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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. Zoning Districts Established

The following zoning districts are established:

TABLE 21.04-1: ZONING DISTRICTS ESTABLISHED		
District Type	Abbreviation	District Name
Residential Districts	RS-1	Single-Family Residential
	RS-2	Low-Density Residential (one-half acre)
	RT	Two-Family Residential
	RM-1	Low-Density Mixed Residential
	RM-2	Mixed Residential
	RM-3	Multi-Family Residential
	RM-4	Residential Mixed-Use (was RMX)
	RL-2	Low-Density Residential (1 acre)
	RL-3	Low-Density Residential (2 acres)
	RL-4	Low-Density Residential, Alpine/Slope
Commercial Districts	NC	Neighborhood Commercial (was NMU-1)
	AC	Auto Commercial Corridor
	CBD-1	Central Business District, Core
	CBD-2	Central Business District, Intermediate
	CBD-3	Central Business District, Periphery
	OC	Office
Mixed-Use Districts	NMU	Neighborhood Mixed-Use
	CMU	Community Commercial Mixed-Use
	RMU	Regional Commercial Mixed-Use
	MMU	Midtown Mixed-Use
Industrial Districts	IC	Industrial / Commercial
	I-1	Light Industrial
	I-2	Heavy Industrial

TABLE 21.04-1: ZONING DISTRICTS ESTABLISHED		
District Type	Abbreviation	District Name
Chugiak-Eagle River Districts	RL-1	Low-Density Residential with Mobile Homes
	RC	Rural Commercial
Other Districts	AD	Airport Development
	AF	Antenna Farm
	DR	Development Reserve
	M	Marine
	PR	Parks and Recreation
	PLI	Public Lands and Institutions
	RUC	Railroad Utility Corridor
	TA	Turnagain Arm
	W	Watershed
Overlay Zoning Districts	AHO	Airport Height Overlay
	NCO	Neighborhood Conservation Overlay
	RTRO	Railroad Terminal Reserve Overlay
	FHO	Flood Hazard Overlay
Girdwood Districts	Girdwood Districts are set forth in chapter 21.09, <i>Girdwood</i> .	

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2. Zoning Map

The use districts are shown on the Official Zoning Map (See section 21.01.050). Procedures for amending the zoning map are in section 21.03.050, *Rezoning (Zoning Map Amendments)*.

B. Relationship to Overlay Districts

All lands within the municipality shall be designated as one of the base zoning districts set forth in sections 21.04.020 through 21.04.070. 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 comprehensive plan and with standards of public health and safety established by this code;

- 1 2. Reserve areas for residential living that offer a broad range of lot sizes, dwelling
2 types, densities, and housing choices, and that offer a range of living
3 environments;
- 4 3. Conserve residential lands for housing by limiting conversion of the residential
5 land base to non-residential uses, and by encouraging residential development to
6 occur at or near zoned densities;
- 7 4. Allow for a variety of housing types that meet the diverse economic and social
8 needs of residents;
- 9 5. Protect the scale and character of existing residential neighborhoods and
10 community character;
- 11 6. Provide light, air, privacy, and open space for each residential dwelling, and
12 protect residents from the harmful effects of excessive noise, glare and light
13 pollution, traffic congestion, and other significant adverse environmental effects;
- 14 7. Protect residential areas from commercial and industrial hazards such as fires,
15 explosions, and toxic fumes and substances;
- 16 8. Mitigate the risk to residential areas from natural hazards such as wildfires,
17 floods, avalanches, and geologic hazards;
- 18 9. Facilitate the provision of appropriate public services and facilities, such as
19 schools, parks, religious assembly, utility substations, and telecommunications
20 infrastructure, which are needed to accommodate planned population densities;
21 and
- 22 10. Minimize negative environmental impacts of development on stream corridors,
23 wetlands, and other important natural resources.

24 **B. RS-1: Single-Family Residential District¹**

- 25 1. **Purpose**
26 The RS-1 district is intended primarily for single-family residential areas. Certain
27 types of non-residential uses, such as governmental, educational, religious, or
28 recreational uses, may be allowed subject to restrictions intended to preserve
29 and protect the single-family residential character of the district.

30 **C. RS-2: Low-Density Single-Family Residential (one-half acre) District²**

- 31 1. **Purpose**
32 The RS-2 district is intended primarily for low-density single-family residential
33 development. Certain types of non-residential uses, such as governmental,
34 educational, religious, or recreational uses, may be allowed subject to restrictions
35 intended to preserve and protect the residential character of the district.

36 **D. RT: Two-Family Residential District³**

- 37 1. **Purpose**
38 The RT district is intended primarily for single-family and two-family residential
39 areas. Certain types of non-residential uses, such as governmental, educational,

1 religious, or recreational uses, may be allowed subject to restrictions intended to
2 preserve and protect the residential character of the district.

3 **E. RM-1: Low-Density Mixed Residential District⁴**

4 **1. Purpose**

5 The RM-1 district is intended primarily for mixed-density residential areas that
6 allow for a variety of single-family, two-family, and low-density multifamily
7 dwellings. It permits the establishment of three- and four-dwelling multifamily
8 structures, subject to site plan review to ensure compatibility with a
9 predominantly single-family environment and the enhancement of overall
10 neighborhood quality. Certain types of non-residential uses, such as
11 governmental, educational, religious, or recreational uses, may be allowed
12 subject to restrictions intended to preserve and protect the residential character
13 of the district.

14 **2. District-Specific Standards**

15 **a.** Multi-family buildings shall contain no more than four dwelling units.

16 **b.** Buildings with three or four dwelling units shall maintain detached single-
17 family style architectural features to the extent practicable.

18 **F. RM-2: Mixed Residential District⁵**

19 **1. Purpose**

20 The RM-2 district is intended primarily for mixed-density residential areas with a
21 variety of single-family, two-family, and multi-family dwelling uses with medium
22 densities. The RM-2 district provides residential neighborhoods with a greater
23 diversity of housing by allowing a mix of both detached and a variety of attached
24 dwelling types in close proximity to each other, rather than separated into
25 different use districts. The RM-2 district is often located in older existing or
26 redeveloping residential neighborhoods; existing structures may be renovated or
27 rehabilitated. Certain types of non-residential uses, such as governmental,
28 educational, religious, or recreational uses, may be allowed subject to restrictions
29 intended to preserve and protect the residential character of the district.

30 **2. District-Specific Standards**

31 **a. *Number of Dwelling Units***

32 Multi-family buildings shall contain no more than eight dwelling units.

33 **G. RM-3: Multi-Family Residential District⁶**

34 **1. Purpose**

35 The RM-3 district is intended primarily for multiple-family dwelling uses with
36 medium to high residential densities. Certain types of non-residential uses, such
37 as governmental, educational, religious, or recreational uses, may be allowed
38 subject to restrictions intended to preserve and protect the residential character
39 of the district.

40 **H. RM-4: Residential Mixed-Use District⁷**

41 **1. Purpose**

42 The RM-4 district is intended primarily for high-density townhouse and multifamily
43 residential development adjacent to the CBD, MMU, and RMU districts. This
44 district is primarily residential in nature and provides housing density to support

1 the vitality of city centers, as well as housing opportunities near employment and
2 services. New development should facilitate strong pedestrian and bicycle
3 connections to nearby city centers and non-residential uses. Limited commercial
4 space is allowed within high-density residential developments, and development
5 is encouraged to incorporate an intensive multi-story design including structured
6 parking. Certain non-residential uses, such as governmental, educational,
7 religious, or recreational uses, may be allowed subject to restrictions intended to
8 preserve and protect the residential character of the district.

9 **2. District-Specific Standards**

10 **a. *Mixed-Use Development Standards***

11 Development in the RM-4 district shall comply with the mixed-use
12 *Building Placement and Orientation* standards in subsection
13 21.04.040F.4, and the mixed-use *Pedestrian Amenities* standards in
14 subsection 21.04.040F.5.

15 **b. *Neighborhood Scale and Intensity of Uses and Activities***

16 Allowed commercial uses in the RM-4 district shall have a maximum
17 gross floor area of 3,000 square feet per use.

18 **c. *Maintaining Residential Character***

19 Development shall be primarily residential in order to ensure residential
20 density and character, as well as housing opportunities adjacent to city
21 centers. Commercial uses shall occupy no more than 20 percent of a
22 building's gross floor area. At least 80 percent of the gross floor area of
23 any building that contains commercial shall be residential.

24 **3. District Location Requirement**

25 The subject property shall be in an area designated for residential city center
26 intensity, and adjacent to a designated community activity center, regional
27 commercial center, or Downtown/Midtown major city center, on the land use plan
28 map or an adopted district or neighborhood plan.

29 **I. RL-2: Low-Density Residential (1 acre) District⁸**

30 **1. Purpose**

31 The RL-2 district is intended primarily for those land areas where large lots or
32 acreage development is desirable. The RL-2 district is designed to encourage
33 low-density residential development while at the same time protecting and
34 enhancing those physical and environmental features that add to the desirability
35 of large-lot residential living. Certain types of non-residential uses, such as
36 governmental, educational, religious, or recreational uses, may be allowed
37 subject to restrictions intended to preserve and protect the single-family
38 residential character of the district.

39 **J. RL-3: Low-Density Residential (2 acres) District⁹**

40 **1. Purpose**

41 The RL-3 district is intended primarily for low-density residential development in
42 areas where public sewer and water are unlikely to be provided for a
43 considerable period of time or where topographic or other natural conditions are
44 such that higher-density development and the provision of public sewers and
45 water would be unfeasible at any time. Where public facilities may be provided in
46 the distant future, the regulations are intended to ensure that development during

1 the interim period does not exceed geological and hydrological capacities for
2 safe and healthful maintenance of human habitation. Certain types of non-
3 residential uses, such as governmental, educational, religious, or recreational
4 uses, may be allowed subject to restrictions intended to preserve and protect the
5 residential character of the district.

6 **K. RL-4: Low-Density Residential, Alpine/Slope District¹⁰**

7 **1. Purpose**

8 The RL-4 district is intended for use in those areas where natural physical
9 features and environmental factors such as slopes, alpine and forest vegetation,
10 soils, slope stability, and geologic hazards require unique and creative design for
11 development. Certain types of non-residential uses, such as governmental,
12 educational, religious, or recreational uses, may be allowed subject to restrictions
13 intended to preserve and protect the single-family residential character of the
14 district. Creative site design and site engineering are essential to ensure that the
15 development of these lands will:

- 16 **a.** Protect natural features such as ponds, streams, wetlands, and forested
17 areas, and incorporate such features into the development of the site
18 design;
- 19 **b.** Take into consideration the topography and the location of all physical
20 improvements on the land;
- 21 **c.** Avoid development of land within natural hazard areas to minimize the
22 possibility of loss of life and property damage;¹¹
- 23 **d.** Promote the natural flow and storage capacity of any watercourse, to
24 minimize the possibility of flooding or alteration of water boundaries;
- 25 **e.** Consider the suitability of the soils and subsoils conditions for
26 excavations, site preparation, and on-site sewage disposal;
- 27 **f.** Provide adequate site drainage to avoid erosion and to control the
28 surface runoff in compliance with the Federal Clean Water Act. The
29 surface runoff and drainage from developments should not exceed the
30 surface runoff and drainage in its natural undeveloped state for all
31 intensities and durations of surface runoff;
- 32 **g.** Provide an adequate supply of potable water for the site development;
33 and
- 34 **h.** Minimize the grading operations, including cut and fill, consistent with the
35 retention of the natural character of the site.

