

TABLE OF CONTENTS

1

2

3 **CHAPTER 21.04: ZONING DISTRICTS 3**

4 **21.04.010 General Provisions 3**

5 A. Districts Established; Zoning Map 3

6 B. Relationship to Overlay Districts 4

7 **21.04.020 Residential Districts..... 5**

8 A. General Purpose/Intent 5

9 B. ~~RS-1: Single-Family Residential District~~..... 5

10 C. **R-1A: Single-Family Residential District (larger lot)** 6

11 D. ~~RT-2A: Two-Family Residential District (larger lot)~~ 6

12 E. **R-2D: Two-Family Residential District**..... 6

13 F. ~~R-2FM-4: Low-Density Mixed Residential District 1~~ 6

14 G. ~~RM-2M: Mixed Residential District 2~~ 7

15 H. ~~RM-3: Multifamily Residential District 1~~ 7

16 I. **R-4: Multifamily Residential District 2** 8

17 J. ~~RM-4A: Multifamily Residential Mixed-Use District~~ 9

18 K. **R-5: Rural Residential District** 12

19 L. ~~RL-2-6: Low-Density Residential (1 acre) District~~ 12

20 M. ~~RS-2-7: Low-Density Single-Family Residential (20K one-half acre) District~~ 12

21 N. **R-8: Low-Density Residential (4 acres) District** 12

22 O. ~~RL-3-9: Low-Density Residential (2 acres) District~~..... 13

23 P. ~~RL-4-10: Low-Density Residential, Alpine/Slope District~~ 13

24 **21.04.030 Commercial and Mixed-Use Office Districts 14**

25 A. General Purpose/Intent of **Commercial Districts** 14

26 B. **B-1ANG: Local and Neighborhood Business Commercial District**..... 15

27 C. **B-3AC: General Business Auto Commercial Corridor District**..... 16

28 D. ~~CBDT-1: Downtown Central Business District, Core~~ 17

29 E. **DT-2: Downtown Mixed-Use**..... 17

30 F. **DT-3: Downtown Mixed-Use Residential**..... 17

31 G. ~~RO-OC: Residential Office Commercial District~~ 17

32 H. **MC: Marine Commercial District**..... 18

33 **Mixed-Use Districts 18**

34 I. General Purpose/Intent of **Mixed-Use Districts** 18

35 J. **NMU: Neighborhood Mixed-Use District** 19

36 K. **CMU: Community Mixed-Use District**..... 20

37 L. **RMU: Regional Mixed-Use District**..... 20

38 M. **MT-1: Midtown MMU: Midtown Mixed-Use District Core** 20

39 N. **MT-2: Midtown District General**..... 21

40 O. **Mixed-Use District Development Standards**..... 21

41 **21.04.040 Industrial Districts..... 24**

42 A. General Purpose/Intent 24

43 ~~IC: Industrial / Commercial District~~..... 25

44 B. **I-1: Light Industrial District**..... 25

45 C. **I-2: Heavy Industrial District**..... 25

46 D. **MI: Marine Industrial District**..... 25

47 **Chugiak-Eagle River Districts..... 25**

48 **21.04.050 Other Districts 26**

49 A. **AD: Airport Development District**..... 26

50 B. **AF: Antenna Farm District** 26

51 C. **DR: Development Reserve District**..... 26

52 ~~M: Marine District~~ 27

53 D. **PCD: Planned Community Development District**..... 27

54 E. **PLI: Public Lands and Institutions District** 27

55 F. **PR: Parks and Recreation District**..... 27

1		RUC: Railroad Utility Corridor	28
2		G. TA: Turnagain Arm District.....	28
3		H. W: Watershed District.....	29
4	21.04.060	Overlay Zoning Districts	29
5		A. General Purpose/Intent	29
6		B. Creation, Alteration, or Elimination of Overlay Districts	30
7		C. AHO: Airport Height Overlay District	30
8		NCO: Neighborhood Conservation Overlay District	32
9		RTR: Railroad Terminal Reserve Overlay District	35
10		D. FHO: Flood Hazard Overlay District.....	35

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	RS-1	Single-Family Residential
	R-1A	Single-Family Residential (larger lot)
	RT R-2A	Two-Family Residential (larger lot)
	R-2D	Two-Family Residential
	RM-1 R-2F	Low-Density Mixed Residential 1
	RM-2 R-2M	Mixed Residential 2
	R-3	Multifamily Residential 1
	RM-3 R-4	Multifamily Residential 2
	RM-4 R-4A	Multifamily Residential Mixed-Use
	R-5	Rural Residential
	RL-2 R-6	Low-Density Residential (1 acre)
	RS-2 R-7	Low-Density Single-Family Residential (20K one-half acre)
	R-8	Low-Density Residential (4 acres)
	RL-3 R-9	Low-Density Residential (2 acres)
	RL-4 R-10	Low-Density Residential, Alpine/Slope
TA	Turnagain Arm	
Commercial and Mixed-Use Districts	NC B-1A	Local and Neighborhood Business Commercial
	AG B-3	Auto-Commercial Corridor General Business
	CBD-1 DT-1	Downtown Central Business District, Core
	CBD-2 DT-2	Central Business District, Intermediate Downtown Mixed-Use
	CBD-3 DT-3	Central Business District, Periphery Downtown Mixed-Use Residential
	RO-OC	Residential-Office Office Commercial
	MC	Marine Commercial
Mixed-Use Districts	NMU	Neighborhood Mixed-Use
	CMU	Community Mixed-Use
	RMU	Regional Mixed-Use
	MT-1 MMU	Midtown Core Mixed-Use

TABLE 21.04-1: ZONING DISTRICTS ESTABLISHED		
District Type	Abbreviation	District Name
	MT-2	Midtown General
Industrial Districts	IC	Industrial / Commercial
	I-1	Light Industrial
	I-2	Heavy Industrial
	MI	Marine Industrial
Chugiak-Eagle River Districts	RL-1	Low-Density Residential with Mobile Homes
	RC	Rural Commercial
Other Districts	AD	Airport Development
	AF	Antenna Farm
	DR	Development Reserve
	M PCD	Marine Planned Community Development
	PLI	Public Lands and Institutions
	PR	Parks and Recreation
	RUC	Railroad Utility Corridor
	TA	Turnagain Arm
Overlay Zoning Districts	AHO	Airport Height Overlay
	NGO	Neighborhood Conservation Overlay
	RTRO	Railroad Terminal Reserve Overlay
	FHO	Flood Hazard Overlay
Girdwood Districts	Girdwood Districts are set forth in chapter 21.09, <i>Girdwood</i> .	

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2. Zoning Map

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

B. Relationship to Overlay Districts

All lands within the municipality shall be designated as one of the base zoning districts set forth in sections 21.04.020 through 21.04.050. 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.

21.04.020 RESIDENTIAL DISTRICTS

A. General Purpose/Intent

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

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

B. ~~RS-1~~: Single-Family Residential District

1. Purpose

The ~~RS-1~~ district is intended primarily for **detached** single-family residential areas **with moderately low population densities. These areas generally have well-developed infrastructure, and municipal services are generally provided.** ~~Certain types of non-residential uses, such as governmental, educational, religious, or recreational uses, may be allowed subject to restrictions intended to preserve and protect the single-family residential character of the district.~~

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

2 **1. Purpose**

3 The R-1A district is intended primarily for detached single-family residential areas with
4 moderately low population densities and lot sizes slightly larger than the R-1 district.
5 These areas generally have well-developed infrastructure, and municipal services are
6 generally provided.

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

8 **1. Purpose**

9 The ~~R-2A~~ district is intended primarily for moderately low density single-family and two-
10 family residential areas with lot sizes slightly larger than the R-2D district. These areas
11 generally have well-developed infrastructure, and municipal services are generally
12 provided. Certain types of non-residential uses, such as governmental, educational,
13 religious, or recreational uses, may be allowed subject to restrictions intended to
14 preserve and protect the residential character of the district.

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

16 **1. Purpose**

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

20 **F. ~~R-2FM-4~~: Low-Density Mixed Residential District 1**

21 **1. Purpose**

22 The ~~R-2FM-4~~ district is intended primarily for mixed-density residential areas that allow
23 for a variety of single-family, two-family, and low-density multifamily dwellings. It permits
24 the establishment of three- and four-dwelling multifamily structures, subject to site plan
25 review to ensure compatibility with a predominantly single-family environment and the
26 enhancement of overall neighborhood quality. This district is intended to be applied to
27 existing neighborhoods that are a transition between single- and two-family areas and
28 higher density mixed residential or multifamily areas. It is generally not intended to be
29 applied to areas either zoned or designated by adopted plan to provide multifamily
30 housing near designated town centers, community activity centers, or major city centers.
31 Certain types of non-residential uses, such as governmental, educational, religious, or
32 recreational uses, may be allowed subject to restrictions intended to preserve and protect
33 the residential character of the district.

