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CHAPTER 21.04: ZONING DISTRICTS

21.04.010 GENERAL PROVISIONS

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

A. Districts Established; Zoning Map

1. Purpose

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

2. Zoning Districts Established

The following zoning districts are established:

TABLE 21.04-1: ZONING DISTRICTS ESTABLISHED		
District Type	Abbreviation	District Name
Residential Districts	R-1	Single-Family Residential
	R-1A	Single-Family Residential (larger lot)
	R-2A	Two-Family Residential (larger lot)
	R-2D	Two-Family Residential
	R-2F	Mixed Residential 1
	R-2M	Mixed Residential 2
	R-3	Multifamily Residential 1
	R-4	Multifamily Residential 2
	R-4A	Multifamily Residential Mixed-Use
	R-5	Low Density Residential
	R-6	Low-Density Residential (1 acre)
	R-7	Single-Family Residential (20K)
	R-8	Low-Density Residential (4 acres)
	R-9	Low-Density Residential (2 acres)
R-10	Low-Density Residential, Alpine/Slope	
Commercial and Mixed-Use Districts	B-1A	Local and Neighborhood Business
	B-3	General Business
	DT-1	Downtown Core
	DT-2	Downtown Mixed-Use
	DT-3	Downtown Mixed-Use Residential
	RO	Residential Office
	MC	Marine Commercial
	NMU	Neighborhood Mixed-Use
	CMU	Community Mixed-Use
RMU	Regional Mixed-Use	

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

3. 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 21.03.160, *Rezoning (Zoning Map Amendments)*.

B. Relationship to Overlay Districts

All lands within the municipality shall be designated as one of the base zoning districts set forth in sections 21.04.020 through 21.04.070. In addition, some lands may be designated as one or more of the overlay districts set forth in section 21.04.080. Where the property is designated as an overlay district as well as a base zoning district, the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base district. In the event of an express conflict between the two sets of standards, the standards for the overlay district shall control.

21.04.020 RESIDENTIAL DISTRICTS

A. General Purpose/Intent

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

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

2. Designate areas for residential living that offer a broad range of lot sizes, dwelling types, densities, and housing choices, and that offer a range of living environments;
3. Conserve residential lands for housing by limiting conversion of the residential land base to non-residential uses, and by encouraging residential development to occur at or near zoned densities and at locations and densities in the adopted comprehensive plan;
4. Allow for a variety of housing types that meet the diverse economic and social needs of residents;
5. Protect the scale and character and unique appeal of existing residential neighborhoods and of community areas generally;
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 effects;
7. Protect residential areas from commercial and industrial hazards such as fires, explosions, and toxic fumes and substances;
8. Where appropriate, minimize the location of residences in high natural hazard areas, and mitigate the risk in those areas where development may be allowed;
9. Facilitate the provision of appropriate public and institutional services and facilities, such as schools, parks and recreation uses, religious assembly, utility substations, and telecommunications and transportation infrastructure, which are needed to accommodate densities recommended in the comprehensive plan, while maintaining the residential character of the district;
10. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of residential development; and
11. Designate areas for residential living that support neighborhood identity and economic vitality and thus give predictability to residential settings and encourage investments and enhancements.

B. R-1: Single-Family Residential District

1. Purpose

The R-1 district is intended primarily for detached single-family residential areas with gross densities up to five dwelling units per acre. These areas generally are intended to have well-developed infrastructure, and municipal services generally are intended to be provided.

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

1. Purpose

The R-1A district is intended primarily for detached single-family residential areas with gross densities up to four dwelling units per acre. The minimum lot size is slightly larger than the R-1 district. These areas generally are intended to have well-developed infrastructure, and municipal services generally are intended to be provided.

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

1. Purpose

The R-2A district is intended primarily for single- and two-family residential areas with gross densities between five and seven dwelling units per acre. The minimum lot size is slightly larger than the R-2D district. These areas generally are intended to have well-developed infrastructure, and municipal services generally are intended to be provided.

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

1. Purpose

The R-2D district is intended primarily for single- and two-family residential areas with gross densities between five and eight dwelling units per acre. These areas generally are intended to have well-developed infrastructure, and municipal services generally are intended to be provided.

F. R-2F: Mixed Residential District 1

1. Purpose

The R-2F district is intended primarily for residential areas that allow for a variety of single-family, two-family, and three- and four-unit multifamily dwellings, with gross densities between eight and 12 dwelling units per acre. The design of multifamily development, including building appearance, location of parking, setbacks, and landscaping, should be complementary to the existing neighborhood and mix of dwelling types. This district may be applied to existing neighborhoods to create a transition between single- and two-family areas and higher density mixed residential or multifamily areas. It is not intended to be used in areas either zoned for or designated in the comprehensive plan to provide multifamily housing near designated town centers, community activity centers, or major city centers.

2. District-Specific Standards

- a. Multifamily buildings shall contain no more than four dwelling units.
- b. In order to create compatible neighborhoods and retain a predominantly single-family environment, buildings with three or four dwelling units shall maintain detached single-family style architectural features by complying with the single-family design standards in subsection 21.07.100E.2.b., with the following adjustments:
 - i. Notwithstanding subsection 21.07.100E.2.b.iii., each residence need not have its own entrance. However, common entrances shall meet the requirements of the subsection.
- c. Buildings with three or four dwelling units shall also comply with the multifamily design standards in subsection 21.07.100G., except that any primary entrance serving just one individual dwelling unit is exempt from subsection 21.07.100G.9., *Entrance Feature Choices*.
- d. No more than 40 percent of the land area between any street facing building elevation and the street lot line may be paved or used for vehicle driveway or parking.

