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1 **CHAPTER 21.04: ZONING DISTRICTS**

2 **21.04.010 GENERAL PROVISIONS**

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

7 **A. Districts Established; Zoning Map**

8 **1. Zoning Districts Established**

9 The following zoning districts are established:

**TABLE 21.04-1:
ZONING DISTRICTS ESTABLISHED**

District Type	Abbreviation	District Name
Residential Districts	R-1	Single-Family Residential
	R-1A	Single-Family Residential (larger lot)
	R-2A	Two-Family Residential (larger lot)
	R-2D	Two-Family Residential
	R-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	Rural Residential
	R-6	Low-Density Residential (1 acre)
	R-7	Single-Family Residential (20K)
	R-8	Low-Density Residential (4 acres)
	R-9	Low-Density Residential (2 acres)
R-10	Low-Density Residential, Alpine/Slope	
Commercial and Mixed-Use Districts	B-1A	Local and Neighborhood Business
	B-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
	RMU	Regional Mixed-Use
	MT-1	Midtown Core
MT-2	Midtown General	
Industrial Districts	I-1	Light Industrial
	I-2	Heavy Industrial

TABLE 21.04-1: ZONING DISTRICTS ESTABLISHED		
District Type	Abbreviation	District Name
	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
	W	Watershed
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> .	

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2. Zoning Map

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The use districts are shown on the Official Zoning Map (see section 21.01.050).
 Procedures for amending the zoning map are in section 21.03.170, *Rezoning (Zoning Map Amendments)*.

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B. Relationship to Overlay Districts

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All lands within the municipality shall be designated as one of the base zoning districts set forth in sections 21.04.020 through 21.04.050. In addition, some lands may be designated as one or more of the overlay districts set forth in section 21.04.060. Where the property is designated as an overlay district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base district. In the event of an express conflict between the two sets of standards, the standards for the overlay district shall control.

14

21.04.020 RESIDENTIAL DISTRICTS

15

A. General Purpose/Intent

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The residential zoning districts established in this section generally are intended to:

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1. Provide appropriately located areas for residential development that are consistent with the comprehensive plan and with standards of public health and safety established by this code;

20

21

2. Designate areas for residential living that offer a broad range of lot sizes, dwelling types, densities, and housing choices, and that offer a range of living environments;

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

21 **B. R-1: Single-Family Residential District**

- 22 **1. Purpose**
23 The R-1 district is intended primarily for detached single-family residential areas with
24 moderately low population densities. These areas generally have well-developed
25 infrastructure, and municipal services are generally provided.

26 **C. R-1A: Single-Family Residential District (larger lot)**

- 27 **1. Purpose**
28 The R-1A district is intended primarily for detached single-family residential areas with
29 moderately low population densities and lot sizes slightly larger than the R-1 district.
30 These areas generally have well-developed infrastructure, and municipal services are
31 generally provided.

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

- 33 **1. Purpose**
34 The R-2A district is intended primarily for moderately low density single-family and two-
35 family residential areas with lot sizes slightly larger than the R-2D district. These areas
36 generally have well-developed infrastructure, and municipal services are generally
37 provided.

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

2 **1. Purpose**

3 The R-2D district is intended primarily for moderately low density single-family and two-
4 family residential areas. These areas generally have well-developed infrastructure, and
5 municipal services are generally provided.

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

7 **1. Purpose**

8 The R-2F district is intended primarily for mixed-density residential areas that allow for a
9 variety of single-family, two-family, and low-density multifamily dwellings. It permits the
10 establishment of three- and four-dwelling multifamily structures, subject to site plan
11 review to ensure compatibility with a predominantly single-family environment and the
12 enhancement of overall neighborhood quality. This district is intended to be applied to
13 existing neighborhoods that are a transition between single- and two-family areas and
14 higher density mixed residential or multifamily areas. It is generally not intended to be
15 applied to areas either zoned or designated by adopted plan to provide multifamily
16 housing near designated town centers, community activity centers, or major city centers.

17 **2. District-Specific Standards**

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

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

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

27 **c.** Buildings with three or four dwelling units shall also comply with the multifamily
28 design standards in subsection 21.07.100G., except for G.7., *Entrances and*
29 *Porches*, and G.9., *Accessory Elements*.

30 **d.** No more than forty percent of the land area between any street facing building
31 elevation and the street lot line may be paved or used for vehicle driveway or
32 parking.

33 **3. District Location Requirements**

34 This district shall be established at least one quarter mile away from the boundary of a
35 community activity center, regional commercial center, or major city center, except where
36 the decision-making authority finds that such areas are physically separated from the
37 center, or that the characteristics of the area make higher density multifamily
38 development impractical.

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

40 **1. Purpose**

41 The R-2M district is intended primarily for mixed-density residential areas with a variety of
42 single-family, two-family, and multifamily dwelling uses with medium densities. The R-2M
43 district provides residential neighborhoods with a greater diversity of housing by allowing

1 a mix of both detached and a variety of attached dwelling types in close proximity to each
2 other, rather than separated into different use districts. The R-2M district is often located
3 in established or redeveloping residential neighborhoods; existing structures may be
4 renovated or rehabilitated. The design of new development should be sensitive to the
5 existing neighborhood and mix of dwelling types.