36 **2. District-Specific Standards**

37 **a. Lot and Site Requirements**

38 Table 21.04-2 provides the lot and site requirements for the RL-4 district.
39 This table applies in addition to the dimensional standards stated in table
40 21.06-1.

TABLE 21:04-2: LOT AND SITE REQUIREMENTS FOR RL-4 DISTRICT				
Average Slope of Lot (percent)	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum 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

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 paragraph. 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 AND OFFICE DISTRICTS

A. General Purpose/Intent

The commercial and office zoning districts established in this section generally are intended to:

1. Provide appropriately located areas consistent with the comprehensive plan for a full range of retail and service establishments and convenience and office uses needed by the municipality's residents, businesses, and workers, and protect such uses from the adverse effects of incompatible uses;
2. Provide adequate space to meet the needs of commercial development;
3. Encourage the redevelopment, conversion, and reuse of underused commercial areas, and discourage new strip commercial development;
4. Minimize traffic congestion and avoid the overloading of public infrastructure and services;
5. Strengthen the municipality's economic base and provide employment opportunities close to home for residents of the municipality and surrounding communities;

- 1 6. Provide for commercial land uses that meet the needs of and attract regional and
2 statewide populations, in addition to local residents;
- 3 7. Minimize negative impacts of commercial development on adjacent residential
4 districts;
- 5 8. Minimize negative environmental impacts of commercial development on stream
6 corridors, wetlands, and other important natural resources; and
- 7 9. Provide sites for public and semi-public uses such as utilities and
8 telecommunications infrastructure needed to complement commercial
9 development.

10 **B. NC: Neighborhood Commercial District¹²**

11 1. **Purpose**
12 The NC district is intended for small, compact commercial centers within or
13 surrounded by residential areas, compatible in scale and character with
14 surrounding residential uses, to serve the convenience needs of the immediately
15 surrounding neighborhood. NC centers are between one-half and four acres in
16 size. Small-scale offices, retail, and upper-story residential uses are allowed.
17 Continuous retail frontages, largely uninterrupted by driveways and parking, are
18 encouraged. Gross floor area limitations help ensure that businesses are
19 consistent with the scale of the surrounding area.

20 2. **District-Specific Standards**

21 a. **Mixed-Use Development Standards**
22 Development in the NC district shall comply with section 21.04.040.F.,
23 *Mixed-Use District Development Standards*.

24 b. **Ground-Floor**
25 The ground-floor level of all buildings along any street frontage in the NC
26 district shall be limited to commercial uses, with the exception of small
27 lobbies to allow access to residential and office uses on upper floors.

28 c. **Drive-Throughs Prohibited**
29 No drive-throughs shall be allowed in the NC district.

30 d. **Gross Floor Area Limitations**
31 Grocery or food stores in the NC district shall have a maximum gross
32 floor area of 20,000 square feet, provided that such establishments have
33 a floor area ratio of at least 0.5. All other allowed non-residential uses in
34 the NC district shall have a maximum gross floor area of 3,000 square
35 feet per use.

36 3. **District Location Requirements**

37 In addition to the general rezoning criteria, the following requirements shall apply
38 in the creation or expansion of the NC district:

39 a. New NC districts larger than 1.5 acres shall be located on an arterial or
40 collector street, and existing NC districts shall not be enlarged unless the
41 site abuts an arterial or collector street.

42 b. No NC district shall be larger than four acres.

1 c. The subject property shall be in an area intended primarily for
2 neighborhood-scale commercial mixed-use center on the land use plan
3 map or an adopted district or neighborhood plan.

4 **C. AC: Auto Commercial Corridor District**

5 **1. Purpose**

6 The AC district is intended primarily for uses that provide commercial goods and
7 services to residents of the community in areas that are dependent on
8 automobile access and exposed to heavy automobile traffic. These commercial
9 uses are subject to the public view and they should provide an attractive
10 appearance with landscaping, sufficient parking, and controlled traffic movement.
11 Environmental impacts should be minimized. Abutting residential areas should
12 be protected from potentially negative impacts associated with commercial
13 activity. While AC district areas shall continue to meet the need for auto-related
14 and other auto-oriented uses, it is the municipality's intent that the AC district
15 also shall provide for safe and convenient personal mobility in other forms.
16 Planning and design shall accommodate pedestrians and bicyclists. This district
17 is not intended for office or mixed-use developments, which are intended to be
18 located in the Office or Mixed-Use districts.

19 **2. District Location Requirements**

20 Establishment of the AC district or changes to existing AC district boundaries
21 shall meet the general rezoning criteria of this code and also shall meet the
22 following requirements:

23 a. The AC District shall not be expanded along street corridors or into
24 surrounding neighborhoods unless consistent with an adopted plan.

25 **D. CBD-1: Central Business District, Core¹³**

26 **1. Purpose**

27 The CBD-1 district is intended to create a concentrated area of retail, financial,
28 public, and institutional facilities in the core of downtown Anchorage in order to
29 encourage the development of interrelated uses and functions, reduce pedestrian
30 walking distance between activities, and ensure the development of pedestrian-
31 oriented uses on the ground-floor level throughout the district. The district
32 permits and encourages residential uses.

33 **2. District-Specific Standards**

34 **a. *Restrictions on Ground-Floor Activities in CBD-1 District***

35 Each of the following non-retail uses or establishments that are
36 permitted, or permitted subject to a site plan review or conditional use
37 review, shall in the CBD-1 district be restricted to the second-floor level
38 of a building or above, or to below-ground, unless the use is set-back on
39 the ground floor from the street-facing building wall by 25 or more feet, in
40 order to allow more pedestrian-oriented uses to line the street:

41 i. Dwelling, mixed-use or multifamily;

42 ii. Vocational or trade school;

43 iii. Club/lodge or meeting hall;

1 iv. Parking structure; and

2 v. Instructional services.

3 **b. *Bulk Regulations and Maximum Lot Coverage for CBD Districts***

4 Construction of buildings in the CBD districts above three stories in
5 height shall conform to the following bulk requirements:

6 i. *Building Tower Design*

7 One tower not exceeding the bulk requirements listed in (A) and
8 (B) below shall be allowed for a development on a parcel of land
9 containing 13,000 square feet or a fraction thereof, or one tower
10 not exceeding the bulk requirements listed in (C) and (D) below
11 shall be allowed for a development on a parcel of land containing
12 19,500 square feet. For a development on a parcel of land
13 containing more than 19,500 square feet, one additional tower
14 not exceeding the bulk requirements listed in (A) and (B) below
15 shall be allowed for every additional 13,000 square feet of land
16 area, or, alternatively, one additional tower not exceeding the
17 bulk requirements listed in (C) and (D) below shall be allowed for
18 every additional 19,500 square feet of land area.

19 **(A)** Maximum plan dimension: 130 feet.

20 **(B)** Maximum diagonal plan dimension: 150 feet.

21 **(C)** Maximum plan dimension: 130 feet.

22 **(D)** Maximum diagonal plan dimension: 180 feet.

23 Variances from the specific bulk requirement dimensions listed in
24 this subsection may be granted by the planning and zoning
25 commission on developments covering a land area of more than
26 26,000 square feet, provided that the commission finds that the
27 spirit and intent of the central business districts are maintained.

28 ii. *Alternative Structure Designs*

29 Alternative building designs may be submitted in the form of a
30 project development plan to the director for approval. Alternative
31 design forms may be approved that provide for at least 15
32 percent more access either to scenic views of adjoining
33 mountains and the Cook Inlet or for solar access as compared to
34 designs allowed under subsection b.i., above, *Building Tower*
35 *Design*. The percentage amount of additional scenic or solar
36 access shall be based on total building volume of the alternative
37 design compared to a representative tower design. Alternative
38 plans submitted under this subsection must include a schematic
39 of a project designed under subsection b.i, *Building Tower*
40 *Design*, plus a site development plan of the design utilizing the
41 provisions of this subsection b.ii. and calculations to establish the
42 increased scenic or solar access required in this subsection ii.
43 Designs using the provisions of this paragraph are allowed an
44 additional one story of base height prior to the use of the bonus

- 1 point requirements of subsection 2.c. below, *Maximum Height of*
 2 *Structures in CBD Districts.*
- 3 iii. *Existing Structures*
 4 Notwithstanding the bulk regulations and maximum lot coverage
 5 limitations contained in chapter 21.06, and the requirements of
 6 this subsection 2.b., where a lawful structure existed on
 7 September 9, 1974, that is pre-stressed for enlargement by the
 8 addition of one or more stories, such structure may be enlarged
 9 within the full plan dimensions of the existing structure by the
 10 addition of not more than two stories.
- 11 c. **Maximum Height of Structures in CBD Districts**
 12 i. Notwithstanding subsections c.ii. and c.iii. below, the maximum
 13 height of a structure shall not exceed that permitted under
 14 section 21.04.080.C., *Airport Height Overlay District.*
- 15 ii. Subject to subsection c.iii. below, no building or structure shall
 16 exceed the maximum building height specified in chapter 21.06.
- 17 iii. Building floor area may be constructed above the maximum
 18 building height specified in chapter 21.06 by earning bonus
 19 points for site and design amenities under a site development
 20 plan approved by the department as specified in table 21.04-3.,
 21 provided:
- 22 (A) Each bonus point permits an additional 400 square feet
 23 of floorspace.
- 24 (B) All new development must accumulate a minimum of
 25 one bonus point for each 1,600 square feet of site area
 26 to be approved. Only urban design amenities related to
 27 pedestrians and landscaping of those features
 28 designated "streetscape" in table 21.04-3 may be used
 29 to fulfill this requirement.
- 30 (C) No more than one bonus point per each 200 square feet
 31 of site can be accumulated for any single amenity option.
 32 Bonus points can be obtained by combining any of the
 33 options provided in table 21.04-3.
- 34 (D) At least 25 percent of all bonus points required for
 35 floorspace must be accumulated from amenities
 36 designated "streetscape." This amount can include
 37 bonus points earned under subsection iii.(B) above.