G. R-2M: Mixed Residential District 2

1. Purpose

The R-2M district is intended primarily for residential areas that allow for a variety of single-family, two-family, and multifamily dwellings, with gross densities between eight and 15 dwelling units per acre. The R-2M district provides residential neighborhoods with a greater diversity of housing by allowing a mix of both detached and a variety of attached dwelling types in close proximity to each other, rather than separated into different use districts. The R-2M district is to be located in established or redeveloping residential neighborhoods. The design of new development, such as building scale and setbacks, parking facility size and location, and yard landscaping, should be complementary to the existing neighborhood and mix of dwelling types.

2. District-Specific Standards

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

H. R-3: Multifamily Residential District 1

1. Purpose

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

I. R-4: Multifamily Residential District 2

1. Purpose

The R-4 district is a multifamily residential district with gross densities intended to be greater than 35 dwelling units per acre. It is intended primarily for multifamily dwellings characterized by two to six story residential buildings. The maximum size of buildings and intensity of use is regulated by floor area ratio (FAR) and by height limits and other site development standards. This district is intended to be applied in areas well served by transit and/or arterial streets, and supportive commercial services near the major commercial/mixed-use and employment centers in downtown and midtown, and to result in high density housing concentrations. Although small amounts of commercial development are allowed within a residential development, the district is intended to protect and retain a primarily residential character. Development is intended to be oriented to the sidewalk with windows, entrances, and walkways to provide strong pedestrian connections to nearby services and mixed-use districts.

2. District-Specific Standards

a. *Allowed Commercial Uses*

The commercial uses listed below are allowed through the approval process shown in table 21.05-1, shall only be developed in conjunction with multifamily or

mixed use dwellings, and are limited to five percent of the gross floor area of the development on a site, or 1,500 square feet, whichever is less.

- i. "fitness and recreational sports center";
- ii. "restaurant";
- iii. "convenience store";
- iv. "grocery or food store".

b. *Alcohol Sales Prohibited*

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

c. *Floor Area Ratio*

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

d. *Building Height Increase*

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

- i. The development shall participate in the FAR incentives provided in subsection 21.04.020J.2.c. below;
- ii. The ground floor of the building shall be residential or other permitted non-parking use, for at least 25 feet of depth facing the street for the full length of the street facing building elevation, except for vehicle entrances and exits. Where the site has two or more frontages, the standard shall be met on two frontages;
- iii. The height increase shall adhere to the height transitions provisions of subsection 21.06.030D.7.; and
- iv. Development requesting the height increase shall be subject to administrative site plan review, unless a higher level of review is already required.

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

1. Purpose

The R-4A district is a primarily residential district intended for high-density multifamily dwellings, with gross densities intended to be greater than 35 dwelling units per acre. Commercial retail, services, and office uses are also allowed in combination with housing to create a truly mixed-use neighborhood environment, although a majority of the gross floor area of the development shall be a residential use. This district is to be applied in areas near downtown and midtown, in order to provide housing densities which supports these city centers, efficient use of residential land, and residential living opportunities near employment and services. By providing the flexibility for integrated mixed-use site development, it facilitates reinvestment and revitalization within areas in transition. New

mixed-use development should facilitate strong pedestrian and bicycle connections with nearby neighborhoods and city centers.

2. District-Specific Standards

a. *Mixed-Use Development Standards*

Development in the R-4A district shall comply with the mixed-use district standards in subsection 21.04.050G., except for the FAR incentives of subsection 21.04.050G.2.

b. *Maintaining Residential Character*

Development shall be primarily residential. 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) If residential uses occupy at least 90 percent of the gross floor area depicted on a site plan, no review beyond that required by table 21.05-1 is required.

(B) A major site plan review is required for non-residential uses proposed to occupy greater than 10 and less than or equal to 20 percent of the gross floor area of the development as depicted on a site plan.

(C) A conditional use permit is required for non-residential uses proposed to occupy greater than 20 and less than or equal to 49 percent of the gross floor area of the development as depicted on a site plan.

(D) Major site plan reviews or conditional use reviews under b.i.(B). and b.i.(C). shall meet the following criteria. This shall be in addition to the general site plan approval criteria (21.03.180E.) and conditional use approval criteria (21.03.080C.).

(1) The development shall result in a net increase in dwelling units over pre-development density, or shall be at least 20 dwelling units per acre, whichever is greater.

(2) Stipulations may be imposed relating to building design, traffic, privacy, floor area restrictions, restrictions against commercial above the ground floor, and other conditions necessary to maintain a residential character and compatibility with adjacent residential districts.

ii. The non-residential portion of the development shall not be given a certificate of zoning compliance or a conditional certificate of zoning compliance until all of the residential portion of the development is given a certificate of zoning compliance.

