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CHAPTER 21.04: ZONING DISTRICTS

21.04.010 GENERAL PROVISIONS

This chapter establishes the zoning districts and contains basic information pertaining to zoning districts, including statements of purpose and district-specific regulations. The following chapters 21.05 and 21.06 set forth the uses allowed within the districts and the dimensional standards applying to development in the districts, respectively.

A. Districts Established; Zoning Map

1. Purpose

The municipality is divided into zoning districts in order to achieve the purposes of this title established in chapter 21.01, which include implementation of the comprehensive plan, and particularly its land use plan map and other relevant elements of this plan.

2. Zoning Districts Established

The following zoning districts are established:

District Type	Abbreviation	District Name
Residential Districts	R-1	Single-Family Residential
	R-1A	Single-Family Residential (larger lot)
	R-2A	Two-Family Residential (larger lot)
	R-2D	Two-Family Residential
	R-2F	Mixed Residential 1
	R-2M	Mixed Residential 2
	R-3	Multifamily Residential 1
	R-4	Multifamily Residential 2
	R-4A	Multifamily Residential Mixed-Use
	R-5	<u>Low Density [RURAL] Residential with Mobile Homes</u>
	R-6	Low-Density Residential (1 acre)
	R-7	Single-Family Residential (20K)
	R-8	Low-Density Residential (4 acres)
	R-9	Low-Density Residential (2 acres)
R-10	Low-Density Residential, Alpine/Slope	
Commercial and Mixed-Use Districts	B-1A	Local and Neighborhood Business
	B-3	General Business
	DT-1	Downtown Core
	DT-2	Downtown Mixed-Use
	DT-3	Downtown Mixed-Use Residential
	RO	Residential Office
	MC	Marine Commercial
	NMU	Neighborhood Mixed-Use
CMU	Community Mixed-Use	

TABLE 21.04-1: ZONING DISTRICTS ESTABLISHED		
District Type	Abbreviation	District Name
	RMU	Regional Mixed-Use
	MT-1	Midtown Core
	MT-2	Midtown General
Industrial Districts	I-1	Light Industrial
	I-2	Heavy Industrial
	MI	Marine Industrial
Other Districts	AD	Airport [DEVELOPMENT]
	AF	Antenna Farm
	DR	Development Reserve
	PCD	Planned Community Development
	PLI	Public Lands and Institutions
	PR	Parks and Recreation
	TA	Turnagain Arm
Overlay Zoning Districts	AHO	Airport Height Overlay
	FHO	Flood Hazard Overlay
Girdwood Districts	Girdwood Districts are set forth in chapter 21.09, <i>Girdwood</i> .	

1
 2 **3. Zoning Map**
 3 The use districts are shown on the Official Zoning Map (see section 21.01.050).
 4 Procedures for amending the zoning map are in section 21.03.16[7]0, *Rezoning (Zoning*
 5 *Map Amendments)*.

6 **B. Relationship to Overlay Districts**
 7 All lands within the municipality shall be designated as one of the base zoning districts set forth in
 8 sections 21.04.020 through 21.04.07[5]0. In addition, some lands may be designated as one or
 9 more of the overlay districts set forth in section 21.04.08[6]0. Where the property is designated
 10 as an overlay district as well as a base zoning district, the regulations governing development in
 11 the overlay district shall apply in addition to the regulations governing development in the
 12 underlying base district. In the event of an express conflict between the two sets of standards,
 13 the standards for the overlay district shall control.

14 **21.04.020 RESIDENTIAL DISTRICTS**

15 **A. General Purpose/Intent**
 16 The residential zoning districts established in this section generally are intended to:
 17 1. Provide appropriately located areas for residential development that are consistent with
 18 the comprehensive plan and with standards of public health and safety established by
 19 this code;

1 generally are intended to have well-developed infrastructure, and municipal services
2 [ARE] generally are intended to be provided.

3 **D. R-2A: Two-Family Residential District (larger lot)**

4 **1. Purpose**

5 The R-2A district is intended primarily for [MODERATELY LOW DENSITY] single-
6 [FAMILY] and two-family residential areas with gross densities between five and seven
7 dwelling units per acre. [WITH] The minimum lot size[S] is slightly larger than the R-2D
8 district. These areas generally are intended to have well-developed infrastructure, and
9 municipal services [ARE] generally are intended to be provided.

10 **E. R-2D: Two-Family Residential District**

11 **1. Purpose**

12 The R-2D district is intended primarily for [MODERATELY LOW DENSITY] single-
13 [FAMILY] and two-family residential areas with gross densities between five and eight
14 dwelling units per acre. These areas generally are intended to have well-developed
15 infrastructure, and municipal services [ARE] generally are intended to be provided.

16 **F. R-2F: Mixed Residential District 1**

17 **1. Purpose**

18 The R-2F district is intended primarily for [MIXED-DENSITY] residential areas that allow
19 for a variety of single-family, two-family, and [LOW-DENSITY MULTIFAMILY
20 DWELLINGS. IT PERMITS THE ESTABLISHMENT OF] three- and four-unit
21 [DWELLING] multifamily dwelling [STRUCTURES], with gross densities between eight
22 and 12 dwelling units per acre. [SUBJECT TO SITE PLAN REVIEW TO ENSURE
23 COMPATIBILITY WITH A PREDOMINANTLY SINGLE-FAMILY ENVIRONMENT AND
24 THE ENHANCEMENT OF OVERALL NEIGHBORHOOD QUALITY.] The design of
25 multifamily development, including building appearance, location of parking, setbacks,
26 and landscaping, should be complementary to the existing neighborhood and mix of
27 dwelling types. This district may [IS INTENDED TO] be applied to existing
28 neighborhoods to create [THAT ARE] a transition between single- and two-family areas
29 and higher density mixed residential or multifamily areas. It is [GENERALLY] not
30 intended to be used in [APPLIED TO] areas either zoned for or designated in the
31 comprehensive plan [BY ADOPTED PLAN] to provide multifamily housing near
32 designated town centers, community activity centers, or major city centers.

33 **2. District-Specific Standards**

34 **a.** Multifamily buildings shall contain no more than four dwelling units.

35 **b.** In order to create compatible neighborhoods and retain a predominantly single-
36 family environment, buildings with three or four dwelling units shall maintain
37 detached single-family style architectural features by complying with the single-
38 family design standards in subsection 21.07.100E.2.b., with the following
39 adjustments:

40 **i.** Notwithstanding subsection 21.07.100E.2.b.iii., each residence need not
41 have its own entrance. However, common entrances shall meet the
42 requirements of the subsection.

43 **c.** Buildings with three or four dwelling units shall also comply with the multifamily
44 design standards in subsection 21.07.100G., except that any primary entrance

1 servicing just one individual dwelling unit is exempt from subsection
2 21.07.100G.9., Entrance Feature Choices. [FOR G.7., ENTRANCES AND
3 PORCHES, AND G.9., ACCESSORY ELEMENTS.]

4 d. No more than 40 [FORTY] percent of the land area between any street facing
5 building elevation and the street lot line may be paved or used for vehicle
6 driveway or parking.

7 **3. [DISTRICT LOCATION REQUIREMENTS**

8 THIS DISTRICT SHALL BE ESTABLISHED AT LEAST ONE QUARTER MILE AWAY
9 FROM THE BOUNDARY OF A COMMUNITY ACTIVITY CENTER, REGIONAL
10 COMMERCIAL CENTER, OR MAJOR CITY CENTER, EXCEPT WHERE THE
11 DECISION-MAKING AUTHORITY FINDS THAT SUCH AREAS ARE PHYSICALLY
12 SEPARATED FROM THE CENTER, OR THAT THE CHARACTERISTICS OF THE
13 AREA MAKE HIGHER DENSITY MULTIFAMILY DEVELOPMENT IMPRACTICAL.]

14 **G. R-2M: Mixed Residential District 2**

15 **1. Purpose**

16 The R-2M district is intended primarily for [MIXED-DENSITY] residential areas that allow
17 for [WITH] a variety of single-family, two-family, and multifamily dwellings [USES], with
18 [MEDIUM] gross densities between eight and 15 dwelling units per acre. The R-2M
19 district provides residential neighborhoods with a greater diversity of housing by allowing
20 a mix of both detached and a variety of attached dwelling types in close proximity to each
21 other, rather than separated into different use districts. The R-2M district is to be
22 [OFTEN] located in established or redeveloping residential neighborhoods[; EXISTING
23 STRUCTURES MAY BE RENOVATED OR REHABILITATED]. The design of new
24 development, such as building scale and setbacks, parking facility size and location, and
25 yard landscaping, should be complementary [SENSITIVE] to the existing neighborhood
26 and mix of dwelling types.

27 **2. District-Specific Standards**

- 28 a. Multifamily buildings shall contain no more than eight dwelling units.
- 29 b. On lots where more than one principal structure is allowed (see table 21.06-1),
30 the development of more than one principal structure on a lot requires an
31 administrative site plan review.
- 32 c. No more than 40 [FORTY] percent of the land area between any street facing
33 building elevation and the street lot line may be paved or used for vehicle
34 driveway or parking.

35 **H. R-3: Multifamily Residential District 1**

36 **1. Purpose**

37 The R-3 district is a [MEDIUM-DENSITY] multifamily residential district with gross
38 densities between 15 and 40 dwelling units per acre. It is intended primarily for
39 multifamily and townhouse dwellings characterized by low-rise multistory buildings. It
40 allows a higher percentage of lot coverage than the R-2M zone, while also maintaining
41 the residential living environment with landscaping, private/common open spaces, and
42 other amenities for residents. This district provides greater housing opportunities and
43 efficient use of residential land near commercial [SHOPPING, EMPLOYMENT,
44 SERVICES], community activity centers, town centers, and areas well served by transit.

