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1 **CHAPTER 21.04: ZONING DISTRICTS**

2 **21.04.010 GENERAL PROVISIONS**

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

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

8 **1. Zoning Districts Established**

9 The Municipality is divided into the following zoning districts:

TABLE 21.04-1: ZONING DISTRICTS ESTABLISHED		
District Type	Abbreviation	District Name
Residential Districts	R-1	Single-Family Residential
	R-2	Two-Family Residential
	R-3	Mixed Residential
	R-4	Medium- to High-Density Multi-Family Residential
	R-5	Residential (Large Lot)
	R-6	Suburban Residential (Large Lot)
	R-9	Rural Residential
Commercial Districts	R-10	Residential Alpine/Slope
	C-1	Local and Neighborhood Commercial
	C-2A	Central Business District, Core
	C-2B	Central Business District, Intermediate
	C-2C	Central Business District, Periphery
	GC	General Commercial
Industrial Districts	MC	Marine Commercial
	I-1	Light Industrial
	I-2	Heavy Industrial
Mixed-Use Districts	MI	Marine Industrial
	NMU	Neighborhood Mixed-Use
	CCMU	Community Commercial Mixed-Use
	RCMU	Regional Commercial Mixed-Use
Other Districts	RMX	Residential Mixed-Use
	AD	Airport Development
	AF	Antenna Farm
	OL	Open Lands
	PLI	Public Lands and Institutions
	TA	Turnagain Arm
Girdwood Districts	W	Watershed
	Girdwood Districts are set forth in Chapter 21.09, <i>Girdwood</i> .	
Overlay Zoning Districts	AHO	Airport Height Overlay
	NCO	Neighborhood Conservation Overlay
	FPO	Floodplain Overlay

10

11 **2. Zoning Map**

12 The use districts are shown on the Official Zoning Map (See Section  
 13 21.01.050). Procedures for amending the zoning map are set forth in Section  
 14 21.03.050, *Rezoning (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 21.04.060. In addition, some lands may be designated as one or more of the overlay districts set forth in Section 21.04.070. 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 contained 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 Title;
2. 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 urban, suburban, and rural living environments;
3. Conserve residential lands for housing by limiting conversion of the residential land base to non-residential uses, and by ensuring that residential development does not occur at less than zoned densities;
4. Allow for a variety of housing types that meet the diverse economic and social needs of residents;
5. Continue to allow mixed-density residential development in certain districts, provided the development maintains or improves the function and appearance of surrounding development and traffic flow;
6. Protect sensitive environmental and cultural resources;
7. Protect the scale and character of existing residential neighborhoods and community character;
8. Ensure adequate 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;
9. Protect residential areas from commercial and industrial hazards such as fires, explosions, toxic fumes and substances, and other public safety hazards;
10. Mitigate the risk to residential areas from natural hazards such as wildfires, floods, avalanches, and geologic hazards; and



- 1                   2.     **District-Specific Standards**  
2                   a.     **Mix of Dwelling Types<sup>4</sup>**  
3                   i.     For new residential development on lots greater than one  
4                   acre in size, single-family detached dwellings shall comprise  
5                   no more than 25 percent of all dwelling units.  
  
6                   ii.    Residential development on lots greater than one acre and  
7                   less than five acres shall include a mix of at least two dwelling  
8                   unit types (i.e., “single-family detached,” “townhouse  
9                   dwelling,” etc.). No one dwelling unit type shall comprise  
10                  more than 66 percent of all dwelling units.  
  
11                  iii.   Residential development on lots of five acres or more shall  
12                  include a mix of at least three dwelling unit types. No one  
13                  dwelling unit type shall comprise more than 50 percent of all  
14                  dwelling units. The minimum number of any dwelling unit  
15                  type provided on lots than are five acres or more shall be five  
16                  dwelling units.  
  
17                  b.     **Number of Dwelling Units**  
18                  Multiple-family dwellings above eight dwelling units are prohibited.  
  
19           E.     **R-4: Medium- to High-Density Multi-Family Residential District<sup>5</sup>**  
  
20           1.     **Purpose**  
21           The R-4 district is intended primarily for urban multiple-family dwelling uses  
22           with medium to high residential densities. Certain types of uses, such as  
23           governmental, educational, religious, or noncommercial recreational uses,  
24           may be allowed subject to restrictions intended to preserve and protect the  
25           residential character of the district.  
  
26           F.     **R-5: Residential District (Large Lot)<sup>6</sup>**  
  
27           1.     **Purpose**  
28           The R-5 district is intended primarily for lands that are developing or will  
29           develop for suburban residential purposes and is designed to protect and  
30           conserve areas for a suburban lifestyle by maintaining areas with larger lots  
31           and low population densities. This district permits mobile home dwellings on  
32           individual lots.  
  
33           G.     **R-6: Suburban Residential District (Large Lot)<sup>7</sup>**  
  
34           1.     **Purpose**  
35           The R-6 district is intended primarily for those land areas where large lots or  
36           acreage development is desirable. The R-6 district is designed to encourage

<sup>4</sup> NOTE: A mix of housing types is desired in this district, pursuant to *Anchorage 2020*, and these new standards are intended to ensure that new development is not comprised mostly of single-family detached dwellings. In addition, maximum lot sizes and multi-family incentives are suggested in the draft of Chapter 21.06 to achieve targeted densities.

<sup>5</sup> NOTE: This district is a proposed consolidation of the existing R-3 and R-4 districts, which are very similar in the current code. Staff agrees with this proposal. Also, staff is considering the idea of allowing a portion of development (e.g., maximum square footage per building) in this zoning district to be available for local-serving commercial use. This will require more discussion.

