedestrian shelter meeting the requirements of subsection 21.07.060F.9., *Pedestrian Shelter such as a Canopy, Awning, or Marquee* or a pedestrian arcade meeting the requirements of subsection 21.07.060F.10., *Arcade (or Building Recess).* The shelter shall extend over a minimum of 35 percent of the length of one ground floor building elevation that contains a primary entrance or abuts a sidewalk or walkway.

iv. ***Primary Pedestrian Walkway***
Provide a primary pedestrian walkway that meets the requirements of 21.07.060F.4., *Primary Pedestrian Walkway* (except that when the

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building is within 50 feet of the street, the walkway may be shorter than 50 feet), between a primary entrance and the abutting street. This choice, while offered in both menus, shall only count as a choice for one menu.

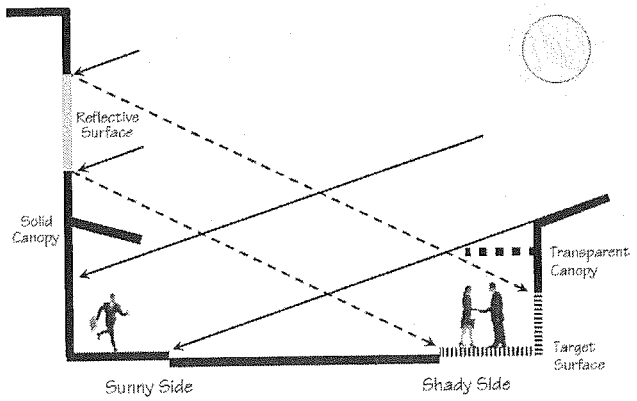
v. ***Ice-free Walkway***
Provide an ice-free (snow melting) walkway meeting the requirements of subsection 21.07.060F.5., *Ice-Free (Snow Melting) Walkway*, for a required walkway connection to a primary entrance or for the sidewalk passenger loading zone at the primary entrance, extending at least the full length of the passenger loading zone, but not required to exceed more than three loading spaces.

vi. ***Weather Protected Transition Space***
Provide an outdoor, publicly accessible sheltered transition space meeting the requirements of subsection 21.07.060F.14., *Sheltered Transition Space*, such as seating along a building façade that faces the street or publicly accessible open space, as a transition between indoor areas and unsheltered outdoor spaces.

vii. ***Sunlight Access for Neighbors***
Preserve sunlight access to adjacent public parks, sidewalks across the street, and neighboring properties through building placement, height, and/or massing. The building placement, massing, and height shall be such that at least two-thirds of the neighboring area receives at least four hours of sunlight access on March/September 21.

vii. ***Sun Trap***
Preserve or create a publicly accessible sun trap or "sun pocket" meeting the requirements of subsection 21.07.060F.12., *Sun Pocket*, that captures direct and/or reflected sunlight, as part of a public space or common private open space.

viii. ***Reflected Sunlight as an Amenity***
Provide reflected sunlight as described in subsection 21.07.060F.13., *Reflected Sunlight*, into publicly accessible pedestrian spaces and walkways, and/or any ground floor wall areas abutting such public spaces, to brighten or increase the microclimatic comfort of those spaces.



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ix. *Transparent or Translucent Sheltering Roof*
Provide a transparent or translucent roof on one of the design choices from the weather protection menu above if the roof covers more than 60 square feet, has no dimension shorter than 6 feet or clearance height less than 12 feet. The transparent or translucent roof shall allow sunlight to penetrate through to the sheltered pedestrian area.

x. *Atrium*
Provide a publicly accessible atrium, galleria, or similar kind of sunlit interior space meeting the requirements of subsection 21.07.060F.11., *Atrium, Galleria, or Winter Garden*, which takes advantage of direct and/or reflected sunlight to provide brightness and orientation, and reduce the need for artificial lighting.

xi. *Height Transition*
Provide a building form that is terraced down using a building wall step back above the first, second, or third floor along the full length of at least one of its elevations facing abutting streets, public parks, or shorter buildings on abutting lots. The building mass shall not penetrate a daylight plane that rises inward over the building at an angle of one foot of run for every two feet of rise, and starting at the building wall at the height at which the step back begins. For buildings greater than 60 feet in height, the high rise portion is exempt.

xii. *Plaza or Courtyard*
Provide a publicly accessible plaza or courtyard of at least 1,200 square feet in area with a minimum dimension of 30 feet. The plaza shall be located along a walkway connection between the street and a primary entrance of use or between the parking lot and a primary entrance.

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21.07.130 LARGE ESTABLISHMENTS

A. Large Commercial Establishments

Large commercial establishments often have high visibility from major public streets and a great volume of use by many residents and visitors. As a consequence, their design determines much of the character, function, and image of this community and its streetscapes and commercial areas. The purpose of this section is to encourage major commercial developments to contribute to and respect the municipality as a unique place and to physically integrate with the community in a positive and architectural and site design sensitive manner. The standards of this section augment existing basic standards for development found elsewhere in this chapter with more specific interpretations that apply to large commercial establishments. These standards promote: a basic level of architectural variety and interest; a compatible appearance and scale; pedestrian and parking lot access; orientation of buildings and entrances in relation to surrounding streets; provisions for adaptive reuse of prominent vacant buildings; and mitigation of negative impacts of large scale commercial developments.

1. Applicability

The standards of this section 21.07.130 shall apply to any use in the Retail Sales; Animal Sales, Service, and Care; Food and Beverage Services; or Entertainment and Recreation use categories, or any combination thereof, occupying more than 20,000 gross square feet of floor area, provided the following limitations:

a. The standards of this section shall apply only to buildings which are intended exclusively or principally for the uses listed above, such as a general merchandise retail store, grocery store, or multi-tenant retail building.

b. This section shall not apply to mixed-use buildings with upper stories, or distinct sections designed specifically for residential, office, or other uses not listed above.

c. [RESERVED—POTENTIAL AMENDMENTS TO SELF-STORAGE FACILITIES IN 21.05 TO ADDRESS MULTI-STORY FACILITIES]

2. Relationship to Other Standards

The provisions of this section shall replace the provisions of section 21.07.120, *Public/Institutional and Commercial Building Standards*, but shall apply in addition to all other generally applicable standards found elsewhere in this chapter and Title. Where there is a conflict with generally applicable standards in this chapter, the standards of this section shall apply. Where there is a conflict with district-specific standards in chapter 21.04 of this Title, the district-specific standards shall apply.

3. Alternative Equivalent Compliance

The alternative equivalent compliance procedure in subsection 21.07.010D. may be used to propose alternative means of complying with the intent of this section. Applicants for alternative equivalent compliance shall demonstrate design strategies that address each of the mandatory standards set forth below in subsection E.

4. Major Site Plan Review

All applicable large commercial establishments shall by approved by major site plan review in accordance with section 21.03.180. The urban design commission shall ensure that the site plan provides architectural variety, compatible scale, access amenities, mitigation of negative impacts, and convenience and safety of patrons.

5. Mandatory Standards

a. ***Vehicular Access***

Primary vehicular access shall be from a street designated collector or greater on the *Official Streets and Highways Plan*. Secondary vehicular access may be

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from a street designated less than a collector, provided the applicant demonstrates that any traffic and visual impacts on adjacent residential and commercial areas are sufficiently minimized.

b. *Parking*
Aesthetic features, landscaping, and the design of parking lots shall reduce the appearance of large expanses of parking from neighboring streets, and enhance the view of the establishment from its principal point(s) of access.

c. *Weather Protection for Pedestrians*

i. Buildings and roofs shall be designed so that drainage from the roof shall not fall on sidewalks, walkways, or building entrances.

ii. All primary entrances shall have a roof, canopy, arcade, overhang, or similar effective weather protection that meets the standards of subsection 21.07.060F.9., *Pedestrian Shelter.*

iii. Building elevations that face public streets or customer parking lots and that have a walkway along the façade shall provide weather protection meeting the standards of subsection 21.07.060F.9., *Pedestrian Shelter such as a Canopy, Awning, or Marquee*, or subsection 21.07.060F.10., *Arcade (or Building Recess)*, along at least 60 percent of such building elevation. This standard is intended to apply to up to two elevations, but the urban design commission may increase or reduce the requirement.

d. *Adjacent Residential Development*
Level 4 screening landscaping shall be provided along property lines that are adjacent to a residential district. The landscaping shall allow for any pedestrian connections provided by this section.

e. *Community Space*
The establishment shall provide at least one public space, such as a plaza, patio, courtyard, or atrium, either indoors, outdoors, or a combination of indoors/outdoors, at or near the principal customer building entrance. Each public space shall be no less than 5 percent of the gross building area, up to a maximum of 2,000 square feet, and no dimension shall be less than 30 feet. Outdoor community space shall meet the standards for plaza or courtyard in subsection 21.07.060F.6. Indoor community space shall meet the standards for atrium, galleria, or winter garden in subsection 21.07.060F.11. Common spaces are encouraged to provide views of the Chugach mountains or other major landmark(s). Community space fulfills the private open space requirement of section 21.07.030. If any standards of this subsection conflict with subsection 21.07.030, this subsection shall control.

f. *Wall Modulation*
Each building elevation that faces a street or a customer parking lot shall be modulated. The wall and foundation line shall be offset at intervals so that there is at least one offset every 140 feet of wall length that varies the depth of the building wall by a minimum of 12 feet. Offsets shall comprise at least 20 percent of the length of the elevation, for at least 60 percent of the building height.

g. *Ground Level Expression*
Each building elevation that faces a public street shall provide, along at least 60 percent of the building length, three of the following features:

i. Windows with kickplates or projecting sills;

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ii. Architectural bays and mullions dividing windows;

iii. Pedestrian scale ornamental lighting;

iv. Tilework, masonry or stone veneer, glass block, or other similar accent materials;

v. Belt courses or masonry strips of distinct color or texture;

vi. Columns with plinths; or

vii. Other façade detail features integrated into the façade design.

h. ***Materials and Colors***
The buildings shall have exterior building materials and colors which are aesthetically pleasing and compatible with the overall site plan. Construction material shall provide color, texture, and scale.

i. ***Roofs***
Provide a modulated roof on each building elevation facing a street or residentially zoned lot, using features such as a terracing parapet, multiple peaks, jogged ridge lines and dormers, with a maximum of 140 feet of uninterrupted roofline between roof modulation elements. Each modulation element shall provide a minimum of three feet of vertical change in the roofline. Modulation elements shall equal at least 20 percent of the roofline on each applicable building elevation.

j. ***Entryways***
Primary entrances shall incorporate changes in architectural mass, surface, or finish to provide a clearly defined primary entrance that is easily visible from streets and sidewalks. At least two of the following features shall be provided:

i. Recessed or projected entrance;

ii. Peaked, arched or other entrance roof form;

iii. Transom or clerestory windows, along with double entry doors or sidelight windows;

iv. Façade detail features such as tilework, moldings, or lighting; or

v. Integrated planters or wing walls that incorporate landscaped and/or seating areas.

k. ***Prohibited Materials***
Exterior building materials shall not include the following as a general field material:

i. Plywood;

ii. Unstained or untreated wood, except for cedar or redwood; and

iii. T-111 siding.

l. ***Mechanical and Electrical Equipment Screening***
Large commercial establishments shall comply with the mechanical and electrical equipment screening provisions of subsection 21.07.120D.2.

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m. *Outdoor Sales, Display, and Storage*

i. *Intent Statement*

To screen storage and display areas of large commercial establishments from adjacent properties, public streets, and customer entrances, and to mitigate visual and noise impacts.

ii. *Permanent Outdoor Display, Sales, and Storage of Merchandise*

(A) Any outdoor storage, display, or sales location shall be permanently defined on a site plan.

(B) The maximum size of permanent outdoor storage, display, and sales areas shall be 10 percent of the footprint of the principal building, or 15,000 square feet, whichever is less.

(C) Permanent outdoor storage, display, and sales areas shall be contiguous to the building and shall not be within 100 feet of residential property.

(D) All outdoor storage, display, and sales areas shall have permanent walls and/or screening fences, no more than 15 feet high, made of materials and colors designed to be complementary to those used as predominant materials and colors on the building. Merchandise shall not be stacked above the height of the screening wall or fence.

(E) *Outdoor storage, display, and sales areas shall be counted when calculating required parking.*

iii. *Temporary Outdoor Display and Sales*

Temporary outdoor display and sales of merchandise shall not be located in required parking lots, on required pedestrian walkways or sidewalks, in the required community space, or in required landscaping.

n. *Master Site Plan and Secondary Buildings*

i. *Intent*

To integrate the location, orientation, and appearance of all structures and improvements within a large commercial establishment as a unified, coherent and accessible site development.

ii. *Master Site Plan*

Large commercial establishments on sites that include more than one building, or that include multiple pad lots or platted lots for separate commercial establishments, shall, at the time of plat review or major site plan review, be required to establish a master site plan for the location, design and orientation of principal and secondary buildings on site.

iii. *Applicability of Large Commercial Establishment Regulations*

Building and site design standards for large commercial establishments in this section, unless stated to apply specifically to principal buildings, apply to both principal and secondary buildings on any commercial tract within a large commercial establishment site or site master plan area.

iv. *Usage of Public/Institutional and Commercial Design Standards*

As an alternative to meeting the building orientation requirements of subsection n.v. below, and the requirements of *Mandatory Standards* subsections 5.a. through 5.m., and subsection A.6., *Optional Standards Menu*, the design of individual secondary buildings with less than 20,000 square feet of gross floor area may instead be approved through compliance

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with the standards of subsection 21.07.120, *Public/Institutional and Commercial Design Standards.*

v. ***Secondary Building Orientation to Public Streets***
Peripheral secondary buildings located at the edge of the site next to a public street or street corner shall provide windows on the street-facing elevation as established in subsection 21.07.120E.4.b.i.

6. **Optional Standards Menu**
In addition to the mandatory standards of subsection E. above, establishments shall choose three features from the options below.

a. ***Location of Parking Lots***
No more than 50 percent of vehicle parking spaces provided shall be located in the front parking lot (defined in chapter 21.14).

b. ***Building Placement Close to the Street***
A minimum of 30 percent of the front building elevation of the principal building shall be within 20 feet of a property line abutting a street, and a customer entrance shall be located in the 30 percent.

c. ***Pedestrian-Friendly Entrance***
At least one primary entrance of the principal building is located within 90 feet of the property line abutting the street from which the main access to the site is taken, and connected to the street by a direct walkway.

d. ***Multiple Entrances***
The principal building(s) shall have customer entrances on at least two sides of the building that face an abutting street from which access to the site is taken, with at least one of the required entrances facing the street to which the building is closest. A corner entrance shall be counted as an entrance on either façade.

e. ***Building Walkways***
Walkways a minimum of six feet unobstructed clear width, excluding vehicular overhang, shall be provided along the full length of every building elevation that has a customer entrance or abuts a customer parking lot.

f. ***Upper Level Windows***
Provide visual access windows on each street-facing building elevation (up to a maximum of two elevations) comprising at least 15 percent of the ground. Elevations facing streets and residentially zoned lots shall provide windows along 35 percent of each upper floor façade. For the purposes of this section only, floors shall be considered 15 foot increments in height, and rooftop mechanical penthouses are exempt.

g. ***Screening Vegetation***
In areas not zoned mixed-use, L4 screening landscaping shall be provided along lot lines that abut public streets, totaling at least 25 percent of the site perimeter.

h. ***Foundation Landscaping***
Planting beds at least eight feet wide with 1.0 landscaping units per linear foot shall be provided along at least 50 percent of each building elevation that faces public streets and/or parking lots.

i. ***Ice-free Walkway***
Provide an ice-free (snow melting) walkway along a minimum of 35 percent of the length of the building elevation that contains a primary entrance. The

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walkway shall be a minimum of six feet unobstructed clear width, excluding vehicular overhang. This feature is not applicable for credit where the walkways and entrances are covered.

B. Large Non-Residential Establishments in or Surrounded by Large Lot Residential Districts

[RESERVED]

C. Tall Buildings

[RESERVED]

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21.07.140 OPERATIONAL STANDARDS

A. Purpose

The purpose of these operational standards is to prevent land or buildings within the municipality from being used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable condition that would create adverse impacts on the residents, employees, or visitors on the property itself or on nearby properties.

B. Applicability

The provisions of this section 21.07.140 shall apply to all land within the municipality. The director may authorize temporary exemptions from one of more of the standards in this section during construction.

C. Standard

No use may cause excessive noise, vibrations, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat, or glare at or beyond any lot line of the lot on which it is located. No equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes a fluctuation in line voltage off the premises.

The term "excessive" is defined for the purpose of this subsection as to a degree exceeding that generated by uses permitted in the district in their customary manner of operation, or to a degree injurious to the public health, safety, welfare, or convenience.

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CHAPTER 21.08 SUBDIVISION STANDARDS

21.08.010 PURPOSE

A. General

These standards are enacted to implement the goals, objectives and purposes of the comprehensive plan; to require adequate utilities and public facilities; to provide for school and open space needs; and to protect sensitive natural areas such as critical habitat, high-value wetlands, and riparian corridors; to enhance or preserve other significant natural features; to ensure the functional and efficient layout and appropriate use of land so as to achieve property lots of reasonable utility and minimize public costs to construct and maintain infrastructure; and to facilitate orderly growth and development of the municipality.

B. Specific Concepts for Subdivision Development

The planning, layout, and design of a subdivision are of the utmost concern. The subdivision should provide safe, efficient, and convenient movement to points of destination or collection. Modes of travel to achieve this objective should not conflict with each other or abutting land uses. Lots and blocks should provide appropriate settings for the buildings that are to be constructed, make use of natural contours, and protect residents from adverse noise and vehicular traffic. Important natural features of the area should be preserved. Schools, parks, and other community facilities should be planned as an integral part of the area. New development should reflect and maintain the character of the neighborhood through layout of roads and lots, consideration of connectivity with minimal cut-through traffic, pedestrian access to neighborhood destinations, and buffers or open space where appropriate to maintain privacy and views.

21.08.020 APPLICABILITY

A. Generally

This chapter shall be applicable to all subdivision of land within the municipality that results in the partitioning, dividing, combining, or altering of any lot, parcel, or tract of land, including subdivisions created by an exercise of the power of eminent domain by an agency of the state or municipality.

B. Approvals Required

1. General

Before a preliminary plat for a subdivision shall be granted, the owner or his or her authorized agent shall apply for and secure approval under the provisions of section 21.03.190, *Subdivisions and Plats.*

2. Before Certificate of Zoning Compliance

A certificate of zoning compliance shall not be issued, pursuant to section 21.03.060, and a building or structure shall not be occupied, until and unless all dedications and improvements required by this chapter have been installed or agreements/guarantees made in a satisfactory manner and approved by the municipality.

C. *Design Criteria Manual*

Whenever the *Design Criteria Manual* is referenced in this chapter, the reference shall mean the version of the *Design Criteria Manual* in effect at the time of preliminary plat approval.

21.08.030 DESIGN STANDARDS

A. Subdivision Layout and Design

No subdivision shall be approved unless it complies with all of the following standards:

Comment [DC1]: FOREMATTING

Comment [DC2]: THE NUMBERING IS OFF HERE IT SHOULD START WITH A

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1. **Name of Subdivision**
The Title under which the subdivision will be recorded shall not duplicate the name of any existing subdivision in the municipality.

2. **Compliance with Comprehensive Plan**
The design of subdivisions shall further the goals and policies of the comprehensive plans as set forth in this Title.

3. **Compliance with Other Provisions of this Title**
All subdivisions shall comply with all other applicable zoning, design, and development requirements set forth in this Title.

B. Phasing Schedule

The platting authority may require that a subdivision conform to a phasing schedule based upon the scheduled availability of infrastructure to serve the subdivision. Submittals for the initial phase of a subdivision shall indicate utility easements and transportation connections to adjacent and undeveloped land/areas that are not part of the initial phase yet are under the same ownership.

C. Maintenance of Existing Natural Drainage

The subdivision design shall ensure that neighboring parcels, adjacent rights of way, water bodies, wetlands, and existing storm drainage facilities are not adversely impacted by new or altered drainage resulting from the development.

D. Drainage Design

All drainage facilities shall comply with the standards of section 21.07.040, *Drainage, Erosion and Sediment Control, Storm Water Runoff, and Prohibited Discharges*, as implemented by the *Design Criteria Manual.*

E. Legal and Physical Access

A subdivision shall have legal and physical access.

F. Streets

All streets shall comply with the standards of this chapter and section 21.07.060, *Transportation and Connectivity*, the specifications of the *Design Criteria Manual*, and the following intent and standards:

1. **Intent**
Streets shall be arranged in relation to topography to provide usable lots, safe streets, safe and convenient pedestrian walkways and crossings, reasonable gradients, and minimum damage to terrain and existing vegetation. The Platting Board may approve subdivisions with private streets.

2. **Street Grades**
   a. Except as provided in this section, cul-de-sac turnaround grades shall not exceed five percent, and other street grades shall not exceed ten percent.

   b. Notwithstanding subsection 2.a. above, residential street grades in a subdivision may be up to 15 percent. However, any street grade exceeding ten percent requires municipal engineer approval.

   c. Applicable streets shall comply with the standards of subsection 21.08.030H., *Subdivisions on Slopes*.

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3. **Street Alignment**

a. Arterial and collector streets shall be aligned to continue those streets from adjoining areas into the proposed subdivision. Local streets shall be aligned to discourage their use by through traffic. The platting board may require stub streets with temporary turnaround areas to be extended to the boundaries of the proposed subdivision, where appropriate, to provide future street connections to adjacent unsubdivided areas.

b. Grade or median separations of street lanes may be permitted to preserve natural features, provide space for landscaping, or facilitate access in subdivisions containing hillside lots.

2. **Street Intersections**

Streets shall intersect at or as near as is feasible to a 90-degree angle and in no event at less than a 75-degree angle. The distance between intersection centerlines shall be at least 150 feet. Corner roundings at intersections shall conform to the standards of the municipal engineer.