6 **2. District-Specific Standards**

- 7 a. Multifamily buildings shall contain no more than eight dwelling units.
- 8 b. On lots where more than one principal structure is allowed (see table 21.06-1),
9 the development of more than one principal structure on a lot requires an
10 administrative site plan review.
- 11 c. No more than forty percent of the land area between any street facing building
12 elevation and the street lot line may be paved or used for vehicle driveway or
13 parking.

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

15 **1. Purpose**

16 The R-3 district is a medium-density multifamily residential district. It is intended primarily
17 for multifamily and townhouse dwellings characterized by low-rise multistory buildings. It
18 allows a higher percentage of lot coverage than the R-2M zone, while also maintaining
19 the residential living environment with landscaping, private/common open spaces, and
20 other amenities for residents. This district provides greater housing opportunities and
21 efficient use of residential land near shopping, employment, services, community activity
22 centers, town centers, and areas well served by transit.

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

24 **1. Purpose**

25 The R-4 district is a medium-to-high density multifamily residential district. It is intended
26 primarily for multifamily dwellings characterized by two to six story residential buildings.
27 The maximum size of buildings and intensity of use is regulated by floor area ratio (FAR)
28 and by height limits and other site development standards. This district is usually applied
29 in areas well served by transit and supportive commercial services near the major
30 commercial/mixed-use and employment centers in downtown and midtown. It is intended
31 for high density housing concentrations and efficient use of land in residential areas near
32 major city centers, and to protect, preserve, and enhance the primary residential
33 character of the district.

34 **2. District-Specific Standards**

35 **a. *Allowed Commercial Uses***

36 The following commercial uses, allowed through the approval process shown in
37 table 21.05-1, shall only be developed in conjunction with multifamily or mixed
38 use dwellings, and are limited to 5 percent of the gross floor area of the
39 development on a site, or 1,500 square feet, whichever is less: "fitness and
40 recreational sports center", "restaurant", "convenience store", "grocery or food
41 store".

42 **b. *Alcohol Sales Prohibited***

43 Special land use permits for alcohol shall not be given to uses in the R-4 district.

1 **c. Floor Area Ratio**

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

4 **d. Building Height Increase**

5 Buildings in the R-4 district may exceed the maximum height established in table
6 21.06-1, up to a maximum total height of sixty feet, subject to the following
7 conditions to encourage light and air at the pedestrian level, active uses on the
8 ground floor facing the street, and other features:

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

11 ii. The ground floor of the building shall be residential or other active,
12 permitted non-parking use, for at least 25 feet of depth facing the street
13 for the full length of the building, except for vehicle entrances and exits;

14 iii. The height increase shall adhere to the height transitions provisions of
15 subsection 21.06.030D.7.; and

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

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

20 **1. Purpose**

21 The R-4A district is a primarily residential district intended for high-density multifamily
22 housing and mixed use. Residential development is encourage to incorporate a
23 multistory design including structured parking. Supporting commercial retail, services,
24 and office uses are often allowed in combination with housing to create a truly mixed-use
25 neighborhood environment. This district is applied in areas near the commercial/mixed-
26 use centers of downtown and midtown, in order to provide housing density which
27 supports the vitality of city centers, efficient use of residential land, and residential living
28 opportunities near employment and services. It also allows the flexibility for integrated
29 mixed-use site development to facilitate reinvestment and revitalization. New mixed-use
30 development should facilitate strong pedestrian and bicycle connections with nearby
31 neighborhoods and city centers.

32 **2. District-Specific Standards**

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

34 Development in the R-4A district shall comply with the mixed-use district
35 standards in subsection 21.04.030O., except for the FAR incentives of
36 subsection 21.04.030O.2.

37 **b. Maintaining Residential Character**

38 Development shall be primarily residential in order to ensure residential density
39 and character, as well as housing opportunities adjacent to city centers. The
40 following standards and exceptions apply:

41 i. Non-residential uses allowed in the R-4A district shall be mixed with
42 residential according to the provisions that follow. The uses “parks and
43 open space”, “community gardens”, “utility substations”,