<sup>6</sup> NOTE: This is the existing R-5A district, but a new name is proposed for simplicity.

<sup>7</sup> NOTE: This is the existing R-6 district. In the draft of Chapter 21.06, the lot size and width have been revised to eliminate the need to include dedicated rights-of-way.

1 low-density residential development while at the same time protecting and  
2 enhancing those physical and environmental features that add to the  
3 desirability of suburban residential living.

4 **H. R-9: Rural Residential District<sup>8</sup>**

5 **1. Purpose**

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

15 **I. R-10: Residential Alpine/Slope District<sup>9</sup>**

16 **1. Purpose**

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

- 22 **a.** Enhance and provide stability to natural features such as ponds,  
23 streams, wetlands, and forested areas and will incorporate such  
24 features into the development of the site design.
- 25 **b.** Take into consideration the topography and the location of all physical  
26 improvements on the land.
- 27 **c.** Avoid development of land within geologic hazard areas to minimize  
28 the possibility of loss of life and property damage.
- 29 **d.** Promote the natural flow and storage capacity of any watercourse, to  
30 minimize the possibility of flooding or alteration of water boundaries.
- 31 **e.** Consider the suitability of the soils and subsoils conditions for  
32 excavations, site preparation, and on-site sewage disposal.
- 33 **f.** Consider the adequacy of the site drainage to avoid erosion and to  
34 control the surface runoff in compliance with Section 208 of Public  
35 Law 91-500, the 1972 Clean Water Act. The surface runoff and  
36 drainage from developments should not exceed the surface runoff  
37 and drainage in its natural undeveloped state for all intensities and  
38 durations of surface runoff.

<sup>8</sup> NOTE: This is the existing R-9 district; the existing R-8 district is proposed to be consolidated into this district.

<sup>9</sup> NOTE: This is the existing R-10 district.



1 help ensure that businesses are consistent with the scale of the surrounding  
 2 area. The district is intended for small, compact areas.

3 **2. District-Specific Standards**

4 **a. Size Limitations<sup>11</sup>**

5 The uses listed in the table below shall be allowed in the C-1 District  
 6 subject to the listed gross floor area restrictions. Individual  
 7 businesses not specified in the table below but allowed in the C-1  
 8 District pursuant to the use table in Chapter 21.05 shall be permitted  
 9 to occupy up to a maximum of 10,000 square feet of gross floor area  
 10 on development sites that have a floor area ratio (FAR) of at least  
 11 0.65, or a maximum of 5,000 square feet of gross floor area on sites  
 12 that have a FAR of less than 0.65.

TABLE 21.04-2: GROSS FLOOR AREA RESTRICTIONS IN THE C-1 AND NMU DISTRICTS	
Use	Size Restrictions (gross floor area)
Animal grooming service or pet shop	2,500 sq. ft. maximum per use
Financial institution	3,000 sq. ft. maximum, provided that the majority floor area of such use provides retail services.
Bar or tavern, Restaurant, Brew Pub	1,500 sq. ft. maximum per use
Offices, including governmental and charitable organization	1,500 sq. ft. maximum per office use and the cumulative total of all office uses shall not exceed 15% of the total floor area of the C-1 or NMU district
Retail, personal service use	1,500 sq. ft. maximum per use
Farmers market	10,000 sq. ft. maximum if indoors; total development site size of no greater than 20,000 square feet.
General retail	5,000 sq. ft. maximum, provided that such use has a floor area ratio (FAR) of at least 0.5, and does not exceed 35% of the C-1 or NMU district
Grocery or food store	25,000 sq. ft. maximum, provided that such use has a floor area ratio (FAR) of at least 0.5, and does not exceed 50% of the C-1 or NMU district
Liquor store	1,500 sq. ft. maximum per use
Fuel sales with convenience store, gasoline service station, vehicle service and repair	Total site size of no greater than 20,000 square feet; and the cumulative total of all fuel sales, gasoline service station, and service/repair uses does not exceed two establishments

<sup>11</sup> NOTE: Need to also make these limitations applicable in the NCMU district (coordinate with drafting of NCMU development standards in Module 3).

1           **C.     C-2A: Central Business District, Core<sup>12</sup>**

2                   **1.     Purpose**

3                   The C-2A district is intended to create a concentrated area of retail, financial,  
4                   public and institutional facilities in the core of downtown Anchorage in order to  
5                   encourage the development of interrelated uses and functions, reduce  
6                   pedestrian walking distance between activities, and ensure the development  
7                   of pedestrian-oriented uses on the ground-floor level throughout the district.  
8                   The district permits and encourages residential uses.

9                   **2.     District-Specific Standards**

10                   **a.     Restrictions on Ground Floor Activities**

11                   Each of the following non-retail uses or establishments that are  
12                   permitted, or permitted subject to a site plan review or conditional use  
13                   review, shall in the C-2A district be restricted to the second-floor level  
14                   of a building or above, or to below-ground, unless the use is set-back  
15                   on the ground floor from the street-facing building wall by 25 or more  
16                   feet, in order to allow more pedestrian-oriented uses to line the street:

- 17                   i.     Dwelling, mixed use or multifamily;
- 18                   ii.    Family self-sufficiency service;
- 19                   iii.   Education and research center;
- 20                   iv.    Vocational or trade school;
- 21                   v.     Club/lodge or meeting hall;
- 22                   vi.    Office, business or professional;
- 23                   vii.   Broadcasting and recording facility;
- 24                   viii.  Business service establishment;
- 25                   ix.    Parking structure (see also Section 21.05.050.M.6., *Parking*  
26                   *Structure*); and
- 27                   x.     Instructional Services.