4. **Cul-de-Sacs**

a. Where topography and traffic circulation permit, the length of a cul-de-sac right-of-way shall not exceed 900 feet in the R-6, R-8, R-9, R-10, and TA zoning districts, and 600 feet in all other zoning districts. The platting authority may approve longer cul-de-sacs when necessary to accommodate natural features.

b. The length shall be measured from the centerline of intersecting through streets to the radius point of the cul-de-sac bulb.

c. A cul-de-sac right-of-way shall terminate with a turnaround having a minimum radius of 50 feet and a minimum return radius of 50 feet. Commercial/industrial cul-de-sacs shall have a minimum radius of 65 feet. The platting authority may permit a cul-de-sac street to terminate with a T-shaped or Y-shaped turnaround, or other turnaround approved by the traffic engineer, when such a design is required by environmental or topographical conditions or unusually or irregularly shaped boundaries.

d. Sidewalks, walkways, pathways and trails shall not be required in cul-de-sacs.

5. **Alleys**

Dead-end alleys are prohibited. Where alleys are permitted or required, front street driveways are prohibited.

6. **Street Names and Addresses**

a. The subdivider shall provide names for all new streets in the subdivision, which names shall neither duplicate, nor be subject to confusion with, the spelling or the pronunciation of any existing street name in the municipality. The subdivider's selection of street names shall be subject to review by the director, who may reject any proposed street name that does not conform to this section or to any regulation promulgated pursuant to this section. The municipality shall name all streets that are peripheral to the subdivision and all extensions of existing streets into the subdivision.

Comment [DC3]: AMENDMENT 70-OK

b. The director may promulgate regulations establishing a uniform street designation terminology. All street names shall conform to the terminology so established.

c. Street names may be modified using the procedure adopted by the director, which shall be approved by the platting board.

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7. **Street Addresses**

a. The director shall assign all official street address numbers within the municipality. A permanent address shall be assigned to occupiable buildings, and to other locations at the discretion of the director. Buildings with more than one unit shall be assigned sub-addresses. Addresses shall be displayed as required in section 21.07.010C.

b. The director may promulgate regulations establishing uniform street address numbering technology and procedures. All street addresses shall conform to the numbering technology and procedures adopted by regulation, unless unusual or exceptional circumstances warrant utilization of alternate technology or procedures.

G. **Block Arrangement**

1. Blocks shall have sufficient width to provide for two tiers of lots of depth meeting the minimum requirements of this Title, except where lots back onto a collector or greater street, natural feature, or subdivision boundary, or where lots face an approved loop road or cul-de-sac.

2. Residential blocks in class A improvement areas (as defined in 21.08.050B) shall not be less than 300 feet nor more than 500 feet long. Residential blocks in class B improvement areas shall not be less than 300 feet nor more than 1,320 feet long. The platting authority may approve a longer block length when necessary to accommodate natural features such as steep slopes, or when the longer block is divided by an improved pedestrian easement that provides connectivity and traffic circulation is not impaired.

H. **Subdivisions on Slopes**

1. **Applicability**
This section applies to parcels to be subdivided that are five acres or more, and

a. Have an average slope of 20 percent or greater over the entire property; or

b. 30 percent of the area to be subdivided has slopes of 30 percent or greater.

2. **Additional Submittal Requirements**
In addition to the submittal requirements in section 21.03.190, applications for applicable subdivisions shall include a geotechnical engineering report that contains the following information:

a. Geology of the site: description of the geology of the site, including the nature, strength, and stability of the soils, the character and depth of any imported material; depth to groundwater and to bedrock; any avalanche and mass wasting areas; fractures; and any other significant geologic features.

b. Slope stability analysis: conclusions concerning the effects of material addition and/or removal, grading, presence of water (both on and offsite), seismic activity, and erosion, on slope stability.

c. Conclusions regarding the adequacy of the site for development, and specific recommendations for procedures for cut and fill slope stability, seepage and drainage control, grading, and all other applicable design criteria to mitigate geologic hazards, slope failure, and soil erosion, and to minimize disturbance to natural ecological and drainage functions.

d. A summary of field exploration methods and tests on which the report is based, such as probings, core drilling, or test pits.

Comment [DC4]: AMENDMENT 71 OK

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3. **Design Standards**

a. For phases of subdivisions where all the lots created are 40,000 square feet or greater in area, the subdivider shall show for each lot that has an average slope of 20 percent or greater, to the satisfaction of the platting authority, a site disturbance envelope that:

i. Meets the requirements of subsection 21.07.020C.3.b.; and

ii. If applicable, accommodates on-site systems meeting the requirements of AMC Title 15.

b. Phases of subdivisions that include any lots less than 40,000 square feet in area shall use the conservation subdivision process at section 21.08.070.

4. **ROW Reductions**

The platting authority may, with the recommendation of the municipal engineer, approve reductions in right-of-way standards in order to keep grading and cut and fill slopes to a minimum.

5. **Downslope Lots**

Road/driveway access to all lots less than 5 acres with an average slope of 30 percent or greater shall be from the upslope side of the lot.

6. **Sidewalks/Pathways**

Any requirements for sidewalks or pathways along roads may be limited, by the platting authority, to providing a sidewalk/pathway on one side of the road only. In such case, the sidewalk/pathway shall be a minimum of 6 feet wide and separated from the road.

7. **Grading**

For phases of subdivisions where all the lots created are 40,000 square feet or greater in area, grading shall be limited to the road right-of-way to the maximum extent feasible. Mass grading of the entire subdivision is prohibited, except that previously disturbed areas, such as former gravel pits, may be graded. Lots shall be individually graded, within their site disturbance envelope, at the time of building construction, pursuant to section 21.07.020C. For the purposes of this subsection only, "previously disturbed" means alteration of the natural landform. It does not mean simply the removal of vegetation.

8. **Vehicular Routes**

[RESERVED]

I. **Avalanche Zones**

No lot shall be created, unless it is restricted to non-structural uses, that is completely in the "high hazard area", as identified on municipal avalanche maps based on the 1982 *Anchorage Snow Avalanche Zoning Analysis* or on amendments to those maps reviewed and approved by the geotechnical advisory commission.

J. **Lot Dimensions**

Subject to the lot dimensions and area requirements of chapter 21.06, all lots shall have the minimum dimensions required by this section.

1. The depth of a lot shall be at least 80 feet.

2. The width of a lot, except for a townhouse lot, shall be at least one-third the depth of the lot.

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3. If a lot is to be served by an on-site wastewater disposal system, the lot shall have the minimum area required for such a lot under AMC chapter 15.65.

4. Notwithstanding any other provision of this section, the width of the flagpole portion of a flag-shaped lot shall be no less than:

   a. Thirty feet when both public water and sewer systems are to serve such a residential lot.

   b. Forty feet when both public water and sewer systems are to serve such a commercial or industrial lot.

   c. Twenty-four feet when only a public water or a public sewer system is to serve such a lot.

   d. Twenty-four feet when the lot is located in the R-6, R-8, R-9, R-10 or TA districts and will not be served by either the public water or the public sewer system.

5. The length of the flag pole portion of the lot shall not exceed 300 feet in the R-6, R-8, R-9, R-10 or TA districts or 120 feet in all other districts, and all other measurements shall be consistent with other sections of this Title.

6. To the extent possible, side lot lines shall follow natural terrain and create building sites that integrate into the natural terrain and minimize the need for fill and grading.

7. Lots tracted out for open space, well protection areas, or for undevelopable areas such as wetlands, are exempt from these dimensional requirements and the dimensional standards of chapter 21.06.

K. **Lot Frontage and Access**

1. Except when platted under subsection 21.03.200E., *Unified Development Plats*, or except for lots tracted out for open space, well protection areas, or for undevelopable areas such as wetlands, all lots shall have frontage on a street.

2. Unless approved by the director, access to a residential use on a residential lot shall not be from a collector or greater street as designated on the *Official Streets and Highways Plan.*

3. Subdivisions shall be designed to minimize lots with access to residential major streets carrying more than 1,000 average daily trips.

4. The frontage of a lot on a cul-de-sac bulb shall be at least 35 feet, except that the frontage on a cul-de-sac bulb of a lot with a side setback abated under subsection 21.06.020A.3., *Construction on Adjoining Lots,* shall be at least 18 feet. This subsection does not apply to flag lots.

5. In class A improvement areas, there shall be no more than one flag lot facing onto each cul-de-sac bulb.

L. **Landscaping**

1. The platting authority shall consider and require, where appropriate, landscaping and screening under section 21.07.080, *Landscaping, Screening, and Fences* to separate property from incompatible uses or structures, including but not limited to streets designated for collector or greater capacity on the *Official Streets and Highways Plan*, commercial, or industrial uses. The area containing the landscaping shall be shown as an easement or open space area on the plat. The landscaping shall be installed before final plat approval, or its installation shall be guaranteed under section 21.08.060,

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Subdivision Agreements, or by other performance guarantees acceptable to the platting authority. The landscaping shall be maintained by the property owner or designee.

2. If a landscaping easement is required, no more than 50 percent of such easement shall coincide with any utility easement, per the requirements of 21.07.080G.2.c., unless the utilities are installed in a conduit or utilidor of sufficient size to reduce the risk of land disturbance if repairing, replacing, or upgrading utility lines, in which case the landscaping easement and the utility easement may coincide completely.

M. Reserve Strips

Privately owned strips may not be reserved to control access to public rights-of-way.

N. Electrical and Telecommunication Utilities

The width and alignment of transmission easements within subdivisions shall conform to the *Utility Corridor Plan*. The platting authority shall not allow structures or uses of land within or beneath areas of electrical or telecommunications ground or aerial easements that are incompatible with electrical distribution or transmission facilities, provided however, the landscaping required by 21.07.080 may be permitted as provided in 21.08.030.M.2.

O. General Subdivision Standards Are Minimum Standards

1. The design standards in this chapter are minimum standards. The platting authority may impose more restrictive standards when it finds they are necessary to conform the design of a proposed subdivision to the approval criteria for subdivisions or to meet other requirements set forth in this Title.

2. When the platting authority finds that it is not feasible to conform the design of a proposed subdivision to meet the approval criteria for subdivisions or other requirements set forth in this Title, the platting authority may reject a proposed subdivision in its entirety.

21.08.040 DEDICATION

A. Streets

1. All street rights-of-way shall be dedicated to the public.

2. Street right-of-way widths shall conform to the *Official Streets and Highways Plan* (OSHP)., provided, however, private streets shall meet the standards of XYZ. These standards are considered to be minimum standards and may be increased in a particular instance, where necessary, to make a proposed street conform to sound traffic engineering standards and principles. When steep slopes or other terrain features dictate, slope easements that exceed normal right-of-way requirements will also be required. Notwithstanding the above, the maximum dedication width that may be required for an arterial or collector street is 70 feet if the entire width of the street is within the subdivision, or 35 feet if the street is on an exterior boundary of the subdivision.

Comment [DC5]: THE OSHP CONTRADICTS THIS. IT ALLOWS UP TO 80 FEET.

3. The platting authority may approve the dedication of a half-street only when the other half of the street has been dedicated or when the platting authority reasonably anticipates that the other half of the street will be dedicated. When a subdivision borders a dedicated half street, the platting authority shall require the dedication of the other half of the street, unless it determines that the street would be unnecessary or undesirable.

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B. **Alleys**

The platting authority may require the dedication of alley rights-of-way where it finds that alleys are necessary for service access, off-street loading, or parking. The minimum width of an alley right-of-way shall be 20 feet.

C. **Walkways**

The platting authority shall require the dedication of pedestrian walkways where it finds that pedestrian walkways are necessary to provide for convenient and safe pedestrian circulation, to protect pedestrians from hazardous traffic, or as required in section 21.07.060, *Transportation and Connectivity*. The minimum width of a walkway dedicated easement shall be 10 feet. The platting authority may require a wider dedication for reasons of topography, project use, or construction needs (if the walkway is to be paved).

D. **Trails**

The platting authority shall require the dedication of an easement for a trail designated on adopted municipal plans. If the platting authority approves an alternate location for a trail easement as a substitute for an existing easement, the existing unused easement shall be vacated, unless the property owner agrees otherwise. The platting authority may modify the alignment, width, and scope of trail easements as necessary to integrate trail and subdivision design.

1. **Access to Chugach State Park, Community Use Areas, and Natural Resource Use Areas**

   a. The platting authority shall require the dedication of a public pedestrian easement for a trail designated on adopted municipal plans, for connectivity with a trail or access point to a large Community Use Area or Natural Resource Use Area (as defined in the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* or the *Chugiak-Eagle River Comprehensive Plan*), and for connectivity with a trail or access point identified in the most current *Chugach State Park Access Inventory*. If the platting authority approves an alternate location for a trail easement as a substitute for an existing easement, the existing unused easement shall be vacated, unless the property owner agrees otherwise. The platting authority may modify the alignment, width, and scope of trail easements as necessary to integrate trail and subdivision designs, so long as the resulting trails are of comparable gradient, directness, and utility, and reflect the general locations and patterns of existing public access routes. An acceptable pedestrian easement shall be at least 20 feet wide, centered on an existing, recognized, new, or relocated trail.

E. **Riparian Protection and Maintenance Easements**

1. The platting authority shall require the dedication of riparian maintenance and protection easements where a stream, water body, or wetland traverses or is adjacent to the subdivision, in accordance with subsection 21.07.020B., *Stream, Water Body, and Wetland Protection*.

2. The easement shall conform substantially to the line of the watercourse. The width of the easement shall be that which the platting authority finds necessary to provide access to widen, deepen, slope, improve, and maintain the stream, and to protect the stream and adjacent property from soil erosion, flooding, water pollution, and destruction of fish and wildlife habitat. At a minimum, the easement shall be the same as the applicable setback required in the zoning district, as set forth in section 21.07.020B.4., *Buffer/Setback Requirements*.

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3. Section 21.07.020B., *Stream, Water Body, and Wetland Protection*, sets forth additional restrictions on development and the use of land and structures within the easement and, in some districts, beyond the easement.

4. In cases where two or more easements coincide, the outer limits of the combined easement shall be the greater of the two or more easements.

5. Credit towards other open space dedication or private open space set-aside requirements shall be given for the dedication of riparian protection and maintenance easements at a ratio of one-to-one.

F. Reserve Tracts

1. Sites Designated

a. The platting authority may require that an area designated as a park, playground, or open space in an officially adopted plan, as preservation wetland (as designated in the *Anchorage Wetlands Management Plan*), or as a school site pursuant to AMC subsection 25.25.040 be designated as a reserve tract. The designation shall be supported by a report from the municipal agency or department requesting the reservation, containing a statement that the municipality intends to purchase the designated area within the period allowed under subsection F.2 below.

b. Special, natural, or manmade features of historical or community significance in a proposed subdivision which enhance or have unique value to the community may be set aside in a reserve tract for acquisition, or voluntarily dedicated to the public.

2. Time for Acquisition

a. Within 24 months of filing of a final plat, or the period of the school site designation provided by AMC subsection 25.25.040B, whichever is earlier, the municipality or any other public or private agency may acquire any parcel designated as reserve tract on the plat, by purchase or as otherwise authorized by law, for the purpose for which the parcel was reserved under subsection F.1. above.

b. If a reserve tract is not acquired within such time, it shall be released from the reserve tract designation, unless the time for acquisition is extended by the reserve tract's owners, or by another provision of law.

c. In consideration of the reservation, the municipality shall pay the owners of the reserve tract an amount equal to the municipal real property taxes that accrue on the reserve tract, during the period of reservation

G. Utility Easements

1. Public utilities shall be placed in dedicated rights-of-way unless the utility demonstrates that there is a specific need that warrants a location elsewhere. Pad-mounted facilities may be located in easements abutting rights-of-way. Electric and telecommunication utilities shall co-locate in trenches. In new subdivisions developed after the effective date of this Title, electrical and telecommunication utility easements shall, to the extent practicable, be located in a rear property line easement.

2. In situations where utilities may not be placed within rights-of-way, easements shall be provided for utilities, and shall be centered along or adjacent to lot lines to the greatest extent practicable.

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3. Where a utility has demonstrated, pursuant to G.1. above, the need to locate outside the right-of-way, utility easements shall be sized as follows, but the platting authority may approve different standards when justified by demonstrable site conditions or utility needs. The platting authority shall size the easements as small as is feasible. After [date of passage] utility easements shall not be placed in tracts set aside to protect environmental features, such as wetlands or steep slopes.
   a. Utility easements along rear lot or side lot lines where a primary voltage conductor is placed shall be at least ten feet wide, or a total of 20 feet wide along adjoining rear lots.
   b. Utility easements along rear lot or side lot lines where a service voltage conductor is placed shall be five feet wide, or a total of ten feet wide along adjoining side lots.
   c. Where a front yard easement is needed to accommodate a transmission utility, which is included in the utility corridor plan, the easement shall generally be ten feet wide.
   d. The platting authority may require wider utility easements along the rear lot lines of hillside lots.
4. The platting authority shall require the dedication of utility easements when a utility company demonstrates a specific need for them or an easement is needed to accommodate the routing included in the *Utility Corridor Plan*.

21.08.050 IMPROVEMENTS

A. General Requirements

1. **Compliance**
The subdivider shall construct and install improvements in accordance with this section, the design standards in section 21.08.030, and the Design Criteria Manual and Municipality of Anchorage Standard Specifications.

2. **Minimum** Standards
The improvement standards in this section are minimum standards. The platting authority may require additional or more extensive improvements when it finds they are necessary to conform a proposed subdivision to the standards of section 21.08.030, or the subdivider may provide such additional or more extensive improvements.

3. **Eligibility for Conditional Certificates and Certificates of Zoning Compliance**
   a. All improvements required under this section shall be constructed under a subdivision agreement as provided in section 21.08.060, *Subdivision Agreements*. Lots in subdivisions shall not be eligible for conditional certificates of zoning compliance or certificates of zoning compliance until the subdivision improvements included in this section have been accepted for warranty by the municipality.
   b. Projects may be placed on warranty in the autumn season without landscaping and/or permanent erosion control provided that:
      i. All other improvements are accepted for warranty;
      ii. Temporary erosion control is maintained throughout the winter;
      iii. The warranty guarantee plus a performance guarantee for landscaping is provided;

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iv. The subdivider/developer meets all of the criteria to go on warranty; and

Comment [DC6]: Where is these requirements found. I believe they must be set out.

v. A separate warranty period is provided for the landscaping/permanent erosion control.

4. **Engineer Registered in the State of Alaska**

a. The subdivider shall have construction plans for the improvements required under this section prepared by an engineer registered in the state of Alaska, in accordance with the requirements of the municipal engineer.

b. The engineer shall maintain in good standing professional liability insurance in the amount of $1,000,000 during the term of the agreement. Policies written on a "claims-made" basis shall have a two year tail of coverage from the completion of the subdivision agreement term. The required insurance policy shall provide for no less than 30 days advance notice to the municipality prior to cancellation.

B. Improvement Areas Defined

For the purpose of this section, the municipality is divided into two distinct improvement areas. The class A improvement area includes areas of more dense population and/or intensive development, and thus requires a more urbanized level of improvements. The class B improvement area includes areas that are less densely populated and/or intensely developed, and thus requires a less urbanized level of improvements. The zoning districts associated with each improvement area are listed in the table below:

Comment [DC7]: Delete the R2F and R4A zones. Add back B-1B. Delete the NMU, CMU and RMU I have no idea what the MMU district is unless it was for Midtown. Finally, what about the C/ER and Girdwood zones?

TABLE 21.08-1: IMPROVEMENT AREAS DEFINED

District Type	Class A	Class B
Residential	R-1 R-1A R-2A R-2D R-2M R-3 R-4 R-5	R-6 R-7 R-8 R-9 R-10
Commercial	B-1A B-1B B-3 CBD R-O MC	
Industrial	I-1 I-2 MI	
Other Districts	AD	TA W
AF District PCD District PLI District PR District	The platting authority shall place a subdivision within any of these districts in the improvement area that it finds to be most compatible with the proposed use of the parcel and the zoning district classifications of the surrounding area.	

The table above is a general classification of areas within the Municipality of Anchorage. The zoning districts described in each zone will, on occasion, exist in the other classification. When that occurs, the predominant zoning district classification applies to those properties. Predominant is defined to be where 75% or more of the properties are within a specific classification.

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C. **Improvement Requirements by Improvement Area**

The subdivider or developer shall construct and install the required improvements prescribed by this section for the improvement area where the subdivision is located in accordance with Table 21:08-2:

TABLE 21.08-2: REQUIRED IMPROVEMENTS BY IMPROVEMENT AREA
R = Improvement Required

Improvement	Class A	Class B
Paved Interior Streets	R	
Strip-Paved Access and Peripheral Streets	R	R
Strip-Paved Interior Streets		R
Curbs and Gutters	R	
Sidewalks	R	
Walkways	R	R
Street Lighting	R	
Traffic Control Devices	R	R
Monuments	R	R
Drainage	R	R
Telephone & Electrical Facilities	R	R
Water Supply Facilities	R	
Sanitary Sewer Facilities	R	
Landscaping	R	R

D. **Interior Streets**

1. **Residential Interior Streets**

a. *Categories*

There are two categories of residential interior streets:

(1) *Residential Minor Streets*

Residential minor streets have the sole purpose of providing frontage for service and access to individual lots. These streets carry only traffic having either an origin or a destination on the street itself, and include cul-de-sacs or small loops carrying 500 average daily trips.

(2) *Residential Major Streets*

Residential major streets are access streets that provide frontage for service and access to individual lots and may carry a small amount of through traffic from tributary residential minor streets. Residential major streets carry from 500 to 2,000 average daily trips. Lot frontage on residential major streets with average daily trips in excess of 1,000 should be restricted.

b. *Determination of Average Daily Trips*

For the purpose of classifying and designing residential streets, the average daily trips carried by a street shall be determined by applying trip rates from the most current *Institute of Transportation Engineers Trip Generation Manual* or other acceptable estimates approved by the traffic engineer.

c. *Improvement Design*

Interior residential streets, except as provided in subsection 21.08.050E., shall be improved in accordance with table 21.08-3 and table 21.08-4.

Comment [DC8]: I would like to have a statement of the standards whereby a road is classified and what requirements are imposed based on the claissification.

Comment [DC9]: What happened to "modeling"?

Comment [DC10]: WHEN DOES THE OPTION KICK IN? CLASS A=STANDARD AND CLASS B=OPTIONAL. OR DOES IT MEAN THAT THIS IS OPTIONAL OR A DECISION OF THE TRAFFIC ENGINEER?