- 1 telecommunications towers, “parking lot, principal use”, and “parking
2 structure, principal use” are exempt from the mixed-use requirement:
- 3 (A) Non-residential uses may occupy no more than 10 percent of the
4 gross floor area depicted on a site plan without any review
5 beyond that required by table 21.05-1.
- 6 (B) A major site plan review is required for non-residential uses to
7 occupy between 10.1 and 20 percent (as approved by the
8 decision-maker) of the gross floor area depicted on a site plan.
- 9 (C) A conditional use permit is required for non-residential uses to
10 occupy between 20.1 and 49 percent (as approved by the
11 decision-maker) of the gross floor area depicted on a site plan.
- 12 (D) Major site plan review or conditional use review in accordance
13 with b.i.(B). and b.i.(C). above shall meet the following criteria in
14 addition to the general site plan approval criteria (21.03.190E)
15 and conditional use approval criteria (21.03.080C):
- 16 (1) The development shall result in a net increase in
17 housing units over pre-development conditions, or shall
18 be at least 20 du, whichever is greater.
- 19 (2) The appearance, location, and amount of non-residential
20 use on the site and within each building shall not
21 decrease the desirability of the area for housing. The
22 decision-making body may impose such conditions as
23 listed in 21.07.070 relating to building design, traffic,
24 privacy, floor area restrictions, restrictions against
25 commercial above the ground floor, and other conditions
26 to maintain a residential character.
- 27 (3) Where applicable, the overall site plan shall transition to
28 primarily residential use and character adjacent to a
29 residential zoning district. [to be illustrated]
- 30 ii. No non-residential portion of the development shall be given a certificate
31 of zoning compliance or a conditional certificate of zoning compliance
32 before all of the residential portion of the development is given a
33 certificate of zoning compliance.
- 34 iii. First floor building facades within 100 feet of public streets, primary
35 circulation drives, or primary pedestrian walkways shall meet the
36 following window standards on those facades:
- 37 (A) Non-residential uses: At least 50 percent of the length and 25
38 percent of the area of ground-level walls shall be windows
39 providing visual access to the interior of the building.
- 40 (B) Residential uses: At least 25 percent of the length and 12
41 percent of the area of ground-level walls shall be windows.
- 42 (C) All uses: Blank walls shall not exceed 30 feet in length.

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- iv. All commercial uses shall be conducted entirely within a completely enclosed building except for parking and loading facilities and outdoor restaurant seating. Exterior storage or display of goods is prohibited.
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- c. **Floor Area Ratio (FAR) Incentives for the R-4 and R-4A Districts**
The maximum floor area ratio (FAR) within the R-4 and R-4A districts is 1.0 FAR, but may be increased up to a maximum total FAR of 2.0 in the R-4 district and 3.0 in the R-4A district through the following bonus provisions, subject to section 21.06.030C. These incentives provide for an incremental increase in the floor area of a development in exchange for incremental increases in any of the following special features deemed of benefit to the community:
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- i. **Open Space Bonus**
Developments providing open space that is in addition to the area required by section 21.07.030, *Open Space*, and which meets the standards of that section, are eligible for bonus floor area. One square foot of additional floor area is allowed per square foot of additional open space area.
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- ii. **Below Grade Parking Bonus**
Developments including covered below grade parking are eligible for bonus floor area. Two square feet of additional floor area is allowed per gross square foot of below grade parking floor area, up to a maximum increase of 1.0 FAR.
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- iii. **Affordable Housing Bonus**
Developments including affordable housing as defined by this title are eligible for bonus floor area. The affordable housing units shall be dispersed throughout the residential portion of the development and shall be indistinguishable from the other housing units. Two square feet of additional floor area is allowed per square foot of affordable housing unit floor area, up to a maximum increase of 0.5 FAR.
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- iv. **Bonus for Sidewalk/Walkway Widening**
Developments including primary pedestrian walkways as defined by this title are eligible for bonus floor area. Five square feet of additional floor area is allowed per linear foot of primary pedestrian walkway.
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- d. **Building Height Increase**
Buildings in the R-4A district may exceed the maximum height established in table 21.06-1, up to a maximum total height of ninety (90) feet, subject to the following conditions. These conditions encourage slender towers with condensed floor plates, light and air at the pedestrian level, active uses on the ground floor facing the street, and other features:
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40
- i. The development shall participate in the FAR incentives provided for the R-4A district in subsection 21.04.020J.2.c. above;
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- ii. The ground floor of the building shall be residential or other active, permitted non-parking use for at least twenty-five (25) feet of depth facing the street for the full length of the building, except for vehicle entrances and exits;

- 1 iii. All floor area provided by the height increase shall be for residential
2 uses.
- 3 iv. The height increase shall adhere to the height transitions of subsection
4 21.06.030D.7.;
- 5 v. The height increase shall adhere to the applicable design standards for
6 tall buildings in subsection 21.07.110.; and
- 7 vi. Developments requesting the height increase shall be subject to
8 administrative site plan review, unless a higher level of review is already
9 required.

10 3. **District Location Requirement**
11 The subject property shall be in an area designated in an adopted plan for residential city
12 center intensity, and adjacent to a designated community activity center or major city
13 center in the vicinity of Downtown and Midtown.

14 **K. R-5: Rural Residential District**

15 1. **Purpose**
16 The R-5 district is intended to include lands developed with a variety of housing types at
17 moderately low densities. Mobile homes on individual lots are allowed in this district.

18 **L. R-6: Low-Density Residential (1 acre) District**

19 1. **Purpose**
20 The R-6 district is intended primarily for those land areas where large lots or acreage
21 development is desirable. The R-6 district is designed to encourage low-density
22 residential development while at the same time protecting and enhancing those physical
23 and environmental features that add to the desirability of large-lot residential living. The
24 availability of infrastructure and municipal services is varied.

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

26 1. **Purpose**
27 The R-7 district is intended primarily for low-density single-family residential
28 development, including areas between larger lot districts and higher density districts.