28           **D.     C-2B: Central Business District, Intermediate**

29                   **1.     Purpose**

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

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<sup>12</sup> NOTE: This and the following two districts carry forward the existing three downtown zoning districts. Some relatively modest revisions will be suggested to these districts in this project to address various concerns, including explicitly allowing and encouraging residential development downtown, and modifying the downtown bonus point system (to be done in Module 3). In addition, discussions are underway about possibly undertaking a more comprehensive revision to the downtown zoning as part of a separate project.

1           **E.     C-2C: Central Business District, Periphery**

2                   **1.     Purpose**

3                   The C-2C district is intended to create financial, office, and hotel areas at the  
4                   periphery of the central business district. The district also permits secondary  
5                   retail uses. The height limitations in this district are intended to help preserve  
6                   views and to conform structures to the geologic characteristics of the western  
7                   and northern boundaries of the district. The district permits and encourages  
8                   residential uses.

9           **F.     GC: General Commercial District<sup>13</sup>**

10                   **1.     Purpose**

11                   The GC district is intended primarily for uses that provide commercial goods  
12                   and services to residents of the community in areas that are dependent on  
13                   automobile access and exposed to heavy automobile traffic. These  
14                   commercial uses are subject to the public view and they should provide an  
15                   appropriate appearance, sufficient parking, controlled traffic movement, and  
16                   suitable landscaping, and environmental impacts should be minimized.  
17                   Abutting residential areas should be protected from potentially negative  
18                   impacts associated with commercial activity. While General Commercial  
19                   District areas shall continue to meet the need for auto-related and other auto-  
20                   oriented uses, it is the Municipality’s intent that the General Commercial  
21                   District shall provide for safe and convenient personal mobility in other forms,  
22                   with planning and design that accommodates pedestrians.

23                   This district is not intended for higher-density office developments, which are  
24                   intended to be located in the community and regional mixed-use areas. The  
25                   extension of GC district commercial uses along arterials shall be discouraged  
26                   unless consistent with an adopted plan.

27           **G.     MC: Marine Commercial District<sup>14</sup>**

28                   **1.     Purpose**

29                   The MC district is intended primarily for water-dependent and water-related  
30                   commercial uses. Emphasis is on development flexibility for water-dependent  
31                   and water-related commercial uses and on public access to the waterfront  
32                   and Ship Creek.

33                   **2.     District-Specific Standards<sup>15</sup>**

- 34                   **a.**     Offices in the MC district shall be marine- or fishing-related.
- 35                   **b.**     An alternatives analysis shall be submitted as part of the conditional  
36                   use application that shows conformance to the water dependency or  
37                   water-related definitions. The analysis shall demonstrate the  
38                   necessity of siting this use in the MC district.

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<sup>13</sup> NOTE: This district is based loosely on the existing B-3 district. However, as discussed in the Diagnosis and Annotated Outline, the Title 21 rewrite project will attempt to rein in the B-3 by creating a new set of mixed-use districts that are more suitable for higher-density commercial development. New commercial design standards (to be proposed in Module 3) will help mitigate the visual impacts of commercial development in this district on surrounding neighborhoods. A new height limit also will help limit large-scale commercial development. In addition, as part of a comprehensive remapping that may occur following adoption of the new Title 21, the existing B-3 zoning should be restricted in its application.

<sup>14</sup> NOTE: This is the existing MC district.

<sup>15</sup> NOTE: Based on the existing 21.50.290 “Conditional use standards--Marine commercial and marine industrial facilities.”

- 1 c. Food and beverage establishments shall provide direct visual or  
2 physical public access to the waterfront.
- 3 d. Buildings shall include special design considerations that enhance the  
4 relationship between the shoreline and the proposed site  
5 development.

6 **21.04.040 INDUSTRIAL DISTRICTS**

7 **A. General Purpose/Intent**

8 The industrial zoning districts contained in this Section generally are intended to:

- 9 1. Create suitable environments for various types of industrial uses;
- 10 2. Reserve appropriately located and strategic industrial areas for industrial  
11 purposes, and limit non-industrial uses that may erode the supply of industrial  
12 lands;
- 13 3. Provide adequate space to meet the needs of industrial development,  
14 including off-street parking and loading;
- 15 4. Strengthen and diversify the Municipality's economic industrial base and  
16 provide employment opportunities close to home for residents of the  
17 Municipality and surrounding communities;
- 18 5. Minimize and mitigate traffic conflicts and avoid the overloading of utilities and  
19 other public infrastructure and services;
- 20 6. Minimize any negative impact of industrial development on abutting non-  
21 industrial districts;
- 22 7. Minimize any negative environmental impact of industrial development  
23 impacts on sensitive natural areas such as stream corridors, wetlands, and  
24 other important natural resources; and
- 25 8. Ensure that the appearance and effects of industrial buildings and uses are of  
26 high quality and are harmonious with the character of the area in which they  
27 are located.

28 **B. I-1: Light Industrial District<sup>16</sup>**

29 **1. Purpose**

30 The I-1 district is intended primarily for urban and suburban light  
31 manufacturing, processing, storage, wholesale, and distribution operations.

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<sup>16</sup> NOTE: This district is based on the existing I-1 district. Based on extensive feedback from the community suggesting that this district is being used too often for commercial development, we removed the reference allowing commercial uses that support industrial uses. The use table in 21.05 contains a narrower list of commercial uses allowed in this district.

**C. I-2: Heavy Industrial District<sup>17</sup>**

**1. Purpose**

The I-2 district is intended primarily for heavy manufacturing, storage, major shipping terminals, and other related uses.