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TABLE 21.08-3: PAVED RESIDENTIAL STREETS, MINIMUM STANDARDS

A.D.T. [2]	Street Section [1] (feet)		Number of Lanes		Design Speed [3] [4] (mph)	Right of Way (feet)	Spillover Parking [5]	Application
	Standard	Optional	Moving	Parking				
0--75 Residential minor	31		2	1	20	60	No	Cul-de-sacs, low-volume residential streets
		24	2	0	20	60	Yes	
76--300 Residential minor	31		2	1	25	60	No	Residential minor streets, cul-de-sacs and small loops
		24	2	0	25	60	Yes	
301--600 Residential minor	33		2	2	25	60	No	Residential minor streets, loop streets, high-volume cul-de-sacs
		24	2	0	25	60	Yes	
601--1,000 Residential major	33		2	2	25	60	No	Residential major streets, loop streets and high-volume cul-de-sacs
		28	2	1	25	60	Yes	
1,001--2,000	38	24	2	0	25	60	Yes	Residential limited access
			2	2	30	60	No	Residential subconnector
		38	3 [6]	0	30	60	Yes	No on-street parking permitted

NOTES:
[1] Street dimensions are from back of curb.
[2] See subsection 21.08.050D.1.b., *Determination of Average Daily Trips.*
[3] Horizontal curve design of residential streets requires best judgment of planners and engineers in addition to design analysis.
[4] Design speed (not posted speed) for vertical and horizontal curves.
[5] Spillover parking; homeowners' association required. See subsection 21.08.050E below.
[6] Center turning lane required.

Comment [DC11]: How does this table compare to the current requirements.

TABLE 21.08-4: STRIP-PAVED STREETS, MINIMUM STANDARDS

A.D.T.	Street Section [7] [9] (feet)	Design Speed [8] (mph)	Right-of-Way (feet)	Application
0--500	20	20	50	Residential loop streets, rural peripheral/access roads
501--1,000	24	25	50	Residential loop streets, urban peripheral/access roads
1,001--2,000	24	25	60	Major residential streets

[7] Dimensions are from edge of pavement.
[8] Design speed (not posted speed) for horizontal and vertical curves.
[9] Street sections require two-foot shoulders with ten- and 12-foot driving lanes, respectively.

2. Commercial and Industrial Interior Streets

Commercial and industrial interior streets shall be improved in accordance with Table 21.08-5:

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Commercial and industrial interior streets shall be improved in accordance with table 21.08-5 below:

TABLE 21.08-5: CLASS A COMMERCIAL AND INDUSTRIAL STREETS, MINIMUM STANDARDS

Street Section [10] (feet)	Number of Lanes: Moving	Number of Lanes: Parking	Design Speed [11] (mph)	Right-of-Way (feet)	Application
33	2	0	30	60	No on-street parking
40	2	2 [12]	30	60	Commercial/industrial streets
47	3(1TL)	0	35	60	Major commercial/industrial streets; no on-street parking permitted; parking shall be provided off-street; turning movements when traffic warrants

[10] Street dimensions are from back of curb.
[11] Design speed (not posted speed) for vertical and horizontal curves.
[12] Parking may be provided off-street when a planter strip is used.

E. **Optional Residential Interior Streets**

1. Residential interior streets shall provide for on-street parking unless the platting authority finds it is practical to substitute spillover parking for on-street parking in accordance with subsection E.2. below. If the platting authority so finds, residential interior streets may be improved in accordance with this section and table 21.08-3.

2. The platting authority may find that it is practical to substitute spillover parking for on-street parking only in residential subdivisions containing at least five acres or 25 dwelling units with a homeowners' association that is responsible for operating and maintaining spillover parking facilities.

Comment [DC12]: Is this new? Is there any reason to consider increasing the size or number of DUs?

3. Spillover parking substituted for on-street parking shall conform to the design standards in section 21.07.090, *Off-Street Parking and Loading*, shall be a designated common area owned and administered by the homeowners' association, and shall not be located within an individually owned lot or tract. The design of spillover parking lots shall be approved by the traffic engineer. The spillover parking lot shall be shown on the plat, and a plat note shall be provided limiting the use of that area to spillover parking. Spillover parking lots shall not be counted toward required open space requirements. Spillover parking spaces in addition to the off-street parking spaces required under section 21.07.090 shall be provided for each lot fronting on a street without on-street parking under the following formula, using the maximum residential density permitted for the lot by its zoning district.

TABLE 21.08-7: ADDITIONAL SPILLOVER PARKING SPACES REQUIRED FOR EACH LOT FRONTING ON A STREET WITHOUT ON-STREET PARKING

Housing Type	Number of Spaces Per Unit
Dwelling, single-family	1.5
Dwelling, single-family attached (1 to 4 units)	1.0
Dwelling, multiple-family (exceeding 4 units)	0.5

F. **Access Streets, Peripheral Streets, and Half Streets**

1. **Access Streets**

The platting authority may require off site access streets when it finds that they are essential for the efficient flow of traffic or for emergency vehicle access. The platting

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authority shall determine the length and the classification of any access street that the platting authority requires the subdivider to improve. Access streets shall be improved in accordance with table 21.08-4.

2. **Peripheral Streets**

a. The platting authority may require the improvement of peripheral streets when it finds that they are necessary for the efficient flow of traffic or for emergency vehicle access.

b. Peripheral streets whose improvement is required under this subsection shall be improved in accordance with table 21.08-4, provided that peripheral streets used for access to individual lots shall be improved in accordance with tables 21.08-3 and 21.08-5.

3. **Half Streets**

The municipal engineer or the platting authority may require the improvement of a half street in the urban area to one-half of the street width specified in table 21.08-3, if underground utilities will be installed before street construction.

G. **Curbs and Gutters**

Where required, the subdivider shall construct curbs and gutters in accordance with the *Design Criteria Manual* and *Municipality of Anchorage Standard Specifications* (MASS), or, in the case of a state-maintained road, the current standard specifications of the state department of transportation and public facilities. Curbs shall be of the American Association of State Highway and Transportation Officials (AASHTO) vertical type.

H. **Pedestrian Facilities**

Comment [DC13]: We have 4 different types of pedestrian facilities. It seems to me that tails and walkways and pathways could be combined. Comments.

1. **Sidewalks**

a. Sidewalks are required as determined by the transportation and connectivity standards in section 21.07.060.

b. Sidewalks shall be improved in accordance with table 21.08-8 below.

c. Sidewalks at bus stops shall comply with the specifications of the *Design Criteria Manual*.

2. **Walkways**

a. Walkways are required as determined by the transportation and connectivity standards in section 21.07.060.

b. Walkways shall be improved in accordance with table 21.08-8 below, as determined by the platting authority.

c. Walkways in dedicated pedestrian easements may be improved or unimproved, as determined by the platting authority.

3. **Pathways**

a. Pathways shall be located and constructed as determined by the Anchorage Non-Motorized Transportation Plan: Pedestrian Plan and the Anchorage Non-Motorized Transportation Plan: Bicycle Plan, unless the platting authority determines that an altenrative pathway location or facility is more appropriate

b. Where a pathway, a walkway or a sidewalk are co-located, the facility shall be constructed according to the specifications for a pathway.

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4. **Trails**

Trails shall be located and constructed as determined by the *Areawide Trails Plan* unless the platting authority determines that an alternative trail location or pedestrian facility is more appropriate.

TABLE 21.08-8: MINIMUM SIDEWALK, WALKWAY, AND TRAIL IMPROVEMENTS

Type of material	Minimum width	Separation from curb	Right-of-way	Notes
Sidewalks				
4" PCC	5	0	N/A	As a general rule, sidewalks should only be attached to the curb where on-street parking is allowed.
4" PCC	5	7	N/A	
Pavers	5	0 or 7	N/A	Decorative concrete or brick pavers
Walkways				
4" PCC	5		N/A	Walkways through commercial developments as required by 21.07.060 and 21.07.090 are generally not located in easements
4" PCC	5		10'	Not recommended where peat is surcharged
1 ½" AC	5		10"	Generally used for improved walkways creating through-block connections; between cul-de-sac bulbs; connecting to parks, trails, other open space
Gravel	5		10'	May be used in class B improvement areas
Unimproved			10'	
Pathways				
1 ½" AC	6	7		
Trails				
1 ½" AC	See Trails Plan	7		
Gravel		7		For class B improvement areas or nature trails
Unimproved				Generally for existing historical trails or trails through parks and open space

I. Street Lighting

Street lighting apparatus shall meet municipal standards for materials and design and be provided with underground power. The location of the streetlight poles shall be approved by the traffic engineer and shall comply with standards contained in the *Design Criteria Manual.*

J. Traffic Control Devices

Traffic and street name signs and traffic signals shall be installed in accordance with the requirements of the traffic engineer and the *Alaska Traffic Manual*, per the requirements of AS 28.01.010.

K. Monuments

Monuments and lot corner markers for determining the boundaries of subdivisions and lot corners shall be set by a professional registered land surveyor licensed by the state of Alaska. Survey monumentation shall conform to such additional standards as the municipal surveyor may establish by regulation under AMC chapter 3.40.

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L. **Drainage System**

A drainage system approved by the municipal engineer, including necessary storm drainage facilities, drain inlets, subdrains, footing drain stub-outs, manholes, culverts, bridges and other appurtenances, shall be installed. The design of the drainage system shall provide for the preservation of designated high-quality wetlands critical to water table levels and wildlife habitat within and surrounding the subdivision, shall protect the water quality and the re-charge of groundwater and surface watercourses, and shall comply with the following standards:

1. No surface water drainage from the subdivision shall empty into a sanitary sewer, or creek, or stream channel, without treatment.

2. The size, design, and construction of drainage structures shall conform to the *Design Criteria Manual.*

3. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, a storm water or drainage easement shall be provided that substantially conforms with the lines of such watercourse, plus additional width that is adequate and necessary to convey expected storm flows and/or storm water drainage facilities. Appropriate access paralleling such easement may be required in connection therewith for maintenance and repairs to the drainage way. Lakes, ponds, creeks, and similar areas will be accepted for maintenance by the municipality only if sufficient land is dedicated as a public recreation area or park or if such area constitutes a necessary part of the storm water drainage control system. This provision is not intended to preclude relocation of a watercourse subject to the approval of the public works department.

4. The municipality shall accept no responsibility to maintain any storm drainage structures, except for those lying within a municipal right-of-way, traversing municipally owned property, authorized by permit on state or federal land, or constructed in a publicly dedicated drainage easement of sufficient width to allow access.

5. The drainage system shall comply with the standards set forth in section 21.07.040, *Drainage, Erosion and Sediment Control, Storm Water Runoff, and Prohibited Discharges.*

6. Unless waived by the municipal engineer, footing drain stub-outs shall be provided for each lot where there is a storm drain system.

M. **Telecommunication and Electric Facilities**

1. All new telecommunication and electric lines shall be installed in accordance with the specifications of the municipality and the utility providing the service, provided however, they shall be located in the same easement and trench to the extent practicable.

2. All new telecommunication and electric utility distribution lines, as defined in chapter 21.14, shall be placed underground:

   a. ***As required by section 21.07.050,*** *Utility Distribution Facilities*; and

   b. As required by the platting authority in areas with patterns of development similar to those where section 21.07.050 requires that utility distribution lines be placed underground.

N. **Water Supply Facilities**

1. **Access to Public Water System**

   a. If the platting authority requires that a subdivision be served by a public water system, the subdivider shall install the system in accordance with the

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requirements of the state department of environmental conservation and the most current edition of the Design Criteria for Sanitary Sewer and Water Improvements of the municipal water and wastewater utility.

b. Where connection to public water supply systems is required, such systems shall be dedicated to the municipality for operation and maintenance, thus allowing for the orderly expansion of the municipality, its water ***systems***, and fire protection services that protect the health and property of the citizens of the municipality.

2. No Access to Public Water System

a. If the subdivision has no access to a public water system, the platting authority shall require either wells on individual lots or a water system for the common use of the lots in the subdivision, if site conditions require such a system.

b. ***If wells on individual lots are authorized, the subdivider need not install water supply facilities. A well serving an individual lot shall conform to the requirements of the municipal on-site water and wastewater program. A common water system*** serving a portion of the subdivision shall not preclude individual wells for the remaining lots.

c. If a common system is required, the subdivider shall install the system in accordance with the requirements of the state department of environmental conservation and the specifications of the municipal water and wastewater utility.

O. Sanitary Sewer Facilities

1. Access to Public Sewer System

a. If the platting authority or provisions of law require that a subdivision be served by a public sewer system, the subdivider shall install the system in accordance with the requirements of the state department of environmental conservation and the most current edition of the Design Criteria for Sanitary Sewer and Water Improvements of the municipal water and wastewater utility.

b. Where connection to public sanitary sewer systems is required, such systems shall be dedicated to the municipality for operation and maintenance, thus allowing for the orderly expansion of the municipality and its sanitary sewer system, which protects the health of the citizens of the municipality.

2. No Access to Public Sewer System

a. If the subdivision has no access to a public sewer system, the platting authority shall require either a sewer system for the common use of the lots, or sewage disposal systems serving individual lots, whichever is more suitable.

b. If site conditions require a sewer system for the common use of lots in the subdivision, the subdivider shall install such system in conformance with the requirements of the state department of environmental conservation and the municipal water and wastewater utility.

c. If the platting authority authorizes sewage disposal systems serving individual lots, the subdivider need not install sewer facilities. In such case, the minimum lot size requirements of AMC Title 15 shall apply. The systems shall conform to the requirements of the municipal on-site water and wastewater program.

P. Natural Gas Facilities

All new natural gas facilities installed pursuant to this section shall be installed in accordance with the standard specifications of the municipality and the utility providing the service.

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Q. **Erosion and Sedimentation Control**

All grading, excavating, and removal or destruction of natural topsoil, trees, or other natural vegetation shall conform to an erosion and sedimentation control plan prepared by the subdivider and approved by the department of public works before the work may commence. The plan shall conform to the requirements of section 21.07.040, *Drainage, Erosion and Sediment Control, Storm Water Runoff, and Prohibited Discharges*, as well as municipal guidelines and policies contained in the *Soil Erosion and Sediment Control Manual*, and any other applicable guidelines and policies approved by the department of public works.

R. **Landscaping**

The subdivider shall be responsible for the provision of landscaping required under section 21.07.080, *Landscaping, Screening, and Fences.*

21.08.60 SUBDIVISION AGREEMENTS

A. **Agreement Required; Application; Contents**

1. **Agreement Required**
Before a final plat for a subdivision where improvements are required under section 21.08.050 is approved or filed, the subdivider shall enter into a subdivision agreement with the municipality in accordance with this section.

2. **Application**
Application for a subdivision agreement shall be made to the department of public works. The application shall include a copy of the platting summary of action, a copy of the preliminary plat, a tentative schedule of all proposed construction of public improvements and utilities, and an engineer's estimate of the cost of each required public improvement. The engineer's estimate shall be based on the schedule of prices for standard items for private development projects, published by the municipal engineer. The municipality may require a showing of the subdivider's financial responsibility.

3. **Contents**
Except as provided in subsection A.4. below, the subdivision agreement shall include but need not be limited to the following provisions:

a. A designation of the public improvements required to be constructed.

b. The construction and inspection requirements of the municipality or utility for which the improvements are constructed.

c. The time schedule for completing the improvements.

d. The guarantee required by subsection 21.08.060E.

e. A schedule for any payments required under this section.

f. The allocation of costs between the municipality and the subdivider for required public improvements.

g. The warranty required by subsection 21.08.060G.

h. The consent of the subdivider for the ownership of specified public improvements to vest with the municipality upon final acceptance by the municipality.

i. A warranty that the subdivider has Title to the subdivision property and the authority to execute the subdivision agreement.

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j. Where the subdivision is within the flood hazard district, a requirement that the subdivider will submit certification of floodproofing, information on the elevation of the lowest habitable floor, and information on the elevation to which the structure is floodproofed, for each building or structure to be constructed as part of the subdivision agreement.

k. A provision requiring the subdivider to submit plans, specifications, descriptions of work, the limits of the work area, the methods to be employed, a traffic control plan, and any other pertinent data and information necessary for the municipal engineer to evaluate the proposed installation.

l. A provision that all designs conform to the *Design Criteria Manual*, and that all work shall be performed pursuant to the *Municipality of Anchorage Standard Specifications*.

m. A provision that work shall not commence until plans have been approved by the municipal engineer and notice to proceed is given.

4. **Exceptions**
If the subdivider elects to complete and obtain acceptance of all required public improvements before the approval or filing of a final plat for the subdivision, the subdivision agreement need not include the guarantee provisions specified in items 3.c. and d. above.

B. **Approval by Assembly**

Approval by the assembly shall be required to enter into those subdivision agreements where municipal participation in the cost of the required public improvements is estimated to be $30,000.00 or more.

C. **Time Limit for Completion of Improvements**

1. The municipal engineer shall determine the time duration of the subdivision agreement, which shall not be less than two years nor more than three, based on the size, complexity, and possible phasing of the subdivision. The improvements required under the terms of the subdivision agreement shall be fully completed and accepted for warranty within that time period. However, before the expiration of the subdivision agreement, the subdivider may request a time extension from the municipal engineer. The municipal engineer may grant one subdivision agreement time extension, up to two years in length, upon a showing of good cause by the developer and provided such extension does not unreasonably impact adjacent properties or the general public. The municipal engineer does not have the authority to modify conditions placed by the platting board. The municipal engineer may refer any extension application to the platting board if the project is in default or he or she deems further or more extensive analysis and public comment concerning the continuation of the subdivision agreement may be needed. In considering whether an extension should be granted, the following shall be considered: the manner in which safety hazards, drainage problems, sanding, snow removal, grading, and other matters will be handled during the extension period. Performance conditions may be imposed on the extension to ensure that such matters are adequately handled.

Comment [DC14]: Why couldn't it be five years? What is it now?

2. Requests for subsequent two-year time extensions require platting board approval. All time extensions shall be conditioned to require provision of an adequate performance guarantee when the existing guarantee is inadequate.

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D. **Payment of Costs of Required Improvements Outside the Anchorage Roads and Drainage Service Area**

1. Outside of the Anchorage Roads and Drainage Service Area, the subdivider/developer shall pay 100 percent of all costs associated with construction, including but not limited to design, engineering, project administration and inspection, testing, surveillance, related bank fees and interest payments, fair market value of right-of-way, as well as all work, labor, and materials furnished for the construction of required improvements. The exception shall be those utilities whose tariffs provide cost participation.

2. The subdivider shall retain an independent registered engineer who has no financial interest in the development, to inspect and test the improvement construction. The engineer shall maintain in good standing professional liability insurance in the amount of $1,000,000 during the term of the agreement. Policies written on a "claims-made" basis shall have a two year tail of coverage from the completion of the subdivision agreement term. The required insurance policy shall provide for no less than 30 days advance notice to the municipality prior to cancellation.

E. **Payment of Costs of Required Improvements Inside the Anchorage Roads and Drainage Service Area**

The cost of any public improvement shall be defined to include the cost of design, engineering, contract administration, inspection, testing, and surveillance as well as all work, labor, and materials furnished for the construction of the improvement. The subdivision agreement shall provide for the apportionment of the cost of required public improvements between the municipality and the subdivider as follows:

1. **Administrative and Recording Costs Relating to Public Improvement Guaranties**
The subdivider shall pay 100 percent of all costs incurred in supplying and administering any method of public improvement guarantee provided for in subsection 21.08.060.

2. **Inspection, Surveillance, and Testing**
   a. The subdivider shall pay 100 percent of all costs relating to any inspection, surveillance, and testing by the municipality, necessary for warranty acceptance of any required public improvement or during the warranty period. Surveillance shall be performed by the municipality during the course of construction and up to the point of final acceptance of the completed project.

   b. The subdivider shall retain an independent registered engineer who has no financial interest in the development, to inspect and test the improvement construction. The engineer shall maintain in good standing professional liability insurance in the amount of $1,000,000 during the term of the agreement. Policies written on a "claims-made" basis shall have a two year tail of coverage from the completion of the subdivision agreement term. The required insurance policy shall provide for no less than 30 days advance notice to the municipality prior to cancellation.

3. **Administration of Agreement**
The subdivider shall pay 100 percent of all costs of plan review, agreement administration, and attendant costs.

4. **Arterial and Collector Streets**
Reasonable costs incurred in the construction of a street designated on the *Official Streets and Highways Plan* (OSHP) as a collector, arterial, or greater shall be apportioned as specified in subsections E.4.a. through d. below. For purposes of this subsection, construction costs means only those costs associated with construction, design engineering, project administration and inspection, related bank fees and interest

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payments, and fair market value of right-of-way dedicated to the street in excess of 70 feet.

a. *Interior Collector Streets*
If a collector street lies within the subdivision, the municipality shall reimburse the subdivider a sum equal to the reasonable construction cost of building to the standard specified by the platting authority, less the estimated cost of construction in accordance with the residential standard approved by the platting authority under tables 21.08-3 and 21.08-5, provided that:

i. When the subdivision agreement is executed:

(A) The street is programmed for improvement to the designated standard in the six-year capital improvement program; and

(B) Sufficient funds (bonds, designated state grants, or mil-levy) have been appropriated for reimbursement in the capital improvement budget for the current fiscal year; or

ii. When the preliminary plat of the subdivision is approved:

(A) Construction to the designated standard is required by the platting authority;

(B) Improvement to the designated standard is programmed in the six-year capital improvement program; and

(C) Sufficient funds (bonds, designated state grants, or mil-levy) have been appropriated for reimbursement in the capital improvement budget for the current fiscal year.

If the conditions set forth in subsections 4.a.i. or ii. are not met at the time specified, then the total cost of construction required by the platting authority shall be borne by the subdivider.

b. *Interior Arterial Streets*
If an interior arterial or greater street is required to be constructed to arterial standards by the platting authority, the municipality shall reimburse the subdivider 100 percent of the reasonable construction cost subject to the availability of bond funds, state grants, or mil-levy funds appropriated for the construction of that street. If the platting authority has not required construction to arterial or greater standards, the subdivider shall construct the street to the standards required under subsection 21.08.050D. and shall bear 100 percent of the construction cost.

c. *Peripheral Streets*
If the subdivider is required to construct an abutting collector street, the municipality shall reimburse a sum equal to the reasonable construction cost of the standards specified by the platting authority less the estimated cost of construction in accordance with the residential standards under table 21.08-4, subject to the conditions specified in subsection 4.a. above. If a subdivider is required to construct an abutting arterial or greater street to arterial or greater standards, the municipality shall reimburse in a manner and subject to the conditions set forth in subsection b. above. If the subdivider is not required to construct an abutting street to arterial or greater standards, the subdivider shall construct the street to the standards required under subsection 21.08.050F. and shall pay 100 percent of the cost of construction.