TABLE 21.04-3: DESIGN AMENITIES AND BONUS POINTS FOR CBD DISTRICTS			
Urban Design Amenity (*Streetscape Amenity)	Bonus Points for Districts		
	CBD-1	CBD-2	CBD-3
Street trees*	1 point per tree	1 point per tree	1 point per tree

**TABLE 21.04-3:
 DESIGN AMENITIES AND BONUS POINTS FOR CBD DISTRICTS**

Urban Design Amenity (*Streetscape Amenity)	Bonus Points for Districts		
	CBD-1	CBD-2	CBD-3
Seating units, street furniture*	1 point per 2 units (maximum of 6 points)	1 point per 2 units (maximum of 6 points each)	1 point per 2 units (maximum of 6 points each)
Decorative street illumination*	2 points per 1 unit	2 points per 1 unit	2 points per 1 unit
Sidewalks*	1 point per 300 sq. ft.	1 point per 300 sq. ft.	1 point per 400 sq. ft.
Sidewalk texture*	1 point per 200 sq. ft.	1 point per 250 sq. ft.	1 point per 300 sq. ft.
Bike racks, open*	1 point per 3 open storage units (maximum accumulation of 3 points)	1 point per 3 open storage units (maximum accumulation of 3 points)	1 point per 3 open storage units (maximum accumulation of 3 points)
Bike racks, covered*	1 point per covered storage unit (maximum accumulation of 3 points)	1 point per covered storage unit (maximum accumulation of 3 points)	1 point per covered storage unit (maximum accumulation of 3 points)
Kiosk*	1 point per unit (maximum accumulation of 3 points)	1 point per unit (maximum accumulation of 3 points)	1 point per unit (maximum accumulation of 3 points)
Canopy over sidewalk*	1 point per 200 sq. ft.	1 point per 240 sq. ft.	1 point per 290 sq. ft.
Covered arcade*	1 point per 100 sq. ft.	1 point per 115 sq. ft.	1 point per 180 sq. ft.
Open air plaza, or landscaped park*	1 point per 70 sq. ft. (corner); 1 point per 80 sq. ft. (other)	1 point per 70 sq. ft. (corner); 1 point per 80 sq. ft. (other)	1 point per 100 sq. ft. (corner); 1 point per 115 sq. ft. (other)
Public restrooms at ground level	1 point per 35 sq. ft.	1 point per 35 sq. ft.	1 point per 100 sq. ft.
Climate-controlled public plaza or court (galleria)*	1 point per 50 sq. ft.	1 point per 70 sq. ft.	1 point per 100 sq. ft.
Shops (50 percent or more transparent windows on ground floor street front*)	1 point per 100 sq. ft.	1 point per 130 sq. ft.	1 point per 200 sq. ft.
Shops (Less than 50 percent transparent windows on ground floor street front)	1 point per 140 sq. ft.	1 point per 225 sq. ft.	1 point per 160 sq. ft.
Shops (Second floor shops)	1 point per 140 sq. ft.	1 point per 225 sq. ft.	1 point per 160 sq. ft.
Shops (Third floor or basement level)	1 point per 350 sq. ft.	N/A	N/A
Commercial theater	1 point per 200 sq. ft.	N/A	N/A
Public rooftop recreation area or public viewing deck	1 point per 100 sq. ft.	1 point per 100 sq. ft.	1 point per 200 sq. ft.
Housing	1 point per 140 sq. ft. of area devoted to housing	1 point per 80 sq. ft. of area devoted to housing	1 point per 80 sq. ft. of area devoted to housing

**TABLE 21.04-3:
 DESIGN AMENITIES AND BONUS POINTS FOR CBD DISTRICTS**

Urban Design Amenity (*Streetscape Amenity)	Bonus Points for Districts		
	CBD-1	CBD-2	CBD-3
Hotels	1 point per 200 sq. ft. of area devoted to hotel rooms	1 point per 200 sq. ft. of area devoted to hotel rooms	1 point per 300 sq. ft. of area devoted to hotel rooms
Enclosed parking	N/A	11 points per space above or on grade; 13 points per space below grade	10 points per space above or on grade; 14 points per space below grade
Transit amenities	3 points per covered shelter; 10 points per bus pull-out	3 points per covered shelter; 10 points per bus pull-out	3 points per covered shelter; 10 points per bus pull-out
Historic preservation	1 point per 200 sq. ft. of area devoted to a retained historic structure	1 point per 200 sq. ft.	1 point per 200 sq. ft.
Sidewalk landscaping* (not otherwise credited)	1 point per 425 sq. ft. (public land); 1 point per 30 sq. ft. (private land)	1 point per 425 sq. ft. (public land); 1 point per 30 sq. ft. (private land)	1 point per 425 sq. ft. (public land); 1 point per 30 sq. ft. (private land)
Skywalks	10 points per skywalk	10 points per skywalk	10 points per skywalk
Day care, 24-hour child care facilities	1 point per 200 sq. ft.	1 point per 200 sq. ft.	1 point per 200 sq. ft.

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- iv. Amenities for which bonus points have been granted must be maintained after construction of a project; provided, however, that amenities can be eliminated and others substituted on a point-for-point basis upon the approval of department staff.
- v. Maximum height near Town Square Park is as follows:
 - (A) The maximum height of structures in Blocks 69 through 71, Anchorage Original Townsite, shall not exceed the following:
 - (1) *Block 69*
 - Northwest quarter: 115 feet.
 - Northeast quarter: 85 feet.
 - South half: 200 feet.
 - (2) *Block 70*
 - North half: 55 feet.
 - South half: 230 feet.
 - (3) *Block 71*
 - Northwest quarter: 85 feet.
 - Northeast quarter: 115 feet.
 - South half: 200 feet.
 - (B) The director may waive this height limit for a structure that will not cast a shadow greater than that cast by

1 existing structures on the Town Square Park on Block
2 51, Anchorage Original Townsite, from April 21 to
3 August 21 between the hours of 9:00 a.m. and 3:00
4 p.m., solar time.

5 (C) Subject to the maximum height requirements of the
6 Airport Height Overlay District, at the request of the
7 owner of a lot in Blocks 69 through 71, Anchorage
8 Original Townsite, the right to construct the amount of
9 building square footage permitted on that lot under
10 subsections c.i. through c.iii. above, less the amount
11 allowed under this subsection c.v., may be added to the
12 amount allowed under this title on one or more lots not in
13 those blocks located in the CBD-1, CBD-2, or CBD-3
14 district. The extent of additional footage available under
15 this provision shall be calculated by the director, and a
16 letter stating the transfer shall be recorded against the
17 property.

18 vi. Structures in excess of three stories shall be allowed additional
19 buildable area for that portion of the required sidewalk within
20 private property between the structure setback line determined
21 by section 21.06.020.A.6., *Setbacks from Projected Rights-of-*
22 *Way*, and a sidewalk width of 11.5 feet. This additional area
23 shall be calculated by multiplying the lineal feet of sidewalk
24 affected by this subsection by 33 feet. This additional area can
25 be included as part of the maximum building height allowed in
26 the Airport Height Overlay District.

27 **E. CBD-2: Central Business District, Intermediate**

28 **1. Purpose**

29 The CBD-2 district is intended to create financial, office, and hotel areas
30 surrounding the predominately retail, public, and institutional core of the central
31 business district. The district permits and encourages high-density residential
32 uses.

33 **2. District-Specific Standards**

34 Development in the CBD-2 district shall comply with the requirements set forth in
35 subsection D.2.b. above, *Bulk Regulations and Maximum Lot Coverage for CBD*
36 *Districts*, and D.2.c. above, *Maximum Height of Structures in CBD Districts*.

37 **F. CBD-3: Central Business District, Periphery**

38 **1. Purpose**

39 The CBD-3 district is intended to create financial, office, and hotel areas at the
40 periphery of the central business district. The district also permits secondary
41 retail uses. The height limitations in this district are intended to help preserve
42 views and to conform structures to the geologic characteristics of the western
43 and northern boundaries of the district. The district permits and encourages
44 residential uses.

1 **2. District-Specific Standards**

2 Development in the CBD-3 district shall comply with the requirements set forth in
3 subsection D.2.b. above, *Bulk Regulations and Maximum Lot Coverage for CBD*
4 *Districts*, and D.2.c. above, *Maximum Height of Structures in CBD Districts*.

5 **G. OC: Office Commercial District**

6 **1. Purpose**

7 The OC district is intended to provide areas for professional, business, and
8 medical service (outpatient) office uses, or a compatible mix of office and
9 residential development. The district allows multifamily residential, group living,
10 and overnight lodging. The district provides for small- to medium-sized office
11 buildings, often in transition locations between residential areas and more
12 intense commercial uses and road traffic, or in commercial locations
13 inappropriate for auto-oriented retail uses or intense mixed-uses.

14 **2. District-Specific Standards**

15 **a. Limitations on Retail Uses**

16 Any uses categorized by this code as “retail (sales),” “retail (personal
17 services),” or “food and beverage service” may be located in the OC
18 district only within a building that also contains office and/or residential
19 uses. Such retail uses shall be limited to 30 percent of the gross floor
20 area of the building. No outdoor storage or merchandise display is
21 allowed.

22 **b. Limitations on Visitor Accommodations**

23 Any uses categorized by this code as “visitor accommodation” shall
24 comply with the multi-family residential design standards set forth in
25 section 21.07.100.F. and G.

26 **c. Minimum Residential Density**

27 When such uses are the primary use on a lot, any multiple-family
28 residential uses in the OC district shall have a minimum density of at
29 least 18 units/acre.

30 **3. District Location Requirements**

31 In addition to the general rezoning approval criteria, the following requirements
32 shall apply to the creation or expansion of the OC district:

33 **a.** New OC zones shall be located in areas optimal for low-intensity office
34 use, or in locations that can buffer low-density residential neighborhoods
35 from heavy volumes of traffic or more intense commercial retail activity.

36 **b.** The OC district shall not be located in or expand into residential areas
37 that are designated residential by adopted plan or that are intended to
38 retain historically predominant residential use or single-family character.

39 **21.04.040 MIXED-USE DISTRICTS**

40 **A. General Purpose/Intent**

41 The mixed-use districts are intended to provide for and encourage development and
42 redevelopment that contains a mix of residential and nonresidential uses within close
43 proximity, rather than a separation of uses, in accordance with the comprehensive plan.