**D. MI: Marine Industrial District<sup>18</sup>**

**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<sup>19</sup>**

a. An alternatives analysis shall be submitted as part of the conditional use application that shows conformance to the water dependency or water-related definitions. The analysis must demonstrate the necessity of siting this use in the MI district.

b. Food and beverage establishments shall provide direct visual or physical public access to the waterfront.

c. Buildings shall include special design considerations that enhance the relationship between the shoreline and the proposed site development.

**21.04.050 MIXED-USE DISTRICTS<sup>20</sup>**

**A. Purpose**

The mixed-use districts are established to provide for and encourage development and redevelopment that contains a compatible mix of residential, business, and institutional uses within close proximity to each other, 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 an efficient pedestrian-access network connecting the nonresidential uses, residential neighborhoods, and transit facilities. New buildings should be oriented to the street with parking located in parking structures or to the side or behind the buildings. The districts are intended to recognize areas where redevelopment of underutilized parcels and infill development of vacant parcels should concentrate on pedestrian-oriented residential and mixed-use development. The mixed-use districts specifically are intended to:

<sup>17</sup> NOTE: This district is based on the existing I-2 district. Just as was done with the I-1 district, the reference that allowed “uses generally permitted in commercial districts” was deleted.

<sup>18</sup> NOTE: This is the existing MI district.

<sup>19</sup> NOTE: Based on the existing 21.50.290 “Conditional use standards--Marine commercial and marine industrial facilities.”

<sup>20</sup> NOTE: It will be important to create a level playing field so that the mixed-use districts are a viable development option compared to the other districts. We should not create any procedures, use lists, or development standards that are so restrictive that they discourage development in the mixed-use districts. To that end, this draft suggests that the majority of the uses in the mixed-use district be approved through site plan review. As part of Module 3, we will suggest development standards for the mixed-use districts. We may also suggest a new procedure for approval of a “Mixed Use Concept Plan” for larger sites, to help ensure that new development meets the goals of the district.

- 1 1. Promote higher-density residential development near and within designated  
2 neighborhood and town centers, redevelopment/mixed use areas, major  
3 employment centers and other areas as appropriate;
- 4 2. Concentrate higher-density commercial and office employment growth  
5 efficiently in and around major employment centers, town centers, and other  
6 designated centers of community activity;
- 7 3. Encourage mixed-use and higher-density redevelopment, conversion, and  
8 reuse of aging and underutilized areas, and increase the efficient use of  
9 available commercial land in the Municipality;
- 10 4. Create compact and pedestrian-oriented urban environments that encourage  
11 transit use and pedestrian access;
- 12 5. Concentrate a variety of commercial retail /services and public facilities that  
13 serve the surrounding community; and
- 14 6. Ensure that the appearance and function of residential, commercial, and  
15 institutional uses are of high quality and are integrated with one another and  
16 the character of the area in which they are located.

17 **B. Types of Mixed-Use Districts**

18 The following mixed-use districts are established:

- 19 1. **NMU: Neighborhood Mixed-Use District**  
20 The NMU district is intended to facilitate the development of a mixed-use  
21 center at the neighborhood scale. The NMU should contain facilities vital to  
22 the day-to-day activity of a neighborhood (e.g., small grocery/convenience  
23 store, drug store, church, service station) located in close proximity to one  
24 another. The district is characterized by small-scale, attractive, non-obtrusive,  
25 and convenient shopping and services for residential areas. Site and  
26 architectural design of uses in this district should be compatible with  
27 surrounding neighborhoods and designed with a goal of reducing vehicle  
28 trips. The NMU should facilitate and encourage pedestrian travel between the  
29 residential and nonresidential uses. The NMU district may be used for the  
30 “neighborhood commercial centers” identified in the *Anchorage 2020*  
31 *Anchorage Bowl Comprehensive Plan*.
- 32 2. **CCMU: Community Commercial Mixed-Use District**  
33 The CCMU district is intended to facilitate the development of a mixed-use  
34 center at the community scale. Communities are generally made up of three  
35 to five neighborhoods. They are intended to be generally about one-half to  
36 one mile in diameter and located approximately 2-4 miles apart. The CCMU  
37 area contains commercial, institutional, recreational, and service facilities  
38 needed to support the surrounding neighborhoods (e.g., large supermarket,  
39 large drug store, specialty shops, and community park). Around the core, the  
40 RMX district should contain high-density housing, and development in both  
41 districts should facilitate and encourage pedestrian travel between residential  
42 and nonresidential uses. The CCMU district may be used for the “town  
43 centers” and the “redevelopment/mixed-use areas” identified in the  
44 *Anchorage 2020 Anchorage Bowl Comprehensive Plan*.

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**3. RCMU: Regional Commercial Mixed-Use District**

The RCMU district is intended is intended to facilitate the development of a mixed-use center at the regional scale. A region is a collection of adjacent communities. This district is intended to encourage the development of large-scale, distinctive, attractive regional centers containing a mix of concentrated land uses. The center should contain major economic generators, most with a regional economic draw, such as a regional shopping mall, major employer, a large high school or community college, restaurants, theaters, hotels, and relatively dense office development. The area should contain concentrations of medium- to high-density office development, with employment densities of more than 50 employees per acre. The area also should contain a broad mix of complementary uses, such as major civic and public facilities, and parks. The district should be surrounded by high-density housing located in the RMX district, and development in both districts should facilitate and encourage pedestrian travel between residential and nonresidential uses. Transit facilities and pedestrian-friendly elements are important components of development in this type of center, in order to reduce demand for auto travel as well as increase visual interest. The RCMU district may be used for the “major employment centers” identified in the *Anchorage 2020 Anchorage Bowl Comprehensive Plan*.