34 **2. District-Specific Standards**

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

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

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

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

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

7 **3. District Location Requirements**

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

13 **G. RM-2M: Mixed Residential District 2**

14 **1. Purpose**

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

26 **2. District-Specific Standards**

27 ***Number of Dwelling Units***

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 forty percent of the land area between any street facing building
33 elevation and the street lot line may be paved or used for vehicle driveway or
34 parking.

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

36 **1. Purpose**

37 The RM-3 district is a medium-density multifamily residential district. It is intended
38 primarily for multifamily and townhouse dwellings characterized by low-rise multistory
39 buildings. It allows a higher percentage of lot coverage than the R-2M zone, while also
40 maintaining the residential living environment with landscaping, private/common open
41 spaces, and other amenities for residents. This district provides greater housing
42 opportunities and efficient use of residential land near shopping, employment, services,
43 community activity centers, town centers, and areas well served by transit. ~~uses with
44 medium to high residential densities. Certain types of non-residential uses, such as~~

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

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

4 **1. Purpose**

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

14 **2. District-Specific Standards**

15 **a. Allowed Commercial Uses**

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

22 **b. Alcohol Sales Prohibited**

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

24 **c. Floor Area Ratio**

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

27 **d. Building Height Increase**

28 Buildings in the R-4 district may exceed the maximum height established in table
29 21.06-1, up to a maximum total height of sixty feet, subject to the following
30 conditions to encourage light and air at the pedestrian level, active uses on the
31 ground floor facing the street, and other features:

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

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

37 **iii.** The height increase shall adhere to the height transitions provisions of
38 subsection 21.06.030D.7.; and

39 **iv.** Development requesting the height increase shall be subject to
40 administrative site plan review, unless a higher level of review is already
41 required.

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

1. **Purpose**

The RM-4A district is a primarily residential district intended primarily for high-density townhouse and multifamily housing and mixed use. residential development adjacent to the CBD, MMU, and RMU districts. Residential development is encourage to incorporate a multistory design including structured parking. Supporting commercial retail, services, and office uses are often allowed in combination with housing to create a truly mixed-use neighborhood environment. This district is applied in areas near the commercial/mixed-use centers of downtown and midtown, in order to This district is primarily residential in nature and provides housing density which to supports the vitality of city centers, as well as housing efficient use of residential land, and residential living opportunities near employment and services. It also allows the flexibility for integrated mixed-use site development to facilitate reinvestment and revitalization. New mixed-use development should facilitate strong pedestrian and bicycle connections with to nearby neighborhoods and city centers and non-residential uses. Limited commercial space is allowed within high-density residential developments, and development is encouraged to incorporate an intensive multi-story design including structured parking. Certain non-residential uses, such as governmental, educational, religious, or recreational uses, may be allowed subject to restrictions intended to preserve and protect the residential character of the district.

2. **District-Specific Standards**

a. **Mixed-Use Development Standards**

Development in the RM-4A district shall comply with the mixed-use district *Building Placement and Orientation* standards in subsection 21.04.030O, except for the FAR incentives of subsection 21.04.030O.2. 4, and the mixed-use *Pedestrian Amenities* standards in subsection 21.04.040F.5.

Neighborhood Scale and Intensity of Uses and Activities

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

b. **Maintaining Residential Character**

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

i. Non-residential uses allowed in the R-4A district shall be mixed with residential according to the provisions that follow. The uses "parks and open space", "community gardens", "utility substations", telecommunications towers, "parking lot, principal use", and "parking structure, principal use" are exempt from the mixed-use requirement:

(A) Non-residential Commercial uses may shall occupy no more than 10 20 percent of the a building's gross floor area depicted on a site plan without any review beyond that required by table 21.05-1. At least 80 percent of the gross floor area of any building that contains commercial shall be residential.

(B) A major site plan review is required for non-residential uses to occupy between 10.1 and 20 percent (as approved by the decision-maker) of the gross floor area depicted on a site plan.

- 1 (C) A conditional use permit is required for non-residential uses to
2 occupy between 20.1 and 49 percent (as approved by the
3 decision-maker) of the gross floor area depicted on a site plan.
- 4 (D) Major site plan review or conditional use review in accordance
5 with b.i.(B). and b.i.(C). above shall meet the following criteria in
6 addition to the general site plan approval criteria (21.03.190E)
7 and conditional use approval criteria (21.03.080C):
- 8 (1) The development shall result in a net increase in
9 housing units over pre-development conditions, or shall
10 be at least 20 duu, whichever is greater.
- 11 (2) The appearance, location, and amount of non-residential
12 use on the site and within each building shall not
13 decrease the desirability of the area for housing. The
14 decision-making body may impose such conditions as
15 listed in 21.07.070 relating to building design, traffic,
16 privacy, floor area restrictions, restrictions against
17 commercial above the ground floor, and other conditions
18 to maintain a residential character.
- 19 (3) Where applicable, the overall site plan shall transition to
20 primarily residential use and character adjacent to a
21 residential zoning district. [to be illustrated]
- 22 ii. No non-residential portion of the development shall be given a certificate
23 of zoning compliance or a conditional certificate of zoning compliance
24 before all of the residential portion of the development is given a
25 certificate of zoning compliance.
- 26 iii. First floor building facades within 100 feet of public streets, primary
27 circulation drives, or primary pedestrian walkways shall meet the
28 following window standards on those facades:
- 29 (A) Non-residential uses: At least 50 percent of the length and 25
30 percent of the area of ground-level walls shall be windows
31 providing visual access to the interior of the building.
- 32 (B) Residential uses: At least 25 percent of the length and 12
33 percent of the area of ground-level walls shall be windows.
- 34 (C) All uses: Blank walls shall not exceed 30 feet in length.
- 35 iv. All commercial uses shall be conducted entirely within a completely
36 enclosed building except for parking and loading facilities and outdoor
37 restaurant seating. Exterior storage or display of goods is prohibited.
- 38 c. **Floor Area Ratio (FAR) Incentives for the R-4 and R-4A Districts**
39 The maximum floor area ratio (FAR) within the R-4 and R-4A districts is 1.0 FAR,
40 but may be increased up to a maximum total FAR of 2.0 in the R-4 district and
41 3.0 in the R-4A district through the following bonus provisions, subject to section
42 21.06.030C. These incentives provide for an incremental increase in the floor

1 area of a development in exchange for incremental increases in any of the
2 following special features deemed of benefit to the community:

3 **i. Open Space Bonus**

4 Developments providing open space that is in addition to the area
5 required by section 21.07.030, *Open Space*, and which meets the
6 standards of that section, are eligible for bonus floor area. One square
7 foot of additional floor area is allowed per square foot of additional open
8 space area.

9 **ii. Below Grade Parking Bonus**

10 Developments including covered below grade parking are eligible for
11 bonus floor area. Two square feet of additional floor area is allowed per
12 gross square foot of below grade parking floor area, up to a maximum
13 increase of 1.0 FAR.

14 **iii. Affordable Housing Bonus**

15 Developments including affordable housing as defined by this title are
16 eligible for bonus floor area. The affordable housing units shall be
17 dispersed throughout the residential portion of the development and shall
18 be indistinguishable from the other housing units. Two square feet of
19 additional floor area is allowed per square foot of affordable housing unit
20 floor area, up to a maximum increase of 0.5 FAR.

21 **iv. Bonus for Sidewalk/Walkway Widening**

22 Developments including primary pedestrian walkways as defined by this
23 title are eligible for bonus floor area. Five square feet of additional floor
24 area is allowed per linear foot of primary pedestrian walkway.

25 **d. Building Height Increase**

26 Buildings in the R-4A district may exceed the maximum height established in
27 table 21.06-1, up to a maximum total height of ninety (90) feet, subject to the
28 following conditions. These conditions encourage slender towers with
29 condensed floor plates, light and air at the pedestrian level, active uses on the
30 ground floor facing the street, and other features:

31 **i.** The development shall participate in the FAR incentives provided for the
32 R-4A district in subsection 21.04.020J.2.c. above;

33 **ii.** The ground floor of the building shall be residential or other active,
34 permitted non-parking use for at least twenty-five (25) feet of depth
35 facing the street for the full length of the building, except for vehicle
36 entrances and exits;

37 **iii.** All floor area provided by the height increase shall be for residential
38 uses.

39 **iv.** The height increase shall adhere to the height transitions of subsection
40 21.06.030D.7.;

41 **v.** The height increase shall adhere to the applicable design standards for
42 tall buildings in subsection 21.07.110.; and

1 vi. Developments requesting the height increase shall be subject to
2 administrative site plan review, unless a higher level of review is already
3 required.

4 3. **District Location Requirement**

5 The subject property shall be in an area designated in an adopted plan for residential city
6 center intensity, and adjacent to a designated community activity center, regional
7 commercial center, or Downtown/Midtown major city center in the vicinity of Downtown
8 and Midtown, on the land use plan map or an adopted district or neighborhood plan.

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

10 1. **Purpose**

11 The R-5 district is intended to include lands developed with a variety of housing types at
12 moderately low densities. Mobile homes on individual lots are allowed in this district.