I. **R-4: Multifamily Residential District 2**

1. **Purpose**

The R-4 district is a [MEDIUM-TO-HIGH DENSITY] multifamily residential district with gross densities intended to be greater than 35 dwelling units per acre. It is intended primarily for multifamily dwellings characterized by two to six story residential buildings. The maximum size of buildings and intensity of use is regulated by floor area ratio (FAR) and by height limits and other site development standards. This district is intended to be [USUALLY] applied in areas well served by transit and/or arterial streets, and supportive commercial services near the major commercial/mixed-use and employment centers in downtown and midtown, and to result in[. IT IS INTENDED FOR] high density housing concentrations [AND EFFICIENT USE OF LAND IN RESIDENTIAL AREAS NEAR MAJOR CITY CENTERS, AND TO PROTECT, PRESERVE, AND ENHANCE THE PRIMARY RESIDENTIAL CHARACTER OF THE DISTRICT]. Although small amounts of commercial development are allowed within a residential development, the district is intended to protect and retain a primarily residential character. Development is intended to be oriented to the sidewalk with windows, entrances, and walkways to provide strong pedestrian connections to nearby services and mixed-use districts.

2. **District-Specific Standards**

a. **Allowed Commercial Uses**

The [FOLLOWING] commercial uses listed below are[,] allowed through the approval process shown in table 21.05-1, shall only be developed in conjunction with multifamily or mixed use dwellings, and are limited to five [5] percent of the gross floor area of the development on a site, or 1,500 square feet, whichever is less.[.]

- i. “fitness and recreational sports center”₁[,]
- ii. “restaurant”₁[,]
- iii. “convenience store”₁[,]
- iv. “grocery or food store”.

b. **Alcohol Sales Prohibited**

Special land use permits for alcohol shall not be authorized for [GIVEN TO] uses in the R-4 district.

c. **Floor Area Ratio**

The maximum floor area ratio (FAR) in the R-4 district is 1.0, but may be increased through the bonus provisions in subsection 21.04.020J.2.c. below.

d. **Building Height Increase**

Buildings in the R-4 district may exceed the maximum height established in table 21.06-1, up to a maximum total height of 60 [SIXTY] feet, subject to all of the following requirements [CONDITIONS] to encourage the provision of light and air at the ground [PEDESTRIAN] level, active uses on the ground floor facing the street, and other features:

- i. The development shall participate in the FAR incentives provided in subsection 21.04.020J.2.c. below;

- 1 ii. The ground floor of the building shall be residential or other [ACTIVE,]

2 permitted non-parking use, for at least 25 feet of depth facing the street

3 for the full length of the street facing building elevation, except for vehicle

4 entrances and exits. Where the site has two or more frontages, the

5 standard shall be met on two frontages;

- 6 iii. The height increase shall adhere to the height transitions provisions of

7 subsection 21.06.030D.7.; and

- 8 iv. Development requesting the height increase shall be subject to

9 administrative site plan review, unless a higher level of review is already

10 required.

11 **J. R-4A: Multifamily Residential Mixed-Use District**

12 **1. Purpose**

13 The R-4A district is a primarily residential district intended for high-density multifamily

14 dwellings [HOUSING], with gross densities intended to be greater than 35 dwelling units

15 per acre [AND MIXED USE]. [RESIDENTIAL DEVELOPMENT IS ENCOURAGE TO

16 INCORPORATE A MULTISTORY DESIGN INCLUDING STRUCTURED PARKING.]

17 [SUPPORTING C]Commercial retail, services, and office uses are also [OFTEN] allowed

18 in combination with housing to create a truly mixed-use neighborhood environment,

19 although a majority of the gross floor area of the development shall be a residential use.

20 This district is to be applied in areas near [THE COMMERCIAL/MIXED-USE CENTERS

21 OF] downtown and midtown, in order to provide housing densities[Y] which supports

22 these [VITALITY OF] city centers, efficient use of residential land, and residential living

23 opportunities near employment and services. [IT ALSO ALLOWS] By providing the

24 flexibility for integrated mixed-use site development, it [TO] facilitates reinvestment and

25 revitalization within areas in transition. New mixed-use development should facilitate

26 strong pedestrian and bicycle connections with nearby neighborhoods and city centers.

27 **2. District-Specific Standards**

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

29 Development in the R-4A district shall comply with the mixed-use district

30 standards in subsection 21.04.050G.[300.], except for the FAR incentives of

31 subsection 21.04.050G.2.[300.2.]

32 **b. Maintaining Residential Character**

33 Development shall be primarily residential [IN ORDER TO ENSURE

34 RESIDENTIAL DENSITY AND CHARACTER, AS WELL AS HOUSING

35 OPPORTUNITIES ADJACENT TO CITY CENTERS]. The following standards

36 and exceptions apply:

37 i. Non-residential uses allowed in the R-4A district shall be mixed with

38 residential according to the provisions that follow. (The uses “parks and

39 open space”, “community gardens”, “utility substations”,

40 telecommunications towers, “parking lot, principal use”, and “parking

41 structure, principal use” are exempt from the mixed-use requirement.):-]

42 **(A)** [NON-] If residential uses [MAY] occupy at least 90 [NO MORE

43 THAN 10] percent of the gross floor area depicted on a site plan,

44 no [WITHOUT ANY] review beyond that required by table 21.05-

45 1 is required.

1 (B) A major site plan review is required for non-residential uses
2 proposed to occupy greater than 10 and less than or equal to 20
3 percent [BETWEEN 10.1 AND 20 PERCENT] [(AS APPROVED
4 BY THE DECISION-MAKER)] of the gross floor area of the
5 development as depicted on a site plan.

6 (C) A conditional use permit is required for non-residential uses
7 proposed to occupy greater than 20 and less than or equal to 49
8 percent [BETWEEN 20.1 AND 49 PERCENT] [(AS APPROVED
9 BY THE DECISION-MAKER)] of the gross floor area of the
10 development as depicted on a site plan.

11 (D) Major site plan reviews or conditional use reviews under [IN
12 ACCORDANCE WITH] b.i.(B). and b.i.(C). [ABOVE] shall meet
13 the following criteria. This shall be in addition to the general site
14 plan approval criteria (21.03.18[9]0E.) and conditional use
15 approval criteria (21.03.080C.)[:]

16 (1) The development shall result in a net increase in
17 dwelling [HOUSING] units over pre-development density
18 [CONDITIONS], or shall be at least 20 dwelling units per
19 acre, whichever is greater.

20 (2) [THE APPEARANCE, LOCATION, AND AMOUNT OF
21 NON-RESIDENTIAL USE ON THE SITE AND WITHIN
22 EACH BUILDING SHALL NOT DECREASE THE
23 DESIRABILITY OF THE AREA FOR HOUSING. THE
24 DECISION-MAKING BODY MAY IMPOSE SUCH
25 CONDITIONS AS LISTED IN 21.07.070] Stipulations
26 may be imposed relating to building design, traffic,
27 privacy, floor area restrictions, restrictions against
28 commercial above the ground floor, and other conditions
29 necessary to maintain a residential character and
30 compatibility with adjacent residential districts.

31 (3) [WHERE APPLICABLE, THE OVERALL SITE PLAN
32 SHALL TRANSITION TO PRIMARILY RESIDENTIAL
33 USE AND CHARACTER ADJACENT TO A
34 RESIDENTIAL ZONING DISTRICT. [TO BE
35 ILLUSTRATED]]

36 ii. No non-residential portion of the development shall be given a certificate
37 of zoning compliance or a conditional certificate of zoning compliance
38 before all of the residential portion of the development is given a
39 certificate of zoning compliance.

40 iii. Ground [FIRST] floor building facades within 100 feet of public streets,
41 primary circulation drives, or primary pedestrian walkways shall meet the
42 following window standards on those facades:

43 (E) Non-residential uses: At least 50 percent of the length and 25
44 percent of the area of ground-level walls shall be windows
45 providing visual access to the interior of the building.

1 (F) Residential uses: At least 25 percent of the length and 12
2 percent of the area of ground-level walls shall be windows.

3 (G) All uses: Blank walls shall not exceed 30 feet in length.

4 iv. All commercial uses shall be conducted entirely within a completely
5 enclosed building except for parking and loading facilities and outdoor
6 restaurant seating. Outdoor [EXTERIOR] storage or display of goods
7 accessory to a commercial use is prohibited.

8 c. **Floor Area Ratio (FAR) Incentives for the R-4 and R-4A Districts**

9 The maximum floor area ratio (FAR) within the R-4 and R-4A districts is 1.0 FAR,
10 but may be increased up to a maximum total FAR of 2.0 in the R-4 district and
11 3.0 in the R-4A district through the following bonus provisions, subject to section
12 21.06.030C. These incentives provide for an incremental increase in the floor
13 area of a development in exchange for incremental increases in any of the
14 following special features deemed of benefit to the community. Increases in the
15 FAR may be achieved through the use of one or more of the following:

16 i. *Open Space Bonus*
17 [DEVELOPMENTS PROVIDING OPEN SPACE THAT IS IN ADDITION
18 TO THE AREA REQUIRED BY SECTION 21.07.030, *OPEN SPACE*,
19 AND WHICH MEETS THE STANDARDS OF THAT SECTION, ARE
20 ELIGIBLE FOR BONUS FLOOR AREA.] One square foot of additional
21 floor area is allowed per square foot of additional open space area. This
22 space shall be in addition to any open space required by section
23 21.07.030.