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

30 1. **Purpose**
31 The R-8 district is primarily designed to satisfy the needs of low-density residential
32 development in areas where topographic or other natural conditions are such that higher-
33 density development and the provision of public sewers and water would be unfeasible at
34 any time. In addition to topography, some of the natural conditions which could exist to
35 render land desirable for the densities proposed in this zone are wind hazards, marginal
36 soils, landslide susceptibility, groundwater pollution, and groundwater availability. In
37 cases where parcels which have natural characteristics that would allow higher
38 residential densities on those parcels with no adverse effect on the surrounding land, the
39 use of development techniques such as a conservation subdivision, is a permitted form of
40 development.

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

2 **1. Purpose**

3 The R-9 district is intended primarily for low-density residential development in areas
4 where public sewer and water are unlikely to be provided for a considerable period of
5 time or where topographic or other natural conditions are such that higher-density
6 development and the provision of public sewers and water would be unfeasible at any
7 time. Where public facilities may be provided in the distant future, the regulations are
8 intended to ensure that development during the interim period does not exceed
9 geological and hydrological capacities for safe and healthful maintenance of human
10 habitation.

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

12 **1. Purpose**

13 The R-10 district is intended for use in those areas where natural physical features and
14 environmental factors such as slopes, alpine and forest vegetation, soils, slope stability,
15 and geologic hazards require unique and creative design for development. Creative site
16 design and site engineering are essential to ensure that the development of these lands
17 will:

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

35 **2. District-Specific Standards**

36 **a. Lot and Site Requirements**

37 Table 21.04-2 provides the lot and site requirements for the R-10 district. This
38 table applies in addition to the dimensional standards stated in table 21.06-1.

TABLE 21:04-2: LOT AND SITE REQUIREMENTS FOR R-10 DISTRICT				
Average Slope of Lot (percent)	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum All Buildings (percent)	Coverage Impervious Surfaces (percent)
More than 30.00	7.50	300	3	8
25.01--30.00	5.00	300	5	10
20.01--25.00	2.50	180	8	14
20.00 or less	1.25	100	10	20

Average slope is calculated by the following formula:

$$S = \frac{I * L}{A} * 0.0023$$

Where;
 S = Average slope of lot or tract in percent
 I = Contour interval (20 feet or less)
 L = Sum of length of all contours on lot or tract in feet
 A = Area of the lot or tract in acres

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

21.04.030 COMMERCIAL AND MIXED-USE DISTRICTS

A. General Purpose/Intent of Commercial Districts

1. The commercial and office zoning districts established in this section generally are intended to:
2. Provide appropriately located areas consistent with the comprehensive plan for a full range of retail and service establishments and convenience and office uses needed by the municipality's residents, businesses, and workers, and protect such uses from the adverse effects of incompatible uses;
3. Provide adequate space to meet the needs of commercial development;
4. Encourage the redevelopment, conversion, and reuse of underused commercial areas, and discourage further geographic expansion of areas zoned for strip commercial development;
5. Minimize traffic congestion and avoid the overloading of public infrastructure and services;
6. Strengthen the municipality's economic base and provide employment opportunities close to home for residents of the municipality and surrounding communities;
7. Provide for commercial land uses that meet the needs of and attract regional and statewide populations, in addition to local residents;

- 1 **8.** Minimize negative impacts of commercial development on adjacent residential districts;
- 2 **9.** Minimize negative environmental impacts of commercial development on stream
- 3 corridors, wetlands, and other important natural resources; and
- 4 **10.** Provide sites for public and semi-public uses such as utilities and telecommunications
- 5 infrastructure needed to complement commercial development.

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

7 **1. Purpose**

8 The B-1A district is intended for small, compact commercial sites or areas within or

9 surrounded by residential areas. The district encourages the provision of small-scale

10 retail and service uses compatible in scale and character with adjacent residential uses,

11 and providing services to the surrounding neighborhood. B-1A centers are between one-

12 half and four acres in size. Small-scale offices, retail, and upper-story residential uses

13 are allowed. Continuous retail frontages, largely uninterrupted by driveways and parking,

14 are encouraged. Uses are limited in intensity to promote their local orientation and to

15 limit adverse impacts on the surrounding area.

16 **2. District-Specific Standards**

17 **a. Ground-Floor**

18 At least 80 percent of the street façade at the ground level shall be a non-

19 residential use occupying a space at least 25 feet deep from the street façade of

20 the building.

21 **b. Prohibitions**

22 i. Drive-throughs are allowed only on those lots with frontage on and

23 access to an arterial street.

24 ii. Outdoor storage is prohibited in the B-1A district.

25 **c. Gross Floor Area Limitations**

26 i. The gross floor area of each allowed non-residential use is limited to

27 5,000 square feet per use, without any review beyond that required by

28 table 21.05-2.

29 ii. Gross floor area of allowed non-residential uses between 5,001 and

30 10,000 square feet may be requested through a major site plan review.

31 iii. Notwithstanding c.i. and c.ii., the maximum gross floor area of grocery or

32 food stores is 20,000 square feet without any review beyond that

33 required by table 21.05-2, provided that such establishments have a floor

34 area ratio of at least 0.35.