1 The mixed-use districts define the uses of land and the siting and character of the
2 improvements and structures allowed on the land in a manner that allows a balanced mix
3 of uses. A key feature of all the mixed-use districts is a pedestrian- and bicycle-friendly
4 network of streets and sidewalks connecting the nonresidential uses, residential
5 neighborhoods, and transit facilities. The mixed-use districts specifically are intended to:

- 6 1. Concentrate higher-density residential development and commercial and office
7 employment efficiently in and around major employment centers, town centers,
8 and other designated centers of community activity;
- 9 2. Encourage mixed-use and higher-density redevelopment, conversion, and reuse
10 of aging and underutilized areas, and increase the efficient use of available
11 commercial land in the municipality;
- 12 3. Contain a transportation system network designed to ensure that residential
13 areas will have direct access to adjacent non-residential portions of the proposed
14 development/redevelopment, in lieu of entering and exiting through arterials
15 and/or collector streets;
- 16 4. Create compact and pedestrian-oriented environments that encourage transit
17 use and pedestrian access;
- 18 5. Concentrate a variety of commercial retail/services and public facilities that serve
19 the surrounding community;
- 20 6. Ensure that the appearance and function of development in mixed-use areas is
21 well-integrated with surrounding neighborhoods;
- 22 7. Ensure that development in mixed-use areas is of high quality and provides
23 pedestrian scale and interest through use of varied forms, materials, and details,
24 especially at the ground-floor and lower levels;
- 25 8. Provide adequate light, air, privacy, and open space for each residential dwelling,
26 and protect residents from the harmful effects of excessive noise, glare and light
27 pollution, traffic congestion, and other significant adverse environmental effects;
28 and
- 29 9. Minimize negative impacts of development on stream corridors, wetlands, and
30 other important natural resources.

31 **B. NMU: Neighborhood Mixed-Use District¹⁴**

32 **1. Purpose**

33 The NMU district is intended for neighborhood retail service centers at a larger
34 scale than allowed by the NC district. NMU centers are generally between four
35 and 30 acres in size, and are primarily applied to existing commercial areas to
36 encourage mixed-use housing opportunities, compact redevelopment, and
37 mixed-use urban design. The NMU district should contain primarily commercial
38 uses that serve the daily needs of nearby neighborhoods (e.g., small
39 grocery/convenience store, drug store, religious assembly, service station)
40 located in close proximity to one another. Multi-family residential and limited
41 office uses also are allowed. Siting and architectural design and scale of
42 structures in this district should be compatible with surrounding neighborhoods.
43 The NMU district may be used for commercial retail segments of linear transit-

1 supportive development corridors, in addition to nodal centers. The NMU district
2 may be used for the “neighborhood commercial centers” identified in the
3 *Anchorage 2020 Anchorage Bowl Comprehensive Plan*.

4 **2. District-Specific Standards**

5 **a. *Mixed-Use Development Standards***

6 Development in the NMU district shall comply with section 21.04.040F.,
7 *Mixed-Use District Development Standards*.

8 **b. *District Location Requirements***

9 In addition to meeting the general rezoning criteria, the following
10 requirements apply in the establishment or enlargement of NMU districts:

11 i. New NMU areas and NMU districts proposed for expansion shall
12 be located within one to two miles of a residential population of
13 at least 10,000 people, and at the intersection of two arterials or
14 an arterial and a collector street.

15 ii. The NMU district shall not be expanded along street corridors or
16 into adjacent residentially zoned areas unless consistent with an
17 adopted plan.

18 iii. The subject property shall be in an area intended for
19 neighborhood scale commercial mixed-use center, or transit-
20 oriented development corridor on the land use plan map or an
21 adopted district or neighborhood plan.

22 **C. CMU: Community Mixed-Use District**

23 **1. Purpose**

24 The CMU district is intended to facilitate the development of a mixed-use center
25 at the community scale. The CMU district may be used for the “town centers”
26 and the “redevelopment/mixed-use areas” identified in the *Anchorage 2020*
27 *Anchorage Bowl Comprehensive Plan*. The CMU area is intended to include
28 commercial, institutional, recreational, and service facilities needed to support the
29 surrounding neighborhoods (e.g., large supermarket, large drug store, specialty
30 shops, and community park). Medium- to higher-density housing should be
31 located around the district, and development should facilitate pedestrian and
32 bicycle connections between residential and nonresidential uses. The CMU
33 district may also be used for commercial retail segments of linear transit-
34 supportive development corridors, in addition to nodal centers.

35 **2. District-Specific Standards**

36 Development in the CMU district shall comply with section 21.04.040F., *Mixed-*
37 *Use District Development Standards*.

38 **3. District Location Requirement**

39 The subject property shall be in an area intended for community-scale
40 commercial mixed-use center or transit-oriented development corridor on the
41 land use plan map or an adopted district or neighborhood plan.

1 **D. RMU: Regional Mixed-Use District**

2 **1. Purpose**

3 The RMU district is intended primarily for regional-scale commercial activity
4 centers that may have long-term potential to develop at greater intensities or as
5 mixed-use urban environments. The area is typically defined by conglomerations
6 of medium-to-large scale commercial uses, located near intersections of major
7 arterial streets and/or freeways, serving a metropolitan region-scale trade area.
8 Shopping malls and/or large retail establishments typically anchor the center.
9 Supporting uses include low-medium rise offices, hotels, transit hubs,
10 entertainment, and residential uses that provide potential for the area to grow into
11 a more physically integrated and mixed-use center. Somewhat greater
12 residential and employment densities are allowed than in NMU or CMU zones.
13 The RMU district is appropriate for auto-oriented regional commercial centers
14 such as the Dimond Center area, and permits land-intensive auto-oriented uses
15 such as automobile dealerships that may not be appropriate for more compact
16 mixed-use zones.

17 **2. District-Specific Standards**

18 Development in the RCMU district shall comply with section 21.04.040F., *Mixed-*
19 *Use District Development Standards.*

20 **3. District Location Requirement**

21 The subject property shall be in an area intended for regional-scale commercial
22 mixed-use center on the land use plan map or an adopted district or
23 neighborhood plan.

24 **E. MMU: Midtown Mixed-Use District**

25 **1. Purpose**

26 The MMU district is intended to facilitate the development of a high-intensity mix
27 of uses in the Midtown area, which is the area of the highest employment
28 densities and tallest building heights outside of the downtown. The MMU district
29 should provide commercial, office, institutional, and residential uses and
30 structures at higher intensities than surrounding areas. The area also should
31 contain a broad mix of complementary uses which may include public facilities
32 and parks. The district should contain and be surrounded by high-density
33 housing, and development should facilitate and encourage pedestrian and
34 bicycle travel between residential and nonresidential uses. Transit, bicycle, and
35 pedestrian facilities are important components of development in the district, in
36 order to reduce demand for auto travel as well as increase visual interest.

37 **2. District-Specific Standards**

38 Development in the MMU district shall comply with section 21.04.040F., *Mixed-*
39 *Use District Development Standards.*

40 **3. District Location Requirement**

41 The MMU district may only be applied in the Midtown area, as specified on the
42 land use plan map.

43 **F. Mixed-Use District Development Standards**

44 **1. Applicability**

45 All development in the RM-4, NC, NMU, CMU, RMU, and MMU districts shall
46 comply with the appropriate development standards in chapter 21.07, and also

1 the standards in this subsection 21.04.040F. When the standards of this
2 subsection and section 21.07.110 are in conflict, the standards of this subsection
3 shall control.

4 **2. Mix and Intensity of Land Uses and Activities**

5 **a. Purpose**

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

11 **b. Public Focus Areas**

12 Any mixed-use development that is one gross acre or larger shall include
13 a public focus area such as a public/institutional use, plaza, public space,
14 or town square. The purpose of such an area is to encourage the
15 presence of civic or institutional uses, such as a public library; to promote
16 mixed-use areas as centers of community activity; and to attract greater
17 pedestrian traffic and activity to mixed-use areas. The common space(s)
18 shall total not less than one percent of the total gross floor area of the
19 principal building, and no dimension shall be less than 15 feet.

20 **c. FAR Incentives**

21 FAR incentives are offered to encourage residential development in
22 mixed-use areas. In the NMU and CMU districts, the following incentives
23 apply and may be earned cumulatively:

24 **i. Incentive for Additional Residential Development**

25 An additional 0.07 FAR may be obtained beyond the maximum
26 allowed by section 21.06.010C. if the additional 0.5 FAR is
27 residential, and 50 percent or more of the gross floor area of the
28 development project is residential.

29 **ii. Incentive for Additional Private Usable Open Space**

30 An additional 0.02 FAR may be obtained beyond the maximum
31 allowed by section 21.06.010C. if the additional 1.0 FAR is
32 residential, and the majority of residential dwellings in the
33 development project each have at least 72 square feet of private
34 usable open space.

35 **3. Reduced Parking Ratios**

36 Development in the mixed-use districts have reduced minimum parking
37 requirements as provided in section 21.07.090, *Off-Street Parking and Loading*.

38 **4. Building Placement and Orientation**

39 **a. Placement, Orientation, and Openness to the Sidewalk**

40 **i. Purpose**

41 Building frontages should be built and oriented to the street,
42 lining sidewalks and public spaces with frequent shops,
43 entrances, windows with interior views, and articulated ground-
44 level façades. Comfortable, human-scale transition spaces such
45 as entrance areas, patios, or café seating may be placed
46 between the building and public sidewalk, as long as the building
47 remains close, accessible, and inviting from the sidewalk.

1 service establishments, campus-style industrial parks, and limited retail/personal
2 service storefronts. These areas are predominantly industrial, not commercial, in
3 character.

4 **2. District-Specific Standards**

5 To maintain the predominantly industrial character of this district, each individual
6 commercial use in the IC district shall be limited to not more than 7,500 square
7 feet in size, and no more than three commercial uses shall be located within any
8 one building.

9 **C. I-1: Light Industrial District**

10 **1. Purpose**

11 The I-1 district is intended primarily for public and private light manufacturing,
12 processing, service, storage, wholesale, and distribution operations.

13 **D. I-2: Heavy Industrial District**

14 **1. Purpose**

15 The I-2 district is intended primarily for public and private heavy manufacturing,
16 storage, major freight terminals, waste and salvage, resource extraction, and
17 other related uses.

18 **21.04.060 CHUGIAK-EAGLE RIVER DISTRICTS**

19 **A. General Purpose/Intent**

20 The Chugiak-Eagle River area of the municipality is distinct from the Anchorage Bowl and
21 is geographically separated from it by the Fort Richardson Military Reservation, the
22 Chugach Mountains, and other natural topography and land features. The community's
23 growth, development patterns, character, and lifestyle differ from those in the bowl. A
24 greater percentage of the Chugiak-Eagle River land areas are devoted to large-lot
25 residential living, and the commercial and industrial areas, for the most part, are
26 concentrated along the Old and New Glenn Highways, the major transportation corridors
27 of the community. The Chugiak-Eagle River community has a separate comprehensive
28 plan that guides its growth and development.

29 The *Chugiak-Eagle River Comprehensive Plan* provides guidance to the zoning district
30 sin this section. These districts are implementation tools that recognize the distinctness
31 of Chugiak-Eagle River and may apply in various areas of the community. Other zoning
32 districts in this chapter may also be applied in Chugiak-Eagle River, but these specific
33 zoning districts may be applied only in Chugiak-Eagle River.