13 **L. RL-2-6: Low-Density Residential (1 acre) District**

14 1. **Purpose**

15 The RL-2-6 district is intended primarily for those land areas where large lots or acreage
16 development is desirable. The RL-2-6 district is designed to encourage low-density
17 residential development while at the same time protecting and enhancing those physical
18 and environmental features that add to the desirability of large-lot residential living. The
19 availability of infrastructure and municipal services is varied. Certain types of non-
20 residential uses, such as governmental, educational, religious, or recreational uses, may
21 be allowed subject to restrictions intended to preserve and protect the single-family
22 residential character of the district.

23 **M. RS-2-7: Low-Density Single-Family Residential (20K one-half acre) District**

24 1. **Purpose**

25 The RS-2-7 district is intended primarily for low-density single-family residential
26 development, including areas between larger lot districts and higher density districts.
27 Certain types of non-residential uses, such as governmental, educational, religious, or
28 recreational uses, may be allowed subject to restrictions intended to preserve and protect
29 the residential character of the district.

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

31 1. **Purpose**

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

1 **O. RL-3-9: Low-Density Residential (2 acres) District**

2 **1. Purpose**

3 The RL-3-9 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. ~~Certain types of non-residential uses, such as governmental, educational,
11 religious, or recreational uses, may be allowed subject to restrictions intended to
12 preserve and protect the residential character of the district.~~

13 **P. RL-4-10: Low-Density Residential, Alpine/Slope District**

14 **1. Purpose**

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

- 22 **a.** Protect natural features such as ponds, streams, wetlands, and forested areas,
23 and incorporate such features into the development of the site design;
- 24 **b.** Take into consideration the topography and the location of all physical
25 improvements on the land;
- 26 **c.** Avoid development of land within natural hazard areas to minimize the possibility
27 of loss of life and property damage;¹
- 28 **d.** Promote the natural flow and storage capacity of any watercourse, to minimize
29 the possibility of flooding or alteration of water boundaries;
- 30 **e.** Consider the suitability of the soils and subsoils conditions for excavations, site
31 preparation, and on-site sewage disposal;
- 32 **f.** Provide adequate site drainage to avoid erosion and to control the surface runoff
33 in compliance with the Federal Clean Water Act. The surface runoff and
34 drainage from developments should not exceed the surface runoff and drainage
35 in its natural undeveloped state for all intensities and durations of surface runoff;
- 36 **g.** Provide an adequate supply of potable water for the site development; and
- 37 **h.** Minimize the grading operations, including cut and fill, consistent with the
38 retention of the natural character of the site.

39 **2. District-Specific Standards**

40 **a. Lot and Site Requirements**

1
2
3

Table 21.04-2 provides the lot and site requirements for the RL-4-10 district. This table applies in addition to the dimensional standards stated in table 21.06-1.

TABLE 21:04-2: LOT AND SITE REQUIREMENTS FOR RL-4-10 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

4
5
6
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10

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 OFFICE 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 new-strip commercial development;
5. Minimize traffic congestion and avoid the overloading of public infrastructure and services;

23
24

- 1 ii. Gross floor area of allowed non-residential uses between 5,001 and
2 10,000 square feet may be requested through a major site plan review.

- 3 iii. Notwithstanding c.i. and c.ii., the maximum gross floor area of Grocery
4 or food stores in the NC district is shall have a maximum gross floor area
5 of 20,000 square feet without any review beyond that required by table
6 21.05-2, provided that such establishments have a floor area ratio of at
7 least 0.35.

8 **3. District Location Requirements**

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

- 11 a. New **B-1ANC** districts larger than 1.5 acres (excluding rights-of-way) shall be
12 located on an arterial or collector street, and existing **B-1ANC** districts shall not
13 be enlarged unless the site abuts an arterial or collector street, except where
14 designated for enlargement by an adopted plan.

- 15 b. No **B-1ANC** district shall be larger than four acres (excluding rights-of-way).

- 16 c. The subject property shall be in an established neighborhood commercial area or
17 an area designated in an adopted plan intended primarily for neighborhood-scale
18 commercial mixed-use center on the land use plan map or an adopted district or
19 neighborhood plan.

20 **C. B-3AG: General Business Auto-Commercial Corridor District**

21 **1. Purpose**

22 The **B-3AG** district is intended primarily for uses that provide commercial goods and
23 services to residents of the community in areas that are dependent on automobile access
24 and exposed to heavy automobile traffic. These commercial uses are subject to the
25 public view and they should provide an attractive appearance with landscaping, sufficient
26 parking, and controlled traffic movement. Environmental impacts should be minimized.
27 Abutting residential areas should be protected from potentially negative impacts
28 associated with commercial activity. While **B-3AG** district areas shall continue to meet
29 the need for auto-related and other auto-oriented uses, it is the municipality's intent that
30 the **B-3AG** district also shall provide for safe and convenient personal mobility in other
31 forms. Planning and design shall accommodate pedestrians and bicyclists. ~~This district~~
32 ~~is not intended for office or mixed-use developments, which are intended to be located in~~
33 ~~the Office or Mixed-Use districts.~~

34 **2. District Location Requirements**

35 Establishment of the **B-3AG** district or changes to existing **B-3AG** district boundaries shall
36 meet the general rezoning criteria of this code and ~~also shall meet the following~~
37 ~~requirements:~~

- 38 a. ~~The AC district~~ shall not be expanded along street corridors or into surrounding
39 neighborhoods unless consistent with an adopted plan.

1 **D. CBDT-1: Downtown Central Business District, Core**

2 **E. DT-2: Downtown Mixed-Use**

3 **F. DT-3: Downtown Mixed-Use Residential**

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

5 **G. ROOC: Residential Office Commercial District**

6 **1. Purpose**

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

14 **2. District-Specific Standards**

15 **a. Limitations on Retail Uses**

16 Any uses allowed by table 21.05-2 and categorized by this code as “retail
17 (sales),” “retail (personal services),” or “food and beverage service” may be
18 located in the ROOC district only within a building that also contains office and/or
19 residential uses, except that “food and beverage kiosk” may be located in a
20 stand-alone building on those lots with frontage on a street of collector
21 classification or higher. Such retail uses shall be limited to 25 30 percent of the
22 gross floor area of the building. No outdoor storage or merchandise display is
23 allowed.

24 **b. Limitations on Visitor Accommodations**

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

28 **c. Minimum Residential Density**

29 When such uses are the principal primary use on a lot, any multifamily residential
30 uses in the ROOC district shall have a minimum net density of at least 15 18
31 units/acre.

32 **3. District Location Requirements**

33 In addition to the general rezoning approval criteria, the following requirements shall
34 apply to the creation or expansion of the ROOC district:

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

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

H. MC: Marine Commercial District

1. Purpose

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

2. District-Specific Standards

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.

MIXED-USE DISTRICTS

I. General Purpose/Intent of Mixed-Use Districts

The mixed-use districts are intended to provide for and encourage development and redevelopment that contains a mix of residential and nonresidential uses within close proximity, 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;
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. Contain a transportation system network designed to ensure that residential areas will have direct access to adjacent 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 encourage transit use and pedestrian access;
5. Concentrate a variety of commercial retail/services and public facilities that serve the surrounding community;
6. Ensure that the appearance and function of development in mixed-use areas is well-integrated with surrounding neighborhoods;
7. Ensure that development in mixed-use areas is of high quality and provides pedestrian scale and interest through use of varied forms, materials, and details, especially at the ground-floor and lower levels;

- 1 8. Provide adequate light, air, privacy, and open space for each residential dwelling, and
2 protect residents from the harmful effects of excessive noise, glare and light pollution,
3 traffic congestion, and other significant adverse environmental effects; and
- 4 9. Minimize negative impacts of development on stream corridors, wetlands, and other
5 important natural resources.

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

7 **1. Purpose**

8 The NMU district is intended for neighborhood retail service centers at a larger scale than
9 allowed by the B-1ANC district. NMU centers are generally between four and 30 acres in
10 size, and are primarily applied to existing commercial areas to encourage mixed-use
11 housing opportunities, compact redevelopment, and mixed-use urban design. The
12 **emphasis of the district is on NMU district should contain primarily commercial uses that**
13 **primarily** serve the daily needs of nearby neighborhoods (e.g., small grocery/convenience
14 store, drug store, religious assembly, service station) located in close proximity to one
15 another. Multifamily residential and limited office uses also are allowed. Siting and
16 architectural design and scale of structures in this district should **limit adverse impacts on**
17 **nearby residential areas.** ~~be compatible with surrounding neighborhoods.~~ The NMU
18 district may be used for **designated neighborhood centers, commercial corridors, and**
19 ~~commercial retail segments of linear transit-supportive development corridors, and may~~
20 **also be used for** in addition to nodal centers. The NMU district may be used for the
21 “neighborhood commercial centers” identified in the *Anchorage 2020 Anchorage Bowl*
22 *Comprehensive Plan*.

23 **2. District-Specific Standards**

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

25 Development in the NMU district shall comply with section 21.04.030O., *Mixed-*
26 *Use District Development Standards*.