35 **3. District Location Requirements**

36 In addition to the general rezoning criteria, the following requirements shall apply in the

37 creation or expansion of the B-1A district:

38 a. New B-1A districts larger than 1.5 acres (excluding rights-of-way) shall be

39 located on an arterial or collector street, and existing B-1A districts shall not be

40 enlarged unless the site abuts an arterial or collector street, except where

41 designated for enlargement by an adopted plan.

- b. No B-1A district shall be larger than four acres (excluding rights-of-way).
- c. The subject property shall be in an established neighborhood commercial area or an area designated in an adopted plan for neighborhood-scale commercial.

C. B-3: General Business District

1. Purpose

The B-3 district is intended primarily for uses that provide commercial goods and services to residents of the community in areas that are dependent on automobile access and exposed to heavy automobile traffic. These commercial uses are subject to the public view and they should provide an attractive appearance with landscaping, sufficient parking, and controlled traffic movement. Environmental impacts should be minimized. Abutting residential areas should be protected from potentially negative impacts associated with commercial activity. While B-3 district areas shall continue to meet the need for auto-related and other auto-oriented uses, it is the municipality's intent that the B-3 district also shall provide for safe and convenient personal mobility in other forms. Planning and design shall accommodate pedestrians and bicyclists.

2. District Location Requirements

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

D. DT-1: Downtown Core

E. DT-2: Downtown Mixed-Use

F. DT-3: Downtown Mixed-Use Residential

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

G. RO: Residential Office District

1. Purpose

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

2. District-Specific Standards

a. *Limitations on Retail Uses*

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

1 **b. *Limitations on Visitor Accommodations***

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

5 **c. *Minimum Residential Density***

6 When such uses are the principal use on a lot, any multifamily residential uses in
7 the RO district shall have a minimum net density of at least 15 units/acre.

8 **3. District Location Requirements**

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

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

14 **b.** The RO district shall not be located in or expand into residential areas that are
15 designated residential by adopted plan or that are intended to retain historically
16 predominant residential use or single-family character.

17 **H. MC: Marine Commercial District**

18 **1. Purpose**

19 The MC district is intended primarily for water-dependent uses as permitted principal
20 uses, and water-related uses as conditional uses. Emphasis is on development flexibility
21 of water-dependent and water-related commercial uses and on public access to the
22 waterfront and Ship Creek.

23 **2. District-Specific Standards**

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

27 **b.** Loading and service areas shall be located on the building’s inland face, or away
28 from the visual line to the inlet.

29 **I. General Purpose/Intent of Mixed-Use Districts**

30 The mixed-use districts are intended to provide for and encourage development and
31 redevelopment that contains a mix of residential and nonresidential uses within close proximity,
32 rather than a separation of uses, in accordance with the comprehensive plan. The mixed-use
33 districts define the uses of land and the siting and character of the improvements and structures
34 allowed on the land in a manner that allows a balanced mix of uses. A key feature of all the
35 mixed-use districts is a pedestrian- and bicycle-friendly network of streets and sidewalks
36 connecting the nonresidential uses, residential neighborhoods, and transit facilities. The mixed-
37 use districts specifically are intended to:

38 **1.** Concentrate higher-density residential development and commercial and office
39 employment efficiently in and around major employment centers, town centers, and other
40 designated centers of community activity;

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

22 **J. NMU: Neighborhood Mixed-Use District**

- 23 1. **Purpose**
24 The NMU district is intended for neighborhood retail service centers at a larger scale than
25 allowed by the B-1A district. NMU centers are generally between four and 30 acres in
26 size, and are primarily applied to existing commercial areas to encourage mixed-use
27 housing opportunities, compact redevelopment, and mixed-use urban design. The
28 emphasis of the district is on commercial uses that primarily serve the daily needs of
29 nearby neighborhoods (e.g., small grocery/convenience store, drug store, religious
30 assembly, service station) located in close proximity to one another. Multifamily
31 residential and limited office uses also are allowed. Siting and architectural design and
32 scale of structures in this district should limit adverse impacts on nearby residential
33 areas. The NMU district may be used for designated neighborhood centers, commercial
34 corridors, and transit-supportive development corridors, and may also be used for the
35 “neighborhood commercial centers” identified in the *Anchorage 2020 Anchorage Bowl*
36 *Comprehensive Plan*.
- 37 2. **District-Specific Standards**
 - 38 a. **Mixed-Use Development Standards**
39 Development in the NMU district shall comply with section 21.04.030O., *Mixed-*
40 *Use District Development Standards*.
 - 41 b. **Maximum Building Size**
42 The gross floor area of buildings and structures on each lot in the NMU district
43 shall be no greater than 45,000 square feet, except that buildings which contain a

1 grocery or food store or public/institutional use of at least 45,000 square feet,
2 may have a gross floor area of up to 85,000 square feet.

3 **3. District Location Requirements**

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

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

9 b. The maximum size of an NMU district shall be 25 acres, unless a larger area is
10 consistent with an adopted plan.

11 c. The NMU district shall not be expanded along street corridors or into adjacent
12 residentially zoned areas unless consistent with an adopted plan.

13 d. The subject property shall be in an area intended for neighborhood scale
14 commercial mixed-use center, or transit-oriented development corridor on the
15 land use plan map or an adopted district or neighborhood plan.