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d. *Access Streets*
If the platting authority requires the construction of an access street under the authority of subsection 21.08.050D. that is designated as a collector, arterial, or greater, the municipality shall reimburse a sum equal to the reasonable construction cost of the standard specified by the platting authority less the estimated construction cost in accordance with the residential standards under table 21.08-4, subject to the availability of bond funds, state grants, or mil-levy funds appropriated for the construction of that street. If the platting authority has not required construction to collector or greater standards, the subdivider shall construct the street to the standards required under subsection 21.08.050D. and shall pay 100 percent of the construction costs.

5. **Other Streets**
Except as provided in subsection E.4., the subdivider shall pay 100 percent of the cost of streets within the boundaries of the subdivision. The subdivider shall additionally pay 100 percent of the cost of all peripheral streets and access roads except as provided in subsection E.4. of this section whose construction may be required by the municipal engineer. The property within subdivisions that is later assessed by the municipality for final improvements to access and peripheral streets shall receive credit for the cost of salvageable improvements to those peripheral and access streets. Nonsalvageable improvements will not receive credit. Credit will be provided only when:

Comment [DC15]: Note that the formatting is screwed up here. Need to fix this.

a. The municipality approved the award of the contract which included the work for which the credit is to be issued; and

b. The subdivider provided the municipality with a sworn notarized statement setting forth the distribution of the costs of salvageable improvements, which he utilized for purposes of establishing lot price, for each lot within his subdivision to which such costs were spread.

The credit will be applied as a reduction of assessment to each applicable lot, except that in no case will the amount of credit given to any lot exceed the amount of the assessment to that lot.

6. **Curbs, Sidewalks, and Walkways Adjacent to Streets**
The subdivider shall pay the cost of constructing curbs, and sidewalks and walkways adjacent to streets, in the same manner as the cost of constructing the streets to which they are adjacent as provided in subsections E.4.and 5.

7. **Sidewalks and Walkways not Adjacent to Streets**
The subdivider shall pay 100 percent of the cost of constructing all sidewalks and walkways not adjacent to streets.

8. **Storm Drains, Inlets, and Manholes**
The subdivider shall pay 100 percent of the cost of storm drains, inlets, and manholes necessary to serve the subdivision, provided that, within areas where the municipality provides drainage maintenance, the municipality shall reimburse the subdivider those costs attributable to oversizing required by the municipality. In those areas where the municipality does not maintain drainage facilities, the subdivider shall pay all costs, including those for any required oversizing.

9. **Water Improvements**
If the subdivision is to receive water service from a public utility, the subdivider shall provide water facilities, including service connections to all lots, with cost participation as provided in the current approved tariff of the utility. If the subdivision is to receive water service from a community water system, the subdivider shall provide water facilities,

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including service connections to all lots, and pay 100 percent of the cost of those facilities.

10. **Sanitary Sewer Improvements**
The subdivider shall provide sanitary sewer facilities, including service connections to all lots, with cost participation as provided in the current approved tariff of the municipal sanitary sewer utility.

11. **Electrical and Telecommunication Facilities**
The subdivider shall provide electrical and telecommunication facilities with cost participation as provided in the current approved tariffs of the applicable utility companies.

12. **Deferred Utilities**
When paved street or sidewalk improvements are installed prior to placement of traffic control devices and electrical and telecommunication cable placement, the subdivider shall, at appropriate crossings as directed by the municipality, provide any necessary underground conduit consistent with conduit size, type, and installations standards provided by the utility.

13. **Street Lighting**
The subdivider shall pay the cost of street lighting apparatus in the same manner as the cost of constructing the streets to which it is adjacent as provided in subsections E.4.and 5.

14. **Traffic Control Devices**
The subdivider shall pay 100 percent of the cost of traffic control devices. Traffic control devices, except electric-operated traffic signals, shall be installed prior to any structure being occupied in the subdivision.

15. **Landscaping**
The subdivider is responsible for required landscaping as stated in subsection 21.08.050S. Landscaping shall meet the standards of section 21.07.080, *Landscaping, Screening, and Fences.*

F. **Subsequent Development Reimbursement**

[RESERVED]

G. **Guarantee of Completion of Improvements Required; Amount; Methods**

1. **Guarantee Required**
To ensure the installation of required public improvements that are not accepted at the time the final plat is filed, the subdivision agreement shall require the subdivider to guarantee the completion of all such improvements by one or more of the methods specified in this section. The means of a guarantee may be changed during the guarantee period upon approval by the municipal engineer. The amount of the guarantee shall be determined on the basis of the subdivider's cost estimate. The guarantee shall remain in effect until warranty acceptance of the public improvements and the posting of an acceptable security for the warranty period.

2. **Cost Estimate; Overrun Allowance**
The engineer's cost estimate shall state the estimated cost of completion for each required public improvement. Cost estimates for each required public improvement shall be approved by the department of public works. For purposes of establishing the amount necessary for the guarantee of completion of public improvements, a percentage for overrun allowance shall be added to the total estimated cost of public improvements as follows:

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TABLE 21.08-9: PERCENT FOR OVERRUN ALLOWANCE	
Total Estimated Cost of Improvements	Percent for Overrun Allowance
$0.00--$500,000.00	20
$500,000.00--$1,000,000.00	15
$1,000,000.00 and over	10

3. **Methods**
The subdivision agreement shall include one or more of the following methods to guarantee the construction of required public improvements:

a. *Performance Bond*
The subdivider may elect to provide a surety bond from a company authorized to do such business in the state. The bond shall be in a form acceptable to the municipal attorney and in an amount equal to the estimated cost of all required public improvements, plus an overrun allowance as provided in subsection G.2. above. The bond shall be payable to the municipality if any required public improvements are not finally accepted in accordance with the provisions of this Title, and shall be posted by no person other than the subdivider or a contractor obligated by written contract to the subdivider for construction of all the required public improvements. In the event a contractor posts the bond, the subdivider and the municipality may be dual obligees under mutually agreed terms.

b. *Deposit in Escrow*
The subdivider may elect to deposit a cash sum equal to the estimated cost of all required public improvements plus overrun allowances as provided in subsection G.2. above, either with the municipality or in escrow with a responsible financial institution authorized to do such business in the state. In the case of an escrow account, the subdivider shall file with the municipality an escrow agreement that includes the following terms:

i. Funds of the escrow account shall be held in trust until released by the municipality and may not be used or pledged by the subdivider as security in any matter during that period other than payment for the improvements.

ii. In the case of a failure on the part of the subdivider to complete any improvement within the required time period, the institution shall immediately make all funds in such account available to the municipality for use in the completion of those improvements.

c. *Letter of Credit*
The subdivider may elect to provide from a bank or other responsible financial institution authorized to do such business in the state an irrevocable letter of credit. Such letter shall be filed with the municipality and shall certify the following:

i. That the creditor irrevocably guarantees funds in an amount equal to the estimated cost of all required public improvements plus overrun allowances as provided in subsection G.2. above, for the completion of all such improvements; and

ii. That in the case of failure on the part of the subdivider to complete any specified improvements within the required time period the creditor shall pay to the municipality immediately and without further action such funds as are necessary to finance the completion of those improvements up to the limit of credit stated in the letter.

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H. Release of Guarantee of Improvements

1. Inspection will be made by the municipality prior to acceptance of the improvements for warranty. The municipality shall have 14 days to complete the inspection and provide a list of deficiencies, except that the municipal engineer may extend the 14 day period for unusual circumstances such as extreme weather. The 14 day period shall begin on the day the municipality receives written notice from the subdivider that the subdivider's own comprehensive inspection has confirmed that construction of all required improvements is complete, all applicable subdivision agreement requirements are fulfilled, and the project is ready for municipal inspection.

2. After the initial municipal inspection provided for in subsection H.1 has been completed, and all listed deficiencies noted in the initial municipal inspection and provided in writing to the subdivider have been corrected, the subdivider shall notify the municipality in writing and the municipality shall perform a final inspection of the listed deficiencies within 7 days of receiving the notification, except that the municipal engineer may extent the 7 day period for unusual circumstances such as extreme weather.

3. If the final inspection reveals uncorrected listed deficiencies identified in the initial inspection that were provided to the subdivider in writing prior to the final inspection, this procedure shall be repeated until all deficiencies noted in the initial inspection have been corrected. The warranty period shall begin after all the deficiencies in the initial inspection have been corrected.

4. Any new deficiencies that were not discovered and identified in writing and delivered to the subdivider during the initial inspection, but were found in the final or any continuing inspection inspection shall be noted and corrected during the warranty period. However, these deficiencies shall not delay the commencement of the warranty period. The warranty period shall begin after all of the deficiencies in the initial inspection have been corrected.

5. The municipality shall release the obligation for performance guarantees upon the acceptance of the improvements for warranty, together with the posting of adequate security for warranty.

6. The municipality may refuse to release the obligation for any particular public improvement if the subdivider or contractor is in present or imminent default in whole or in part on the completion of any public improvement or warranty covered by the subdivision agreement.

Comment [DC16]: And how pray tell, is the City to determine this?

I. Improvement Warranty

1. The subdivider shall warrant and guarantee that required public improvements constructed under the agreement will remain in good condition and meet operating specifications for two years, commencing with warranty acceptance of each public improvement when it is completed. Such warranty includes defects in workmanship, materials, and any damage to improvements caused by the subdivider, his or her agents, or others engaged in work to be performed under the subdivision agreement. If the municipal engineer deems appropriate, extensive repairs or modifications made during the warranty period may extend the duration of the warranty period for those repairs or modifications only. The subdivider shall not be responsible for cleaning, snow removal, ditching, grading, dust control, or similar activities during the warranty period. Nothing in this Title, however, is intended to waive the requirements of AMC chapter 24.80, pertaining to miscellaneous use provisions.

2. To secure the warranty:

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a. The guarantee of performance provided for in subsection G. shall remain in effect until the end of the warranty period. If the guarantee is a performance bond posted by a contractor, the bond cannot secure the warranty unless the subdivider and contractor, by written agreement, elected this option at the time the performance bond was posted; or

b. The subdivider shall furnish the municipality with a corporate surety bond, cash deposit, or letter of credit in an amount equal to a percent of the total construction costs as set forth in this subsection. This security shall guarantee the payment of any reconstruction or repair costs that may be undertaken due to failures occurring during the warranty period. Responsibility for identifying the necessity of repairs or reconstruction of the improvements shall rest with the municipality.

TABLE 21.08-10: PERCENT TO SECURE WARRANTY

Total Construction Cost	Percent to Secure Warranty
$0.00--$500,000.00	10
$500,000.00--$1,000,000.00	7 1/2
$1,000,000.00 and higher	5

J. **Correction of Deficiencies Under Warranty**

Within 30 days, or a reasonable extension at the sole discretion of the municipal engineer, of notification by the municipality of the need for repair or reconstruction, the subdivider shall correct the deficiencies, satisfactory to the municipality. Such notification shall be made by certified mail. If the subdivider fails to repair or reconstruct the deficiency within the time specified in this section, the municipality will make the repair at the subdivider's sole expense. The municipality may then bill the subdivider for the cost of the repair and associated administrative costs, or declare the bond or deposit forfeited.

K. **End of Warranty Period**

1. The municipality shall inspect the required improvements and provide a list of deficiencies to the subdivider no later than 60 days before the end of the warranty period, except that the municipal engineer may extend this time due to inappropriate weather or other conditions that impede complete inspection.

2. All deficiencies identified in the warranty period shall be corrected, inspected, and approved within 30 days, except that the municipal engineer may extend the 30 day period for unusual circumstances or inappropriate weather. The municipality is under no obligation to release any remaining security if the subdivider fails to correct any identified deficiencies, provided, however, if the deficiencies can be remedied for less than the amount of the security, the amount of the security can be reduced accordingly.

3. Upon final acceptance, the municipality will release the remaining security within 60 days.

4. If the municipality does not timely inspect and provide a report as required in K.1. above, the warranty period ends and the security shall be released within 60 days..

L. **Default**

If the subdivider defaults on any obligation to construct required public improvements or the obligation to warrant and repair such improvements, the municipality may demand immediate payment on the performance or warranty guarantee. In the case of a performance bond, deposits in escrow, or letter of credit, the municipality may demand immediate payment of a portion of all sums obligated for the performance or warranty of any improvement. All funds received by the municipality shall be used for any construction, repair, or reconstruction necessary to ensure that:

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1. All required public improvements are built to specifications necessary to receive warranty acceptance; and

2. The improvements remain in good condition for the completion of the warranty period. The municipality may use guarantee funds for the construction, repair, or maintenance of required public improvements from the date of initial default until three years after the funds have become available to the municipality for such use, except that no use shall be made of the funds later than two years after satisfactory completion and warranty acceptance of the work. Following either: (1) the warranty acceptance of all public improvements and posting of the warranty security, or (2) final acceptance, or (3) the three-year period provided for in this subsection, the municipality shall pay to the subdivider all guarantee funds which were not used or obligated for the completion of the improvements.

M. Agency Coordination

Upon receipt of notification of violation or concern by municipal departments or outside agencies, the municipal engineer may suspend approval on work authorized through the subdivision agreement until such time that the issue is resolved.

N. Standards May Not Be Altered; Enforcement of Chapter

All provisions of this chapter are mandatory and may not be altered by the subdivision agreement. The obligations contained in this chapter shall be enforceable by methods of enforcement of ordinance as well as contract.

21.08.70 CONSERVATION SUBDIVISIONS

A. Purpose

A conservation subdivision is an alternative type of residential development in which the lots are allowed to be smaller in area or narrower than otherwise required in the zoning district, but in which the overall number of lots does not exceed the maximum number of lots allowed in a conventional subdivision by the zoning district. Conservation subdivisions are intended to create a more compact residential development to preserve and maintain open areas, high value natural lands, and lands unsuitable for development, in excess of what would otherwise be required by this Title.

B. Applicability

The conservation subdivision option may be used on any parcel with a minimum of at least two acres in any residential district in which single-family housing is permitted, provided that the proposal is consistent with the requirements in this section 21.08.070.

C. Conservation Design Process

Conservation subdivisions shall be approved through the procedure set forth in section 21.03.200, *Subdivisions and Plats*.

D. Reduction in Minimum Lot Area Allowed

Conservation subdivisions may include one or more lots that do not conform to the minimum lot size or lot width requirements of chapter 21.06, or the dimensional requirements of subsections 21.08.030J.1. and 2., provided that:

1. The amount of any reduction in minimum lot size shall be used for common open space, pursuant to F. below;

2. There shall be no more than one principal single-family structure per lot;

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3. Front and rear setbacks interior to the subdivision are not less than half the depth required by the underlying zoning district, but side setbacks are not less than the width required by the underlying zoning district;

4. On any lot that is less than the minimum lot size of the underlying zoning district, the principal structure shall have a maximum floor area ratio of not more than 0.5;

5. In class A improvement areas, street sections shall have vertical curbs;

6. Driveways shall have a maximum width of 14 feet at the curb;

7. Where on-street parking is allowed, a minimum 20 foot separation distance between the curb returns of adjacent driveways shall be provided; and

8. Common open space with level 4 Screening landscaping shall be provided along any lot line abutting a residential neighborhood where any adjoining lot is greater than 150% of the average lot size along that lot line of the conservation subdivision. In class B areas this abutting landscaped open space area shall be one hundred feet wide.

E. Lot Coverage Allowed

The maximum lot coverage requirements for lots in a conservation subdivision, as set forth in chapter 21.06, may be increased by no more than 10 percent.

F. Minimum Open Space

The amount of lot size reduction of each lot shall, in total, be provided as common open space, except that under no circumstances shall the amount of common open space provided be less than 30 percent of the property shown on the subdivision plat. Open space shall be identified using the standards set forth in subsection 21.07.030B.4., *Private Open Space, Standards*, except that no portion of the land preserved as common open space may be located within the boundaries of an individual lot for residential development, or in a road right-of-way, and no portion of the land preserved as common open space may be less than 30 feet in its smallest dimension in class A districts or less than 100 feet in its smallest dimension in class B districts, or have less square footage than one-half of the square footage of the minimum lot size for that district. In order that all residents of a development have access, there should be, provided by the developer, a common pedestrian corridor leading into all common open space. Common open space areas in class B improvement areas shall remain undisturbed.

G. Dedication and Recording

The required common open space shall be preserved from development in perpetuity through the use of a deed restriction or easement, and shall be conveyed to a property owners' association or other organization with responsibility for maintenance of the open space and the ability to collect assessments or dues for such purpose. The applicant shall submit proof that:

1. Such deed restriction or easement has been recorded at the district recorder's office; and

2. The property owners' association or other organization has been established before any building or land use permits for construction in a conservation subdivision shall be issued.

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CHAPTER 21.12: NONCONFORMITIES

21.12.010 GENERAL PROVISIONS

A. Purpose

1. The purpose of this chapter is to regulate continued existence of legal uses, structures, lots, and signs established prior to the effective date of this Title, or the effective date of future amendments to this Title, that no longer conform to the requirements of this Title. All such situations are collectively referred to in this chapter as "nonconformities." It is the intent of this chapter to permit these nonconformities to continue until they are removed or brought into conformance with this Title, and to encourage their re-use and movement towards conformity. The acknowledgement of and the relief granted to existing properties, land uses, and structures provided in this chapter are intended to minimize negative economic effects on development that was lawfully established prior to the effective date of this Title and any subsequent amendments.

2. This chapter also regulates characteristics of use such as parking and landscaping. Section 21.12.060 addresses the requirements for developments that don't comply with the district-specific standards of chapter 21.04, the use-specific standards of chapter 21.05, or the design and development standards of chapter 21.07

B. Authority to Continue

1. **Generally**

Any nonconformity that lawfully existed as of the effective date of this Title and that remains nonconforming, and any nonconformity that is created as a result of any subsequent rezoning, amendment to the text of this Title, or by the acquisition of property for a public purpose, may be continued or maintained as a nonconformity only in accordance with the terms of this chapter, unless such nonconformity falls within the exceptions set forth in subsection 21.12.010B.2.

2. **Exception Due to Variances or Minor Modifications**

This chapter shall not apply to any development standard or feature that is the subject of a variance or minor modification granted under this Title. Where a variance or minor modification has been granted that results in a development standard or feature that does not otherwise conform to the requirements of this Title, that development standard or feature shall be conforming.

3. **Conditional Uses and Site Plan Reviews**

A use that lawfully existed as of the effective date of this Title that is allowed by conditional use or through an administrative or major site plan review in the district in which it is located under this Title, but which lacks a conditional use approval or an approved site plan review, shall not be deemed a nonconforming use, but rather shall be considered to exist as a conditional use or to have an approved site plan. Associated nonconforming structures or lots and characteristics of use that are out of

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compliance with this Title shall be governed by the provisions of this chapter, and if applicable, shall be modified under the provisions of this chapter. Other modifications shall be in accordance with the appropriate modification processes in chapter 21.03.

a. A conditional use or use with an approved site plan, existing prior to the effective date of this Title that is permitted in its entirety as a principal use in the district in which it is located under this Title shall not be deemed a nonconforming use. Such use shall be deemed a permitted principal use and the conditional use permit or the approved site plan shall be null and void.

C. Determination of Nonconformity Status

In all cases, the burden of establishing the existence of a legal nonconformity shall be solely upon the owner of the nonconformity, not the municipality. Verification of nonconforming status may be established through the process set forth in section 21.03.240, *Verification of Nonconforming Status.*

D. Government Agency Property Acquisitions

If a structure, use of land, use of structure, or characteristic of use does not comply with the requirements of this Title solely as a result of an acquisition of land by a government agency for a public purpose, then such structure, use of land, use of structure, or characteristic of use on land not acquired by the government shall be deemed conforming. At the time of such acquisition, the municipality shall provide documentation of conformity to the affected property owner(s).

E. Change of Ownership or Tenancy

Legal nonconformities are not affected by changes of ownership, tenancy, or management of property.

F. Maintenance and Repair

1. Repairs or maintenance of nonconformities that are required to keep structures or sites in a safe condition are permitted, provided that the repair or maintenance does not increase the extent of nonconformity. For purposes of this section, "maintenance or repair" shall mean:

   a. Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or interior/exterior appearance of a building or structure without expanding or altering the building or structure;

   b. Repair of uses or structures that are damaged or destroyed by 50 percent or less of the replacement cost of the use or structure at the time of damage;

   c. Replacement, repair, or maintenance of mechanical and electrical equipment;

d. Maintenance of land areas to protect against environmental and health hazards and promote the safety of surrounding land uses;

e. Repairs that are required to remedy unsafe conditions that cause a threat to public safety;

f. Repairs and maintenance of nonconforming signs as set forth in section 21.12.070, Nonconforming Signs;

g. Restoration to good or sound condition of any part of an existing structure or characteristic of use; and

h. Tenant improvements and renovations.

2. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

G. Additions and New Construction

In those situations where an addition to an existing structure, or a new structure on an existing lot, is permitted despite the existence of a nonconformity or being out of compliance with the regulated characteristics of use, the addition/new construction shall comply with all requirements of this Title. The director may allow an exception to any maximum setback requirements when such requirement is shown to be impractical.

H. Replacement Cost

Where the term "replacement cost" is used in this chapter, it shall be determined by the building official pursuant to municipal code.

I. Willful Destruction

In the event of arson or other willful destruction, any rights to reinstate, replicate, rebuild, or otherwise reestablish the nonconforming use or structure, as allowed in this chapter, shall be prohibited if such casualty is traceable to the owner or his or her agent. Such instances shall result in loss of the nonconforming status.

21.12.020 SINGLE- AND TWO-FAMILY STRUCTURES AND MOBILE HOMES

A. Applicability

In this chapter, only sections 21.12.010, 21.12.020, and 21.12.050 shall apply to lawfully erected nonconforming single- and two-family structures and mobile homes. The other sections of this chapter shall not apply to lawfully erected single- and two-family structures and mobile homes.

B. Expansions and Enlargements

Any lawfully erected nonconforming single- or two-family structure may be expanded or enlarged, as long as the nonconformity is not increased.