-
- iii. Ground floor building facades facing and within 100 feet of public streets, primary circulation drives, or primary pedestrian walkways shall meet the following window standards on those facades:
 - (E) Non-residential uses: At least 50 percent of the length and 25 percent of the area of ground-level walls shall be windows providing visual access to the interior of the building.
 - (F) Residential uses: At least 25 percent of the length and 12 percent of the area of ground-level walls shall be windows.
 - (G) All uses: Blank walls shall not exceed 30 feet in length.
 - iv. All commercial uses shall be conducted entirely within a completely enclosed building except for parking and loading facilities and outdoor restaurant seating. Outdoor storage of goods accessory to a commercial use is prohibited.
- c. ***Floor Area Ratio (FAR) Incentives for the R-4 and R-4A Districts***
The maximum floor area ratio (FAR) within the R-4 and R-4A districts is 1.0 FAR, but may be increased up to a maximum total FAR of 2.0 in the R-4 district and 3.0 in the R-4A district through the following bonus provisions, subject to section 21.06.030C. These incentives provide for an incremental increase in the floor area of a development in exchange for incremental increases in any of the following special features deemed of benefit to the community. Increases in the FAR may be achieved through the use of one or more of the following:
- i. ***Open Space Bonus***
One square foot of additional floor area is allowed per square foot of additional open space area. This space shall be in addition to any open space required by section 21.07.030.
 - ii. ***Below Grade Parking Bonus***
Two square feet of additional floor area is allowed per gross square foot of covered below grade parking floor area, up to a maximum increase of 1.0 FAR.
 - iii. ***Affordable Housing Bonus***
Two square feet of additional floor area is allowed per square foot of affordable housing unit floor area, up to a maximum increase of 0.5 FAR. The affordable housing units shall be consistent with the standards of 21.07.100H., *Standards for Affordable Housing*.
 - iv. ***Bonus for Sidewalk/Walkway Widening***
Five square feet of additional floor area is allowed per linear foot of primary pedestrian walkway.
- d. ***Building Height Increase***
Buildings in the R-4A district may exceed the maximum height established in table 21.06-1, up to a maximum total height of 90 feet, subject to the following conditions. These conditions encourage slender towers with condensed floor plates, light and air at the pedestrian level, active uses on the ground floor facing the street, and other features:

- i. The development shall participate in the FAR incentives provided for the R-4A district in subsection 21.04.020J.2.c. above;
- ii. The ground floor of the building shall be residential or other permitted non-parking use for at least 25 feet of depth facing the street for the full length of the building, except for vehicle entrances and exits. Where the site has two or more frontages, the standard shall be met on two frontages;
- iii. All floor area provided by the height increase shall be for residential uses.
- iv. The height increase shall adhere to the height transitions of subsection 21.06.030D.7.;
- v. The height increase shall adhere to the applicable design standards for tall buildings in subsection 21.07.110; and
- vi. Unless a major site plan review or a conditional use is required by other parts of this section, all developments requesting the height increase shall be subject to administrative site plan review.

3. District Location Requirement

The subject property shall be in an area designated in the comprehensive plan for residential city center intensity, and adjacent to a designated community activity center, major city center, or along a collector or arterial with adequate transit services in the vicinity of Downtown and Midtown.

K. R-5: Low Density Residential District

1. Purpose

The R-5 district is intended primarily for single- and two-family residential areas with gross densities up to five dwelling units per acre. Mobile homes on individual lots are allowed in this district.

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

1. Purpose

The R-6 district is intended primarily for single- and two-family large-lot residential areas, with gross densities of up to one dwelling unit per acre. The R-6 is designed to encourage low-density residential development. This district is intended to protect and enhance those physical and environmental features that add to the desirability of large-lot residential living. The availability of infrastructure and municipal services is varied.

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

1. Purpose

The R-7 district is intended primarily for single- and two-family residential areas with gross densities between one and two dwelling units per acre. This district may also be applied to areas between larger lot districts and higher density districts.

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

1. Purpose

The R-8 district is intended primarily for single- and two-family large-lot residential areas with gross densities less than one dwelling unit per four acres, where topographic or other natural conditions are such that higher-density development would be unfeasible. In addition to topography, some of the natural conditions which could exist to render land desirable for the densities proposed in this zone are wind hazards, marginal soils, landslide susceptibility, potential for groundwater pollution, and groundwater availability.

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

1. Purpose

The R-9 district is intended primarily for single- and two-family large lot residential areas with gross densities less than one dwelling unit per two acres, where public sewer and water are unlikely to be provided or where topographic or other natural conditions are such that higher-density development would be unfeasible. Where public facilities may be provided in the distant future, the regulations are intended to ensure that development during the interim period does not exceed geological and hydrological capacities for safe and healthful maintenance of human habitation.

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

1. Purpose

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

- a. Protect natural features such as ponds, streams, wetlands, and springs, and incorporate such features into the development of the site design;
- b. Ensure the use of site design techniques that take into consideration topographic constraints and other physical features;
- c. Avoid natural hazards including snow avalanche and mass wasting areas;
- d. Retain the natural flow and storage capacity of any watercourse and wetland, to minimize the possibility of flooding or alteration of water boundaries;
- e. Assure that soil and subsoil conditions are suitable for excavations, site preparation, and on-site waste water disposal;
- f. Provide adequate site drainage to avoid erosion and to control the surface runoff in compliance with the federal clean water act;
- g. Assure an adequate supply of potable water for the site development; and
- h. Minimize the grading operations, including cut and fill, consistent with the retention of the natural character of the site.

2. **District-Specific Standards**
 a. **Lot and Site Requirements**

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

TABLE 21.04-2: LOT AND SITE REQUIREMENTS FOR R-10 DISTRICT				
Average Slope of Lot (percent)	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Maximum Lot Coverage of All Buildings (percent)	Coverage Impervious Surfaces (percent)
More than 30.00	7.50	300	3	8
25.01--30.00	5.00	300	5	10
20.01--25.00	2.50	180	8	14
20.00 or less	1.25	100	10	20

Average slope is calculated by the following formula:

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

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

b. **Bedrock**

When one-third or more of required soils borings reveal bedrock at a depth of less than 16 feet on the lot or tract, lot and site requirements shall be determined as if the average slope were in the next steeper percentage range shown on the table in this 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 DISTRICTS