34 **B. RL-1: Low Density Residential with Mobile Homes District¹⁵**

35 **1. Purpose**

36 The RL-1 district is intended to be applied only in the Chugiak-Eagle River area,
37 for lands that are or will develop for residential purposes. It is designed to protect
38 and conserve areas with larger lots, low population densities, and a long-
39 established rural lifestyle. This district permits mobile home dwellings on
40 individual lots. As noted below, this district allows more varied accessory uses
41 commonly found in rural areas, with less regulatory control. Certain types of non-
42 residential uses, such as governmental, educational, religious, or recreational
43 uses, may be allowed subject to restrictions intended to preserve and protect the
44 residential character of the district.

2. **District-Specific Standards**

a. ***Development and Design Standards***

Notwithstanding the provisions of subsection 21.07.080H.2., single- and two-family dwellings are permitted to have no more than one dumpster.

b. ***Accessory Uses***

The following district-specific standards for accessory uses replace the corresponding accessory use standards of subsection 21.05.070 in this district. The definitions of the accessory uses in subsection 21.05.070 still apply.

i. ***Garage or Carport, Private Residential***

(A) On lots less than two acres, the gross floor area of the garage or carport shall not exceed 9 percent of the lot size.

(B) On lots of two acres or more, the gross floor area of the garage or carport shall not exceed 8,000 square feet.

(C) 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 B.2.b. below, or a commercial use allowed by table 21.05-1.

ii. ***Home Occupation***

(A) A permanent resident of the dwelling unit shall be engaged in the home occupation on the premises.

(B) 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 the following:

(1) No more than 40 percent of the gross floor area of the dwelling is devoted to the home occupation; or

(2) 100 percent of an accessory structure is devoted to the home occupation; or

(3) No more than 20 percent of the gross floor area of the dwelling and 100 percent of the accessory structure is devoted to the home occupation.

(C) No traffic or deliveries shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood.

(D) No equipment or process shall be used in such home occupation which 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

1 hazardous, toxic, or radioactive materials shall be
2 manufactured, handled, or stored on the property as part
3 of the home occupation.

4 **iii.** *Vehicle Repair/Rebuilding, Outdoor, Hobby*
5 Repair or rebuilding work shall be screened from view from all
6 property lines and adjacent rights-of-way by an opaque fence
7 between six and eight feet in height, or by opaque landscaping of
8 equivalent height.

9 **iv.** *Use of an Intermodal Shipping Container (Connex Trailer)*
10 The use of an intermodal shipping container is allowed in the RL-
11 1 district.

12 **v.** *Outdoor Storage of Inoperative Vehicle*
13 Inoperative vehicles shall be screened from view from all
14 property lines and adjacent rights-of-way by an opaque fence
15 between six and eight feet in height, or by opaque landscaping of
16 equivalent height.

17 **vi.** *Commercial Automotive Repair*
18 Commercial automotive repair is allowed in the RL-1 district
19 provided it complies with the home occupation standards specific
20 to the RL-1 district.

21 **vii.** *Parking of Business Vehicles, Outdoor*
22 Parking of business vehicles is prohibited in any setback area.

23 **C. RC: Rural Commercial¹⁶**

24 **1. Purpose**

25 The RC district is intended primarily for uses that provide a range of commercial
26 goods and services, including some light industrial services, to residents of the
27 community in areas where concentration of development is prevented by lack of
28 public sewer and/or water and the resulting requirement for large sites. Because
29 these commercial and light industrial uses are generally first generation
30 development and of lower intensity, the standards of building appearance, paved
31 parking, controlled traffic movement, and landscaping are not required.
32 Development in this district will be where commercial goods and services are
33 generally focused at intersections or in a linear manner along roadsides. This
34 district is not intended for moderate or high-density commercial, office, or light
35 industrial developments.

36 **2. District-Specific Standards**

37 The standards of the following sections do not apply in the RC district:

38 **a.** 21.07.030, *Open Space*.

39 **b.** 21.07.060, *Transportation and Connectivity*.

40 **c.** 21.07.080, *Landscaping, Screening, and Fences*, except that

41 **i.** Level 4 Screening landscaping shall be required on all lots
42 adjacent to the right-of-way of a freeway designated on the

1 *Official Streets and Highways Plan*, to roadway sections built to
2 freeway design standards with full grade separations of
3 intersecting streets, or to streets functioning as frontage roads
4 for such freeways.

5 ii. Level 3 Separation landscaping shall be required along lot lines
6 abutting lots in residential districts.

7 d. 21.07.090, *Off-Street Parking and Loading*, except that subsection
8 21.07.090D. shall apply.

9 e. 21.07.110, *Public/Institutional and Commercial Building Standards*.

10 f. 21.07.120, *Large Commercial Establishments*.

11 g. 21.07.130, *Exterior Lighting*.

12 **21.04.070 OTHER DISTRICTS**

13 **A. AD: Airport Development District**

14 **1. Purpose**

15 The AD district includes all lands and water areas owned by the Ted Stevens
16 Anchorage International Airport, Merrill Field Airport, and Birchwood Airport.

17 **2. District-Specific Standards**
18 [RESERVED]

19 **B. AF: Antenna Farm District**

20 **1. Purpose**

21 The AF district is intended to create areas dedicated to the erection and
22 maintenance of communication equipment at reasonable cost and to encourage
23 the concentration of such equipment in a few sites throughout the municipality.

24 **C. DR: Development Reserve District**

25 **1. Purpose**

26 The DR district is applied to lands intended for future development, undesignated
27 municipally owned lands, and military lands (which are exempt from municipal
28 jurisdiction). Large-lot single-family residential development is allowed by right,
29 though rezoning and/or master planning shall occur prior to other types of
30 development.

31 **D. M: Marine District**

32 **1. Purpose**

33 The M district is intended primarily for water-dependent and water-related
34 commercial and industrial uses. Emphasis is on development flexibility for water-
35 dependent and water-related uses, and on public access to the waterfront and
36 Ship Creek.

37 **2. District-Specific Standards**

38 a. Any use that is water-dependent or water-related may be allowed in the
39 M district, subject to determination by the director.

1 plans, greater compatibility between the proposed uses and adjacent existing
2 uses can be obtained.

3 **2. District-Specific Standards**

4 **a. Additional Conditional Uses Allowed**

5 In addition to the uses allowed in the TA district in accordance with Table
6 21.05-2, *Table of Allowed Uses – Commercial, Industrial, Mixed-Use,*
7 *and Other Districts*, the following uses may be allowed through the
8 issuance of a conditional use permit subject to the requirements of
9 section 21.03.070, *Conditional Uses*:

10 **i. Multi-Family Dwellings**

11 Multi-family dwellings that are four-plex or greater in density.

12 **ii. Commercial Uses**

13 **(A)** Commercial structures of more than 4,000 square feet in
14 gross building area in areas designated "commercial" on
15 the *Turnagain Arm Comprehensive Plan*.

16 **(B)** Uses occupying an area of more than 14,400 square
17 feet in those areas designated as "commercial" or
18 "residential-commercial" on the *Turnagain Arm*
19 *Comprehensive Plan*.

20 **iii. Institutional Uses**

21 Any institutional use located in any area, so long as the use is
22 permitted in the PLI district.

23 **iv. Industrial Uses**

24 Industrial uses located within any area not designated as
25 "industrial" on the *Turnagain Arm Comprehensive Plan*;
26 (industrial uses located with areas so designated shall be
27 permitted).

28 **I. W: Watershed District**

29 **1. Purpose**

30 The W district is intended to preserve and protect the potable water reserves
31 available to the municipality in the Chugach Range. The major responsibility in
32 the management of watershed areas is the control of factors that may
33 contaminate or pollute the water. Agricultural, residential, commercial, industrial,
34 or other land uses, including infrastructure and utilities, are incompatible with the
35 concept of watershed conservation.

36 **21.04.080 OVERLAY ZONING DISTRICTS**

37 **A. General Purpose/Intent**

38 The overlay zoning districts of this section apply in combination with the underlying base
39 zoning districts and impose regulations and standards for specific areas in addition to
40 what is required by the base districts. The requirements of an overlay district shall apply
41 whenever they are in conflict with those in the base district. The following overlay
42 districts are established:

- 1 1. Airport Height Overlay District;
- 2 2. Neighborhood Conservation Overlay District;
- 3 3. Railroad Terminal Reserve Overlay District; and
- 4 4. Flood Hazard Overlay District.

5 **B. Creation, Alteration, or Elimination of Overlay Districts**

6 The creation, alteration, or elimination of an overlay district is a rezoning and is governed
7 by the provisions of section 21.03.050H., *Rezoning to Create, Alter, or Eliminate*
8 *Overlay Districts*.

9 **C. AHO: Airport Height Overlay District**

10 1. **Purpose**

11 The purpose of the Airport Height Overlay District is to regulate the height of
12 buildings and structures to prevent interference between land uses and air traffic.
13 It is intended to be in accordance with the Federal Aviation Regulations (FAR).

14 2. **Specific Airport Height Maps Adopted**

15 The following airport height zone maps are adopted and thus the referenced
16 areas are located within the Airport Height Overlay District:

- 17 a. The airport height zoning map prepared for the Birchwood Airport in the
18 municipality (most recently adopted version).
- 19 b. The airport height zoning map prepared for the Girdwood Airport in the
20 municipality (most recently adopted version).
- 21 c. The airport height zoning map prepared for the Ted Stevens Anchorage
22 International Airport in the municipality (most recently adopted version).
- 23 d. The Airport Height Zoning Map prepared for the Merrill Field Airport in
24 the municipality (most recently adopted version).

25 3. **Establishment or Modification**

26 In addition to the standard submittals required to initiate an overlay map
27 amendment pursuant to section 21.03.050.H., establishment of an Airport Height
28 Overlay District also shall require preparation of an airport height map as set
29 forth in this section:

- 30 a. The owner or manager of any airport may prepare an airport height map
31 in accordance with the provisions of this subsection and the stipulations
32 of FAR part 77, subpart C, paragraph 77.23(A)(2), 77.23(A)(3) or 77.25.
33 The owner or manager of a governmentally operated airport shall
34 prepare and maintain an airport height map in accordance with FAR part
35 77, subpart C, paragraph 77.25. The map shall be filed with the
36 department.
- 37 b. The map shall be to scale and shall accurately reference the following:
 - 38 i. Existing subdivisions.