C. Damage or Destruction

Any lawfully erected nonconforming single- or two-family structure that is damaged or destroyed may be rebuilt in the same location as long as the nonconformity is not increased. Further, the structure may also be rebuilt in a manner that moves towards conformity.

D. Mobile Homes

1. Lawfully erected nonconforming mobile homes may be repaired or replaced, as long as the nonconformity is not increased.
2. Lawfully erected nonconforming mobile homes on individual lots may be moved within the lot in compliance with setback regulations.
3. Mobile homes in nonconforming manufactured home communities may be repaired or replaced, in compliance with setback regulations.

21.12.030 NONCONFORMING USES OF LAND OR STRUCTURES

A. Limitations on Continuation of Nonconforming Uses of Land or Structures

Nonconforming uses of land or structures may continue, subject to the general provisions of section 21.12.010 and the following limitations, or as provided in C below:

1. No nonconforming use of land shall be enlarged or increased or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of the regulations that make the use nonconforming. Any nonconforming use on a lot or portion thereof may be altered to decrease its nonconformity.

2. No nonconforming use of land shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of the regulations that make the use nonconforming.

3. No existing structure devoted to a use not permitted by this Title in the district in which it is located shall be enlarged, extended, or constructed except in changing the use of the structure to a use permitted in the district in which it is located. (For example: a self-storage facility that is a nonconforming use in a district may not construct new storage units.)

4. Any nonconforming use may be moved or extended throughout any parts of a building that are reasonably adaptable for such use at the time of adoption or amendment of the applicable regulations, but no such use shall be extended to occupy any land outside such buildings. If a nonconforming use is moved to another part of the building, the space vacated shall not be filled with another nonconforming use except as provided in subsection 030 B. (For example: a warehouse that is a nonconforming use in a district and occupies half of a building may expand into the other half of the existing building, but may not begin to store items outside the building.)

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5. No additional structure not conforming to the requirements of this Title shall be erected in connection with the nonconforming use of land or structure.

B. Change of Use

1. Any nonconforming use may be changed to another nonconforming use if all of the following criteria are met:

   a. The director finds that the proposed nonconforming use is more appropriate to the district than the existing nonconforming use;

   b. Any characteristics of use that are out of compliance with this Title are not changed to become less compliant with the requirements of this Title; and

   c. No structural alterations are made other than those required by Title 23, or minor interior structural alterations, such as cutting a door into a shear wall.

   Appeals of the director's decision shall be made to the zoning board of examiners and appeals in accordance with subsection 21.03.040B.

2. If a nonconforming use is superseded by a permitted use, the nonconforming use may not thereafter be resumed.

C. Damage or Destruction

Any person wishing to replicate a nonconforming use that has been damaged or destroyed to an extent of more than 50 percent of the replacement cost at the time of destruction shall apply as stated in C.1. below.

1. **Administrative Approval**

   a. An application for administrative approval to rebuild a nonconforming use shall contain the information specified in the Title 21 Users' Guide, and shall be submitted to the director.

   b. Notice of the application shall be published, mailed, and posted in accordance with section 21.03.020H.

   c. There shall be a 30 day comment period, starting from the date of notice, before the director acts on the application as provided in subsection C.1.d. below.

   d. The director shall review the application and act to approve, approve with conditions, or deny the application based on the approval criteria of subsection C.2. below. Findings of the director shall be in writing. The director may impose limitations or conditions as may be necessary to meet the approval criteria or to reduce or minimize any potential adverse impact on other property in the area.

   e. Appeals of the director's decision may be made to the zoning board of examiners and appeals, pursuant to section 21.03.040B.

f. If the application is approved or approved with conditions, the use shall continue to be a nonconforming use and be subject to the provisions of this chapter.

2. **Approval Criteria**

a. The nonconforming use is or shall be made compatible with uses allowed on adjacent properties, in terms of site design and operating characteristics (such as lighting, noise, odor, dust, and other external impacts);

b. The nonconforming use will not limit, impair, or impede the normal and orderly development and improvement of surrounding property for uses permitted on those properties;

c. Utilities, access roads, drainage, and other necessary facilities are sufficient to service the use, or will be provided;

d. Adequate measures have been or will be taken to provide ingress and egress that are designed to minimize traffic congestion on the streets; and

e. The nonconforming use will not result in the creation of additional nonconformities or the need for any variances.

D. **Abandonment or Cessation of Use**

1. A nonconforming use may be rebuttably presumed to have been abandoned and its nonconforming rights extinguished where any one of the following has occurred:

a. The owner has indicated, in writing, an intent to abandon the use.

b. A conforming use, or a less intensive nonconforming use approved by the zoning board, has replaced the nonconforming use.

c. The building or structure that houses the nonconforming use has been removed.

d. The use has been discontinued, vacant, or inactive for a continuous period of at least one year, unless the discontinuation has occurred as a result of market conditions and the owner of the property or structure is actively making efforts to continue the use.

2. Once abandoned, the prior legal nonconforming status of the use shall be lost and any subsequent use of the property shall comply with all applicable provisions of this Title, unless the nonconforming use is reestablished through the process described in E. below.

E. **Overcoming Presumption of Abandonment**

A rebuttable presumption of abandonment based on evidence of abandonment, as provided in D. above, shall be rebutted upon a showing of substantial

compliance with all of the following, to the satisfaction of the zoning board of examiners and appeals, that:

1. The owner has been maintaining the land and structure in substantial compliance with all applicable regulations, including applicable building and fire codes

2. The owner has been maintaining or pursuing all applicable permits and licenses.

3. The owner has filed all applicable tax documents; and

4. The owner has been engaged in any activity that demonstrates there was no intent to abandon, such as actively and continuously marketing the land or structure for sale or lease.

21.12.040 NONCONFORMING STRUCTURES

A. Continuation of Nonconforming Structures Generally

Recognizing that the adoption of a new Title 21 code will create nonconforming structures, it is the intent of this section to allow existing non-conforming structures as well as structures that are made nonconforming as a result of changes to Title 21, to continue and, in appropriate circumstances even increase the nonconformity in ways that do not materially and significantly intensify the nonconformity. Nonconforming structures may continue, subject to the general provisions of section 21.12.010 and the following limitations:

1. No nonconforming structure, whether existing prior to the effective date of this Title or resulting from the provisions of this Title, may be enlarged or altered in a way that increases its nonconformity. Any structure or portion thereof may be altered to decrease its nonconformity, or may be altered or enlarged if the alteration does not materially and significantly intensify the nonconformity. This subsection shall not be construed to allow the expansion of a nonconforming use of structure, which is governed by section 21.12.030 above.

2. Should a nonconforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

3. Tenant improvements or renovations within an existing structure shall not be an enlargement or an alteration as is proscribed in subsection 1 above.

B. Overheight Buildings

1. If a lawful building erected prior to [effective date, does not comply with the requirements of this title with regard to height, such building shall be conforming with regard to height.

2. Where a lawful building, existing on [effective date, is engineered and constructed for enlargement by the addition of one or more stories, such structure may be enlarged within the full plan

dimensions of the existing structure by the addition of not more than two stories. This provision shall apply to buildings that conform to the height limitations as well as to overheight buildings

C. Buildings Exceeding Maximum Setback

If a lawful building erected prior to [effective date does not comply with the requirements of this Title with regard to maximum structure setbacks, such building shall be conforming with regard to setbacks.

D. Damage or Destruction

A person wishing to replicate a nonconforming structure that has been damaged or destroyed to an extent of more than 50 percent of the replacement cost at the time of destruction, shall have the right to replicate the nonconforming structure subject to the provisions of Title 23 and to the provisions of 21.12.030 C.1.a through f.

E. Legalization of Nonconforming Dimensional Setback Encroachments

1. Generally

Structures that encroach into required setbacks and were built before January 1, 1986, may continue in existence provided the following requirements are met:

a. An application for the registration of nonconforming encroachment is submitted to the department; and

b. The encroachment is determined not to be a life safety hazard by the director.

2. Procedures for Registration

a. Application for the registration of nonconforming encroachment shall be submitted to the department, on a form provided by the department. The application shall require an as-built drawn by a land surveyor registered in the state of Alaska, which shows all structures existing on the lot at the date of application. The application shall also require information supporting the assertion that the structure and encroachments were constructed prior to January 1, 1986. The director may require the petitioner to provide additional information to support this application.

b. Within 30 days of receipt of all requested information, and upon an adequate showing that the requirements stated in subsection 21.12.040E.1. above are met, the director shall issue or deny a certificate permitting the continued use and existence of the encroachment. The certificate shall note the size and characteristic of the setback encroachment and the structure. A copy of the required as-built shall be attached thereto.

3. Operation

Once registered, the encroachment shall enjoy all the protections and privileges afforded to a nonconforming structure under the provisions of this chapter.

4. **Appeal**
Any aggrieved person may appeal the grant or denial of a certificate to the zoning board of examiners and appeals.

21.12.050 NONCONFORMING LOTS OF RECORD

A. Nonconforming Lots

1. Residential Districts

a. Except as restricted in subsection B. below, in any residential zoning district except R-4, notwithstanding limitations imposed by other provisions of this Title, one single-family detached dwelling and customary accessory buildings may be erected on lots that fail to meet the requirements for minimum area and/or width , provided all of the following conditions are met:

i. Any district-specific standards, use-specific standards, and dimensional and design standards such as setbacks, parking, landscaping, etc. are met; and

ii. The lot is of record as of the effective date of the original adoption or amendment of applicable regulations.

b. Except as restricted in subsection B. below, in the R-3 zoning district, notwithstanding limitations imposed by other provisions of this Title, one single-family detached dwelling and customary accessory buildings or one two-family dwelling and customary accessory buildings may be erected on lots that fail to meet the requirements for minimum area and/or width, provided all of the following conditions are met:

i. Any district-specific standards, use-specific standards, and dimensional and design standards such as setbacks, parking, landscaping, etc. are met; and

ii. The lot is of record as of the effective date of the original adoption or amendment of applicable regulations.

c. Except as restricted in subsection B. below, in the R-4 zoning district, notwithstanding limitations imposed by other provisions of this Title, one multifamily structure containing not more than three dwelling units, and customary accessory buildings may be erected on lots that fail to meet the requirements for minimum area and/or width, provided all of the following conditions are met:

i. Any district-specific standards, use-specific standards, and dimensional and design standards such as setbacks, parking, landscaping, etc. are met; and

ii. The lot is of record as of the effective date of the original adoption or amendment of applicable regulations.

2. **Nonresidential Districts**

Except as restricted in subsection B. below in any nonresidential zoning district, notwithstanding limitations imposed by other provisions of this Title, any use allowed in the district by table 21.05-2 may be erected on lots that fail to meet the requirements for minimum area and/or width, provided all of the following conditions are met:

a. The review and approval process indicated in table 21.05-2 is applied;

b. The use does not have a minimum lot size greater than the minimum lot size required by the underlying zoning district;

c. Any district-specific standards, use-specific standards, and dimensional and design standards, such as setbacks, parking, open space, landscaping, etc. are met; and

d. The lot is of record at the effective date of the original adoption or amendment of applicable regulations.

B. **Undivided Parcels**

1. If two or more contiguous lots in single ownership, either of which contains less than 5,500 square feet of area are of record on or after November 27, 1990, and either is nonconforming by virtue of this Title or any amendment thereto, the lands involved shall be considered to be an undivided parcel for the purpose of this Title, and no portion of such parcel shall be sold or used that does not contain a lot area and lot width equal to or greater than the minimum lot area and width required in the zoning district it is in. If a lot that results from being combined through this provision does not meet the dimensional requirements of the zoning district or of chapter 21.08, the lot shall be considered a legal nonconforming lot at the time of recordation.

2. This provision shall not apply to those lots legally created as part of a townhouse development, a cluster housing development, a zero lot line development, or a planned unit development

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C. **Legalization of Lots Created Prior to September 16, 1975**

1. Lots existing prior to September 16, 1975, that do not meet the district requirements for minimum area and/or width, and that were not created in accordance with the regulations of the federal, state, or municipal government, may continue in existence provided the following requirements are met:

a. An application for the registration of nonconforming lot is submitted to the department; and

b. The lot is determined to be sufficient in size to allow construction of a structure and comply with associated district-specific, dimensional, and development and design standards such as setbacks, parking, landscaping, etc.

2. The application shall be on a form provided by the department, and shall be accompanied by an as-built drawn by a land surveyor registered in the state of Alaska, which shows the lot boundaries. The department may require additional information to support the application.

3. Within 30 days of receipt of all requested information and upon an adequate showing that the requirements stated in subsection C.1. above are met, the director shall issue or deny a certificate for the lot. The director may impose such conditions on the certificate as he or she determines appropriate to protect the general welfare. A copy of the required as-built shall be attached to the certificate.

4. Once registered, the lot shall enjoy all the protections and privileges afforded to a nonconforming lot under the provisions of this chapter.

5. Any aggrieved person may appeal the grant or denial of a certificate to the zoning board of examiners and appeals within 30 days of the director's determination.

6. Nothing in this section shall preclude relief for nonconforming lots by means of a variance.

7. Nothing in this section shall exempt any lots from the provisions of subsection B. above.

8. The department shall publish the registration of a nonconforming lot including the street address and legal description of the property in a newspaper of general circulation in the municipality within seven days of the issuance of the certificate.

21.12.060 CHARACTERISTICS OF USE

A. Developments Are Conforming

1. Any development that was legally established or permitted before [effective that does not comply with the district-specific standards of chapter 21.04, the use-specific standards of chapter 21.05, or the design and development standards of chapter 21.07 shall be considered conforming on [effective date

2. No change shall be made to any existing development that materially and significantly increases any existing nonconformity, but all changes that are in the direction of conformity to the requirements of this Title are permitted.

B. Parking Out of Compliance

Notwithstanding section C. below, if changes to a use or development increase the minimum number of required parking spaces, the number of spaces related to the increase shall be provided. For example, if a use or development that is required to have 30 spaces only has 20 spaces, and changes to the use or development allowed through this Title create a total minimum requirement of 35 spaces, the use or development shall, at a minimum, provide additional 5 spaces, but shall not be required to provide any additional spaces to make up for

the lack of spaces that existed prior to the changes. The addition of more spaces may be negotiated through the process outlined in section C. below

C. Bringing Characteristics Into Compliance

1. Applicability

This section 21.12.060 applies to all multi-family, commercial, mixed-use, public/institutional, and industrial development projects that:

a. Do not comply with the district-specific standards of chapter 21.04, the use-specific standards of chapter 21.05, or the design and development standards of chapter 21.07.

b. Involve a change to the exterior appearance of the building costing more than 10 percent of the assessed value of the structure (or, if no structure over 500 square feet exists, the assessed value of the land) excluding interior tenant improvements, renovation, maintenance and repair and financing costs from the cost calculation; and

c. Require a permit under Title 21 and/or Title 23.

2. Standard

a. An applicant for a building or land use permit for a multi-family, commercial, mixed-use, or industrial development that meets the applicability thresholds of section C.1. above, shall be required to spend 5 percent of the total project costs on bringing the development towards compliance with the district-specific standards of chapter 21.04, the use-specific standards of chapter 21.05, and/or the design and development standards of chapter 21.07 (hereafter called "characteristics").

b. If the applicant can bring the development into full compliance with Title 21 for less than 5 percent of the total project costs, then no additional monies need be_spent. The municipality shall not require more than 5 percent, but the applicant may choose to spend more.

c. If the applicant chooses to spend more than 5 percent, the amount in excess of 5 percent may be credited, as outlined in the Users' Guide, towards future improvements under this section.

d. The director, in consultation with the applicant, shall determine which characteristics shall be addressed, within the expenditure requirements noted herein. The director and the applicant shall consider how to maximize the public benefit and minimize the economic impact to the property owner. The director shall not require compliance with a standard that would create non-compliance with a different standard (i.e., the director shall not require the addition of landscaping that would cause the development to fall under the minimum required number of parking spaces).

e. The applicant may appeal the director's decision to the zoning board of examiners and appeals, which shall hold a non-public hearing on the appeal.

f. For the purposes of this section, "total project costs" shall be determined by the building official pursuant to municipal code, adjusted in accordance with 21.12.060(c) and shall be exclusive of all costs of improvements that move the development in the direction of conformity to the requirements of this Title. The portion of the total project costs the increase conformity shall be credited towards the percentage requirements in subsection C.2.a. and C.5.

3. **Insignificant Change**
If the director and the applicant concur that 10 percent of project costs is not enough money to result in a significant change to any characteristic, the applicant shall place the required 10 percent of project costs as outlined in subsection C.4. below.

4. **No Applicable Characteristics**
If no characteristics can be brought towards conformity without causing other characteristics to come out of compliance, or if the only characteristics left to be addressed are so major as to require relocating the structure, or something of similar magnitude, then the applicant shall not be required to perform such work. Instead, the applicant shall place the required 5 percent of project costs in a municipal account dedicated to public improvements (such as pedestrian or landscaping improvements) in the census block group (based on the 2000 census) that the development is in, or an adjacent census block group.

5. **Large Commercial Establishment**
If the development project is a Large Commercial Establishment, as defined in section 21.07.120, then the applicant shall spend an additional 10 percent of the total project costs on bringing the structure into compliance with the design standards of section 21.07.120. If the structure already complies with section 21.07.120, then this subsection C.5. shall not apply.

6. **Timing of Work**
The characteristics of use shall be brought towards compliance with all applicable provisions of this Title prior to the issuance of the building or land use permit or shall be included in the work to be accomplished under the permit.

7. **Existing Buildings**
Existing buildings which are constructed over a lot line on abutting lots shall be deemed to be existing on a commercial tract permitting such development and such structures can be enlarged so long as they comply with other applicable provisions of this code.

21.12.070 NONCONFORMING SIGNS

A. Effective Date

The effective date of this section 21.12.070 is October 1, 2003.

B. Amortization Provisions

1. Legal Nonconforming Permanent Signs

Any permanent freestanding or building sign lawfully built prior to the adoption of this Title that does not comply with the maximum height, maximum area, or the number of signs permitted as set forth in this Title shall be considered a legal nonconforming sign.

2. Amortization of Permanent Signs

Any permanent sign exceeding current size or height requirements by greater than 50 percent must be brought into compliance with this Title before May 16, 2016, which is ten years from the date of adoption of this provision.

3. Amortization of Illuminated Signs

Any illuminated sign that does not meet the requirements of subsection 21.11.090A., with the exception of subsection 21.11.090A.3.a., shall be altered to comply with the requirements of this Title by May 31, 2008. All LED signs shall comply with the luminance standards of subsection 21.11.090A.3.d. by November 30, 2005.

4. Amortization of Animated Signs

Any sign that contains non-complying animation, changeable copy, or flashing or moving parts shall be altered to comply with the requirements of this Title within 180 days from the effective date of this section.

C. Termination

Except as provided in subsection 21.11.090D., a nonconforming sign shall immediately lose its legal nonconforming status, and therefore shall be brought into conformance with this Title or removed, when any of the following occur:

1. The size or shape of the sign is changed.

2. The location of the sign is changed.

3. The business is sold and there is a change of use of the premises. A change of use occurs when the type of use is not within the same use category as the immediate prior allowable use type, determined by reference to the tables of allowed uses under this Title.

4. The nonconforming sign is accessory to a nonconforming use that has lost its nonconforming status.

5. If more than 50 percent of the assessed value of the principal structure on a property is replaced, repaired, or renovated, the existing sign(s) for the principal structure shall be_removed or

brought into compliance with the provisions of this Title at the time of replacement, repair, or renovation.

6. Change is permitted in the direction of conformity to the requirements of this Title. A sign will lose its legal nonconforming status immediately upon any change which increases nonconformity. Municipal permit fees are waived for nonconforming signs to be brought into full conformity, if an estimate by a licensed and bonded contractor with a designated date of completion of the new conforming sign is provided by May 16, 2008, which is two years from the date of passage of this provision.

D. Maintenance of Nonconforming Signs

Nonconforming signs shall continue to be maintained in safe condition pursuant to the building regulations of the municipality until such sign is required to be removed as set forth in this section.

E. Reconstruction of Damaged Sign

If a sign and/or its support are damaged to the extent where the repair costs exceed 50 percent of the replacement cost of the sign, the sign shall be removed or brought into compliance. If the repair costs do not exceed 50 percent of the replacement cost of the sign, the director may authorize the sign to be repaired, provided all repair work is completed within 90 days, subject to the director extending the time for good cause, of the date the director determines the damage requires replacement or permits repair. In no event may a sign be maintained in an unsafe condition during the process of this determination or the period necessary for repairs.

F. Historic Signs

The urban design commission may grant exceptions to these standards whenever a sign or property has been designated an historic sign pursuant to the guidelines and criteria established and adopted by the urban design commission.

G. Extension of Time to Comply

The dates established in this section for a sign to be brought into compliance with the requirements of these regulations may be appealed to the zoning board of examiners and appeals by the owner or lessee of the nonconforming sign pursuant to section 21.03.040B., *Appeals to Zoning Board of Examiners and Appeals*. In evaluating the extension of time for a nonconforming use, the zoning board of examiners and appeals shall consider the following factors to determine whether the owner of the sign has had reasonable amount of time to recoup his or her investment:

1. The value of the sign at the time of construction and the length of time the sign has been in place;

2. The life expectancy of the original investment in the sign and its salvage value, if any;

3. The amount of depreciation and/or amortization of the sign already claimed for tax or accounting purposes;

4. The length of the current tenant lease or expected occupancy compared to the date the sign is to be brought into compliance;

5. The extent to which the sign is not in compliance with the requirements of this chapter; and

6. The degree to which the board determines that the sign is consistent with the purposes of this chapter.

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Copy of consultant's work as submitted in July 2011.

Proposed Amendments to the Provisionally-Adopted Title 21

Amendment numbers relate to footnote numbers in the provisionally adopted chapters. When an amendment number is missing, that means a footnote provides different information and does not relate to a proposed amendment.

CHAPTER 21.01

1. Subsection 21.01.060B., Page 3 lines 30-36

[B. CONFLICT WITH COMPREHENSIVE PLAN

IT IS VITAL THAT THE MORE SPECIFIC DESIGN AND DEVELOPMENT STANDARDS THAT ARE CONTAINED IN TITLE 21 AND ARE INTENDED TO APPLY TO INDIVIDUAL DEVELOPMENT APPLICATIONS APPLY OVER THE GENERAL GOALS AND POLICIES OF THE COMPREHENSIVE PLAN WHERE THERE MAY BE A POTENTIAL CONFLICT WHEN DEALING WITH DEVELOPMENT APPLICATIONS. WHERE CONDITIONS, STANDARDS, OR REQUIREMENTS IMPOSED BY ANY PROVISION OF THIS TITLE ARE EITHER MORE RESTRICTIVE OR LESS RESTRICTIVE THAN ANY PROVISION FOUND IN THE COMPREHENSIVE PLAN, THE PROVISION OF THIS TITLE SHALL GOVERN.]