A. General Purpose/Intent of Commercial Districts

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

1. Provide appropriately located areas consistent with the comprehensive plan that provide a full range of retail and service establishments and convenience and office uses needed by the municipality, and protect such uses from the adverse effects of incompatible uses;
2. Provide adequate area to meet the needs of future commercial development;
3. Encourage the redevelopment, conversion, and reuse of underused commercial areas, and discourage further geographic expansion of commercial areas not designated in the comprehensive plan;
4. Minimize vehicle miles traveled and promote alternative transportation choices through the concentration of commercial areas as designated in the comprehensive plan;

5. Promote the location of higher intensity commercial uses and traffic into those areas of the municipality that are best developed for traffic and access;
6. Strengthen the municipality's economic base and provide employment opportunities;
7. Provide for commercial land uses that meet the needs of and attract regional and statewide populations, in addition to local residents;
8. Allow and encourage residential development in conjunction with commercial development in order to provide more housing choices and more efficient use of land;
9. Minimize land use impacts of commercial development on adjacent residential districts;
10. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of commercial development; and
11. Provide sites for public and semi-public uses such as utilities and telecommunications infrastructure needed to complement commercial development.

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

1. Purpose

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

1. District-Specific Standards

a. Ground-Floor

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

b. Prohibitions

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

c. Gross Floor Area Limitations

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

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

2. District Location Requirements

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

- a. The minimum contiguous area for a B-1A district shall be 20,000 square feet.
- b. The maximum contiguous area for a B-1A district shall be 2.0 acres.
- c. The subject property shall be in an established neighborhood commercial area or an area designated in the comprehensive plan for neighborhood-scale commercial.

C. B-3: General Business District

1. Purpose

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

2. District Location Requirements

- a. Establishment of the B-3 district or changes to existing B-3 district boundaries shall meet the general rezoning criteria of this code and shall not be expanded along street corridors or into surrounding neighborhoods unless consistent with the comprehensive plan.
- b. Future rezonings to B-3 shall take into consideration the desirability of B-3 being located on arterials and being served with adequate public services and facilities.

D. RO: Residential Office District

1. Purpose

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

2. District-Specific Standards

a. *Limitations on Retail Uses*

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

b. *Limitations on Visitor Accommodations*

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

3. District Location Requirements

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

- a. New RO zones shall be located in areas intended principally for low-intensity office uses, or in locations where the development buffers residential neighborhoods from heavy volumes of traffic or more intense commercial retail activity.
- b. Where a new or enlarged RO district is adjacent to existing residentially zoned areas, adequate area shall be provided for buffering or other site design requirements necessary to achieve compatibility.
- c. The RO district shall not be located in or expand into areas that are designated residential in the comprehensive plan.

E. MC: Marine Commercial District

1. Purpose

The MC district is intended primarily for commercial water-dependent uses and is located as designated in the comprehensive plan. Water-related uses may be allowed as conditional uses. Emphasis is on development flexibility of water-dependent and water-related commercial uses and on public access to the waterfront and Ship Creek.

2. District-Specific Standards

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

21.04.040 DOWNTOWN DISTRICTS

A. DT-1: Downtown Core

B. DT-2: Downtown Mixed-Use

C. DT-3: Downtown Mixed-Use Residential

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

21.04.050 MIXED-USE DISTRICTS

A. General Purpose/Intent of Mixed-Use Districts

The mixed-use districts are intended to provide for and encourage development and redevelopment of a mix of residential and nonresidential uses within close proximity to each other within areas so designated in the comprehensive plan. 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 centers of community activity designated in the comprehensive plan;
2. Encourage mixed-use and higher-density redevelopment, conversion, and reuse of aging and underutilized areas, and increase the efficient use of available land in the municipality;
3. Provide a transportation network (road, bicycle, pedestrian) designed to provide the opportunity for direct access to adjacent areas, in lieu of entering and exiting through arterials and/or collector streets;
4. Create compact, pedestrian-oriented environments that are safe, convenient, and attractive for transit and pedestrian use and access;
5. Concentrate a variety of commercial retail/services and public facilities that serve the surrounding community;
6. Encourage the appearance and function of development in mixed-use areas to be complementary to surrounding residential areas designated in the comprehensive plan;
7. Promote physical development in mixed-use areas that provides pedestrian scale and interest through articulation, detail elements, and windows at the ground floor level; and
8. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of mixed-use development.

B. NMU: Neighborhood Mixed-Use District

1. Purpose

The NMU district is intended for neighborhood retail service centers at a larger scale than allowed by the B-1A district. NMU centers are intended to be generally between two and 15 acres in size, and are primarily applied to existing commercial areas to encourage mixed-use housing opportunities, compact redevelopment, and mixed-use urban design. The emphasis of the district is on commercial uses that primarily serve the daily needs of nearby neighborhoods (e.g., small-to-medium size grocery/convenience store, drug store, religious assembly, service station) located in close proximity to one another. This district typically serves more neighborhoods and can provide a greater collection of commercial services at a larger scale than does the B-1A district. Multifamily residential and limited office uses also are allowed. Siting and architectural design and scale of structures in this district should limit adverse impacts on nearby residential areas. The NMU district may be used for designated neighborhood centers, commercial corridors, and transit-supportive development corridors, and may also be used for the "neighborhood

commercial centers” identified in the *Anchorage 2020 Anchorage Bowl Comprehensive Plan*.

2. District-Specific Standards

a. *Mixed-Use Development Standards*

Development in the NMU district shall comply with section 21.04.050G., *Mixed-Use District Development Standards*.

b. *Maximum Building Size*

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

3. District Location Requirements

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

a. New NMU districts and NMU districts proposed for expansion shall be located at the intersection of two arterials or an arterial and a collector street (or streets of greater classification on the OSHP).

b. The maximum size of an NMU district shall be 15 acres, unless a larger area is consistent with the comprehensive plan.

c. The NMU district shall not be expanded along street corridors or into adjacent residentially zoned areas unless consistent with the comprehensive plan.

d. The subject property shall be in an area intended for neighborhood scale commercial mixed-use center, or transit-oriented development corridor on the comprehensive plan.