-
- 1 ii. Current zoning districts.
- 2 iii. Major reference points in the vicinity of the airstrip or airport.
- 3 iv. Existing topography, if available.
- 4 v. The airport elevation that shall be the official elevation of the
- 5 airport or airstrip upon approval of the map.
- 6 c. The map required by paragraph a. above, shall accurately depict
- 7 airspace zones as provided in FAR part 77, subpart C, paragraph 77.25,
- 8 in ten-foot conical increments. Before submission to the Department the
- 9 map shall be certified by the Federal Aviation Administration that it
- 10 depicts the requirements of FAR part 77, subpart C, paragraph 77.25. If,
- 11 for safety reasons, zone surfaces deviate in any way from the
- 12 requirements of the FAR, each such deviation shall be indicated in
- 13 writing on the map and shall be accompanied by a letter of nonobjection
- 14 by the Federal Aviation Administration. Any such deviation is subject to
- 15 approval of the department.
- 16 d. Before submission to the department any optional map depicting
- 17 airspace zones provided in FAR part 77, subpart C, paragraph
- 18 77.23(A)(2) or 77.23(A)(3), must be certified by the Federal Aviation
- 19 Administration indicating that it accurately depicts the requirements of
- 20 FAR part 77, subpart C, subsection 77.23(A)(2) or 77.23(A)(3).
- 21 4. **Additional Height Limitations in Airport Height Overlay District**
- 22 Notwithstanding the height limitations in section 21.06.010, *Dimensional*
- 23 *Standards Tables*, all development within the Airport Height Overlay District shall
- 24 comply with the following height limitations:
- 25 a. No structure shall be constructed or maintained so that it exceeds the
- 26 greater of:
- 27 i. Thirty-five feet above ground elevation; or
- 28 ii. The maximum height permitted under FAR part 77, subpart C, as
- 29 depicted on any airport height zone map adopted under section
- 30 21.04.080.C., *Airport Height Overlay District*.
- 31 b. Any structure within three nautical miles of an airport reference point
- 32 established by federal regulation, the height of which exceeds the level
- 33 of that reference point by more than 200 feet, shall present to the
- 34 building official the results of an airspace determination conducted by the
- 35 Federal Aviation Administration pursuant to its regulations.
- 36 c. The height restrictions of this district do not apply to buildings for which
- 37 building or land use permits were issued prior to June 17, 1986.
- 38 d. Vegetation shall not be affected by the height limitation of this section.

D. NCO: Neighborhood Conservation Overlay District

1. Purpose

The NCO district is intended to allow neighborhoods throughout the municipality to protect and preserve distinctive design features and existing character, and to promote new construction that is compatible with existing character. The overlay district is a flexible tool that may be applied to a variety of neighborhoods, each of which is distinguished by its architectural, natural, cultural, or historic attributes. Each NCO district established under this code will have an adopted Neighborhood Conservation Plan that identifies the character-defining characteristics of that neighborhood.

2. Establishment or Modification

Establishment of an NCO district shall include designation of the NCO district by separate ordinance that shall include a map defining the overlay boundaries and an adopted Neighborhood Conservation Plan that shall establish standards and conditions for future development in the district consistent with the purposes of the plan. The Neighborhood Conservation Plan shall be adopted as a component of the comprehensive plan (see section 21.01.080, *Comprehensive Plan*).

a. Eligibility Criteria

Areas meeting all of the following minimum criteria may be considered for NCO designation:

- i. The proposed district includes a minimum area of at least two contiguous acres, including intervening streets and other rights-of-way, and contains at least three separate parcels.
- ii. At least 75 percent of the land area within the proposed district, not including streets and other rights-of-way, is developed.
- iii. As of the date of application for designation, at least 50 percent of the developed lots contain principal structures that are more than 20 years old.
- iv. The proposed area has a distinctive character with identifiable attributes, embodied in architecture, use, urban design, or history that make it an integral part of the municipality's identity.
- v. The proposed area has a recognized neighborhood identity and a definable physical character that makes the area's conservation important to the municipality's history or function.

b. Determination of Eligibility

- i. Requests to establish or modify NCO districts may originate with any interested citizen or citizen group and shall be presented to the director for consideration. Citizens or groups that request a determination of eligibility are responsible for gathering and preparing the materials necessary to justify whether the neighborhood meets the eligibility criteria.
- ii. Working with the director, the urban design commission shall conduct a preliminary consideration of the eligibility of the

1 proposed area based on the criteria set forth in subsection a.
2 above. The urban design commission may conduct informal
3 meetings with residents of the community, seek the advice of
4 preservation professionals and historians, and conduct or
5 receive any preliminary research or studies to assist with its
6 decision regarding eligibility.

7 **c. Preparation of Neighborhood Conservation Plan**

8 i. If the urban design commission determines that the general area
9 is eligible to become a NCO district, it shall direct the director to
10 notify the property owners in the proposed area as identified in
11 municipal tax records, through first class mail, that an
12 informational meeting will be conducted and that a task force will
13 be formed to assist the urban design commission in preparing a
14 Neighborhood Conservation Plan for the district. The task force
15 shall be appointed by the urban design commission and be
16 composed of individuals representing various interests in the
17 area under consideration and members of the urban design
18 commission. The director shall appoint a liaison from the
19 municipality's staff to serve on the task force.

20 ii. The Neighborhood Conservation Plan shall detail the boundaries
21 of the district, document the history and significance of the area,
22 provide photographs of properties within the area, and present
23 proposed design standards and guidelines for regulating future
24 development in the district.

25 iii. The urban design commission shall review the Neighborhood
26 Conservation Plan, including the proposed boundaries and
27 design guidelines, and shall then vote whether to recommend to
28 the planning and zoning commission that the area be designated
29 an NCO district.

30 **d. Property Owners' Approval**

31 Prior to submission to the planning and zoning commission, the
32 Neighborhood Conservation Plan shall be made available for review by
33 all of the owners of parcels in the proposed district. Each property owner
34 shall indicate whether they are for, against, or undecided on the
35 application. If the signature of an owner cannot be obtained, the
36 applicant may substitute a signed affidavit stating that the applicant has
37 attempted in good faith to obtain the signature of the owner but has been
38 unable to do so. Owners of record will be based on currently available
39 municipal assessor's information. At least 51 percent of the property
40 owners within the proposed district must approve the application before it
41 may be submitted to the planning and zoning commission for review.

42 **e. Rezoning Process**

43 If the urban design commission recommends designation of the NCO
44 district, and at least 51 percent of the property owners indicate approval,
45 then the director shall forward the application to the planning and zoning
46 commission for an amendment to include the district on the zoning map.
47 The application shall then be processed according to the general
48 rezoning procedures set forth in section 21.03.050D., *General*
49 *Procedures*.

- 1 **f. *Findings Required***
2 In addition to the general approval criteria applicable to all proposed
3 rezonings (see 21.03.050E.), an application for designation of a NCO
4 district may be approved only if the assembly finds that:
- 5 **i.** The district retains the general character and appearance of its
6 original period of development;
- 7 **ii.** The district evidences on-going maintenance of existing older
8 buildings and/or there is potential for rehabilitation of existing
9 buildings in the district;
- 10 **iii.** There is potential or existing pressures for redevelopment and
11 new infill development in the district;
- 12 **iv.** The district exhibits a significant degree of continuity in terms of
13 the built environment, including both sides of the facing block
14 fronts; and
- 15 **v.** The proposed development standards are appropriate to protect
16 and preserve the general character and appearance of the
17 district.
- 18 **g. *Establishment of NCO District***
19 The assembly shall designate each NCO district by separate ordinance
20 that shall include a map defining the overlay boundaries and an adopted
21 Neighborhood Conservation Plan that shall establish standards and
22 conditions for future development in the district consistent with the
23 purposes of the plan. The Neighborhood Conservation Plan shall be
24 adopted as a component of the comprehensive plan (see section
25 21.01.080, *Comprehensive Plan*).
- 26 **h. *Amendments to Approved Neighborhood Conservation Districts***
27 Any proposal to add or subtract parcels to an adopted NCO District,
28 including the dissolution of the district, or any proposed modification to
29 the development standards in an NCO district, shall be subject to the
30 procedural requirements set forth in this subsection.
- 31 **3. *Development Application Review***
32 Applications for development in an approved NCO district shall be reviewed by
33 the regular decision-making body assigned by this code to hear such
34 applications. For example, the director shall review administrative site plans in
35 an NCO district, and the urban design commission shall review major site plans.
36 Applications shall be reviewed for compliance with the Neighborhood
37 Conservation Plan and associated development standards, in addition to any
38 other applicable requirements of this code.
- 39 **4. *Development Standards***
40 **a.** All new development, additions, changes, and expansions to existing
41 structures must comply with the regulations associated with the NCO
42 district.
- 43 **b.** Neighborhood Conservation Plans may contain neighborhood design
44 standards related to any of the following issues: location of proposed

1 buildings or additions; characteristics of uses; height; size; exterior
2 materials; demolition; exterior color; setbacks; lot size/coverage; roof
3 line/pitch; paving; building orientation; relationship of buildings to the
4 streetscape; location of parking; exterior lighting; neighborhood character
5 and compatibility; view preservation of or from specific locations;
6 landscaping and screening; riparian areas, wetland areas, or drainage
7 patterns; site disturbance; or other items as deemed critical to
8 maintaining the existing character of the proposed district.

- 9 c. In no circumstance shall a Neighborhood Conservation Plan:
- 10 i. Prohibit uses that are otherwise allowed by the underlying base
11 zoning district; or
- 12 ii. Allow uses that are prohibited in the underlying base zoning
13 district.
- 14 d. When the neighborhood design standards have been approved for an
15 NCO district, each application for a building permit for new construction
16 within that district shall comply with those standards.

17 **E. RTR: Railroad Terminal Reserve Overlay District**

18 **1. Purpose and Intent**

19 The purpose of the Alaska Railroad Terminal Reserve Overlay District is to
20 indicate the properties of the Alaska Railroad Corporation, which under certain
21 circumstances are subject to exclusive U.S. Department of Transportation
22 Surface Transportation Board regulation when used for railroad operations. Non-
23 railroad operations uses are subject to municipal title 21 land use regulations.