**4. RMX: Residential Mixed-Use District**

The RMX district is intended to facilitate the development of higher-density residential development surrounding both the CCMU and the RCMU districts. The RMX area contains primarily medium- to higher-density residential development, though it also may contain some limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development in the surrounding area. Development in the RMX district should facilitate and encourage pedestrian travel between residential and nonresidential uses. This residential district is often adjacent and incidental to a mixed-use core of a town center, neighborhood commercial center, or other type of mixed-use or major employment center designated in the Comprehensive Plan.

**C. Criteria For Rezoning Property to Mixed-Use District**

[Reserved]<sup>21</sup>

**D. Mix of Principal Uses Required**

**1. Use Categories**

Each principal use allowed in any of the mixed-use districts, as listed in Section 21.05, “*Table of Permitted Uses*,” is grouped into one of the following four general use categories:

**a. Residential Uses;**

<sup>21</sup> NOTE: Further discussion needed. Where the mixed-use districts should or may be applied depends in part on how committed the community is to the Land Use Policy Map in *Anchorage 2020*. If that map is considered a solid, detailed source of guidance, then this section could simply state that a property has to be in an area designed for mixed-use on that map in order to qualify for rezoning to one of these districts. Another, more flexible option would be to allow rezonings to the mixed-use districts if the subject area is identified as mixed-use on that map OR the area meets the general descriptions of one of the mixed-use districts set forth in this code, regardless of how it is treated on the map. Once this issue is resolved, we should discuss placement of this information. Depending on the standards that are developed, this section might make sense either here, or in the rezoning section of Chapter 21.03.

- 1                   b.     Public/Institutional Uses;
- 2                   c.     Commercial/Office Uses; and
- 3                   d.     Commercial/Other (All commercial use that are not listed under the
- 4                                   office category).

5                   **2.     Required Mix and Proportion of Land Uses<sup>22</sup>**

6                   A mix of land uses shall be required on any development or redevelopment

7                   project in any of the mixed-use districts that is one acre in gross land area or

8                   larger.

- 9                   a.     The development/redevelopment shall include at least two of the four
- 10                                   use categories listed in subsection D.1. of this Section.
- 11                   b.     No one use category listed in subsection D.1. shall comprise more
- 12                                   than fifty percent of the net land area of the
- 13                                   development/redevelopment. “Net land area” for purposes of this
- 14                                   provision means gross land area less dedicated public rights-of-way.

15                   **E.     Development Standards for Mixed-Use Districts**

16                   **1.     Concept and Key Features**

17                   Development in a mixed-use district shall:

- 18                   a.     Be consistent with the general description of the mixed-use district in
- 19                                   which it is located as specified in subsection B. above.
- 20                   b.     Contain a road network designed to ensure that residential areas will
- 21                                   have direct access to adjacent non-residential portions of the
- 22                                   proposed development/redevelopment, in lieu of entering and exiting
- 23                                   through thoroughfares and/or collector streets; and
- 24                   c.     Provide an adequate and interconnected transportation system that
- 25                                   encourages multiple modes of transportation, disperses traffic, and
- 26                                   provides streets that accommodate multiple transportation modes,
- 27                                   including motor vehicles, transit, bicycles, and pedestrians;
- 28                   d.     Arrange residential, employment, retail, service, and open space uses
- 29                                   to be convenient to and compatible with each other and with transit;
- 30                   e.     Design early phases of development so as to promote long-term
- 31                                   quality and character;
- 32                   f.     Include buildings that provide human scale and interest through use
- 33                                   of varied forms, materials, details, and colors.
- 34                   g.     Encourage housing in a range of densities, sizes, and types; and
- 35                   h.     Be consistent with an approved district plan or neighborhood plan, if
- 36                                   applicable.

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<sup>22</sup> NOTE: This section proposed for discussion purposes. Specific ratios may need to be adjusted for each mixed use district.

2. **District-Specific Development Standards**

In addition, all development in a mixed-use district shall comply with the special development and design standards set forth in **Section 21.07.[x-ref]**.

**21.04.060 OTHER DISTRICTS**

**A. AD: Airport Development District<sup>23</sup>**

**1. Purpose**

The AD district is intended to include all lands and water areas under a governmental jurisdiction that operate as a governmentally regulated airport. The regulations and restrictions in the AD district are intended to provide for land uses that are unique to airport operations and foster aeronautics and safe flying operations.

**B. AF: Antenna Farm District<sup>24</sup>**

**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.

**C. OL: Open Lands District<sup>25</sup>**

**1. Purpose**

The OL district is applied to lands intended for future development. Large-lot single-family residential development is allowed by right, though rezoning and/or master planning shall occur prior to other types of development.

**D. PLI: Public Lands and Institutions District<sup>26</sup>**

**1. Purpose**

The PLI district is intended to include areas of significant public open space and major public and quasi-public institutional uses and activities.

**E. TA: Turnagain Arm District<sup>27</sup>**

**1. Purpose**

The TA district is intended to govern the land uses for that area known as Turnagain Arm south of Potter Marsh, including but not limited to Rainbow, Bird Creek, Indian, and Portage. Areas within Girdwood are covered by

<sup>23</sup> NOTE: This draft Airport Development (AD) District is based on staff's December 1997 proposed ordinance, as well as comments on that ordinance from a January 5, 1998, meeting, and a December 1997 memo from Tom Nelson. It is anticipated that this AD district may undergo changes after the resolution of the jurisdictional issues between the airport and MOA. Nevertheless, as drafted, the draft district can provide a structure for further discussion. We have integrated the 1997 draft district into the appropriate places in this module. The intent statement is here, and most uses have been added to the use table in Chapter 21.05. Some uses from the 1997 draft ("Camper parks," "liquor stores," "cold storage and processing facilities for fish" and "incinerator facilities") were removed in accordance with suggestions made by the commentators. A use-specific standard was also added to Chapter 21.05 for "General Airport."