C. CMU: Community Mixed-Use District

1. Purpose

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

2. Relationship to Town Centers

Town center overlay districts may be applied in combination with the CMU/RMU district, pursuant to section 21.04.080. A town center overlay would establish development standards and incentives in addition to what is required by the CMU/RMU district, and may increase the priority for public investment in an area, to more fully implement

comprehensive plan policies for compact, mixed-use centers. It is intended that the municipality phase the development of town center overlay districts.

3. District-Specific Standards

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

4. District Location Requirements

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

a. The subject property shall be in an area designated by the comprehensive plan as a community activity center, town center, or transit-supportive development corridor that has a commercial or mixed-use designation on the comprehensive plan map.

b. The CMU district shall not be expanded along street corridors or into adjacent residentially or industrially zoned areas unless consistent with the comprehensive plan.

D. RMU: Regional Mixed-Use District

1. Purpose

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

2. Relationship to Town Centers

Town center overlay districts may be applied in combination with the CMU/RMU district, pursuant to section 21.04.080. A town center overlay would establish development standards and incentives in addition to what is required by the CMU/RMU district, and may increase the priority for public investment in an area, to more fully implement comprehensive plan policies for compact, mixed-use centers. It is intended that the municipality phase the development of town center overlay districts.

3. District-Specific Standards

Development in the RMU district shall comply with section 21.04.050G., *Mixed-Use District Development Standards*.

4. District Location Requirement

a. The subject property shall be in an area designated for regional-scale commercial mixed-use center in the comprehensive plan.

b. RMU districts shall be located where there is sufficient transportation and related infrastructure adequate to accommodate projected needs.

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

[RESERVED]

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

[RESERVED]

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

1. **Applicability**

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

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

a. **Purpose**

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

b. **Floor Area Ratio (FAR) Incentives**

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

i. **Housing Bonus**

Two square feet of additional floor area is allowed per gross square foot of housing unit floor area, up to a maximum increase of 0.5 FAR.

ii. **Open Space Bonus**

One square foot of additional floor area is allowed per square foot of additional open space. This space shall be in addition to any open space required by section 21.07.030.

iii. **Below Grade Parking Bonus**

Two square feet of additional floor area is allowed per gross square foot of below grade parking floor area, up to a maximum increase of 0.5 FAR.

iv. **Affordable Housing Bonus**

Three square feet of additional floor area is allowed per square foot of affordable housing unit floor area, up to a maximum increase of 0.5 FAR. The affordable housing units shall be consistent with the standards of 21.07.100H., *Standards for Affordable Housing*.

- v. ***Bonus for Sidewalk/Walkway Widening***
Five square feet of additional floor area is allowed per linear foot of primary pedestrian walkway.
3. **Reduced Parking Ratios**
Development in the mixed-use districts have reduced minimum parking requirements as provided in section 21.07.090, *Off-Street Parking and Loading*.
4. **Building Placement and Orientation**
- a. ***Purpose***
Building frontages should be built and oriented to the street, lining sidewalks and public spaces with frequent shops, entrances, windows with interior views, and articulated ground-level façades. Comfortable, human-scale transition spaces such as entrance areas, patios, or café seating may be placed between the building and public sidewalk, as long as the building remains close, accessible, and inviting from the sidewalk. Building entrances should be emphasized and clearly visible so that patrons can easily find them.
 - b. ***Building Placement and Street Setbacks***
In order to be closer to the sidewalk and to have a stronger interface with the street, buildings shall comply with the maximum setbacks established in 21.06.020, *Tables of Dimensional Standards*.
 - c. ***Building Entrances***
 - i. Buildings located at or within the maximum setback line shall have at least one primary entrance located within 20 feet of the maximum setback line.
 - ii. Buildings not located at the maximum setback line shall have at least one primary entrance located within 20 feet of a public right-of-way, a primary circulation drive, or a primary pedestrian walkway.
5. **Sidewalks and Walkways**
Sidewalks and walkways extending along public streets, primary circulation drives, or commercial building storefronts shall have an unobstructed clear width of at least six feet.

21.04.060 INDUSTRIAL DISTRICTS

A. General Purpose/Intent

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

1. Create suitable environments for various types of industrial uses;
2. Reserve appropriately located areas for industrial purposes, and limit non-industrial uses that may erode the supply of industrial lands;
3. Provide adequate space to meet the needs of future industrial development, including off-street parking and loading;
4. Strengthen and diversify the municipality's economic industrial base and provide employment opportunities;

5. Minimize land use impacts of industrial development on abutting non-industrial districts; and
6. Protect stream corridors, wetlands, and other important natural resources from the adverse impacts of industrial development.

B. I-1: Light Industrial District

1. Purpose

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

C. I-2: Heavy Industrial District

1. Purpose

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

D. MI: Marine Industrial District

1. Purpose

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

2. District-Specific Standards

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

21.04.070 OTHER DISTRICTS

A. A: Airport District

[RESERVED]

B. AF: Antenna Farm District

1. Purpose

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

2. District-Specific Standards

The planning and zoning commission and the assembly shall consider the following factors when deciding on a request to rezone to the AF district:

- a. Compatibility with surrounding land uses;
- b. Potential adverse impacts on environmentally sensitive areas and wildlife corridors;
- c. Visual impacts on views, particularly with regard to ridgelines;
- d. Availability of alternative sites and alternative towers (collocation); and
- e. Potential noise impacts on neighboring uses.