27 **b. Maximum Building Size**

28 **The gross floor area of buildings and structures on each lot in the NMU district**
29 **shall be no greater than 45,000 square feet, except that buildings which contain a**
30 **grocery or food store or public/institutional use of at least 45,000 square feet,**
31 **may have a gross floor area of up to 85,000 square feet.**

32 **3. District Location Requirements**

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

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

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

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

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

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

2 **1. Purpose**

3 The CMU district is intended primarily to facilitate the development of a mixed-use
4 centers at the community scale. The CMU district is designed may be used for areas
5 designated in adopted plans as the “town centers”, community activity centers, or other
6 medium-density mixed-use areas and the “redevelopment/mixed-use areas” identified in
7 the ~~Anchorage 2020 Anchorage Bowl Comprehensive Plan~~. The CMU area is intended
8 to include commercial, institutional, recreational, and service facilities needed to support
9 the surrounding neighborhoods (e.g., large grocery store supermarket, large drug store,
10 specialty shops, and community park). Medium- to higher-density housing should be
11 located around the district, and development should facilitate pedestrian and bicycle
12 connections between residential and nonresidential uses. The CMU district may also be
13 used for commercial retail segments of linear transit-supportive development corridors, in
14 addition to nodal centers.

15 **2. District-Specific Standards**

16 Development in the CMU district shall comply with section 21.04.0300., *Mixed-Use*
17 *District Development Standards*.

18 **3. District Location Requirement**

19 The subject property shall be in an area designated by adopted plan as intended for
20 community activity scale commercial mixed-use center, town center, or commercially-
21 designated transit-supportive oriented development corridor on the land use plan map or
22 an adopted district or neighborhood plan.

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

24 **1. Purpose**

25 The RMU district is intended primarily for regional-scale commercial activity centers that
26 may have long-term potential to develop at greater intensities or as mixed-use urban
27 environments. The area is typically defined by conglomerations of medium-to-large scale
28 commercial uses, located near intersections of major arterial streets and/or freeways,
29 serving a metropolitan region-scale trade area. Shopping malls and/or large retail
30 establishments typically anchor the center. Supporting uses include low-medium rise
31 offices, hotels, transit hubs, entertainment, and residential uses that provide potential for
32 the area to grow into a more physically integrated and mixed-use center. ~~Somewhat~~
33 ~~greater residential and employment densities are allowed than in NMU or CMU zones.~~
34 The RMU district is appropriate for auto-oriented regional commercial centers such as the
35 Dimond Center area, and permits land-intensive and/or auto-oriented uses such as
36 automobile dealerships that may not be appropriate for more compact mixed-use zones.

37 **2. District-Specific Standards**

38 Development in the RMU district shall comply with section 21.04.0300., *Mixed-Use*
39 *District Development Standards*.

40 **3. District Location Requirement**

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

43 **M. MT-1: Midtown ~~MMU: Midtown Mixed-Use District~~ Core**

44 **[RESERVED]**

1 **1. Purpose**

2 The MMU district is intended to facilitate the development of a high-intensity mix of uses
3 in the Midtown area, which is the area of the highest employment densities and tallest
4 building heights outside of the downtown. The MMU district should provide commercial,
5 office, institutional, and residential uses and structures at higher intensities than
6 surrounding areas. The area also should contain a broad mix of complementary uses
7 which may include public facilities and parks. The district should contain and be
8 surrounded by high-density housing, and development should facilitate and encourage
9 pedestrian and bicycle travel between residential and nonresidential uses. Transit,
10 bicycle, and pedestrian facilities are important components of development in the district,
11 in order to reduce demand for auto travel as well as increase visual interest.

12 **2. District Specific Standards**

13 Development in the MMU district shall comply with section 21.04.030O., *Mixed Use*
14 *District Development Standards*.

15 **3. District Location Requirement**

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

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

19 [RESERVED]

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

21 **1. Applicability**

22 All development in the R-4A, M-4, NC, NMU, CMU, RMU, MT-1, and MT-2 MMU districts
23 shall comply with the appropriate development standards in chapter 21.07, and also the
24 standards in this subsection 21.04.030O. When the standards of this subsection and
25 section 21.07.110 are in conflict, the standards of this subsection shall control.

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

27 **a. Purpose**

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

33 **Public Focus Areas**

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

42 **b. FAR Incentives**

43 FAR incentives are offered to encourage residential development and other
44 features of benefit to the public in mixed-use areas. In the NMU and CMU
45 districts, the following incentives apply and may be earned cumulatively: The

1 maximum floor area ratio (FAR) established by table 21.06-3 may be increased
2 by up to two times through the following provisions, subject to section
3 21.06.030C. These incentives provide for an incremental increase in the floor
4 area of a development in exchange for increases in one or more of the following
5 special features:

6 i. **Housing Bonus Incentive for Additional Residential Development**
7 Developments providing residential housing located above grade are
8 eligible for bonus floor area. Two square feet of additional floor area is
9 allowed per gross square foot of housing unit floor area, up to a
10 maximum increase of 0.5 FAR. An additional 0.5 FAR may be obtained
11 beyond the maximum allowed by section 21.06.010C, if the additional
12 0.5 FAR is residential, and 50 percent or more of the gross floor area of
13 the development project is residential.

14 ii. **Open Space Bonus Incentive for Additional Private Usable Open Space**
15 Developments providing publicly accessible open space in addition to
16 that required, and which meets the standards of section 21.07.030, *Open*
17 *Space*, are eligible for bonus floor area. One square foot of additional
18 floor area is allowed per square foot of additional open space. An
19 additional 1.0 FAR may be obtained beyond the maximum allowed by
20 section 21.06.010C, if the additional 1.0 FAR is residential, and the
21 majority of residential dwellings in the development project each have at
22 least 72 square feet of private usable open space.

23 iii. **Below Grade Parking Bonus**
24 Developments including covered below grade parking are eligible for
25 bonus floor area. Two square feet of additional floor area is allowed per
26 gross square foot of below grade parking floor area, up to a maximum
27 increase of 0.5 FAR.

28 iv. **Affordable Housing Bonus**
29 Developments including housing located above grade that meets the
30 definition of affordable housing in this title are eligible for bonus floor
31 area. The affordable housing units shall be dispersed throughout the
32 residential portion of the development and shall be indistinguishable from
33 the other housing units. Three square feet of additional floor area is
34 allowed per square foot of affordable housing unit floor area, up to a
35 maximum increase of 0.5 FAR.

36 v. **Bonus for Sidewalk/Walkway Widening**
37 Developments including primary pedestrian walkways as defined by this
38 title are eligible for bonus floor area. Five square feet of additional floor
39 area is allowed per linear foot of primary pedestrian walkway.

40 **3. Reduced Parking Ratios**

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

43 **4. Building Placement and Orientation**

44 ***Placement, Orientation, and Openness to the Sidewalk***

45 a. **Purpose**

46 Building frontages should be built and oriented to the street, lining sidewalks and
47 public spaces with frequent shops, entrances, windows with interior views, and

articulated ground-level façades. Comfortable, human-scale transition spaces such as entrance areas, patios, or café seating may be placed between the building and public sidewalk, as long as the building remains close, accessible, and inviting from the sidewalk. **Building entrances should be emphasized and clearly visible so that patrons can easily find them.**

b. Building Placement and Street Setbacks

Buildings shall be built to or close to the public sidewalk, using the setbacks required in **table 21.06-3.** ~~subsection 21.06.010C., Table of Dimensional Standards: Mixed Use Districts.~~

c. Building Entrances

i. Buildings located at the maximum setback line shall have at least one primary entrance located within 20 feet of the maximum setback line.

ii. Buildings not located at the maximum setback line shall have at least one primary entrance located within 20 feet of a public right-of-way, a primary circulation drive, or a primary pedestrian walkway.

~~All buildings shall have at least one primary resident, public, or customer entrance oriented towards an abutting street that is not separated from the building by on-site parking. If the building is within a large development site and not located on the street, then the entrance shall orient towards an on-site pedestrian walkway connected to a public sidewalk.~~

5. Sidewalks and Walkways

Sidewalks and walkways adjacent to public streets, primary circulation drives, or commercial building storefronts shall have an unobstructed clear width of at least 6 feet.