24 ii. *Below Grade Parking Bonus*
25 [DEVELOPMENTS INCLUDING COVERED BELOW GRADE PARKING
26 ARE ELIGIBLE FOR BONUS FLOOR AREA.] Two square feet of
27 additional floor area is allowed per gross square foot of covered below
28 grade parking floor area, up to a maximum increase of 1.0 FAR.

29 iii. *Affordable Housing Bonus*
30 [DEVELOPMENTS INCLUDING AFFORDABLE HOUSING AS
31 DEFINED BY THIS TITLE ARE ELIGIBLE FOR BONUS FLOOR AREA.]
32 Two square feet of additional floor area is allowed per square foot of
33 affordable housing unit floor area, up to a maximum increase of 0.5 FAR.
34 The affordable housing units shall be consistent with the standards of
35 21.07.100H., *Standards for Affordable Housing* [DISPERSED
36 THROUGHOUT THE RESIDENTIAL PORTION OF THE
37 DEVELOPMENT AND SHALL BE INDISTINGUISHABLE FROM THE
38 OTHER HOUSING UNITS]. [TWO SQUARE FEET OF ADDITIONAL
39 FLOOR AREA IS ALLOWED PER SQUARE FOOT OF AFFORDABLE
40 HOUSING UNIT FLOOR AREA, UP TO A MAXIMUM INCREASE OF 0.5
41 FAR.]

42 iv. *Bonus for Sidewalk/Walkway Widening*
43 [DEVELOPMENTS INCLUDING PRIMARY PEDESTRIAN WALKWAYS
44 AS DEFINED BY THIS TITLE ARE ELIGIBLE FOR BONUS FLOOR
45 AREA.] Five square feet of additional floor area is allowed per linear foot
46 of primary pedestrian walkway.

1 generation, minimal light pollution, and the retention of open space. The availability of
2 infrastructure and municipal services is varied.

3 **M. R-7: Single-Family Residential (20K) District**

- 4 **1. Purpose**
5 The R-7 district is intended primarily for [LOW-DENSITY] single- and two-family
6 residential areas with gross densities [DEVELOPMENT] between one and two dwelling
7 units per acre. This district may also be applied to [, INCLUDING] areas between larger
8 lot districts and higher density districts.

9 **N. R-8: Low-Density Residential (4 acres) District**

- 10 **1. Purpose**
11 The R-8 district is intended primarily for single- and two-family large-lot residential areas
12 with gross densities less than one dwelling unit per four acres, [DESIGNED TO SATISFY
13 THE NEEDS OF LOW-DENSITY RESIDENTIAL DEVELOPMENT IN AREAS] where
14 topographic or other natural conditions are such that higher-density development [AND
15 THE PROVISION OF PUBLIC SEWERS AND WATER] would be unfeasible [AT ANY
16 TIME]. In addition to topography, some of the natural conditions which could exist to
17 render land desirable for the densities proposed in this zone are wind hazards, marginal
18 soils, landslide susceptibility, potential for groundwater pollution, and groundwater
19 availability. [IN CASES WHERE PARCELS WHICH HAVE NATURAL
20 CHARACTERISTICS THAT WOULD ALLOW HIGHER RESIDENTIAL DENSITIES ON
21 THOSE PARCELS WITH NO ADVERSE EFFECT ON THE SURROUNDING LAND,
22 THE USE OF DEVELOPMENT TECHNIQUES SUCH AS A CONSERVATION
23 SUBDIVISION, IS A PERMITTED FORM OF DEVELOPMENT.]

24 **O. R-9: Low-Density Residential (2 acres) District**

- 25 **1. Purpose**
26 The R-9 district is intended primarily for single- and two-family large lot [LOW-DENSITY]
27 residential [DEVELOPMENT IN] areas with gross densities less than one dwelling unit
28 per two acres, where public sewer and water are unlikely to be provided [FOR A
29 CONSIDERABLE PERIOD OF TIME] or where topographic or other natural conditions
30 are such that higher-density development [AND THE PROVISION OF PUBLIC SEWERS
31 AND WATER] would be unfeasible [AT ANY TIME]. Where public facilities may be
32 provided in the distant future, the regulations are intended to ensure that development
33 during the interim period does not exceed geological and hydrological capacities for safe
34 and healthful maintenance of human habitation.

35 **P. R-10: Low-Density Residential, Alpine/Slope District**

- 36 **1. Purpose**
37 The R-10 district is intended for use in those areas where natural physical features and
38 environmental factors such as slopes, alpine and forest vegetation, soils, slope stability,
39 and geologic hazards require unique and creative design for development. Creative site
40 design and site engineering are essential to ensure that the development of these lands
41 will:
42 **a.** Protect natural features such as ponds, streams, wetlands, and springs
43 [FORESTED AREAS], and incorporate such features into the development of the
44 site design;

TABLE 21.04-2: LOT AND SITE REQUIREMENTS FOR R-10 DISTRICT				
Average Slope of Lot (percent)	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum All Buildings (percent)	Coverage Impervious Surfaces (percent)
A = Area of the lot or tract in acres				

- 1
2
3 **b. Bedrock**
4 When one-third or more of required soils borings reveal bedrock at a depth of
5 less than 16 feet on the lot or tract, lot and site requirements shall be determined
6 as if the average slope were in the next steeper percentage range shown on the
7 table in this paragraph. Any required soil boring that does not extend to a depth
8 of at least 16 feet shall be deemed for the purposes of this subsection to have
9 encountered bedrock.

9 **21.04.030 COMMERCIAL [AND MIXED-USE] DISTRICTS**

10 **A. General Purpose/Intent of Commercial Districts**

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

- 12 1. Provide appropriately located areas consistent with the comprehensive plan that provide
13 [FOR] a full range of retail and service establishments and convenience and office uses
14 needed by the municipality[’S RESIDENTS, BUSINESSES, AND WORKERS], and
15 protect such uses from the adverse effects of incompatible uses;
- 16 2. Provide adequate area [SPACE] to meet the needs of future commercial development;
- 17 3. Encourage the redevelopment, conversion, and reuse of underused commercial areas,
18 and discourage further geographic expansion of commercial areas not designated in the
19 comprehensive plan [ZONED FOR STRIP COMMERCIAL DEVELOPMENT];
- 20 4. Minimize vehicle miles traveled and promote alternative transportation choices through
21 the concentration of commercial areas as designated in the comprehensive plan;
22 [MINIMIZE TRAFFIC CONGESTION AND AVOID THE OVERLOADING OF PUBLIC
23 INFRASTRUCTURE AND SERVICES;]
- 24 5. Promote the location of higher intensity commercial uses and traffic into those areas of
25 the municipality that are best developed for traffic and access;
- 26 6. Strengthen the municipality’s economic base and particularly provide employment
27 opportunities [CLOSE TO HOME FOR RESIDENTS OF THE MUNICIPALITY AND
28 SURROUNDING COMMUNITIES];
- 29 7. Provide for commercial land uses that meet the needs of and attract regional and
30 statewide populations, in addition to local residents;
- 31 8. Allow and encourage residential development in conjunction with commercial
32 development in order to provide more housing choices and more efficient use of land;
- 33 9. Minimize land use [NEGATIVE] impacts of commercial development on adjacent
34 residential districts;

10. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of commercial development; [MINIMIZE NEGATIVE ENVIRONMENTAL IMPACTS OF COMMERCIAL DEVELOPMENT ON STREAM CORRIDORS, WETLANDS, AND OTHER IMPORTANT NATURAL RESOURCES;] and

11. Provide sites for public and semi-public uses such as utilities and telecommunications infrastructure needed to complement commercial development.

B. B-1A: Local and Neighborhood Business District

1. Purpose

The B-1A district is intended for small, compact commercial sites or areas within or surrounded by residential areas. The district is applied to encourage[S] the provision of small-scale retail, office, and service uses compatible in scale and character with adjacent residential uses, and providing services to the surrounding neighborhood. B-1A centers are between one-half and two [FOUR] acres in size. The B-1A district provides for smaller commercial sites and ensures a smaller scale of development than does the NMU district. [SMALL-SCALE OFFICES, RETAIL, AND UPPER-STORY RESIDENTIAL USES ARE ALLOWED.] Continuous retail frontages, largely uninterrupted by driveways and parking, are encouraged. Uses are to be limited in intensity to promote their local orientation and to limit adverse impacts on the surrounding area. Upper story residential uses are also allowed.

1. District-Specific Standards

a. Ground-Floor

At least 80 percent of the street-facing building elevation [FAÇADE] at the ground level shall be a non-residential use occupying a space at least 25 feet deep from the street façade of the building.

b. Prohibitions

- i. Drive-throughs are allowed only on those lots with frontage on and access to an arterial street.
- ii. Outdoor storage is prohibited in the B-1A district.
- iii. Nonresidential development that does not have access from a street of collector class or greater on the Official Streets and Highways Plan shall not be open to the public between 10:00 p.m. and 7:00 a.m.

c. Gross Floor Area Limitations

- i. The gross floor area of each allowed non-residential use is limited to 5,000 square feet per use, without any review beyond that required by table 21.05-2.
- ii. Gross floor area of allowed non-residential uses between 5,001 and 10,000 square feet may be requested through a major site plan review.
- iii. Notwithstanding c.i. and c.ii., the maximum gross floor area of grocery or food stores is 20,000 square feet without any review beyond that required by table 21.05-2, provided that the overall site has [SUCH ESTABLISHMENTS HAVE] a floor area ratio of at least 0.35.