C. DR: Development Reserve District

1. Purpose

The DR district may be applied to lands intended for future development, undesignated municipally owned lands, and municipal and state tidelands and waters, and military lands.

D. PCD: Planned Community Development District

1. Purpose

The planned community development district (PCD) is intended to accommodate large-scale acreage for residential, commercial, industrial, or other land use developments and activities, including combinations of uses. It allows for flexibility under controlled conditions not possible with the other defined districts. The flexibility permitted must demonstrate that the final development will be compatible with the intents and purposes of this title and the goals and policies of the comprehensive plan, and do not compromise public health, safety, and welfare. A PCD should include design features to ensure that the PCD is integrated with the surrounding neighborhood through features such as transition densities, external boundary buffering, and pedestrian and street connectivity, where the planning and zoning commission makes the specific finding that street connectivity is necessary to support traffic projections or necessary for emergency responders. The PCD district is limited to unified, comprehensive planned developments which are of substantial public benefit, consistent with the holding capacity of the land, and conform with and enhance the policies of the comprehensive plan.

2. Application

The PCD district may be applied as described in subsection 21.03.160I.

3. Record-Keeping

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

E. PLI: Public Lands and Institutions District

1. Purpose

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

F. PR: Parks and Recreation District

1. Purpose

The PR district is intended to include municipal lands dedicated by the assembly as parks in accordance with AMC 25.10.080.

2. District-Specific Standards

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

G. TA: Turnagain Arm District

1. Purpose

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

2. District-Specific Standards

a. Permitted Uses

- i. Residential and accessory uses and structures that conform to the *Turnagain Arm Area Plan*.
- ii. Commercial structures under 4,000 square feet in gross building area in areas designated "commercial" in the *Turnagain Arm Area Plan*.
- iii. Non-structural commercial uses occupying an area of 14,400 square feet or less in areas designated "commercial" in the *Turnagain Arm Area Plan*.
- iv. Industrial uses and structures in areas designated "industrial" in the *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. Conditional Uses

Any use or structure that does not meet the requirements for a permitted use above, may be allowed through the issuance of a conditional use 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.

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 urban land uses are incompatible with the concept of watershed conservation. All uses of land within the watershed district permitted by table 21.05-2 shall be subject to the provisions of section 21.07.040, *Drainage, Storm Water Treatment, Erosion Control, and Prohibited Discharges*.

21.04.080 OVERLAY ZONING DISTRICTS

A. General Purpose/Intent

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

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

B. Creation, Alteration, or Elimination of Overlay Districts

The creation, alteration, or elimination of an overlay district is a rezoning and is governed by the provisions of section 21.03.160H., *Rezoning to Create, Alter, or Eliminate Overlay Districts*.

C. AHO: Airport Height Overlay District

1. Purpose

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

2. Specific Airport Height Maps Adopted

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

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

3. Establishment or Modification

In addition to the standard submittals required to initiate an overlay map amendment pursuant to section 21.03.160H., establishment of an Airport Height Overlay District also shall require preparation of an airport height map as set forth in this section:

- a. The owner or manager of any airport may prepare an airport height map in accordance with the provisions of this subsection and the stipulations of FAR part

77, subpart C, paragraph 77.23(A)(2), 77.23(A)(3) or 77.25. The owner or manager of a governmentally operated airport shall prepare and maintain an airport height map in accordance with FAR part 77, subpart C, paragraph 77.25. The map shall be filed with the department.

- b. The map shall be to scale and shall accurately reference the following:
 - i. Existing subdivisions.
 - ii. Current zoning districts.
 - iii. Major reference points in the vicinity of the airstrip or airport.
 - iv. Existing topography, if available.
 - v. The airport elevation that shall be the official elevation of the airport or airstrip upon approval of the map.
- c. The map required by paragraph a. above, shall accurately depict airspace zones as provided in FAR part 77, subpart C, paragraph 77.25, in ten-foot conical increments. Before submission to the Department the map shall be certified by the Federal Aviation Administration that it depicts the requirements of FAR part 77, subpart C, paragraph 77.25. If, for safety reasons, zone surfaces deviate in any way from the requirements of the FAR, each such deviation shall be indicated in writing on the map and shall be accompanied by a letter of nonobjection by the Federal Aviation Administration. Any such deviation is subject to approval of the department.
- d. Before submission to the department any optional map depicting airspace zones provided in FAR part 77, subpart C, paragraph 77.23(A)(2) or 77.23(A)(3), must be certified by the Federal Aviation Administration indicating that it accurately depicts the requirements of FAR part 77, subpart C, subsection 77.23(A)(2) or 77.23(A)(3).

4. Additional Height Limitations in Airport Height Overlay District

Notwithstanding the height limitations in section 21.06.020, *Dimensional Standards Tables*, all development within the Airport Height Overlay District shall comply with the following height limitations:

- a. No structure shall be constructed or maintained so that it exceeds the greater of:
 - i. Thirty-five feet above ground elevation; or
 - ii. The maximum height permitted under FAR part 77, subpart C, as depicted on any airport height zone map adopted under section 21.04.080.C., *Airport Height Overlay District*.
- b. Any structure within three nautical miles of an airport reference point established by federal regulation, the height of which exceeds the level of that reference point by more than 200 feet, shall present to the building official the results of an airspace determination conducted by the Federal Aviation Administration pursuant to its regulations.

- c. The height restrictions of this district do not apply to buildings for which building or land use permits were issued prior to June 17, 1986.
- d. Vegetation shall not be affected by the height limitation of this section.