6. Pedestrian Amenities

a. Pedestrian Amenities Required

~~All new developments or redevelopments to existing buildings in the mixed-use districts shall provide pedestrian amenities, as specified in this subsection. Where a pedestrian amenity required by this section also satisfies the in-lieu option in section 21.07.030B.3, the amenity may count for both. The number of pedestrian amenities provided shall comply with the following sliding scale.~~

TABLE 21.04-4: PEDESTRIAN AMENITIES	
Size of Development or Redevelopment (Building Square Footage)	Number of Amenities
Less than 5,000 sq. ft.	1
5,000 – 10,000 sq. ft.	2
10,000 – 50,000 sq. ft.	3
Greater than 50,000 sq. ft.	4

b. Acceptable Pedestrian Amenities

Acceptable pedestrian amenities include, but are not limited to:

i. ~~Sidewalks that are at least 50 percent wider than required by this title, incorporating paving treatments, including but not limited to concrete masonry unit pavers, brick, or stone.~~

1 ~~ii. A public outdoor seating plaza adjacent to or visible and accessible from~~
2 ~~the street, with a minimum useable area of 300 square feet.~~

3 ~~iii. Sidewalk planters between sidewalk and building.~~

4 ~~iv. Public art including but not limited to sculptures, fountains, clocks, or~~
5 ~~murals, with a value equal to or greater than one percent of construction~~
6 ~~value of the structure.~~

7 ~~Pocket parks with a minimum usable area of 300 square feet.~~

8 ~~v. Heated sidewalks.~~

9 ~~c. **Guidelines for the Siting, Construction, and Character of Pedestrian**~~
10 ~~**Amenities**~~

11 ~~i. Amenities shall be visible and accessible to the general public from a~~
12 ~~fully improved street. Access to pocket parks, plazas, and sidewalks~~
13 ~~shall be provided via a public right of way or a public access easement.~~

14 ~~ii. The type, size, and capacity of pedestrian amenities shall be roughly~~
15 ~~proportional to their expected use, including use by employees,~~
16 ~~customers, residents, and other visitors, as determined by the director.~~
17 ~~The director may alter minimum area standards for pocket parks and~~
18 ~~plazas based on this guideline.~~

19 ~~iii. Amenities shall be consistent with the character and scale of surrounding~~
20 ~~developments. For example, similarity in awning height, bench style,~~
21 ~~planter materials, street trees, and pavers is recommended to foster~~
22 ~~continuity in the design of pedestrian areas. Materials shall be suitable~~
23 ~~for outdoor use in a northern climate, easily maintained, and have at~~
24 ~~least a 10-year expected service life.~~

25 **21.04.040 INDUSTRIAL DISTRICTS**

26 **A. General Purpose/Intent**

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

- 28 1. Create suitable environments for various types of industrial uses;
- 29 2. Reserve appropriately located areas for industrial purposes, and limit non-industrial uses
30 that may erode the supply of industrial lands;
- 31 3. Provide adequate space to meet the needs of industrial development, including off-street
32 parking and loading;
- 33 4. Strengthen and diversify the municipality's economic industrial base and provide
34 employment opportunities close to home for residents of the municipality and surrounding
35 communities;
- 36 5. Minimize and mitigate traffic conflicts and avoid the overloading of public infrastructure
37 and services;
- 38 6. Minimize negative impacts of industrial development on abutting non-industrial districts;

- 1 7. Minimize negative environmental impacts of industrial development on stream corridors,
2 wetlands, and other important natural resources; and

3 **IC: Industrial / Commercial District**

4 **8. Purpose**

5 The IC district is intended to provide linked commercial and industrial activities that are
6 supportive of industrial function and are compatible with surrounding industrial use areas.
7 Uses may include limited offices, wholesale and business service establishments,
8 campus-style industrial parks, and limited retail/personal service storefronts. These
9 areas are predominantly industrial, not commercial, in character.

10 **9. District Specific Standards**

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

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

15 **1. Purpose**

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

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

22 **1. Purpose**

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

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

31 **1. Purpose**

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

35 **2. District-Specific Standards**

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

39 **CHUGIAK-EAGLE RIVER DISTRICTS**

40 [Chapter 21.10 has been set aside as a placeholder for separate Chugiak-Eagle River regulations.]

1 **21.04.050 OTHER DISTRICTS**

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

3 **1. Purpose**

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

11 **2. District-Specific Standards**

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

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

28 **c.** The applicable provisions of chapter 21.07, as applied to all development within
29 the AD district except for secure areas of the airport that are closed to the
30 general public, are limited to sections 21.07.020, *Natural Resource Protection*;
31 21.07.040, *Drainage, Erosion and Sediment Control, Storm Water Runoff, and*
32 *Prohibited Discharges*; 21.07.080, *Landscaping, Screening, and Fences*;
33 21.07.090, *Off-Street Parking and Loading*; and 21.07.130, *Exterior Lighting*.

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

35 **1. Purpose**

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

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

40 **1. Purpose**

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

1 **2. District-Specific Standards**

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

4 ~~**M: Marine District**~~

5 ~~**1. Purpose**~~

6 ~~The M district is intended primarily for water dependent and water related commercial
7 and industrial uses. Emphasis is on development flexibility for water dependent and
8 water related uses, and on public access to the waterfront and Ship Creek.~~

9 ~~**2. District Specific Standards**~~

10 ~~**a.** Any use that is water dependent or water related may be allowed in the M
11 district, subject to determination by the director.~~

12 ~~**b.** Buildings shall include special design considerations that enhance the
13 relationship between the shoreline and the proposed site development.~~

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

15 **1. Purpose**

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

26 **2. Application**

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

28 **3. Record-Keeping**

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

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

32 **1. Purpose**

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

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

36 **1. Purpose**

37 The PR district is intended to include public lands and open space dedicated by the
38 assembly as parks. The land uses within these parks are governed by tables 21.05-1
39 and 21.05-2, and the uses shall be allocated according to the current adopted parks plan
40 and associated maps for that area of the municipality, and any existing master plans for
41 individual parks.

1 **2. District-Specific Standards**

2 Active **R**ecreational areas **developed for spectator sports**, such as soccer and softball
3 fields, shall have Level 3 buffer landscaping between such areas and **abutting adjacent**
4 residential uses.

5 **RUC: Railroad Utility Corridor**

6 **1. Purpose**

7 The RUC district applies to the railroad utility corridor established by state law to contain
8 railroad tracks and utility lines, and extending from the Alaska Railroad Corporation
9 Railroad Terminal Reserve in the Ship Creek area north to the municipal boundary at the
10 Knik River, and south to the municipal boundary at the Placer River. The typical width of
11 the corridor is 200 feet.

12 **2. District-Specific Standards**

13 **a. Uses**

14 Uses in the RUC district are limited to uses that are essential to railroad
15 operations, and secondary uses such as utilities or trails, as approved by the
16 Alaska Railroad Corporation.

17 **b. Dimensions**

18 The RUC district has no minimum dimensional requirements and is exempt from
19 the design standards of section 21.08.030.

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

21 **1. Purpose**

22 The TA district is intended to govern the land uses for the **eat** area known as Turnagain
23 Arm south of Potter Marsh, including but not limited to Rainbow, Indian, Bird Creek, and
24 Portage **Twenty Mile River**. Areas within Girdwood are not included in the TA district and
25 are covered by chapter 21.09, *Girdwood*. The permitted uses and densities within the TA
26 district are to conform to the **land use plan map**, policies, **land use patterns**, and
27 residential densities of the adopted **Turnagain Arm Area Comprehensive Plan**. This
28 district is structured to integrate flexible site design with protection of unique scenic and
29 environmental features, and to provide control over the major secondary impacts of
30 development. The TA district regulations employ the conditional use process to provide
31 review for major development activities. By providing a public review process and by
32 requiring submission of detailed site plans, greater compatibility between the proposed
33 uses and adjacent existing uses can be obtained.

34 **2. District-Specific Standards**

35 **a. Permitted Uses**

36 **i. Residential uses and structures that conform to the *Turnagain Arm Area***
37 ***Plan*.**

38 **ii. Commercial structures under 4,000 square feet in gross building area in**
39 **areas designated "commercial" in the *Turnagain Arm Area Plan*.**

40 **iii. Non-structural commercial uses occupying an area of 14,400 square feet**
41 **or less in areas designated "commercial" in the *Turnagain Arm Area***
42 ***Plan*.**

43 **iv. Industrial uses and structures in areas designated "industrial" in the**
44 ***Turnagain Arm Area Plan*.**

v. Institutional uses and structures under 4,000 square feet in gross building area that conform to the Turnagain Arm Area Plan.

b. **Additional Conditional Uses Allowed**

Any use or structure that does not meet the requirements for a permitted use above. In addition to the uses allowed in the TA district in accordance with table 21.05-2, Table of Allowed Uses – Commercial, Industrial, Mixed-Use, and Other Districts, the following uses may be allowed through the issuance of a conditional use permit subject to the requirements of section 21.03.080, Conditional Uses, and the following additional approval criteria:

i. Conforms to the goals and policies of the Turnagain Arm Area Plan;

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

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

~~iv. Multifamily Dwellings~~

~~Multifamily dwellings that are four-plex or greater in density.~~

~~v. Commercial Uses~~

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

~~(B) Uses occupying an area of more than 14,400 square feet in these areas designated as "commercial" or "residential-commercial" on the Turnagain Arm Comprehensive Plan.~~

~~vi. Institutional Uses~~

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

~~vii. Industrial Uses~~

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

H. **W: Watershed District**

1. **Purpose**

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

21.04.060 OVERLAY ZONING DISTRICTS

A. **General Purpose/Intent**

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

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;
5 ~~Neighborhood Conservation Overlay District;~~
6 ~~Railroad Terminal Reserve Overlay District;~~ and
7 2. Flood Hazard Overlay District.