24 **F. FHO: Flood Hazard Overlay District**

25 **1. Purpose and Intent**

26 The purpose of the Flood Hazard Overlay District is to promote the public health,
27 safety, and general welfare and to minimize loss due to flood. The provisions of
28 this section are intended to be an addition to all other land use regulations and
29 to:

- 30 a. Restrict or prohibit uses and structures that are dangerous to health,
31 safety, or property in time of flood, or that cause increased flood heights
32 or velocities;
- 33 b. Require that uses vulnerable to floods, including public facilities that
34 serve such uses, be provided with flood protection or flood proofing at
35 the time of initial construction;
- 36 c. Minimize the need for rescue and relief efforts associated with flooding
37 and generally undertaken at the expense of the general public;
- 38 d. Minimize prolonged business interruptions;
- 39 e. Minimize damages to public facilities and utilities such as water and gas
40 mains, electric, telephone and sewer lines, streets and bridges located in
41 areas of special flood hazard;

- 1 f. Help maintain a stable tax base by providing for the sound use and
2 development of areas of special flood hazard so as to minimize future
3 flood blight areas;
- 4 g. Ensure that potential buyers are notified that property is in an area of
5 special flood hazard; and
- 6 h. Ensure that those who occupy the areas of special flood hazard assume
7 responsibility for their actions.
- 8 **2. Interpretation of Section; Disclaimer of Liability**
- 9 a. In the interpretation and application of this section, all provisions shall be:
- 10 i. Considered as minimum requirements;
- 11 ii. Liberally construed in favor of the governing body; and
- 12 iii. Deemed neither to limit nor repeal any other powers granted
13 under state statutes.
- 14 b. The degree of flood protection required by this section is considered
15 reasonable for regulatory purposes and is based on scientific and
16 engineering considerations. Larger floods can and will occur on rare
17 occasions. Flood heights may be increased by manmade or natural
18 causes. This section does not imply that land outside the areas of
19 special flood hazard or uses permitted within such area will be free from
20 flooding or flood damages. This section shall not create liability on the
21 part of the municipality, any officer or employee thereof, or the Federal
22 Insurance Administration for any flood damages that result from reliance
23 on this section or any administrative decision lawfully made thereunder.
- 24 **3. Creation of Flood Hazard Overlay District; Official Flood Hazard Reports
25 and Maps**
- 26 a. ***Creation of District; Adoption of Reports and Maps***
- 27 There is hereby created a Flood Hazard Overlay District. This district
28 shall be defined in its territorial extent by subsection F.4. below,
29 "Establishment of Flood Hazard Overlay District," and by the following
30 reports and maps:
- 31 i. Flood Insurance Study for the Municipality of Anchorage,
32 prepared by the Federal Insurance Administration, Federal
33 Emergency Management Agency (FEMA).
- 34 ii. Flood insurance rate map (FIRM) prepared by the Federal
35 Insurance Administration, FEMA, including the current digital
36 flood insurance rate map (DFIRM) prepared by the Federal
37 Insurance Administration.
- 38 iii. Flood boundary and floodway map, prepared by the Federal
39 Insurance Administration, FEMA, including the current digital
40 flood boundary and floodway map prepared by the Federal
41 Insurance Administration.

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

5 The current editions of each of the maps and reports listed in this
6 subsection are made a part of this section. Subsequent maps and
7 reports prepared by the Federal Insurance Administration or the
8 municipality delineating the Flood Hazard Overlay District, floodway and
9 floodplain areas within the municipality shall become part of this chapter
10 upon publication. A copy of the reports and maps cited in this subsection
11 shall be on file in the department. Definitions of terms appearing on the
12 maps and reports appear in 41 CFR 19.09.1.

13 b. **Review of Maps**

14 In no case will longer than five years elapse without an update and
15 review of the existing flood hazard district maps. The review may be
16 conducted by the municipality, the U.S. Corps of Engineers, or the
17 Federal Insurance Administration, and any changes or amendments in
18 the boundaries of the flood hazard district, floodway, or floodway fringe
19 area shall then be submitted to the planning and zoning commission and
20 assembly for final adoption as part of this chapter.

21 c. **Rules for Interpretation of District Boundaries**

22 The boundaries of the floodplain districts established by this chapter
23 shall be determined from the cited maps and reports. Where
24 interpretation is needed as to the exact location of the boundaries, the
25 department of project management and engineering, upon advice from
26 the U.S. Corps of Engineers, shall make the necessary interpretation.

27 4. **Establishment of Flood Hazard Overlay District**

28 The area within the limit of the boundary of the base flood, the highest extreme
29 tide, or a designated special hazard area is hereby designated as the Flood
30 Hazard Overlay District. The boundaries of this district are established in
31 accordance with subsection F.3. above.

32 5. **Regulations Applicable to Flood Hazard Overlay District**

33 a. **Applicability**

34 The regulations within this section shall apply to all areas of the Flood
35 Hazard Overlay District.

36 b. **Prohibited Development**

37 i. Any encroachments, new construction, fill, obstructions,
38 substantial improvements and other development or action within
39 the regulatory floodway that would result in any increase in flood
40 levels during the occurrence of a base flood are prohibited.

41 ii. Critical facilities shall not be located in the Flood Hazard Overlay
42 District. For the purposes of this subsection only, critical facilities
43 are defined as fire stations, police stations, hospitals, emergency
44 shelters, schools, and emergency operations centers.

45 c. **Standards for Issuance of Building or Land Use Permit**

- 1 No building permits, encroachment permits, manufactured home permits,
2 or other land use permits shall be issued for the construction or placing
3 of a structure within the Flood Hazard Overlay District unless the plans
4 show that, in addition to compliance with all other ordinances, regulations
5 and permit requirements, the structure shall meet the following
6 requirements:
- 7 i. Prior to final approval of a permit it must be demonstrated that all
8 necessary permits have been received from those governmental
9 agencies from which approval is required by federal or state law,
10 including section 404 of the Federal Water Pollution Control Act
11 amendments of 1972.
- 12 ii. It must be demonstrated that the structure will be reasonably
13 safe from flooding. If a proposed building site is in a floodplain,
14 all new construction and substantial improvements shall be
15 designed and adequately anchored to prevent flotation, collapse
16 or lateral movement of the structure, be constructed with
17 materials and utility equipment resistant to flood damage, and be
18 constructed by methods and practices that minimize flood
19 damage.
- 20 iii. The approval of a subdivision application or multi-unit
21 development shall require proof that:
- 22 (A) The proposed construction is consistent with the need to
23 minimize flood damage within the floodplain;
- 24 (B) All public utilities and facilities such as sewer, gas,
25 electrical and water systems are to be located and
26 constructed to minimize or eliminate flood damage;
- 27 (C) Adequate drainage is provided to reduce exposure to
28 flood hazards. The actions of one project shall not
29 adversely impact the receiving waters and the rights of
30 other property owners, as measured by increased flood
31 peaks, flood stage, flood erosion, and sedimentation
32 through storm waters or drainage systems; and
- 33 (D) Base flood elevation data has been provided for
34 subdivision proposals and other proposed development.
- 35 iv. Construction within floodplains shall require that new and
36 replacement water supply systems be designed to minimize or
37 eliminate infiltration of floodwaters into the systems.
- 38 v. Construction within floodplains shall require that:
- 39 (A) New and replacement sewage systems shall be
40 designed to minimize or eliminate infiltration of
41 floodwaters into the systems and discharges from the
42 systems into floodwaters; and

1 (B) On-site waste disposal systems to be located to avoid
2 impairment to them or contamination from them during
3 flooding.

4 d. **Storage of Materials or Equipment**

5 The storage or processing of equipment or materials that are buoyant,
6 flammable, explosive or injurious to safety, or which would cause a
7 violation of state water quality standards upon contact with water, are
8 prohibited.

9 6. **Regulations Applicable to Subdistricts**

10 a. **Floodway Area**

11 Since the floodway is an extremely hazardous area due to the velocity of
12 floodwaters, which carry debris and potential projectiles and have
13 erosion potential, the following provisions apply:

14 i. Permitted uses and structures are parks, parkways, greenbelts,
15 land reserves, golf courses, playgrounds, playfields, and related
16 facilities.

17 ii. Permitted accessory uses and structures are picnic tables,
18 playground equipment, outdoor cooking facilities and like
19 structures.

20 iii. The following structures and activities are permitted only by
21 special flood hazard permit: excavation of sand, gravel and other
22 natural resources, railroad and tramway tracks, streets, bridges,
23 utility installations and pipelines, storage yards for equipment
24 and materials, commercial farming, and land reclamation.

25 iv. The following uses are prohibited: landfills, storage yards
26 containing hazardous materials (as defined by the EPA),
27 encroachments not otherwise excepted in this section, including
28 fill, new construction, substantial improvements and other
29 development, unless certification by a registered professional
30 engineer or architect is provided demonstrating that such
31 encroachments shall not result in any increase in flood levels
32 during the occurrence of the base flood discharge or result in
33 violation of the state water quality standards. Manufactured
34 homes are prohibited, except as otherwise stated in this section.

35 b. **Floodway Fringe Area**

36 The regulations listed in this subsection are applicable to the floodway
37 fringe area:

38 i. Permitted uses and structures are parks, parkways, greenbelts,
39 land reserves, golf courses, playgrounds, playfields and related
40 facilities.

41 ii. Permitted accessory uses and structures are picnic tables,
42 playground equipment, outdoor cooking facilities and like
43 structures.

1 iii. The following uses, structures and activities are permitted only
2 by special flood hazard permit: any use permitted by special
3 flood hazard permit as set forth in subsection a. of this section,
4 and all other uses, structures and activities which are in
5 accordance with all other land use regulations provided they are
6 adequately floodproofed as set forth in subsection F.8. below,
7 *Special Flood Hazard Permit.*

8 iv. The following uses are prohibited: uses, structures and activities
9 which are not permitted under subsections b.i. through iii. of this
10 section or which would cause violations of state water quality
11 standards.

12 7. **Construction Requirements**

13 a. **Generally**
14 All new construction and substantial improvements in areas designated
15 on the flood insurance rate map as zones A1-30 shall meet the following
16 conditions:

17 i. The lowest floor, including basement or crawl space, of
18 residential structures shall be elevated to at least one foot above
19 the base flood level.

20 ii. The lowest floor, including basement, of nonresidential structures
21 shall be elevated to or above the base flood level, unless the
22 structure, with all utility and sanitary facilities, is designed so that
23 below base flood level the structure is watertight with walls
24 substantially impermeable to the passage of water and so that it
25 is capable of resisting hydrostatic and hydrodynamic loads and
26 effects of buoyancy.

27 iii. A minimum of two openings having a total net area of not less
28 than one square inch for every square foot of enclosed area
29 subject to flooding shall be provided to FEMA specifications
30 (such as Smart Vent). The bottom of all openings shall be no
31 higher than one foot above grade. Openings may be equipped
32 with screens, louvers or other coverings or devices provided that
33 they permit the automatic entry and exit of floodwaters.

34 iv. Where floodproofing is utilized a registered professional engineer
35 or architect shall certify that the floodproofing methods are
36 adequate.