Re-letter remaining sections.

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

2. Subsection 21.01.080D., Page 6, lines 13-17

"The elements of the comprehensive plan shall be implemented as provided in this section and as provided in the remainder of this title. All provisions governing use and occupancy of land, including z[Z]oning map amendments, land use approvals, site plan reviews, and subdivisions, shall be in accordance with and conform to the comprehensive plan elements listed in this section. Where comprehensive plan elements conflict, the most recently adopted shall govern."

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

3. Subsection 21.01.090D., Page 7

Add new Subsection D.5.

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.

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

4. Subsection 21.01.090E., Page 8, lines 15-16

[E. INVESTMENT-BACKED EXPECTATIONS

[RESERVED]]

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

CHAPTER 21.02

5. Subsection 21.02.030B, Page 12, line 26

Add new subsections B.3. and B.4. as follows:

3. Draft design study report for new construction and reconstruction of streets of collector class or greater in the *Official Streets and Highways Plan;*

4. Applicable trail projects identified in subsection 21.03.190C., *Trail Review;*

Note: This amendment is related to amendment #9.

6. Subsection 21.02.040A., Page 13, line 25

Add new subsection A.3. as follows:

3. Landscaping and streetscape and pedestrian facilities for streets of collector classification or greater in the *Official Streets and Highways Plan* (21.03.190);

Note: This amendment is related to amendment #9.

CHAPTER 21.03

7. Subsection 21.03.080F., Page 44, line 35

Add new content for business/industrial park as a planned unit development conditional use.

Re-letter remaining sections.

F. 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 C. above.

2. **Zoning District**
A BIP-PUD is allowed only in the B-3 district. Business-industrial parks existing on [effective date] in other zoning districts shall be considered conforming in those districts.

3. **Allowed Uses**
   a. 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;

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Governmental Service; Manufacturing, Light; Warehouse; Wholesale Establishment.

b. 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 project management and engineering department, 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.

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. Abutting streets without any transit stops shall have at least one pedestrian walkway connection with the BIP-PUD.

d. L3 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. 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. At no time shall the aggregate of the required parking of all uses in the BIP-PUD exceed the total number of parking spaces provided.

i. 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.

j. The maximum floor area devoted to retail sales uses shall not exceed 35 percent of the total gross building area of the entire development.

k. Outdoor storage and display is prohibited.

8. Section 21.03.080F.2.c.3.iii., Page 46, lines 16-19

Level 3 buffer [LEVEL 4 SCREENING] 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.

9. Section 21.03.190, Page 82, line 40

Add the following text into the section for 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 and urban design commission, as indicated below and in table 21.03-4. The stages are:

a. The concept report or equivalent, distributed to the planning and zoning commission as an information item;

b. The draft design study report, reviewed by the planning and zoning commission; and

c. 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 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 21.03.020G.

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* (CSS).

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 or urban design commission. The review body 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;

xi. Pedestrian and other non-motorized access;

xii. Public involvement summary;

xiii. Cost estimate.

c. Decisions may be appealed to the board of adjustment pursuant to subsection 21.03.050A.

5. Plans in Hand Design Drawings Review

a. The urban design commission shall review and approve all landscaping and streetscape and pedestrian facilities for streets of collector classification or greater in the *Official Streets and Highways Plan*.

b. The urban design commission shall approve, approve with conditions, or reject the landscaping, streetscape, and pedestrian design plans at a stage no greater than 65 percent designed, for all applicable street projects. A public hearing is not required but may be held at the commission's discretion.

c. As applicable, the commission's review of the plans in hand design drawings shall include but not be limited to:

i. Compliance with this title;

ii. Context of the area and the long-term impact on existing and projected adjacent land uses;

iii. Initial cost of materials including installation;

iv. Long term costs associated with operation and maintenance;

v. Adherence to a design theme established through local area plans or prior public improvements;

vi. Effectiveness in meeting community design goals; and

vii. Accommodation of pedestrians and non-motorized users.

d. 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.

C. Trail Review

1. Purpose

Trails are a basic part of the infrastructure of the municipality. They are used for transportation, for recreation and leisure, and also provide aesthetic and psychological benefits. Significant additions or revisions to the municipality's trail network benefit by oversight and concurrence in design decisions by the planning and zoning commission.

2. Applicability

a. This section applies to new construction and reconstruction of the following types of trails:

i. Major multi-use trails that extend between multiple neighborhoods, such as the Chester and Campbell Creek Trails, the Ship Creek Trail, and the Coastal Trail.

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.

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 director, 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. Planning and Zoning Commission Action

The planning and zoning commission shall 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

The decision may be appealed to the board of adjustment pursuant to subsection 21.03.050A.

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

CHAPTER 21.04

10. Subsection 21.04.020J.2.c., Page 113, lines 5-28

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 FAR in the R-4 district and 3.0 FAR in the R-4A district through the following bonus provisions subject to section 21.06.030C. These incentives provide for an incremental increase in the floor area of a development in exchange for incremental increases in any of 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 [BONUS.]*

One square foot of additional floor area is allowed per square foot of additional open space. 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 [BONUS.]*

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 [BONUS.]*

Three[TWO] 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 21.07.110I.,[100H. STANDARDS FOR] *Affordable Housing*.

iv. *Bonus for Sidewalk Widening.*
One square foot[FIVE SQUARE FEET] of additional floor is allowed per square[LINEAR] 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 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 dwellings in the development and facing the development, using the standards of 21.07.100C.8.g. To receive credit, the building shall not exceed a daylight plane rising up over the building at an angle of five feet of run for every three feet of rise, and starting from a height of 5 feet above finished grade at the foundation of surrounding residential buildings.

vii. *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-active use* that meets the standards of 21.07.060F.16.

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

11. Subsection 21.04.030C.2., Page 118, after line 20

Add new subsection c.

"c. Residential household living uses in the B-3 district shall be subject to the R-4 related FAR provisions in subsection 21.04.020J.2.c."

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

12. Subsection 21.04.030D.2., Page 118, after line 42

Add new subsection c.

"*c. Residential in RO*
Residential household living uses in the RO district shall be subject to the R-4 related FAR provisions in subsection 21.04.020J.2.c."

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

13. Subsection 21.04.050G.2.b., Pages 122-123, lines 43, 1-26

b. 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 districts. The maximum floor area ratio (FAR) established by table 21.06-3 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:

i *Bonus for Housing [BONUS.]*
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.

ii *Bonus for Open Space [BONUS.]*
One square foot of additional floor area is allowed per square foot of additional open space. 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.

iii *Bonus for Below Grade Parking [BONUS.]*
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.

iv *Bonus for Affordable Housing [BONUS.]*
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 21.07.110I.[100H., STANDARDS FOR] *Affordable Housing*. A housing unit receives this affordable housing bonus instead of the housing bonus in b.1.

v *Bonus for Sidewalk Widening.*
One square foot[FIVE SQUARE FEET] of additional floor is allowed per square[LINEAR] foot of area provided as part of a primary pedestrian walkway that meets the requirements of 21.07.060F.4.

vi *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-active use* that meets the standards of 21.07.060F.16.

vii *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.

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

14. Subsection 21.04.050G.5., Page 124, lines 5-7

5. 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.]

This section promotes sidewalk widening and streetscape enhancements to support higher levels of pedestrian activity and access in mixed-use districts. An enhanced sidewalk environment with "main street" style amenities may be provided in lieu of required site perimeter landscaping where it is logical to support a pedestrian zone as determined by the department through an administrative site plan review, and subject to the following:

a. The sidewalk width shall be at least 12 feet, and include a pedestrian movement zone, building interface zone, and street interface zone. The street interface zone shall be at least four feet wide along major arterials. A pedestrian-interactive use meeting the standards of 21.07.060F.16 shall be provided in the building next to the designated sidewalk.

[ILLUSTRATION]

i. A public use easement shall be recorded for any part of the designated sidewalk to be located within the subject parcel.

ii. Physical obstructions within the sidewalk's building interface zone, such as landscape plantings, entry stoops, or seating, shall extend no more than two feet into the minimum required 12 foot width, so that at least 10 feet remain.

b. The enhanced sidewalk shall provide at least two-thirds the total number of landscaping units and two-thirds the tree units that would be required for site perimeter landscaping.

c. The enhanced sidewalk may be placed wholly or in part within a right-of-way, subject to approval of the traffic engineer and municipal engineer.

i. The enhanced sidewalk shall be subject to the applicable requirements of title 24 including sections 24.30.020., *Permit to Use Public Places*, and 24.90, *Encroachment Permit.*

ii. Improvements within the public right of way shall be consistent with the D.C.M and M.A.S.S.

iii. Existing improvements that meet the standards of the enhanced sidewalk may be counted toward the requirements of this section, subject to approval by the director.

iv. The owner shall maintain landscaping and amenities for the enhanced sidewalk within the right-of-way, and comply with the provisions for removal of snow and ice in section 24.80.090, 100, and 110.

v. Where the right-of-way is not adequate or cannot be configured to accommodate the enhanced sidewalk, then the development shall be set back from the street frontage as necessary to accommodate part of the improvements within the property.

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

15. Section 21.04.060B.1., Page 124, lines 24-29

The I-1 district is intended primarily for public and private light manufacturing, processing, service, storage, wholesale, and distribution operations along with limited commercial uses that support and/or are compatible with industrial uses. [OFFICE INDUSTRIAL PARKS AND S]Single-commodity bulk retail sales and building supply stores and services are allowed. This district is applied in areas designated as industrial/commercial by the comprehensive plan.

16. Subsection 21.04.080G.2.c., Page 127, line 18

Add new subsection c. as follows:

c. Number of Structures Allowed

Only one principal structure is allowed per lot, unless a conditional use approval is obtained for additional principal structures.

17. Subsection 21.04.080H., Page 127, line 19

Until the Airport District issues are resolved, staff recommends retaining the Transition (T) district, as the TR district.

21.04.070I. TR: Transition district

1. Purpose

a. This district is intended to include suburban and rural areas that, because of location in relationship to other development, topography or soil conditions, are not developing and are not expected to develop in the immediate future along definitive land use lines. The permitted uses in these districts are intended to be as flexible as possible consistent with protection from noxious, injurious, hazardous or incompatible uses.

b. It is intended that interim development shall proceed in accordance with the applicable comprehensive development plan for the property being developed.

c. As development patterns start to emerge within these areas and the sophistication of their protection becomes more critical to the general public interest, it is anticipated that such lands within the TR districts will be proposed for more restrictive zoning classifications.

2. District-Specific Standards

a. Permitted Uses

All uses in the residential, public/institutional, commercial, and industrial use categories are permitted, except those uses specifically prohibited in subsection 2.e. below, and those permitted only by conditional use in subsection 2.d. below.

b. Sale of Alcohol

Any use that involves the retail sale of alcohol is subject to the special land use permit for alcohol process; see subsection 21.05.020A.

c. Accessory Uses

Accessory uses and structures customarily incidental to any permitted principal use are permitted, as well as all antennas without tower structures, and type 1, 3, and 4, local interest towers that meet the conditions of subsections 21.05.040K.2.a. through 2.c. and 2.e. through 2.o.

d. Conditional Uses

The following uses require conditional use approval in the TR district: mobile home park; junkyard or salvage yard; natural resource extraction; cemetery; roominghouse; unlicensed nightclub; types 1, 2, 3, and 4 community interest towers; types 1, 2, 3, and 4 local interest towers that fail to meet the conditions of subsections 21.05.040K.2.a. through 2.c. and/or 2.e. through 2.o.

e. Prohibited Uses

The following uses are prohibited in the TR district: hospital/ health care facility, nursing facilities, adult care facility, assisted living facility, production or storage of explosive materials, types 2 and 3 local interest towers as principal uses that meet the conditions of subsections 21.05.040K.2.a. through 2.c. and 2.e through 2.o., any use or structure which is likely to be incompatible with established permanent uses within the area to be affected by the proposed use or structure.

f. Dimensional Standards

Minimum lot size in the TR district is 7,000 square feet. Except as required in subsection 2.g. below, there are no setbacks, lot coverage maximums, or height limits in the TR district.

g. Abutting Residential

i. Land zoned TR lying contiguous to residentially-zoned land shall be permitted to be used only in accordance with provisions and standards less intense or equal to provisions and standards allowed under this title for the least intensive land use zone within a 1,000-foot radius of the boundary of existing TR-zoned property for which a building permit or land use permit has been requested. Permitted uses must conform to the standards of this title listed in order from lowest to highest intensity: W, R-10, R-9, R-8, R-6, R-5A, R-7, R-1A, R-1, R-2A, R-5, R-2F, R-2M, R-2D, R-3, R-4, R-4A, R-O, B-1A, NMU, CMU, RMU, B-3, PLI, I-1, I-2, T.

ii. Property owners of residential-zoned land within 1,000 feet of a TR-zoned property shall be notified in writing of the issuance of a building or land use permit. The effective date of the permit shall be no earlier than 30 days after the date of mailing a TR zone land use determination notification.

i. Conformance With Comprehensive Plan

Notwithstanding any other provision of this title, no building or land use permit shall be issued in the TR zone authorizing uses and structures that do not conform to the land use plan maps in the applicable comprehensive development plan for the area in which the property is located.

j. Appeals

i. The assembly shall hear and decide TR zone use determination appeals. Any TR zone landowner or any landowner of residential-zoned land within a 1,000-foot radius of the TR-zoned property may appeal a TR zone land use determination. Any written communication received by the municipal clerk is an appeal of the TR zone use determination if it objects to the TR zone use determination, contains a legal description of the property on behalf of which the appeal is made, is signed by the person making the appeal, and is made within 30 days of mailing of a TR zone land use determination notification. The effective date of any TR zone building or land use permit is automatically suspended upon the filing of an appeal until assembly action as provided in this section has been concluded.

ii. If an appeal is filed, any assembly approval of a TR zone use shall be as submitted or with special limitations or other modifications at least as restrictive, with reference to the standards listed in subsection 2.g. of this section, as those submitted in the proposed use. Assembly action approving a TR zone use shall be by an affirmative vote of eight assembly members if the TR zone land use determination is protested by the owners of at least one-third in the area, excluding rights-of-way, of:

(A). The land to which the use determination applies; or

(B). The land within 300 feet of the outer boundary of the land to which the use applies, excluding land owned by the municipality, except where the municipality joins the protest or the use was initiated by the state or the United States.

The assembly may disapprove the TR-zone use, or remand the determination to the planning and zoning commission with instructions for its consideration.

Re-letter remaining section

CHAPTER 21.05

19. Subsection 21.05.010F., Table 21.05-2, Pages 146-156

Add "Townhouse" as "S" in B-3 and RO districts
Add "Parking lot or structure (less than 50 spaces)" as "P" in NMU district

20. Subsection 21.05.010F., Table 21.05-2, Pages 146-156

Table 21.05-2: Table of Allowed Uses, amend as follows:

Instructional Services	Change from prohibited to "C" in I-1 District
Amusement Establishment	Change from "P" (permitted) to "C" in I-1 District
Fitness and Recreational Sports Center	Change from prohibited to "C" in I-1 District
Marine wholesaling	Change from prohibited to "P" in I-1 District

Table 21.05-2: Table of Allowed Uses, amend the following uses in the PLI District:
Add "Assisted Living Facility (9 or more residents) as "C"
Add "Nursing Facility" as "C"
Delete "Amusement Establishment" (ie., delete the "C")
Delete "Fitness and Recreational Sports Center" (ie., delete the "S")
Delete "Bar" (ie., delete the "P")
Delete "Food and Beverage Kiosk" (ie., delete the "P")
Delete "Restaurant" (ie., delete the "P")

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

21. Subsection 21.05.040G.2., Page 182, line 1

Due to scheduling difficulties, the Planning and Zoning Commission and the Parks and Recreation Commission approved separate recommendations for this section. Both are listed here.

Planning and Zoning Commission Recommendation:

2. Park [AND OPEN SPACE], Public or Private

a. *Definition*

An area that is predominately open space, reserved for and designed to be used principally for active and/or passive recreation, and/or to serve ecological and aesthetic functions; any area designated as park by the assembly.

b. *Use-Specific Standards in the Anchorage Bowl*

i. Any master plan created for a municipal park shall be reviewed and approved as follows:

(A) For all park master plan proposals, the parks and recreation commission shall hold a public meeting, which shall include the opportunity for oral public comment.

(B) Master plans for 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 (over 30 acres) shall be approved by the planning and zoning commission.

(C) Master plans for parks classified by the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* as neighborhood use area or natural resource use area (30 acres or fewer) shall be approved administratively by the director.

ii. All development projects in municipal parks require a site plan review, as follows:

(A) For all development projects in municipal parks, other than those approved in a Master Plan, the parks and recreation commission shall hold a public meeting, which shall include the opportunity for oral public comments.

(B) Any discrepancies with an approved park master plan shall be described and justified.

(C) All development projects costing more than $500,000 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 (over 30 acres) shall be approved by major site plan review in accordance with 21.03.180C. For the purposes of this subsection, vegetation removal for public safety, natural resource protection and enhancement, ecosystem health, and general routine maintenance is not considered land disturbance.

(D) All development projects costing $500,000 or less than disturbing one acre or less of land, and all development projects in parks classified by the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* as neighborhood use area or natural resource use area (30 acres or fewer) shall be approved by administrative site plan review in accordance with 21.03.180B. Trails that are reviewed under section 21.03.190, *Street and Trail Review*, are exempt from this administrative site plan review. For the purposes of this subsection, vegetation removal for public safety, natural resource protection and enhancement, ecosystem health, and general routine maintenance is not considered land disturbance.

c. ***Use-Specific Standards in Chugiak-Eagle River-Eklutna***

i. Any master plan created for a municipal park shall have a public hearing before the Eagle River-Chugiak parks and recreation board of supervisors, and shall be reviewed and approved as follows:

(A) For all park master plan proposals, the Eagle River-Chugiak parks and recreation board of supervisors shall hold a public meeting, which shall include the opportunity for oral public comments.

(B) Master plans for parks classified by the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-Chugiak-Eklutna"* as

Community, Large Urban, or Regional Parks shall be approved by the planning and zoning commission.

(C) Master plans for parks classified by the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-Chugiak-Eklutna"* as playlots, mini parks, vest pocket parks, or neighborhood parks shall be approved administratively by the director.

ii. All development projects in municipal parks require a site plan review, as follows:

(A) For all development projects in municipal parks, the Eagle River-Chugiak parks and recreation board of supervisors shall hold a public meeting, which shall include the opportunity for oral public comments.

(B) Any discrepancies with an approved park master plan shall be described and justified.

(C) All development projects costing more than $500,000 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 shall be approved by major site plan review in accordance with 21.03.180C. For the purposes of this subsection, vegetation removal for public safety, natural resource protection and enhancement, ecosystem health, and general routine maintenance is not considered land disturbance.

(D) All development projects costing $500,000 or development projects in parks classified by the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-Chugiak-Eklutna"* as playlots, mini parks, vest pocket parks, or neighborhood parks shall be approved by administrative site plan review in accordance with 21.03.180B. Trails that are reviewed under 21.03.190, *Street and Trail Review*, are exempt from this administrative site plan review. For the purposes of this subsection, vegetation removal for public safety, natural resource protection and enhancement, ecosystem health, and general routine maintenance is not considered land disturbance.

d. ***Use-Specific Standards in Turnagain Arm***

i. All master plans, and any development projects costing more than $500,000 in municipal parks identified in the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 3: "Turnagain Arm"* shall be approved by major site plan review in accordance with 21.03.180C.

ii. All development projects costing $500,000 or less in municipal parks identified in the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 3: "Turnagain Arm"* shall be approved by administrative site plan review in accordance with subsection 21.03.180B.

e. Director's Discretion

i. Notwithstanding the various requirements above, the director shall require a park master plan or development project that would normally be approved administratively, to be approved by the appropriate commission if, in his or her judgment:

(A) The plan or project is likely to generate significant public interest;

(B) The project is a significant deviation from an approved master plan;

(C) The project will have a significant impact on neighboring uses; or

(D) The plan or project significantly increases the intensity of development of the park.

Parks and Recreation Commission Recommendation:

2. Park [AND OPEN SPACE], Public or Private

a. ***Definition***

An area that is predominately open space, reserved for and designed to be used principally for active and/or passive recreation, and/or to serve ecological and aesthetic functions; any area designated as park by the assembly.

b. ***Use-Specific Standards in the Anchorage Bowl***

i. Any master plan created for a municipal park shall be reviewed and approved as follows:

(A) For all park master plan proposals, the parks and recreation commission shall hold a public meeting, which shall include the opportunity for oral public comments.

(B) Master plans for parks classified by the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* as natural resource use area (over 30 acres), special use area, or community use area shall be approved by the planning and zoning commission.

(C) Master plans for parks classified by the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* as natural resource use area (30 acres or fewer) or neighborhood use area shall be approved administratively by the director.

ii. All development projects in municipal parks shall be reviewed and approved as follows:

(A) For all development projects in municipal parks, the parks and recreation commission shall hold a public meeting, which shall include the opportunity for oral public comments.

(B) All development projects costing more than $250,000 and in parks classified by the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* as natural resource use area (over 30 acres), special use area, or community use area shall be approved by major site plan review in accordance with 21.03.180C.

(C) All development projects costing $250,000 or less, and all development projects in parks classified by the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* as natural resource use area (30 acres or fewer) or neighborhood use area shall be approved by administrative site plan review in accordance with 21.03.180B. Trails that are reviewed under section 21.03.190, *Street and Trail Review*, are exempt from this administrative site plan review.

iii. All development projects in parks with approved master plans shall be consistent with the approved master plan.

c. ***Use-Specific Standards in Chugiak-Eagle River-Eklutna***

i. Any master plan created for a municipal park shall be reviewed and approved as follows:

(A) For all park master plan proposals, the Eagle River-Chugiak parks and recreation board of supervisors shall hold a public meeting, which shall include the opportunity for oral public comments.