1 **2. District Location Requirements**

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

4 **a.** [NEW B-1A DISTRICTS LARGER THAN 1.5 ACRES (EXCLUDING RIGHTS-
5 OF-WAY) SHALL BE LOCATED ON AN ARTERIAL OR COLLECTOR STREET,
6 AND EXISTING B-1A DISTRICTS SHALL NOT BE ENLARGED UNLESS THE
7 SITE ABUTS AN ARTERIAL OR COLLECTOR STREET, EXCEPT WHERE
8 DESIGNATED FOR ENLARGEMENT BY AN ADOPTED PLAN.] The minimum
9 contiguous area for a B-1A district shall be 20,000 square feet.

10 **b.** The maximum contiguous area for a B-1A district shall be 2.0 acres. [NO B-1A
11 DISTRICT SHALL BE LARGER THAN FOUR ACRES (EXCLUDING RIGHTS-
12 OF-WAY).]

13 **c.** The subject property shall be in an established neighborhood commercial area or
14 an area designated in an adopted plan for neighborhood-scale commercial.

15 **C. B-3: General Business District**

16 **1. Purpose**

17 The B-3 district is intended primarily for uses that provide commercial goods and services
18 to residents of the community in areas that are dependent on automobile access and
19 exposed to heavy automobile traffic. These commercial uses are intended to be located
20 on arterials and/or transit corridors, and to be provided with adequate public services and
21 facilities. They are subject to the public view and [THEY] should provide an attractive
22 appearance with landscaping, sufficient parking, and controlled traffic movement.
23 Environmental impacts should be minimized. Abutting residential areas should be
24 protected from potentially negative impacts associated with commercial activity. While B-
25 3 district areas shall continue to meet the need for auto-related and other auto-oriented
26 uses, it is the municipality's intent that the B-3 district also shall provide for safe and
27 convenient personal mobility in other forms. Planning and design shall accommodate
28 pedestrians and bicyclists.

29 **2. District Location Requirements**

30 **a.** Establishment of the B-3 district or changes to existing B-3 district boundaries
31 shall meet the general rezoning criteria of this code and shall not be expanded
32 along street corridors or into surrounding neighborhoods unless consistent with
33 the comprehensive plan [AN ADOPTED PLAN].

34 **b.** Future rezonings to B-3 shall take into consideration the desirability of B-3 being
35 located on arterials and/or transit corridors, and being served with adequate
36 public services and facilities.

37 **D. RO: Residential Office District**

38 **1. Purpose**

39 The RO district is intended to provide areas for professional, business, and medical
40 service (outpatient) office uses, or areas with a compatible mix of office and residential
41 uses [DEVELOPMENT]. [THE DISTRICT ALLOWS MULTIFAMILY RESIDENTIAL,
42 GROUP LIVING, AND VISITOR ACCOMMODATIONS.] The district provides for small-
43 to medium-sized office buildings, often in transition locations between residential areas
44 and more intense commercial uses and road traffic, or in commercial locations

1 inappropriate for auto-oriented retail uses or intense mixed-uses. The district allows
2 multifamily residential, group living, and visitor accommodations.

3 **2. District-Specific Standards**

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

5 Any uses allowed by table 21.05-2 and categorized by this code as “retail
6 (sales),” “retail (personal services),” or “food and beverage service” may be
7 located in the RO district only within a building that also contains office and/or
8 residential uses, except that “food and beverage kiosk” may be located in a
9 stand-alone building on those lots with frontage on a street of collector
10 classification or higher. Such retail uses shall be limited to 25 percent of the
11 gross floor area of the building. No outdoor storage or merchandise display is
12 allowed.

13 **b. *Limitations on Visitor Accommodations***

14 Any uses categorized by this code as “visitor accommodations” and allowed by
15 table 21.05-2 shall comply with the multifamily residential design standards set
16 forth in sections 21.07.100.G. and H.

17 **c. *Minimum Residential Density***

18 When multifamily residential [SUCH] uses are the principal use on a lot, they
19 [ANY MULTIFAMILY RESIDENTIAL USES IN THE RO DISTRICT] shall have a
20 minimum net density of at least 15 units/acre.

21 **3. District Location Requirements**

22 In addition to the general rezoning approval criteria, the following requirements shall
23 apply to the creation or expansion of the RO district:

24 **a.** New RO zones shall be located in areas intended principally [OPTIMAL] for low-
25 intensity office uses, or in locations where the development [THAT CAN] buffers
26 [LOW-DENSITY] residential neighborhoods from heavy volumes of traffic or
27 more intense commercial retail activity.

28 **b.** Where a new or enlarged RO district is adjacent to existing residentially zoned
29 areas, adequate area shall be provided for buffering or other site design
30 requirements necessary to achieve compatibility.

31 **c.** The RO district shall not be located in or expand into [RESIDENTIAL] areas that
32 are designated residential in the comprehensive plan [BY ADOPTED PLAN OR
33 THAT ARE INTENDED TO RETAIN HISTORICALLY PREDOMINANT
34 RESIDENTIAL USE OR SINGLE-FAMILY CHARACTER].

35 **E. MC: Marine Commercial District**

36 **1. Purpose**

37 The MC district is intended primarily for commercial water-dependent uses and is located
38 as designated in the comprehensive plan [PERMITTED PRINCIPAL USES, AND
39 W] Water-related uses may be allowed as conditional uses. Emphasis is on development
40 flexibility of water-dependent and water-related commercial uses and on public access to
41 the waterfront and Ship Creek.

2. **District-Specific Standards**

- a. Applicants for allowed uses as listed in table 21.05-2 shall demonstrate, to the satisfaction of the director, that they are water-dependent and/or water-related, before applying for any required permits or entitlements.
- b. [LOADING AND SERVICE AREAS SHALL BE LOCATED ON THE BUILDING'S INLAND FACE, OR AWAY FROM THE VISUAL LINE TO THE INLET.]

21.04.040 DOWNTOWN DISTRICTS

- A. **DT-1: Downtown Core**
- B. **DT-2: Downtown Mixed-Use**
- C. **DT-3: Downtown Mixed-Use Residential**

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

21.04.050 MIXED-USE DISTRICTS

A. **General Purpose/Intent of Mixed-Use Districts**

The mixed-use districts are intended to provide for and encourage development and redevelopment of [THAT CONTAINS] a mix of residential and nonresidential uses within close proximity to each other within areas so designated in the comprehensive plan [, RATHER THAN A SEPARATION OF USES, IN ACCORDANCE WITH THE COMPREHENSIVE PLAN. THE MIXED-USE DISTRICTS DEFINE THE USES OF LAND AND THE SITING AND CHARACTER OF THE IMPROVEMENTS AND STRUCTURES ALLOWED ON THE LAND IN A MANNER THAT ALLOWS A BALANCED MIX OF USES.] A key feature of all the mixed-use districts is a pedestrian- and bicycle-friendly network of streets and sidewalks connecting the nonresidential uses, residential neighborhoods, and transit facilities. The mixed-use districts specifically are intended to:

- 1. Concentrate higher-density residential development and commercial and office employment efficiently in and around major employment centers, town centers, and other [DESIGNATED] centers of community activity designated in the comprehensive plan;
- 2. Encourage mixed-use and higher-density redevelopment, conversion, and reuse of aging and underutilized areas, and increase the efficient use of available [COMMERCIAL] land in the municipality;
- 3. Provide [CONTAIN] a transportation [SYSTEM] network (road, bicycle, pedestrian) designed to provide the opportunity for [ENSURE THAT RESIDENTIAL AREAS WILL HAVE] direct access to adjacent areas [NON-RESIDENTIAL PORTIONS OF THE PROPOSED DEVELOPMENT/REDEVELOPMENT], in lieu of entering and exiting through arterials and/or collector streets;
- 4. Create compact, [AND] pedestrian-oriented environments that are safe, convenient, and attractive for [ENCOURAGE] transit and pedestrian use and [PEDESTRIAN] access;
- 5. Concentrate a variety of commercial retail/services and public facilities that serve the surrounding areas [COMMUNITY];

- 1 6. Encourage [ENSURE THAT] the appearance and function of development in mixed-use
2 areas to be complementary to [IS WELL-INTEGRATED WITH] surrounding residential
3 areas designated in the comprehensive plan [NEIGHBORHOODS];
- 4 7. Promote physical [ENSURE THAT] development in mixed-use areas that [IS OF HIGH
5 QUALITY AND] provides pedestrian scale and interest through articulation, detail
6 elements, and windows at the ground floor level [USE OF VARIED FORMS,
7 MATERIALS, AND DETAILS, ESPECIALLY AT THE GROUND-FLOOR AND LOWER
8 LEVELS];
- 9 8. PROVIDE ADEQUATE LIGHT, AIR, PRIVACY, AND OPEN SPACE FOR EACH
10 RESIDENTIAL DWELLING, AND PROTECT RESIDENTS FROM THE HARMFUL
11 EFFECTS OF EXCESSIVE NOISE, GLARE AND LIGHT POLLUTION, TRAFFIC
12 CONGESTION, AND OTHER SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS;]
13 and
- 14 9. Protect stream corridors, wetlands, and other important natural resources from the
15 adverse impacts of mixed-use development. [MINIMIZE NEGATIVE IMPACTS OF
16 DEVELOPMENT ON STREAM CORRIDORS, WETLANDS, AND OTHER IMPORTANT
17 NATURAL RESOURCES].