D. FHO: Flood Hazard Overlay District

1. Purpose and Intent

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

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

2. Notice

Property owners affected by changes to the boundaries of the flood hazard area or by changes in the base flood elevations shall be noticed by mail.

3. Interpretation of Section; Disclaimer of Liability

- a. In the interpretation and application of this section, all provisions shall be:
 - i. Considered as minimum requirements;
 - ii. Liberally construed in favor of the governing body; and
 - iii. Deemed neither to limit nor repeal any other powers granted under state statutes.
- b. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood

heights may be increased by manmade or natural causes. This section does not imply that land outside the areas of flood hazard or uses permitted within such area will be free from flooding or flood damages. This section shall not create liability on the part of the municipality, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

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

There is hereby created a Flood Hazard Overlay District. This district shall be defined in its territorial extent by the following reports and maps:

- i. Flood Insurance Study for the Municipality of Anchorage, prepared by the Federal Insurance Administration, Federal Emergency Management Agency (FEMA).
- ii. Flood insurance rate map (FIRM) prepared by the Federal Insurance Administration, FEMA, including the current digital flood insurance rate map (DFIRM) prepared by the Federal Insurance Administration.
- iii. Flood boundary and floodway map, prepared by the Federal Insurance Administration, FEMA, including the current digital flood boundary and floodway map prepared by the Federal Insurance Administration.
- iv. Flood hazard boundary map (FHBM), prepared by the Federal Insurance Administration, FEMA, including the current digital flood hazard boundary map (DFHBM) prepared by the Federal Insurance Administration.

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

b. *Flood Hazard Areas*

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

- i. Areas within the limit of the boundary of the base flood;
- ii. Areas within the highest extreme tide;
- iii. Areas covered in flood hazard studies prepared for the project management and engineering department that supplement the information prepared by FEMA; and
- iv. The stream setback area defined in subsection 21.07.020B.4.

c. *Review of Maps*

As necessitated by FEMA or the municipal engineer, the flood hazard district maps will be reviewed. The review may be conducted by the municipality, the U.S. Corps of Engineers, or the Federal Insurance Administration, and any new map panels or restudies affecting the boundaries of the flood hazard district,

floodway, or floodway fringe area shall then be submitted to the planning and zoning commission for a recommendation and assembly for final adoption as part of this chapter.

d. ***Rules for Interpretation of Flood Hazard Area Boundaries***

The boundaries of the flood hazard areas established by this chapter shall be determined from the cited maps and reports. Where interpretation is needed as to the exact location of the boundaries, the project management and engineering department, upon advice from the U.S. Corps of Engineers or FEMA, shall make the necessary interpretation.

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

a. ***Applicability***

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

b. ***Prohibited Development***

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

ii. Critical facilities shall not be located in the flood hazard area. For the purposes of this subsection only, critical facilities are defined as fire stations, police stations, hospitals, emergency shelters, schools, and emergency operations centers.

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

No building permits, encroachment permits, manufactured home permits, or other land use permits shall be issued for any development activity within the Flood Hazard Overlay District unless the plans show that, in addition to compliance with all other ordinances, regulations and permit requirements, the development shall meet the following requirements:

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

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

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

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

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- (B) All public utilities and facilities such as sewer, gas, electrical and water systems are to be located and constructed to minimize or eliminate flood damage;
 - (C) Adequate drainage, as required by the *Design Criteria Manual* (current approved edition), is provided to reduce exposure to flood hazards. The actions of one project shall not adversely impact the receiving waters and the rights of other property owners, as measured by increased flood peaks, flood stage, flood erosion, and sedimentation through storm waters or drainage systems; and
 - (D) Base flood elevation data has been provided for subdivision proposals and other proposed development that contains at least 50 lots or five acres, whichever is fewer.
- iv. Construction within floodplains shall require that new and replacement water supply systems be designed to minimize or eliminate infiltration of floodwaters into the systems.
 - v. Construction within floodplains shall require that:
 - (A) New and replacement sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters; and
 - (B) On-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.
- d. ***Storage of Materials or Equipment in the Floodplain***

The storage or processing of equipment or materials that are buoyant, flammable, explosive or injurious to safety, or which would cause a violation of state water quality standards upon contact with water, are prohibited in the floodplain.
- 6. Regulations Applicable to Subdistricts**
- a. ***Floodway Area***

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

 - i. Permitted uses and structures are parks, parkways, greenbelts, land reserves, golf courses, playgrounds, playfields, and related facilities.
 - ii. Permitted accessory uses and structures are picnic tables, playground equipment, outdoor cooking facilities and like structures.
 - iii. The following structures and activities are permitted only by flood hazard permit including certification by a registered professional engineer demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge or result in violation of the state water quality standards: excavation of sand, gravel and other natural resources, railroad and tramway tracks, streets,

bridges, utility installations and pipelines, storage yards for equipment and materials, commercial farming, and land reclamation.

- iv. The following uses are prohibited: landfills, storage yards containing hazardous materials (as defined by the EPA), encroachments not otherwise excepted in this section, including fill, new construction, substantial improvements and other development.

b. Floodway Fringe Area

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

- i. Permitted uses and structures are parks, parkways, greenbelts, land reserves, golf courses, playgrounds, playfields and related facilities.
- ii. Permitted accessory uses and structures are picnic tables, playground equipment, outdoor cooking facilities and like structures.
- iii. The following uses, structures and activities are permitted only by flood hazard permit: any use permitted by flood hazard permit as set forth in subsection a. of this section, and all other uses, structures and activities which are in accordance with all other land use regulations provided they are adequately floodproofed as set forth in subsection D.8. below, *Flood Hazard Permit*.
- iv. The following uses are prohibited: uses, structures and activities which are not permitted under subsections 6.b.i. through iii. of this section or which would cause violations of state water quality standards.