16 **K. CMU: Community Mixed-Use District**

17 **1. Purpose**

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

28 **2. District-Specific Standards**

29 Development in the CMU district shall comply with section 21.04.030O., *Mixed-Use*
30 *District Development Standards*.

31 **3. District Location Requirement**

32 The subject property shall be in an area designated by adopted plan as community
33 activity center, town center, or commercially-designated transit-supportive development
34 corridor.

35 **L. RMU: Regional Mixed-Use District**

36 **1. Purpose**

37 The RMU district is intended primarily for regional-scale commercial activity centers that
38 may have long-term potential to develop at greater intensities or as mixed-use urban
39 environments. The area is typically defined by conglomerations of medium-to-large scale
40 commercial uses, located near intersections of major arterial streets and/or freeways,
41 serving a metropolitan region-scale trade area. Shopping malls and/or large retail
42 establishments typically anchor the center. Supporting uses include low-medium rise
43 offices, hotels, transit hubs, entertainment, and residential uses that provide potential for

1 the area to grow into a more physically integrated and mixed-use center. The RMU
2 district is appropriate for auto-oriented regional commercial centers such as the Dimond
3 Center area, and permits land-intensive and/or auto-oriented uses such as automobile
4 dealerships that may not be appropriate for more compact mixed-use zones.

5 **2. District-Specific Standards**

6 Development in the RMU district shall comply with section 21.04.030O., *Mixed-Use*
7 *District Development Standards*.

8 **3. District Location Requirement**

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

11 **M. MT-1: Midtown District Core**

12 [RESERVED]

13 **N. MT-2: Midtown District General**

14 [RESERVED]

15 **O. Mixed-Use District Development Standards**

16 **1. Applicability**

17 All development in the R-4A, NMU, CMU, RMU, MT-1, and MT-2 districts shall comply
18 with the appropriate development standards in chapter 21.07, and also the standards in
19 this subsection 21.04.030O. When the standards of this subsection and section
20 21.07.110 are in conflict, the standards of this subsection shall control.

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

22 **a. Purpose**

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

28 **b. FAR Incentives**

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

35 **i. Housing Bonus**

36 Developments providing residential housing located above grade are
37 eligible for bonus floor area. Two square feet of additional floor area is
38 allowed per gross square foot of housing unit floor area, up to a
39 maximum increase of 0.5 FAR.

40 **ii. Open Space Bonus**

41 Developments providing publicly accessible open space in addition to
42 that required, and which meets the standards of section 21.07.030, *Open*

21.04.040 INDUSTRIAL DISTRICTS

A. General Purpose/Intent

The industrial zoning districts established in this section generally are intended to:

1. Create suitable environments for various types of industrial uses;
2. Reserve appropriately located areas for industrial purposes, and limit non-industrial uses that may erode the supply of industrial lands;
3. Provide adequate space to meet the needs of industrial development, including off-street parking and loading;
4. Strengthen and diversify the municipality's economic industrial base and provide employment opportunities close to home for residents of the municipality and surrounding communities;
5. Minimize and mitigate traffic conflicts and avoid the overloading of public infrastructure and services;
6. Minimize negative impacts of industrial development on abutting non-industrial districts;
7. Minimize negative environmental impacts of industrial development on stream corridors, wetlands, and other important natural resources; and

B. I-1: Light Industrial District

1. Purpose

The I-1 district is intended primarily for public and private light manufacturing, processing, service, storage, wholesale, and distribution operations along with limited commercial uses that support and/or are compatible with industrial uses. Office industrial parks and single-commodity bulk retail sales and building supply stores and services are allowed. This district is applied in areas designated as industrial/commercial by an adopted plan.

C. I-2: Heavy Industrial District

1. Purpose

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

D. MI: Marine Industrial District

1. Purpose

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

1 **2. District-Specific Standards**

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

5 **21.04.050 OTHER DISTRICTS**

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

7 **1. Purpose**

8 The AD district includes all lands and water areas within the Ted Stevens Anchorage
9 International Airport and Merrill Field Airport. The AD district is intended to provide for
10 aviation-dependent and aviation-related uses, to protect and enhance the operations of
11 commercial airports, and to foster aeronautics and safe flying operations. The airport
12 master planning process shall be used to identify and locate aviation-dependent and
13 aviation-related uses and to address potential impacts of airport uses on adjacent
14 schools and residential districts.

15 **2. District-Specific Standards**

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

26 **b.** For the AD district affecting Merrill Field, aviation-dependent and aviation-related
27 uses shall be identified and mapped in the most current airport master plan and
28 subsequent amendments that are adopted by the assembly. For areas of the
29 airport that the master plan identifies as unnecessary for aviation-dependent or
30 aviation-related uses, proposed development shall be subject to a conditional
31 use process.

32 **c.** The applicable provisions of chapter 21.07, as applied to all development within
33 the AD district except for secure areas of the airport that are closed to the
34 general public, are limited to sections 21.07.020, *Natural Resource Protection*;
35 21.07.040, *Drainage, Erosion and Sediment Control, Storm Water Runoff, and*
36 *Prohibited Discharges*; 21.07.080, *Landscaping, Screening, and Fences*;
37 21.07.090, *Off-Street Parking and Loading*; and 21.07.130, *Exterior Lighting*.