18 **B. NMU: Neighborhood Mixed-Use District**

- 19 1. **Purpose**
20 The NMU district is intended for neighborhood retail service centers at a larger scale than
21 allowed by the B-1A district. NMU centers are generally between two [FOUR] and 25
22 [30] acres in size, and are primarily applied to existing commercial areas to encourage
23 mixed-use housing opportunities, compact redevelopment, and mixed-use urban design.
24 The emphasis of the district is on commercial uses that primarily serve the daily needs of
25 nearby neighborhoods (e.g., small-to-medium size grocery/convenience store, drug store,
26 religious assembly, service station) located in close proximity to one another. This district
27 typically serves more neighborhoods and can provide a greater collection of commercial
28 services at a larger scale than does the B-1A district. Multifamily residential and limited
29 office uses also are allowed. Siting and architectural design and scale of structures in
30 this district should limit adverse impacts on nearby residential areas. The NMU district
31 may be used for designated neighborhood centers, commercial corridors, and transit-
32 supportive development corridors, and may also be used for the “neighborhood
33 commercial centers” identified in the *Anchorage 2020 Anchorage Bowl Comprehensive*
34 *Plan.*
- 35 2. **District-Specific Standards**
- 36 a. ***Mixed-Use Development Standards***
37 Development in the NMU district shall comply with section 21.04.050G.[300.],
38 *Mixed-Use District Development Standards.*
- 39 b. ***Maximum Building Size***
40 The gross floor area of each building[S] and/or structure[S] constructed after
41 [date of passage] [ON EACH LOT] in the NMU district shall be no greater than
42 45,000 square feet, except that buildings which contain a grocery or food store
43 [OR PUBLIC/INSTITUTIONAL USE] of at least 45,000 square feet, may have a
44 gross floor area of up to 85,000 square feet. Buildings or structures existing
45 before [date of passage] shall not be enlarged to a gross floor area over these
46 limits.

3. **District Location Requirements**

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

- a. New NMU districts [AREAS] and NMU districts proposed for expansion shall be located [WITHIN ONE TO TWO MILES OF A RESIDENTIAL POPULATION OF AT LEAST 10,000 PEOPLE, AND] at the intersection of two arterials or an arterial and a collector street (or streets of greater classification on the OSHP).
- b. The maximum size of an NMU district shall be 25 acres, unless a larger area is consistent with the comprehensive plan [AN ADOPTED PLAN].
- c. The NMU district shall not be expanded along street corridors or into adjacent residentially zoned areas unless consistent with the comprehensive plan [AN ADOPTED PLAN].
- d. The subject property shall be in an area intended for neighborhood scale commercial mixed-use center, or transit-oriented development corridor on the comprehensive plan [LAND USE PLAN MAP OR AN ADOPTED DISTRICT OR NEIGHBORHOOD PLAN].

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

1. **Purpose**

The CMU district is intended primarily to facilitate the development of mixed-use centers at the town center or sub-regional [COMMUNITY] scale. The CMU district is designed for areas designated in adopted plans as “town centers”, community activity centers, or other medium-density mixed-use areas. The CMU area is intended to include commercial, residential, institutional, recreational, and service facilities needed to support the surrounding neighborhoods (e.g., large grocery store, large drug store, specialty shops, and community park). Medium- to higher-density housing should be located in and around the district, and development should facilitate pedestrian and bicycle connections between residential and nonresidential uses. The CMU district may also be used for commercial retail segments of linear transit-supportive development corridors, in addition to nodal centers.

2. **District-Specific Standards**

Development in the CMU district shall comply with section 21.04.050G.[300.], *Mixed-Use District Development Standards.*

3. **District Location Requirements**

In addition to the general rezoning approval criteria, the following requirements shall apply to the creation or expansion of the CMU district.

- a. The subject property shall be in an area designated by adopted plan as community activity center, town center, or [COMMERCIALY-DESIGNATED] transit-supportive development corridor which has a commercial or mixed-use designation on the comprehensive plan.
- b. The CMU district shall not be expanded along street corridors or into adjacent residentially or industrially zoned areas unless consistent with the comprehensive plan.

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

2 **1. Purpose**

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

16 **2. District-Specific Standards**

17 Development in the RMU district shall comply with section 21.04.050G.[300.], *Mixed-Use*
18 *District Development Standards.*

19 **3. District Location Requirement**

- 20 a. The subject property shall be in an area designated [INTENDED] for regional-
21 scale commercial mixed-use center in the comprehensive plan [ON THE LAND
22 USE PLAN MAP OR AN ADOPTED DISTRICT OR NEIGHBORHOOD PLAN].
- 23 b. RMU districts shall be located where there is sufficient transportation and related
24 infrastructure adequate to accommodate projected needs.

25 **E. MT-1: Midtown District Core**

26 **[RESERVED]**

27 **F. MT-2: Midtown District General**

28 **[RESERVED]**

29 **G. Mixed-Use District Development Standards**

30 **1. Applicability**

31 All development in the [R-4A,] NMU, CMU, RMU, MT-1, and MT-2 districts shall comply
32 with the appropriate development standards in chapter 21.07, and also the standards in
33 this subsection 21.04.050G.[300.]. All development in the R-4A district shall comply with
34 the standards in the subsection 21.04.050G., with the exception of subsection G.2.
35 When the standards of this subsection and sections 21.07.100 and 21.07.110 are in
36 conflict, the standards of this subsection shall control.

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

38 **a. Purpose**

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

1 **b. FAR Incentives**

2 FAR incentives are offered to encourage residential development and other
3 features of benefit to the public in mixed-use areas. The maximum floor area
4 ratio (FAR) established by table 21.06-3 may be increased by up to two times
5 through the following provisions, subject to section 21.06.030C. These
6 incentives provide for an incremental increase in the floor area of a development
7 in exchange for increases in one or more of the following special features:

8 i. *Housing Bonus*

9 [DEVELOPMENTS PROVIDING RESIDENTIAL HOUSING LOCATED
10 ABOVE GRADE ARE ELIGIBLE FOR BONUS FLOOR AREA.] Two
11 square feet of additional floor area is allowed per gross square foot of
12 housing unit floor area, up to a maximum increase of 0.5 FAR.

13 ii. *Open Space Bonus*

14 [DEVELOPMENTS PROVIDING PUBLICLY ACCESSIBLE OPEN
15 SPACE IN ADDITION TO THAT REQUIRED, AND WHICH MEETS THE
16 STANDARDS OF SECTION 21.07.030, *OPEN SPACE*, ARE ELIGIBLE
17 FOR BONUS FLOOR AREA.] One square foot of additional floor area is
18 allowed per square foot of additional open space. This space shall be in
19 addition to any open space required by section 21.07.030.

20 iii. *Below Grade Parking Bonus*

21 [DEVELOPMENTS INCLUDING COVERED BELOW GRADE PARKING
22 ARE ELIGIBLE FOR BONUS FLOOR AREA.] Two square feet of
23 additional floor area is allowed per gross square foot of below grade
24 parking floor area, up to a maximum increase of 0.5 FAR.

25 iv. *Affordable Housing Bonus*

26 [DEVELOPMENTS INCLUDING HOUSING LOCATED ABOVE GRADE
27 THAT MEETS THE DEFINITION OF AFFORDABLE HOUSING IN THIS
28 TITLE ARE ELIGIBLE FOR BONUS FLOOR AREA.] Three square feet
29 of additional floor area is allowed per square foot of affordable housing
30 unit floor area, up to a maximum increase of 0.5 FAR. The affordable
31 housing units shall be consistent with the standards of 21.07.100H.,
32 Standards for Affordable Housing [DISPERSED THROUGHOUT THE
33 RESIDENTIAL PORTION OF THE DEVELOPMENT AND SHALL BE
34 INDISTINGUISHABLE FROM THE OTHER HOUSING UNITS]. [THREE
35 SQUARE FEET OF ADDITIONAL FLOOR AREA IS ALLOWED PER
36 SQUARE FOOT OF AFFORDABLE HOUSING UNIT FLOOR AREA, UP
37 TO A MAXIMUM INCREASE OF 0.5 FAR.]

38 v. *Bonus for Sidewalk/Walkway Widening*

39 [DEVELOPMENTS INCLUDING PRIMARY PEDESTRIAN WALKWAYS
40 AS DEFINED BY THIS TITLE ARE ELIGIBLE FOR BONUS FLOOR
41 AREA.] Five square feet of additional floor area is allowed per linear foot
42 of primary pedestrian walkway.

43 **3. Reduced Parking Ratios**

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

46 **4. Building Placement and Orientation**

47 a. **Purpose**

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

8 **b. Building Placement and Street Setbacks**
9 In order to be closer to the sidewalk and to have a stronger interface with the
10 street, buildings shall comply with the maximum setbacks established in
11 21.06.020, Tables of Dimensional Standards. [BUILDINGS SHALL BE BUILT
12 TO OR CLOSE TO THE PUBLIC SIDEWALK, USING THE SETBACKS
13 REQUIRED IN TABLE 21.06-3.]

14 **c. Building Entrances**
15 i. Buildings located at or within the maximum setback line in order to
16 comply with a maximum setback requirement shall have at least one
17 primary entrance located within 20 feet of the maximum setback line.
18 ii. Buildings not located at the maximum setback line shall have at least
19 one primary entrance located within 20 feet of a public right-of-way, a
20 primary circulation drive, or a primary pedestrian walkway.

21 **5. Sidewalks and Walkways**
22 Sidewalks and walkways extending along [ADJACENT TO] public streets, primary
23 circulation drives, or commercial building storefronts shall have an unobstructed clear
24 width of at least six [6] feet.