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

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

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

12 1. **Purpose**

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

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

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

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

27 3. **Establishment or Modification**

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

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

-
- 1 i. Existing subdivisions.
- 2 ii. Current zoning districts.
- 3 iii. Major reference points in the vicinity of the airstrip or airport.
- 4 iv. Existing topography, if available.
- 5 v. The airport elevation that shall be the official elevation of the airport or
- 6 airstrip upon approval of the map.
- 7 c. The map required by paragraph a. above, shall accurately depict airspace zones
- 8 as provided in FAR part 77, subpart C, paragraph 77.25, in ten-foot conical
- 9 increments. Before submission to the Department the map shall be certified by
- 10 the Federal Aviation Administration that it depicts the requirements of FAR part
- 11 77, subpart C, paragraph 77.25. If, for safety reasons, zone surfaces deviate in
- 12 any way from the requirements of the FAR, each such deviation shall be
- 13 indicated in writing on the map and shall be accompanied by a letter of
- 14 nonobjection by the Federal Aviation Administration. Any such deviation is
- 15 subject to approval of the department.
- 16 d. Before submission to the department any optional map depicting airspace zones
- 17 provided in FAR part 77, subpart C, paragraph 77.23(A)(2) or 77.23(A)(3), must
- 18 be certified by the Federal Aviation Administration indicating that it accurately
- 19 depicts the requirements of FAR part 77, subpart C, subsection 77.23(A)(2) or
- 20 77.23(A)(3).
- 21 4. **Additional Height Limitations in Airport Height Overlay District**
- 22 Notwithstanding the height limitations in section 21.06.020, *Dimensional Standards*
- 23 *Tables*, all development within the Airport Height Overlay District shall comply with the
- 24 following height limitations:
- 25 a. No structure shall be constructed or maintained so that it exceeds the greater of:
- 26 i. Thirty-five feet above ground elevation; or
- 27 ii. The maximum height permitted under FAR part 77, subpart C, as
- 28 depicted on any airport height zone map adopted under section
- 29 21.04.060.C., *Airport Height Overlay District*.
- 30 b. Any structure within three nautical miles of an airport reference point established
- 31 by federal regulation, the height of which exceeds the level of that reference point
- 32 by more than 200 feet, shall present to the building official the results of an
- 33 airspace determination conducted by the Federal Aviation Administration
- 34 pursuant to its regulations.
- 35 c. The height restrictions of this district do not apply to buildings for which building
- 36 or land use permits were issued prior to June 17, 1986.
- 37 d. Vegetation shall not be affected by the height limitation of this section.

NCO: Neighborhood Conservation Overlay District

5. Purpose

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

6. Establishment or Modification

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

a. Eligibility Criteria

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

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

b. Determination of Eligibility

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

1 community, seek the advice of preservation professionals and historians,
2 and conduct or receive any preliminary research or studies to assist with
3 its decision regarding eligibility.

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

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

16 ii. The Neighborhood Conservation Plan shall detail the boundaries of the
17 district, document the history and significance of the area, provide
18 photographs of properties within the area, and present proposed design
19 standards and guidelines for regulating future development in the district.

20 iii. The urban design commission shall review the Neighborhood
21 Conservation Plan, including the proposed boundaries and design
22 guidelines, and shall then vote whether to recommend to the planning
23 and zoning commission that the area be designated an NCO district.

24 **d. Property Owners' Approval**

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

35 **e. Rezoning Process**

36 If the urban design commission recommends designation of the NCO district, and
37 at least 51 percent of the property owners indicate approval, then the director
38 shall forward the application to the planning and zoning commission for an
39 amendment to include the district on the zoning map. The application shall then
40 be processed according to the general rezoning procedures set forth in section
41 21.03.160D., *General Procedures*.

42 **f. Findings Required**

43 In addition to the general approval criteria applicable to all proposed rezonings
44 (see 21.03.160E.), an application for designation of a NCO district may be
45 approved only if the assembly finds that:

46 i. The district retains the general character and appearance of its original
47 period of development;

1 ~~ii. The district evidences on-going maintenance of existing older buildings~~
2 ~~and/or there is potential for rehabilitation of existing buildings in the~~
3 ~~district;~~

4 ~~iii. There is potential or existing pressures for redevelopment and new infill~~
5 ~~development in the district;~~

6 ~~iv. The district exhibits a significant degree of continuity in terms of the built~~
7 ~~environment, including both sides of the facing block fronts; and~~

8 ~~v. The proposed development standards are appropriate to protect and~~
9 ~~preserve the general character and appearance of the district.~~

10 **g. ~~Establishment of NCO District~~**

11 ~~The assembly shall designate each NCO district by separate ordinance that shall~~
12 ~~include a map defining the overlay boundaries and an adopted Neighborhood~~
13 ~~Conservation Plan that shall establish standards and conditions for future~~
14 ~~development in the district consistent with the purposes of the plan. The~~
15 ~~Neighborhood Conservation Plan shall be adopted as a component of the~~
16 ~~comprehensive plan (see section 21.01.080, *Comprehensive Plan*).~~

17 **h. ~~Amendments to Approved Neighborhood Conservation Districts~~**

18 ~~Any proposal to add or subtract parcels to an adopted NCO District, including the~~
19 ~~dissolution of the district, or any proposed modification to the development~~
20 ~~standards in an NCO district, shall be subject to the procedural requirements set~~
21 ~~forth in this subsection.~~

22 **7. ~~Development Application Review~~**

23 ~~Applications for development in an approved NCO district shall be reviewed by the~~
24 ~~regular decision-making body assigned by this code to hear such applications. For~~
25 ~~example, the director shall review administrative site plans in an NCO district, and the~~
26 ~~urban design commission shall review major site plans. Applications shall be reviewed~~
27 ~~for compliance with the Neighborhood Conservation Plan and associated development~~
28 ~~standards, in addition to any other applicable requirements of this code.~~

29 **8. ~~Development Standards~~**

30 **a. ~~All new development, additions, changes, and expansions to existing structures~~**
31 ~~must comply with the regulations associated with the NCO district.~~

32 **b. ~~Neighborhood Conservation Plans may contain neighborhood design standards~~**
33 ~~related to any of the following issues: location of proposed buildings or additions;~~
34 ~~characteristics of uses; height; size; exterior materials; demolition; exterior color;~~
35 ~~setbacks; lot size/coverage; roof line/pitch; paving; building orientation;~~
36 ~~relationship of buildings to the streetscape; location of parking; exterior lighting;~~
37 ~~neighborhood character and compatibility; view preservation of or from specific~~
38 ~~locations; landscaping and screening; riparian areas, wetland areas, or drainage~~
39 ~~patterns; site disturbance; or other items as deemed critical to maintaining the~~
40 ~~existing character of the proposed district.~~

41 **c. ~~In no circumstance shall a Neighborhood Conservation Plan:~~**

42 **i. ~~Prohibit uses that are otherwise allowed by the underlying base zoning~~**
43 ~~district; or~~

1 ~~ii. Allow uses that are prohibited in the underlying base zoning district.~~

2 ~~d. When the neighborhood design standards have been approved for an NCO~~
3 ~~district, each application for a building permit for new construction within that~~
4 ~~district shall comply with those standards.~~

5 **RTR: Railroad Terminal Reserve Overlay District**

6 **1. Purpose and Intent**

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

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

13 **1. Purpose and Intent**

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

- 17 **a.** Restrict or prohibit uses and structures that are dangerous to health, safety, or
18 property in time of flood, or that cause increased flood heights or velocities;
- 19 **b.** Require that uses vulnerable to floods, including public facilities that serve such
20 uses, be provided with flood protection or flood proofing at the time of initial
21 construction;
- 22 **c.** Minimize the need for rescue and relief efforts associated with flooding and
23 generally undertaken at the expense of the general public;
- 24 **d.** Minimize prolonged business interruptions;
- 25 **e.** Minimize damages to public facilities and utilities such as water and gas mains,
26 electric, telephone and sewer lines, streets and bridges located in areas of
27 special flood hazard;
- 28 **f.** Help maintain a stable tax base by providing for the sound use and development
29 of areas of special flood hazard so as to minimize future flood blight areas;
- 30 **g.** Ensure that potential buyers are notified that property is in an area of special
31 flood hazard; and
- 32 **h.** Ensure that those who occupy the areas of special flood hazard assume
33 responsibility for their actions.

34 **2. Interpretation of Section; Disclaimer of Liability**

- 35 **a.** In the interpretation and application of this section, all provisions shall be:
- 36 **i.** Considered as minimum requirements;
- 37 **ii.** Liberally construed in favor of the governing body; and

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

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

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

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

14 There is hereby created a Flood Hazard Overlay District. This district shall be
15 defined in its territorial extent by subsection D.4. below, "Establishment of Flood
16 Hazard Overlay District," and by the following reports and maps:

17 i. Flood Insurance Study for the Municipality of Anchorage, prepared by
18 the Federal Insurance Administration, Federal Emergency Management
19 Agency (FEMA).