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

39 **1. Purpose**

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

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

2 1. **Purpose**

3 The DR district may be applied to lands intended for future development, undesignated
4 municipally owned lands, state tidelands and waters, and military lands (which are
5 exempt from municipal jurisdiction).

6 2. **District-Specific Standards**

7 Large-lot single-family residential development is allowed by right, though rezoning
8 and/or master planning shall occur prior to other types of development.

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

10 1. **Purpose**

11 The planned community development district (PCD) is intended to accommodate large-
12 scale acreage for residential, commercial, industrial, or other land use developments and
13 activities, including combinations of uses. It allows for flexibility under controlled
14 conditions not possible with the other defined districts. The flexibility permitted must
15 demonstrate that the final development will be compatible with the intents and purposes
16 of this title and the goals and policies of the comprehensive plan, and do not compromise
17 public health, safety, and welfare. The PCD district is limited to unified, comprehensive
18 planned developments which are of substantial public benefit, consistent with the holding
19 capacity of the land, and conform with and enhance the policies of the comprehensive
20 plan.

21 2. **Application**

22 The PCD district may be applied as described in subsection 21.03.170I.

23 3. **Record-Keeping**

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

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

27 1. **Purpose**

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

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

31 1. **Purpose**

32 The PR district is intended to include public lands and open space dedicated by the
33 assembly as parks. The land uses within these parks are governed by table 21.05-2, and
34 the uses shall be allocated according to the current adopted parks plan and associated
35 maps for that area of the municipality, and any existing master plans for individual parks.

36 2. **District-Specific Standards**

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

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

40 1. **Purpose**

41 The TA district is intended to govern the land uses for the area known as Turnagain Arm
42 south of Potter Marsh, including but not limited to Rainbow, Indian, Bird Creek, and

1 Portage/Twenty Mile River. Areas within Girdwood are not included in the TA district and
2 are covered by chapter 21.09, *Girdwood*. The permitted uses and densities within the TA
3 district are to conform to the land use plan map, policies, and residential densities of the
4 adopted *Turnagain Arm Area Plan*. The TA district regulations employ the conditional
5 use process to provide review for major development activities. By providing a public
6 review process and by requiring submission of detailed site plans, greater compatibility
7 between the proposed uses and adjacent existing uses can be obtained.

8 **2. District-Specific Standards**

9 **a. Permitted Uses**

- 10 i. Residential uses and structures that conform to the *Turnagain Arm Area*
11 *Plan*.
- 12 ii. Commercial structures under 4,000 square feet in gross building area in
13 areas designated “commercial” in the *Turnagain Arm Area Plan*.
- 14 iii. Non-structural commercial uses occupying an area of 14,400 square feet
15 or less in areas designated “commercial” in the *Turnagain Arm Area*
16 *Plan*.
- 17 iv. Industrial uses and structures in areas designated “industrial” in the
18 *Turnagain Arm Area Plan*.
- 19 v. Institutional uses and structures under 4,000 square feet in gross
20 building area that conform to the *Turnagain Arm Area Plan*.

21 **b. Conditional Uses**

22 Any use or structure that does not meet the requirements for a permitted use
23 above, may be allowed through the issuance of a conditional use permit subject
24 to the requirements of section 21.03.080, *Conditional Uses*, and the following
25 additional approval criteria:

- 26 i. Conforms to the goals and policies of the *Turnagain Arm Area Plan*;
- 27 ii. Protects the unique scenic and environmental features of the area; and
- 28 iii. Minimizes impacts to adjacent properties, particularly those adjacent
29 properties in a different land use category.

30 **H. W: Watershed District**

31 **1. Purpose**

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

37 **21.04.060 OVERLAY ZONING DISTRICTS**

38 **A. General Purpose/Intent**

39 As noted in subsection 21.04.010B., the overlay zoning districts of this section apply in
40 combination with the underlying base zoning districts and impose regulations and standards for

1 specific areas in addition to what is required by the base districts. The requirements of an overlay
2 district shall apply whenever they are in conflict with those in the base district. The following
3 overlay districts are established:

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

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

7 The creation, alteration, or elimination of an overlay district is a rezoning and is governed by the
8 provisions of section 21.03.170H., *Rezoning to Create, Alter, or Eliminate Overlay Districts*.

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

10 **1. Purpose**

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

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

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

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

25 **3. Establishment or Modification**

26 In addition to the standard submittals required to initiate an overlay map amendment
27 pursuant to section 21.03.170H., establishment of an Airport Height Overlay District also
28 shall require preparation of an airport height map as set forth in this section:

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

- 1 iii. Major reference points in the vicinity of the airstrip or airport.
- 2 iv. Existing topography, if available.
- 3 v. The airport elevation that shall be the official elevation of the airport or
- 4 airstrip upon approval of the map.