37 v. For new manufactured home parks and manufactured home
38 subdivisions; for expansions to existing manufactured home
39 parks and manufactured home subdivisions; for existing
40 manufactured home parks and manufactured home subdivisions
41 where the repair, reconstruction or improvement of the streets,
42 utilities and pads equals or exceeds 50 percent of value of the
43 streets, utilities and pads before the repair, reconstruction or
44 improvement has commenced; and for manufactured homes not
45 placed in a manufactured home park or manufactured home
46 subdivision, require that the repair, and on all property not within

- 1 a manufactured home park or subdivision stands or lots are
2 elevated on compacted fill or on pilings so that:
- 3 (A) The lowest floor of each manufactured home must be at
4 or above the base flood level.
- 5 (B) Adequate surface drainage and access for a hauler must
6 be provided.
- 7 (C) For manufactured homes placed on pilings, pilings must
8 be stable and no more than ten feet apart and reinforced
9 if more than six feet above the ground level.
- 10 (D) Lots must be large enough to permit steps.
- 11 vi. All manufactured homes to be placed or substantially improved
12 within zones A1-30, AH and AE shall be elevated on a
13 permanent foundation such that the lowest floor of the
14 manufactured home is at or above the base flood elevation, and
15 be securely anchored to an adequately anchored foundation
16 system.
- 17 vii. All manufactured homes must likewise be anchored to prevent
18 flotation, collapse or lateral movement, and shall be installed
19 using methods and practices that minimize flood damage.
20 Anchoring methods may include but are not limited to use of
21 over-the-top or frame ties to ground anchors.
- 22 b. **Standards for Shallow Flood Areas (AO Zones)**
23 Shallow flooding areas appear on the Flood Insurance Rate Maps as AO
24 zones with depth designations. The base flood depths in these zones
25 range from one to three feet where a clearly defined channel does not
26 exist, or where the path of flooding is unpredictable and where velocity
27 flow may be evident. Such flooding is usually characterized as sheet
28 flow. In these areas, the following provisions apply:
- 29 i. New construction and substantial improvements of residential
30 structures within AO zones shall have the lowest floor, including
31 basement or crawl space, elevated above the highest adjacent
32 grade of the building site, to or above the depth number specified
33 on the Flood Insurance Rate Map (at least two feet if no depth
34 number is specified).
- 35 ii. New construction and substantial improvements of
36 nonresidential structures within AO zones shall either:
- 37 (A) Have the lowest floor, including basement, elevated
38 above the highest adjacent grade of the building site, or
39 to or above the depth number specified on the Flood
40 Insurance Rate Map (at least two feet if no depth
41 number is specified); or
- 42 (B) Together with attendant utility and sanitary facilities, be
43 completely floodproofed to or above that level so that

- 1 any space below that level is watertight with walls
2 substantially impermeable to the passage of water and
3 with structural components having the capability of
4 resisting hydrostatic and hydrodynamic loads and effects
5 of buoyancy. If this method is used, compliance shall be
6 certified by a registered professional engineer or
7 architect.
- 8 iii. Adequate drainage paths are required around structures on
9 slopes to guide floodwaters around and away from proposed
10 structures.
- 11 c. **Standards for Zone A99**
12 All construction in areas designated on the flood insurance rate map as
13 zone A99 shall meet all requirements of subsections 7.a. and 7.b. of this
14 section.
- 15 8. **Special Flood Hazard Permit**
16 a. **Required**
17 No person shall engage in development within the Flood Hazard Overlay
18 District unless a special flood hazard permit is first issued, pursuant to
19 section 21.03.110, *Special Flood Hazard Permits*.
- 20 b. **Conditions**
21 Special conditions may be attached as a condition to the issuance of a
22 special flood hazard permit. Conditions shall include any floodproofing
23 measures deemed necessary by the issuing official to further the
24 purposes of this chapter. Floodproofing measures may include
25 requirements that:
- 26 i. The finished surface of the first or main floor shall be at least one
27 foot above the level of the regulatory flood protection elevation.
- 28 ii. Structures or uses below the level of the regulatory flood shall be
29 restricted to those not involving habitual human habitation, such
30 as working space, living space, sleeping space, etc.
- 31 iii. The anchorage shall be suitable to resist flotation and lateral
32 movement.
- 33 iv. For all construction and substantial improvements, fully enclosed
34 areas below the lowest floor that are subject to flooding shall be
35 designed to automatically equalize hydrostatic flood forces on
36 exterior walls by allowing for the entry and exits of floodwaters.
37 Designs for meeting this requirement must either be certified by
38 a registered professional engineer or architect or must meet or
39 exceed the following minimum criteria: A minimum of two
40 openings having a total net area of not less than one square inch
41 for every square foot of enclosed area subject to flooding shall
42 be provided to FEMA specifications (such as Smart Vent). The
43 bottom of all openings shall be no higher than one foot above
44 grade. Openings may be equipped with screens, louvers or
45 other coverings or devices provided that they permit the
46 automatic entry and exits of floodwaters.

- v. All areas below the level of the regulatory flood protection levels shall be coated with paint, membranes, or mortars substantially impermeable to the passage of water.
- vi. Water supply and waste treatment systems must prevent infiltration of water.
- vii. All interior drains must be connected to the sanitary sewer system.

9. Nonconforming Uses

A structure or the use of a structure or premises located within the Flood Hazard Overlay District that was lawful before the original passage of applicable regulations, but that is not in conformity of the provisions of such regulations, may be continued subject to the following conditions:

- a. No such use shall be expanded, changed, enlarged, or altered in any way which increases its nonconformity with respect to the provisions of this chapter.
- b. No repair, alteration, or addition shall be made to any nonconforming structure if the value of such repair, alteration, or addition shall exceed 50 percent of the value of the structure at the time of its becoming a nonconforming use unless the structure is permanently changed to a conforming use.
- c. If such use is discontinued for 12 consecutive months, any future use of the structure or premises shall conform to this chapter.
- d. Uses or adjuncts thereof which are or have become nuisances shall not be entitled to continuance as nonconforming uses.
- e. 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 F.8.

10. Duties of the Director of the Department of Project Management and Engineering

- a. The director of the department of project management and engineering 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 department of project management and engineering shall maintain all records required by the Federal Insurance Administration and shall file an annual report with the federal insurance administrator. Form OMB 64-R1546 shall be used in accordance with 41 CFR 1909.22(b)(3).
- c. Additional duties and responsibilities of the director of the department of project management and engineering are as follows:

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- i. *Permit Review*
The director of the department of project management and engineering shall:
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- (A) Review all flood hazard permits to determine that the permit requirements of this chapter have been satisfied.
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- (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.
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- (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.
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- ii. *Use of Other Base Flood Data*
When base flood elevation data have not been provided in accordance with subsection F.3. above, the director of the department of project management and engineering shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source in order to administer subsections F.6. through F.9. above.
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- iii. *Information to be Obtained and Maintained*
The director of the department of project management and engineering shall:
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- (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.
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- (B) For all new or substantially improved floodproofed structures:
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- (1) Verify and record the actual elevation, in relation to mean sea level; and
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- (2) Maintain the floodproofing certifications required in subsection 7.a.iv. above.
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- (3) Maintain for public inspection all records pertaining to the provisions of this section.
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- iv. *Duties Regarding Alteration of Watercourses*
The director of the department of project management and engineering shall:
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- (A) Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a

1 watercourse and submit evidence of such notification to
2 the Federal Insurance Administration.

- 3 (B) Require that maintenance is provided within the altered
4 or relocated portion of the watercourse so that the flood-
5 carrying capacity is not diminished.

6 v. *Interpretation of FIRM Boundaries*

7 The director of the department of project management and
8 engineering shall make interpretations, where needed, as to
9 exact location of the boundaries of the areas of special flood
10 hazard, for example, where there appears to be a conflict
11 between a mapped boundary and actual field conditions. The
12 person contesting the location of the boundary shall be given a
13 reasonable opportunity to appeal the interpretation as provided
14 in subsection F.11. below.

15 11. **Appeal Procedure**

16 Appeals alleging error by the director of the department of project management
17 and engineering charged with the enforcement or interpretation of this chapter
18 may be taken to the zoning board of examiners and appeals in accordance with
19 the provisions of section 21.03.200, *Appeals*.

20 12. **Standards and Conditions for Variances and Appeals**

21 a. In passing upon variances or appeals, the zoning board of examiners
22 and appeals shall consider all technical evaluations, all relevant factors,
23 standards specified in other sections of this section and:

- 24 i. The danger that materials may be swept onto other lands to the
25 injury of others;
- 26 ii. The danger to life and property due to flooding or erosion
27 damage;
- 28 iii. The susceptibility of the proposed facility and its contents to flood
29 damage and the effect of such damage on the individual owner;
- 30 iv. The importance of the services provided by the proposed facility
31 to the community;
- 32 v. The necessity of the facility of a waterfront location, where
33 applicable;
- 34 vi. The availability of alternative locations for the proposed use
35 which are not subject to flooding or erosion damage;
- 36 vii. The compatibility of the proposed use with existing and
37 anticipated development;
- 38 viii. The relationship of the proposed use to the comprehensive plan
39 and floodplain management program for that area;
- 40 ix. The safety of access to the property in time of flood for ordinary
41 and emergency vehicles;

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- 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
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- 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.
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- 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.
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- 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.
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- d. The director of the department of project management and engineering shall maintain the records of all variance and appeal actions and report any variances to the Federal Insurance Administration upon request.
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- e. Conditions for variances are as follows:
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- 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.
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- iii. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
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- iv. Variances shall only be issued upon:
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- (A) A showing of good and sufficient cause;
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- (B) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
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- (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.
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- 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.

¹ PRD#2 NOTE: This was the R-1 district in the previous draft.

² PRD#2 NOTE: This was the R-7 district in the previous draft.

³ PRD#2 NOTE: This was the R-2 district in the previous draft.

⁴ PRD#2 NOTE: This is a new district in this draft.

⁵ PRD#2 NOTE: This was the R-3 district in the previous draft.

⁶ PRD#2 NOTE: This was the R-4 district in the previous draft.

⁷ PRD#2 NOTE: This was the RMX district in the previous draft.

⁸ PRD#2 NOTE: This was the R-6 district in the previous draft.

⁹ PRD#2 NOTE: This was the R-9 district in the previous draft.

¹⁰ PRD#2 NOTE: This was the R-10 district in the previous draft.

¹¹ 2005 NOTE: Two comments on this provision (which is carried forward from the current code) ask whether this could be interpreted as a requirement to perform soil analysis to determine the presence of earthquake hazards. We are not aware of the Municipality enforcing this current provision in such a way, and are not aware of any plans to institute such a policy. Such a requirement, if implemented, should be in the form of a standard and not contained in a purpose statement.

¹² PRD#2 NOTE: This was the NMU-1 district in the previous draft.

¹³ 2005 NOTE: Names changed in the 2005 draft for the three downtown districts. All requirements relating to the CBD districts are otherwise unchanged from the current code. The Municipality is undertaking a new downtown plan and will update the downtown zoning as part of a separate project.

¹⁴ PRD#2 NOTE: This was the NMU-2 district in the previous draft.

¹⁵ PRD#2 NOTE: This was the R-5 district in the previous draft.

¹⁶ PRD#2 NOTE: This is a new district in this draft.