(B) Master plans for parks classified by the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-Chugiak-Eklutna"* as Community, Large Urban, or Regional Parks shall be approved by the planning and zoning commission.

(C) Master plans for parks classified by the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-Chugiak-Eklutna"* as playlots, mini parks, vest pocket parks, or neighborhood parks shall be approved administratively by the director.

ii. All development projects in municipal parks shall be reviewed and approved as follows:

(A) For all development projects in municipal parks, the Eagle River-Chugiak parks and recreation board of supervisors shall hold a public meeting, which shall include the opportunity for oral public comments.

(B) All development projects costing more than $250,000 and 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 shall be approved by major site plan review in accordance with 21.03.180C.

(C) All development projects costing $250,000 or less, and all development projects in parks classified by the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 2: "Eagle River-Chugiak-Eklutna"* as playlots, mini parks, vest pocket parks, or neighborhood parks shall be approved by administrative site plan review in accordance with 21.03.180B. Trails that are reviewed under 21.03.190, *Street and Trail Review*, are exempt from this administrative site plan review.

iii. All development projects in parks with approved master plans shall be consistent with the approved master plan.

d. ***Use-Specific Standards in Turnagain Arm***

i. All master plans, and any development projects costing more than $250,000 in municipal parks identified in the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 3: "Turnagain Arm"* shall be approved by major site plan review in accordance with 21.03.180C.

ii. All development projects costing $250,000 or less in municipal parks identified in the *Anchorage Park, Greenbelt and Recreation Facility Plan Volume 3: "Turnagain Arm"* shall be approved by administrative site plan review in accordance with subsection 21.03.180B.

e. *Director's Discretion*

i. Notwithstanding the various requirements above, the director may require a park master plan or development project that would normally be approved administratively, to be approved by the appropriate commission if, in his or her judgment:

(A). The plan or project is likely to generate significant public interest;

(B). The project is a significant deviation from an approved master plan;

(C). The project will have a significant impact on neighboring uses; or

(D). The plan or project significantly increases the intensity of development of the park.

ii. Notwithstanding the various requirements above, the director may require a park master plan or development project that would normally be approved by a commission, to be approved administratively, if, in his or her judgment the project has minimal impacts on the existing situation, despite reaching the monetary threshold.

f. General Provisions

i. For the purposes of this subsection only, the term "development project" does not include the following unless the total project cost is over $250,000:

(A) Vegetation removal for public safety, natural resource protection and enhancement (such as invasive species removal and reforestation), ecosystem health, and/or general routine maintenance;

(B) Stream maintenance;

(C) Structure/equipment maintenance;

(D) Replacement of existing facilities;

(E) Upgrading equipment/facilities in such a manner that doesn't change the nature or intended use of the equipment/facility and doesn't increase its footprint.

ii. All park master plans and all development projects in parks in the municipality, regardless of the required approval process of this section, shall be posted on the municipal website.

22. Subsection 21.05.040I.3., Page 183, lines 9-19

2. Airstrip, Private

a. *Definition*

Privately owned land or water maintained as a runway for fixed-wing aircraft.

b. *Use-Specific Standards*

i. Private airstrips are allowed conditionally in residential districts only if approach and noise buffer areas are provided.

ii. Applications for private airstrips shall be accompanied by a determination letter from the Federal Aviation Administration.

3. Heliport

a. ***Definition***

An area designed to be used for the landing or takeoff of helicopters, which may include all necessary passenger and cargo facilities, fueling, and emergency service facilities.

b. ***Use-Specific Standards***

i. Heliports are not accessory uses unless they are accessory to an airport. A heliport associated with a principal use other than an airport shall be considered an additional principal use on the property and shall meet these use-specific standards.

ii. Applications for heliports shall be accompanied by a determination letter from the Federal Aviation Administration.

iii. In addition to the conditional use approval criteria at subsection 21.03.080C., the planning and zoning commission shall consider the following issues when reviewing a conditional use application for a heliport, in order to minimize impacts of a heliport on nearby uses:

(a) Proximity to residential zoning districts, schools, and parks.

(b) Arrival and departure, as established by the FAA.

(c) Hours of operation and projected number of takeoffs and landings.

Amend table 21.05-2 to allow a heliport as a conditional use ("C") in the I-1, I-2, and B-3 districts.

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

23. Subsection 21.05.050F.3., Page 203

Add new content to "Office, business or professional" use

b. ***Use-Specific Standards***

i. Business or professional office uses in the PLI district shall comply with one of the following:

(A) The use shall be an administrative office of a charitable and similar quasi-public organization of a noncommercial nature;

(B) The use shall be primarily engaged in directly serving the function of a public/institutional use permitted in the district; or

(C) The use shall be accessory to a use permitted in the district, and comprise no more than one-third of the gross floor area on the site, unless a greater percentage is approved by the director.

ii. Business or professional office uses in the I-1 district shall be subject to the following limitations:

(A) The building or portion of the building containing the use shall not exceed 45 feet in height.

(B) The proposed office use shall directly serve the function of an industrial or public/institutional use permitted in the district.

(C) If accessory to a commercial use permitted in the district, the office use shall comprise no more than one-third of the gross floor area on the site when the gross floor area is over 5,000 square feet, unless a greater percentage is approved by the director.

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

23. Subsection 21.05.050F.3., Page 203

ii. Business or professional office uses in the I-1 and I-2 districts shall be subject to the following limitations:

(A) The building or portion of the building containing the use shall not exceed 45 feet in height.

(B) The proposed office use shall directly serve the function of an industrial or public/institutional use permitted in the district.

(C) [IF ACCESSORY TO A COMMERCIAL USE PERMITTED IN THE DISTRICT, T]The office use shall comprise no more than 25 percent [ONE-THIRD] of the gross floor area on the site when the gross floor area is over 5,000 square feet, unless a greater percentage is approved by the director.

Amend table 21.05-2 to allow office as a permitted use ("P") in the I-2 district.

Note: This amendment amends the previous amendment, but was not included in it, as this proposal has not been reviewed by the Planning and Zoning Commission. Changes between the two are highlighted in orange.

24. Subsection 21.05.050G.3., Page 204, lines 23-30

An establishment, whether for consideration or not, that provides care, advice, aid, maintenance...Examples include, but are not limited to: dry-cleaning drop-off...repair of household appliances; pharmacies; and tanning salons. This use excludes maintenance and repair of vehicles and industrial equipment or machinery.

25. Subsection 21.05.050H.6., Page 205, line 37

Add this new use as H.6. and re-number remaining

6. Furniture and Home Appliance Store

a. Definition

An establishment engaged primarily in the sale of large household items, such as furniture, mattresses, carpets and flooring, and home appliances, in which a majority of the merchandise occupies large amounts of store floor area and is generally too large or heavy for an individual consumer to carry alone.

In table 21.05-2, add this use and allow it by "P" in the B-3, CMU, and RMU, and by "C" in the I-1 districts.

26. Subsection 21.05.050H.6., Page 205

An establishment engaged primarily in the retail sale of goods or merchandise...discount stores, catalog showrooms; [PHARMACIES;] and specialty retail stores specializing in such goods as clothing, [HOME FURNISHINGS,] sporting goods, books, stationary, music, video rentals, or flowers.

27. Subsection 21.05.060D., Page 216, lines 30-33

There is little on-site sales activity with the customer present. Accessory uses may include offices, limited retail sales, truck fleet parking, and maintenance areas.

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

28. Subsection 21.05.060E.6., Pages 229-230, lines 28-41, 1-4

6. Landfill

a. ***Definition***

The burial of hazardous or non-hazardous agricultural, residential, institutional, commercial, or industrial waste, including areas for the disposal of building and organic material and solid waste processing. This use does not include land reclamation.

b. ***Use-Specific Standards***

i. Landfills (operational area, excavated or filled area) shall be set back at least 200 feet from the property boundary, and at least 500 [660] feet from the lot line of any academic school, hospital, religious assembly, or residential zoning district. [NON-INDUSTRIAL USE, AND THAT REQUIRED SETBACK SHALL BE PLANTED WITH] L4 screening landscaping is required along all lot lines.

ii. Landfills shall contain and treat [ON-SITE] all run-off that comes into contact with the waste material, in such a manner that the run-off will not contaminate surface or ground water.

iii. Landfills shall comply with the requirements of 18 AAC 60. [NOT BE LOCATED IN ANY FLOODWAY.]

iv. Applications for a conditional use for a landfill shall [NO LANDFILL SHALL COMMENCE OPERATION UNTIL A NUISANCE CONTROL PLAN,] specify[ING] all measures to be taken to control nuisance conditions (such as odor, noise, scattered solid waste, wildlife) [HAS BEEN APPROVED BY THE DIRECTOR].

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

28. Subsection 21.05.060E.6.a., Page 229, lines 30-33

The burial of hazardous or non-hazardous agricultural, residential, institutional, commercial, or industrial waste, including [AREAS FOR THE DISPOSAL OF BUILDING AND ORGANIC MATERIAL AND] solid waste processing. This use does not include land reclamation.

Note: This amendment is not included in the previous amendment, because the Planning and Zoning Commission has not reviewed this proposal.

29. Subsection 21.05.060E.7., Page 230, lines 5-19

7. Recycling Drop-Off

a. ***Definition***

A lot or portion of a lot where containers are located to collect various materials for recycling. This use includes drop-off and collection of materials for recycling, but not processing of such materials.

b. ***Use-Specific Standards***

i. No recycling drop-off area shall be located in required parking for any other uses on the same lot, required landscaping, or pedestrian facilities.

ii. Recycling drop-off areas that are on a lot with another principal use such as a school or retail store shall, to the extent reasonably feasible, be placed to the side of the principal structure and/or site, and not abutting the street that provides primary access to the site.

iii. Recycling drop-offs that are the sole or principal use on a lot, and are not placed on a lot with another principal use such as a school or retail store, shall be fenced. The fencing shall be interior to any landscaping required by section 21.07.080. Recycling drop-offs in mixed-use districts or adjacent to residential districts shall have a screening fence. [CONTAINERS SHALL BE SCREENED IN ACCORDANCE WITH THE STANDARDS OF SUBSECTION 21.07.080H.2.]

iv. If a recycling drop-off area is within 200 feet of a residential district, n[N]o collection/pick-up of the accumulated materials shall occur between the hours of 10:00 p.m. and 6[7]:00 a.m. on weekdays, or between 6:00 p.m. and 10:00 a.m. on weekends.

v. If a recycling drop-off area is within 200 feet of a residential district, and the drop-off includes containers for collecting glass, the area shall be closed between the hours of 10:00 p.m. and 6[7]:00 a.m.

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

30. Subsection 21.05.060E.9., Pages 231-232, lines 34-46, 1-12

8. Solid Waste and/or Recycling Transfer Facility

a. ***Definition***

An establishment for the processing, transfer, and/or disposal of hazardous or non-hazardous solid waste and/or materials for recycling.

b. ***Use-Specific Standards***

[ALL SUCH USES SHALL COMPLY WITH THE FOLLOWING STANDARDS:]

i. *[LOCATION OF SITE]*

A solid waste transfer facility (structures, operations, outdoor storage) shall not be located within 500 feet of any academic school, hospital, [GOVERNMENTAL FACILITY (EXCEPT GOVERNMENTAL SERVICE), RELIGIOUS ASSEMBLY,] or residential zoning district [SUBDIVISION, OR PLACE OF PUBLIC

ASSEMBLY]. The facility shall be set back at least 100 feet from any mixed-use district.

ii. *[MINIMUM LOT SIZE AND WIDTH]*
Notwithstanding the general dimensional standards set forth in chapter 21.06, the minimum lot size for a solid waste and/or recycling transfer facility shall be two acres and the minimum lot width shall be 150 feet, unless otherwise established by the planning and zoning commission.

iii. *[LIMITS ON OUTDOOR STORAGE]*
Outdoor storage shall not exceed 35 feet in height. No outdoor storage, operations, or donations shall occur within the required front or side setback as set forth in chapter 21.06.

iv. *[SCREENING]*
In addition to any landscaping required under section 21.07.080, *Landscaping, Screening, and Fences,* the facility shall be surrounded by a [SOLID, OPAQUE] fence that is at least eight feet high, except that public drop-off areas need not be fenced unless they are adjacent to residential or mixed-use districts[, LOCATED NO LESS THAN 100 FEET FROM ANY PUBLIC RIGHT-OF-WAY, AND LOCATED NO LESS THAN 50 FEET FROM AN ADJACENT PROPERTY]. Such fencing that is adjacent to residential or mixed-use districts shall be screening fencing; such fencing that is adjacent to other non-industrial districts or to streets shall be sight-obscuring fencing.

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

31. Subsection 21.05.070D., Table 21.05-5, Page 236

Add "Outdoor keeping of animals" as "P" in PR and PLI

32. Subsection 21.05.070D.1.b.iii.(B)., Page 238, lines 31-32

ADUs shall be allowed in all residential zoning districts except [R-1, R-1A,] R-3, R-4, and R-4A.

33. Subsection 21.05.070D.1.iii.(C).(1)., Page 240, lines 27-29

The ADU shall be at least 60 feet from all [THE PRIMARY] front lot lines, and [OR] at least 10 feet behind the [PRIMARY] façade of the principal dwelling unit that contains the primary entrance.

34. Subsection 21.05.070D.6.b., Page 243

Add new subsection iii.

iii. Change of Use
The addition or removal of a drive-through is a change of use.

35. Subsection 21.05.070D.12.b.vi., Page 248, lines 16-17

Loading or unloading a connex unit, or the use of a connex during construction is exempt from this section, as long as the connex unit is removed promptly at the finish of the loading/unloading or construction activity.

CHAPTER 21.06

36. Subsection 21.06.020B., Table 21.06-2, Page 265

	Area	Width	Lot Coverage	Front sb	Side sb	Rear sb	Height
B-3: General Business							
Allowed Residential Household Living Uses	6,000	50	50	10	5 plus one foot for each five feet in height exceeding 35 feet	10	45 [8]
All other uses	6,000	50	Unrestricted	10	15 if adjacent to a residential district; otherwise 0 or at least 10	15 if adjacent to a residential district; otherwise 0 or at least 5	45
RO: Residential Office District							
Allowed Residential Household Living Uses	6,000	50	50	10	5 plus one foot for each five feet in height exceeding 35 feet	10	45 [8]
All other uses	6,000	50	50	10	10 if adjacent to a residential district; otherwise 5	15 if adjacent to a residential district, otherwise 10	45, not to exceed three stories of nonresidential use

Add footnote #8: See subsection 21.04.020I.2.d. for information regarding possible height increases.

Renumber remaining footnotes.

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

37. Subsection 21.06.020C., Table 21.06-3, Page 267

In NMU district in row for "All other uses", change the max floor area ratio: 0.75[0.5]

Amend footnote 9: "Additional FAR available. See FAR incentives for mixed-use districts at 21.04.050G.2."

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

38. Subsection 21.06.020D., Table 21.06-4, Page 269

The following amends the height column in the PLI row:

75 feet, unless greater height is approved by conditional use or through an institutional master plan [NO MAXIMUM, EXCEPT THAT THE HEIGHT TRANSITION PROVISIONS OF SUBSECTION 21.06.030D.7. SHALL APPLY]

39. Subsection 21.06.030C.1.f., Page 270, after line 37

Add new text in subsection f. as follows:

f. Where a setback is allowed to be zero feet, the setback shall be any inelastic response displacement distance required by title 23 to accommodate seismic deflection. A parapet cap, trim, or other similar cover shall cover any gap between buildings, in accordance with title 23.

CHAPTER 21.07

40. Subsection 21.07.020B.6.b.ii., Page 294, line 17

Add new ii.(C). and renumber remaining items.

(C). On-site snow storage piles in accordance with subsection 21.07.040F., *Snow Storage and Disposal*;

41. Subsection 21.07.030B., Page 304, lines 14-17

Development shall be required to set aside private open space according to the following minimum requirements, except where specifically provided otherwise. [SINGLE-FAMILY, TWO-FAMILY, AND TOWNHOUSE RESIDENTIAL USES ARE EXEMPT. FOR THE PURPOSES OF THIS SECTION, GROSS FLOOR AREA SHALL NOT INCLUDE FLOOR AREA DEVOTED TO PARKING OR LOADING, OR INDOOR PRIVATE OPEN SPACE THAT MEETS THE STANDARDS OF C.4 BELOW.]

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

42. Subsection 21.07.030B.3., Page 304, lines 25-31

R-4 and R-4A districts: For a multifamily use with townhouse-style construction, 225 square feet of private open space per dwelling unit, to be provided for the exclusive use of each dwelling unit per C.2. below; for non-townhouse-style multifamily uses, 120 [125] 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.

43. Subsection 21.07.030C., Page 305, lines 1-7

C. Exemptions

The following are exempt from the private open space requirement:

1. Single-family, two-family, mobile home, and townhouse residential uses;

2. Parks [AND OPEN AREAS], public safety facility, transportation facility, utility facility, telecommunication facility, agricultural uses, commercial kennel, large domestic animal facility;

3. Vehicles and equipment, manufacturing and production, warehouse and storage, and waste and salvage use categories;

4. Any building floor area devoted to parking and/or loading; [AND]

5. Any building floor area provided as indoor private open space that meets the standards of D.5 below; and

6. Any non-residential development with less than 5,000[1,000] square feet of gross floor area.

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

44. Subsection 21.07.030D.3., Page 305, lines 30-34

A fence, hedge, earth berm, railings on decks, and/or other continuous linear landscaping features shall define and separate ground-level private open space from abutting streets and rights-of-way. Such features may be incorporated as part of required perimeter landscaping. A non-residential private open space such as a plaza or outdoor seating area shall be exempt from the physical delineation requirement where it abuts a sidewalk or other public pedestrian space. Private open space shall be separated from refuse collection areas by L2 visual enhancement landscaping.

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

45. Subsection 21.07.030D.6.c., Page 306, line 34

c. Has a minimum inside dimension of 25 feet for residential uses, or 20 feet for non-residential uses; and

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

46. Subsection 21.07.060F.6.e., Page 326, after line 42

Add new subsection e.

Plazas shall not be paved with asphalt.

47. Subsection 21.07.060F.16., Page 331, line 1

Add new F.16. as shown here:

16. Pedestrian-Interactive Use:

A pedestrian-interactive use is intended to provide ground-floor spaces that strongly engage the sidewalk with street-facing windows and entrances, feature activities and services that support neighborhood residents, and generally contribute to the pedestrian-oriented environment in mixed-use districts. The standards that follow apply where the term "pedestrian-interactive use" is listed in this title as a requirement, special feature for a bonus, or a menu choice.

a. A pedestrian-interactive use shall be any of the following uses that are permitted in the district: a retail sales use; retail and pet services use; financial institution providing banking services open to the public with at least one employee on site; food or beverage service; personal service; cultural facility; or the frontage of entry ways or stairways through which such uses are principally accessed; provided, however, that the following

types of retail sales shall not be considered pedestrian-interactive uses: fueling station; building materials store. The following permitted uses supporting residential neighborhood and housing development are also considered pedestrian-interactive uses: residential dwellings with individual front entries along the street; elementary school, middle or high school; health services; and child care center.

b. A pedestrian-interactive use shall provide a primary entrance facing the street. Entrances at building corners facing a street may be used to satisfy this requirement.

c. A pedestrian-interactive use shall occupy a habitable space at least 24 feet deep extending along the full length of the ground-floor, street-facing building elevation, allowing for pedestrian and vehicle entrances, entry lobbies or atriums, and stairwells.

d. A pedestrian-interactive use shall comply with 21.060.030C.5., *Maximum Setbacks.*

e. Street-facing ground-floor wall areas of a pedestrian-interactive use shall be 67 percent visual access windows, except that such wall areas for dwellings shall be at least 20 percent visual access windows.

f. Where a building has three or more street frontages, these criteria apply along only two of the frontages.

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

48. Subsection 21.07.080E.5.f., Page 339, lines 9-12

As an alternative to the street frontage site perimeter landscaping requirements of table 21.07-2, nonresidential and mixed-use development in the NMU, CMU, RMU, B-1A, R-4, and R-4A districts may instead comply with the enhanced [MIXED-USE DISTRICT] sidewalk [STREETSCAPE LANDSCAPING] standards in subsection 21.04.050G.5.

Note: This amendment relates to amendment #14.

49. Subsection 21.07.080F.5., Page 346, lines 23-24

Except as specifically allowed elsewhere in this title, no structure, motor vehicle area, snow storage, or paved area may be located in areas required for landscaping, except that snow storage is allowed in site enhancement landscaping.

50. Subsection 21.07.080H.3.a., Page 350, lines 25-29

In the R-1, R-1A, R-2A, R-2D, R-2F, R-2M, R-3, R-4, R-4A, R-5, and R-7 districts, fences in front setbacks shall not exceed four feet in height. Fences in secondary front setbacks that abut a street of arterial or greater classification may be up to eight feet in height. Fences in side or rear setbacks shall not exceed six feet in height, except where abutting or across an alley from a nonresidential district, in which case the fence may be up to eight feet in height.

51. Subsection 21.07.090E., Table 21.07-5, Pages 354-361

Amend the table of off-street parking requirements as follows:

Community center or religious assembly: 1 per 5 [4] persons in principal assembly area based on maximum occupancy provisions of AMC title 23

Amusement establishment: add "Indoor shooting range" at "1 per target area, or 1 per 5 seats, whichever is greater"

Delete "Pharmacy/Drugstore and Video Rental Store" and "Dry-cleaning drop-off site/Mail Package Service/Locksmith Shop"

Change "All other uses" to "General Personal Services": 1 per 400 [300] sf gfa

Change "Retail sales of large or bulky merchandise such as furniture, home appliance, or flooring store" to "Furniture and Home Appliance Store"

Move "Bicycle store [SHOP]" to be a subset of "General retail"

52. Subsection 21.07.090F.3.c., page 364, lines 45+

For buildings constructed after [effective date], parking facilities including driveways shall comprise no more than 50 percent [ONE-THIRD] of the area between the street property line and the street facing building elevation, and garage doors shall comprise no more than 50 percent [ONE-THIRD] of the length of the street facing building elevation. These requirements apply to no more than two street frontages.