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

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

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

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

36 b. ***Review of Maps***

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

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

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

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

7 The area within the limit of the boundary of the base flood, the highest extreme tide, or a
8 designated special hazard area is hereby designated as the Flood Hazard Overlay
9 District. The boundaries of this district are established in accordance with subsection
10 D.3. above.

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

12 **a. Applicability**

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

15 **b. Prohibited Development**

16 **i.** Any encroachments, new construction, fill, obstructions, substantial
17 improvements and other development or action within the regulatory
18 floodway that would result in any increase in flood levels during the
19 occurrence of a base flood are prohibited.

20 **ii.** Critical facilities shall not be located in the Flood Hazard Overlay District.
21 For the purposes of this subsection only, critical facilities are defined as
22 fire stations, police stations, hospitals, emergency shelters, schools, and
23 emergency operations centers.

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

25 No building permits, encroachment permits, manufactured home permits, or
26 other land use permits shall be issued for the construction or placing of a
27 structure within the Flood Hazard Overlay District unless the plans show that, in
28 addition to compliance with all other ordinances, regulations and permit
29 requirements, the structure shall meet the following requirements:

30 **i.** Prior to final approval of a permit it must be demonstrated that all
31 necessary permits have been received from those governmental
32 agencies from which approval is required by federal or state law,
33 including section 404 of the Federal Water Pollution Control Act
34 amendments of 1972.

35 **ii.** It must be demonstrated that the structure will be reasonably safe from
36 flooding. If a proposed building site is in a floodplain, all new
37 construction and substantial improvements shall be designed and
38 adequately anchored to prevent flotation, collapse or lateral movement of
39 the structure, be constructed with materials and utility equipment
40 resistant to flood damage, and be constructed by methods and practices
41 that minimize flood damage.

42 **iii.** The approval of a subdivision application or multi-unit development shall
43 require proof that:

44 **(A)** The proposed construction is consistent with the need to
45 minimize flood damage within the floodplain;

- 1 (B) All public utilities and facilities such as sewer, gas, electrical and
2 water systems are to be located and constructed to minimize or
3 eliminate flood damage;
- 4 (C) Adequate drainage, as required by the *Design Criteria Manual*
5 (current approved edition), is provided to reduce exposure to
6 flood hazards. The actions of one project shall not adversely
7 impact the receiving waters and the rights of other property
8 owners, as measured by increased flood peaks, flood stage,
9 flood erosion, and sedimentation through storm waters or
10 drainage systems; and
- 11 (D) Base flood elevation data has been provided for subdivision
12 proposals and other proposed development.
- 13 iv. Construction within floodplains shall require that new and replacement
14 water supply systems be designed to minimize or eliminate infiltration of
15 floodwaters into the systems.
- 16 v. Construction within floodplains shall require that:
- 17 (A) New and replacement sewage systems shall be designed to
18 minimize or eliminate infiltration of floodwaters into the systems
19 and discharges from the systems into floodwaters; and
- 20 (B) On-site waste disposal systems to be located to avoid
21 impairment to them or contamination from them during flooding.
- 22 d. **Storage of Materials or Equipment**
23 The storage or processing of equipment or materials that are buoyant,
24 flammable, explosive or injurious to safety, or which would cause a violation of
25 state water quality standards upon contact with water, are prohibited.
- 26 6. **Regulations Applicable to Subdistricts**
27 a. **Floodway Area**
28 Since the floodway is an extremely hazardous area due to the velocity of
29 floodwaters, which carry debris and potential projectiles and have erosion
30 potential, the following provisions apply:
- 31 i. Permitted uses and structures are parks, parkways, greenbelts, land
32 reserves, golf courses, playgrounds, playfields, and related facilities.
- 33 ii. Permitted accessory uses and structures are picnic tables, playground
34 equipment, outdoor cooking facilities and like structures.
- 35 iii. The following structures and activities are permitted only by special flood
36 hazard permit: excavation of sand, gravel and other natural resources,
37 railroad and tramway tracks, streets, bridges, utility installations and
38 pipelines, storage yards for equipment and materials, commercial
39 farming, and land reclamation.
- 40 iv. The following uses are prohibited: landfills, storage yards containing
41 hazardous materials (as defined by the EPA), encroachments not
42 otherwise excepted in this section, including fill, new construction,

1 substantial improvements and other development, unless certification by
2 a registered professional engineer or architect is provided demonstrating
3 that such encroachments shall not result in any increase in flood levels
4 during the occurrence of the base flood discharge or result in violation of
5 the state water quality standards. Manufactured homes are prohibited,
6 except as otherwise stated in this section.

7 **b. Floodway Fringe Area**

8 The regulations listed in this subsection are applicable to the floodway fringe
9 area:

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

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

14 iii. The following uses, structures and activities are permitted only by ~~special~~
15 flood hazard permit: any use permitted by ~~special~~ flood hazard permit as
16 set forth in subsection a. of this section, and all other uses, structures
17 and activities which are in accordance with all other land use regulations
18 provided they are adequately floodproofed as set forth in subsection D.8.
19 below, ~~Special Flood Hazard Permit~~.

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

23 **7. Construction Requirements**

24 **a. Generally**

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

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

30 ii. The lowest floor, including basement, of nonresidential structures shall
31 be elevated to **at least one foot** ~~or~~ above the base flood level, unless the
32 structure, with all utility and sanitary facilities, is designed so that below
33 base flood level the structure is watertight with walls substantially
34 impermeable to the passage of water and so that it is capable of resisting
35 hydrostatic and hydrodynamic loads and effects of buoyancy.

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

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

- 1 v. For new manufactured home parks and manufactured home
2 subdivisions; for expansions to existing manufactured home parks and
3 manufactured home subdivisions; for existing manufactured home parks
4 and manufactured home subdivisions where the repair, reconstruction or
5 improvement of the streets, utilities and pads equals or exceeds 50
6 percent of value of the streets, utilities and pads before the repair,
7 reconstruction or improvement has commenced; and for manufactured
8 homes not placed in a manufactured home park or manufactured home
9 subdivision, require that the repair, and on all property not within a
10 manufactured home park or subdivision stands or lots are elevated on
11 compacted fill or on pilings so that:
- 12 (A) The lowest floor of each manufactured home must be at **least**
13 **one foot** ~~or~~ above the base flood level.
- 14 (B) Adequate surface drainage and access for a hauler must be
15 provided.
- 16 (C) For manufactured homes placed on pilings, pilings must be
17 stable and no more than ten feet apart and reinforced if more
18 than six feet above the ground level.
- 19 (D) Lots must be large enough to permit steps.
- 20 vi. All manufactured homes to be placed or substantially improved within
21 zones A1-30, AH, and AE shall be elevated on a permanent foundation
22 such that the lowest floor of the manufactured home is at **least one foot**
23 ~~or~~ above the base flood elevation, and be securely anchored to an
24 adequately anchored foundation system.
- 25 vii. All manufactured homes must likewise be anchored to prevent flotation,
26 collapse or lateral movement, and shall be installed using methods and
27 practices that minimize flood damage. Anchoring methods may include
28 but are not limited to use of over-the-top or frame ties to ground anchors.
- 29 b. **Standards for Shallow Flood Areas (AO Zones)**
30 Shallow flooding areas appear on the Flood Insurance Rate Maps as AO zones
31 with depth designations. The base flood depths in these zones range from one
32 to three feet where a clearly defined channel does not exist, or where the path of
33 flooding is unpredictable and where velocity flow may be evident. Such flooding
34 is usually characterized as sheet flow. In these areas, the following provisions
35 apply:
- 36 i. New construction and substantial improvements of residential structures
37 within AO zones shall have the lowest floor, including basement or crawl
38 space, elevated above the highest adjacent grade of the building site, to
39 **at least one foot** ~~or~~ above the depth number specified on the Flood
40 Insurance Rate Map (at least two feet if no depth number is specified).
- 41 ii. New construction and substantial improvements of nonresidential
42 structures within AO zones shall either:
- 43 (A) Have the lowest floor, including basement, elevated above the
44 highest adjacent grade of the building site, or to **at least one foot**