25
26 **21.04.060 INDUSTRIAL DISTRICTS**

27 **A. General Purpose/Intent**
28 The industrial zoning districts established in this section generally are intended to:
29 1. Create suitable environments for various types of industrial uses;
30 2. Reserve appropriately located areas for industrial purposes, and limit non-industrial uses
31 that may erode the supply of industrial lands;
32 3. Provide adequate space to meet the needs of future industrial development, including off-
33 street parking and loading;
34 4. Strengthen and diversify the municipality's economic industrial base and provide
35 employment opportunities [CLOSE TO HOME FOR RESIDENTS OF THE
36 MUNICIPALITY AND SURROUNDING COMMUNITIES];
37 5. [MINIMIZE AND MITIGATE TRAFFIC CONFLICTS AND AVOID THE OVERLOADING
38 OF PUBLIC INFRASTRUCTURE AND SERVICES;]
39 6. Minimize land use [NEGATIVE] impacts of industrial development on abutting non-
40 industrial districts; and

1 7. Protect stream corridors, wetlands, and other important natural resources from the
2 adverse impacts of industrial development. [MINIMIZE NEGATIVE ENVIRONMENTAL
3 IMPACTS OF INDUSTRIAL DEVELOPMENT ON STREAM CORRIDORS, WETLANDS,
4 AND OTHER IMPORTANT NATURAL RESOURCES; AND]

5 **B. I-1: Light Industrial District**

6 1. **Purpose**

7 The I-1 district is intended primarily for public and private light manufacturing, processing,
8 service, storage, wholesale, and distribution operations along with limited commercial
9 uses that support and/or are compatible with industrial uses. Office industrial parks and
10 single-commodity bulk retail sales and building supply stores and services are allowed.
11 This district is applied in areas designated as industrial/commercial by the
12 comprehensive plan [AN ADOPTED PLAN].

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

14 1. **Purpose**

15 The I-2 district is intended primarily as an industrial activity area and reserve for public
16 and private heavy manufacturing, warehousing and distribution, equipment and materials
17 storage, vehicle and equipment repair, major freight terminals, waste and salvage,
18 resource extraction and processing, and other related uses. Non-industrial uses are
19 limited to prevent land use and traffic conflicts and to maintain and protect the supply of
20 industrial lands within the municipality. This district is applied to areas designated as
21 industrial/industrial reserve by the comprehensive plan [AN ADOPTED PLAN].

22 **D. MI: Marine Industrial District**

23 1. **Purpose**

24 The MI district is intended primarily for a mix of marine commercial and industrial
25 manufacturing, processing, storage, wholesale, and distribution operations that are
26 water-dependent and/or water-related.

27 2. **District-Specific Standards**

28 Applicants for allowed uses as listed in table 21.05-2 shall demonstrate, to the
29 satisfaction of the director, that they are water-dependent and/or water-related, before
30 applying for any required permits or entitlements.

31 **21.04.070 OTHER DISTRICTS**

32 **A. A[D]: Airport [DEVELOPMENT] District**

33 1. **Purpose**

34 The A[D] district includes all lands and water areas within the Ted Stevens Anchorage
35 International Airport and Merrill Field Airport. The A[D] district is intended to provide for
36 aviation-dependent and aviation-related uses, to protect and enhance the operations of
37 commercial airports, [AND] to foster aeronautics and safe flying operations, and to
38 maintain natural areas to alleviate the impacts of such uses and activities on surrounding
39 neighborhoods and recreation areas. The A district also includes lands that by formal
40 agreement, subdivision, easement, or permit are allowed for park or natural resource
41 use, and lands where there is a public interest in preserving natural buffers or park use
42 areas. The airport master planning process shall be used to identify and locate aviation-
43 dependent and aviation-related uses and, in conjunction with the comprehensive plan
44 and the *West Anchorage District Plan*, to address potential impacts of airport uses on
45 adjacent schools and residential districts.

2. **District-Specific Standards**

a. For the A[D] district affecting the Ted Stevens Anchorage International Airport, aviation-dependent and aviation-related uses shall be identified and mapped in the most current airport master plan and subsequent amendments that are approved by the Federal Aviation Administration. The master plan and any subsequent amendments, as well as a record of public hearings, public meetings, and other documentation leading up to approval of the master plan or its amendments, shall be provided to the department for its files. For areas of the airport that the master plan identifies as unnecessary for aviation-dependent or aviation-related uses, proposed development shall be subject to a conditional use process.

b. For the A[D] district affecting Merrill Field, aviation-dependent and aviation-related uses shall be identified and mapped in the most current airport master plan and subsequent amendments that are adopted by the assembly. For areas of the airport that the master plan identifies as unnecessary for aviation-dependent or aviation-related uses, proposed development shall be subject to a conditional use process.

c. The applicable provisions of chapter 21.07, as applied to all development within the A[D] district except for secure areas of the airport that are closed to the general public, are limited to sections 21.07.020, *Natural Resource Protection*; 21.07.040, *Drainage, Storm Water Treatment, Erosion [AND SEDIMENT] Control, [STORM WATER RUNOFF,] and Prohibited Discharges*; 21.07.080, *Landscaping, Screening, and Fences*; 21.07.090, *Off-Street Parking and Loading*; and 21.07.130, *Exterior Lighting*.

B. **AF: Antenna Farm District**

1. **Purpose**

The AF district is intended to create areas dedicated to the erection and maintenance of communication equipment at reasonable cost and to encourage the concentration of such equipment in a few sites throughout the municipality, where their visual impact on neighborhoods, parks, and the community can be minimized.

C. **DR: Development Reserve District**

1. **Purpose**

The DR district may be applied to lands intended for future development, undesignated municipally owned lands, and municipal and state tidelands and waters, and military lands [(WHICH ARE EXEMPT FROM MUNICIPAL JURISDICTION)].

2. **[DISTRICT-SPECIFIC STANDARDS**

LARGE-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT IS ALLOWED BY RIGHT, THOUGH REZONING AND/OR MASTER PLANNING SHALL OCCUR PRIOR TO OTHER TYPES OF DEVELOPMENT.]

D. **PCD: Planned Community Development District**

1. **Purpose**

The planned community development district (PCD) is intended to accommodate large-scale acreage for residential, commercial, industrial, or other land use developments and activities, including combinations of uses. It allows for flexibility under controlled conditions not possible with the other defined districts. The flexibility permitted must demonstrate that the final development will be compatible with the intents and purposes

1 of this title and the goals and policies of the comprehensive plan, and do not compromise
2 public health, safety, and welfare. A PCD should include design features to ensure that
3 the PCD is integrated with the surrounding neighborhood through features such as
4 transition densities, external boundary buffering, and pedestrian and street connectivity.
5 The PCD district is limited to unified, comprehensive planned developments which are of
6 substantial public benefit, consistent with the holding capacity of the land, and conform
7 with and enhance the policies of the comprehensive plan.

8 **2. Application**

9 The PCD district may be applied as described in subsection 21.03.16[7]01.

10 **3. Record-Keeping**

11 The regulatory zoning provisions for each PCD district shall be kept on file in the
12 department.

13 **E. PLI: Public Lands and Institutions District**

14 **1. Purpose**

15 The PLI district is intended to include major public and quasi-public civic, administrative,
16 and institutional uses and activities.

17 **F. PR: Parks and Recreation District**

18 **1. Purpose**

19 The PR district is intended to include municipal [PUBLIC] lands [AND OPEN SPACE]
20 dedicated by the assembly as parks in accordance with AMC 25.10.080. [THE LAND
21 USES WITHIN THESE PARKS ARE GOVERNED BY TABLE 21.05-2, AND THE USES
22 SHALL BE ALLOCATED ACCORDING TO THE CURRENT ADOPTED PARKS PLAN
23 AND ASSOCIATED MAPS FOR THAT AREA OF THE MUNICIPALITY, AND ANY
24 EXISTING MASTER PLANS FOR INDIVIDUAL PARKS.]

25 **2. District-Specific Standards**

26 Recreational areas developed for spectator sports, such as soccer and softball fields,
27 shall have Level 3 buffer landscaping between such areas and abutting residential uses.

28 **G. TA: Turnagain Arm District**

29 **1. Purpose**

30 The TA district is intended to govern the land uses for the area known as Turnagain Arm
31 south of Potter Marsh, including but not limited to Rainbow, Indian, Bird Creek, and
32 Portage/Twenty Mile River. Areas within Girdwood are not included in the TA district and
33 are covered by chapter 21.09, *Girdwood*. The permitted uses and densities within the TA
34 district are to conform to the land use plan map, policies, and residential densities of the
35 adopted *Turnagain Arm Area Plan*. The TA district regulations employ the conditional
36 use process to provide review for major development activities. By providing a public
37 review process and by requiring submission of detailed site plans, greater compatibility
38 between the proposed uses and adjacent existing uses can be obtained.

39 **2. District-Specific Standards**

40 **a. Permitted Uses**

- 41 **i.** Residential uses and structures that conform to the *Turnagain Arm Area*
42 *Plan*.

- 1 ii. Commercial structures under 4,000 square feet in gross building area in
2 areas designated “commercial” in the *Turnagain Arm Area Plan*.
- 3 iii. Non-structural commercial uses occupying an area of 14,400 square feet
4 or less in areas designated “commercial” in the *Turnagain Arm Area*
5 *Plan*.
- 6 iv. Industrial uses and structures in areas designated “industrial” in the
7 *Turnagain Arm Area Plan*.
- 8 v. Institutional uses and structures under 4,000 square feet in gross
9 building area that conform to the *Turnagain Arm Area Plan*.
- 10 b. **Conditional Uses**
11 Any use or structure that does not meet the requirements for a permitted use
12 above, may be allowed through the issuance of a conditional use permit subject
13 to the requirements of section 21.03.080, *Conditional Uses*, and the following
14 additional approval criteria:
 - 15 i. Conforms to the goals and policies of the *Turnagain Arm Area Plan*;
 - 16 ii. Protects the unique scenic and environmental features of the area; and
 - 17 iii. Minimizes impacts to adjacent properties, particularly those adjacent
18 properties in a different land use category.