<sup>24</sup> NOTE: This is the existing AF district.

<sup>25</sup> NOTE: This is a new district suggested by staff to function as a development reserve area.

<sup>26</sup> NOTE: This is the existing PLI district.

<sup>27</sup> NOTE: This is the existing R-11 district. Girdwood will be removed from the R-11 district and the new Girdwood zones will be in the new Chapter 21.09, *Girdwood*.

Chapter 21.09, *Girdwood*. The permitted uses and densities within the TA district are to conform to the policies, land use patterns, and residential densities of the adopted Turnagain Arm Comprehensive Plan, which recognizes the need for some form of land use control system in the Turnagain Arm area. Growth in the area is likely to accelerate with the expansion of public facilities, the disposal of municipal lands, and the availability of vacant, developable land; however, development patterns still are not clearly defined, especially in the more remote sections of Turnagain Arm. Flexible controls are required to deal with anticipated growth, since development patterns and densities are uncertain. Community concern has centered upon the need to provide flexibility in the design and planning of land uses while providing control over major developmental activities and their impacts. This district is structured to integrate flexible site design with protection of unique scenic and environmental features, and to provide control over the major secondary impacts of development. 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. Additional Conditional Uses Allowed**

In addition to the uses allowed in the TA district in accordance with Table 21.05-1, *Table of Allowed Uses*, the following uses may be allowed through the issuance of a conditional use permit subject to the requirements of Section 21.03.070, *Conditional Uses*:

**i. Commercial Uses<sup>28</sup>**

**(A)** Any commercial use with 4,000 square feet or more of gross floor area, located in any area designated "commercial" on the Turnagain Arm Comprehensive Plan.

**(B)** Any commercial use with up to 4,000 square feet of gross floor area, located in any area designated "commercial" or "residential-commercial" on the Turnagain Arm Comprehensive Plan.

**ii. Institutional Uses**

Any institutional use of more than 4,000 square feet gross floor area, located in any area, so long as the use is permitted in the PLI district.

**iii. Industrial**

Industrial uses located within any area designated as "industrial" on the Turnagain Arm Comprehensive Plan, in which case they shall be treated as a permitted use.

<sup>28</sup> NOTE: This set of requirements is very confusing in the current code and it is not clear what thresholds apply to commercial development. This suggested new text attempts to clarify which uses are allowed in which areas. Additional modifications may be necessary.

1           **F.       W: Watershed District<sup>29</sup>**

2                   **1.       Purpose**

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

9   **21.04.070 OVERLAY ZONING DISTRICTS**

10           **A.       General Purpose/Intent**

11                   The overlay zoning districts of this Section apply in combination with the underlying  
12                   base zoning districts and impose regulations and standards in addition to those  
13                   required by the base districts. The requirements of an overlay district shall apply  
14                   whenever they are in conflict with those in the base district. Variances may not be  
15                   granted from overlay district regulations unless specifically provided for in this Section.  
16                   The following overlay districts are established:

- 17                   1.       Airport Height Overlay District;
- 18                   2.       Neighborhood Conservation Overlay District; and
- 19                   3.       Floodplain Overlay District.

20           **B.       Creation, Alteration, or Elimination of Overlay Districts<sup>30</sup>**

21                   The creation, alteration, or elimination of an overlay district is a rezoning and is  
22                   governed by the provisions of Section 21.03.050F., *Rezoning to Create, Alter, or*  
23                   *Eliminate Overlay Districts.*

24           **C.       Airport Height Overlay District<sup>31</sup>**

25                   **1.       Purpose**

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

30                   **2.       Adoption and Amendment of Airport Height Maps; Specific Maps**  
31                   **Adopted**

- 32                   a.       The following airport height zone maps are adopted and thus the  
33                   referenced areas are located within the Airport Height Overlay  
34                   District:

<sup>29</sup> NOTE: This is the existing W district. However, rather than keeping the current open-ended authorization for any type of conditional use, a limited number of possible conditional uses have been identified in the use table in 21.05.

<sup>30</sup> NOTE: The current Section 21.20.140, "Overlay District Amendments," has been folded into the new Chapter 21-3. This change was made following initial public review of Chapter 21-3.

<sup>31</sup> NOTE: This district is based on the existing "Airport Height Zoning Regulations" of Chapter 21.65.



- 1                   **3.     Development Application Review**  
2                   Applications for new construction in an approved NCO district, or expansion  
3                   of existing structures that results in an increase in building square footage or  
4                   impervious surface of 50 percent or more, shall be submitted to the Director.  
5                   The Director shall review and act upon such applications based on  
6                   compliance with the regulations and general intent of the Neighborhood  
7                   Conservation Plan and applicable development standards.
- 8                   **4.     Development Standards<sup>34</sup>**  
9                   **a.**     All new development, additions, changes, and expansions to existing  
10                  structures must comply with the regulations associated with the NCO  
11                  district.
- 12                  **b.**     Neighborhood Conservation Plans may contain neighborhood design  
13                  standards related to any of the following issues: location of proposed  
14                  buildings or additions; uses; height; size; exterior materials;  
15                  demolition; exterior color, setbacks, lot size/coverage; roof line/pitch;  
16                  paving; building orientation; relationship of buildings to the  
17                  streetscape; location of parking; exterior lighting; neighborhood  
18                  character and compatibility; view preservation of or from specific  
19                  locations; landscaping and screening; riparian areas, wetland areas,  
20                  or drainage patterns; and site disturbance.
- 21                  **c.**     When the neighborhood design standards have been approved for an  
22                  NCO district, each application for a building permit for new  
23                  construction within that district shall comply with those standards.
- 24                  **E.     Flood Hazard Overlay District<sup>35</sup>**
- 25                  **1.     Purpose and Intent**  
26                  The purpose of the Flood Hazard Overlay District is to promote the public  
27                  health, safety, and general welfare and to minimize loss due to flood. The  
28                  provisions of this Section are intended to be an addition to all other land use  
29                  regulations and to:
- 30                  **a.**     Restrict or prohibit uses and structures that are dangerous to health,  
31                  safety, or property in time of flood, or that cause increased flood  
32                  heights or velocities;
- 33                  **b.**     Require that uses vulnerable to floods, including public facilities that  
34                  serve such uses, be provided with flood protection or flood proofing at  
35                  the time of initial construction;
- 36                  **c.**     Minimize the need for rescue and relief efforts associated with  
37                  flooding and generally undertaken at the expense of the general  
38                  public;