- 1 ~~or~~ above the depth number specified on the Flood Insurance
2 Rate Map (at least two feet if no depth number is specified); or
- 3 (B) Together with attendant utility and sanitary facilities, be
4 completely floodproofed to or above that level so that any space
5 below that level is watertight with walls substantially
6 impermeable to the passage of water and with structural
7 components having the capability of resisting hydrostatic and
8 hydrodynamic loads and effects of buoyancy. If this method is
9 used, compliance shall be certified by a registered professional
10 engineer or architect.
- 11 iii. Adequate drainage paths are required around structures on slopes to
12 guide floodwaters around and away from proposed structures.
- 13 c. **Standards for Zone A99**
14 All construction in areas designated on the flood insurance rate map as zone A99
15 shall meet all requirements of subsections 7.a. and 7.b. of this section.
- 16 8. **Special Flood Hazard Permit**
17 a. **Required**
18 No person shall engage in development within the Flood Hazard Overlay District
19 unless a special flood hazard permit is first issued, pursuant to section
20 21.03.090, ~~Special~~ Flood Hazard Permits.
- 21 b. **Conditions**
22 Special conditions may be attached as a condition to the issuance of a special
23 flood hazard permit. Conditions shall include any floodproofing measures
24 deemed necessary by the issuing official to further the purposes of this chapter.
25 Floodproofing measures may include requirements that:
- 26 i. The finished surface of the first or main floor shall be at least one foot
27 above the level of the regulatory flood protection elevation.
- 28 ii. Structures or uses below the level of the regulatory flood shall be
29 restricted to those not involving habitual human habitation, such as
30 working space, living space, sleeping space, etc.
- 31 iii. The anchorage shall be suitable to resist flotation and lateral movement.
- 32 iv. For all construction and substantial improvements, fully enclosed areas
33 below the lowest floor that are subject to flooding shall be designed to
34 automatically equalize hydrostatic flood forces on exterior walls by
35 allowing for the entry and exits of floodwaters. Designs for meeting this
36 requirement must either be certified by a registered professional
37 engineer or architect or must meet or exceed the following minimum
38 criteria: A minimum of two openings having a total net area of not less
39 than one square inch for every square foot of enclosed area subject to
40 flooding shall be provided to FEMA specifications (such as Smart Vent).
41 The bottom of all openings shall be no higher than one foot above grade.
42 Openings may be equipped with screens, louvers or other coverings or
43 devices provided that they permit the automatic entry and exits of
44 floodwaters.

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

7 **9. Nonconforming Uses**

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

- 12 a. No such use shall be expanded, changed, enlarged, or altered in any way which
13 increases its nonconformity with respect to the provisions of this chapter.
- 14 b. No repair, alteration, or addition shall be made to any nonconforming structure if
15 the value of such repair, alteration, or addition shall exceed 50 percent of the
16 value of the structure at the time of its becoming a nonconforming use unless the
17 structure is permanently changed to a conforming use.
- 18 c. If such use is discontinued for 12 consecutive months, any future use of the
19 structure or premises shall conform to this chapter.
- 20 d. Uses or adjuncts thereof which are or have become nuisances shall not be
21 entitled to continuance as nonconforming uses.
- 22 e. Any permitted alteration, addition, or repair to any nonconforming structure the
23 cost of which equals or exceeds 50 percent of the fair market value of the
24 structure which would result in substantially increasing the flood damage
25 potential shall be adequately floodproofed in accordance with subsection D.8.

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

- 27 a. The director of the department of project management and engineering shall
28 grant or deny development permit applications in accordance with the provisions
29 of this chapter, except that the platting board is directed and authorized to
30 consider this chapter in relation to any matter brought before that board.
- 31 b. The director of the department of project management and engineering shall
32 maintain all records required by the Federal Insurance Administration and shall
33 file an annual report with the federal insurance administrator. Form OMB 64-
34 R1546 shall be used in accordance with 41 CFR 1909.22(b)(3).
- 35 c. Additional duties and responsibilities of the director of the department of project
36 management and engineering are as follows:
 - 37 i. *Permit Review*
38 The director of the department of project management and engineering
39 shall:
 - 40 (A) Review all flood hazard permits to determine that the permit
41 requirements of this chapter have been satisfied.

- 1 (B) Review all flood hazard permits to determine that all necessary
2 permits have been obtained from those federal, state, or local
3 governmental agencies from which prior approval is required.
- 4 (C) Review all flood hazard permits to determine if the proposed
5 development is located in the floodway, and, if located in the
6 floodway, ensure that the encroachment provisions of subsection
7 6.a. above are met.
- 8 ii. *Use of Other Base Flood Data*
9 When base flood elevation data have not been provided in accordance
10 with subsection D.3. above, the director of the department of project
11 management and engineering shall obtain, review and reasonably utilize
12 any base flood elevation data available from a federal, state or other
13 source in order to administer subsections D.6. through D.9. above.
- 14 iii. *Information to be Obtained and Maintained*
15 The director of the department of project management and engineering
16 shall:
- 17 (A) Obtain and record the actual elevation, in relation to mean sea
18 level, of the lowest habitable floor, including basement, of all new
19 or substantially improved structures, and whether or not the
20 structure contains a basement.
- 21 (B) For all new or substantially improved floodproofed structures:
- 22 (1) Verify and record the actual elevation, in relation to
23 mean sea level; and
- 24 (2) Maintain the floodproofing certifications required in
25 subsection 7.a.iv. above.
- 26 (3) Maintain for public inspection all records pertaining to
27 the provisions of this section.
- 28 iv. *Duties Regarding Alteration of Watercourses*
29 The director of the department of project management and engineering
30 shall:
- 31 (A) Notify adjacent communities and the state coordinating agency
32 prior to any alteration or relocation of a watercourse and submit
33 evidence of such notification to the Federal Insurance
34 Administration.
- 35 (B) Require that maintenance is provided within the altered or
36 relocated portion of the watercourse so that the flood-carrying
37 capacity is not diminished.
- 38 v. *Interpretation of FIRM Boundaries*
39 The director of the department of project management and engineering
40 shall make interpretations, where needed, as to exact location of the
41 boundaries of the areas of special flood hazard, for example, where
42 there appears to be a conflict between a mapped boundary and actual

1 field conditions. The person contesting the location of the boundary shall
2 be given a reasonable opportunity to appeal the interpretation as
3 provided in subsection D.11. below.

4 **11. Appeal Procedure**

5 Appeals alleging error by the director of the department of project management and
6 engineering charged with the enforcement or interpretation of this chapter may be taken
7 to the zoning board of examiners and appeals in accordance with the provisions of
8 section 21.03.040, *Appeals*.

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

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

13 **i.** The danger that materials may be swept onto other lands to the injury of
14 others;

15 **ii.** The danger to life and property due to flooding or erosion damage;

16 **iii.** The susceptibility of the proposed facility and its contents to flood
17 damage and the effect of such damage on the individual owner;

18 **iv.** The importance of the services provided by the proposed facility to the
19 community;

20 **v.** The necessity of the facility of a waterfront location, where applicable;

21 **vi.** The availability of alternative locations for the proposed use which are
22 not subject to flooding or erosion damage;

23 **vii.** The compatibility of the proposed use with existing and anticipated
24 development;

25 **viii.** The relationship of the proposed use to the comprehensive plan and
26 floodplain management program for that area;

27 **ix.** The safety of access to the property in time of flood for ordinary and
28 emergency vehicles;

29 **x.** The expected heights, velocity, duration, rate of rise and sediment
30 transport of the floodwaters and the effects of wave action, if applicable,
31 expected at the site; and

32 **xi.** The costs of providing governmental services during and after flood
33 conditions, including maintenance and repair of public utilities and
34 facilities such as sewer, gas, electrical and water systems and streets
35 and bridges.

36 **b.** Generally, variances may be issued for new construction and substantial
37 improvements to be erected on a lot of one-half acre or less in size contiguous to
38 and surrounded by lots with existing structures constructed below the base flood
39 level, providing the items in subsections 12.a.i. through xi. of this section have

- 1 been fully considered. As the lot size increases beyond one-half acre, the
2 technical justification required for issuing the variance increases.
- 3 **c.** The zoning board of examiners and appeals may attach such conditions to the
4 granting of variances or appeals as it deems necessary to further the purposes of
5 this chapter.
- 6 **d.** The director of the department of project management and engineering shall
7 maintain the records of all variance and appeal actions and report any variances
8 to the Federal Insurance Administration upon request.
- 9 **e.** Conditions for variances are as follows:
- 10 **i.** Variances may be issued for the reconstruction, rehabilitation, or
11 restoration of structures listed on the National Register of Historic Places
12 or the state inventory of historic places, without regard to the procedures
13 set forth in the remainder of this section.
- 14 **ii.** Variances shall not be issued within any designated floodway if any
15 increase in flood levels during the basic flood discharge would result.
- 16 **iii.** Variances shall only be issued upon a determination that the variance is
17 the minimum necessary, considering the flood hazard, to afford relief.
- 18 **iv.** Variances shall only be issued upon:
- 19 **(A)** A showing of good and sufficient cause;
- 20 **(B)** A determination that failure to grant the variance would result in
21 exceptional hardship to the applicant; and
- 22 **(C)** A determination that the granting of a variance will not result in
23 increased flood heights, additional threats to public safety, or
24 extraordinary public expense, create nuisances, cause fraud on
25 or victimization of the public, or conflict with existing local laws or
26 ordinances.
- 27 **v.** Any applicant to whom a variance is granted shall be given written notice
28 that the structure will be permitted to be built with a lowest floor elevation
29 below the base flood elevation and that the cost of flood insurance will be
30 commensurate with the increased risk resulting from the reduced lowest
31 floor elevation.
- 32

¹ 2005 NOTE: Two comments on this provision (which is carried forward from the current code) ask whether this could be interpreted as a requirement to perform soil analysis to determine the presence of earthquake hazards. We are not aware of the Municipality enforcing this current provision in such a way, and are not aware of any plans to institute such a policy. Such a requirement, if implemented, should be in the form of a standard and not contained in a purpose statement.