19 **H. W: Watershed District**

- 20 1. **Purpose**
21 The W district is intended to preserve and protect the potable water reserves available to
22 the municipality in the Chugach Range. The major responsibility in the management of
23 watershed areas is the control of factors that may contaminate or pollute the water.
24 Agricultural, residential, commercial, industrial, or other urban land uses, [INCLUDING
25 INFRASTRUCTURE AND UTILITIES,] are incompatible with the concept of watershed
26 conservation. All uses of land within the watershed district permitted by table 21.05-2
27 shall be subject to the provisions of section 21.07.040, *Drainage, Storm Water*
28 *Treatment, Erosion Control, and Prohibited Discharges.*

29 **21.04.080 OVERLAY ZONING DISTRICTS**

30 **A. General Purpose/Intent**

31 As noted in subsection 21.04.010B., the overlay zoning districts of this section apply in
32 combination with the underlying base zoning districts and impose regulations and standards for
33 specific areas in addition to what is required by the base districts. The requirements of an overlay
34 district shall apply whenever they are in conflict with those in the base district. The following
35 overlay districts are established:

- 1 1. Airport Height Overlay District; and
- 2 2. Flood Hazard Overlay District.

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

4 The creation, alteration, or elimination of an overlay district is a rezoning and is governed by the
5 provisions of section 21.03.16[7]0H., *Rezoning to Create, Alter, or Eliminate Overlay Districts*.

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

7 1. **Purpose**

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

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

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

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

22 3. **Establishment or Modification**

23 In addition to the standard submittals required to initiate an overlay map amendment
24 pursuant to section 21.03.16[7]0H., establishment of an Airport Height Overlay District
25 also shall require preparation of an airport height map as set forth in this section:

- 26 a. The owner or manager of any airport may prepare an airport height map in
27 accordance with the provisions of this subsection and the stipulations of FAR part
28 77, subpart C, paragraph 77.23(A)(2), 77.23(A)(3) or 77.25. The owner or
29 manager of a governmentally operated airport shall prepare and maintain an
30 airport height map in accordance with FAR part 77, subpart C, paragraph 77.25.
31 The map shall be filed with the department.
- 32 b. The map shall be to scale and shall accurately reference the following:
 - 33 i. Existing subdivisions.
 - 34 ii. Current zoning districts.
 - 35 iii. Major reference points in the vicinity of the airstrip or airport.
 - 36 iv. Existing topography, if available.

- 1 v. The airport elevation that shall be the official elevation of the airport or
2 airstrip upon approval of the map.
- 3 c. The map required by paragraph a. above, shall accurately depict airspace zones
4 as provided in FAR part 77, subpart C, paragraph 77.25, in ten-foot conical
5 increments. Before submission to the Department the map shall be certified by
6 the Federal Aviation Administration that it depicts the requirements of FAR part
7 77, subpart C, paragraph 77.25. If, for safety reasons, zone surfaces deviate in
8 any way from the requirements of the FAR, each such deviation shall be
9 indicated in writing on the map and shall be accompanied by a letter of
10 nonobjection by the Federal Aviation Administration. Any such deviation is
11 subject to approval of the department.
- 12 d. Before submission to the department any optional map depicting airspace zones
13 provided in FAR part 77, subpart C, paragraph 77.23(A)(2) or 77.23(A)(3), must
14 be certified by the Federal Aviation Administration indicating that it accurately
15 depicts the requirements of FAR part 77, subpart C, subsection 77.23(A)(2) or
16 77.23(A)(3).

17 **4. Additional Height Limitations in Airport Height Overlay District**
18 Notwithstanding the height limitations in section 21.06.020, *Dimensional Standards*
19 *Tables*, all development within the Airport Height Overlay District shall comply with the
20 following height limitations:

- 21 a. No structure shall be constructed or maintained so that it exceeds the greater of:
- 22 i. Thirty-five feet above ground elevation; or
- 23 ii. The maximum height permitted under FAR part 77, subpart C, as
24 depicted on any airport height zone map adopted under section
25 21.04.08[6]0.C., *Airport Height Overlay District*.
- 26 b. Any structure within three nautical miles of an airport reference point established
27 by federal regulation, the height of which exceeds the level of that reference point
28 by more than 200 feet, shall present to the building official the results of an
29 airspace determination conducted by the Federal Aviation Administration
30 pursuant to its regulations.
- 31 c. The height restrictions of this district do not apply to buildings for which building
32 or land use permits were issued prior to June 17, 1986.
- 33 d. Vegetation shall not be affected by the height limitation of this section.

34 **D. FHO: Flood Hazard Overlay District**

- 35 **1. Purpose and Intent**
36 The purpose of the Flood Hazard Overlay District is to promote the public health, safety,
37 and general welfare and to minimize loss due to flood. The provisions of this section are
38 intended to be an addition to all other land use regulations and to:
- 39 a. Restrict or prohibit uses and structures that are dangerous to health, safety, or
40 property in time of flood, or that cause increased flood heights or velocities;

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

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

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

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

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

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

25 **c. Rules for Interpretation of District Boundaries**
26 The boundaries of the floodplain districts established by this chapter shall be
27 determined from the cited maps and reports. Where interpretation is needed as
28 to the exact location of the boundaries, the department of project management
29 and engineering, upon advice from the U.S. Corps of Engineers, shall make the
30 necessary interpretation.

31 **4. Establishment of Flood Hazard Overlay District**
32 The area within the limit of the boundary of the base flood, the highest extreme tide, or a
33 designated special hazard area is hereby designated as the Flood Hazard Overlay
34 District. The boundaries of this district are established in accordance with subsection
35 D.3. above.

36 **5. Regulations Applicable to Flood Hazard Overlay District**
37 **a. Applicability**
38 The regulations within this section shall apply to all areas of the Flood Hazard
39 Overlay District.

40 **b. Prohibited Development**
41 i. Any encroachments, new construction, fill, obstructions, substantial
42 improvements and other development or action within the regulatory
43 floodway that would result in any increase in flood levels during the
44 occurrence of a base flood are prohibited.

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

1 (A) New and replacement sewage systems shall be designed to
2 minimize or eliminate infiltration of floodwaters into the systems
3 and discharges from the systems into floodwaters; and

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

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

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

10 6. **Regulations Applicable to Subdistricts**

11 a. **Floodway Area**

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

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

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

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

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

33 b. **Floodway Fringe Area**

34 The regulations listed in this subsection are applicable to the floodway fringe
35 area:

36 i. Permitted uses and structures are parks, parkways, greenbelts, land
37 reserves, golf courses, playgrounds, playfields and related facilities.

38 ii. Permitted accessory uses and structures are picnic tables, playground
39 equipment, outdoor cooking facilities and like structures.

40 iii. The following uses, structures and activities are permitted only by flood
41 hazard permit: any use permitted by flood hazard permit as set forth in
42 subsection a. of this section, and all other uses, structures and activities
43 which are in accordance with all other land use regulations provided they

1 are adequately floodproofed as set forth in subsection D.8. below, Flood
2 Hazard Permit.

3 iv. The following uses are prohibited: uses, structures and activities which
4 are not permitted under subsections 6.b.i. through iii. of this section or
5 which would cause violations of state water quality standards.

6 **7. Construction Requirements**

7 **a. Generally**

8 All new construction and substantial improvements in areas designated on the
9 flood insurance rate map as zones A1-30 shall meet the following conditions:

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

13 ii. The lowest floor, including basement, of nonresidential structures shall
14 be elevated to at least one foot above the base flood level, unless the
15 structure, with all utility and sanitary facilities, is designed so that below
16 base flood level the structure is watertight with walls substantially
17 impermeable to the passage of water and so that it is capable of resisting
18 hydrostatic and hydrodynamic loads and effects of buoyancy.

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

26 iv. Where floodproofing is utilized a registered professional engineer or
27 architect shall certify that the floodproofing methods are adequate.

28 v. For new manufactured home parks and manufactured home
29 subdivisions; for expansions to existing manufactured home parks and
30 manufactured home subdivisions; for existing manufactured home parks
31 and manufactured home subdivisions where the repair, reconstruction or
32 improvement of the streets, utilities and pads equals or exceeds 50
33 percent of value of the streets, utilities and pads before the repair,
34 reconstruction or improvement has commenced; and for manufactured
35 homes not placed in a manufactured home park or manufactured home
36 subdivision, require that the repair, and on all property not within a
37 manufactured home park or subdivision stands or lots are elevated on
38 compacted fill or on pilings so that:

39 (A) The lowest floor of each manufactured home must be at least
40 one foot above the base flood level.

41 (B) Adequate surface drainage and access for a hauler must be
42 provided.