<sup>34</sup> NOTE: These draft development standards simply list the types of standards that may be regulated in an NCO district, but there are no general standards applicable to all NCO districts. In other words, a new set of neighborhood-specific standards would need to be developed each time a new NCO district is proposed. (An alternative approach would be to list in the code some simple compatibility standards that might apply in all conservation districts. The advantage of this alternative approach would be that, by including such general standards in Title 21, they would not need to be considered in each neighborhood planning process, which could streamline the process of developing neighborhood-specific standards for each new NCO district.)

<sup>35</sup> NOTE: This section carries forward the existing regulations from Chapter 21.60, "Flood Plain Regulations."

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

- 1 ii. Flood insurance rate map (FIRM) prepared by the Federal  
2 Insurance Administration, FEMA.
- 3 iii. Flood boundary and floodway map, prepared by the Federal  
4 Insurance Administration, FEMA.
- 5 iv. Flood hazard boundary map (FHBM), prepared by the  
6 Federal Insurance Administration, FEMA.

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

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

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

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

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

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

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

No building permits, encroachment permits, manufactured home permits, or other land use permits shall be issued for the construction or placing of a structure within the Flood Hazard Overlay District unless the plans show that, in addition to compliance with all other ordinances, regulations and permit requirements, the structure 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 the structure will be reasonably safe from flooding. If a proposed building site is in a floodplain, all new construction and substantial 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 shall require proof that:
  - (A) The proposed construction is consistent with the need to minimize flood damage within the floodplain;
  - (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 is provided to reduce exposure to flood hazards; and
  - (D) Base flood elevation data has been provided for subdivision proposals and other proposed development which contains at least 50 lots or five acres, whichever is less.
- 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

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

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

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

9 6. **Regulations Applicable to Subdistricts**

10 a. **Floodway Area**

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

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

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

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

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

36 b. **Floodway Fringe Area**

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

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

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

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- iii. The following uses, structures and activities are permitted only by special flood hazard permit: any use permitted by special 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 8. below, *Special Flood Hazard Permit*.
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- iv. The following uses are prohibited: uses, structures and activities which are not permitted under subsections b.i through iii. of this section or which would cause violations of state water quality standards.

12           7.       **Construction Requirements**

13           a.       **Generally**

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

- 17           i.       The lowest floor, including basement, of residential structures  
18           shall be elevated to or above the base flood level.
- 19           ii.      The lowest floor, including basement, of nonresidential  
20           structures shall be elevated to or above the base flood level,  
21           unless the structure, with all utility and sanitary facilities, is  
22           designed so that below base flood level the structure is  
23           watertight with walls substantially impermeable to the  
24           passage of water and so that it is capable of resisting  
25           hydrostatic and hydrodynamic loads and effects of buoyancy.
- 26           iii.     A minimum of two openings having a total net area of not less  
27           than one square inch for every square foot of enclosed area  
28           subject to flooding shall be provided. The bottom of all  
29           openings shall be no higher than one foot above grade.  
30           Openings may be equipped with screens, louvers or other  
31           coverings or devices provided that they permit the automatic  
32           entry and exit of floodwaters.
- 33           iv.     Where floodproofing is utilized a registered professional  
34           engineer or architect shall certify that the floodproofing  
35           methods are adequate.
- 36           v.       For new manufactured home parks and manufactured home  
37           subdivisions; for expansions to existing manufactured home  
38           parks and manufactured home subdivisions; for existing  
39           manufactured home parks and manufactured home  
40           subdivisions where the repair, reconstruction or improvement  
41           of the streets, utilities and pads equals or exceeds 50 percent  
42           of value of the streets, utilities and pads before the repair,  
43           reconstruction or improvement has commenced; and for  
44           manufactured homes not placed in a manufactured home  
45           park or manufactured home subdivision, require that the  
46           repair, and on all property not within a manufactured home