- 5 c. The map required by paragraph a. above, shall accurately depict airspace zones
- 6 as provided in FAR part 77, subpart C, paragraph 77.25, in ten-foot conical
- 7 increments. Before submission to the Department the map shall be certified by
- 8 the Federal Aviation Administration that it depicts the requirements of FAR part
- 9 77, subpart C, paragraph 77.25. If, for safety reasons, zone surfaces deviate in
- 10 any way from the requirements of the FAR, each such deviation shall be
- 11 indicated in writing on the map and shall be accompanied by a letter of
- 12 nonobjection by the Federal Aviation Administration. Any such deviation is
- 13 subject to approval of the department.

- 14 d. Before submission to the department any optional map depicting airspace zones
- 15 provided in FAR part 77, subpart C, paragraph 77.23(A)(2) or 77.23(A)(3), must
- 16 be certified by the Federal Aviation Administration indicating that it accurately
- 17 depicts the requirements of FAR part 77, subpart C, subsection 77.23(A)(2) or
- 18 77.23(A)(3).

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

- 23 a. No structure shall be constructed or maintained so that it exceeds the greater of:
- 24 i. Thirty-five feet above ground elevation; or
- 25 ii. The maximum height permitted under FAR part 77, subpart C, as
- 26 depicted on any airport height zone map adopted under section
- 27 21.04.060.C., *Airport Height Overlay District*.

- 28 b. Any structure within three nautical miles of an airport reference point established
- 29 by federal regulation, the height of which exceeds the level of that reference point
- 30 by more than 200 feet, shall present to the building official the results of an
- 31 airspace determination conducted by the Federal Aviation Administration
- 32 pursuant to its regulations.

- 33 c. The height restrictions of this district do not apply to buildings for which building
- 34 or land use permits were issued prior to June 17, 1986.

- 35 d. Vegetation shall not be affected by the height limitation of this section.

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

- 37 **1. Purpose and Intent**
- 38 The purpose of the Flood Hazard Overlay District is to promote the public health, safety,
- 39 and general welfare and to minimize loss due to flood. The provisions of this section are
- 40 intended to be an addition to all other land use regulations and to:

- 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 flood
20 hazard permit: excavation of sand, gravel and other natural resources,
21 railroad and tramway tracks, streets, bridges, utility installations and
22 pipelines, storage yards for equipment and materials, commercial
23 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.

- 1 iii. *Information to be Obtained and Maintained*
2 The director of the department of project management and engineering
3 shall:
- 4 (A) Obtain and record the actual elevation, in relation to mean sea
5 level, of the lowest habitable floor, including basement, of all new
6 or substantially improved structures, and whether or not the
7 structure contains a basement.
- 8 (B) For all new or substantially improved floodproofed structures:
- 9 (1) Verify and record the actual elevation, in relation to
10 mean sea level; and
- 11 (2) Maintain the floodproofing certifications required in
12 subsection 7.a.iv. above.
- 13 (3) Maintain for public inspection all records pertaining to
14 the provisions of this section.
- 15 iv. *Duties Regarding Alteration of Watercourses*
16 The director of the department of project management and engineering
17 shall:
- 18 (A) Notify adjacent communities and the state coordinating agency
19 prior to any alteration or relocation of a watercourse and submit
20 evidence of such notification to the Federal Insurance
21 Administration.
- 22 (B) Require that maintenance is provided within the altered or
23 relocated portion of the watercourse so that the flood-carrying
24 capacity is not diminished.
- 25 v. *Interpretation of FIRM Boundaries*
26 The director of the department of project management and engineering
27 shall make interpretations, where needed, as to exact location of the
28 boundaries of the areas of special flood hazard, for example, where
29 there appears to be a conflict between a mapped boundary and actual
30 field conditions. The person contesting the location of the boundary shall
31 be given a reasonable opportunity to appeal the interpretation as
32 provided in subsection D.11. below.
- 33 11. **Appeal Procedure**
34 Appeals alleging error by the director of the department of project management and
35 engineering charged with the enforcement or interpretation of this chapter may be taken
36 to the zoning board of examiners and appeals in accordance with the provisions of
37 section 21.03.040, *Appeals*.
- 38 12. **Standards and Conditions for Variances and Appeals**
39 a. In passing upon variances or appeals, the zoning board of examiners and
40 appeals shall consider all technical evaluations, all relevant factors, standards
41 specified in other sections of this section and:

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- 1 or the state inventory of historic places, without regard to the procedures
2 set forth in the remainder of this section.
- 3 ii. Variances shall not be issued within any designated floodway if any
4 increase in flood levels during the basic flood discharge would result.
- 5 iii. Variances shall only be issued upon a determination that the variance is
6 the minimum necessary, considering the flood hazard, to afford relief.
- 7 iv. Variances shall only be issued upon:
- 8 (A) A showing of good and sufficient cause;
- 9 (B) A determination that failure to grant the variance would result in
10 exceptional hardship to the applicant; and
- 11 (C) A determination that the granting of a variance will not result in
12 increased flood heights, additional threats to public safety, or
13 extraordinary public expense, create nuisances, cause fraud on
14 or victimization of the public, or conflict with existing local laws or
15 ordinances.
- 16 v. Any applicant to whom a variance is granted shall be given written notice
17 that the structure will be permitted to be built with a lowest floor elevation
18 below the base flood elevation and that the cost of flood insurance will be
19 commensurate with the increased risk resulting from the reduced lowest
20 floor elevation.
- 21