7. Construction Requirements

a. Generally

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

- i. The lowest floor, including basement or crawl space, of residential structures shall be elevated to at least one foot above the base flood level. Within the structure, attendant utility and sanitary facilities shall be elevated to at least one foot above the base flood or completely floodproofed.
- ii. The lowest floor, including basement, of nonresidential structures shall be elevated to at least one foot above the base flood level, unless the structure, with all utility and sanitary facilities, is designed so that below base flood level the structure is watertight with walls substantially impermeable to the passage of water and so that it is capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- iii. All fully enclosed areas below the lowest floor that are usable solely for parking, building access, or storage in an area other than a basement or crawlspace shall have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area according to FEMA specifications. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped

with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

- iv. Where floodproofing is utilized a registered professional engineer or architect shall certify that the floodproofing methods are adequate.
- v. For new manufactured home parks and manufactured home subdivisions; for expansions to existing manufactured home parks and manufactured home subdivisions; for existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or manufactured home subdivision, require that the repair, and on all property not within a manufactured home park or subdivision stands or lots are elevated on compacted fill or on pilings so that:
 - (A) The lowest floor of each manufactured home must be at least one foot above the base flood level.
 - (B) Adequate surface drainage and access for a hauler must be provided.
 - (C) For manufactured homes placed on pilings, pilings must be stable and no more than ten feet apart and reinforced if more than six feet above the ground level.
 - (D) Lots must be large enough to permit steps.
- vi. All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation, and be securely anchored to an adequately anchored foundation system.
- vii. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include but are not limited to use of over-the-top or frame ties to ground anchors.

b. *Standards for Shallow Flood Areas (AO Zones)*

Shallow flooding areas appear on the Flood Insurance Rate Maps as AO zones with depth designations. The base flood depths in these zones range from one to three feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

- i. New construction and substantial improvements of residential structures within AO zones shall have the lowest floor, including basement or crawl space, elevated above the highest adjacent grade of the building site, to at least one foot above the depth number specified on the Flood Insurance Rate Map (at least two feet if no depth number is specified).

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- ii. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - (A) Have the lowest floor, including basement, elevated above the highest adjacent grade of the building site, to at least one foot above the depth number specified on the Flood Insurance Rate Map (at least two feet if no depth number is specified); or
 - (B) Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.
 - iii. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

8. Flood Hazard Permit

a. Required

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

b. Conditions

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

- i. The finished surface of the first or main floor shall be at least one foot above the level of the regulatory flood protection elevation.
- ii. Structures or uses below the level of the regulatory flood shall be restricted to those not involving habitual human habitation, such as working space, living space, sleeping space, etc.
- iii. The anchorage shall be suitable to resist flotation and lateral movement.
- iv. For all construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exits of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided to FEMA specifications. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exits of floodwaters.

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

9. Nonconforming Uses

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

- a. No such use shall be expanded, changed, enlarged, or altered in any way which increases its nonconformity with respect to the provisions of this chapter.
- b. If such use is discontinued for 12 consecutive months, any future use of the structure or premises shall conform to this chapter.
- c. Uses or adjuncts thereof which are or have become nuisances shall not be entitled to continuance as nonconforming uses.
- d. Any permitted alteration, addition, or repair to any nonconforming structure the cost of which equals or exceeds 50 percent of the fair market value of the structure which would result in substantially increasing the flood damage potential shall be adequately floodproofed in accordance with subsection 8.b.

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

- a. The director of the project management and engineering department shall grant or deny development permit applications in accordance with the provisions of this chapter, except that the platting board is directed and authorized to consider this chapter in relation to any matter brought before that board.
- b. The director of the project management and engineering department shall maintain all records required by the Federal Insurance Administration and shall file an annual report with the federal insurance administrator.
- c. Additional duties and responsibilities of the director of the project management and engineering department are as follows:
 - i. *Permit Review*
The director of the project management and engineering department shall:
 - (A) Review all flood hazard permits to determine that the permit requirements of this chapter have been satisfied.
 - (B) Review all flood hazard permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.

11. Appeal Procedure

Appeals alleging error by the director of the project management and engineering department charged with the enforcement or interpretation of this chapter may be taken to the zoning board of examiners and appeals in accordance with the provisions of section 21.03.050, *Appeals*.

12. Standards and Conditions for Variances and Appeals

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

- i.** The danger that materials may be swept onto other lands to the injury of others;
- ii.** The danger to life and property due to flooding or erosion damage;
- iii.** The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- iv.** The importance of the services provided by the proposed facility to the community;
- v.** The necessity of the facility of a waterfront location, where applicable;
- vi.** The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- vii.** The compatibility of the proposed use with existing and anticipated development;
- viii.** The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- ix.** The safety of access to the property in time of flood for ordinary and emergency vehicles;
- x.** The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- xi.** The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

b. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in subsections 12.a.i. through xi. of this section have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

- c. The zoning board of examiners and appeals may attach such conditions to the granting of variances or appeals as it deems necessary to further the purposes of this chapter.
- d. The director of the project management and engineering department shall maintain the records of all variance and appeal actions and report any variances to the Federal Insurance Administration upon request.
- e. Conditions for variances are as follows:
 - i. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this section.
 - ii. Variances shall not be issued within any designated floodway if any increase in flood levels during the basic flood discharge would result.
 - iii. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - iv. Variances shall only be issued upon:
 - (A) A showing of good and sufficient cause;
 - (B) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (C) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - v. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.