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

- 1 (B) Together with attendant utility and sanitary facilities,  
2 be completely floodproofed to or above that level so  
3 that any space below that level is watertight with  
4 walls substantially impermeable to the passage of  
5 water and with structural components having the  
6 capability of resisting hydrostatic and hydrodynamic  
7 loads and effects of buoyancy. If this method is  
8 used, compliance shall be certified by a registered  
9 professional engineer or architect as in required in  
10 Section 21.60.065.A.4.
- 11 iii. Adequate drainage paths are required around structures on  
12 slopes to guide floodwaters around and away from proposed  
13 structures.
- 14 c. **Standards for Zone A99**  
15 All construction in areas designated on the flood insurance rate map  
16 as zone A99 shall meet all requirements of subsections a. and b. of  
17 this section.
- 18 8. **Special Flood Hazard Permit**  
19 a. **Required**  
20 No person shall engage in development within the Flood Hazard  
21 Overlay District unless a special flood hazard permit is first issued,  
22 pursuant to Section 21.03.100, *Special Flood Hazard Permits*.
- 23 b. **Conditions**  
24 Special conditions may be attached as a condition to the issuance of  
25 a special flood hazard permit. Conditions shall include any  
26 floodproofing measures deemed necessary by the issuing official to  
27 further the purposes of this chapter. Floodproofing measures may  
28 include requirements that:
- 29 i. The finished surface of the first or main floor shall be at least  
30 one foot above the level of the regulatory flood protection  
31 elevation.
- 32 ii. Structures or uses below the level of the regulatory flood shall  
33 be restricted to those not involving habitual human habitation,  
34 such as working space, living space, sleeping space, etc.
- 35 iii. The anchorage shall be suitable to resist flotation and lateral  
36 movement.
- 37 iv. For all construction and substantial improvements, fully  
38 enclosed areas below the lowest floor that are subject to  
39 flooding shall be designed to automatically equalize  
40 hydrostatic flood forces on exterior walls by allowing for the  
41 entry and exits of floodwaters. Designs for meeting this  
42 requirement must either be certified by a registered  
43 professional engineer or architect or must meet or exceed the  
44 following minimum criteria: A minimum of two openings  
45 having a total net area of not less than one square inch for

1 every square foot of enclosed area subject to flooding shall  
2 be provided. The bottom of all openings shall be no higher  
3 than one foot above grade. Openings may be equipped with  
4 screens, louvers or other coverings or devices provided that  
5 they permit the automatic entry and exits of floodwaters.

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

9 vi. Water supply and waste treatment systems must prevent  
10 infiltration of water.

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

13 **9. Nonconforming Uses**

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

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

21 b. No repair, alteration, or addition shall be made to any nonconforming  
22 structure if the value of such repair, alteration, or addition shall  
23 exceed 50 percent of the value of the structure at the time of its  
24 becoming a nonconforming use unless the structure is permanently  
25 changed to a conforming use.

26 c. If such use is discontinued for 12 consecutive months, any future use  
27 of the structure or premises shall conform to this chapter.

28 d. Uses or adjuncts thereof which are or have become nuisances shall  
29 not be entitled to continuance as nonconforming uses.

30 e. Any permitted alteration, addition, or repair to any nonconforming  
31 structure the cost of which equals or exceeds 50 percent of the fair  
32 market value of the structure which would result in substantially  
33 increasing the flood damage potential shall be adequately  
34 floodproofed in accordance with subsection 8.

35 **10. Duties of Administrative Agent**

36 a. The administrative agent shall grant or deny development permit  
37 applications in accordance with the provisions of this chapter, except  
38 that the platting board is directed and authorized to consider this  
39 chapter in relation to any matter brought before that board.

40 b. The administrative agent shall maintain all records required by the  
41 Federal Insurance Administration and shall file an annual report with

1 the federal insurance administrator. Form OMB 64-R1546 shall be  
2 used in accordance with 41 CFR 1909.22(b)(3)

3 c. Additional duties and responsibilities of the administrative agent are  
4 as follows:

5 i. *Permit Review*

6 The administrative agent shall:

7 (A) Review all flood hazard permits to determine that the  
8 permit requirements of this chapter have been  
9 satisfied.

10 (B) Review all flood hazard permits to determine that all  
11 necessary permits have been obtained from those  
12 federal, state, or local governmental agencies from  
13 which prior approval is required.

14 (C) Review all flood hazard permits to determine if the  
15 proposed development is located in the floodway,  
16 and, if located in the floodway, ensure that the  
17 encroachment provisions of subsection 6.a. above  
18 are met.

19 ii. *Use of Other Base Flood Data*

20 When base flood elevation data have not been provided in  
21 accordance with subsection 2. above, the designated agent  
22 shall obtain, review and reasonably utilize any base flood  
23 elevation data available from a federal, state or other source  
24 in order to administer subsections 6. through 9. above.

25 iii. *Information to be Obtained and Maintained*

26 The administrative agent shall:

27 (A) Obtain and record the actual elevation, in relation to  
28 mean sea level, of the lowest habitable floor,  
29 including basement, of all new or substantially  
30 improved structures, and whether or not the structure  
31 contains a basement.

32 (B) For all new or substantially improved floodproofed  
33 structures:

34 (1) Verify and record the actual elevation, in  
35 relation to mean sea level; and

36 (2) Maintain the floodproofing certifications  
37 required in subsection 7.a.4. above.

38 (3) Maintain for public inspection all records  
39 pertaining to the provisions of this section.

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- iv. *Duties Regarding Alteration of Watercourses*  
The administrative agent shall:
    - (A) Notify adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.
    - (B) Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.
  
  - v. *Interpretation of FIRM Boundaries*  
The administrative agent shall make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection 11. below.
11. **Appeal Procedure**  
Appeals alleging error by the administrative agent 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 21.03.210, *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;



- 1 (A) A showing of good and sufficient cause;
- 2 (B) A determination that failure to grant the variance  
3 would result in exceptional hardship to the applicant;  
4 and
- 5 (C) A determination that the granting of a variance will  
6 not result in increased flood heights, additional  
7 threats to public safety, or extraordinary public  
8 expense, create nuisances, cause fraud on or  
9 victimization of the public, or conflict with existing  
10 local laws or ordinances.
- 11 v. Any applicant to whom a variance is granted shall be given  
12 written notice that the structure will be permitted to be built  
13 with a lowest floor elevation below the base flood elevation  
14 and that the cost of flood insurance will be commensurate  
15 with the increased risk resulting from the reduced lowest floor  
16 elevation.