- 1 (C) For manufactured homes placed on pilings, pilings must be
2 stable and no more than ten feet apart and reinforced if more
3 than six feet above the ground level.
- 4 (D) Lots must be large enough to permit steps.
- 5 vi. All manufactured homes to be placed or substantially improved within
6 zones A1-30, AH, and AE shall be elevated on a permanent foundation
7 such that the lowest floor of the manufactured home is at least one foot
8 above the base flood elevation, and be securely anchored to an
9 adequately anchored foundation system.
- 10 vii. All manufactured homes must likewise be anchored to prevent flotation,
11 collapse or lateral movement, and shall be installed using methods and
12 practices that minimize flood damage. Anchoring methods may include
13 but are not limited to use of over-the-top or frame ties to ground anchors.
- 14 b. **Standards for Shallow Flood Areas (AO Zones)**
15 Shallow flooding areas appear on the Flood Insurance Rate Maps as AO zones
16 with depth designations. The base flood depths in these zones range from one
17 to three feet where a clearly defined channel does not exist, or where the path of
18 flooding is unpredictable and where velocity flow may be evident. Such flooding
19 is usually characterized as sheet flow. In these areas, the following provisions
20 apply:
- 21 i. New construction and substantial improvements of residential structures
22 within AO zones shall have the lowest floor, including basement or crawl
23 space, elevated above the highest adjacent grade of the building site, to
24 at least one foot above the depth number specified on the Flood
25 Insurance Rate Map (at least two feet if no depth number is specified).
- 26 ii. New construction and substantial improvements of nonresidential
27 structures within AO zones shall either:
- 28 (A) Have the lowest floor, including basement, elevated above the
29 highest adjacent grade of the building site, or to at least one foot
30 above the depth number specified on the Flood Insurance Rate
31 Map (at least two feet if no depth number is specified); or
- 32 (B) Together with attendant utility and sanitary facilities, be
33 completely floodproofed to or above that level so that any space
34 below that level is watertight with walls substantially
35 impermeable to the passage of water and with structural
36 components having the capability of resisting hydrostatic and
37 hydrodynamic loads and effects of buoyancy. If this method is
38 used, compliance shall be certified by a registered professional
39 engineer or architect.
- 40 iii. Adequate drainage paths are required around structures on slopes to
41 guide floodwaters around and away from proposed structures.
- 42 c. **Standards for Zone A99**
43 All construction in areas designated on the flood insurance rate map as zone A99
44 shall meet all requirements of subsections 7.a. and 7.b. of this section.

1 **8. Flood Hazard Permit**

2 **a. Required**

3 No person shall engage in development within the Flood Hazard Overlay District
4 unless a flood hazard permit is first issued, pursuant to section 21.03.090, *Flood*
5 *Hazard Permits*.

6 **b. Conditions**

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

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

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

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

17 iv. For all construction and substantial improvements, fully enclosed areas
18 below the lowest floor that are subject to flooding shall be designed to
19 automatically equalize hydrostatic flood forces on exterior walls by
20 allowing for the entry and exits of floodwaters. Designs for meeting this
21 requirement must either be certified by a registered professional
22 engineer or architect or must meet or exceed the following minimum
23 criteria: A minimum of two openings having a total net area of not less
24 than one square inch for every square foot of enclosed area subject to
25 flooding shall be provided to FEMA specifications (such as Smart Vent).
26 The bottom of all openings shall be no higher than one foot above grade.
27 Openings may be equipped with screens, louvers or other coverings or
28 devices provided that they permit the automatic entry and exits of
29 floodwaters.

30 v. All areas below the level of the regulatory flood protection levels shall be
31 coated with paint, membranes, or mortars substantially impermeable to
32 the passage of water.

33 vi. Water supply and waste treatment systems must prevent infiltration of
34 water.

35 vii. All interior drains must be connected to the sanitary sewer system.

36 **9. Nonconforming Uses**

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

41 a. No such use shall be expanded, changed, enlarged, or altered in any way which
42 increases its nonconformity with respect to the provisions of this chapter.

- 1 **b.** No repair, alteration, or addition shall be made to any nonconforming structure if
2 the value of such repair, alteration, or addition shall exceed 50 percent of the
3 value of the structure at the time of its becoming a nonconforming use unless the
4 structure is permanently changed to a conforming use.
- 5 **c.** If such use is discontinued for 12 consecutive months, any future use of the
6 structure or premises shall conform to this chapter.
- 7 **d.** Uses or adjuncts thereof which are or have become nuisances shall not be
8 entitled to continuance as nonconforming uses.
- 9 **e.** Any permitted alteration, addition, or repair to any nonconforming structure the
10 cost of which equals or exceeds 50 percent of the fair market value of the
11 structure which would result in substantially increasing the flood damage
12 potential shall be adequately floodproofed in accordance with subsection D.8.
- 13 **10. Duties of the Director of the Department of Project Management and Engineering**
- 14 **a.** The director of the department of project management and engineering shall
15 grant or deny development permit applications in accordance with the provisions
16 of this chapter, except that the platting board is directed and authorized to
17 consider this chapter in relation to any matter brought before that board.
- 18 **b.** The director of the department of project management and engineering shall
19 maintain all records required by the Federal Insurance Administration and shall
20 file an annual report with the federal insurance administrator. Form OMB 64-
21 R1546 shall be used in accordance with 41 CFR 1909.22(b)(3).
- 22 **c.** Additional duties and responsibilities of the director of the department of project
23 management and engineering are as follows:
- 24 **i.** *Permit Review*
25 The director of the department of project management and engineering
26 shall:
- 27 **(A)** Review all flood hazard permits to determine that the permit
28 requirements of this chapter have been satisfied.
- 29 **(B)** Review all flood hazard permits to determine that all necessary
30 permits have been obtained from those federal, state, or local
31 governmental agencies from which prior approval is required.
- 32 **(C)** Review all flood hazard permits to determine if the proposed
33 development is located in the floodway, and, if located in the
34 floodway, ensure that the encroachment provisions of subsection
35 6.a. above are met.
- 36 **ii.** *Use of Other Base Flood Data*
37 When base flood elevation data have not been provided in accordance
38 with subsection D.3. above, the director of the department of project
39 management and engineering shall obtain, review and reasonably utilize
40 any base flood elevation data available from a federal, state or other
41 source in order to administer subsections D.6. through D.9. above.
- 42 **iii.** *Information to be Obtained and Maintained*

- 1 The director of the department of project management and engineering
2 shall:
- 3 (A) Obtain and record the actual elevation, in relation to mean sea
4 level, of the lowest habitable floor, including basement, of all new
5 or substantially improved structures, and whether or not the
6 structure contains a basement.
- 7 (B) For all new or substantially improved floodproofed structures:
- 8 (A) Verify and record the actual elevation, in relation to mean sea
9 level; and
- 10 (B) Maintain the floodproofing certifications required in subsection
11 7.a.iv. above.
- 12 (C) Maintain for public inspection all records pertaining to the
13 provisions of this section.
- 14 iv. *Duties Regarding Alteration of Watercourses*
15 The director of the department of project management and engineering
16 shall:
- 17 (A) Notify adjacent communities and the state coordinating agency
18 prior to any alteration or relocation of a watercourse and submit
19 evidence of such notification to the Federal Insurance
20 Administration.
- 21 (B) Require that maintenance is provided within the altered or
22 relocated portion of the watercourse so that the flood-carrying
23 capacity is not diminished.
- 24 v. *Interpretation of FIRM Boundaries*
25 The director of the department of project management and engineering
26 shall make interpretations, where needed, as to exact location of the
27 boundaries of the areas of special flood hazard, for example, where
28 there appears to be a conflict between a mapped boundary and actual
29 field conditions. The person contesting the location of the boundary shall
30 be given a reasonable opportunity to appeal the interpretation as
31 provided in subsection D.11. below.
- 32 **11. Appeal Procedure**
33 Appeals alleging error by the director of the department of project management and
34 engineering charged with the enforcement or interpretation of this chapter may be taken
35 to the zoning board of examiners and appeals in accordance with the provisions of
36 section 21.03.05[4]0, *Appeals*.
- 37 **12. Standards and Conditions for Variances and Appeals**
38 a. In passing upon variances or appeals, the zoning board of examiners and
39 appeals shall consider all technical evaluations, all relevant factors, standards
40 specified in other sections of this section and:
- 41 i. The danger that materials may be swept onto other lands to the injury of
42 others;

-
- 1 ii. The danger to life and property due to flooding or erosion damage;
- 2 iii. The susceptibility of the proposed facility and its contents to flood
3 damage and the effect of such damage on the individual owner;
- 4 iv. The importance of the services provided by the proposed facility to the
5 community;
- 6 v. The necessity of the facility of a waterfront location, where applicable;
- 7 vi. The availability of alternative locations for the proposed use which are
8 not subject to flooding or erosion damage;
- 9 vii. The compatibility of the proposed use with existing and anticipated
10 development;
- 11 viii. The relationship of the proposed use to the comprehensive plan and
12 floodplain management program for that area;
- 13 ix. The safety of access to the property in time of flood for ordinary and
14 emergency vehicles;
- 15 x. The expected heights, velocity, duration, rate of rise and sediment
16 transport of the floodwaters and the effects of wave action, if applicable,
17 expected at the site; and
- 18 xi. The costs of providing governmental services during and after flood
19 conditions, including maintenance and repair of public utilities and
20 facilities such as sewer, gas, electrical and water systems and streets
21 and bridges.
- 22 b. Generally, variances may be issued for new construction and substantial
23 improvements to be erected on a lot of one-half acre or less in size contiguous to
24 and surrounded by lots with existing structures constructed below the base flood
25 level, providing the items in subsections 12.a.i. through xi. of this section have
26 been fully considered. As the lot size increases beyond one-half acre, the
27 technical justification required for issuing the variance increases.
- 28 c. The zoning board of examiners and appeals may attach such conditions to the
29 granting of variances or appeals as it deems necessary to further the purposes of
30 this chapter.
- 31 d. The director of the department of project management and engineering shall
32 maintain the records of all variance and appeal actions and report any variances
33 to the Federal Insurance Administration upon request.
- 34 e. Conditions for variances are as follows:
- 35 i. Variances may be issued for the reconstruction, rehabilitation, or
36 restoration of structures listed on the National Register of Historic Places
37 or the state inventory of historic places, without regard to the procedures
38 set forth in the remainder of this section.
- 39 ii. Variances shall not be issued within any designated floodway if any
40 increase in flood levels during the basic flood discharge would result.