53. Subsection 21.07.090H.7.b., Page 376, lines 5-10

Delete from 21.07.090H.7.b. and add as new 21.07.110C.5., renumbering remaining sections. Retitle as "Relationship to Parking"

54. Subsection 21.07.090H.9.b., Page 376, lines 34-46

... Circulation patterns within parking facilities shall be well defined with pavement marking and signage, [VERTICAL] curbs, landscaping, landscaped islands, and/or other similar features....

55. Subsection 21.07.090H.9.e.i., Page 377, lines 22-26

To ensure safe and efficient vehicular access to parking spaces, each [REQUIRED] off-street parking space shall open directly on a parking aisle or driveway of such width and design as provided in table 21.07-9 and the illustrations that follow the table. Adequate ingress and egress to each parking space shall be provided without backing more than 25 feet.

56. Subsection 21.07.090H.10.j., Page 381, line 23

Add new subsection j. as follows:

j. Stacked, Automated, or Tandem Spaces
The traffic engineer may approve reduced parking space dimensions for stacked, parking spaces, and/or tandem spaces in an attendant parking facility.

57. Subsection 21.07.090J.7., Page 384, lines 30-36

Car accessible spaces shall be at least eight feet wide with an access aisle at least five feet wide abutting the space. Van accessible spaces shall be at least eight feet [FOUR INCHES] wide with an abutting access aisle at least eight feet in width...

58. Subsection 21.07.110C.4.b.i.(B)., Page 391, line 9

One foot distance for every one foot of building height, up to 35 feet.

59. Subsection 21.07.110C.6.a.i., Page 393, lines 5-7

The maximum interval may be increased by two and one half feet for each foot of additional change in wall plane of the projection or recess—up to a maximum interval of 42 [40] feet

60. Subsection 21.07.110C.6.h., Page 393, lines 38-40

Provide windows and/or primary entrance doors comprising at least 20 [25] percent of the wall area of the building elevation.

61. Subsection 21.07.110C.8.a, Page 395, lines 2-5

Provide outdoor shelter that covers at least 32 [36] square feet for any primary entrance that serves one dwelling, 48 square feet for any primary entrance that serves up to four dwellings, and 64 square feet for any primary entrance that serves more than four dwellings.

62. Subsection 21.07.110D.1.a., Page 397, lines 24-25

Provide visual interest and architectural variety to attached dwellings that enhances [ADDS VISUAL INTEREST TO] the neighborhood character;

63. Subsection 21.07.110D.7., Page 399, lines 5-11

Any townhouse building elevation facing a street, required common private open space, or having at least one primary entrance shall provide features from the menu below. If the building has one or two applicable elevations, then at least four features shall be provided on each elevation. If a third elevation is applicable, at least three features shall be provided on that elevation. If the building has four or more dwellings and the applicable building elevation is 40 feet or longer, then feature 6.a. shall be required as one of the features on each applicable elevation. Any applicable elevation with the primary entrance shall have four features provided.

64. Subsection 21.07.110G., Page 404, lines 5-13

Move Quonset hut definition to chapter 21.14.

65. Subsection 21.07.110H.2., Page 404, line 18

A. Intent

This section regulates the development of multiple residential structures on a single lot. The section is intended to allow flexibility from the subdivision regulations while still achieving neighborhoods that are healthy, safe, and convenient, and meet the goals of the comprehensive plan. The approval processes and standards are intended to result in a development with a cohesive neighborhood identity, an attractive and functional streetscape, a hierarchy of streets and driveways, convenient and safe pedestrian circulation, sufficient parking near each dwelling unit, usable and well-located open space, a positive image of higher density residential development, and well designed and visually pleasing structures and neighborhoods.

B. Applicability and Review Process

1. This section applies to the development of two or more principal residential structures on a single lot. It does not apply to the development of an accessory dwelling unit or a caretaker's unit.

2. Multiple residential structures on a single lot are permitted in the R-2M, R-3, R-4, R-4A, B-3, RO, NMU, CMU, and RMU districts.

3. Applicable developments with between two and 15 dwelling units shall be approved by administrative site plan review pursuant to subsection 21.03.180B. Applicable developments with 16 or more dwelling units shall be approved by the planning and zoning commission using the major site plan review process (subsection 21.03.180C.).

4. All approvals under this section shall use the approval criteria of subsection C. below, in addition to the general site plan review approval criteria. The decision-making body may place conditions on the development as it may deem necessary to meet the approval criteria.

C. Approval Criteria

1. The proposal shall clearly distinguish between streets and driveways. Streets shall allow vehicles to travel into and within the development, and shall be the means for assigning an address to dwelling units. Driveways shall access garages and parking areas. Some small developments may not need a street network.

2. Dwelling units shall be oriented towards streets (either within the development or along the boundary of the development) or towards a courtyard or similar common open space. Buildings with frontage on both a street and a driveway shall be oriented towards the street. If the development is so small that no internal street network is necessary, then buildings and dwelling units shall be oriented towards the local public streets on the boundaries of the development, or towards common open space.

3. The area between the front of a unit facing a street and the street shall include landscaping or lawn, so that the streetscape features green space rather than just paved parking areas. Adequate snow storage area shall be provided. On-street parking shall be accommodated (if provided).

4. Developers should make every effort to design and arrange dwelling units in such a manner as to provide "eyes on the street", take advantage of solar access, and to the extent feasible, provide privacy for neighboring units' yards.

5. In addition to sidewalks required by section 21.07.060, pedestrian pathways shall be provided to large open space areas and in the middle of long blocks. Pedestrian circulation should be convenient both within the development and to appropriate neighboring areas outside the development.

6. The development is designed to take advantage of any significant natural features on site, and to provide usable open space and recreation areas.

D. **Development Agreement**

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

E. **Minimum Standards**

All development with multiple residential structures on a single lot shall meet the following minimum standards, in addition to the applicable standards of this title.

1. **Open Space**
A minimum of 30 percent of the site shall be reserved as open space which shall meet the standards of section 21.07.030, *Private Open Space.* Any requirement in section 21.07.030 for open space for the individual use of a dwelling shall count toward the total 30 percent requirement. The open space shall not be simply the lot setbacks and leftover fragments such as corner bits that are unusable for other purposes.

2. **Buffers for Neighboring Uses**
Common open space with L4 screening landscaping shall be provided along any lot line abutting a residential neighborhood where the density is less than half the density of the development with multiple residential structures on a single lot.

3. **Building Spacing**
Within a development, no portion of any single-, two-, or three-story building shall be closer than 10 feet from any other single-, two-, or three-story building. All portions of any building taller than three stories shall be separated by no less than 20 feet from any other building.

4. **Vehicle Plug-In**
Each unit with no garage shall be provided with at least one electrical outlet that is convenient to the required parking space(s).

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

66. Subsection 21.07.110H.3., Page 404, lines 19-34

3. **Driveway Width**
[A.]This section limits the width of a driveway at the property line and at the curb. The intent of these limitations is to provide adequate space for snow storage within the right-of-way, to have space for on-street parking where appropriate, and to discourage the majority of the front area of a lot from being paved and/or used for vehicle parking. The municipal driveway standards established by the traffic engineer, including parameters for driveway characteristics such as angles, profile, landing grades, number, and distances between shall, where not in conflict with this section, apply to all residential development.

a.[B.] Unless otherwise provided in this title, the total width of driveway entrances to a residential lot from a street shall not exceed 40 percent of the frontage of the lot on the street at the property line and 30 percent at the curb.

b.[C.] Notwithstanding the above, a driveway for residential uses may always have a driveway throat width [BE A MINIMUM] of 14 feet wide at the curb and shall not have a driveway throat width [BE] wider than 20 feet at the curb, except as provided below.

c. Notwithstanding the above, the width of a two-way driveway providing common access to at least eight dwellings may be up to a maximum of 24 feet wide.

d. Notwithstanding the above, the total width of driveway entrances f[F]or townhouse uses[, THE TOTAL WIDTH OF DRIVEWAY ENTRANCES] shall not exceed 50 percent of the frontage of the lot on the street at the property line and at the curb, provided that driveways of abutting dwelling units are attached in pairs to the maximum extent feasible in order to maximize spacing between driveways along the street frontage.

e. Flag lots are exempt from the percentage limitations, but shall have a maximum driveway throat width at the curb of 20 feet.

f. When a driveway serves both residential and nonresidential principal uses, such as in mixed-use development, the driveway dimensions shall be as required for the nonresidential use.

67. Subsection 21.07.110H.4.b., Page 404

In situations where a group of lots front[ING] an entire block on one side of a street between two intersections, abut a mid-block alley, and are being developed together, then parking access to the structures shall be from the alley, and the building(s) may encroach into the front setback by up to five feet. [MAY BE REDUCED TO 10 FEET.]

68. Subsection 21.07.130A.5.j.ii., and iii., and iv., Page 414, lines 22-25

ii. Peaked, arched, or other entrance roof form;

iii. Transom or clerestory windows, along with double entry doors or sidelight windows;

iv. Façade detail [ORNAMENTAL ARCHITECTURAL] features such as tilework, moldings, or lighting, integrated into the building design; or

69. Subsection 21.07.130A.6.f., Page 416, lines 33-37

f. Street-Facing [UPPER LEVEL] Windows

Provide visual access windows and/or primary entrances on each street-facing building elevation (up to a maximum of two elevations) comprising at least 15 percent of the ground-floor wall area. An elevation that is more than 150 feet away from the facing street right-of-way shall be exempt, unless it is the only applicable elevation. Qualifying windows shall be no more than four feet above finished grade. [ELEVATIONS FACING STREETS AND RESIDENTIALLY ZONED LOTS SHALL PROVIDE WINDOWS ALONG 35 PERCENT OF EACH UPPER FLOOR FAÇADE. FOR THE PURPOSES OF THIS SECTION ONLY, FLOORS SHALL BE CONSIDERED 15 FOOT INCREMENTS IN HEIGHT, AND ROOFTOP MECHANICAL PENTHOUSES ARE EXEMPT.]

For public information only.
Copy of consultant's work as submitted in July 2011.

CHAPTER 21.08

70. Subsection 21.08.030F.7.a., Page 420

The subdivider shall provide names for all new streets in the subdivision, which names shall neither duplicate, nor be subject to confusion with, the spelling or the pronunciation of any existing street name in the municipality. The subdivider's selection of street names shall be subject to review by the director, who may reject any proposed street name that does not conform to this section or to any regulation promulgated pursuant to this section. The municipality shall name all streets that are peripheral to the subdivision and all extensions of existing streets into the subdivision. [WHERE A NEW STREET EXTENDS OR CONTINUES AN EXISTING STREET, THE NAME OF THE EXISTING STREET SHALL BE USED FOR THE NEW STREET.]

71. Subsection 21.08.030H.2.d., Page 421

A summary of field exploration methods and tests on which the report is based, such as probings, core drilling, [BOREHOLE PHOTOGRAPHY,] or test pits.

72. Subsection 21.08.030H.6., Page 422, lines 30-34

6. **Sidewalks/Pathways [TRAILS]**
[ANY R]Requirements for sidewalks or pathways [TRAILS] along local streets [ROADS] may be reduced or eliminated [LIMITED,] by the platting authority[, TO PROVIDING A SIDEWALK/TRAIL ON ONE SIDE OF THE ROAD ONLY. IN SUCH CASE, THE SIDEWALK/TRAIL SHALL BE A MINIMUM OF 6 FEET WIDE AND SEPARATED FROM THE ROAD.] In deciding the extent of pedestrian facilities to be required, the platting authority shall consider negative impacts to the terrain and the possibility of alternate locations for pedestrian facilities.

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

73. Subsection 21.08.030H.8., Page 423, lines 1-2

8. **Vehicular Routes**
The intent of this subsection is to minimize disturbance to the natural landscape in the alpine areas of the municipality by limiting disturbed area(s) for roadway construction to the dedicated right-of-way, and that where the final constructed road embankment cannot be constructed within the right-of-way, that structural solutions, but not embankment cut and fill limits, may extend not more than 15 feet beyond the right-of-way in dedicated slope easement(s).

a. Streets, roads, private access roads, and other vehicular routes shall generally follow natural contour lines, and shall be designed in accordance with the *Design Criteria Manual* and this subsection.

b. Land disturbance, including vegetation clearing and grubbing, grading, etc., shall be curtailed to the smallest area/extent possible.

i. Initial land disturbance shall be limited to the proposed travel-way (lanes and shoulders) to accommodate land survey, geotechnical investigation of the in situ materials, and "rough" construction.

ii. The ultimate extent of land disturbance shall be dependent upon the nature of the subsurface materials. The extent of disturbance shall be the minimum necessary and shall be limited to the right-of-way, except that the municipal engineer may allow disturbance to extend 15 feet beyond the right-of-way on each side with demonstrated justification, easement permissions, and notifications. Construction of improvements up to 15 feet outside the right-of-way is for the purpose of constructing structural solutions and not to widen the roadway embankment's footprint.

iii. The subdivision agreement shall be used to implement this subsection H.8.

d. Disturbed area within the 15 feet abutting the right-of-way on both sides shall be a slope easement, for the purpose of providing and maintaining the lateral support of the constructed street.

e. Cut and fill slopes and all disturbed areas shall be stabilized and reinforced using the most appropriate engineering means. Vertical or near vertical constructed retaining walls shall be no taller than 15 feet without an eight foot horizontal or near horizontal terrace. Vertical or near vertical surfaces that are formed from underlying rock need not be terraced. Any vegetation employed as a means of stabilization shall replicate original native landscape conditions.

f. The platting authority may require common driveways to be shared by two or more lots, with the concurrence of the traffic engineer and the fire department, to avoid excessive and unnecessary disturbance to slopes by multiple and individual lot driveway cuts, and/or to avoid and/or reduce impacts to other natural features, such as wetlands, creeks, etc.

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

74. Subsection 21.08.030I.4., Page 423, lines 21-23

The platting authority may reject a proposed subdivision in its entirety if the geotechnical investigation does not demonstrate that the area can be developed in accordance with this title and AMC title 23.

CHAPTER 21.09

75. Subsection 21.09.040B.2.a., Page 462, after line 15

Add new a.iii. as follows:

iii. District-Specific Standard
More than one principal structure may be allowed on any lot or tract by administrative site plan review. No portion of any structure may be closer than 10 feet to any portion of any other structure.

76. Subsection 21.09.040B.2.b., Page 462, lines 29-31

Amend b.iii. as follows:

iii. *District-Specific Standards*

(A). Nonresidential uses may be allowed as provided in table 21.09.050-1, but shall be allowed only on central sewer, not septic systems.

(B). Only one principal structure is allowed on any lot or tract.

77. Subsection 21.09.040B.2.c., Page 463, lines 7-10

Amend b.iv. as follows:

iv. *District-Specific Standards*

(A). In spite of section 3.a. below, commercial vehicles, shipping containers, construction equipment, and the like may be stored outdoors in this district.

(B). Only one principal structure is allowed on any lot or tract.

78. Subsection 21.09.040B.2.d., Page 463, after line 33

Add new d.iv. as follows:

iv. *District-Specific Standard*

Unless determined otherwise through an area master plan, only one principal structure is allowed on any lot or tract.

79. Subsection 21.09.040B.2.e., Page 463 (464), after line 4

Add new e.iii. as follows:

iii. Only one principal structure is allowed on any lot or tract.

80. Subsection 21.09.040B.2.f., Page 464, after line 20

Add new iii.(C). as follows:

(C). More than one principal structure may be allowed on any lot or tract by administrative site plan review. No portion of any structure may be closer than 10 feet to any portion of any other structure.

CHAPTER 21.11

81. Section 21.11.040C., Page 548, lines 3-8

For the purposes of this chapter and for determining allowable freestanding sign area, public street frontage is the length of a lot line, measured between two corners of the lot, which abuts the public street along which the sign is to be located. The length of public street frontage along one lot line shall only be used to calculate the allowable freestanding sign size for a sign to be located on that lot line. Lots with more than one public street frontage shall not add these street frontages together to calculate an allowable freestanding sign area. [THE PUBLIC STREET WHICH IS CONTIGUOUS TO THE ADJACENT PRIVATE PARCEL FOR WHICH THE SIGN IS BEING CONSIDERED.] For the purposes of these regulations a public alley is not considered a public street. For the purposes of this section, standards,

which are based on a minimum length of the public street frontage, shall also apply to "any portion thereof" unless the specific section states otherwise. For signs placed at the intersection of two streets, equidistant from two lot lines, the length of either lot line, but not both, may be used to determine the allowable sign size.

CHAPTER 21.12

82. Subsection 21.12.010G., Page 568, line 37

Add new G. and re-letter remaining subsections.

G. Additions and New Construction

In those situations where an addition to an existing structure, or a new structure on an existing lot, is permitted despite the existence of a nonconformity or being out of compliance with the required characteristics of use, the addition/new construction shall comply with all requirements of this title. The director may allow an exception to any maximum setback requirements when such requirement is shown to be impractical.

Note: This proposal was reviewed and recommended by the Planning and Zoning Commission.

CHAPTER 21.13

83. Subsection 21.13.060D.2.a., Page 588, lines 19-20

Serve notice of the complaint upon the violator(s) named, and the property owner if different from the violator(s), in person or by certified mail; or

CHAPTER 21.14

84. Section 21.14.020B., Page 592, lines 21-23

B. Headings, Text, and Illustrations[, AND TEXT]

1. Headings and Text

In the event of a conflict or inconsistency between the text of this title [CHAPTER] and any heading, caption, figure, illustration, table, or map, the text shall control.

2. Illustrations

Illustrations in this zoning ordinance are provided for purposes of describing, clarifying, or providing examples. Such illustrations are not to scale and do not replace, limit, or expand the meaning of the text.

Delete subsection 21.14.020N.

85. Subsection 21.14.020I., Page 593, lines 11-13

F. Mandatory and Permissive Terms

The word "shall" is mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive, indicating compliance is optional.

86. Subsection 21.14.030, Page 595-end

Various amendments to the definitions:

Building Interface Zone
The space located between the pedestrian movement zone of an enhanced sidewalk and the street-facing building façade. The building interface zone protects pedestrians walking on the sidewalk from opening doors and objects protruding from buildings. It can accommodate window shopping and building egress and ingress. It may also provide space for features along the building wall such as seating, foundation landscaping, or residential front stoops.

Deck
A platform, either freestanding or attached to a building, supported on the ground by pillars, posts, columns, or similar structural members.

Driveway Throat Width
The width of a driveway at the property line or street curb, measured from face of curb to face of curb (or, where there are no curbs, between the edges of the driveway travel way surface), at the point of tangency. The measurement does not include any medians contained in the driveway. For driveways with a curb return design at the opening of the street curb, the measurement does not include additional width at the driveway opening created by the curb return radii. [ILLUSTRATION TO BE ADDED]

Façade, Building
A vertical wall plane of a building [STRUCTURE].

National Electrical Safety Code (NESC)
The most current national electrical safety code or successor code, as published, amended, and/or interpreted by the federal government.

Pedestrian Feature
A permanent object that provides pedestrians with increased convenience, comfort, and utility, and which is publicly accessible and not limited to a tenant or establishment such as seating for a restaurant. Pedestrian features include:

- Seating such as benches accommodating several people;
- Secondary/informal seating opportunities such as steps, pedestals, low walls, or edges of fountains, accommodating several people;
- A space for standing with objects to lean against such as bollards, short fences, or irregular building facades, accommodating several people;
- A tree or raised planter;
- A work of art such as a water feature, sculpture, cultural exhibit, or clock feature;
- A winter city feature such as a wind screen, or outdoor stove or space heater; or
- Other object supporting pedestrian utility, such as a gazebo or kiosk.

Pedestrian Movement Zone
The middle portion of an enhanced sidewalk, located between the sidewalk's street interface and building interface zones. The pedestrian movement zone provides for the primary function of sidewalks, and is kept clear of any obstructions to pedestrian movement.

Pedestrian Oriented
A characteristic of a development or district that emphasizes the street sidewalk and/or connecting pedestrian access to the site and building(s), such that a person can comfortably walk from one location to another, and optional pedestrian activities such as strolling, window shopping, or relaxing can take place. Pedestrian oriented characteristics [FEATURES] include: buildings placed within a short setback distance from the sidewalk; primary entrances and windows on building facades which face the street; a mix of civic, commercial, and/or residential uses; shared open spaces and plazas; architectural details and visual interest at the pedestrian scale; pedestrian features [AMENITIES] such as wide walkways, seating, bicycle facilities, public art, landscaping, lighting, and wayfinding signs; and northern climate features such as atriums, canopies, transit shelters, wind protection, and orientation for sunlight access.

Pharmacy
An establishment offering only to prepare, preserve, compound, and dispense prescribed and nonprescribed mediation and drugs, medical supplies, and health care items.

Physical Access
For the purposes of chapter 21.08, having physical access means being adjacent to a street [ROAD] suitable for travel by passenger automobiles that is connected to the publicly dedicated and improved transportation network of the municipality.

Quonset Hut
Quonset hut is defined as a self-supporting structure that is shaped like a longitudinal half of a cylinder resting on its flat surface, with or without straight sides of six feet or less on the cylinder (non-gable) sides, that is more than 10 feet wide across the gable end, or 15 feet along the non-gable side, or 10 feet high, and has two of the four following characteristics:

1. Prefabrication.

2. Fabric or plastic material or corrugated metal roofing.

3. Ribbed appearance in the roofing material

4. A roof system that is in height as tall as or taller than the wall systems on the non-gable sides.

Street Interface Zone
The portion of an enhanced sidewalk that lies between the street curb and the pedestrian movement zone of a sidewalk, providing a buffer between vehicular traffic and pedestrians. The street interface zone accommodates streetscape objects to be kept out of the movement zone portion of the sidewalk, such as street trees, landscaping, street furniture, street signs, light poles, and/or utility boxes.

Traffic Engineer
The municipal official and practicing engineer responsible for the duties established in AMC title 9. [UNLESS OTHERWISE INDICATED, THE DIRECTOR OF THE TRAFFIC DEPARTMENT, OR DESIGNEE.]

Tree, Evergreen
A tree that retains its leaves throughout the year.

For public information only.
Copy of consultant's work as submitted in July 2011.

Issues Not Yet Addressed:

1. Predominant zoning provision (Standards for pedestrian facilities, Landscaping, Dumpster screening)
2. Dumpster location and screening—some issues with SWS still need to be addressed
3. Loading area screening
4. Potential amendments to address multi-story self-storage facilities
5. Additional definitions may be needed